

THE COUNCIL

Minutes of the Proceedings for the

STATED MEETING

of

Wednesday, November 28, 2018, 1:49 p.m.

The Majority Leader (Council Member Cumbo)

presiding as the Acting President Pro Tempore

Council Members

Corey D. Johnson, *Speaker*

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

Absent: Council Members Constantinides, Cornegy, Gibson, King, Koo, Levine and Perkins.

The Majority Leader (Council Member Cumbo) assumed the chair as the Acting President Pro Tempore and Presiding Officer for these proceedings. The Public Advocate (Ms. James) was not present at this Meeting.

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

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

INVOCATION

The Invocation was delivered by Reverend Dr. Robert Waterman, Antioch Baptiste Church, 826 Greene Avenue Brooklyn, New York 11221.

As we bow our heads:

Oh, eternal and everlasting Father in Heaven,
some call you a Supreme being and God.
Others call you *Elohim, Allah*.
It is our request that you would bless this event,
and we desire that your divine presence
would be here with us this afternoon.
Among other things, oh, God,
you are the creator of the human mind,
which you model in some fashion after your own great mind.
Though we acknowledge that ... your thoughts are infinitely higher
and more profound than ours,
we glory in the notion that we may on our own level
think some of your thoughts after you in this place.
Thank you for the precious gift of knowledge and discovery.
May our efforts be blessed with insight,
guided by understanding and grant us wisdom.
We seek to serve with respect of all.
May our personal faith give us strength
and act honestly and well in all matters before us.
Bless us today with a chance to grow,
with friendship and a sense of community, with work to do.
Let us be a positive influence to those we meet.
May we act with integrity and truth to all things.
Give us the very best of ourselves in all that we do,
and living to appreciate the gift today.
I ask on behalf of those that are gathered here
that you would bless us indeed.
Give us grace and make a difference
for all that that we do wherever we may find ourselves in years ahead,
and now may you please with what is done this afternoon.
Thank you for your presence.
In Jesus' name according to my faith,
Amen.

The Majority Leader and Acting President Pro Tempore (Council Member Cumbo) moved to spread the Invocation in full upon the record.

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) asked for a Moment of Silence in memory of the following individuals:

The Speaker (Council Johnson) acknowledged the recent deaths of four 9/11 first responders: FDNY Firefighters Phillip Quattrocchi, Jr., and Anthony J. Palazzola and EMTs Joseph “Joey” Rodriguez and Martha Stewart. He extended his deepest condolences to their families of the deceased.

Roy Kim, 58, a Yellow Cab driver who took his own life on November 5, 2018. The Speaker (Council Member Johnson) extended his condolences to Mr. Kim’s family. He noted that Mr. Kim was the eighth cabdriver to take his life this year.

The Speaker (Council Member Johnson) acknowledged that December 1st marks World AIDS Day when those who died from AIDS are collectively remembered and mourned for what might have been. He noted that 675,000 Americans had lost their lives to the AIDS virus and he asked to remember their struggle so as to prevent such a tragedy from happening again. The Speaker (Council Member Johnson) also pledged to fight in the name of the deceased for those still living with this disease.

New York State Senator Jose R. Peralta died unexpectedly shortly before Thanksgiving on November 21, 2018 at the age of 47. Senator Peralta was the first Dominican elected to both the New York State Assembly and State Senate. The Speaker (Council Member Johnson) expressed his sorrow for his sudden passing and asked that we hold his family and loved ones in our hearts during this holiday season. He noted that Senator Peralta stood up for immigrants and the LGBT community and that he loved the neighborhoods that elected him and the city that he served. He leaves behind a wife and two sons.

A Moment of Silence was observed at this point.

* * *

ADOPTION OF MINUTES

Council Member Vallone moved that the Minutes of the Stated Meeting of October 17, 2018 be adopted as printed.

MESSAGES & PAPERS FROM THE MAYOR

Preconsidered M-117

Communication from the Mayor - Submitting the name of Margaret Garnett to the Council for its advice and consent regarding her appointment as Commissioner of the Department of Investigation, pursuant to Section 31 of the New York City Charter.

November 16, 2018

The Honorable Corey Johnson
Council Speaker
City Hall
New York, NY 10007

Dear Speaker Johnson:

Pursuant to Section 31 of the New York City Charter, I am pleased to present the name of Margaret Garnett to the City Council for advice and consent regarding her appointment as Commissioner of the Department of Investigation.

I send my thanks to you and to the Council for reviewing this appointment.

Sincerely,

Bill de Blasio
Mayor

BDB: ml

Referred to the Committee on Rules, Privileges and Elections.

REPORTS OF THE STANDING COMMITTEES**Report of the Committee on Criminal Justice**

Report for Int. No. 514-A

Report of the Committee on Criminal Justice in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to informing persons released from city jails of their voting rights.

The Committee on Criminal Justice, to which the annexed proposed amended local law was referred on February 14, 2018 (Minutes, page 744), respectfully

REPORTS:**I. INTRODUCTION:**

On November 27, 2018 the Committee on Criminal Justice, chaired by Council Member Keith Powers, will vote on Proposed Int. No. 514-A. The Committee held a hearing on prior version of this bill on October 3, 2018, and received testimony from representatives of the Department of Correction (DOC) or (the Department), as well as advocates and other interested members of the public.

II. BACKGROUND

The DOC has custody and control of individuals accused of crimes who have been convicted and sentenced to one year or less of jail time and those awaiting court trial. Many of those individuals are eligible to vote in elections under state law.¹ Generally, incarcerated individuals who have been accused of crimes or have been convicted on a misdemeanor are still eligible to vote, while those serving time on felonies are eligible to vote upon release, while on probation, and post-parole.² Furthermore, under New York State's Gubernatorial Executive Order 181, individuals on parole can benefit from special consideration for a conditional pardon restoring their right to vote. In order to inform incarcerated individuals about voter eligibility, the DOC has noted that it will begin an annual voter registration initiative on July 25th, in partnership with the Legal Aid Society and Vote NY in order to educate and register eligible incarcerated individuals to vote. Besides its voter registration initiative, the Department offers information to people in its custody about voter registration through its Inmate Handbook. However, the handbook has not been updated subsequent to the governor's executive order and more frequent voter registration efforts are necessary to enfranchise this population.

III. PROPOSED INT. NO. 514-A

This bill would require the Department to distribute written notice to those being released from a Department facility, from Department custody within a courthouse, and from a Department-operated area within a hospital or healthcare provider, with information regarding the voting rights of formerly incarcerated persons in the state of New York upon release, along with voter registration forms. The Department must also make verbal reference to the notice it is distributing. Additionally, the bill would require the campaign finance board, with assistance from the voter assistance advisory committee, to include incarcerated and formerly

¹ NYC Department of Correction, *About the Department of Correction*, available at <https://www1.nyc.gov/site/doc/about/about-doc.page>

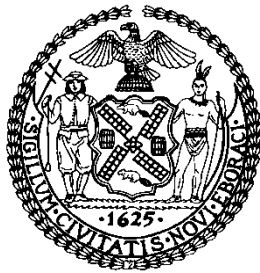
² Office of N.Y. Governor Cuomo, *Executive Order 181: Restoring the Right to Vote for New Yorkers on Parole*. Accessed at: <https://www.governor.ny.gov/news/no-181-restoring-right-vote-new-yorkers-parole>

incarcerated persons in activities aimed at encouraging and facilitating voter registration. Under this bill, written notice must include information regarding the date of voter eligibility. If passed, Proposed Int. No. 514-A would help inform justice-involved populations who have been disenfranchised due to widespread miseducation regarding voter eligibility.

IV. AMENDMENTS TO INT. NO. 514-A

Since introduction, the bill has been amended to require verbal reference to information regarding voting rights and voter registration forms. Additionally, it has been amended to specify certain areas where distribution is required, including from department facilities, from department custody within courthouses, and from department-operated areas within a hospital or healthcare provider. The bill also requires the Voter Assistance Advisory commission to conduct yearly training for all relevant staff of the Department.

(The following is the text of the Fiscal Impact Statement for Int. No. 514-A:)



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

**PROPOSED INTRO. NO: 514-A
COMMITTEE: Criminal Justice**

TITLE: A Local Law to amend the New York city charter, in relation to the department of correction informing released persons of their voting rights
SPONSORS: Council Members Lancman, Miller, Rivera, Ampry-Samuel, and Kallos

SUMMARY OF LEGISLATION: Proposed Intro. 514-A would require the Department of Correction (DOC) to provide verbal and written information on voting rights to persons leaving the Department’s custody, and to offer a voter registration form. The bill would also require the Department to conduct yearly trainings for all relevant staff on voting laws, voter registration procedures, absentee voting, and determining eligibility to vote.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

| | Effective FY19 | FY Succeeding Effective FY20 | Full Fiscal Impact FY20 |
|---------------------|-----------------------|-------------------------------------|--------------------------------|
| 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 as a result of this legislation.

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures as a result of this legislation because existing resources would be used to implement the legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: City Council Finance Division
Department of Correction

ESTIMATE PREPARED BY: Jin Lee, Financial Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
Eisha Wright, Unit Head
Rebecca Chasan, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council on February 14, 2018 as Intro. No. 514 and referred to the Committee on Criminal Justice. A hearing was held jointly by the Committee on Criminal Justice and the Committee on Governmental Operations on October 3, 2018 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 514-A, will be voted on by the Committee on Criminal Justice at a hearing on November 27, 2018. Upon successful vote by the Committee, Proposed Intro. No. 514-A will be submitted to the full Council for a vote on November 28, 2018.

DATE PREPARED: November 26, 2018.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 514-A:)

Int. No. 514-A

By Council Member Lancman, Miller, Rivera, Ampry-Samuel, Kallos and Constantinides.

A Local Law to amend the New York city charter, in relation to informing persons released from city jails of their voting rights

Be it enacted by the Council as follows:

Section 1. Section 1057-a of the New York city charter is amended to add a new subdivision 10, to read as follows:

10. The department of correction shall, in addition to the other requirements of this section for participating agencies, distribute to every person upon release from custody of the department a written notice on the voting rights of formerly incarcerated persons in the state of New York, including information on when such persons are or may become eligible to vote, and offer to every such person a voter registration form. The department shall make verbal reference to the distributed written notice and voter registration form to such individuals upon distribution. Such notice shall only be required for those who are released from a department facility, from department custody within a courthouse, and from a department-operated area within a hospital or healthcare provider. Notice is not required for those who are released to the custody of another government agency or to the custody of a hospital or healthcare provider. Such written notice shall be developed in consultation with the voter assistance advisory committee.

§ 2. Paragraph 5 of subdivision b of section 1054 of the New York city charter, as added by local law number 60 for the year 2010, is amended to read as follows:

5. undertake, by itself or in cooperation with other public or private entities, activities intended to encourage and facilitate voter registration and voting by all residents of New York City who are eligible or may become eligible to vote, including eligible voters who are limited in English proficiency *and incarcerated or formerly incarcerated persons who are or may become eligible to vote*;

§ 3 Subdivision b of section 1054 of the New York city charter is amended by adding a new paragraph 8 to read as follows:

8. *conduct yearly trainings for all relevant staff of the department of correction. Such training shall include, at minimum, information on voting laws for currently and formerly incarcerated individuals in the state of New York, voter registration procedures, absentee voting, and determining eligibility to vote.*

§ 3. This local law takes effect 120 days after becoming law.

KEITH POWERS, *Chairperson*; RORY I. LANCMAN; ALICKA AMPRY-SAMUEL, ROBERT F. HOLDEN, CARLINA RIVERA; Committee on Criminal Justice, November 27, 2018.

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

Report of the Committee on Finance

Report for L.U. No. 264

Report of the Committee on Finance in favor of approving 451-455 East 116th Street, Block 1710, Lots 22 and 24; Manhattan, Community District No. 11, Council District No. 8.

The Committee on Finance, to which the annexed Land Use item was referred on November 14, 2018 (Minutes, page 4420) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

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

November 28, 2018

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

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

RE: Finance Committee Agenda of November 28, 2018- Resolution approving a tax exemption for one Land Use item (Council District 8)

Item 1: 451 Rescue LLC – 451-455 East 116th Street

451-455 East 116th Street is a rental complex comprised of two six-story walk-up buildings in East Harlem. The project includes 53 residential units (including one superintendent’s unit), and two commercial units in each building. 451 Rescue LLC, the current owner and operator, acquired the buildings in 1998 and subsequently executed a gut rehabilitation of both buildings. As part of the 1998 transaction, the sponsor was awarded a J-51 tax exemption and abatement, but the J-51 benefits have expired.

Under the proposed project, 451 Rescue LLC (the “Company”) will enter into a nominee agreement with the new legal owner, HP 451 East 116th Street Housing Development Fund Company, Inc. (the “HDFC”). The Company will remain the beneficial owner and continue to operate the Exemption Area. The HDFC and the Company (collectively, “Owner”) will enter into a regulatory agreement with HPD establishing certain controls upon the operation of the Exemption Area. Under the terms of the proposed plan, legal rents for all units will be re-registered at the existing preferential rents, including any units currently exempt from rent stabilization regulation.

HPD is requesting that the Council approve a partial, 40-year Article XI property tax exemption. HPD and the HDFC will enter into a regulatory agreement, coterminous with the exemption, ensuring that 14 units would be rented only to households earning up to 75% of the Area Median Income (“AMI”); 25 units would be rented only to households earning up to 100% AMI; and that 13 units would be rented only to households earning up to 120% AMI.

Summary:

- Borough – Manhattan
- Block 1710, Lots 22 and 24
- Council District – 8
- Council Member – Ayala
- Council Member approval – Yes
- Number of buildings – 2
- Number of units – 53
- Type of exemption – Article XI, partial, 40 years
- Population – affordable rental housing
- Sponsors – 451 Rescue LLC
- Purpose – preservation
- Cost to the City - \$3.2 million
- Housing Code Violations
 - Class A – 4
 - Class B – 3
- AMI targets - 14 units at 75% AMI; 25 units at 100% AMI; and 13 units at 120% AMI

Accordingly, this Committee recommends its adoption.

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

Res. No. 642

Resolution approving an exemption from real property taxes for property located at (Block 1710, Lots 22 and 24) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (L.U. No. 264).

By Council Member Dromm.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated October 17, 2018 that the Council take the following action regarding a housing project located at (Block 1710, Lots 22 and 24) Manhattan (“Exemption Area”):

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

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

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

RESOLVED:

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

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Company” shall mean 451 Rescue LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
 - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - d. “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1710, Lots 22 and 24 on the Tax Map of the City of New York.
 - e. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - f. “Gross Rent” shall mean the gross potential rents from all residential and commercial units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
 - g. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
 - h. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to six and one-fourth percent (6.25%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.

- i. "HDFC" shall mean HP 451 East 116th Street Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - j. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - k. "Owner" shall mean, collectively, the HDFC and the Company.
 - l. "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by any existing or future local, state, or federal law, rule, or regulation.
4. Notwithstanding any provision hereof to the contrary:
 - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
5. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law,

rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, February 15, 2018.

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

Report of the Committee on Fire and Emergency Management

Report for Int. No. 744-A

Report of the Committee on Fire and Emergency Management in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the fire department to report on emergency medical services divisions and stations.

The Committee on Fire and Emergency Management, to which the annexed proposed amended local law was referred on April 11, 2018 (Minutes, page 1439), respectfully

REPORTS:

I. INTRODUCTION

On November 27, 2018, the Committee on Fire and Emergency Management, Chaired by Joseph C. Borelli, will vote on three pieces of legislation: Prop. Int. No.744-A, Prop. Int. No. 746-A and Prop. Int. No. 1054-A. The Committee previously held hearings on these bills on April 11, 2018 and September 17th, 2018, and received testimony from the Fire Department, numerous fire and emergency service worker unions, and other interested members of the public.

II. Prop. Int. No. 744-A

As introduced, the legislation required that the FDNY report on the geographical coverage of each EMS division and battalion, and staffing information pertaining to EMS battalions, including supervisory ratios.

Since introduction, the legislation has been amended to conform to current FDNY structure and organization. Specifically, the bill would now require the Department to report on: (i) geographical coverage for emergency medical service divisions; (ii) the number of stations within each division and the geographical coverage of each such station; (iii) the number of emergency medical services units within each station; and (iv) the supervisory ratios within each emergency medical services division and station.

III. Prop. Int. No. 746-A

As introduced, this legislation would require the FDNY to annually report on rezoning that occurred in the previous calendar year and evaluate the impact such rezoning has had on the demand for fire protection and emergency medical services.

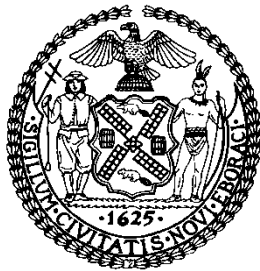
Since introduction, the legislation has been amended to clarify that reporting is only required for rezoning that were previously subject to Department review as part of the “City Environmental Quality Review Process,” which is a component of the larger Uniform Land Use Review Process.

IV. Prop. Int. No. 1054-A

As introduced, this legislation would require the Fire Department to develop an online system for receiving applications for fire alarm system plans – currently, all such forms must be submitted in hard copy and in-person.

Since introduced, the legislation has been amended to also require such online receiving of applications for required inspections of fire alarm installations. Additionally, the enactment dates have been extended to ensure the Fire Department has sufficient time to create an online system to receive such applications.

(The following is the text of the Fiscal Impact Statement for Int. No. 744-A:)



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

PROPOSED INTRO. NO: 744-A

COMMITTEE: Fire and Emergency Management

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the fire department to report on emergency medical services divisions and stations

SPONSORS: Council Members Borelli, Ampry-Samuel, Brannan, Kallos and Holden

SUMMARY OF LEGISLATION: Proposed Intro. 744-A would require the Fire Department of New York (FDNY) to submit a report to the Council on the Emergency Medical Services (EMS) supervisor to EMS station staffing ratios, by division.

EFFECTIVE DATE: This local law would take effect immediately and would be deemed repealed five years after it becomes law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

| | Effective FY19 | FY Succeeding Effective FY20 | Full Fiscal Impact FY20 |
|---------------------|-----------------------|---|------------------------------------|
| 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 as a result of this legislation.

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY: Jin Lee and Yariv Shavitt, Financial Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
Eisha Wright, Unit Head
Rebecca Chasan, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council on April 11, 2018 as Intro. No. 744 and referred to the Committee on Fire and Emergency Management. A hearing was held by the Committee on Fire and Emergency Management on April 30, 2018 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 744-A, will be voted on by the Committee on Fire and Emergency Management at a hearing on November 27, 2018. Upon successful vote by the Committee, Proposed Intro. No. 744-A will be submitted to the full Council for a vote on November 28, 2018.

DATE PREPARED: November 26, 2018.

(For text of Int. Nos. 746-A and 1054-A and their Fiscal Impact Statements, please see the Report of the Committee on Fire and Emergency Management for Int. Nos. 746-A and 1054-A, respectively, printed in these Minutes; for text of Int. No. 744-A, please see below)

Accordingly, this Committee recommends the adoption of Int. No. 744-A, 746-A, and 1054-A.

(The following is the text of Int. No. 744-A:)

Int. No. 744-A

By Council Members Borelli, Ampry-Samuel, Brannan, Kallos, Holden and Levin.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the fire department to report on emergency medical services divisions and stations

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 15 of the administrative code of the city of New York is amended by adding a new section 15-137 to read as follows:

§ 15-137 Report on emergency medical services supervisor to emergency medical services station staffing ratios.

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

Emergency medical services. The term “emergency medical services” means the services provided by the bureau of emergency medical services within the department.

Emergency medical services division. The term “emergency medical services division” means a collection of several emergency medical services stations, provided that if a division extends to two or more boroughs, the department shall report the information set forth below separately for each such borough.

Emergency medical services station. The term “emergency medical services station” means a location that houses ambulances, or other emergency vehicles, and emergency medical services staff.

Emergency medical services unit. The term “emergency medical services unit” means an individual ambulance or other emergency vehicle staffed by department personnel.

b. No later than January 1, 2019, and at the beginning of each subsequent quarter, the department shall submit to the council a report on emergency medical services divisions and stations.

c. Such report shall include, but need not be limited to, the following information:

1. The assigned number of each emergency medical services division and the general geographic area each such division covers;

2. The assigned number of each emergency medical services station within each emergency medical services division, the geographic area each such emergency medical services station covers, including any formal and commonly known names and the area in square miles, and the number of department personnel assigned to each such emergency medical services station;

3. The total number of emergency medical services units within each emergency medical services station;

4. The total number of designated emergency medical services supervising officers for each emergency medical services station within each emergency medical services division; and

5. For each emergency medical services division, the ratio of emergency medical services supervising officers to emergency medical services stations within each such division.

§ 2. This local law takes effect immediately and is deemed repealed 5 years after it becomes law.

JOSEPH C. BORELLI, *Chairperson*; ALICKA AMPRY-SAMUEL, JUSTIN L. BRANNAN, FERNANDO CABRERA, ALAN N. MAISEL; Committee on Fire and Emergency Management, November 27, 2018.

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

Report for Int. No. 746-A

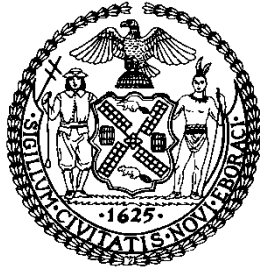
Report of the Committee on Fire and Emergency Services in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the fire department to annually report on the potential impact of certain rezonings on department services.

The Committee on Fire and Emergency Services, to which the annexed proposed amended local law was referred on April 11, 2018 (Minutes, page 1440), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Fire and Emergency Services for Int. No. 744-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 746-A:



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

PROPOSED INTRO. NO: 746-A

COMMITTEE: Fire and Emergency Management

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the fire department to annually report on the potential impact of certain rezonings on department services

SPONSORS: Council Members Borelli, Maisel, Holden, Kallos and Cohen

SUMMARY OF LEGISLATION: Proposed Intro. 746-A would require the Fire Department of New York (FDNY) to issue an annual report, in consultation with the Department of City Planning (DCP), on the potential impact of certain rezonings that occurred during the previous fiscal year on the services that the Department provides, in terms of both fire protection and Emergency Medical Services (EMS). The report would include, but not be limited to, the following information: the rezoned area, including the borough, formal and commonly known names of the area, major streets and avenues covered by the rezoning and the total area in square miles covered by the rezoning; for each such rezoned area, a brief description of the type of rezoning that took place; and for each such rezoned area, the potential impact of such rezoning on the services that the Department provides, in relation to fire protection personnel and staffing, equipment, vehicles and stations, and, where applicable, a separate category with information on the impact of rezoning on EMS personnel and staffing, equipment, vehicles and station locations.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

| | Effective FY19 | FY Succeeding Effective FY20 | Full Fiscal Impact FY20 |
|---------------------|-----------------------|-------------------------------------|--------------------------------|
| 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 as a result of this legislation.

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY: Jin Lee and Yariv Shavitt, Financial Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
Eisha Wright, Unit Head
Rebecca Chasan, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council on April 11, 2018 as Intro. No. 746 and referred to the Committee on Fire and Emergency Management. A hearing was held by the Committee on Fire and Emergency Management on April 30, 2018 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 746-A, will be voted on by the Committee on Fire and Emergency Management at a hearing on November 27, 2018. Upon successful vote by the Committee, Proposed Intro. No. 746-A will be submitted to the full Council for a vote on November 28, 2018.

DATE PREPARED: November 26, 2018.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 746-A)

Int. No. 746-A

By Council Members Borelli, Maisel, Holden, Kallos and Cohen.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the fire department to annually report on the potential impact of certain rezonings on department services

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 15 of the administrative code of the city of New York is amended by adding a new section 15-138 to read as follows:

§ 15-138 Annual report on the potential impact of certain rezonings on department services.

a. Definitions. For purposes of this section, the term “emergency medical services” means the services provided by the bureau of emergency medical services within the department.

b. No later than February 1 of each year, the department, in consultation with the department of city planning, shall submit to the council a report, as set forth in subdivision c of this section, stating the potential impact of certain rezonings that occurred during the previous fiscal year on the services the department provides, in terms of fire protection and emergency medical services, in areas for which certain rezonings were approved in the previous fiscal year.

c. Such report shall consider rezonings for which the department provided input in the city environmental quality review process and shall include for such rezonings, but need not be limited to, the following information:

1. *The rezoned area, including the borough, formal and commonly known names of the area, major streets and avenues covered by the rezoning and the total area in square miles covered by the rezoning;*
2. *For each such rezoned area, a brief description of the type of rezoning that took place, including any substantial change in zoning district classification; and*
3. *For each such rezoned area, the potential impact of such rezoning on the services the department provides, as provided by the department in the city environmental quality review process, in terms of fire protection personnel and staffing, equipment, vehicles and stations, where applicable, with a separate category including information on the impact of such rezoning on the services the department provides in terms of emergency medical services personnel and staffing, equipment, vehicles and station locations, where applicable.*

§ 2. This local law takes effect immediately.

JOSEPH C. BORELLI, *Chairperson*; ALICKA AMPRY-SAMUEL, JUSTIN L. BRANNAN, FERNANDO CABRERA, ALAN N. MAISEL; Committee on Fire and Emergency Management, November 27, 2018.

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

Report for Int. No. 1054-A

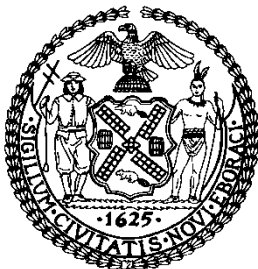
Report of the Committee on Fire and Emergency Management in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to creating online applications for fire alarm plan examinations and inspections.

The Committee on Fire and Emergency Management, to which the annexed proposed amended local law was referred on August 8, 2018 (Minutes, page 3249), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Fire and Emergency Services for Int. No. 744-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1054-A:



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

**PROPOSED INTRO. NO: 1054-A
COMMITTEE: Fire and Emergency Management**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to creating online applications for fire alarm plan examinations and inspections
SPONSORS: Council Members Borelli, Cornegy, Yeger, Holden, Kallos, Constantinides and Rosenthal

SUMMARY OF LEGISLATION: Proposed Intro. 1054-A would require the Fire Department of New York (FDNY) to make online submission available for all components of applications for fire alarm plan examinations and inspections.

EFFECTIVE DATE: The subdivision of this local law relating to applications for fire alarm plan examinations would take effect 180 days after it becomes law and the subdivision of this local law relating to applications for fire alarm inspections would take effect one year after it becomes law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

| | Effective FY19 | FY Succeeding Effective FY20 | Full Fiscal Impact FY20 |
|---------------------|-----------------------|-------------------------------------|--------------------------------|
| 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 as a result of this legislation.

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY: Jin Lee and Yariv Shavitt, Financial Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
 Eisha Wright, Unit Head
 Rebecca Chasan, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council on August 8, 2018 as Intro. No. 1054 and referred to the Committee on Fire and Emergency Management. A hearing was held by the Committee on Fire and Emergency Management on September 17, 2018 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1054-A, will be voted on by the Committee on Fire and Emergency Management at a hearing on November 27, 2018. Upon successful vote by the Committee, Proposed Intro. No. 1054-A will be submitted to the full Council for a vote on November 28, 2018.

DATE PREPARED: November 26, 2018.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1054-A:)

Int. No. 1054-A

By Council Members Borelli, Cornegy, Yeger, Holden, Kallos, Constantinides and Rose

A Local Law to amend the administrative code of the city of New York, in relation to creating online applications for fire alarm plan examinations and inspections

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 15 of the administrative code of the city of New York is amended by adding a new section 15-139 to read as follows:

§ 15-139 *Online applications for fire alarm plan examinations and inspections. a. The department shall make all components of applications for fire alarm plan examinations available for online submission.*

b. The department shall make all components of applications for fire alarm inspections available for online submission.

§ 2. Subdivision a of section 15-139 of the administrative code of the city of New York, as added by section 1 of this local law, takes effect 180 days after it becomes law, and subdivision b of section 15-139 of the administrative code of the city of New York, as added by section 1 of this local law, takes effect 1 year after it becomes law, except that the fire department may take such measures prior to such date as are necessary for implementation of this local law, including the promulgation of rules.

JOSEPH C. BORELLI, *Chairperson*; ALICKA AMPRY-SAMUEL, JUSTIN L. BRANNAN, FERNANDO CABRERA, ALAN N. MAISEL; Committee on Fire and Emergency Management, November 27, 2018.

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

Report of the Committee on Fire-Hire Vehicles

Report for Int. No. 1069-A

Report of the Committee on For-Hire Vehicles in favor of approving and adopting, as amended, a Local Law in relation to debt owed by owners of medallions.

The Committee on For-Hire Vehicles, to which the annexed proposed amended local law was referred on August 8, 2018 (Minutes, page 3262), respectfully

REPORTS:

INTRODUCTION

On November 27, 2018, the Committee on For-hire Vehicles, chaired by Council Member Ruben Diaz Sr., will hold a hearing on Proposed Int. No. 1069-A, a local law in relation to debt owed by owners of medallions. This is the second hearing on this item. The first hearing was held on September 17, 2018, at which the Committee heard testimony from the Taxi and Limousine Commission (TLC), stakeholders and advocates.

BACKGROUND

Medallions

In 1937, in response to “an overabundance of taxis that depressed driver earnings and congested city streets,” New York City’s Board of Aldermen, the predecessor to the City Council, adopted the Haas Act, which instituted the taxi medallion system that persists to this day.¹ The Act imposed a moratorium on the issuance of new taxicab licenses, effectively capping the number of taxis on the streets.² Crucially, the Act allowed for the transfer of licenses, or “medallions,” between owners as long as the City approved of the new owner’s qualifications.³ This transferability, combined with a limit on the overall number of medallions allowed, caused a taxi medallion to become a valuable asset. Medallion taxis are the only vehicles allowed to pick up street hails throughout all five boroughs, with the exclusive right to pick up street hails in the “exclusionary zone” (below East 96th and West 110th Streets in Manhattan as well as JFK and LaGuardia airports) and fares are set by the City.⁴

When medallions first began being traded after World War II, the average price was \$2,500.⁵ In subsequent decades, the price of a medallion increased exponentially. Between 2004 and 2012 the average annual price of independent medallions increased 260 percent while the average annual price of mini-fleet medallions increased 321 percent over the same time period.⁶ By 2013, the average price of an independent medallion was approximately \$967,000 and approximately \$1.15 million for a mini-fleet medallion.⁷ Medallion prices reached a peak of about \$1.3 million in 2013 and 2014, though industry experts have cautioned that those values may have been inflated.⁸

The medallion price is not directly set by the City, but by a combination of factors including, the availability of financing, the demand for taxi service, the fare and tip amounts, the market for a medallion, the anticipated return on investment and the potential cost of operating a medallion taxi.⁹ By many accounts, the medallion market today is significantly different than just a few years ago. In 2011, the State authorized the City to sell 2,000 new medallions. Between November 2013 and March 2014, the TLC auctioned 400 medallions, but no further sales have occurred since, however the resale market has seen activity.¹⁰ A review of postings on nycitycab.com of medallions for sale during June through July of 2018 reveal asking prices between \$100,000 and \$425,000.¹¹

In May 2018, TLC Commissioner Meera Joshi testified at the Council’s executive budget hearing, and indicated that the City removed estimated medallion revenue from the fiscal year 2019 budget and they are delaying the sale of medallions beyond the five year financial plan.¹² Commissioner Joshi indicated that the

¹ Bruce Schaller and Gorman Gilbert, *Villain or Bogeyman? New York’s Taxi Medallion System*, available at <http://www.schallerconsult.com/taxi/taxi2.htm>

² Id.

³ Id.

⁴ TLC, *Taxicab Rate of Fare*, available at http://www.nyc.gov/html/tlc/html/passenger/taxicab_rate.shtml

⁵ Id.

⁶ Id.

⁷ Id.

⁸ Winnie Hu, *Yellow Cab, Long a Fixture of City Life, Is for Many a Thing of the Past*, N.Y. Times, Jan. 15, 2017, available at https://www.nytimes.com/2017/01/15/nyregion/yellow-cab-long-a-fixture-of-city-life-is-for-many-a-thing-of-the-past.html?_r=0 Also note: Prior to the passage of Local Law 59 of 2017, there were two types of medallions: independent and mini-fleet, the law eliminated the distinction. Historically, mini-fleet medallions had to be owned in groups of at least two, with many mini-fleet medallion owners maintaining a fleet of taxi vehicles leased to drivers on a per shift basis. On the other hand, the owner of an independent medallion could only own one medallion and typically operated as an owner-driver who owned both the medallion and the taxi vehicle.

⁹ N.Y.C 2014 Taxicab Fact Book, available at http://www.nyc.gov/html/tlc/downloads/pdf/2014_tlc_factbook.pdf

¹⁰ Council Finance Division, *Report on the Fiscal 2017 Preliminary Budget and the Fiscal 2016 Preliminary Mayor’s Management Report - Taxi and Limousine Commission*, March 2, 2016 and <http://www.nydailynews.com/new-york/city-sets-sale-taxi-medallions-plummets-article-1.3982966>

¹¹ <http://nycitycab.com/Business/TaxiMedallionList.aspx> accessed on Sept. 12, 2018.

¹² Testimony of N.Y.C TLC Commission Meera Joshi, Fiscal Year 2019 Executive Budget Hearing, (May 10, 2018) available at <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3490373&GUID=A45BF34A-11A7-4373-9846-AA0EB218136D&Options=&Search=>

five year delay would allow the City to monitor the market for a longer period of time before they decide to sell any additional medallions.¹³ Commissioner Joshi indicated that one of the obstacles impacting the auctioning of medallions in the City is tied to the availability of financing.¹⁴ For many years, the practice among lenders was to accept a very small down payment and issue a very large loan, but more recently, credit unions have been seized by the federal government for unsound banking practices and several are facing mounting debt due to overdue payments.¹⁵ Despite this, the number of secondary market transactions have increased, but the resale price of the medallions has decreased, with many being sold for all cash.¹⁶ In 2017, the Council passed Local Law 58 of 2017, which lowered the medallion transfer tax from 5 percent to .5 percent and this may have contributed to the recent increase in the number of transactions.¹⁷ There are currently a total of 13,587 medallions.¹⁸

Industry members and observers cite a variety of factors behind the decline in the taxi medallion price, in particular the increased competition for both passengers and drivers from app-based for-hire vehicle services such as Uber and Lyft. The impact of these changes can be seen throughout the yellow taxi industry. Many taxis now sit idle instead of being operated and serving passengers.¹⁹ Total yellow taxi trips per day in April 2017 were down 15.8 percent compared to April 2016 and down 33.7 percent compared to April 2010.²⁰

In recent years, the Council and the TLC have taken a series of steps to alleviate constraints on the taxi industry and to help them compete for customers. The Council also passed Local Law 51 of 2016 which created a universal license for taxi and for-hire vehicle (FHV) drivers, eliminating the separate licenses that existed previously and allowing medallion owners to recruit from a much bigger pool of drivers. The TLC has also extended the taxi vehicle retirement schedule to seven years, allowed all medallion owners to choose whether to have a partition or in-vehicle camera system in their taxis, and permitted the use of used vehicles.²¹ In August of 2017, TLC announced that, for the first time, a taxi fleet had decided to participate in a pilot program that allows drivers to use a percentage of their per shift earnings to pay for their taxi lease instead of having to pay a flat fee up front.²² In the spring of 2018, the TLC passed an upfront pricing pilot to make taxis more competitive with FHV's. The pilot will permit passengers who use Curb or Arro (the City's two taxi apps) to receive an upfront fare estimate that is separate from the meter.²³ One of the competitive advantages that app-technology has provided passengers' with is the ability to receive a fare quote. And most recently, the Council passed Local Law 147 of 2018, which will pause the issuance of FHV licenses for a year.

Despite the changes made to mitigate some of challenges the taxi industry is facing, medallion owners are still struggling to make payments on their medallions due to the decreasing number of trips. As a result of financial difficulties, the taxi and for-hire vehicle industries have been met with tragedies in the past several months, as six members from various sectors took their lives. One of the individuals who recently took his life, Yu Mein "Kenny" Chow, a medallion owner, committed suicide because he was facing financial trouble.²⁴ Reports indicated that he owed \$700,000 on his taxi medallion, which he purchased in 2011.²⁵ Similarly,

¹³ Id.

¹⁴ Id.

¹⁵ Aaron Elstein, *First Uber victim: State regulators seize taxi-medallion lender*, Sept. 18, 2015, available at <http://www.crainsnewyork.com/article/20150918/BLOGS02/150919849/new-york-state-seizes-taxi-medallion-lender-montauk-credit-union>

¹⁶ Id at 12.

¹⁷ Id at 12.

¹⁸ New York City Preliminary Mayor's Management Report for Fiscal Year 2018, available at <http://www1.nyc.gov/assets/operations/downloads/pdf/pmmr2017/tlc.pdf>

¹⁹ Hu, supra note 8.

²⁰ N.Y.C. TLC Yellow Taxi Monthly Indicators, available at http://www.nyc.gov/html/tlc/html/technology/aggregated_data.shtml.

²¹ Testimony of TLC Chair Meera Joshi before the Committee on Transportation, Id at 12.

²² N.Y.C. T.L.C., Press Release, "Yellow Taxi Drivers Can Now Lease on Commission: The TLC's Fair Share Pilot Announces First Participant," Aug. 28, 2017, available at http://www.nyc.gov/html/tlc/downloads/pdf/press_release_08_28_17.pdf

²³ N.Y.C TLC Flex Fare Pilot, available at http://home.nyc.gov/html/tlc/html/technology/flex_pass.shtml

²⁴ Nikita Stewart and Luis Ferre-Sadurni, *Another Taxi Driver Takes his Life. That's Five in Five Months*. N.Y Times, May 27, 2018 available at <https://www.nytimes.com/2018/05/27/nyregion/taxi-driver-suicide-nyc.html>

²⁵ Jake Offenhardt, *Missing Cabbie Faces 'Economic Devastation' from \$700,000 in Taxi Medallion Debt*, Gothamist, May 23, 2018, available at http://gothamist.com/2018/05/23/missing_cabbie_medallion_debt.php

Nicanor Ochisor, a medallion owner and driver, reportedly took his life on March 16, 2018 because of the debt he was facing.²⁶

ANALYSIS OF PROPOSED INT. NO. 1069-A

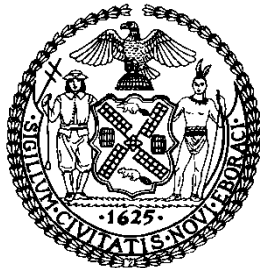
Subdivision a of section one of Proposed Int. No. 1069-A would state require TLC or any other agency the Mayor designates would request and collect information from owners of medallions relating to the amount of debt they owe. No later than December 1, 2019 the TLC or any other designated agency would be required to issue a report on the Council and the Mayor detailing information it has compiled related to debt owed by medallion owners.

Subdivision b of section one would state that after the report is issued, the TLC would review the information compiled and consider actions to assist owners of medallions who are in debt because of their medallion. The actions considered by the TLC or the agency designated by the Mayor would include, but not be limited to:

- Providing technical assistance to medallion owners;
- Identifying organizations that may offer assistance, including financial assistance to medallion owners; and
- Setting limits on the terms or amount of medallion financing.

Section two of Proposed Int. No. 1069-A would state that the local law would take effect immediately and is deemed repealed one year after the submission of the report required in subdivision a section one.

(The following is the text of the Fiscal Impact Statement for Int. No. 1069-A:)



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 1069-A
COMMITTEE: For-Hire Vehicle**

TITLE: A local law in relation to debt owed by owners of medallions

SPONSORS: Council Levine, Torres, Lander, Levin, Gjonaj, Diaz, Holden, Yeger, Kallos, Adams, Cohen, and Constantinides

SUMMARY OF LEGISLATION: Proposed Intro. 1069-A would require the Taxi and Limousine Commission (TLC) or another agency or office designated by the Mayor to study the problem of medallion owner debt and to submit a report detailing its findings, no later than December 1, 2019, to the Council and the Mayor. In addition, following the submission of the report, the TLC would determine appropriate actions to assist owners of medallions, including providing technical assistance, identifying organizations that may offer assistance, and certain limits on the terms or amounts of medallion financing.

EFFECTIVE DATE: This local law would take effect immediately and would be deemed repealed one year after submission of the required report.

²⁶ Danielle Furfaro and Max Jaeger, *Cabbie blamed Uber, Lyft for financial woes before hanging himself*, N.Y. Post, March 21, 2018, available at <https://nypost.com/2018/03/21/cabbie-blamed-uber-lyft-for-financial-woes-before-hanging-himself/>

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

| | Effective FY19 | FY Succeeding Effective FY20 | Full Fiscal Impact FY20 |
|---------------------|-----------------------|---|------------------------------------|
| 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 estimated that this legislation would have no impact on expenditures since existing resources would be used by the administering agency to comply with this local law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: John Basile, Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director
Chima Obichere, Unit Head
Rebecca Chasan, Senior Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council as Intro. No. 1069 on August 8, 2018 and was referred to the Committee on For-Hire Vehicles (Committee). A hearing was held by the Committee on September 17, 2018, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1069-A, will be considered by the Committee on November 27, 2018. Upon a successful vote by the Committee, Proposed Intro. No. 1069-A will be submitted to the full Council for a vote on November 28, 2018.

DATE PREPARED: November 9, 2018.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1069-A:)

Int. No. 1069-A

By Council Members Levine, Torres, Lander, Levin, Gjonaj, Diaz, Holden, Yeger, Kallos, Adams, Cohen and Constantinides.

A Local Law in relation to debt owed by owners of medallions

Be it enacted by the Council as follows:

Section 1. Medallion owner debt review. a. The taxi and limousine commission or another agency or office designated by the mayor shall request and collect information from owners of medallions relating to the amount of debt owed by such owners. No later than December 1, 2019, the commission or another agency or office designated by the mayor shall issue a report to the council and the mayor detailing the information it has compiled relating to debt owed by owners of medallions.

b. Following submission of the report as required by subdivision a of section 1 of this local law, the commission shall review and consider the information it has compiled, if any, relating to debt owed by owners of medallions. The commission or an agency or office designated by the mayor shall consider actions to assist owners of medallions who owe debt relating to such medallions that may include, but not be limited to, the following:

1. Providing technical assistance to medallion owners;

2. Identifying organizations that may offer assistance, including financial assistance, to medallion owners; and

3. Setting limits on the terms or amount of medallion financing.

§ 2. This local law takes effect immediately and is deemed repealed 1 year after the submission of the report required by subdivision a of section 1 of this local law.

RUBEN DIAZ, *Chairperson*; YDANIS A. RODRIGUEZ, DEBORAH L. ROSE, COSTA G. CONSTANTINIDES, PAUL A. VALLONE, FRANCISCO P. MOYA, JOSEPH C. BORELLI; Committee on Fire-Hire Vehicles, November 27, 2018.

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

Report of the Committee on Governmental Operations

Report for Int. No. 367

Report of the Committee on Governmental Operations in favor of approving and adopting, a Local Law to amend the New York city charter, in relation to the department of probation informing persons of their voting rights.

The Committee on Governmental Operations, to which the annexed proposed local law was referred on January 31, 2018 (Minutes, page 546), respectfully

REPORTS:

I. INTRODUCTION

On November 27, 2018, the Committee on Governmental Operations, Chaired by Council Member Fernando Cabrera will hold a second hearing and a vote on the following bills: Int. No. 367-2018, sponsored by Council Member Rafael Salamanca, Jr., in relation to the Department of Probation informing persons of their voting rights; and Proposed Int. No. 1115-A-2018, sponsored by Council Member Fernando Cabrera, in relation to agencies assisting eligible parolees with voter registration. The bills were previously heard by the Committee on October 3, 2018. At the jointly conducted hearing with the Committee on Criminal Justice, the committees received testimony from the Department of Corrections ('DOC'); the Department of Probation ('DOP'); the Campaign Finance Board ('CFB'); the Voter Assistance Advisory Committee ('VAAC'); the New York City Board of Election ('NYCBOE'); as well as various advocates and stakeholders related to the above topics.

II. BACKGROUND

Justice Involved Population and the Problem of Disenfranchisement

New York State's disenfranchisement of the incarcerated population, and particularly of communities of color, dates back to the 1800s, when lawmakers enacted legislation to restrict voting for black men, including property requirements specific to black voters and a constitutional provision allowing laws to be passed excluding from voting those "who have been, or may be, convicted of infamous crimes."¹ This came after a constitutional convention in 1827, where during a heated discussion regarding the suffrage of black men, Delegate Peter R. Livingston asked delegates to "look at that people, and ask your consciences if they are competent to vote. . . [s]urvey your prisons – your alms-houses – your bridewells and penitentiaries . . . [m]ore than one-third of the convicts and felons which those walls enclose, are of your sable population."² Although Livingston's efforts to explicitly deny black Americans the right to vote failed 63 to 59, the state constitutional provision allowing the legislature to enact criminal disenfranchisement laws was passed, and in 1872 became *required* as opposed to permissive in New York State's constitution.³

The language of the New York state constitution remains the same today⁴ and has the same effect of disenfranchising voters of color, as the majority of those who have lost the right to vote are Black and Latino.⁵ As noted, Article II, § 3 of the New York State Constitution requires the state to enact criminal disenfranchisement laws, although the degree of disenfranchisement has been interpreted broadly.⁶ The current disenfranchisement statute, New York Election Law § 5–106, provides:

No person who has been convicted of a felony pursuant to the laws of this state, shall have the right to register for or vote at any election unless he shall have been pardoned or restored to the rights of citizenship by the governor, or his maximum sentence of imprisonment has expired, or he has been discharged from parole. The governor, however, may attach as a condition to any such pardon that any such person shall not have the right of suffrage until it shall have been separately restored to him.⁷

Until the 1970s, the statute required disenfranchisement of all individuals with felony convictions. In 1971 and 1973, however, the legislature broadened the requirements, and⁸ state law now grants voting rights to convicted individuals who have completed their sentence or parole, and to individuals who have been sentenced to probation.⁹ Additionally and as discussed herein, the governor has the authority to grant voting rights even to individuals who fall within those parameters.

Although New York law permits voting for probationers and for those who have completed their sentence, de-facto voter disenfranchisement still exists for this population in the form of widespread miseducation. A 2005 survey of election officials from the Brennan Center for Justice and Demos found that New York City (NYC) Board of Election (BOE) unlawfully disenfranchises eligible voters who are justice-involved.¹⁰ According to the 2005 survey findings, the NYC BOE at its New York County and Queens County offices

¹ Erika Wood and Liz Budnitz, Brennan Center for Justice, *Jim Crow in New York*, 8, 2009, available at https://www.brennancenter.org/sites/default/files/legacy/publications/JIMCROWNY_2010.pdf

² *Id.*

³ *Id.*

⁴ N.Y. Const. art. II, § 3 states that "The legislature shall enact laws excluding from the right of suffrage all persons convicted of bribery or of any infamous crime." This provision has been deemed valid and constitutional as recently as 2010 in *Hayden v. Paterson*, 594 F.3d 150, 156 (2d Cir. 2010).

⁵ NAACP Legal Defense and Education Fund and the Sentencing Project, *Free the Vote: Unlocking Democracy in the Cells and on the Streets*, 2016, 3 available at <https://www.sentencingproject.org/wp-content/uploads/2016/12/Free-the-Vote.pdf>.

⁶ *Hayden v. Paterson*, 594 F.3d 150, 156 (2d Cir. 2010)

⁷ N.Y. Elec. Law § 5–106(2).

⁸ *Hayden v. Paterson*, 594 F.3d 150, 156 (2d Cir. 2010) *citing* Act of May 25, 1971, ch. 310, § 1, 1971 N.Y. Laws 952, 952–53; Act of June 11, 1973, ch. 679, § 1, 1973 N.Y. Laws 1287, 1287–88.

⁹ N.Y. Elec. Law § 5–106(2).

¹⁰ Demos and Brennan Center for Justice, *Board of Elections Continue Illegally To Disfranchise Voters with Felony Conviction* (2006), [https://www.demos.org/sites/default/files/publications/NYSurveyReport031506%20\(1\).pdf](https://www.demos.org/sites/default/files/publications/NYSurveyReport031506%20(1).pdf)

incorrectly stated that people on probation are not eligible to register to vote.¹¹ The 2005 survey also revealed that Kings, New York, and Queens Offices required individuals with a felony conviction to provide documentation to register, contrary to New York State Board of Election's policy memorandum that explains persons with convictions do not need to produce documentation to register.¹² This is particularly concerning and especially harmful to New Yorkers, since a third of New Yorkers sentenced to probation live in New York City, along with 61% of those sentenced to parole and 51% of those sentenced to prison.¹³ Given the widespread nature of disenfranchisement through miseducation that has occurred in the past, additional efforts should be taken at the agency level to ensure that individuals understand and can exercise their voting rights. Accordingly, the efforts of agencies working with justice-involved populations to increase voter registration and voter education should be examined.

The New York City Department of Probation ('DOP')

The DOP seeks to protect the community by working with criminal and juvenile justice systems to hold offenders accountable and serve as a catalyst for positive change. In its efforts to reduce recidivism and create a safer New York, the DOP is driven by several guiding practices, including implementing age and population appropriate assessments, engaging with clients and the community, using data to guide decision-making, and professionally growing its staff.¹⁴ In accordance with these practices, the DOP has also begun making efforts to increase voter registration amongst the probation population. The DOP has reported that it distributes voter registration applications during intake process and during regular meetings with probation officers, and has voter registration materials within its waiting rooms.¹⁵ From January 2018 to June 2018, the DOP distributed 80 voter registration applications to individuals and has trained 15 members of front line staff to assist in the registration of new voters.¹⁶ It also includes information regarding voting on its website, including a link to the CFB website, which has received 63 clicks during the period of January 2018 to June 2018.¹⁷

Despite efforts on the part of the Department of Probation to increase voter registration and to educate the public on voting rights for those with criminal convictions, widespread de-facto voter disenfranchisement still exists for probationers. A study conducted by the Brennan Center in 2006 reported that nearly 40% of local election boards incorrectly stated that individuals on probation were not eligible to vote.¹⁸ While the Department has taken efforts to increase voter participation by distributing voter registration forms, it has not sent or collected any applications to the Board of Elections between January to June 2018,¹⁹ evincing a need for increased voter education.

¹¹Demos and Brennan Center for Justice, *Board of Elections Continue Illegally To Disfranchise Voters with Felony Conviction* (2006), [https://www.demos.org/sites/default/files/publications/NYSurveyReport031506%20\(1\).pdf](https://www.demos.org/sites/default/files/publications/NYSurveyReport031506%20(1).pdf)

¹² *Id.*

¹³ *Id.*

¹⁴ NYC Probation, *About Probation*, available at <https://www1.nyc.gov/site/probation/about/about-department-of-probation.page>

¹⁵ NYC Mayor's Office of Operations, *Agency- Based Voter Registration Under LL29 of 2000, Mayoral Directive One of 2014, LL 61 of 2014 and LL 63 of 2014*, August 27, 2018.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ ERIKA WOOD & RACHEL BLOOM, BRENNAN CENTER FOR JUSTICE & A.C.L.U., *DE FACTO DISENFRANCHISEMENT* (2008) available at http://www.brennancenter.org/content/resource/de_facto_disenfranchisement.

¹⁹ NYC Mayor's Office of Operations, *Agency- Based Voter Registration Under LL29 of 2000, Mayoral Directive One of 2014, LL 61 of 2014 and LL 63 of 2014*, August 27, 2018.

The New York City Board of Election

The NYC BOE, by state law,²⁰ administers all elections within New York City limits. This includes the processing of candidates' petitions, registering voters by mail or on specified registration days, and managing the City's voter registration lists.²¹ As a matter of statute, the City Council approves the NYC BOE's budget and enacts legislation related to the operation of elections in the city. While the NYCBOE, in its 2017 annual report, states that it "conducts registration drives at various community activities (street fairs, work fairs, community organization meetings, senior citizen community centers)"²² and provides material that helps explain the process of voting, there are no details provided concerning outreach to justice-involved individuals in conjunction with either the DOC or DOP.

The Voter Assistance Advisory Committee ('VAAC')

Under the New York City Charter, VAAC is an independent body that advises the Campaign Finance Board ('CFB') on civic engagement, with a particular focus on nonpartisan voter engagement and outreach.²³ According to the Committee's 2017-2018 Annual Report, VAAC recommendations are carried out by the CFB's "NYC Votes" initiative, which conducts voter registration and education, Get Out the Vote (GOTV) activities, and election reform advocacy. NYC Votes conducted the following voter registration activities throughout the City in 2017-2018:

- The NYC Votes Street Team, a volunteer corps of high school and college students trained to lead voter workshops and register new voters, held 31 community event in the five boroughs in 2017;²⁴
- NYC Votes staff and Street Team members attended ten naturalization ceremonies to facilitate voter registration once individuals became U.S. Citizens;²⁵
- Through partnership with the non-profit organization WIN (Women in Need), NYC Votes held voter registration drives in 12 women's shelters in Manhattan, Brooklyn and Queens. Additional outreach to homeless New Yorkers was accomplished through an NYC Votes 'Day of Action' on September 23, 2017, in partnership with DHS;²⁶
- NYC Votes additionally conducted trainings to equip individuals with the tools to host their own voter registration events ("Train the Trainer" workshops);²⁷
- Finally, NYC Votes worked with 23 partners, including DHS, the City University of New York, the Department of Health and Mental Hygiene, the Department of Parks and Recreation, and the Department of Youth and Community Development, to conduct a citywide voter registration drive on September 26, 2017, "National Voter Registration Day."²⁸

The VAAC report does not specify NYC Votes voter outreach activities for justice-involved populations, although it does recommend that state law should provide a means to vote for individuals on parole: "While [Governor Cuomo's Executive Order 181] would restore voting rights to more than 35,000 [individuals on parole] across New York, this does not change the above-mentioned state laws barring parolees from voting."²⁹

²⁰ N.Y. Elec. Law § 3-200(1)

²¹ The Council of the City of New York, *Report of the Finance Division on the Fiscal 2019 Preliminary Budget and the Fiscal 2018 Preliminary Mayor's Management Report*, March 19, 2018

²² New York City Board of Elections, *Annual Report 2017*. Accessed at:

<http://vote.nyc.ny.us/downloads/pdf/documents/boe/AnnualReports/BOEAnnualReport17.pdf>

²³ New York City Campaign Finance Board and the Voter Assistance Advisory Committee, *Voter Assistance Annual Report 2017-2018*.

Accessed at: <https://www.nycfb.info/pdf/VAAC-2018.pdf>

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*, pg. 37

New York State Gubernatorial Executive Order 181

On April 18, 2018, Governor Cuomo signed Executive Order 181, titled “Restoring the Right to Vote for New Yorkers on Parole.” In his press statement, Cuomo stated the intention to reduce disenfranchisement in the state and to “restore justice and fairness to our democratic process”³⁰ by granting voting rights to individuals on parole. Under the New York State Election Law, no person with a felony conviction can register or vote in an election, without a pardon, special dispensation from the state Governor, or having served their entire parole sentence.³¹ Citing the disproportionate racial impact the current law has on communities of color in New York State, E.O. 181 establishes a system whereby individuals on parole would be given consideration for a “conditional pardon that would restore their right to vote.”

In practice, the Commissioner of the State Department of Corrections and Community Supervision will submit both a complete list of all individuals currently on parole at the time of the issued E.O., and a monthly record of individuals who have been released on parole in the past month, starting on May 1, 2018.³² When asked about the then-recently issued E.O. at the Committee on Governmental Operations and Committee on Finance joint Executive Budget hearing on May 17, 2018, NYC BOE Executive Director Mike Ryan was unable to give any indication of how the board would ensure that newly re-enfranchised New Yorkers were made aware of their reinstated right to vote, help them register to vote or access their polling locations on election day.³³

The Committee remains concerned that many of the procedural steps that would ensure the highest voter turnout for re-enfranchised individuals on parole were not in place for the September 13th 2018 Primary Election, and will not be in place for the November 6, 2018 General Election. Based on the E.O. language, it does not appear that individuals receive notification of their partial pardon and subsequent re-enfranchisement. As a result, the onus remains on the individual to seek out information relating to their partial pardon, seek out a voter registration form, complete it, and submit it to the appropriate Board of Election. Once the Board of Elections receives the voter registration form, it is the Board’s responsibility to ensure that the registrant has in fact received an appropriate partial pardon based on information posted to the Department of Corrections’ “lookup” tool,³⁴ which has been plagued with the delays in the past.³⁵

Examples, from the “lookup” tool of person with a conditional pardon (left) and without such a pardon (right):

Parolee information:

| | |
|--------------------------------|------------|
| DIN: | [REDACTED] |
| Name: | [REDACTED] |
| Date of birth: | [REDACTED] |
| Race / ethnicity: | [REDACTED] |
| Release to parole supervision: | 6/12/2017 |
| Parole status: | Active |
| Voting pardon issued: | Yes |

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Parolee information:

| | |
|--------------------------------|------------|
| DIN: | [REDACTED] |
| Name: | [REDACTED] |
| Date of birth: | [REDACTED] |
| Race / ethnicity: | [REDACTED] |
| Release to parole supervision: | 9/12/2018 |
| Parole status: | Active |
| Voting pardon issued: | No |

Accessed at: <https://www.governor.ny.gov/news/governor-cuomo-signs-executive-order-restore-voting-rights-new-yorkers-parole>

³¹ N.Y. Elec. Law § 5–106(2).

³² Office of N.Y. Governor Cuomo, *Executive Order 181: Restoring the Right to Vote for New Yorkers on Parole*. Accessed at: <https://www.governor.ny.gov/news/no-181-restoring-right-vote-new-yorkers-parole>

³³ New York City Council, *NYC BOE Executive Director Mike Ryan Testimony at Executive Budget Hearing of the Committees on Governmental Operations and Finance*, May 12, 2017. Accessed at: [https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=545487&GUID=8E53454F-EF77-45FE-9C4D-122AE754CD0B&Options=info&Search=](https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=545487&GUID=8E53454F-EF77-45FE-9C4D-122AE754CD0B&Options=info&Search=122AE754CD0B&Options=info&Search=)

³⁴ <http://www.doccs.ny.gov/paroleelookup/lookup.aspx>

³⁵ Whitford, Emma, *In New York, Most Parolees Can Now Vote—But Many County Websites Say They Can’t*, *The Appeal*, September 12, 2018. Accessed at: <https://theappeal.org/in-new-york-parolees-can-now-vote-but-many-county-websites-say-they-cant/>

absentee ballot application were initiated following E.O.181, which currently does not allow for individuals on parole to opt to vote by absentee ballot due to their restrictions on accessing certain poll sites. In fact, on September 7, 2018, *State of Politics* reported that individuals on parole with a Level 3 sex offender conviction would be allowed to vote in school poll sites only after 7 p.m. with written permission from their parole officers, significantly restricting their access to cast their ballots.³⁶ The combined procedural difficulties related to the Governor's E.O. 181 were the subject of the New York State Senate's joint hearing of the Standing Committee on Crime Victims, Crime and Correction, and the Standing Committee on Elections, on Monday, October 1, 2018.³⁷

III. LEGISLATIVE ANALYSIS

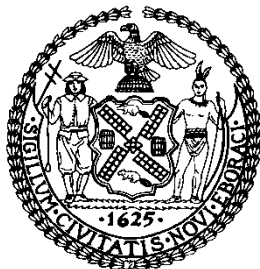
Int. No. 367-2018

Int. No. 367-2018 (Salamanca) would require the Department of Probation, in addition to its existing responsibilities under the Agency Based Voter Registration law, to distribute a written notice on the voting rights of persons sentenced to probation during the intake process for such persons. The written notice would be developed in consultation with the Voter Assistance Advisory Committee. The law would take effect 120 days after becoming law.

Proposed Int. No. 1115-A-2018

Proposed Int. No. 1115-A-2018 (Cabrera) would first require the Voter Assistance Advisory Committee to develop and distribute guidance on the voting rights of formerly incarcerated persons, for agencies covered by the Agency Based Voter Registration law. Second, it would require such covered agencies, upon request by a person who self-identifies as being on parole and is interested in filling out a voter registration form, to check publicly available information to inform such applicant if a restoration of their right to vote, and thus their ability to register, has been granted. All this, providing that the person required to check an individual's voting status is not required to be the same person of which the status request has been made. Any assistance provided would not count as an endorsement of the accuracy of publicly available voter status information maintained by the city. The law would take effect six months after it becomes law.

(The following is the text of the Fiscal Impact Statement for Int. No. 367:)



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

INTRO. NO. 367

COMMITTEE: Governmental Operations

³⁶ Whalen, Ryan, Sex Offender Parolees Can't Vote Until After 7 P.M. on Election Day. New York State of Politics. Accessed at: <http://www.nystateofpolitics.com/2018/09/sex-offender-parolees-cant-vote-until-after-7-p-m-on-election-day/>

³⁷ New York State Senate, *Public Hearings: to examine the state's current parole policies and Governor Cuomo's Executive Order allowing conditional pardons that enable parolees to vote.* October 1, 2018. Accessed at: <https://www.nysenate.gov/calendar/public-hearings/october-01-2018/public-hearings-examine-states-current-parole-policies-and>

TITLE: A Local Law to amend the New York city charter, in relation to the department of probation informing persons of their voting rights. **SPONSORS:** Council Members Salamanca, Miller, Rivera, Ampry-Samuel, Kallos

SUMMARY OF LEGISLATION: Int. No. 367 would require the Department of Probation to distribute, during the intake process, a written notice to any person sentenced to probation on the voting rights of persons sentenced to probation in the state of New York. Int. No. 367 would also require that such written notice be developed in consultation with the voter assistance advisory committee.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

| | Effective FY19 | FY Succeeding Effective FY20 | Full Fiscal Impact FY20 |
|-------------------------|-----------------------|-------------------------------------|--------------------------------|
| 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. The Department of Probation is anticipated to use existing resources to comply with the requirements of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCES OF INFORMATION: New York City Council Finance Division
New York City Department of Probation

ESTIMATE PREPARED BY: Zachary Harris, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Stephanie Ruiz, Assistant Counsel
John Russell, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 367 on January 31, 2018 and referred to the Committee on Governmental Operations. A joint hearing was held by the Committee on Governmental Operations and the Committee on Criminal Justice on October 3, 2018, and the legislation was laid over. The legislation will be considered by the Committee on Governmental Operations on November 27, 2018. Upon a successful vote by the Committee, Intro. No. 367 will be submitted to the full Council for a vote on November 28, 2018.

DATE PREPARED: November 21, 2018.

(For text of Int. No. 1115-A and its Fiscal Impact Statement, please see the Report of the Committee on Governmental Operations for Int. Nos. 1115-A printed in these Minutes; for text of Int. No. 367 please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 367 and 1115-A.

(The following is the text of Int. No. 367:)

Int. No. 367

By Council Members Salamanca, Miller, Rivera, Ampry-Samuel, Kallos, Constantinides and Levin.

A Local Law to amend the New York city charter, in relation to the department of probation informing persons of their voting rights

Be it enacted by the Council as follows:

Section 1. Section 1057-a of the New York city charter is amended to add a new subdivision 10, to read as follows:

10. The department of probation shall, in addition to the other requirements of this section for participating agencies, distribute during the intake process, to any person sentenced to probation, a written notice on the voting rights of persons sentenced to probation in the state of New York. Such written notice shall be developed in consultation with the voter assistance advisory committee.

§ 2. This local law takes effect 120 days after becoming law.

FERNANDO CABRERA, *Chairperson*; YDANIS A. RODRIGUEZ, BEN KALLOS, ALAN N. MAISEL, KEITH POWERS, KALMAN YEGER; Committee on Governmental Operations, September 26, 2018. *Other Council Members Attending: Council Member Salamanca.*

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

Report for Int. No. 1115-A

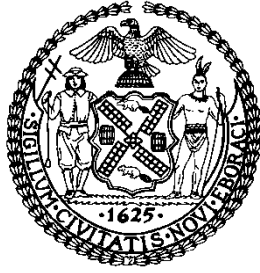
Report of the Committee on Governmental Operations in favor of approving and adopting, a Local Law to amend the New York city charter, in relation to agencies assisting eligible parolees with voter registration.

The Committee on Governmental Operations, to which the annexed proposed local law was referred on September 26, 2018 (Minutes, page 3738), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Governmental Operations for Int. No. 367 printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1115-A:



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

PROPOSED INTRO. NO. 1115-A

COMMITTEE: Governmental Operations

TITLE: A Local Law to amend the New York city charter, in relation to agencies assisting eligible parolees with voter registration. **SPONSORS:** Council Members Cabrera, Kallos, Miller

SUMMARY OF LEGISLATION: Proposed Intro. 1115-A would require the Voter Assistance Advisory Committee to develop and distribute guidance for agencies covered by the existing Agency Based Voter Registration Law on the voting rights of formerly incarcerated persons. It would also require such agencies, as part of their required assistance in completing voter registration forms, to, upon request by a parolee applicant, and when practically feasible, check if such applicant has had their voting rights restored.

EFFECTIVE DATE: This local law would take effect six months after it becomes law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

| | Effective FY19 | FY Succeeding Effective FY20 | Full Fiscal Impact FY20 |
|-------------------------|-----------------------|-------------------------------------|--------------------------------|
| 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 estimated that there would be no impact on expenditures resulting from the enactment of this legislation. It is estimated that the Voter Assistance Advisory Committee and agencies covered by the Agency Based Voter Registration Law would be able to use existing resources to comply with the requirements of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCES OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Zachary Harris, Legislative Financial Analyst

ESTIMATE REVIEWED BY: John Russell, Unit Head
 Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 1115 on September 26, 2018 and referred to the Committee on Governmental Operations. A joint hearing was held by the Committee

on Governmental Operations and the Committee on Criminal Justice on October 3, 2018 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1115-A, will be considered by the Committee on Governmental Operations on November 27, 2018. Upon a successful vote by the Committee, Proposed Intro. No. 1115-A will be submitted to the full Council for a vote on November 28, 2018.

DATE PREPARED: November 21, 2018.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1115-A:)

Int. No. 1115-A

By Council Members Cabrera, Kallos, Miller, Constantinides and Levin.

A Local Law to amend the New York city charter, in relation to agencies assisting eligible parolees with voter registration

Be it enacted by the Council as follows:

Section 1. Paragraph 3 of subdivision b of section 1054 of chapter 46 of the New York city charter, as added by local law number 60 of 2010, is amended to read as follows:

3. consistent with all state and local laws, coordinate the activities of all city agencies in general and specialized efforts to increase registration and voting including, but not limited to, the distribution of forms for citizens who use or come in contact with the services of city agencies and institutions; mailings by city agencies to reach citizens; cooperative efforts with non-partisan voter registration groups, community boards, agencies of city, state, and federal governments, and entities doing business in the city; *the development and distribution of guidance for agencies designated as participating agencies pursuant to section 1057-a on the voting rights of formerly incarcerated persons*; publicity and other efforts to educate youth about the importance of voting and to encourage eligible youth to register to vote; and other outreach programs;

§ 2. The opening paragraph of section 1057-a of the New York city charter, as amended by local law 139 for the year 2016, is amended to read as follows:

Each agency designated as a participating agency under the provisions of this section shall implement and administer a program of distribution of voter registration forms pursuant to the provisions of this section. The following offices are hereby designated as participating voter registration agencies: The administration for children's services, the business integrity commission, the city clerk, the civilian complaint review board, the commission on human rights, community boards, the department of small business services, the department for the aging, the department of citywide administrative services, the department of city planning, the department of consumer affairs, the department of correction, the department of cultural affairs, the department of environmental protection, the department of finance, the department of health and mental hygiene, the department of homeless services, the department of housing preservation and development, the department of parks and recreation, the department of probation, the department of records and information services, the taxi and limousine commission, the department of transportation, the department of youth and community development, the fire department, and the human resources administration. Participating agencies shall include a mandate in all new or renewed agreements with those subcontractors having regular contact with the public in the daily administration of their business to follow the guidelines of this section. Such participating agencies shall be required to offer voter registration forms to all persons together with written applications for services, renewal or recertification for services and change of address relating to such services, in the same language as such application, renewal, recertification or change of address form where practicable; provided however that this section shall not apply to services that must be provided to prevent actual or potential danger to the life, health, or safety of any individual or

of the public. Such agencies shall provide assistance to applicants in completing voter registration forms, including the section of the form allowing for registration to become an organ donor, and in cases in which such an agency would provide assistance with its own form, such agency shall provide the same degree of assistance with regard to the voter registration and organ donor forms as is provided with regard to the completion of its own form, if so requested. *As part of such assistance, such agencies shall also, upon request by an applicant who identifies himself or herself as being on parole and when practically feasible, check publicly available information to inform such applicant if a restoration of their right to vote has been granted, provided that such assistance may be provided by a person other than the person to whom the request was made and further provided that such assistance shall not be considered an endorsement of the accuracy of any publicly available information not maintained by the city.* Such agencies shall also receive and transmit the completed application form from any applicants who request to have such form transmitted to the board of elections for the city of New York.

§ 3. This local law takes effect six months after it becomes law.

FERNANDO CABRERA, *Chairperson*; YDANIS A. RODRIGUEZ, BEN KALLOS, ALAN N. MAISEL, KEITH POWERS, KALMAN YEGER; Committee on Governmental Operations, September 26, 2018. *Other Council Members Attending: Council Member Salamanca.*

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

Report of the Committee on Land Use

Report for L.U. No. 218

Report of the Committee on Land Use in favor of approving Application No. 20195035 HIM (N 190044 HIM) [DL 509, LP-2600] submitted by the New York City Landmarks Preservation Commission 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, concerning the landmark designation of the former AT&T Corporate Headquarters Building at 550 Madison Avenue, Tax Map Block 1291, Lot 10, Borough of Manhattan, Community District 5, Council District 4.

The Committee on Land Use, to which the annexed Land Use item was referred on September 12, 2018 (Minutes, page 3504) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 5

20195035 HIM (N 190044 HIM)

Designation by the Landmarks Preservation Commission [DL-509/LP-2600] pursuant to Section 3020 of the New York City Charter of the landmark designation of the AT&T Corporate Headquarters Building (later Sony Plaza, now 550 Madison Avenue) located at 550 Madison Avenue (aka 550-570 Madison Avenue, 13-29 East 55th Street, and 14-28 East 56th Street) Tax Map Block 1291, Lot 10, as a historic landmark.

PUBLIC HEARING**DATE:** November 1, 2018**Witnesses in Favor:** Two**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** November 15, 2018

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

In Favor:

Adams, Barron, Koo, Miller

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** November 20, 2018

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, Koo, Reynoso, Richards, Treyger, Grodenchik, Moya, Rivera.

Against:

None

Abstain:

None

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

Res. No. 643

Resolution affirming the designation by the Landmarks Preservation Commission of the AT&T Corporate Headquarters Building (later Sony Plaza, now 550 Madison Avenue) located at 550 Madison Avenue (aka 550-570 Madison Avenue, 13-29 East 55th Street, and 14-28 East 56th Street) (Tax Map Block 1291, Lot 10), Borough of Manhattan, Designation List No. 509, LP-2600 (L.U. No. 218; 20195035 HIM; N 190044 HIM).

By Council Members Salamanca and Adams.

WHEREAS, the Landmarks Preservation Commission filed with the Council on August 10, 2018 a copy of its designation report dated July 31, 2018 (the "Designation Report"), including the designation 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 AT&T Corporate Headquarters Building (later Sony Plaza, now 550 Madison Avenue) located at 550 Madison Avenue (aka 550-570 Madison Avenue, 13-29 East 55th Street, and 14-28 East 56th Street), Community District 5, Borough of Manhattan, as an historic landmark and Tax Map Block 1291, Lot 10, as the landmark site (the "Designation");

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 September 28, 2018, its report on the Designation dated September 26, 2018 (the "City Planning Commission Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on November 1, 2018; 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*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, November 20, 2018.

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

Report for L.U. No. 232

Report of the Committee on Land Use in favor of approving Application No. 20195065 HAX (Park and Elton Apartments) submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for approval of an Urban Development Action Area Project and for the approval of a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law, for real property located at Block 2381, Lot 43, Block 2418, Lot 6, Borough of the Bronx, Community Districts 1 and 3, Council District 17.

The Committee on Land Use, to which the annexed Land Use item was referred on September 26, 2018 (Minutes, page 3767) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT**BRONX CBs - 1 and 3****20195065 HAX**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for approval of an urban development action area project, approval of the area designation requirement of Section 693 of the General Municipal Law, and a new real property tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at 451 East 159th Street (Block 2381, Lot 43) and 3120 Park Avenue (Block 2418, Lot 6).

INTENT

To approve the Project as an Urban Development Action Area Project and a new real property tax exemption pursuant to Article XI of the Private Housing Finance Law for the project to construct approximately two new buildings which provide approximately 37 affordable rental housing units.

PUBLIC HEARING**DATE:** November 1, 2018**Witnesses in Favor:** Five**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** November 15, 2018

The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development.

In Favor:

Kallos, Gibson, Deutsch, King, Diaz.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** November 20, 2018

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, Koo, Reynoso, Richards, Treyger, Grodenchik, Moya, Rivera.

Against:

None

Abstain:

None

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

Res. No. 644

Resolution approving an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law and a new real property tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at 451 East 159th Street (Block 2381, Lot 43) and 3120 Park Avenue (Block 2418, Lot 6), Community Districts 1 and 3, Borough of the Bronx (L.U. No. 232; 20195065 HAX).

By Council Members Salamanca and Kallos.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council September 10, 2018 its request dated September 6, 2018 that the Council take the following actions regarding the proposed Urban Development Action Area Project (the "Project") located at 451 East 159th Street (Block 2381, Lot 43) and 3120 Park Avenue (Block 2418, Lot 6), Community Districts 1 and 3, Borough of the Bronx (the "Disposition Area or Exemption Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Approve the designation of the Disposition Area as an Urban Development Action Area pursuant to Section 693 of the General Municipal Law;
3. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
4. Approve an exemption of the Exemption Area from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law.

WHEREAS, the application is related to previously approved City Council Resolution No. 939 (L.U. No. 406) dated June 27, 2007 as amended by Resolution No. 262 (L.U. No. 103) dated May 25, 2010;

WHEREAS, upon due notice, the Council held a public hearing on the Project on November 1, 2018; and

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

RESOLVED:

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

The Council approves the designation of the Disposition Area as an Urban Development Action Area pursuant to Section 693 of the General Municipal Law.

The Council approves the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.

The Project shall be developed in a manner consistent with the Project Summary that HPD has submitted to the Council on September 10, 2018, a copy of which is attached hereto.

Pursuant to Section 577 of Article XI of the Private Housing Finance Law, the Council approves an exemption of the Exemption Area from real property taxes as follows:

- a. For the purposes hereof, the following terms shall have the following meanings:
 1. “Company” shall mean Park and Elton Apt. Owners, LLC or another entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 2. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
 3. “Exemption” shall mean the exemption from real property taxation provided hereunder.
 4. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2381, Lot 43 and Block 2418, Lot 6 on the Tax Map of the City of New York.
 5. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 6. “HDFC” shall mean HP Park and Elton Apartments Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 7. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 8. “Owner” shall mean, collectively, the HDFC and the Company.

9. "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
- b. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
- c. Notwithstanding any provision hereof to the contrary:
 1. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 2. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that has a permanent certificate of occupancy or a temporary certificate of occupancy for all of the residential areas on or before five years from the Effective Date.
 3. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity in a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
- d. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation.

ATTACHMENT:

PROJECT SUMMARY

1. **PROGRAM:** Neighborhood Construction Program
2. **PROJECT:** Park and Elton Apartments
3. **LOCATION:**
- a. **BOROUGH:** Bronx
- b. **COMMUNITY DISTRICTS:** 1 and 3
- c. **COUNCIL DISTRICT:** 17
- d. **DISPOSITION AREA:**
- | <u>BLOCK</u> | <u>LOTS</u> | <u>ADDRESSES</u> |
|--------------|-------------|---------------------------------|
| 2381 | 43 | 451 E. 159 th Street |
| 2418 | 6 | 3120 Park Avenue |
4. **BASIS OF DISPOSITION PRICE:** Nominal. Sponsor will pay one dollar per tax lot and deliver a note and mortgage for the remainder of the appraised value ("Land Debt"). For a period of at least thirty (30) years following completion of construction, the Land Debt will be repayable out of resale or refinancing profits. The remaining balance, if any, may be forgiven at the end of the term.
5. **TYPE OF PROJECT:** New Construction
6. **APPROXIMATE NUMBER OF BUILDINGS:** 2
7. **APPROXIMATE NUMBER OF UNITS:** 38 (including one superintendent unit)
8. **HOUSING TYPE:** Rental
9. **ESTIMATE OF INITIAL RENTS:**
Rents will be established with tiers affordable to families earning between 27% and 90% of AMI. All units will be subject to rent stabilization.
10. **INCOME TARGETS:** Between 30% and 110% of AMI.
11. **PROPOSED FACILITIES:** None
12. **PROPOSED CODES/ORDINANCES:** None
13. **ENVIRONMENTAL STATUS:** Negative Declaration
14. **PROPOSED TIME SCHEDULE:** Approximately 24 months from closing to completion of construction

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, November 20, 2018.

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

Report for L.U. No. 240

Report of the Committee on Land Use in favor of approving Application No. 20195151 HAM (MEC 125th Street – Parcel B West) submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for the approval of a new exemption from real property taxes for property located at Block 1790, Lots 1, 3, 5, 6, p/o 8, 41, 44, 45, 46, and 101, Borough of Manhattan, Community District 11, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on October 17, 2018 (Minutes, page 3907) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 11

20195151 HAM

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of Article XI of the Private Housing Finance Law for approval of a new real property tax exemption, for property located at MEC 125th Street-Parcel B West (Block 1790, Lots 1, 3, 5, 6 p/o 8, 41, 44, 45, 46 and 101), Borough of Manhattan, Community District 11, Council District 8.

INTENT

To approve a new real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law, which contains one multiple dwelling known as MEC 125th Street-Parcel B West which will provide rental housing for low income families.

PUBLIC HEARING

DATE: November 1, 2018

Witnesses in Favor: Eight

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION**DATE:** November 15, 2018

The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development.

In Favor:

Kallos, Gibson, Deutsch, King, Diaz.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** November 20, 2018

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Constantinides, Deutsch, Kallos, Koo, Reynoso, Richards, Treyger, Grodenchik, Moya, Rivera.

Against:

None

Abstain:

Barron

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

Res. No. 645

Resolution approving a tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at MEC 125th Street-Parcel B West (Block 1790, Lots 1, 3, 5, 6 p/o 8, 41, 44, 45, 46 and 101), Community District 11, Borough of Manhattan, (L.U. No. 240; Non-ULURP No. 20195151 HAM).

By Council Members Salamanca and Kallos.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on October 4, 2018 its request dated October 2, 2018 that the Council approve an exemption from real property taxes pursuant to Section 577 of the Private Housing Finance Law (the "Tax Exemption Request") for property located at MEC 125th Street-Parcel B West (Block 1790, Lots 1, 3, 5, 6 p/o 8, 41, 44, 45, 46 and 101), Community District No. 11, Borough of Manhattan, Council District No. 8 (the "Exemption Area");

WHEREAS, upon due notice, the Council held a public hearing on the Tax Exemption Request on November 1, 2018; and

WHEREAS, the Council has considered the land use and financial implications and other policy issues relating to the Tax Exemption Request.

RESOLVED:

Pursuant to Section 577 of the Private Housing Finance Law, the Council approves an exemption of the Exemption Area from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. "Community Facility Space" shall mean those portions of the Exemption Area which the Regulatory Agreement requires to be devoted solely to community facility uses.
 - b. "Company" shall mean East Harlem MEC Parcel B West LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - c. "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HDC, HPD and the Owner enter into the Regulatory Agreement.
 - d. "Exemption" shall mean the exemption from real property taxation provided hereunder.
 - e. "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1790, Lots 1, 3, 5, 6, p/o 8, 41, 44, 45, 46, and 101 on the Tax Map of the City of New York.
 - f. "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - g. "HDC" shall mean the New York City Housing Development Corporation.
 - h. "HDFC" shall mean East Harlem MEC Parcel B-West Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - i. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - j. "Owner" shall mean, collectively, the HDFC and the Company.
 - k. "Regulatory Agreement" shall mean the regulatory agreement between HPD, HDC and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.

2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use other than the Community Facility Space), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, November 20, 2018.

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

Report for L.U. No. 260

Report of the Committee on Land Use in favor of approving Application No. 20195059 TCM submitted pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of By The Glass, Inc., d/b/a UVA for renewal of a revocable consent to maintain, operate, and use an unenclosed sidewalk café located at 1486 Second Avenue, Borough of Manhattan, Council District 5, Community District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on October 31, 2018 (Minutes, page 4238) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 8

20195059 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York concerning the petition of By the Glass, d/b/a UVA, for a renewal revocable consent to continue, maintain and operate an unenclosed sidewalk café located at 1486 2nd Avenue in Manhattan.

INTENT

To allow an eating or drinking place located on a property which abuts the street to continue to maintain and operate an unenclosed service area on the sidewalk of such street.

PUBLIC HEARING

DATE: November 15, 2018

Witnesses in Favor: None

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: November 15, 2018

The Subcommittee recommends that the Land Use Committee approve the Petition.

In Favor:

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

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: November 20, 2018

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, Koo, Reynoso, Richards, Treyger, Grodenchik, Moya, Rivera.

Against:

None

Abstain:

None

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

Res. No. 646

Resolution approving the petition for a renewal revocable consent for an unenclosed sidewalk café located at 1486 2nd Avenue, Borough of Manhattan (Non-ULURP No. 20195059 TCM; L.U. No. 260).

By Council Members Salamanca and Moya.

WHEREAS, the Department of Consumer Affairs filed with the Council on October 19, 2018 its approval dated October 18, 2018 of the petition of By the Glass, d/b/a UVA, for a renewal revocable consent to continue, maintain and operate an unenclosed sidewalk café located at 1486 2nd Avenue, Community District 8, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

WHEREAS, the Petition is subject to review by the Council pursuant to Section 20-226(f) of the Administrative Code;

WHEREAS, upon due notice, the Council held a public hearing on the Petition on November 15, 2018; and

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

RESOLVED:

Pursuant to Section 20-226 of the Administrative Code, the Council approves the Petition.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, November 20, 2018.

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

Report for L.U. No. 261

Report of the Committee on Land Use in favor of approving Application No. 20195169 TCM submitted pursuant to Section 20-225 of the Administrative Code of the City of New York, concerning the petition of Three Decker Restaurant, LTD., d/b/a Three Decker Restaurant, for the renewal of a revocable consent to construct and/or maintain, operate and use an enclosed sidewalk café located at 1746 2nd Avenue, Borough of Manhattan, Council District 5, Community District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on October 31, 2018 (Minutes, page 4238) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****MANHATTAN CB - 8****20195169 TCM**

Application pursuant to Section 20-225 of the Administrative Code of the City of New York concerning the petition of Three Decker Restaurant Ltd., d/b/a Three Decker Restaurant, for a renewal revocable consent to continue, maintain and operate an enclosed sidewalk café located at 1746 2nd Avenue, Manhattan.

INTENT

To allow an eating or drinking place located on a property which abuts the street to continue to maintain and operate an enclosed service area on the sidewalk of such street.

PUBLIC HEARING**DATE:** November 15, 2018**Witnesses in Favor:** None**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** November 15, 2018

The Subcommittee recommends that the Land Use Committee approve the Petition.

In Favor:

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

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** November 20, 2018

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, Koo, Reynoso, Richards, Treyger, Grodenchik, Moya, Rivera.

Against:

None

Abstain:

None

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

Res. No. 647

Resolution approving the petition for a renewal revocable consent for an enclosed sidewalk café located at 1746 2nd Avenue, Borough of Manhattan (Non-ULURP No. 20195169 TCM; L.U. No. 261).

By Council Members Salamanca and Moya.

WHEREAS, the Department of Consumer Affairs filed with the Council on October 19, 2018 its approval dated October 18, 2018 of the petition of Three Decker Restaurant Ltd., d/b/a Three Decker Restaurant, for a renewal of a revocable consent to continue, maintain and operate an enclosed sidewalk café located at 1746 2nd Avenue, Community District 8, Borough of Manhattan (the "Petition"), pursuant to Section 20-225 of the New York City Administrative Code (the "Administrative Code");

WHEREAS, the Petition is subject to review by the Council pursuant to Section 20-225(h) of the Administrative Code;

WHEREAS, upon due notice, the Council held a public hearing on the Petition on November 15, 2018; and

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

RESOLVED:

Pursuant to Section 20-225 of the Administrative Code, the Council approves the Petition.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, November 20, 2018.

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

Report for L.U. No. 262

Report of the Committee on Land Use in favor of approving Application No. 20195056 TCK submitted pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 931 Manhattan Café LLC, d/b/a Citroen, for a new revocable consent to maintain, operate, and use an unenclosed sidewalk café located at 931 Manhattan Avenue, Borough of Brooklyn, Council District 33, Community District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on October 31, 2018 (Minutes, page 4238) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****BROOKLYN CB - 1****20195056 TCK**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York concerning the petition of 931 Manhattan Café, LLC, d/b/a Citroen, for a new revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 931 Manhattan Avenue, Brooklyn.

INTENT

To allow an eating or drinking place located on a property which abuts the street to establish, maintain and operate an unenclosed service area on the sidewalk of such street.

PUBLIC HEARING**DATE:** November 15, 2018**Witnesses in Favor:** None**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** November 15, 2018

The Subcommittee recommends that the Land Use Committee approve the Petition.

In Favor:

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

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** November 20, 2018

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, Koo, Reynoso, Richards, Treyger, Grodenchik, Moya, Rivera.

Against:

None

Abstain:

None

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

Res. No. 648

Resolution approving the petition for a new revocable consent for an unenclosed sidewalk café located at 931 Manhattan Avenue, Borough of Brooklyn (Non-ULURP No. 20195056 TCK; L.U. No. 262).

By Council Members Salamanca and Moya.

WHEREAS, the Department of Consumer Affairs filed with the Council on October 19, 2018 its approval dated October 18, 2018 of the petition of 931 Manhattan Café, LLC, d/b/a Citroen, for a new revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 931 Manhattan Avenue, Community District 1, Borough of Brooklyn (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

WHEREAS, the Petition is subject to review by the Council pursuant to Section 20-226(f) of the Administrative Code;

WHEREAS, upon due notice, the Council held a public hearing on the Petition on November 15, 2018; and

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

RESOLVED:

Pursuant to Section 20-226 of the Administrative Code, the Council approves the Petition.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, November 20, 2018.

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

Report for L.U. No. 263

Report of the Committee on Land Use in favor of approving Application No. 20195103 TCM submitted pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 27 East Restaurant Holdings LLC, d/b/a Fleming By Le Bilboquet, for a new revocable consent to maintain, operate, and use an unenclosed sidewalk café located at 27 East 62nd Street, Borough of Manhattan, Council District 4, Community Board 8.

The Committee on Land Use, to which the annexed Land Use item was referred on October 31, 2018 (Minutes, page 4239) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****MANHATTAN CB - 8****20195103 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York concerning the petition of 27 East Restaurant Holdings, LLC, d/b/a Fleming by Le Bilboquet, for a new revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 27 East 62nd Street, Manhattan.

INTENT

To allow an eating or drinking place located on a property which abuts the street to establish, maintain and operate an unenclosed service area on the sidewalk of such street.

PUBLIC HEARING**DATE:** November 15, 2018**Witnesses in Favor:** None**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** November 15, 2018

The Subcommittee recommends that the Land Use Committee approve the Petition.

In Favor:

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

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** November 20, 2018

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, Koo, Reynoso, Richards, Treyger, Grodenchik, Moya, Rivera.

Against:

None

Abstain:

None

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

Res. No. 649

Resolution approving the petition for a new revocable consent for an unenclosed sidewalk café located at 27 East 62nd Street, Borough of Manhattan (Non-ULURP No. 20195103 TCM; L.U. No. 263).

By Council Members Salamanca and Moya.

WHEREAS, the Department of Consumer Affairs filed with the Council on October 25, 2018 its approval dated October 24, 2018 of the petition of 27 East restaurant Holdings, LLC, d/b/a Fleming by Le Bilboquet, for a new revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 27 East 62nd Street, Community District 8, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

WHEREAS, the Petition is subject to review by the Council pursuant to Section 20-226(f) of the Administrative Code;

WHEREAS, upon due notice, the Council held a public hearing on the Petition on November 15, 2018; and

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

RESOLVED:

Pursuant to Section 20-226 of the Administrative Code, the Council approves the Petition.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, November 20, 2018.

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

Report of the Committee on Rules, Privileges and Elections

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

Report for M-1117

Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment by the Mayor of Margaret M. Garnett as Commissioner of the New York City Department of Investigation.

The Committee on Rules, Privileges and Elections, to which the annexed preconsidered Mayor's Message was referred on November 28, 2018 and which same Mayor's Message was coupled with the resolution shown below, respectfully

REPORTS:

Candidate for Appointment by the Mayor upon Advice and Consent of the Council as Commissioner of the New York City Department of Investigation

Margaret M. Garnett [Preconsidered M-117]

By letter dated November 16, 2018, Mayor Bill de Blasio formally submitted the name of Margaret M. Garnett to the Council of the City of New York concerning the appointment of Ms. Garnett as Commissioner of the New York City Department of Education ("DOI"). As Commissioner, Ms. Garnett would serve as the head of DOI.

Pursuant to the New York City Charter ("Charter"), the Mayor nominates and, with the advice and consent of the Council, appoints DOI Commissioner. Section 801 of the Charter stipulates that the Mayor may remove the Commissioner upon filing in the office of the Commissioner of Citywide Administrative Services and upon serving on the Commissioner the reasons for the Commissioner's removal. The Mayor must also grant the Commissioner an opportunity to make a public explanation. Today, the DOI Commissioner receives an annual salary of \$220,845.

Charter § 801 lists the requirements for appointment as DOI Commissioner. The appointee must be a member of the Bar of the State of New York in good standing and have a minimum of five years of law enforcement experience.¹

DOI Powers and Duties

Chapter 34 of the Charter and Mayoral Executive Order #105 (1986) detail the primary responsibilities and jurisdiction of DOI. Primary responsibilities include investigating and referring for prosecution cases of fraud, corruption and other criminal activities by City employees, contractors and others who do business with the City. In addition, DOI is charged with studying City agency procedures to identify systemic failures and recommend improvements; investigating backgrounds of future City employees selected for sensitive positions; conducting background checks on companies awarded City contracts; and serving as investigative unit of the Conflicts of Interest Board ("COIB"). DOI must maintain a Complaint Bureau, which receives complaints from the public.

¹ Charter § 801 does not define the term "law enforcement experience." Black's Law Dictionary, 9th ed., defines "law enforcement" as "[t]he detection and punishment of violations of the law." The term is not limited to criminal law enforcement. For example, the Freedom of Information Act includes an exemption from disclosure for information compiled for law-enforcement purposes and given in confidence. The exemption is valid for the enforcement of a variety of noncriminal (such as national-security laws) as well as criminal laws. *See* 5 USCA § 552(b)(7).

The Commissioner is authorized and empowered to conduct any study or investigation that, in the Commissioner's opinion, may be in the best interests of the city. These include, but are not limited to, investigations concerning the affairs, functions, accounts, methods, personnel or efficiency of any agency over which DOI has jurisdiction. The Commissioner must also conduct investigations directed by the Mayor or the Council. In addition, COIB may direct DOI to conduct investigations of matters relating to COIB's responsibilities under Charter Chapter 68. In sum, the Commissioner has a duty to investigate any matter directed by the Mayor, Council and COIB and must do so within a reasonable time.

DOI has jurisdiction over any agency, officer, or employee of the City; any person or entity doing business with the City; and any person or entity paid with or receiving City funds. DOI has the right to compel the production of documents and testimony of witnesses.

Appointment and Assignment Powers

Under Chapter 34 of the Charter, the Commissioner is authorized to appoint and assign various positions. These include:

The Commissioner may appoint two deputies, who are authorized to conduct or preside over, at the direction of the Commissioner, any investigation authorized by Chapter 34 of the Charter. As with the Commissioner, each deputy also has the power to compel the testimony of witnesses, administer oaths and examine such persons.

Pursuant to Executive Order #11 (1990) (as amended by Executive Order #34 (1992)), the Commissioner must appoint a Special Commissioner of Investigation for the New York City School District ("SCI"). In April 2018, the Mayor issued Executive Order #32, which prohibits the Commissioner from appointing or removing the SCI without mayoral consent. The SCI investigates allegations of corruption, criminal activity, conflicts of interest and unethical conduct, instances of corporal punishments and sexual misconduct. In addition, the SCI determines whether DOE employee allegations concerning whistleblower violations are valid.²

Pursuant to Executive Order #7 (1994), the Commissioner must appoint a Special Counsel to the Mayor for the Fiscal Oversight of Education, tasked with overseeing the budgetary procedures and finances of the NYC school system. The Special Counsel is also a Special Deputy Commissioner of DOI (receiving no compensation for this second role.)

Executive Order #70 (2013) empowers the Commissioner to appoint an Inspector General of the New York City Police Department. The duties of this IG include investigating, reviewing, studying, auditing and making recommendations, relating to the operations, policies, programs and practices, of the New York City Police Department, on an ongoing basis, with the goal of enhancing the effectiveness of the department, increasing public safety, protecting civil liberties and civil rights, and increasing the public's confidence in the police force, thus building stronger police-community relations. These investigations, reviews, studies, audits and recommendations also address NYPD's ongoing partnerships with other law enforcement agencies.

Pursuant to Local Law 165 of 2016, the Commissioner appoints an individual responsible for conducting system-wide investigations, reviews, studies and audits of operations, policies, programs and practices of the

² NYC school system naming: In June 30, 2002, the New York State legislature turned over control of the NYC school system to Mayor Michael R. Bloomberg, who was empowered to appoint a Chancellor to preside over a newly named "Board of Education." The Board was expanded from seven to thirteen members, with one member each selected by the Borough Presidents and the rest by the Mayor. The 13-member Board, later designated as the "Panel for Educational Policy," together with the Chancellor comprise the "Department of Education of the City of New York."

Department of Correction. The Commissioner must also make recommendations with the goal of improving conditions in city jails.

The Commissioner is responsible for approving the appointments of all New York City Agency Inspectors General (“IG”). Beyond such appointments, the Commissioner is tasked with creating and disseminating associated standards of conduct for IGs. The Commissioner also has the responsibility of monitoring and evaluating the activities of IGs to ensure uniformity of activity. All IGs report directly to the Commissioner.

Guidelines and Recommendations

The Commissioner’s responsibilities include reviewing and auditing various City agencies and providing recommendations for improvements. These include:

Pursuant to Executive Order #87-2 (1987), the Commissioner sets guidelines regulating the submission of annual employee financial disclosures. These disclosures must be submitted to DOI. The guidelines establish the time-frame for the submissions of these disclosures in order to ensure compliance within a reasonable time.

Executive Order #18 (1995) created the Commission to Combat Police Corruption (“CCPC”) to assist the Mayor and the Police Commissioner in monitoring and evaluating anti-corruption efforts made by the New York City Police Department’s (“NYPD”). While the NYPD retain primary investigatory power concerning specific corruption allegations made by NYPD personnel, the PCC and DOI Commissioner, with mayoral approval, may determine that there are special circumstances in which the very assessment of anti-corruption efforts mandate investigating underlying allegations against NYPD personnel.

Under Executive Order #26 (1996), which renamed the Child Welfare Administration to the Administration for Children’s Services (ACS), the Commissioner was mandated to chair the newly created Inter-Agency Group. The Commissioner, along with the Mayor’s Office of Management and Budget, Office of Labor Relations, the NYPD, the NYC Human Resources Administration and the NYC Law Department are tasked with making recommendations concerning ACS, with the goal of improving ACS operations.

Reporting Requirements

The DOI Commissioner has a duty to comply with various reporting requirements. These include:

The Commissioner must prepare a written report or statement of findings concerning completed investigations and forward a copy to any requesting party. If the investigation involves allegations of criminal conduct, the Commissioner, upon completing the investigation, must forward a copy of the written report or statement of findings to the appropriate prosecuting attorney. If the matter investigated concerns a conflict of interest or unethical conduct allegation, the Commissioner must forward a copy of the written report or statement of findings to the COIB.

The Commissioner also has a duty to forward to the Council and to the Mayor a copy of all reports and standards prepared by the Corruption Prevention and Management Review Bureau upon its issuance.

Conclusion

If appointed, Ms. Margaret M. Garnett will fill a recent vacancy and serve for an indefinite term. Ms. Garnett will appear before the New York City Council’s Committee on Rules, Privileges, and Elections on

November 26, 2018. Copies of Ms. Garnett's résumé, Committee Report/Resolution, and answers to pre-hearing questions are attached to this briefing paper.

(After interviewing the candidate and reviewing the submitted material, the Committee decided to approve the appointment of the nominee MARGARET M. GARNETT [M-117]; please see below:)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to § 31 of the New York City *Charter*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of Margaret M. Garnett as Commissioner of the New York City Department of Investigation to serve for an indefinite term. This matter will be referred to the Committee on November 28, 2018

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

Res. No. 650

RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR OF MARGARET M. GARNETT AS COMMISSIONER OF THE NEW YORK CITY DEPARTMENT OF INVESTIGATION.

By Council Member Koslowitz.

RESOLVED, that pursuant § 31 of the New York City Charter, the Council does hereby approve the appointment by the Mayor of Margaret M. Garnett as the Commissioner of the New York City Department of Investigation to serve for an indefinite term.

KAREN KOSLOWITZ, *Chairperson*; MARGARET S. CHIN, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., RORY I. LANCMAN, RITCHIE J. TORRES, MARK TREYGER, ADRIENNE E. ADAMS, THE MINORITY LEADER (STEVEN MATTEO), THE SPEAKER (COUNCIL MEMBER COREY D. JOHNSON); Committee on Rules, Privileges and Elections, April XX, 2018.

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

Report of the Committee on Transportation

Report for Int. No. 370-A

Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to suspending alternate side parking regulations on Three Kings' Day.

The Committee on Transportation, to which the annexed proposed amended local law was referred on January 31, 2018 (Minutes, page 548), respectfully

REPORTS:

INTRODUCTION

On November 27, 2018 the Transportation Committee chaired by Council Member Ydanis Rodriguez, will hold a hearing on Proposed Int. No. 370-A in relation to suspending alternate side parking regulations on Three Kings Day and Proposed Int. No. 497-A in relation to suspending alternate side parking regulations on Lunar New Year's Eve. This is the second hearing on these items. The first hearing was held on October 29, 2018, at which the Committee heard testimony from the Department of Transportation (DOT), advocates and interested stakeholders.

BACKGROUND

Alternate Side Parking

The City's Department of Sanitation (DSNY) works with DOT and the New York Police Department to enforce street cleaning rules, also known as Alternate Side Parking (ASP) rules. According to DOT, some areas of the city have a three-hour restriction on designated days of the week, but the specific times vary throughout the city.¹ For example, some streets in Bay Ridge, Brooklyn have street cleaning regulations that are limited to an hour and a half on their designated day. Here is an example of an alternate side parking sign detailing street cleaning regulations:



www.nyc.gov/dot

Available parking spaces are often difficult to find in many areas of the city. ASP is an example of a measure imposed by the City to balance the public good of street cleanliness with inconvenience that some residents may experience. The City has made some concessions by suspending ASP on legal and religious holidays and under emergency circumstances such as severe snow storms.² The ASP suspension calendar published by DOT indicates that the rules will be suspended for a total of 43 days in 2018.³

ANALYSIS OF PROPOSED INT. NO. 370-A

Section one of Proposed Int. No. 370-A would amend subdivision a of section 19-163 of the Administrative Code by adding Three Kings Day to the list of holidays for which alternate side of the street parking rules are suspended.

Section two of Proposed Int. No. 370-A would provide that this local law takes effect immediately.

¹ N.Y.C DOT, Motorists and Parking: Alternate Side Parking, <http://www.nyc.gov/html/dot/html/motorist/alternate-side-parking.shtml>

² *Id.*

³ *Id.*

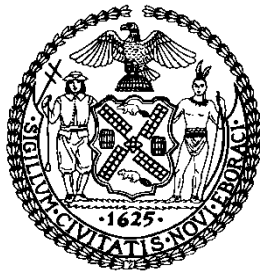
ANALYSIS OF PROPOSED INT. NO. 497-A

Section one of Proposed Int. No. 497-A would amend subdivision a of section 19-163 of the Administrative Code by adding the day before Lunar New Year to the list of holidays for which alternate side of the street parking rules are suspended. The section is further amended to remove the term “Asian” from reference to Lunar New Year.

Section two of Proposed Int. No. 497-A would amend subdivision c of section 19-163 to remove “Asian” from reference to Lunar New Year.

Section three of Proposed Int. No. 497-A would state that the local law would take effect on the same day that Proposed Int. No. 370-A.

The following is the text of the Fiscal Impact Statement for Int. No. 370-A:



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

**PROPOSED INTRO. NO: 370-A
COMMITTEE: Transportation**

TITLE: A local law to amend the administrative code of the city of New York, in relation to suspending alternate side parking regulations on Three Kings’ Day

SPONSORS: Council Members Salamanca, Holden, Diaz, Menchaca, Dromm, Koo, Reynoso, Adams, Cabrera, Deutsch, Miller, Lander, Rivera, Powers, Ayala, Grodenchik, Rosenthal, Yeger, Espinal, Kallos, and Levin

SUMMARY OF LEGISLATION: Proposed Intro. 370-A would suspend alternate side of the street parking regulations on Three Kings’ Day.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

| | Effective FY19 | FY Succeeding Effective FY20 | Full Fiscal Impact FY20 |
|---------------------|-----------------------|-------------------------------------|--------------------------------|
| Revenues | (\$540,000) | (\$540,000) | (\$540,000) |
| Expenditures | \$0 | \$0 | \$0 |
| Net | (\$540,000) | (\$540,000) | (\$540,000) |
| | | | |

IMPACT ON REVENUES: It is estimated that approximately \$540,000 in revenue will be foregone for each day that alternate side of the street parking rules are suspended, with the exception of Sundays. According to the Office of Management and Budget, the impact on revenues cited above is equivalent to the average daily summons revenue generated from alternate side of the street parking violations in Fiscal 2018.

IMPACT ON EXPENDITURES: It is estimated that this legislation would have no impact on expenditures since existing resources would be used by the administering agency to comply with this local law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

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

ESTIMATE PREPARED BY: John Basile, Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director
Chima Obichere, Unit Head
Rebecca Chasan, Senior Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council as Intro. No 370 on January 31, 2018 and was referred to the Committee on Transportation (Committee). A hearing was held by the Committee on October 29, 2018 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro No. 370-A, will be considered by the Committee on November 27, 2018. Upon a successful vote by the Committee, Proposed Intro. No. 370-A will be submitted to the full Council for a vote on November 28, 2018.

DATE PREPARED: November 21, 2018.

(For text of Int. No. 497-A and its Fiscal Impact Statement, please see the Report of the Committee on Transportation for Int. No. 497-A printed in these Minutes; for text of Int. No. 370-A, please see below:)

Accordingly, this Committee recommends the adoption of Int. Nos. 370-A and 497-A.

(The following is the text of Int. No. 370-A:)

Int. No. 370-A

By Council Members Salamanca, Holden, Diaz, Menchaca, Dromm, Koo, Reynoso, Adams, Cabrera, Deutsch, Miller, Lander, Rivera, Powers, Ayala, Grodenchik, Rosenthal, Yeger, Espinal, Kallos, Levin, Rodriguez,

A Local Law to amend the administrative code of the city of New York, in relation to suspending alternate side parking regulations on Three Kings' Day

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 19-163 of the administrative code of the city of New York, as amended by local law number 103 for the year 2005, is amended to read as follows:

§ 19-163 Holiday suspensions of parking rules. a. All alternate side of the street parking rules shall be suspended on the following holidays: Christmas, Yom Kippur, Rosh Hashanah, Ash Wednesday, Holy Thursday, Good Friday, Ascension Thursday, Feast of the Assumption, Feast of All Saints, Feast of the Immaculate Conception, first two days of Succoth, Shemini Atzareth, Simchas Torah, Shevuoth, Purim, Orthodox Holy Thursday, Orthodox Good Friday, first two and last two days of Passover, the Muslim holidays of Eid Ul-Fitr and Eid Ul-Adha, Asian Lunar New Year, the Hindu festival of Diwali on the day that Lakshmi Puja is observed, *Three Kings' Day*, and all state and national holidays.

§ 2. This local law takes effect immediately.

YDANIS A. RODRIGUEZ, *Chairperson*; FERNANDO CABRERA, STEPHEN T. LEVIN, DEBORAH L. ROSE, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, CARLOS MENCHACA, I. DANEEK MILLER, ANTONIO REYNOSO, RAFAEL SALAMANCA, Jr., RUBEN DIAZ, Sr.; Committee on Transportation, November 27, 2018.

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

Report for Int. No. 497-A

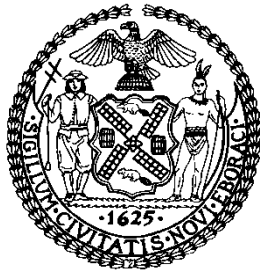
Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to suspending alternate side parking regulations on Lunar New Year's Eve.

The Committee on Transportation, to which the annexed proposed amended local law was referred on February 14, 2018 (Minutes, page 726), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Transportation for Int. No. 370-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 497-A:



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

**PROPOSED INTRO. NO: 497-A
COMMITTEE: Transportation**

TITLE: A local law to amend the administrative code of the city of New York, in relation to suspending alternate side parking regulations on Lunar New Year's Eve

SPONSORS: Council Members Koo, Chin, Yeger, Holden, Salamanca, Rosenthal, Miller, Kallos and Levin

SUMMARY OF LEGISLATION: Proposed Intro. 497-A would suspend alternate side of the street parking regulations on Lunar New Year's Eve.

EFFECTIVE DATE: This local law would take effect on the same date as a local law amending the administrative code of the city of New York, relating to suspending alternate side parking regulations on Three Kings' Day, as proposed in introduction number 370-A for the year 2018, takes effect.

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

| | Effective FY19 | FY Succeeding Effective FY20 | Full Fiscal Impact FY20 |
|---------------------|-----------------------|-------------------------------------|--------------------------------|
| Revenues | (\$540,000) | (\$540,000) | (\$540,000) |
| Expenditures | \$0 | \$0 | \$0 |
| Net | (\$540,000) | (\$540,000) | (\$540,000) |

IMPACT ON REVENUES: It is estimated that approximately \$540,000 in revenue will be foregone for each day that alternate side of the street parking rules are suspended, with the exception of Sundays. According to the Office of Management and Budget, the impact on revenues cited above is equivalent to the average daily summons revenue generated from alternate side of the street parking violations in Fiscal 2018.

IMPACT ON EXPENDITURES: It is estimated that this legislation would have no impact on expenditures since existing resources could be used by the administering agency to comply with this local law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

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

ESTIMATE PREPARED BY: John Basile, Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director
Chima Obichere, Unit Head
Rebecca Chasan, Senior Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council as Intro. No 497 on February 14, 2018 and was referred to the Committee on Transportation (Committee). A hearing was held by the Committee on October 29, 2018 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro No. 497-A, will be considered by the Committee on November 27, 2018. Upon a successful vote by the Committee, Proposed Intro. No. 497-A will be submitted to the full Council for a vote on November 28, 2018.

DATE PREPARED: November 21, 2018.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 497-A:)

Int. No. 497-A

By Council Members Koo, Chin, Yeger, Holden, Salamanca, Rosenthal, Miller, Kallos, Levin, Rodriguez, Deutsch and Menchaca.

A Local Law to amend the administrative code of the city of New York, in relation to suspending alternate side parking regulations on Lunar New Year's Eve

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 19-163 of the administrative code of the city of New York, as amended by a local law amending the administrative code of the city of New York, relating to suspending alternate side parking regulations on Three Kings' Day, as proposed in introduction number 370-A for the year 2018, is amended to read as follows:

§ 19-163 Holiday suspensions of parking rules. a. All alternate side of the street parking rules shall be suspended on the following holidays: Christmas, Yom Kippur, Rosh Hashanah, Ash Wednesday, Holy Thursday, Good Friday, Ascension Thursday, Feast of the Assumption, Feast of All Saints, Feast of the Immaculate Conception, first two days of Succoth, Shemini Atzareth, Simchas Torah, Shevuoth, Purim, Orthodox Holy Thursday, Orthodox Good Friday, first two and last two days of Passover, the Muslim holidays of Eid Ul-Fitr and Eid Ul-Adha, *the day before Lunar New Year*, [Asian] Lunar New Year, the Hindu festival of Diwali on the day that Lakshmi Puja is observed, Three Kings' Day, and all state and national holidays.

§ 2. Subdivision c of section 19-163 of the administrative code of the city of New York, as added by local law number 32 for the year 2002, is amended to read as follows

c. The date of the [Asian] Lunar New Year shall be the first day of the second lunar month after the winter solstice in the preceding calendar year.

§ 3. This local law takes effect on the same date as a local law amending the administrative code of the city of New York, relating to suspending alternate side parking regulations on Three Kings' Day, as proposed in introduction number 370-A for the year 2018, takes effect.

YDANIS A. RODRIGUEZ, *Chairperson*; FERNANDO CABRERA, STEPHEN T. LEVIN, DEBORAH L. ROSE, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, CARLOS MENCHACA, I. DANEEK MILLER, ANTONIO REYNOSO, RAFAEL SALAMANCA, Jr., RUBEN DIAZ, Sr.; Committee on Transportation, November 27, 2018.

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

Report of the Committee on Youth Services

Report for Int. No. 480-A

Report of the Committee on Youth Services 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 youth and community development to create a runaway and homeless youth immigration information plan.

The Committee on Youth Services, to which the annexed proposed amended local law was referred on February 14, 2018 (Minutes, page 686), respectfully

REPORTS:

INTRODUCTION

On November 27, 2018, the Committee on Youth Services, chaired by Council Member Deborah Rose, conducted a vote on Int. No. 480-A, sponsored by Council Member Dromm, in relation to requiring the department of youth and community development to create a runaway and homeless youth immigration information plan. The bill was approved by the Committee by a vote of four in the affirmative, zero in the negative, with zero abstentions. The first hearing on this bill was conducted on September 17, 2018. Representatives from the Department of Youth and Community Development (DYCD), Mayor's Office of

Immigrant Affairs (MOIA), youth lesbian, gay, bisexual, transgender and queer/questioning (LGBTQ) advocates, immigration advocates, and other members of the public testified at the September hearing, after which amendments were made to the bill.

BACKGROUND

DYCD's mission is to support the youth of New York City and their families, and it fulfills this mission through its oversight activities and the administration of city, state, and federal funding to youth and community-based organizations.¹ Because more than a third of New Yorkers were born outside the United States, a number of DYCD-funded programs provide services and support to immigrants, including English for speakers of other languages (ESOL), civics, and skill-building classes, and assistance with matters relating to employment, healthcare, and social services.² However, with respect to immigration, DYCD no longer has programs that directly serve such programs as DACA (Deferred Action for Childhood Arrivals)³ recipients, or that provide legal services⁴ for individuals who may qualify for Special Immigrant Juvenile (SIJ) status.⁵

DYCD programs additionally support Runaway and Homeless Youth (RHY) through Transitional Independent Living facilities, Crisis Shelters, and Drop-In Centers.⁶ These sheltering services are complimented by Street Outreach teams, referral services, and additional specialized programming for RHY who are pregnant or parenting, sexually exploited, and LGBTQ.⁷ Notably, LGBTQ youth are disproportionately represented among RHY and, while RHY services are designed to reunite RHY with their families when possible⁸, this may not be practicable for LGBTQ immigrant youth because many are in the United States as a result of hostile home countries, including oppressive laws and/or families or communities that shun them for their sexual orientation or gender identity.⁹ As a result, LGBTQ immigrant youth are disproportionately represented amongst the unaccompanied minor population in the United States, comprising up to nineteen percent of immigrant children in foster care.¹⁰ They also face an increased risk of discrimination and abuse in foster care systems and shelters.¹¹

UPDATE

On November 27, 2018, the Committee approved the bill by a vote of four in the affirmative, zero in the negative, with zero abstentions.

¹ New York City. Department of Youth and Community Development. *About*. Retrieved from: <https://www1.nyc.gov/site/dycd/about/about-dycd/about-dycd.page>.

² New York City. Department of Youth and Community Development. *Service Guide*. Retrieved from https://www1.nyc.gov/assets/dycd/downloads/pdf/2016DYCD_Service_Guide_Digital.pdf; See also Immigrant Services: <https://www1.nyc.gov/site/dycd/services/immigration.page>.

³ DACA was created by the Obama Administration to allow persons who qualify for the Development, Relief, and Education for Alien Minors (Dream) Act to work legally and live within the United States for a period of 2 years without fear of deportation. See: Matt Hildreth. *America's Voice*. July 2017, updated by Anna Nunez on December 26, 2017: *Immigration 101: What is a Dreamer?* Retrieved from <https://americasvoice.org/blog/what-is-a-dreamer/>.

⁴ New York City. Department of Youth and Community Development. *Immigrant Services*: <https://www1.nyc.gov/site/dycd/services/immigration.page>.

⁵ The SIJ classification was created pursuant to the federal Immigration Act of 1990 (8 U.S.C. § 1101) for immigrants who need the protection of a juvenile court because they have been abused, abandoned, or neglected by a parent. If granted, it provides a path towards lawful permanent residency (also known as a Green Card). See: <https://www.uscis.gov/green-card/sij>.

⁶ Department of Youth and Community Development. *Runaway and Homeless Youth*. See: <https://www1.nyc.gov/site/dycd/services/runaway-homeless-youth.page>.

⁷ *Id.*

⁸ *Id.*

⁹ See Price, C., Wheeler, C., Shelton, J., & Maury, M. (Eds.). (2016). *At the Intersections: A collaborative report on LGBTQ youth homelessness*. True Colors Fund and the National LGBTQ Task Force. <http://attheintersections.org/immigration/> ("It is against the law to be LGBTQ in about 80 countries around the world, and there are many countries where it is fundamentally unsafe to be LGBTQ....In countries where LGBTQ identities are criminalized, they face prison sentences and even the death penalty.")

¹⁰ Gruberg and Hussey, *Fostering Safety: How the U.S. Government Can Protect LGBT Immigrant Children*, Center for American Progress (September 30, 2014), <https://cdn.americanprogress.org/wp-content/uploads/2014/09/GrubergLGBTUACBrief.pdf>.

¹¹ *Id.*

BILL ANALYSIS**INT. NO. 480-A**

Int. 480-A would require DYCD to, by June 1, 2019, establish a plan to provide information to RHY about resources and services relating to immigration relief and benefits through programs funded by DYCD. These resources and services would include information that would potentially allow RHY immigrants to obtain permanency status in the United States. The plan would require annual reporting thereafter on plan implementation and goals.

The bill would require the information to be provided to RHY who have been subjected to such factors including, but not limited to, (a) domestic, dating and sexual violence or stalking; (b) trafficking; (c) hostile conditions in one's country of origin, such as war, political unrest or natural disaster; (d) persecution or fear of persecution in one's country of origin as a result of race, religion, nationality, political opinion, sexual orientation, gender, gender identity, or sex; (e) abandonment, abuse or neglect by a parent; and (f) other factors that may, under applicable law, provide a basis for immigration relief.

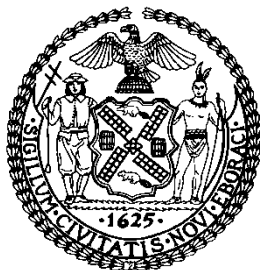
The bill would also require DYCD to describe strategies for how it would achieve the following goals: (a) informing as many RHY as practicable about the availability of immigration services and resources, including information in multiple languages; (b) ensuring that information provided to RHY is current and accurate, including information about age limits or deadlines; (c) establishing mandatory training for the staff of RHY services, including how to confidentially respond to requests; and (d) assisting RHY who identify as LGBTQ in a culturally appropriate manner.

Finally, the bill would also require DYCD to report annually, by June 1 of each year starting in 2020: 1. a summary of programs, procedures, memoranda, and training materials relating to plan implementation; 2. the number of mandatory trainings conducted for staff of RHY services; and 3. the total number of RHY informed of available legal resources for immigration relief or immigration-related benefits.

The bill would take effect 90 days after it becomes law.

After its initial hearing, the bill received several amendments. The original version would have required DYCD to review strategies and create a plan of action to protect RHY who qualify for special immigrant juvenile status. The amended version of the bill would instead require a plan of action to protect RHY who have been exposed to certain factors that may provide a basis for immigration relief. The original version of the bill would have also required DYCD to track RHY to the extent practicable and consistent with confidentiality requirements until the completion of their immigration relief. The amended version would not require DYCD to track RHY, but instead report on the number of RHY informed of available legal resources for immigration relief or immigration-related benefits.

(The following is the text of the Fiscal Impact Statement for Int. No. 480-A:)



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

**PROPOSED INTRO. NO: 480-A
COMMITTEE: Youth Services**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of youth and community development to create a runaway and homeless youth immigration information plan

SPONSORS: Council Members Dromm, Ayala, Rose, Kallos and Gibson

SUMMARY OF LEGISLATION: Proposed Intro. 480-A would require the Department of Youth and Community Development (DYCD) to establish a plan to provide information about resources and services relating to immigration relief and benefits for runaway and homeless youth (RHY) in programs operated by DYCD. These resources and services would include information that would potentially allow RHY immigrants to obtain permanency status in the United States. The plan would be due by June 1, 2019 and would require annual reporting thereafter on plan implementation and goals.

EFFECTIVE DATE: This local law would take effect 90 days after enactment.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

| | Effective FY19 | FY Succeeding Effective FY20 | Full Fiscal Impact FY20 |
|---------------------|-----------------------|-------------------------------------|--------------------------------|
| 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 as a result of this legislation.

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures as a result of this legislation because existing resources would be used to implement the legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: Department of Youth and Community Development, Mayor's Office of Immigrant Affairs, and New York City Council Finance Division

ESTIMATE PREPARED BY: Michele Peregrin, Financial Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
Eisha Wright, Unit Head
Rebecca Chasan, Senior Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council on February 14, 2018 as Intro. No. 480 and referred to the Committee on Youth Services. A hearing was held jointly by the Committee on Youth Services and the Committee on Immigration on September 17, 2018 and the bill was laid over. The legislation was subsequently amended, and the amended version Proposed Intro. No. 480-A, will be voted on by the Committee on Youth Services at a hearing on November 27, 2018. Upon successful vote by the Committee, Proposed Intro. No. 480-A will be submitted to the full Council for a vote on November 28, 2018.

DATE PREPARED: November 26, 2018.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 480-A:)

Int. No. 480-A

By Council Members Dromm, Ayala, Rose, Kallos, Gibson, Chin, Eugene and Levin.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of youth and community development to create a runaway and homeless youth immigration information plan

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-413 to read as follows:

§ 21-413 Runaway and homeless youth immigration information plan. a. Plan establishment, content, and goals.

1. Establishment. The department shall establish a plan to provide information about resources and services relating to immigration relief and benefits through runaway and homeless youth services. Such information shall include a statement that immigration relief may be available to runaway and homeless youth who have been subjected to factors including, but not limited to, the following, and subject to applicable law:

- (a) Domestic violence, dating violence, sexual assault, and stalking;*
- (b) Trafficking or certain other crimes;*
- (c) Hostile conditions in one's country of origin, such as war, political unrest, or natural disaster;*
- (d) Persecution or a fear of persecution in one's country of origin as a result of race, religion, nationality, political opinion, or membership in a particular social group including, but not limited to, identification based on sexual orientation, gender, gender identity, or sex;*
- (e) Abandonment, abuse, or neglect by one or both parents of a youth; and*
- (f) Any other similar factor that, under applicable law, may provide the basis for immigration relief for runaway and homeless youth.*

2. Plan contents. The plan established pursuant to paragraph 1 of this subdivision shall include the following:

- (a) Descriptions of how the department, in coordination with other agencies as designated by the mayor, shall make available through runaway and homeless youth services information and referral resources for legal assistance related to immigration relief or immigration-related benefits, including information about applicable age limits or deadlines associated with such relief or benefits;*
- (b) Schedules of training sessions for staff of runaway and homeless youth services, as required by subparagraph (c) of paragraph 3 of this subdivision; and*
- (c) Identification of informational materials to be made available to runaway and homeless youth through runaway and homeless youth services.*

3. Goals. The plan established pursuant to paragraph 1 of this subdivision shall describe strategies for how the department and runaway and homeless youth services will achieve the following goals:

- (a) Informing as many runaway and homeless youth as practicable about the availability of immigration services and resources, including immigration-related legal services, in the covered languages identified in section 23-1101;*
- (b) Ensuring that the information provided to runaway and homeless youth about available resources for immigration relief or immigration-related benefits is current and accurate, including information about age limits or deadlines applicable to obtaining such relief or benefits, if any;*
- (c) Establishing mandatory trainings for staff of runaway and homeless youth services about providing information and referral resources to organizations that provide assistance related to immigration relief or immigration-related benefits, including how to confidentially respond to requests for such referral resources; and*
- (d) Assisting in a culturally appropriate manner runaway and homeless youth who identify as lesbian,*

gay, bisexual, transgender, or questioning, who are in need of information about immigration relief or immigration-related benefits.

b. *Plan due date.* The department shall submit to the mayor and the speaker of the city council, and post on its website, the plan required by subdivision a of this section on or before June 1, 2019.

c. *Reporting.* No later than June 1, 2020, and annually thereafter, the department shall post on its website and submit to the mayor and the speaker of the city council a report containing indicators of the department's activities in connection with the goals of the plan required by subdivision a of this section, including but not limited to:

1. A summary of programs, procedures, memoranda, or training materials relating to the implementation and goals of the plan required by subdivision a of this section;

2. The number of mandatory trainings conducted for staff of runaway and homeless youth services in accordance with subparagraph (c) of paragraph 3 of subdivision a of this section; and

3. The total number of runaway and homeless youth informed of available legal resources for immigration relief or immigration-related benefits.

d. *Confidentiality.* For purposes of this subdivision, any identifying information collected by runaway and homeless youth services and the department shall only be used, disclosed, and retained for the purposes set forth in this section, in accordance with applicable federal, state, and local laws, regulations, and city and agency policies relating to the privacy and confidentiality of such information. "Identifying information" has the same meaning as set forth in section 23-1201. Information received by runaway and homeless youth services and the department shall be submitted anonymously, and such information shall be maintained on an anonymous basis to the extent permitted or required by law.

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

DEBORAH L. ROSE, *Chairperson*; MATHIEU EUGENE, MARGARET S. CHIN, JUSTIN L. BRANNAN;
Committee on Youth Services, November 27, 2018.

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

GENERAL ORDER CALENDAR

Report for Int. No. 720

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

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

REPORTS:

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

Accordingly, this Committee recommends its adoption.

ROBERT E. CORNEGY, Jr., Chairperson; FERNANDO CABRERA, MARGARET S. CHIN, JUMAANE D. WILLIAMS, RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, MARK GJONAJ, CARLINA RIVERA; Committee on Housing and Buildings, March 6, 2018.

Laid Over by the Council.

Resolution approving various persons Commissioners of Deeds

By the Presiding Officer –

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

| <i>Approved New Applicants</i> | | |
|--------------------------------|--|-------------------|
| <i>Name</i> | <i>Address</i> | <i>District #</i> |
| Kelly Lyon | 42 Sickles St #1F New York, New York 10040 | 10 |
| Kirsten Holden | 2017 Grand Ave #C Bronx, New York 10451 | 14 |
| Guyshana Alston | 1039 Tiffany Street Bronx, New York 10459 | 17 |
| Anthony Romano | 54-14 Andrews Ave Queens, New York 11378 | 30 |
| Wilda Lamarre | 239-11 147th Drive Queens, New York 11422 | 31 |
| Melissa Deonarine | 106-16 95th St Queens, New York 11417 | 32 |
| Caryl Phillip | 80 Fountain Ave Brooklyn, New York 11208 | 37 |
| Jamie Pagirsky | 1390 Madison St #2 Brooklyn, New York 11237 | 37 |
| Urella Alexander King | 1767 Bedford Ave #14 Brooklyn, New York 11225 | 40 |
| Susan Boggio | 363 80th Street Brooklyn, New York 11209 | 43 |
| Susan Kirwan | 1275 E 5th St #4A Brooklyn, New York 11230 | 44 |
| Arthur Zeltser | 2520 Batchelder St #7L Brooklyn, New York 11235 | 48 |
| Monica Tracy | 47 Lincoln Ave Staten Island, New York 10306 | 50 |

| | | |
|----------------|--|----|
| Dennis Miglino | 279 Cleveland Ave Staten Island, New York 10308 | 51 |
|----------------|--|----|

Approved Reapplicants

| <i>Name</i> | <i>Address</i> | <i>District #</i> |
|------------------------|--|-------------------|
| Angela Mercado | 207 Alexander Ave #11 F Bronx, New York 10454 | 8 |
| Maria Medina | 109 E 153rd Street #30E Bronx, New York 10451 | 8 |
| Tanizigia F. Brown | 143 West 140th Street #3H New York, New York 10030 | 14 |
| Ilva V. Harrigan | 442 East 184th Street #G Bronx, New York 10458 | 15 |
| Kimbley Felder | 166-05 Highland Avenue #2F Queens, New York 11432 | 24 |
| Shaneza Shinath | 127-02 Sutter Avenue South Ozone Park, New York 11420 | 28 |
| Antoinette Bellantuono | 1262 77th Street Brooklyn, New York 11228 | 43 |
| Kenneth M. Corke | 1323 East 40th Street Brooklyn, New York 11234 | 45 |
| Arthur Zeltser | 2520 Batchelder St #7L Brooklyn, New York 11235 | 48 |
| Monica Tracy | 47 Lincoln Ave Staten Island, New York 10306 | 50 |
| Dennis Miglino | 279 Cleveland Ave Staten Island, New York 10308 | 51 |

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

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

- | | | |
|------|---------------------------------|--|
| (1) | M-117 & Res 650 - | Margaret Garnett appointment as Commissioner of the Department of Investigation. |
| (2) | Int 367 - | Department of probation informing persons of their voting rights. |
| (3) | Int 370-A - | Suspending alternate side parking regulations on Three Kings' Day. |
| (4) | Int 480-A - | Create a runaway and homeless youth immigration information plan. |
| (5) | Int 497-A - | Suspending alternate side parking regulations on Lunar New Year's Eve. |
| (6) | Int 514-A - | Informing persons released from city jails of their voting rights. |
| (7) | Int 744-A - | Report on emergency medical services divisions and stations. |
| (8) | Int 746-A - | Annually report on the potential impact of certain rezonings on department services. |
| (9) | Int 1054-A - | Online applications for fire alarm plan examinations and inspections. |
| (10) | Int 1069-A - | Debt owed by owners of medallions. |
| (11) | Int 1115-A - | Agencies assisting eligible parolees with voter registration. |
| (12) | L.U. 218 & Res 643 - | App. 20195035 HIM (N 190044 HIM) [DL 509, LP-2600] Manhattan, Community District 5, Council District 4. |
| (13) | L.U. 232 & Res 644 - | App. 20195065 HAX (Park and Elton Apartments) Bronx, Community Districts 1 and 3, Council District 17. |

- (14) L.U. 240 & Res 645 - App. **20195151 HAM** (MEC 125th Street – Parcel B West) Manhattan, Community District 11, Council District 8.
- (15) L.U. 260 & Res 646 - App. **20195059 TCM** Manhattan, Council District 5, Community District 8.
- (16) L.U. 261 & Res 647 - App. **20195169 TCM** Manhattan, Council District 5, Community District 8.
- (17) L.U. 262 & Res 648 - App. **20195056 TCK** Brooklyn, Council District 33, Community District 1.
- (18) L.U. 263 & Res 649 - App. **20195103 TCM** Manhattan, Council District 4, Community Board 8.
- (19) L.U. 264 & Res 642 - 451-455 East 116th Street, Block 1710, Lots 22 and 24; Manhattan, Community District No. 11, Council District No. 8.
- (20) **Resolution approving various persons Commissioners of Deeds.**

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

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Deutsch, Diaz, Dromm, Espinal, Eugene, Gjonaj, Grodenchik, Holden, Kallos, Koslowitz, Lancman, Lander, Levin, Maisel, Menchaca, Miller, Moya, Powers, Reynoso, Richards, Rivera, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Williams, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **43**.

Present but Not Voting (PNV) – Rodriguez – **1**.

The General Order vote recorded for this Stated Meeting was 43-0-0 as shown above with the exception of the votes for the following legislative items (with Council Member Rodriguez considered Present but Not Voting for these individual votes listed below as well):

The following was the vote recorded for **Int. No. 367 and Int. No. 1115-A**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Cabrera, Chin, Cohen, Deutsch, Diaz, Dromm, Espinal, Eugene, Gjonaj, Grodenchik, Holden, Kallos, Koslowitz, Lancman, Lander, Levin, Maisel, Menchaca, Miller, Moya, Powers, Reynoso, Richards, Rivera, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Williams, Yeger, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **41**.

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

The following was the vote recorded for **Int. No. 480-A**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Cabrera, Chin, Cohen, Deutsch, Diaz, Dromm, Espinal, Eugene, Gjonaj, Grodenchik, Holden, Kallos, Koslowitz, Lancman, Lander, Levin, Maisel, Menchaca, Miller, Moya, Powers, Reynoso, Richards, Rivera, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Williams, Yeger, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **41**.

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

The following was the vote recorded for **Int. No. 514-A**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Cabrera, Chin, Cohen, Deutsch, Diaz, Dromm, Espinal, Eugene, Gjonaj, Grodenchik, Holden, Kallos, Koslowitz, Lancman, Lander, Levin, Maisel, Menchaca, Miller, Moya, Powers, Reynoso, Richards, Rivera, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Williams, Yeger, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **41**.

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

The following was the vote recorded for **L.U. No. 240 & Res. No. 645**:

Affirmative – Adams, Ampry-Samuel, Ayala, Borelli, Brannan, Cabrera, Chin, Cohen, Deutsch, Diaz, Dromm, Espinal, Eugene, Gjonaj, Grodenchik, Holden, Kallos, Koslowitz, Lancman, Lander, Levin, Maisel, Menchaca, Miller, Moya, Powers, Reynoso, Richards, Rivera, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **41**.

Abstention – Barron and Williams – **2**.

*The following Introductions were sent to the Mayor for his consideration and approval:
Int. No. 367, 370-A, 480-A, 497-A, 514-A, 744-A, 746-A, 1054-A, 1069-A, and 1115-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. 608

Report of the Committee on Immigration in favor of approving a Resolution authorizing the Speaker to submit a public comment on behalf of the Council to the Federal Register, concerning the proposed change to the Public Charge rule.

The Committee on Immigration, to which the annexed resolution was referred on November 14, 2018 (Minutes, page 4359), respectfully

REPORTS:

I. INTRODUCTION

On November 27, 2018, the Committee on Immigration, chaired by Council Member Carlos Menchaca, will hold a second hearing and a vote on the following two Resolutions: Res. No. 608, sponsored by the Speaker (Council Member Johnson), in relation to authorizing the Speaker to submit a public comment to the Federal Register on behalf of the City Council; and Res. No. 609, sponsored by the Speaker (Council Member Johnson), in relation to the newly proposed public charge rule. On November 15, 2018, the Committees on Immigration, chaired by Council Member Carlos Menchaca, General Welfare, chaired by Council Member Stephen Levin, and Health, chaired by Council Member Mark Levine, held an oversight hearing on the impacts of the proposed "Public Charge" Rule on New York City. The Committee on Immigration also heard Res. No. 608, sponsored by the Speaker (Council Member Johnson), and Res. No. 609, sponsored by the Speaker (Council Member Johnson), on November 15, 2018. The committees received testimony from the Mayor's Office of Immigrant Affairs ('MOIA'), the Human Resources Administration ('HRA'), and the Department of Health and Mental Hygiene, as well as advocates, legal and social services providers and members of the public.

II. BACKGROUND

Immigrants in New York City

According to the Mayor's Office of Immigrant Affairs, 38% of all New York City residents are foreign born, totaling more than 3.1 million individuals, and making up more than 45% of the City's workforce.¹ As of 2013, more than half of New Yorkers (6-in-10) were either foreign-born or children of immigrants,² and 62% of New Yorkers live in a household with at least one immigrant, while 1 million New Yorkers live in households with at least one undocumented immigrant.³ While the majority of foreign-born New Yorkers are naturalized U.S. Citizens (54%), MOIA estimates that another 660,000 immigrant New Yorkers are lawful permanent residents currently eligible to naturalize, with a slightly smaller undocumented population of

¹ New York City, Mayor's Office of Immigrant Affairs. (2018). State of Our Immigrant City: Annual Report. Accessed at: https://www1.nyc.gov/assets/immigrants/downloads/pdf/moia_annual_report_2018_final.pdf

² New York City, Department of City Planning. (2013). The Newest New Yorkers: Characteristics of the City's Foreign-born Population. Accessed at: https://www1.nyc.gov/assets/planning/download/pdf/data-maps/nyc-population/nny2013/nny_2013.pdf

³ New York City, Mayor's Office of Immigrant Affairs. (2018). State of Our Immigrant City: Annual Report. Accessed at: https://www1.nyc.gov/assets/immigrants/downloads/pdf/moia_annual_report_2018_final.pdf

approximately 560,000.⁴

In addition to making up a significant portion of New York City's population, immigrants are a critical component of the City's economy. In 2017 alone, immigrants contributed an estimated \$195 billion to the City's Gross Domestic Product, or about 22% of the City's total GDP.⁵ While the workforce participation rates among immigrants are comparable to their U.S.-born counterparts, undocumented immigrants have a higher rate of workforce participation at 77.3% compared to 64% for U.S.-born citizens and approximately 63% for all documented immigrants.⁶ Immigrants are also entrepreneurial, making up a majority of the business owners in New York City (83,000).⁷ In fact, nationally, immigrants own businesses at a higher rate (10.5 percent) than their U.S. born counterparts (9.3%).⁸ Immigrants in New York pay an estimated \$8 billion in City and State personal income taxes and approximately \$2 billion in City property taxes ever year.⁹ Given the significant immigrant population in New York City, the federal administration's proposed rule on public charge will have significant damaging effects on the health and wellbeing of the City, and a devastating impact on the economy.

Public Charge

"Public charge" has been part of United States immigration law for more than a hundred years as a ground of inadmissibility and deportation.¹⁰ Under Section 212(a)(4) of the Immigration and Nationality Act (INA), an individual seeking admission to the United States or seeking to adjust status to permanent resident (i.e. obtaining a green card) is inadmissible if the individual "at the time of application for admission or adjustment of status, is likely at any time to become a public charge."¹¹ If an individual is inadmissible, admission to the United States or adjustment of status will not be granted. In determining inadmissibility, USCIS defined "public charge" as an individual who is likely to become "primarily dependent on the government for subsistence, as demonstrated by either the receipt of public cash assistance for income maintenance, or institutionalization for long-term care at government expense."¹² USCIS guidance specifies that "public cash assistance from income maintenance" include Supplemental Security Income (SSI), cash assistance from the Temporary Assistance for Needy Families (TANF) program and state or local cash assistance programs for income maintenance.¹³ Furthermore, in determining whether a noncitizen meets the definition for public charge inadmissibility, factors such as age, health, family status, assets, resources, financial status, education, and skills are considered in determining the totality of the noncitizen's circumstances. Benefits that have never been subject to public charge consideration include non-cash benefits and special-purpose cash benefits that are not intended for income maintenance.¹⁴

On October 10, 2018, the federal administration, published in the Federal Register a Notice of Proposed Rulemaking (NPRM) related to the public charge ground of inadmissibility under Section 212(a)(4) of the Immigration and Nationality Act for a sixty-day comment period.¹⁵ Stating, "self-sufficiency has long been a principle of United States immigration law" and that "public charge has not been defined in statute or regulations, and there has been insufficient guidance on how to determine if an alien who is applying for a visa, admission, or adjustment of status is likely at any time to become a public charge," USCIS proposed a

⁴ *Id.*

⁵ New York City, Mayor's Office of Immigrant Affairs. (2018). State of Our Immigrant City: Annual Report. Accessed at: https://www1.nyc.gov/assets/immigrants/downloads/pdf/moia_annual_report_2018_final.pdf

⁶ *Id.*

⁷ New York City, Office of Comptroller Scott M. Stringer. (2017). Our Immigrant Population Helps Power NYC Economy. Accessed at: <https://comptroller.nyc.gov/wp-content/uploads/documents/Our-Immigrant-Population-Helps-Power-NYC-Economy.pdf>

⁸ U.S. Small Business Administration, Office of Advocacy. (2012). Immigrant Entrepreneurs and Small Business Owners, and their Access to Financial Capital. Accessed at: <https://www.sba.gov/sites/default/files/rs396tot.pdf>

⁹ New York City, Office of Comptroller Scott M. Stringer. (2017). Our Immigrant Population Helps Power NYC Economy. Accessed at: <https://comptroller.nyc.gov/wp-content/uploads/documents/Our-Immigrant-Population-Helps-Power-NYC-Economy.pdf>

¹⁰ U.S. Citizenship and Immigration Services. (2018). Public Charge Fact Sheet. Accessed at: <https://www.uscis.gov/news/fact-sheets/public-charge-fact-sheet>

¹¹ *Id.*

¹² "Field Guidance on Deportability and Inadmissibility on Public Charge Grounds," 64 FR 28689 (May 26, 1999).

¹³ U.S. Citizenship and Immigration Services. (2018). Public Charge Fact Sheet. Accessed at: <https://www.uscis.gov/news/fact-sheets/public-charge-fact-sheet>

¹⁴ *Id.*

¹⁵ *Id.*

rule that would change the standard that is used when determining whether a noncitizen is likely at any time in the future to become a public charge, or ineligible for admission or a visa.¹⁶ The proposed rule would apply to individuals seeking admission to the United States from abroad on immigrant or nonimmigrant visas, individuals seeking to adjust their status to that of lawful permanent resident from within the United States, and individuals within the United States who hold a temporary visa and seek to either extend their stay in the same nonimmigrant classification or to change their status to a different nonimmigrant classification.¹⁷ Individuals exempt from the public charge rule would include groups of noncitizens that Congress specifically exempted from the public charge ground of inadmissibility, including refugees, asylees, Afghans and Iraqis with special immigrant visas, nonimmigrant trafficking and crime victims, individuals applying under the Violence Against Women Act, and special immigrant juveniles.¹⁸ Additionally, the rule excludes consideration of benefits received by U.S. citizen children of aliens who will acquire citizenship under either section 320 or 322 of the INA, and by alien service members of the U.S. Armed Forces.¹⁹

The proposed rule vastly expands: (1) the programs that are subject to public charge determination; (2) *when* the public charge test can be applied, from primarily at adjustment of status applications to any extension or change in a non-immigrant status; (3) the definition of “primarily dependent” to “likely at any time to use or receive one or more public benefits;” and (4) the five-factor test²⁰ that will impact people beyond public benefits use, to create a more stringent way to balance these factors, making it harder for low-income individuals to receive green cards. The definition of public benefits would expand to include programs that were previously excluded from public charge determinations, such as Non-emergency Medicaid, the Medicare Part D Low-Income Subsidy Program, the Supplemental Nutrition Assistance Program (SNAP), and several housing support programs.²¹

If the proposed rule goes into effect, it will effect a significant population. Department of Homeland Security data shows that more than 1.1 million individuals obtained legal permanent resident status in 2017.²² Of these individuals, about 550,000 were living within the U.S. and about 580,000 entered the U.S. as a new arrival.²³ Of those who originally entered the U.S. without a legal permanent resident status, 94 percent have at least one characteristic that could potentially weigh negatively in a public charge determination.²⁴

There are three groups of New York City residents who would be affected by the proposed rule:

- (1) The approximately 75,000 foreign-born individuals currently eligible for benefits detailed in the proposed rule who will need to choose between remaining enrolled and facing adverse immigration consequences;
- (2) The approximately 400,000 foreign-born individuals not currently eligible for benefits detailed in the proposed rule, who will nevertheless face adverse immigration consequences due to their (1) age; (2) health; (3) family status; (4) assets, resources, financial status; (5) education and skills; and,
- (3) The hundreds of thousands of New Yorkers, currently eligible for benefits detailed in the proposed rule and not subject to a public charge determination, who will dis-enroll from critical benefits out of fear.

¹⁶ U.S. Citizenship and Immigration Services. (2018). Proposed Change to Public Charge Ground of Inadmissibility. Accessed at: <https://www.uscis.gov/legal-resources/proposed-change-public-charge-ground-inadmissibility>.

¹⁷ U.S. Citizenship and Immigration Services. (2018). Proposed Change to Public Charge Ground of Inadmissibility. Accessed at: <https://www.uscis.gov/legal-resources/proposed-change-public-charge-ground-inadmissibility>.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Public charge has always required a totality of circumstances balancing test, among five criteria: (1) age; (2) health; (3) family status; (4) assets, resources, financial status; (5) education and skills.

²¹ U.S. Citizenship and Immigration Services. (2018). Proposed Change to Public Charge Ground of Inadmissibility. Accessed at: <https://www.uscis.gov/legal-resources/proposed-change-public-charge-ground-inadmissibility>.

²² Henry J. Kaiser Family Foundation. (2018). Estimated Impacts of the Proposed Public Charge Rule on Immigrants and Medicaid. Accessed at: <https://www.kff.org/report-section/estimated-impacts-of-the-proposed-public-charge-rule-on-immigrants-and-medicare-key-findings/>

²³ *Id.*

²⁴ *Id.*

Social Service Impact for New York City and State

Food Access

The proposed rule includes the Supplemental Nutrition Assistance Program (SNAP), formerly known as food stamps, as evidence of a lack of self-sufficiency. SNAP is the cornerstone of the nation's safety net and nutrition assistance programs, providing assistance to millions of eligible low-income people.²⁵ Benefit levels for SNAP are based on criteria including, but not limited to, household size and income levels.²⁶ SNAP provides assistance to recipients by offering monthly electronic benefits that can be used to purchase food at authorized stores.²⁷ Therefore, SNAP benefits not only help low-income people purchase food, but they also provide an economic benefit to communities. According to research, each dollar of SNAP benefits spent by recipients generates \$1.79 in economic activity and every \$1 billion of SNAP benefits creates 9,000 full-time jobs.²⁸ As of September 2018, 1,594,530 people were receiving SNAP benefits in New York City.²⁹

According to an analysis done by the federal administration, the proposed public charge rule would result in an annual loss of \$235 million in SNAP, Cash Assistance, and Supplemental Security Income and the state supplement (SSI/SSP) if just 20% of the approximately 274,000 noncitizen New Yorkers currently receiving these benefits were to withdraw from participation.³⁰ This would lead to an additional loss of \$185 million in related economic activity, if the same group of New Yorkers were to withdraw from receiving these three named benefits.³¹

The Supplemental Nutritional Program for Women, Infants and Children, known as WIC, was included in earlier leaked drafts of the proposed rule change but was not included in the final proposed rule. Despite the exemption of WIC, which provides vouchers to pregnant women and parents of children under 5, drops in enrollment have already been witnessed. According to Public Health Solutions (PHS), which has the largest community-based WIC program in New York State, large drops in enrollment in their WIC program started in September 2016, when then-candidate Donald Trump first stated that immigrants would be selected based on their ability to be financially self-sufficient.³² During months corresponding to the election, inauguration, and leaked drafts of the public charge proposed rule, PHS saw drops in enrollment four times those observed in other months.³³

As SNAP and WIC enrollments decline, food pantries are likely to be strained. HRA, through the Emergency Food Assistance Program (EFAP), administers funding and coordinates the distribution of shelf-stable food to more than 1,000 food pantries and community kitchens citywide.³⁴ About 1.4 million New Yorkers rely on emergency food assistance at food banks and soup kitchens for basic nutrition.³⁵ According to a 2017 survey by Hunger Free America, New York City's food pantries and soup kitchens fed six percent more

²⁵ Center on Budget and Policy and Policy Priorities. (2013). SNAP is Effective and Efficient. Accessed at: <http://www.cbpp.org/research/snap-is-effective-and-efficient>

²⁶ New York State, Office of Temporary and Disability Assistance. (2018). Supplemental Nutrition Assistance Program (SNAP). Accessed at <https://otda.ny.gov/programs/snap/>

²⁷ *Id.*

²⁸ U.S. Department of Agriculture. (2010). The Food Assistance National Input-Output Multiplier (FANION) Model and Stimulus Effects of SNAP. Accessed at: <https://www.ers.usda.gov/publications/pub-details/?pubid=44749>

²⁹ NYC Human Resources Administration. (2018). HRA Monthly Fact Sheet. Accessed at: https://www1.nyc.gov/assets/hra/downloads/pdf/facts/hra_facts/2018/hra_facts_2018_08.pdf

³⁰ NYC Office of the Mayor Press Release. (2018). Mayor Announces Up To 475,000 Immigrant New Yorkers Could Be Harmed By Trump's 'Public Charge' Proposal. Accessed at: <https://www1.nyc.gov/office-of-the-mayor/news/507-18/mayor-up-475-000-immigrant-new-yorkers-could-be-harmed-trump-s-public-charge->

³¹ *Id.*

³² Public Health Solutions Blog. (2018). Fight the Proposed Public Charge Rule – What You can Do to Help Protect Immigrant Families. Accessed at: <https://www.healthsolutions.org/blog/fight-public-charge-rule/>

³³ *Id.*

³⁴ NYC Human Resources Administration. (2018). SNAP Benefits & Food Program. Accessed at: <http://www1.nyc.gov/site/hra/help/emergency-food-assistance-program.page>

³⁵ Food Bank for New York City. (2014). Research Brief: Visitor Traffic Increases At Emergency Food Providers Post SNAP Cuts. Accessed at: <http://1gigqs400j4830k22r3m4wqg-wpengine.netdna-ssl.com/wp-content/uploads/Post-SNAPCutEFPSurveyResearchBrief2-visitortraffic.pdf>

people in 2017, than the year before.³⁶ Food pantries and soup kitchens in the City faced an increased demand of nine percent in 2016, on top of an increased demand of five percent in 2015, and seven percent in 2014.³⁷

Public Housing and Section 8

The proposed rule changes the definition of public charge to include “housing programs, including Section 8 Housing Assistance under the Housing Choice Voucher Program, Section 8 Project-Based Rental Assistance (including Moderate Rehabilitation), and Subsidized Public Housing”³⁸

The New York City Housing Authority (“NYCHA”) is the largest public housing authority in North America, containing 325 developments, 2,418 buildings, and 175,636 public housing units.³⁹ NYCHA public housing residents and Section 8 voucher holders occupy 11.7 percent of the city’s rental apartments and comprise 6.8 percent of New York City’s population.⁴⁰ All told, 583,358 New Yorkers are served by NYCHA’s public housing and Section 8 programs together.⁴¹

The Housing Choice Voucher Program, also known as the Section 8 program, is the federal government’s major program for “assisting very low-income families, the elderly, and the disabled to afford decent, safe, and sanitary housing in the private market.”⁴² The program, created by the Housing and Community Development Act of 1974, is funded by the United States Department of Housing and Urban Development (“HUD”) and administered by local housing authorities.⁴³ In New York City, the two local housing authorities that administer the Section 8 program are NYCHA and the Department of Housing Preservation and Development (“HPD”).⁴⁴ NYCHA has approximately 85,619 Section 8 households⁴⁵ and HPD administers approximately 25,472 Section 8 Housing Choice Vouchers.⁴⁶ HPD generally targets its vouchers to very specific populations of New Yorkers, including homeless households and households affected by HPD renovations.⁴⁷

The Section 8 program has two distinct components: (1) a tenant-based rental subsidy that provides participants with a supplement to their income which allows them to choose any privately owned housing that meets the requirements of the program⁴⁸ and (2) project-based assistance for participants who live in specific housing developments or units.⁴⁹ The former voucher is attached to a participating tenant and is portable while the latter voucher is attached to a specific development or unit and is not portable. Section 8 participants, including tenant-based and project-based participants, typically pay landlords 30% of their household income towards the amount of rent contracted for with the landlord; the administering agency pays the remainder of the contract rent.

³⁶ Hunger Free America. (2017). Working New York Still Hungry: New York City and State Hunger Report. Accessed at: <https://www.hungerfreeamerica.org/media-research/research>

³⁷ *Id.*

³⁸ U.S. Homeland Security Department (published on Federal Register). (2018). Inadmissibility on Public Charge Grounds. *Document Number: 2018-21106*. Accessed at: <https://www.federalregister.gov/documents/2018/10/10/2018-21106/inadmissibility-on-public-charge-grounds>

³⁹ NYCHA Fact Sheet. (2018). Accessed at: https://www1.nyc.gov/assets/nycha/downloads/pdf/NYCHA-Fact-Sheet_2018_Final.pdf.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² U.S. HUD. (2018). Housing Choice Vouchers Fact Sheet. Accessed at:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/hcv/about/fact_sheet

⁴³ Federal statutory and regulatory law provides the framework for the administration of the Section 8 Program. 42 U.S.C.A. §1437f(a) authorizes housing assistance payments “for the purpose of aiding low-income families in obtaining a decent place to live and of promoting economically mixed housing.”

⁴⁴ In addition, the New York State Homes and Community Renewal administers a state-wide Section 8 program, which includes New York City. See HPD Section 8 Information, available at <http://www.nyc.gov/html/hpd/html/section8/section8-tenants.shtml>

⁴⁵ NYCHA. (2018). Fact Sheet. Accessed at: https://www1.nyc.gov/assets/nycha/downloads/pdf/NYCHA-Fact-Sheet_2018_Final.pdf.

⁴⁶ HPD. (2018). Section 8 Program Statistics. Accessed at: <https://www1.nyc.gov/assets/hpd/downloads/pdf/hpd-section-8-program-statistics.pdf>.

⁴⁷ HPD. (2016). Section 8: Housing Choice Voucher Program FAQ. Accessed at: <https://www1.nyc.gov/assets/hpd/downloads/pdf/HCV-FAQ.pdf>

⁴⁸ U.S. HUD. (2018). Housing Choice Vouchers Fact Sheet. Accessed at:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/hcv/about/fact_sheet

⁴⁹ U.S. HUD. (2018). Project Based Voucher Program Fact Sheet. Accessed at:

<http://portal.hud.gov/hudportal/HUD?src=/hudprograms/projectbased>

Eligibility for a housing voucher is based on the total annual gross income and family size and is limited to United States citizens and specified categories of non-citizens who have eligible immigration status.⁵⁰ Eligibility for NYCHA is based on at least one member of the household being a United States citizen or a non-citizen with eligible immigration status.⁵¹

Below are the categories of immigrants eligible for public housing and Section 8 programs that would be impacted by the proposed rule:⁵²

- Granted withholding of Removal pursuant to section 1231(b)(3) of title 8⁵³
- Immigrants admitted for temporary residence under section 245A of the Immigration and Nationality Act (8 USCS § 1255a)⁵⁴
- Immigrants lawfully admitted pursuant to section 141 of the Compacts of Free Association with the Marshall Islands, the Federated States of Micronesia, and Palau (COFA) (48 U.S.C. 1931)⁵⁵
- Parolees (with some exceptions)⁵⁶

Although not explicitly stated in the proposed rule, some housing advocates believe that those immigrants who live with someone benefiting from Section 8 and/or public housing may be impacted by the proposed rule given the breadth of factors the proposed rule permits U.S. Citizenship and Immigration Services officers to consider under its totality of the circumstances examination.⁵⁷

Health Impact for New York City and State

If adopted, this proposed rule on public charge will likely create a public health crisis. The health and financial stability of families would be negatively impacted as a result of this rule because of reduced participation in Medicaid and other programs.⁵⁸ At the state level, up to 2.1 million New York State residents, and up to 24 million people nationally, could choose to disenroll from city, state, and federal benefits.⁵⁹ Disenrollment from public benefits programs or fear of enrollment in programs that support the health, wellbeing, and financial stability of lawfully present immigrants and their families will lead to significant problems. For example, millions of children across the country—many of them U.S. citizens—live in immigrant families that may face the difficult choice about whether to continue accessing benefits.⁶⁰

Discouraging families from accessing benefits related to healthcare will result in reduced access to healthcare and in turn, an increase in severe and chronic health issues. Policies that make individuals reluctant to visit doctors and clinics are detrimental to the public health of the entire country. Moreover, as reported by the Migration Policy Institute (MPI), the proposed rule is likely to diminish the well-documented positive

⁵⁰ U.S. HUD. (2018). Housing Choice Vouchers Fact Sheet. Accessed at:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/hcv/about/fact_sheet

⁵¹ NYCHA. (2018). Applicant FAQ. Accessed at: <https://www1.nyc.gov/assets/nycha/downloads/pdf/applicant-faq.pdf>

⁵² National Housing Law Project and the National Law Center on Homelessness & Poverty. (2018). Trump Administration's Proposed 'Public Charge' Rule: "Technical" Fact Sheet for Housing and Homelessness Advocates." Accessed at: https://www.nhlp.org/wp-content/uploads/NHLP-NLCHP-Public-Charge-Technical-Fact-Sheet_FINAL.pdf

⁵³ 42 U.S.C. § 1436a(a)(5)

⁵⁴ 42 U.S.C. § 1436a(a)(6)

⁵⁵ 42 U.S.C. § 1436a(a)(7)

⁵⁶ 42 U.S.C. § 1436a(a)(4)

⁵⁷ National Housing Law Project and the National Law Center on Homelessness & Poverty. (2018). Trump Administration's Proposed 'Public Charge' Rule: "Technical" Fact Sheet for Housing and Homelessness Advocates." Accessed at: https://www.nhlp.org/wp-content/uploads/NHLP-NLCHP-Public-Charge-Technical-Fact-Sheet_FINAL.pdf

⁵⁸ Henry J. Kaiser Family Foundation. (2018). Estimated Impacts of the Proposed Public Charge Rule on Immigrants and Medicaid. Accessed at: <https://www.kff.org/report-section/estimated-impacts-of-the-proposed-public-charge-rule-on-immigrants-and-medicade-key-findings/>

⁵⁹ Fiscal Policy Institute. (2018). FPI Estimates Human and Economic Impacts of Public Charge Rule: 24 Million Would experience Chilling Effects. Accessed at: <https://centernyc.us2.list-manage.com/track/click?u=a6170fa466dd7c8eed0aab6be&id=b2a403701b&e=c44fed527d>

⁶⁰ Migration Policy Institute. (2018). Chilling Effects: The Expected Public Charge Rule and Its Impact on Legal Immigrant Families' Public Benefits Use. Accessed at: <https://www.migrationpolicy.org/research/chilling-effects-expected-public-charge-rule-impact-legal-immigrant-families>

effects of prenatal care, nutrition assistance, early childhood education, and timely medical care on the health, development, and psychological outcomes of immigrant and U.S.-born children.⁶¹

According to MPI, research shows that immigrants tend to use benefits such as Temporary Assistance for Needy Families (TANF) as a form of temporary assistance that promotes, not hinders, progress towards self-sufficiency.⁶² However, if immigrants can no longer access these programs because the proposed rule cuts off families' use of basic health and nutritional benefits, it will be impossible for them to achieve self-sufficiency. By including housing assistance, as well as SNAP, in the public charge determination, community health will falter.^{63,64} SNAP improves food security, allows families to access healthier diets, lowers medical costs, and is associated with improved current and long-term health.⁶⁵ Additionally, if individuals decide to drop their health coverage, New York City's hospital systems may find more individuals in need of emergency care because they have more limited access to preventative, ongoing medical care.⁶⁶

Furthermore, it is widely recognized that there are social determinants that affect a person's wellbeing, including access to food and shelter.⁶⁷ For example, New York State has implemented the Delivery System Reform Incentive Payment (DSRIP) program.⁶⁸ DSRIP aims to address critical issues throughout the state, which includes the goal of achieving a 25 percent reduction in avoidable hospitalizations over five years.⁶⁹ DSRIP provider systems may implement projects aimed at ensuring people have supportive housing, and, outside of DSRIP, the state has invested in housing stock to ensure that a better supply of housing is available to communities in need.⁷⁰

Economic Impact for New York City and State

If the proposed rule is adopted, cities and states across the country will suffer significant job losses and see their economies decline. In 2015, 74 percent of the U.S. workforce was U.S.-born; by 2035, PEW Research Center projects that share will drop to 66 percent. Removing immigrant workers from the U.S. workforce would be catastrophic, because nationally, the U.S. workforce is not able to replace itself without immigration due to lower birthrates and an aging population. Furthermore, not only will this rule impact immigrant workers, but if individuals who otherwise qualify for benefits dis-enroll from programs for which they qualify simply out of fear, this will have devastating ripple effects on our economy. For example, withdrawal from Supplemental Nutrition Assistance Program (SNAP) funding means a reduction in spending in grocery stores and supermarkets, and withdrawal from health insurance means a reduction in income to healthcare providers. This reduction in spending means businesses will have less revenue, and lay off workers. New York City has estimated that if just 20 percent of the approximately 274,000 New Yorkers currently receiving SNAP, Cash Assistance, and Supplemental Security Income and the state supplement (SSI/SSP) withdraw from participation, the potential economic ripple effect will result in an economic loss of \$185 million dollars, and significant job losses, harming local businesses, grocers, healthcare providers, and pharmacists, among others. On the state level, the Fiscal Policy Institute has projected that if just a quarter of individuals in New York State dis-enroll from benefits out of fear of being deemed a public charge, the potential economic ripple effect

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.*

⁶⁴ Center for Budget and Policy Priorities. (2018). SNAP is Linked with Improved Nutritional Outcomes and Lower Health Care Costs. Accessed at: <https://www.cbpp.org/research/food-assistance/snap-is-linked-with-improved-nutritional-outcomes-and-lower-health-care>

⁶⁵ *Id.*

⁶⁶ Hernandez-Boussard, T., Burns, C. S., Wang, N. E., Baker, L. C., Goldstein B. A. (2015). The Affordable Care Act Reduces Emergency Department Use by Young Adults: Evidence from Three States. Accessed at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4453768/>

⁶⁷ Henry J. Kaiser Family Foundation. (2018). Beyond Health Care: The Role of Social Determinants in Promoting Health and Health Equity. Accessed at: <https://www.kff.org/disparities-policy/issue-brief/beyond-health-care-the-role-of-social-determinants-in-promoting-health-and-health-equity/>

⁶⁸ U.S. DOH. (2014). DSRIP Overview. Accessed at: https://www.health.ny.gov/health_care/medicaid/redesign/dsrp/overview.htm

⁶⁹ *Id.*

⁷⁰ Henry J. Kaiser Family Foundation. (2018). Beyond Health Care: The Role of Social Determinants in Promoting Health and Health Equity. Accessed at: <https://www.kff.org/disparities-policy/issue-brief/beyond-health-care-the-role-of-social-determinants-in-promoting-health-and-health-equity/>

will result in an economic loss of \$3.6 billion dollars, and a potential job loss of 25,000 jobs. If this proposed rule goes into effect, this ripple effect will be multiplied across states around the country.

III. LEGISLATIVE ANALYSIS

Res. No. 608 (The Speaker, Council Member Johnson)

Res. No. 608 (The Speaker), in relation to authorizing the Speaker to submit a public comment on behalf of the City Council. On October 10, 2018, the Trump Administration filed a proposed rule that would expand the public charge definition to include more types of benefits and increase the frequency of public charge testing. The federal Administrative Procedures Act provides for the public participation in the rulemaking process by soliciting public comments on proposed rules. In the case of the public charge proposed rule, there is a 60 day comment period ending on December 10, 2018. This resolution would grant the Speaker of the City Council the authority to submit a comment on behalf of the City Council body in opposition to the proposed public charge rule.

Res. No. 609 (The Speaker, Council Member Johnson)

Res. No. 609 (The Speaker, Council Member Johnson), in relation to the newly proposed public charge rule, urges the federal government to not move forward with the rule's adoption. Under current regulations, a public charge determination identifies whether an individual is, or is likely to become, primarily dependent on the United States (U.S.) government for subsistence, based on reliance or use of Temporary Assistance for Needy Families (TANF), Supplemental Security Income, or institutionalization for long-term care. On October 10, 2018, the Trump Administration filed a proposed rule that would expand the public charge definition to include more types of benefits and increase the frequency of public charge testing. The proposed rule is projected to impact more than 475,000 New York City residents. If enacted, the proposed rule could result in an annual loss of \$235 million in SNAP, Cash Assistance, and Supplemental Security Income and the State supplement (SSI/SSP) if just 20 percent of the approximately 274,000 noncitizen New Yorkers currently receiving these benefits were to withdraw from participation. Additionally, it could lead to an additional loss of \$185 million in related economic activity, if the same group of New Yorkers were to withdraw from receiving these three named benefits.

IV. CONCLUSION

The public charge rule proposed at the federal level is expected to have wide-ranging economic, health and general well-being impacts in New York City, State and across the nation. The Committee on Immigration conducted an extensive review of the impacts at its joint oversight hearing with the Committees on General Welfare and Health on November 15, 2018. Res. 608 (the Speaker, Council Member Johnson), authorizes the Speaker to submit a public comment on behalf of the Council, expressing the joint opposition to the rule as proposed based on the anticipated impacts. Res. 609 (the Speaker, Council Member Johnson), details the wide-ranging impacts related to the proposed rule and urges the federal government to withdraw its proposed rule on Public Charge.

(For text of Res. No. 609, please see the Report of the Committee on Immigration for Res. No. 609 printed below in the Resolutions section of these Minutes)

Accordingly, this Committee recommends the adoption of Res. Nos. 608 and 609.

(The following is the text of Res. No. 608:)

Res. No. 608

Resolution authorizing the Speaker to submit a public comment on behalf of the Council to the Federal Register, concerning the proposed change to the Public Charge rule.

By the Speaker (Council Member Johnson) and Council Members Ayala, Yeger, Rosenthal, Rivera, Menchaca, Kallos, Gibson, Miller, Eugene, Chin, Constantinides and Levin.

Whereas, New York City is home to more than three million immigrants; and

Whereas, Approximately 38 percent of New Yorkers are immigrants who make up 45 percent of the city's workforce; and

Whereas, New York City has, and will continue to be, a city that embraces diversity and promotes equality and respect for all of its inhabitants; and

Whereas, On October 10, 2018, the Department of Homeland Security issued a new proposed rule that would fundamentally shift the current legal interpretation of "public charge" determinations in certain immigration filings; and

Whereas, The new proposed rule expands the number and types of benefits that are counted against immigrant applicants for visas and green cards; and

Whereas, The new proposed rule also changes the way in which the totality of an immigrant's circumstances are weighted in a visa or green card application; and

Whereas, The rule will create a system of preference for the wealthy, needlessly and cruelly discriminating against the poor, the sick, the elderly and the very young; and

Whereas, Approximately 1 in 6 immigrant New Yorkers are likely to face adverse consequences from this rule change; and

Whereas, The City of New York is proud of its immigrant residents, and will make every effort to extend a viable social safety net to immigrant New Yorkers; and

Whereas, The proposed rule is open to public comment between October 10, 2018 and December 10, 2018; and

Whereas, The City Council will continue to contest the proposed public charge rule change by submitting a public comment detailing the ways in which this rule change will be detrimental to our city, state and nation; therefore, be it

Resolved, That the Council of the City of New York authorizes the Speaker to submit a public comment on behalf of the Council to the Federal Register, concerning the proposed change to the Public Charge rule.

CARLOS MENCHACA, *Chairperson*; MATHIEU EUGENE, I. DANEEK MILLER, MARK GJONAJ, ROBERT F. HOLDEN, KALMAN YEGER; Committee on Immigration, November 27, 2018.

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

The following 2 Council Members formally noted their negative vote against this item:
Council Members Borelli and the Minority Leader (Council Member Matteo).

Adopted by the Council by voice-vote.

Report for voice-vote item Res. No. 609

Report of the Committee on Immigration in favor of approving a Resolution opposing the newly proposed public charge rule and urging the federal government not to move forward with its adoption.

The Committee on Immigration, to which the annexed resolution was referred on February 14, 2018 (Minutes, page 4359), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Immigration for Res. No. 608 printed above in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 609:)

Res. No. 609

Resolution opposing the newly proposed public charge rule and urging the federal government not to move forward with its adoption.

By The Speaker (Council Member Johnson) and Council Members Menchaca, Levin, Levine, Chin, Ayala, Constantinides, Lancman, Dromm, Richards, Cumbo, Lander, Eugene, Yeger, Treyger, Grodenchik, Cabrera, Rosenthal, Rivera, Kallos, Gibson, Williams and Miller.

Whereas, Under current regulations, a public charge determination identifies whether an individual is, or is likely to become, primarily dependent on the United States (U.S.) government for subsistence; and

Whereas, The public charge determination is made when an individual is filing for a visa to reside in the U.S. or to adjust their status to become a lawful permanent resident; and

Whereas, Under current regulations, public charge determinations are based on reliance or use of Temporary Assistance for Needy Families (TANF), Supplemental Security Income, or institutionalization for long-term care; and

Whereas, On October 10, 2018, the Trump Administration filed a proposed rule that would expand the public charge definition to include more types of benefits and increase the frequency of public charge testing; and

Whereas, Under the newly proposed rule, a public charge determination will encompass the additional use of non-emergency Medicaid, the Supplemental Nutrition Assistance Program (SNAP), housing assistance through public housing and Section 8 vouchers, and the Medicare Part D low-income subsidy; and

Whereas, The proposed rule is projected to impact more than 475,000 New York City residents; and

Whereas, Up to 75,000 immigrant New Yorkers will need to decide whether to access benefits for which they are legally eligible or face possibly adverse immigration consequences; and

Whereas, Further, up to 400,000 immigrant New Yorkers could face immigration consequences due to other changes included in the proposed rule that place a higher weight on factors such as age, health, education, employment history and income; and

Whereas, Immigrants in New York pay an estimated \$8 billion in City and State personal income taxes and approximately \$2 billion in City property taxes ever year; and

Whereas, In 2017 alone, immigrants contributed an estimated \$195 billion to the City's Gross Domestic Product (GDP), or about 22% of the City's total GDP; and

Whereas, The proposed rule could have a detrimental effect on New York City's economy as well as our national economy; and

Whereas, If enacted, the proposed rule could result in an annual loss of \$235 million in SNAP, Cash Assistance, and Supplemental Security Income and the State supplement (SSI/SSP) if just 20 percent of the approximately 274,000 noncitizen New Yorkers currently receiving these benefits were to withdraw from participation; and

Whereas, This would lead to an additional loss of \$185 million in related economic activity, if the same group of New Yorkers were to withdraw from receiving these three named benefits; and

Whereas, A 2018 Migration Policy Institute Report indicates that noncash benefits make up the bulk of benefits accessed by immigrant families, and this proposal will have far-reaching chilling effects, leading to a broad withdrawal from public-benefits programs; and

Whereas, Reducing program participation in benefits programs that are commonly viewed as work supports will likely result in higher poverty levels; and

Whereas, Efforts to prevent families from accessing benefits related to healthcare will result in an increase in severe and chronic health issues; and

Whereas, The proposed rule is likely to diminish the well-documented positive effects of prenatal care, nutrition assistance, early childhood education, and timely medical care on the health, development, and psychological outcomes of immigrant and U.S.-born children; and

Whereas, The ramifications of the proposed rule would not only impact immigrants who are directly affected by the order, but those who can legally access benefits; and

Whereas, Confusion and fear about the proposed rule could lead hundreds of thousands of immigrant New Yorkers, including U.S. citizens, to drop out of benefit programs or choose not to use them; and

Whereas, Adoption of the rule by the federal government could create further confusion, deepen fear in the community, and significantly impact access to health and social services for children and families in New York City; therefore, be it,

Resolved, That the Council of the City of New York opposes the newly proposed public charge rule and urges the federal government not to move forward with its adoption.

CARLOS MENCHACA, *Chairperson*; MATHIEU EUGENE, I. DANEEK MILLER, MARK GJONAJ, ROBERT F. HOLDEN, KALMAN YEGER; Committee on Immigration, November 27, 2018.

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

The following 2 Council Members formally noted their negative vote against this item:
Council Members Borelli and the Minority Leader (Council Member Matteo).

Adopted by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Int. No. 1241

By Council Members Ampry-Samuel, Lander, Lancman and Ayala.

A Local Law to amend the administrative code of the city of New York, in relation to expanding sanctions for submission of professionally-certified false or noncompliant building permit applications or plans

Be it enacted by the Council as follows:

Section 1. Section 28-104.2.1.3.2 of the administrative code of the city of New York, as amended by local law number 33 for the year 2007, is amended to read as follows:

§ 28-104.2.1.3.2 Mandatory sanctions. The commissioner shall, after the opportunity for a hearing before the office of administrative trials and hearings in accordance with department rules, exclude, suspend or otherwise condition the participation of a registered design professional *and all other registered design professionals employed by the firm of employment of such professional, where applicable,* who (i) knowingly or negligently submits a professional certification of an application and/or construction and other related documents that contains false information or is not in compliance with all applicable provisions of law, or (ii) submits two professionally certified applications for construction document approval within any 12-month period containing errors that result in revocation of an associated permit or that otherwise demonstrate incompetence or a lack of knowledge of applicable laws. The term "otherwise condition" shall mean limitations on such professional's participation in the program, such as, but not limited to, audits and monitoring of the registered design professional's applications and other submissions. For purposes of this section, a professionally certified application shall include the professional certification of construction and other related documents and the satisfaction of objections issued at plan examination.

§ 2. Section 28-104.2.1.3.2.1 of the administrative code of the city of New York, as amended by local law number 33 for the year 2007, is amended to read as follows:

§ 28-104.2.1.3.2.1 Reinstatement. A registered design professional who is excluded from the program in accordance with section 28-104.2.1.3 *and registered design professionals employed at a firm employing such excluded professional* may apply for reinstatement one year or more after such exclusion. An applicant who the commissioner finds is qualified to resume participation in the program shall be on probation for a period of not less than 6 months after reinstatement and during that time shall as a condition of such reinstatement attend one or more training or continuing education courses, approved by the department, related to compliance with the building code and related laws and rules and the zoning resolution. The professional shall submit satisfactory proof of the successful completion of such training or continuing education courses to the department.

§ 3. Section 28-104.2.1.3.2.2 of the administrative code of the city of New York, as amended by local law number 33 for the year 2007, is amended to read as follows:

§ 28-104.2.1.3.2.2 Mandatory permanent revocation. The commissioner shall permanently revoke, without the opportunity of restoration, the professional certification privileges of an engineer or architect *and all engineers or architects employed by the firm of employment of such engineer or architect* who, while on probation, professionally certifies an application, plans, construction or other related documents that contains false information or is not in compliance with all applicable provisions of law or who otherwise demonstrates incompetence or a lack of knowledge of applicable laws.

§ 4. Section 28-104.2.1.3.2.3 of the administrative code of the city of New York, as amended by local law number 33 for the year 2007, is amended to read as follows:

§ 28-104.2.1.3.2.3 Construction. Nothing herein shall be construed to limit the commissioner's power, consistent with state and local law, to adopt rules that include additional grounds to limit the filing privileges of or otherwise sanction registered design professionals *and all other registered design professionals employed by the firm of employment of a sanctioned registered design professional*, after the opportunity for a hearing, who it determines, knowingly or negligently submit applications or other documents to the department that contain false information or are not in compliance with all applicable provisions of law or that otherwise demonstrate incompetence or a lack of knowledge of applicable law or standards.

§ 5. Section 28-104.2.1.4 of the administrative code of the city of New York, as amended by local law number 33 for the year 2007, is amended to read as follows:

§ 28-104.2.1.4 Database. The department shall create and maintain a database of all registered design professionals *and the firms of employment of such professionals* who have been excluded, suspended or otherwise sanctioned by the department. Within 7 business days of the date a sanction is imposed, the department shall post on its website and shall make available upon request, the name of the registered design professional *and the professional's firm of employment*, a description of the sanction, the initial date of the sanction, the reinstatement date, if applicable, the address of the premises for which the application associated with the sanction was submitted, and whether the sanction was imposed after a hearing or a settlement. The department shall provide requested information concerning the exclusion, suspension or other sanction of a specific registered design professional *or the professional's firm of employment* within 30 days of such request.

§ 6. This local law takes effect 90 days after it becomes law, except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 1242

By Council Members Ayala, Lander, Brannan, Ampry-Samuel and Lancman.

A Local Law to amend the administrative code of the city of New York, in relation to expanding available data in the online property owner registry

Be it enacted by the Council as follows:

Section 1. Section 27-2109.2 of the administrative code of the city of New York, as added by local law number 62 for the year 2018, is amended to read as follows:

§ 27-2109.2 Online portfolio report of registered property owners. The department shall maintain through the department's website a publicly accessible electronic interface that reports portfolio information based on the name of a property owner. The report shall be based on the last valid information registered with the department pursuant to section 27-2097. Such report shall include (i) the address of each registered property owned by such registered owner; (ii) the current number of outstanding violations issued by the department, disaggregated by class, for each property; (iii) the number of findings of harassment currently on record with the department; [and] (iv) the number and types of departmental orders pending on each property; (v) *the number of violations issued by the department of buildings pursuant to sections 28-207.2.6, 28-213.1.1, or 28-213.1.2 for each property; and (vi) findings of rent overcharges against a property from the appropriate state agency or why such findings could not be included.* The department may provide the aggregate data used to

create such website to the public advocate upon request in a form that permits automated processing and downloading.

§2. This local law takes effect 90 days after it becomes law, except that the commissioner of housing preservation may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Res. No. 632

Resolution calling upon the New York City Department of Education to create a diabetes and prediabetes health based curriculum.

By Council Members Barron, Miller and Cohen.

Whereas, Diabetes is a group of diseases that result in high blood glucose, which is too much sugar in the blood; and

Whereas, The most common forms of diabetes include Type 2 diabetes, a chronic condition that affects the way the body processes blood sugar, and Type 1 diabetes, a chronic condition in which the pancreas produces little or no insulin; and

Whereas, Prediabetes is a condition in which blood sugar is high, but not high enough to be Type 2 diabetes; and

Whereas, According to the American Diabetes Association (ADA), in 2015, 30.3 million Americans, or 9.4% of the overall population, had diabetes and 84.1 million Americans age 18 and older had prediabetes; and

Whereas, Additionally, more than 25% of Americans age 65 and older have diabetes and one in eight American adults, about 29 million, have Type 2 diabetes; and

Whereas, According to the New York City Department of Health and Mental Hygiene (DOHMH), an estimated 987,000 City residents have diabetes, and 19% among them don't know they have it; and

Whereas, DOHMH also estimates that 40% of elementary school children in New York City are overweight, which puts them at risk for diabetes; and

Whereas, People with diabetes are two to four times more likely to develop cardiovascular disease than those without diabetes; and

Whereas, Diabetes also increases the risk of other serious conditions, including nerve damage, known as neuropathy, as well as damage to kidneys, eyes, bones and feet, skin conditions, hearing impairment, Alzheimer's disease and depression; and

Whereas, Further, diabetes remains the 7th leading cause of death in the United States, although the figure may be even higher as diabetes may be underreported as an underlying cause of death, according to the ADA; and

Whereas, In addition, the ADA estimates that people with diabetes spend 2.3 times more on medical expenses than people without the disease; and

Whereas, However, in many cases, prediabetes and diabetes are preventable or reversible; and

Whereas, Preventive education can help reduce the risks for youth; and

Whereas, Under New York State Law and the Regulations of the Commissioner of Education, all schools under the jurisdiction of the State Education Department must provide a program of health and physical education including health and safety education; and

Whereas, However, neither the New York State Education Department (NYSED) nor the New York City Department of Education (DOE) currently explicitly requires instruction in diabetes or prediabetes or their prevention as part of the health education curriculum; and

Whereas, The DOE recommended health curricula, called HealthSmart, does contain lessons on preventing serious health problems that result from common chronic diseases such as diabetes; and

Whereas, However, these lessons do not begin until 5th grade and occur only in a few grades thereafter and it is unclear whether such lessons fully address diabetes or prediabetes; and

Whereas, Further, the DOE recommends, but does not require, all schools to use the HealthSmart curricula, instead requiring schools that choose not to use the curricula to select a curricula meeting NYSED health education requirements; and

Whereas, Protecting our children and youth from the damaging effects of diabetes and prediabetes is too important to leave up to chance; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York City Department of Education to create a diabetes and prediabetes health based curriculum.

Referred to the Committee on Education.

Int. No. 1243

By Council Members Borelli, Levine, Yeger, Vallone, Brannan, Maisel, Holden, Matteo and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to a standard procedure for treating students presenting with suspected tick bites

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-187.1 to read as follows:

§ 17-187.1 Tick bites on students. The commissioner shall promulgate rules setting forth a procedure for how nurses that are employed by the department and are provided to a public or private school must respond to a student presenting with a suspected tick bite in accordance with medical best practices.

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

Referred to the Committee on Health.

Int. No. 1244

By Council Members Borelli, Richards, Brannan, Maisel, Yeger, Holden and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting certain unsolicited disclosures of intimate images

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 10 of the administrative code of the city of New York is amended by adding a new section 10-179 to read as follows:

§ 10-179 Unsolicited disclosure of an intimate image. a. Definitions. As used in this section, the following terms have the following meanings:

Intent to harass, annoy or alarm. The term “intent to harass, annoy or alarm” has the same meaning as used in section 240.26 of the penal law.

Intimate body parts. The term “intimate body parts” means the genitals, pubic area or anus of any person.

Intimate image. The term “intimate image” means a photograph, film, videotape, recording or any other reproduction of an image of an individual with fully or partially exposed intimate body parts or engaged in sexual activity.

Send by electronic device. The term “send by electronic device” means to send using a cellular telephone or any other electronic communication device, including devices capable of sending text messages or e-mails.

Sexual activity. The term “sexual activity” means sexual intercourse as defined in subdivision 1 of section 130.00 of the penal law, oral sexual conduct or anal sexual conduct as those terms are defined in subdivision 2 of section 130.00 of the penal law, touching of the intimate body parts of a person for the purpose of gratifying sexual desire, sexual penetration with any object or the transmission or appearance of semen upon any part of the depicted individual’s body.

b. Unsolicited disclosure of an intimate image. It is unlawful for a person, with the intent to harass, annoy or alarm another person, to send by electronic device an unsolicited intimate image to such other person.

c. Criminal penalty. Any person who violates subdivision b of this section shall be guilty of a misdemeanor punishable by up to one year in jail, or a fine of up to \$1,000, or both.

§ 2. Section 10-177 of the administrative code of the city of New York, as added by local law number 229 for the year 2017, is renumbered as section 10-177.1.

§ 3 Section 10-177 of the administrative code of the city of New York, as added by local law number 242 for the year 2017, is renumbered as section 10-177.2.

§ 4. This local law takes effect immediately, except that section one of this local law takes effect 60 days after it becomes law.

Referred to the Committee on Public Safety.

Int. No. 1245

By Council Members Borelli, Rosenthal, Vallone, Brannan, Maisel, Holden and Ulrich.

A Local Law to create a task force to reform the capital construction process

Be it enacted by the Council as follows:

Section 1. Capital construction reform task force. a. There shall be a task force with 15 members consisting of the commissioner of buildings as co-director of the task force, the commissioner of housing preservation and development as co-director of the task force, the commissioner of parks and recreation, 7 city council members appointed by the speaker of the council and 5 members appointed by the mayor.

b. The commissioner of buildings, the commissioner of housing preservation and development, the commissioner of parks and recreation and the city council members on the task force may appoint a representative for the purpose of determining the existence of a quorum and who may vote on behalf of such member, provided that such representative shall be an officer or employee from the same agency as the delegating member.

c. In the event that a member’s seat becomes vacant, that member’s successor shall be appointed within 30 days of the vacancy. The new member shall be appointed in the same manner as the predecessor member whose vacancy is being filled.

d. Members appointed by the speaker of the council and by the mayor may be removed by the appointing person.

e. The task force shall consult, on an ongoing basis, with the office of management and budget, the economic development corporation, the school construction authority, the department of design and construction, contractors and other capital construction stakeholders to determine the cause of capital construction delays and the cause of rising capital construction costs.

f. The task force shall determine best practices for reducing delay and cost in the capital construction process and make recommendations for the improvement of the capital construction process.

g. The task force shall hold not less than one hearing each month, except during the months of July and August, and such meetings shall be considered a meeting of a public body subject to article 7 of the public officers law.

h. Within 1 year from the date of the first regular meeting, and annually thereafter, the task force shall report its findings to the council and make recommendations to reduce construction delays, ensure construction remains on budget or under budget, and improve the capital construction process.

i. This task force shall dissolve upon submission of the third annual report.

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

Referred to the Committee on Finance.

Int. No. 1246

By Council Members Brannan, Levine, Lander and Ampry-Samuel.

A Local Law to amend the New York city charter, in relation to the voter assistance advisory committee providing interpreters and materials in Arabic

Be it enacted by the Council as follows:

Section 1. Section 1054 of the New York city charter is amended by adding a new subdivision d to read as follows:

d. The committee shall provide arabic language interpreters for all poll sites which contain an election district with 50 or more voting age residents with limited English proficiency based on United States census data, or american community survey data, whose primary language is arabic. Such data shall be reviewed every two years, beginning on January 1, 2020. To the extent permissible under state law, such interpreters shall be made available to the public within such poll sites, provided that where it is not permissible then such interpreters shall be made available to the public within a legally permissible distance of such poll site.

§ 2. This local law takes effect six months after becoming law.

Referred to the Committee on Governmental Operations.

Int. No. 1247

By Council Members Cabrera, Brannan and Lancman.

A Local Law to amend the administrative code of the city of New York, in relation to providing residents with copies of notices of violations

Be it enacted by the Council as follows:

Section 1. Article 204 of chapter 2 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-204.1.2 to read as follows:

§ 28-204.1.2 Notice. Copies of the notice of violation shall be provided by the department to any and all residents of the property subject to such notice of violation at the time such notice is issued. In addition, the department shall provide such residents with information about the adjudication process, instruct such residents how they may submit testimony or otherwise assist in such adjudication process, and how such resident may confirm the date of any hearing related to a public adjudication process.

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

Referred to the Committee on Housing and Buildings.

Int. No. 1248

By Council Member Cabrera.

A Local Law to amend the administrative code of the city of New York, in relation to parking permits for community board chairpersons

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-175.6 to read as follows:

§ 19-175.6 Parking permits for community board chairpersons. a. Upon request, the department shall issue an on-street parking permit to any chair of a community board within the city.

b. A parking permit issued pursuant to this section may only be used by such chairperson while acting within the scope of their duties as chairperson.

c. Notwithstanding any other provision of law, such parking permit shall not authorize the parking of a vehicle in a bus stop, a taxi-stand, within 15 feet of a fire hydrant, a fire zone, a driveway, a crosswalk, a no stopping zone, a no standing zone, or where the vehicle would be double-parked.

d. Any misuse of a parking permit, as determined by the commissioner, issued pursuant to this section shall be sufficient cause for revocation of such parking permit.

e. Notwithstanding any other provision of law, no vehicle bearing a permit issued pursuant to this section may be towed when such vehicle is being used in accordance with the purpose for which such permit was issued, except in public safety emergencies to be determined by the police department.

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

Referred to the Committee on Transportation.

Res. No. 633

Resolution condemning the Trump Administration's response to Hurricane María.

By Council Member Cabrera.

Whereas, The Commonwealth of Puerto Rico (Puerto Rico), an unincorporated territory of the United States (U.S.), is an island located between the Caribbean Sea and the North Atlantic Ocean, east of the Dominican Republic, with an estimated 3.4 million citizens as of July 2017; and

Whereas, The Virgin Islands of the United States (U.S. Virgin Islands), an unincorporated organized U.S. territory, consists of the four larger islands of St. Croix, St. John, St. Thomas and Water Island, as well as about 50 surrounding minor islands, are located between the Caribbean Sea and the North Atlantic Ocean, and east of Puerto Rico, with an estimated 107,000 citizens as of July 2017; and

Whereas, On September 5, 2017, Hurricane Irma, a category 5 storm, hit St. John and St. Thomas before passing about 60 miles north of Puerto Rico, unleashing lashing winds and rains that left more than a million people without power and tens of thousands without potable water on the islands before hitting Florida with heavy winds and significant coastal flooding that extended into the Carolinas; and

Whereas, In addition to extensive damage and destruction, Hurricane Irma is also directly responsible for 134 deaths; three in Puerto Rico, four in the U.S. Virgin Islands, and 90 on the U.S. mainland; and

Whereas, About two weeks after Hurricane Irma, on September 20, 2017, another category 5 storm, Hurricane María, crossed St. Croix before passing the southeast coast of Puerto Rico; and

Whereas, Hurricanes Irma and María caused catastrophic flooding, destroyed 80-90 percent of structures in some towns, decimated power and communication grids—causing the largest blackout in U.S. history—and contaminated much of the drinking water in both the U.S. Virgin Islands and Puerto Rico; and

Whereas, In the wake of two consecutive natural disasters, hospitals on the islands struggled to function, shortages of diesel fuel prevented supermarkets from opening and generators from working, and many ran out of food and water within days; and

Whereas, The day after Hurricane María made landfall in Puerto Rico, President Donald Trump called local officials on the island, issued an emergency declaration, and pledged all federal resources would be directed to help, but then for four days afterward the Administration did not make any public statements about the evolving crisis; and

Whereas, The Federal Emergency Management Agency (FEMA), in its 2017 Hurricane FEMA After-Action Report (“Report”), revealed that their plans for a crisis in Puerto Rico were based on a focused disaster like a tsunami, not a major hurricane devastating the whole island; and

Whereas, The Report revealed that although FEMA sent thousands of emergency responders to Puerto Rico following Hurricane María, the agency had thousands fewer workers than were needed, and more than half of those deployed were unqualified for the jobs they were doing in the field; and

Whereas, FEMA also admitted that it vastly underestimated how much food and fresh water it would need, and how hard it would be to get additional supplies to Puerto Rico, especially since the contents of the FEMA warehouse on the island was nearly emptied two weeks prior to Hurricane María, having been rushed to aid the U.S. Virgin Islands following Hurricane Irma; and

Whereas, On September 11, 2018, U.S. Senator Jeff Merkley released a document showing a transfer of \$9.8 million from FEMA to U.S. Immigration and Customs Enforcement, accusing the Trump Administration of diverting funds from hurricane relief to pay for its immigration crackdown just as hurricane season was starting; and

Whereas, A few weeks after Hurricane María, President Trump visited Puerto Rico for a briefing with local leaders and federal responders and stated that the disaster “threw our budget a little out of whack,” before claiming it was not “a real catastrophe like [Hurricane] Katrina,” and accusing Puerto Rico of costing the government too much money; and

Whereas, Disaster response and reconstruction in both the U.S. Virgin Islands and Puerto Rico has been complicated by the territories’ debt, and lack of access to the benefits many federal programs, including Supplemental Security Income, the Earned Income Tax Credit, and full access to Medicaid; and

Whereas, According to a Post-Kaiser Family Foundation poll (“the Poll”) of Puerto Rico residents conducted July 2—August 29, 2018, 83 percent of Puerto Ricans said the hurricanes affected their lives in major in lasting ways and 93 percent believe more resources are necessary for improving basic infrastructure such as roads and highways; and

Whereas, Other key findings of the Poll include that 44 percent of Puerto Ricans reported that they were without grid power for four or more months, 42 percent had employment losses, 26 percent said their home was destroyed or majorly damages, 21 percent said their vehicle was damaged, 21 percent claimed to have resorted to drinking water from a natural source and 23 percent reported that they or a family member have a new or worsened health condition; and

Whereas, Moreover, the Poll found that 55 percent of Puerto Ricans believe rebuilding Puerto Rico is not a priority for the federal government, 58 percent rate the federal response as fair or poor, and 61 percent believe Puerto Rico would have fared better if it were not a territory but a state; and

Whereas, According to U.S. Census Bureau data for 2017, New York is home to more Puerto Ricans than any other state with an estimated population of 1.1 million, of whom nearly 64 percent (an estimated 708,000) reside in one of the five boroughs; and

Whereas, According to U.S. Census Bureau data for 2017, New York City (NYC) is home to an estimated 2,455 U.S. Virgin Islanders; and

Whereas, NYC and Puerto Rico share a long and rich history characterized by the continual migration from the island to the city and the city’s Puerto Rican community’s contributions to the creation of hip hop music, as well as many forms of Latin music, including Salsa and Freestyle; and

Whereas, NYC and the U.S. Virgin Islands also share a long and rich history: Casper Holstein, Hubert Harrison, Ashley Totten and Frank Crosswaith, U.S. Virgin Islanders who resided in Harlem during the late 19th and early- to mid- 20th Centuries, were influential political and civil rights activists and labor organizers who drove Black labor organization and politics; and

Whereas, Despite the documented devastation and loss of life, during an Oval Office briefing on preparations for Hurricane Florence, President Trump said that he thought “Puerto Rico was an incredible, unsung success,” in response to a reporter asking if there were lessons to be learned from the widely criticized FEMA response to Hurricane María in Puerto Rico; and

Whereas, According to an August 28, 2018 report published by researchers at George Washington University, Hurricane María was the deadliest natural disaster to hit U.S. soil in more than a century, with a death toll of 2,975 in the six months following the storm; and

Whereas, One year after Hurricane María made landfall, U.S. Congress has yet to hold a single hearing on its impact while the number of deaths attributed to it and its aftermath now surpass the number of deaths attributed to Hurricane Katrina, and are comparable to the number of people killed during the September 11 attacks of 2001; now, therefore, be it

Resolved, That the Council of the City of New York condemns the Trump Administration’s response to Hurricane María.

Referred to the Committee on Civil and Human Rights.

Res. No. 634

Resolution calling upon the United States Congress to pass, and the President to sign, the U.S. Territorial Relief Act of 2018, to provide comprehensive debt relief for Puerto Rico and other U.S. territories affected by Hurricanes Irma and María.

By Council Members Cabrera and Ayala.

Whereas, The Commonwealth of Puerto Rico (Puerto Rico), an unincorporated territory of the United States (U.S.), is an island located between the Caribbean Sea and the North Atlantic Ocean, east of the Dominican Republic, with an estimated 3.4 million citizens as of July 2017; and

Whereas, The Virgin Islands of the United States (U.S. Virgin Islands), an unincorporated organized U.S. territory, consists of the four larger islands of St. Croix, St. John, St. Thomas and Water Island, as well as about 50 surrounding minor islands, is located between the Caribbean Sea and the North Atlantic Ocean, and east of Puerto Rico, with an estimated 107,000 citizens as of July 2017; and

Whereas, Under U.S. law, both Puerto Rico and the U.S. Virgin Islands are unincorporated territories, meaning residents of those islands are U.S. citizens who pay federal taxes, such as Social Security and Medicare (not federal income tax), but do not enjoy the same rights as state-dwelling U.S. citizens, including the right to a voting representative in the U.S. Congress or the right to vote in presidential elections; and

Whereas, On September 5, 2017, Hurricane Irma, a category 5 storm, hit St. John and St. Thomas before passing about 60 miles north of Puerto Rico, and about two weeks after Hurricane Irma, on September 20, 2017, another category 5 storm, Hurricane María, crossed St. Croix before passing the southeast coast of Puerto Rico; and

Whereas, Hurricanes Irma and María caused catastrophic flooding, destroyed 80-90 percent of structures in some towns, decimated power and communication grids—causing the largest blackout in U.S. history—and contaminated much of the drinking water in both the U.S. Virgin Islands and Puerto Rico; and

Whereas, In the wake of two consecutive natural disasters, hospitals on the islands struggled to function, shortages of diesel fuel prevented supermarkets from opening and generators from working, and many ran out of food and water within days; and

Whereas, Per the Robert T. Stafford Disaster Relief and Emergency Assistance Act, following a disaster, the Federal Emergency Management Agency (FEMA) is supposed to assist and support local assistance response and recovery efforts in Puerto Rico as it would a state; however, the agency delayed crucial reconstruction aid to the island for 30 days after the initial request of Puerto Rico Governor Ricardo Rosselló Nevares (i.e., 43 days after Hurricane María hit the island)—despite approving the same type of reconstruction

aid for the U.S. Virgin Islands two weeks after Hurricane María and for Texas ten days following Hurricane Harvey; and

Whereas, According to U.S. Census Bureau data for 2017, New York is home to more Puerto Ricans than any other state with an estimated population of 1.1 million, of whom nearly 64 percent (an estimated 708,000) reside in one of the five boroughs; and

Whereas, An analysis of data from FEMA and school enrollment data by the Hunter College Center for Puerto Rican Studies at the City University of New York, shows migration from Puerto Rico to the U.S. mainland, and NYC in particular, has intensified as a result of aftermath of Hurricanes Irma and María; and

Whereas, According to U.S. Census Bureau data for 2017, New York City (NYC) is home to an estimated 2,455 U.S. Virgin Islanders; and

Whereas, Since Hurricanes Irma and María tore through Puerto Rico and the U.S. Virgin Islands, disaster response and reconstruction has been complicated by the territories' debt and lack of access to the benefits many federal programs, including Supplemental Security Income, the Earned Income Tax Credit, and full access to Medicaid; and

Whereas, The Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA), a federal law that established an oversight board, a process for restructuring debt, and expedited procedures for approving critical infrastructure projects in order to address Puerto Rico's debt, was enacted before the hurricanes and is therefore not designed to account for the recent devastation; and

Whereas, U.S. Senators Elizabeth Warren and Bernie Sanders introduced S.3262, the U.S. Territorial Relief Act of 2018 ("the Act"), which would give U.S. territories the option to terminate their non-pension debt obligations if they meet certain stringent eligibility criteria; and

Whereas, If the Act is passed and Puerto Rico chooses to terminate its debt load within three years of enactment, \$15 billion in federal funds will be made available to Puerto Rican residents and other creditors whose holdings were terminated; and

Whereas, The Act was created to provide "an avenue to comprehensive debt relief for Puerto Rico and other disaster-ravaged U.S. territories so they can recover and rebuild with dignity"; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass, and the President to sign, the U.S. Territorial Relief Act of 2018, to provide comprehensive debt relief for Puerto Rico and other U.S. territories affected by Hurricanes Irma and María.

Referred to the Committee on Civil and Human Rights.

Int. No. 1249

By Council Members Cabrera and Diaz.

A Local Law to amend the administrative code of the city of New York, in relation to repealing the critical driver program and amending the persistent violators program relating to drivers of taxicabs and for-hire vehicles

Be it enacted by the Council as follows:

Section 1. Paragraph 1 of subdivision a of section 19-507.1 of the administrative code of the city of New York, as amended by local law number 51 for the year 2016, is amended to read as follows:

a. (1) Any taxicab or for-hire vehicle driver may attend a remedial or refresher course approved by the commission. Upon presentation to the commission of proof of satisfactory completion of a commission-approved course by such driver, three points shall be deducted from the number of points assessed under the persistent violators program against his or her commission-issued driver's license, except as otherwise provided in this paragraph. A taxicab or for-hire vehicle driver shall be eligible for a point reduction pursuant to this subdivision only once within a [five-year] *three-year* period. In the event no such approved course is available at the time such driver seeks to enroll, such driver may take a [course provided for in paragraph one

of subdivision c of section 19-507.2 of this chapter] *motor vehicle accident prevention course approved by the department of motor vehicles*. In such instance, completion of a course taken pursuant to this paragraph [or pursuant to paragraph one of subdivision c of section 19-507.2] shall result in the removal of three points from [either] the number of points accrued under the persistent violators program [or from the number of points accrued under the critical drivers program, but not from both, upon the election of the driver who completes such course].

§2. Subdivision e of section 19-507.1 of the administrative code of the city of New York, as amended by local law number 51 for the year 2016, is amended to read as follows:

e. A taxicab or for-hire vehicle driver shall not be subject to an assessment of points against his or her commission-issued driver's license or the imposition of duplicate penalties where the same act is a violation under provisions of law other than commission rules and where such violations duplicate each other or are substantively the same and any such driver may be issued only one summons or notice of violation for such violation. [Points assessed pursuant to section 19-507.2 of this chapter may, pursuant to subdivisions i and j of this section, be added to points assessed by the commission under this section for violations of commission rules.]

§3. Subdivision i of section 19-507.1 of the administrative code of the city of New York, as amended by local law number 51 for the year 2016, is amended to read as follows:

i. Any taxicab or for-hire vehicle driver who has been found guilty of violations such that six or more points but fewer than ten points in total have been assessed within any fifteen-month period against his or her commission-issued driver's license pursuant to this section and against the driver license issued to such taxicab or for-hire vehicle driver by the department of motor vehicles or an equivalent licensing agency of the driver's state of residence [pursuant to section 19-507.2 of this chapter] and whose commission-issued driver's license has not been revoked shall have his or her commission-issued driver's license suspended for up to thirty days; provided, however, that only points assessed against a commission-issued driver's license for violations that threaten the safety of passengers or any other persons, as specified by rule of the commission, may be applied for purposes of this subdivision.

§4. Subdivision j of section 19-507.1 of the administrative code of the city of New York, as amended by local law number 51 for the year 2016, is amended to read as follows:

j. Any taxicab or for-hire vehicle driver who has been found guilty of violations such that ten or more points in total have been assessed within any fifteen-month period against his or her commission-issued driver's license pursuant to this section and against the driver's license issued to such taxicab or for-hire vehicle driver by the department of motor vehicles or an equivalent licensing agency of the driver's state of residence [pursuant to section 19-507.2 of this chapter] shall have his or her commission-issued driver's license revoked; provided, however, that only points assessed against a commission-issued driver's license for violations that threaten the safety of passengers or any other persons, as specified by rule of the commission, may be applied for purposes of this subdivision.

§ 5. Section 19-507.2 of the administrative code of the city of New York is REPEALED.

§ 6. This local law takes effect 60 days after it becomes law, except that the taxi and limousine commission shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on For-Hire Vehicles (*Editor's Note*: Int. No. 1249 was re-assigned to the Committee on Governmental Operations on December 10, 2018).

Int. No. 1250

By Council Members Cabrera, Espinal, Rodriguez, Salamanca, Ulrich, Levine, Koslowitz, Richards, Torres, Cornegy, Constantinides, Ampry-Samuel, Brannan, Maisel, Cumbo, Gjonaj, Williams, Rivera, Van Bramer, Adams, Reynoso and Borelli.

A Local Law to amend the administrative code of the city of New York, in relation to the operation of certain electric scooters

Be it enacted by the Council as follows:

Section 1. Section 19-176.2 of the administrative code of the city of New York, subdivisions a and d of such section as amended by local law number 40 for the year 2013 and subdivisions b and c of such section as added by local law number 51 for the 2004, is amended to read as follows:

§ 19-176.2. Motorized scooters. a. For purposes of this section, the term “motorized scooter” shall mean any wheeled device that has handlebars that is designed to be stood or sat upon by the operator, is powered by an electric motor or by a gasoline motor that is capable of propelling the device without human power and is not capable of being registered with the New York State Department of Motor Vehicles. For the purposes of this section, the term motorized scooter shall not include wheelchairs or other mobility aids designed for use by disabled persons *or motorized scooters powered by an electric motor incapable of propelling the device more than 15 miles per hour.*

b. No person shall operate a motorized scooter in the city of New York.

c. Any person who violates subdivision b of this section shall be liable for a civil penalty in the amount of [five hundred dollars] *\$100*. Authorized employees of the police department and department of parks and recreation shall have the authority to enforce the provisions of this section. Such penalties shall be recovered in a civil action or in a proceeding commenced by the service of a notice of violation that shall be returnable before the environmental control board. In addition, such violation shall be a traffic infraction and shall be punishable in accordance with section eighteen hundred of the New York state vehicle and traffic law.

d. Any motorized scooter that has been used or is being used in violation of the provisions of this section *that has been operated in a manner that endangers the safety of the operator or the safety or property of another* may be impounded and shall not be released until any and all removal charges and storage fees and the applicable fines and civil penalties have been paid or a bond has been posted in an amount satisfactory to the commissioner of the agency that impounded such [vehicle] *device*.

e. Motorized scooters powered by an electric motor incapable of propelling the device more than 15 miles per hour shall be subject to the same rights and responsibilities attributed to operators of bicycles under the code and the rules of the city of New York.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of transportation 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 Transportation.

Int. No. 1251

By Council Members Cohen, Levine, Brannan, Ampry-Samuel, Espinal and Levin.

A Local Law to amend the administrative code of the city of New York, in relation to a building energy efficiency grade

Be it enacted by the Council as follows:

Section 1. Section 28-309.12.1 of the administrative code of the city of New York, as added by local law number 33 for the year 2018, is amended to read as follows:

§ 28-309.12.1 Definitions. As used in section 28-309.12, the following terms shall have the following meanings:

ENERGY EFFICIENCY GRADE. The term “energy efficiency grade” means, for a covered building, a grade based on an energy efficiency score assigned through the benchmarking tool in accordance with this section as follows:

1. If such score is equal to or greater than [90] 85 the energy efficiency grade shall be A;
2. If such score is equal to or greater than [50] 70 but less than [90] 85, the energy efficiency grade shall be B;
3. If such score is equal to or greater than [20] 55 but less than [50] 70, the energy efficiency grade shall be C;
4. If such score is less than [20] 55, the energy efficiency grade shall be D;
5. If the owner of such building has not complied with section 28-309.12.2, and such owner has had an opportunity to be heard with respect to such non-compliance, the energy efficiency grade shall be F; and
6. If, in accordance with the rules of the department, it is not feasible to obtain an energy efficiency score for such building or if such building is subject to the exception in section 28-309.8, the energy efficiency grade shall be N.

§ 2. This local law takes effect on the same date as local law number 33 for the year 2018.

Referred to the Committee on Environmental Protection.

Int. No. 1252

By Council Members Constantinides, the Speaker (Council Member Johnson), Cumbo, Richards, Lander, Ampry-Samuel, Yeger, Espinal, Brannan and Levin (in conjunction with the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to establishing a sustainable energy loan program

Be it enacted by the Council as follows:

Section 1. Title 11 of the administrative code of the city of New York is amended by adding a new chapter 30 to read as follows:

CHAPTER 30
NEW YORK CITY SUSTAINABLE ENERGY LOAN PROGRAM

§ 11-3001 Definitions. As used in this chapter, the following terms have the following meanings:

Administering agency. The term “administering agency” means an agency or office designated by the mayor, pursuant to section 11-3008, to implement, administer and enforce the provisions of this chapter.

Authority. The term “authority” means the New York state energy research and development authority, as defined by subdivision two of section eighteen hundred fifty-one of the public authorities law, or its successor.

Credit support. The term “credit support” means the use of (i) direct loans, (ii) letters of credit, (iii) loan guarantees or (iv) insurance products, in any combination, and the purchase of or commitment to purchase, or the sale of or commitment to sell, debt instruments, including subordinated securities.

Energy audit. The term “energy audit” means a formal evaluation of the energy consumption of a permanent building or structural improvement to real property, conducted by a contractor certified by the

authority, or certified by a certifying entity approved by the authority for purposes of article 5-L of the general municipal law, or certified by the administering agency, for the purpose of identifying appropriate energy efficiency improvements that could be made to the property.

Energy efficiency improvement. The term “energy efficiency improvement” means any renovation or retrofitting of a building to reduce energy consumption, such as window and door replacement, lighting, caulking, weatherstripping, air sealing, insulation, and heating and cooling system upgrades, and similar improvements, determined to be cost-effective pursuant to criteria established by the authority. However, “energy efficiency improvement” shall not include lighting measures or household appliances that are not permanently fixed to real property.

Loan. The term “loan” means a loan made pursuant to the program.

Program. The term “program” means the sustainable energy loan program established by this chapter.

Renewable energy system. The term “renewable energy system” means an energy generating system for the generation of electric or thermal energy, to be used primarily at such property, except when the owner of real property is a commercial entity, by means of a solar thermal, solar photovoltaic, wind, geothermal, anaerobic digester gas-to-electricity systems, fuel cell technologies, or other renewable energy technology approved by the authority not including the combustion or pyrolysis of solid waste.

Renewable energy system feasibility study. The term “renewable energy system feasibility study” means a written study, conducted by a contractor certified by the authority, or certified by an entity approved by the authority for purposes of article 5-L of the general municipal law, or certified by the administering agency, for the purpose of determining the feasibility of installing a renewable energy system.

§ 11-3002 Sustainable energy loan program. Pursuant to the authority granted by section 119-gg of the general municipal law, there is hereby established a sustainable energy loan program. The administering agency may implement the program using federal grant assistance or federal credit support or monies from the state of New York or any state authority as defined by section 2 of the public authorities law available for this purpose. The administering agency may enter into an agreement with one or more for-profit or not-for-profit corporations to manage or assist in the implementation, administration and enforcement of the program.

§ 11-3003 Loans. The program may make loans to the owners of real property located within the city to finance the installation of renewable energy systems and energy efficiency improvements, related energy audits and renewable energy system feasibility studies, and the verification of the installation of such systems and improvements.

§ 11-3004 Loan conditions. a. Every loan shall be repaid over a term not to exceed the weighted average of the useful life of such systems and improvements as determined by the administering agency. The administering agency shall set a fixed rate of interest for the repayment of the principal amount of each loan at the time the loan is made.

b. For loans made to an owner of real property that is a commercial entity, not-for-profit organization, or entity other than an individual, the administering agency shall have the authority to impose requirements on the maximum amount that may be borrowed through such loan, which may consider factors including but not limited to the property value, projected savings, project cost, and existing indebtedness secured by such property.

c. For loans made to an owner of real property who is an individual, the principal amount of each loan made under the program, excluding interest, shall not exceed the lesser of 10 percent of the appraised real property value of the real property benefitted by such loan or the actual cost of installing the renewable energy system and energy efficiency improvements, including the costs of necessary equipment, materials, and labor, the costs of each related energy audit and renewable energy system feasibility study, and the cost of verification of such renewable energy system and energy efficiency improvements.

d. No loan shall be made for energy efficiency improvements unless determined to be appropriate through an energy audit, and no such loan shall be made for a renewable energy system unless determined to be feasible through a renewable energy system feasibility study.

e. No loan shall be made unless the administering agency, any corporation managing or assisting in the implementation, administration and enforcement of the program pursuant to section 11-3002 and any lender to the program have agreed to the subordination of such lender’s rights under the loan, including the subordination of the payment of any lien arising from the loan to the payment of all other liens and

encumbrances on such real property arising out of taxes and assessments, sewer rents, sewer surcharges, water rents, other city charges and interest or penalty thereon levied or charged pursuant to law or rule.

f. No loan shall be made to an owner of real property that has unpaid civil penalties or taxes or other debt owed to the city that is delinquent.

§ 11-3005 Repayment. a. A loan shall constitute a lien upon the real property benefitted by such loan.

b. A loan shall be repaid by the property owner through a charge on the real property benefitted by such loan. Such charge shall be on the real property and shall be levied and collected at the same time and in the same manner as municipal taxes, provided that such charge shall be separately listed on the tax bill. Any partial payment of charges separately listed on the tax bill shall be allocated to payment of taxes and assessments, sewer rents, sewer surcharges, water rents, any other city charges and interest or penalty thereon levied or charged pursuant to law or rule before payment shall be allocated to any loan.

c. In the event such charge is not paid when due, such unpaid charge shall be subject to the provisions of chapters 3 and 4 of this title and other related provisions of the charter and administrative code

§ 11-3006 Reporting. The administering agency shall verify and report on the installation and performance of renewable energy systems and energy efficiency improvements financed by the program in such form and manner as the authority may establish.

§ 11-3007 Rulemaking. The administering agency shall promulgate rules to implement this program. Such rules shall include, but need not be limited to, eligibility criteria for loans, terms and conditions for repayment of such loans and reporting and filing requirements related to such loans. Such rules shall also include criteria for persons to be certified pursuant to the program for purposes of conducting energy audits and renewable energy system feasibility studies, which shall be at least as stringent as the criteria for certification adopted by the authority for the purposes of article 5-L of the general municipal law.

§ 11-3008 Designation of administering agency. The mayor shall, in writing, designate one or more offices or agencies to implement, administer and enforce the provisions of this chapter and may, from time to time at the mayor's discretion, change such designation. Within 10 days after such designation or change thereof, a copy of such designation or change thereof shall be published on the website of each such office or agency, and shall be electronically submitted to the speaker of the council.

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 1253

By Council Member Constantinides, the Speaker (Council Member Johnson) and Council Members Torres, Kallos, Rosenthal, Levin, Rivera, Koo, Powers, Levine, Reynoso, Richards, Salamanca, Menchaca, Chin, Lander, Ampy-Samuel, Ayala, Cumbo, Maisel, Rose, Brannan, Williams, Espinal, Rodriguez, Lancman, Dromm, Koslowitz, Gibson, Treyger, Cornegy, Van Bramer, Cabrera, Moya, Holden, Cohen, Eugene and Adams.

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to the commitment to achieve certain reductions in greenhouse gas emissions by 2050

Be it enacted by the Council as follows:

Section 1. Chapter 26 of the New York city charter is amended by adding a new section 651 to read as follows:

§ 651. Office of building energy performance. a. There shall be in the department an office of building energy performance. The office shall be headed by a director who shall report to the commissioner. The duties of the office shall include, but not be limited to:

1. Overseeing development, implementation and coordination of building energy performance legislation and policies for existing buildings, new construction and major renovations;

2. *Creating annual building energy assessment protocols and requiring building owners to submit annual building energy assessments to illustrate compliance with energy limits established by the office pursuant to section 28-320.3 of the administrative code;*

3. *Creating an online portal for submission of annual building energy assessments;*

4. *Receiving and validating annual building energy assessment submissions;*

5. *Determining penalties for buildings that are noncompliant with applicable energy limits;*

6. *Overseeing the review and revision of any building energy performance assessment methodology, building energy limits, goals and timeframes to meet any limits or goals;*

7. *Establishing alternative methods of compliance for building energy limits, including any requests for hardship waivers, purchasing power from green energy sources, trading efficiencies, credit for beneficial electrification, and alternative compliance for buildings with rent regulated housing accommodations; and*

8. *Working in close coordination with the mayor's office of long-term planning and sustainability and the advisory board established pursuant to section 28-320.2 of the administrative code to:*

(a) *Establish building emissions intensity limits for individual buildings, which may include limits on the use of fossil fuels in individual buildings where applicable. Such limits shall include technical, financial and implementation tools and standards of building energy performance, and deadlines to achieve building sector energy savings; or*

(b) *Establish and implement an alternative methodology to reduce greenhouse gas emission 80% by 2050.*

b. *City agencies, including but not limited to the mayor's office of long-term planning and sustainability, the department of environmental protection, the department of housing preservation and development and the department of citywide administrative services shall cooperate with the office as requested by the director. Such cooperation shall include, but not be limited to, detailing agency staff to assist office staff consistent with agency and office functions and reporting to the office on building energy performance issues and related enforcement efforts.*

9. *The Office of Building Energy Performance shall be adequately staffed with registered design professionals to ensure responsibilities will be delivered within the timeframes set out in 28-320.3.*

§ 2. Section 28-308.1 of the administrative code of the city of New York, as amended by local law number 106 for the year 2018, is amended to read as follows:

§ 28-308.1. Definitions. As used in this article, the following terms shall have the following meanings:

BASE BUILDING SYSTEMS. The systems or subsystems of a building that use energy and/or impact energy consumption including:

1. The building envelope.
2. The HVAC (heating ventilating and air conditioning) systems.
3. Conveying systems.
4. Domestic hot water systems.
5. Electrical and lighting systems.

Exception: The term "base building systems" shall not include:

1. Systems or subsystems owned by tenants (other than a net lessee for a term of 49 years or more, inclusive of renewal options), condominium unit owners or cooperative unit shareholders, or a system or subsystems for which a tenant bears full maintenance responsibility and that is within the tenant's leased space and/or exclusively serves such leased space.

2. Industrial processes that occur within a covered building.

BUILDING MANAGEMENT SYSTEM. A computer-based system that monitors and controls a building's mechanical and electrical equipment, such as HVAC, lighting, power, fire, and security systems, including, at a minimum, control of the heating equipment using interior temperature sensors.

CITY BUILDING. A covered building that is owned by the city and for which the city regularly pays all or part of the annual energy bills.

Exception: The term "city building" shall not include:

1. Any building that participates in the tenant interim lease apartment purchase program.
2. Any building that participates in a program administered by the department of housing preservation and development.
3. Any building managed by the New York city health and hospitals corporation.
4. Any senior college in the City University of New York system.
5. Any cultural institution that is in the Cultural Institutions Group as determined by the department of cultural affairs.

COOPERATIVE CORPORATION. A corporation governed by the requirements of the state cooperative corporation law or general business law that, among other things, grants persons the right to reside in a cooperative apartment, that right existing by such person's ownership of certificates of stock, proprietary lease, or other evidence of ownership of an interest in such entity.

COVERED BUILDING. As it appears in the records of the department of finance: (i) a building that exceeds [50,000] 25,000 gross square feet (4645 m²), (ii) two or more buildings on the same tax lot that together exceed [100,000] 50,000 gross square feet (9290 m²), or (iii) two or more buildings held in the condominium form of ownership that are governed by the same board of managers and that together exceed [100,000] 50,000 gross square feet (9290 m²).

Exception: The term "covered building" shall not include real property classified as class one pursuant to subdivision one of *section 1802 of the real property tax law of the state of New York*.

CURRENT FACILITY REQUIREMENTS. The owner's current operational needs and requirements for a building, including temperature and humidity set points, operating hours, filtration, and any integrated requirements such as controls, warranty review, and service contract review.

ENERGY AUDIT OR AUDIT. A systematic process of identifying and developing modifications and improvements of the base building systems, including but not limited to alterations of such systems and the installation of new equipment, insulation or other generally recognized energy efficiency technologies to optimize energy performance of the building and achieve energy savings, provided that such process shall not be less stringent than the Level II Energy Survey and Engineering Analysis of the 2004 edition of Procedures for Commercial Building Energy Audits published by the American Society of Heating, Refrigerating and Air-conditioning Engineers Inc. (ASHRAE).

ENERGY AUDITOR. An approved agency authorized by the department to perform energy audits and to certify audit reports required by this article. Until such time as there is a national standard establishing qualifications for persons performing energy audits and such standard has been adopted by the department, an energy auditor shall be a registered design professional with such other certification or qualification as the department deems to be appropriate. After the establishment of such a national standard, the

department may adopt the qualifications of the national standard with such modifications as the department deems to be appropriate.

ENERGY MANAGEMENT SYSTEM. A system incorporating interior temperature sensors and a central processing unit and controls, which are used to monitor and control gas, steam and oil usage, as is applicable, based on the need for heating.

ENERGY EFFICIENCY REPORT. The report required to be filed pursuant to section 28-308.4.

FINANCIAL HARDSHIP (OF A BUILDING). A building shall be considered to be subject to financial hardship if the building:

1. Had arrears of property taxes or water or wastewater charges that resulted in the property's inclusion, within two years prior to the due date of an energy efficiency report, on the department of finance's annual New York city tax lien sale list;
2. Is exempt from real property taxes pursuant to *sections 420-a, 420-b, 446 or 462 of the real property tax law* and applicable local law and the owner had negative revenue less expenses during the two tax years prior to the due date of an energy efficiency report as certified to the department by a certified public accountant;
3. Had outstanding balances under the department of housing preservation and development's emergency repair program that resulted in the property's inclusion, within two years prior to the due date of an energy efficiency report, on the department of finance's annual New York city tax lien sale list; or
4. Has an active or effective commitment letter from a governmental agency that provides for the financing of the rehabilitation, within a period of 5 years or less, of such building by such government agency for the purposes of affordable housing for low or moderate income families.

OWNER. The owner of record of a covered building, except that in the case of a net lease of an entire building for a term of 49 years or more, inclusive of renewal options, the term owner shall refer to the net lessee and in the case of a covered building held in cooperative or condominium form of ownership, the term owner shall refer to the board of managers in the case of a condominium and the board of directors in the case of a cooperative apartment corporation.

RETRO-COMMISSIONING. A systematic process for optimizing the energy efficiency of existing base building systems through the identification and correction of deficiencies in such systems, including but not limited to repairs of defects, cleaning, adjustments of valves, sensors, controls or programmed settings, and/or changes in operational practices.

RETRO-COMMISSIONING AGENT. An individual, who shall not be a certified refrigerating system operating engineer or a licensed high pressure boiler operating engineer on the staff of the building being retro-commissioned, authorized by the department to certify retro-commissioning reports required by this article. Until such time as there is a national standard establishing qualifications for persons who perform retro-commissioning and such standard has been adopted by the department, a retro-commissioning agent shall be a registered design professional, a certified refrigerating system operating engineer, or a licensed high pressure boiler operating engineer, with such other qualification or certification as determined by the department. After the establishment of such a national standard, the department may adopt the qualifications of the national standard with such modifications as the department deems to be appropriate.

SIMPLE BUILDING. A covered building with neither a central chilled water system nor a central cooling system that covers more than 10% of the building's gross area.

SIMPLE PAYBACK. The number of years for the projected annual energy savings to equal the amount invested in the energy conservation measure, as determined by dividing the investment by the annual energy savings.

SPACE. An area within a building enclosed by floor to ceiling walls, partitions, windows and doors.

SYSTEM OR SUBSYSTEM. Shall have the same as set forth in section 202 of the New York city energy conservation code.

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

§ 28-320 Building Energy Efficiency

§ 28-320.1 Definitions. As used in this article, the following terms shall have the following meanings:

ADMINISTERING AGENCY. *The term “administering agency” means the office of building energy performance established by section 651 of the New York city charter.*

BUILDING EMISSIONS. *The term “building emissions” means greenhouse gas emissions as expressed in metric tons of carbon dioxide equivalent emitted as a result of operating a covered building and calculated in accordance with rules promulgated by the administering agency.*

BUILDING EMISSION INTENSITY. *The term “building emissions intensity” means, for a covered building, the number obtained by dividing the building emissions by such building’s gross floor area, expressed in metric tons of carbon dioxide equivalent per square foot per year.*

COVERED BUILDING. *The term “covered building” means (i) a building that exceeds 25,000 gross square feet or (ii) a city-owned building. Covered building shall not include rent regulated accommodations.*

DEPARTMENT. *The term “department” means the department of buildings.*

FOSSIL FUEL. *The term “fossil fuel” means a fuel such as coal or gas, formed in the geological past from the remains of living organisms, consumed through a combustion process that is associated with the creation of a heating and/or cooling byproduct that includes, but is not limited to steam, hot water, or chilled water, that is consumed on the premises of a covered building.*

GREEN ENERGY SOURCE. *The term “green energy source” means a source of energy that is:*

- 1. A qualified energy resource, as such term is defined in section 45 of title 26 of the United States code in effect on January 1, 2017; and*
- 2. A source that is determined to be renewable by the head of the administering agency.*

METRIC TONS OF CARBON DIOXIDE EQUIVALENT. *The term “metric tons of carbon dioxide equivalent” means the global standard unit in carbon accounting to quantify greenhouse gas emissions, also expressed as tCO₂e.*

OCCUPANCY GROUP. *The term “occupancy group” means the classification assigned to a building or a space within a building in accordance with the New York city building code or the 1968 building code, as applicable.*

REGISTERED DESIGN PROFESSIONAL. *The term “registered design professional” has the same meaning as in section 28-101.5.*

RENT REGULATED ACCOMODATION. *The term “rent regulated accommodation” means a building containing one or more dwelling units with a legal regulated rent pursuant to the emergency tenant protection act of 1974, the rent stabilization law of 1969 or the local emergency housing rent control act of 1962.*

§ 28-320.2 Advisory board. *There shall be an advisory board convened by the administering agency upon the effective date of this section, in January of 2029, and in January of 2039 to provide advice and recommendations to the administering agency pursuant to meet the goals of section 28-320.3. The director of the administering agency, or the designee of such director, shall serve as chairperson of such advisory board.*

§ 28-320.2.1 Advisory board composition. *Such advisory board shall be composed of a minimum of 27 members including the chairperson, 13 of the members of such advisory board shall be appointed by the mayor or the mayor’s designee, and 13 of the members of such advisory board shall be appointed by the speaker of the council. To the extent practicable, the advisory board shall include representatives of (i) engineers; (ii) architects; (iii) building owners and managers; (iv) the construction trades; (v) the energy industry; (vi) the public utilities industry; (vii) the green energy industry; (viii) residential and commercial tenants; (ix) the business sector; (x) environmental advocacy organizations; (xi) environmental justice organizations; (xii) academic research institutions; (xiii) non-profit institutions; and (xiv) other persons with experience or expertise deemed relevant by the administering agency.*

§ 28-320.2.2 Working groups. *The advisory board shall convene smaller working groups, as necessary, to issue recommendations to the administering agency. Such working groups shall meet at least quarterly until the completion of each report. If there is a vacancy on the working group, the vacancy shall be replaced by an appointment in the same manner the position was originally filled. Adequate resources for the advisory board will be allocated to allow the procurement of technical assistance, staff support, report preparation, and other tasks reasonable to the scale and impact of the legislation and the complexity of the charge of the advisory board. Such recommendations shall include, but not be limited to:*

- 1. A report and recommendations for an approach to assessing building energy performance. Such report shall include, but not be limited to, an approach for buildings to submit energy use and other information for the purpose of assessing energy performance of covered buildings. Such report shall include a methodology that includes the metric of measure, adjustments to the metric, the approach to comparing the output to a benchmark, alternative compliance paths, and an approach for a trading mechanism as described in section 28-320.11. Such report shall be developed in collaboration with the office of long-term planning and sustainability and shall be delivered to the Mayor no later than December 31, 2020.*
- 2. A report and recommendation for energy performance limits for covered buildings beginning in 2024. Such report may also include requirements for improvements to fossil fuel energy performance or incentives for reduction of peak energy demand. Such report shall include recommendations to ensure staggered compliance of the energy performance improvements, a calculation method for penalties for non-compliance, estimated emissions reductions associated with the recommended limits, and an economic impact study, including benefits, of achieving the limits. Such report shall be developed in collaboration with the office of long-term planning and sustainability and shall be delivered to the Mayor no later than December 31, 2021.*

§ 28-320.3 Building emissions limits. *On and after January 1, 2022 a covered building shall not have building emissions higher than the annual building emissions limit for such building as determined in accordance with this section based on the occupancy group of the building.*

§ 28-320.3.1 Building emissions limits 2022-2023. *For calendar years 2022 and 2023 the annual building emissions limits shall be calculated as follows:*

1. *For occupancy groups A, E, H, U: multiply the building emissions intensity limit of 0.008886 ton CO₂e/sf by the corresponding gross floor area (sf);*
2. *For occupancy groups B, I, M: multiply the building emissions intensity limit of 0.008552 ton CO₂e/sf by the corresponding gross floor area (sf);*
3. *For occupancy groups F, S: multiply the building emissions intensity limit of 0.005170 ton CO₂e/sf by the corresponding gross floor area (sf);*
4. *For occupancy group R: multiply the building emissions intensity limit of 0.007010 ton CO₂e/sf by the corresponding gross floor area (sf); and*
5. *For buildings with spaces classified in more than one occupancy group the sum of the calculated values from subparagraphs (a) through (d) of this paragraph, as applicable for each space.*

§ 28-320.3.2 Building emissions limits 2024-2029. *For calendar years 2024 through 2029 the annual building emissions limits shall be calculated as follows, or determined in consultation with the advisory board and the office of long term planning and sustainability and set by rule by the department, provided that such limits shall not be less restrictive than the limits for the calendar year preceding the establishment of such limits pursuant to this paragraph:*

1. *For occupancy groups A, E, H, U: multiply the building emissions intensity limit of 0.004439 ton CO₂e/sf by the corresponding gross floor area (sf);*
2. *For occupancy groups B, I, M: multiply the building emissions intensity limit of 0.004850 ton CO₂e/sf by the corresponding gross floor area (sf);*
3. *For occupancy groups F, S: multiply the building emissions intensity limit of 0.001374 ton CO₂e/sf by the corresponding gross floor area (sf);*
4. *For occupancy group R: multiply the building emissions intensity limit of 0.004339 ton CO₂e/sf by the corresponding gross floor area (sf); and*
5. *For buildings with spaces classified in more than one occupancy group the sum of the calculated values from sub-paragraphs (a) through (d) of this paragraph as applicable for each space.*

§ 28-320.3.3 Building emissions limits 2030-2049. *No later than January 1, 2021 the department, in consultation with the advisory board, shall establish annual building emissions limits and building emission intensity limits applicable for calendar years 2030 through 2039 and building emission limits and building emission intensity limits applicable for calendar years 2040 through 2049. Such limits established shall not be less restrictive than the limit for the calendar year preceding the establishment of such limits pursuant to this paragraph. Such limits shall be set to achieve an average building emission intensity for all covered buildings of no more than 0.0014 tCO₂e/sf/yr by 2050.*

§ 28-320.3.4 Building emissions limits 2050. *No later than January 1, 2025 the department, in consultation with the advisory board, shall establish building emission limits and building emissions intensity limits applicable for calendar years commencing on and after January 1, 2050. Such limits shall not be less restrictive than the limits established for the calendar year commencing January 1, 2049 and shall achieve an average building emissions intensity for all covered buildings of no more than 0.0014 tCO₂e/sf/yr.*

§ 28-320.3.5 Reports. *By May 1, 2023, and by May 1 of every year thereafter, the owner of a covered building shall file with the department a report, certified by a registered design professional, that for the previous calendar year such building is either:*

- 1. In compliance with the applicable building emissions limits established pursuant to section 28-320.3; or*
- 2. Not in compliance with such applicable building emissions limits and the amount by which such building exceeds such limits.*

§ 28-320.3.6 Continuing requirements. *In 2055, the administering agency shall prepare and submit to the mayor and the speaker of the council recommendations whether to continue any of the requirements of this section.*

§ 28-320.4 Rules. *The department may amend, adopt or promulgate any such rules, regulations, fees, penalties or procedures as may be necessary to effectuate compliance with any reporting requirements of this chapter.*

§ 28-320.5 Assistance. *The administering agency shall establish and maintain a program for assisting owners of covered buildings in complying with this section, as well as expand existing programs established to assist owners in making energy efficiency improvements and purchasing energy derived from green energy sources. These programs shall be made available to assist building owners without adequate financial resources or technical expertise.*

§ 28-320.6 Outreach and education. *The administering agency shall establish and engage in outreach and education efforts to inform building owners about building emissions limits, building emissions intensity limits and compliance with this chapter. The materials developed for such outreach and education shall be made available on the department's website.*

§ 28-320.7 Penalties. *The owner of a covered building that does not meet the requirements of section 28-320.3 shall be subject to a civil penalty for each year until such building meets such requirements. The civil penalty for each such year shall be calculated as follows:*

§ 28-320.7.1 Penalty amount. *An owner of a covered building who has submitted (i) a report pursuant to section 28-320.3.5 which indicates that such building has exceeded its building emission limit shall be liable for a civil penalty of not more than an amount equal to the difference between the building emissions limit and the reported building emissions, multiplied by the building's gross floor area, multiplied by \$268.*

§ 28-320.7.2 Variances. *The administering agency may vary a requirement of this section with respect to a covered building in existence on the effective date of this section, provided that the owner is complying with such requirements to the maximum extent practicable. Such a variance shall be granted only upon a specific finding that:*

- 1. Strict compliance with such requirement within the allowed time through capital improvements is not reasonably possible due to (i) a constraint imposed by another provision of law, including but*

not limited to designation as a landmark, landmark site, interior landmark, or within a historic district pursuant to chapter 3 of title 25 of this code, or (ii) a physical condition of the building or building site including but not limited to lack of access to energy infrastructure, space constraints, or lack of access to a space within a building covered by a lease in existence on the effective date of this section; and

- 2. The owner has made a good faith effort to purchase green energy sources to meet such requirement but a sufficient quantity is not available at a reasonable cost; and*
- 3. The owner has availed itself of all available city, state, federal and utility incentive programs related to energy reduction or renewable energy for which it reasonably could be eligible;*

A variance shall also be granted upon a specific finding that:

- 1. The cost of financing capital improvements to strictly comply with the requirements of this section would prevent the owner of a building from earning a reasonable return on the use of such building. In making such a finding, the administering agency may consider future savings expected from any such capital improvements and whether the owner has taken advantage of any program funded by the city or enabled by a local law that provides financing for the purpose of energy reduction or sustainability measures. Proof of inability to access financing must be demonstrated by rejection from any such program funded by the city or enabled by a local law;*
- 2. The owner has made a good faith effort to purchase green energy sources to meet such requirements but a sufficient quantity is not available at a reasonable cost; and*
- 3. The owner has availed itself of all available city, state, federal and utility incentive programs related to energy reduction or renewable energy for which it reasonably could be eligible.*

§ 28-320.7.3 Effective Period. *A variance granted pursuant to subparagraph (a) of paragraph 1 of this section may be effective for a period of not more than 3 years. A variance granted pursuant to subparagraph (b) of paragraph 1 of this section may be effective for a period of not more than 1 year.*

§ 28-320.7.4 Application. *An application for such a variance shall be made in the form and manner determined by the administering agency.*

§ 28-320.7.5 Appeal. *The determination of the administering agency denying an application for a variance may be appealed to the board of standards and appeals.*

§ 28-320.7.6 Penalty Reduction. *The civil penalty may be reduced by up to 25% upon a showing that the average daily temperature for the year in which the penalty is issued exceeded the high estimate for annual temperatures for New York City in the 2050s in Fahrenheit as defined by the most recent report issued by the New York City Panel on Climate Change. The civil penalty may be reduced by up to 25% upon a showing that the minimum temperature for the year in which the penalty is issued was at or below freezing on more than 72 days.*

§ 28-320.7.7 Default Penalty. *An owner of a covered building who does not submit a report required by section 28-320.3.5 shall be liable for a civil penalty of not more than an amount equal to the building emissions intensity limit of such building multiplied by 10, multiplied by such building's gross floor area, multiplied by \$268; provided, however, that no civil penalty shall accrue for a report demonstrating compliance with the requirements of this section if such report is filed within 60 days of the date such report is due.*

§ 28-320.7.8 False Statement. *It shall be unlawful to knowingly make a material false statement in a report or other submission filed with the administering agency or the department, pursuant to this section. A violation of*

this paragraph shall be a misdemeanor and subject to a fine of not more than \$500,000 or imprisonment of not more than 30 days or both such fine and imprisonment. A person who violates this subdivision shall also be liable for a civil penalty of not more than \$500,000.

§ 28-320.7.9 Penalty Recovery. *Civil penalties provided for by this section may be recovered in a proceeding before the environmental control board. Administrative summonses returnable to the environmental control board for violations of this section may be issued by the department or by an agency designated by the department. Civil penalties provided for by this section may also be recovered in an action by the corporation counsel in any court of competent jurisdiction.*

§ 28-320.7.10 Fee Schedule. *The administering agency may establish by rule a schedule of fees that shall be paid upon the filing of a report or an application for a variance pursuant to this section. Such schedule may also include a fee for the late filing such report.*

§ 28-320.7.11 Carbon Trading Study. *The administering agency shall conduct a study on the feasibility of a citywide carbon trading scheme and submit a report with the findings of such study to the mayor and the speaker of the council within three years of the effective date of this section. Such study shall include methods to encourage investment in environmental justice communities and that preserve a minimum level of benefits for all covered buildings and does not result in any localized increases in pollution. Such study shall also include an approach to a marketplace for credit trading, pricing mechanisms, credit verification, and mechanisms for regular improvement of the scheme and should be integrated into the development and analysis of the building energy performance assessment methodology, target setting, penalty calculations, and adjustments recommended by the advisory board. The recommendations of the findings of this study should be considered as an integral component of the system of annual building energy performance submissions the administering agency creates.*

§ 4. This local law takes effect 90 days after it becomes law, except that the department shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules.

Referred to the Committee on Environmental Protection.

Int. No. 1254

By Council Members Cornegy, Brannan and Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to limiting the issuance of notices of violations to food service establishments during certain times

Be it enacted by the Council as follows:

Section 1. Chapter 15 of title 17 of the administrative code of the city of New York is amended by adding new section 17-1506 to read as follows:

§ 17-1506 Food service establishment inspections. The department shall be prohibited from conducting inspections and issuing notices of violations to food service establishments during the hours of 12:00 p.m. to 2:00 p.m., and 6:00 p.m. to 10:00 p.m.

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

Referred to the Committee on Health.

Int. No. 1255

By Council Member Cornegy.

A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to smoke detectors in Group M occupancies that are part of a mixed-use building

Be it enacted by the Council as follows:

Section 1. Article 315 of chapter 3 of title 28 of the administrative code of the city of New York is amended to add a new section 28-315.2.5 to read as follows:

§ 28-315.2.5 Smoke detectors. *Smoke detectors shall be provided and installed in accordance with section 907.2.7.2 of the New York city building code on or before January 1, 2020.*

§ 2. Chapter 9 of the New York city building code is amended by adding a new section 907.2.7.2 to read as follows:

907.2.7.2 Group M occupancy in mixed-use buildings. *At least one smoke detector shall be installed on each floor of a Group M occupancy that is part of a building or structure housing a Group R occupancy.*

§ 3. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 1256

By Council Member Cornegy.

A Local Law to amend the New York city fire code, in relation to fire safety plans for mixed-use buildings

Be it enacted by the Council as follows:

Section 1. Section FC 406.2.1 of the New York city fire code, chapter 2 of title 29 of the administrative code of the city of New York, as added by local law number 148 for the year 2013, is amended to read as follows:

406.2.1. Fire emergency preparedness guide and notices (Level 3).

Fire and emergency preparedness guide and notices in accordance with FC401.7 and the rules shall be prepared, and periodically reviewed and amended, for a Group R-2 building or occupancy[.] *other than buildings and occupancies subject to FC406.2.3.*

§ 2. Section FC 406 of the New York city fire code, chapter 2 of title 29 of the administrative code of the city of New York, as added by local law number 148 for the year 2013, is amended by adding a new section FC 406.2.3:

406.2.3 Fire and emergency preparedness plan (Level 2). *A fire and emergency preparedness plan in accordance with FC401.5 shall be prepared for a Group R-2 building or occupancy that is part of a building or structure housing more than one occupancy or type of occupancy.*

§ 3. Section FC 414.3.1 of the New York city fire code, chapter 2 of title 29 of the administrative code of the city of New York, as added by local law number 148 for the year 2013, is amended to read as follows:

414.3.1 Fire and emergency preparedness plan (Level 2). A fire and emergency preparedness plan in accordance with FC401.5 shall be prepared for the following buildings and occupancies (other than buildings and occupancies subject to FC414.2):

1. a Group M occupancy of more than 30,000 square feet (2787 m²), in which more than twenty-five persons are employed during regular business hours.
 2. a building with one or more Group M occupancies with an aggregate area of more than 30,000 square feet (2787 m²) in which more than twenty-five persons are employed during regular business hours.
 3. a covered mall of more than 30,000 square feet (2787 m²).
 4. a Group M occupancy that is part of a building or structure housing a Group R occupancy.
- § 4. This local law takes effect 120 days after it becomes law, except that the fire commissioner 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. 1257

By Council Member Cornegy and Lancman.

A Local Law to amend the administrative code of the city of New York, in relation to granting access to the department of buildings as a condition of obtaining a permit

Be it enacted by the Council as follows:

Section 1. Article 105 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-105.12.10 to read as follows:

§ 28-105.12.10 Department access. If, after having been issued a permit and at any time during the permit period, a permit holder refuses to grant the department access to such property for the purposes of an inspection of work pursuant to such permit, the commissioner shall issue a stop work order to remain in effect until department access is granted and provide the permit holder with a notice of proposed permit revocation pursuant to section 28-105.10.1.

§ 2. This local law shall take effect 120 days after it becomes law, except that the commissioner of the department of buildings shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 1258

By Council Member Cornegy and Lancman.

A Local Law to amend the administrative code of the city of New York, in relation to mandating audits of the records of process servers.

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 20-406.3 of the administrative code of the city of New York is amended to read as follows:

c. The commissioner [may] *shall* conduct audits of the information required to be kept pursuant to subdivision (a) of this section in order to monitor compliance with this subchapter. *The commissioner shall conduct annual audits of the records of at least 20 percent of licensed process servers who have served a summons, subpoena, notice, citation or other process, directing an appearance or response to a legal action, legal proceeding or administrative proceedings that is subject to the provisions of section 110 of the civil court act. The commissioner shall impose penalties in accordance with the provisions of sections 20-409 and 20-409.1 where the required audit reveals a pattern of incorrect or misleading records or fraudulent service. A record of such pattern shall be provided to the parties in all litigation such process server or process serving agency was engaged to serve process.*

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

Referred to the Committee on Housing and Buildings.

Int. No. 1259

By Council Members Cornegy, Ampry-Samuel and Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to the collection of waste and recyclables from not-for-profit corporations by the department of sanitation

Be it enacted by the Council as follows:

Section 1. Section 16-114 of the administrative code of the city of New York is amended to read as follows:

§ 16-114 Rates for collection and disposal. The commissioner may charge for the collection and disposal of ashes, street sweepings, garbage, refuse, rubbish, dead animals, night soil and offal, and all wastes *and recyclables*, including trade waste from business, industrial, manufacturing, or other establishments conducted for profit, at rates established by the council by local law, upon recommendation of the commissioner, and on such terms and conditions as the commissioner shall prescribe and subject to rules of the department governing such collection and disposal. *The commissioner shall not charge for collection or disposal of such materials from any property or portion of a property that is (1) utilized by a not-for-profit corporation, as defined in paragraph five of subdivision a of section one hundred two of the New York state not-for-profit corporation law, or a foreign corporation, as defined in paragraph seven of such subdivision, when that property or portion of a property is being utilized for a not-for-profit purpose or (2) utilized as a public library, museum, botanical garden, arboretum, memorial building, aquarium, zoological garden or similar public facility.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Preconsidered Int. No. 1260

By Council Members Deutsch, Brannan, Yeger and Rose (by request of the Bronx Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to the curbs adjacent to a fire hydrant or bus stop

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-175.6 as follows:

§ 19-175.6 Curbs adjacent to fire hydrants and bus stops. a. Notwithstanding any other law, rule or regulation, any curb adjacent to a fire hydrant located on a public sidewalk or a bus stop shall be painted the color red. Such curb shall be painted the distance by which a motor vehicle is prohibited from stopping, standing or parking on either side of a fire hydrant or bus stop. For purposes of this section, the term "bus stop" shall mean a location designated by signage for vehicles under the jurisdiction of the metropolitan transit authority to pick up or discharge passengers.

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

Referred to the Committee on Transportation (preconsidered but laid over by the Committee on Transportation)..

Preconsidered Int. No. 1261

By Council Members Deutsch, Richards, Levine, Vallone, Eugene, Menchaca, Moya, Ampry-Samuel, Cabrera, Gibson, Levin, Lancman and Rodriguez.

A Local Law to amend the New York city charter, in relation to requiring educational outreach within the office of prevention of hate crimes

Be it enacted by the Council as follows:

Section 1. Section 20-F of the New York city charter, as added by a local law for the year 2018 amending the New York city charter, relating to creating the office for the prevention of hate crimes, is amended by adding a new subdivision c to read as follows:

c. The coordinator shall establish a division of educational outreach. The division shall have the power and the duty to:

1. Ensure, by such means as necessary, including coordination with relevant city agencies and interfaith organizations, community groups, and human rights and civil rights groups, the provision of effective outreach and education on the impact and effects of hate crimes, including measures necessary to achieve greater tolerance and understanding, and including the use of law enforcement where appropriate.

2. In cooperation with the department of education, create a K-12 curriculum addressing issues related to hate crimes.3. Perform other duties as the mayor may assign.

§ 2. Paragraph 4 of subdivision b of section 20-F of the New York city charter, as added by a local law for the year 2018 amending the New York city charter, relating to creating the office for the prevention of hate crimes, is amended to read as follows:

4. Prepare and submit to the mayor and the council and post conspicuously on the city's website by January 30 of each year an annual report of the activities of the office, including the prevalence of hate crimes during the previous calendar year and the availability of services to address the impact of these crimes. Such report shall include but need not be limited to the following information: (i) identification of areas or populations within the city that are particularly vulnerable to hate crimes, (ii) an assessment of the security concerns and needs of city neighborhoods, schools, and houses of religious worship, (iii) identification and assessment of the efficacy of counseling and resources for victims of hate crimes, [and] (iv) collation of city, state and federal statistics on hate crime complaints and prosecutions within the city, including incidents by offense, bias motivation, and demographic characteristics such as age and gender of offenders, (v) the populations to which the division of educational outreach addressed, (vi) the types of programs created or provided by the division of educational outreach and the names of the providers of such programs, and (vii) any other outreach, education, and prevention efforts made by the division of educational outreach.

§ 3. This local law takes effect on the same date that a local law for the year 2018 amending the New York city charter, relating to creating the office for the prevention of hate crimes, takes effect.

Referred to the Committee on Public Safety (preconsidered but laid over by the Committee on Public Safety).

Preconsidered Int. No. 1262

By Council Member Dromm.

A Local Law to amend the administrative code of the city of New York, in relation to interest rates applicable to installment agreements for the payment of property tax arrears, and to repeal subdivision c of section 11-312 and subdivision e of subdivision 313, relating to the interest rates recommended by the banking commission for the nonpayment of water and sewer rents

Be it enacted by the Council as follows:

Section 1. Subdivision e of section 11-224.1 of the administrative code of the city of New York, as amended by local law number 30 for the year 2015, is amended to read as follows:

(e) Council adopted rates. By May thirteenth of each year, the banking commission shall send a written recommendation to the council of a proposed interest rate to be charged for nonpayment of taxes on real property.

(i) The commission shall consider the prevailing interest rates charged for commercial loans extended to prime borrowers by commercial banks operating in the city and:

[(i)] (1) for real property with an assessed value of two hundred fifty thousand dollars or less *that is not subject to an executed installment agreement or that is in default of an executed installment agreement pursuant to section 11-322 or 11-322.1*, shall propose a rate at least equal to such prevailing prime rate;

[(ii)] (2) for real property with an assessed value of over two hundred fifty thousand dollars, shall propose a rate of at least six percent per annum greater than such prevailing prime rate.

(ii) *For real property with an assessed value of two hundred fifty thousand dollars or less that is subject to an executed installment agreement that is not default pursuant to section 11-322 or 11-322.1, the commission shall consider the most recently determined federal short-term rate, as determined pursuant to sections 1247(d) and 6621(b) of the internal revenue code, and shall propose a rate at least equal to such rate.*

The council may by resolution adopt interest rates to be applicable to the aforementioned properties and may specify in such resolution the date that such rates will take effect.

§2. Subdivision c of section 11-312 of the administrative code of the city of New York is REPEALED.

§3. Subdivision e of section 11-313 of the administrative code of the city of New York is REPEALED.

§4. This local law takes effect on the same date as a local law amending the administrative code of the city of New York relating to installment agreements for the payment of real property taxes, assessments and other charges, as proposed in introduction number 1143 for the year 2018, takes effect.

Referred to the Committee on Finance (preconsidered but laid over by the Committee on Finance).

Res. No. 635

Resolution reaffirming the City of New York's continued commitment to civil rights protections of all minority groups, including women and members of the LGBQ-TGNC community, and condemning federal efforts to roll back such protections under the guise of "religious freedom" laws and regulations.

By Council Members Dromm and Lander.

Whereas, The Federal Government under the Trump Administration has made a pointed effort to roll back discrimination protections for women, ethnic and racial minorities and members of the Lesbian, Gay, Bisexual, Queer, Transgender and Gender Non-Conforming ('LGBTQ-TGNC') community; and

Whereas, In the 2nd Circuit Court case, *Zarda v. Altitude Express*, the Department of Justice (DOJ) reversed its prior position on employment protections, filing an amicus brief in July 2017 stating that same-sex attraction was not protected by Title VII of the Civil Rights Act of 1968; and

Whereas, Shortly after President Trump took office, the Department of Education (DOE) rescinded Obama Administration guidance to public schools allowing students to use bathrooms that aligned with their gender identity; and

Whereas, Recent instances of rolling back such protections have been introduced under the guise of "freedom of religion," as U.S. Attorney General Jeff Sessions stated in 2017: "to the greatest extent practicable and permitted by law, religious observance and practice should be reasonably accommodated in all government activity, including employment, contracting and programming"; and

Whereas, In May 2018, the DOE disclosed plans to examine where federal aid restrictions could be rolled back to allow certain faith-based education programs to receive federal aid; and

Whereas, Currently, many faith-based education programs choose to forgo federal aid in order to be exempt from following civil rights laws that protect groups such as women, ethnic and racial minorities, and members of the LGBTQ-TGNC community; and

Whereas, In January 2018, the Department of Health and Human Services (DHHS) proposed a new rule that would substantially change the delivery of health care by broadly applying "religious freedom" statutes; and

Whereas, A group of state attorneys general, including former New York Attorney General Eric Schneiderman, issued a biting analysis of the rule, stating that DHHS was exceeding its authority by adopting excessively broad definitions of cited statutory texts that would ultimately cripple health care service delivery for women, members of the LGBTQ-TGNC population and others; and

Whereas, The proposed rule applies the right to deny any semblance of "assisting in the performance" of a medical procedure considered contrary to a personally held religious belief not simply to the professional providers (doctors and nurses) but also to laboratories, health plan sponsors, issuers and third-party administrators; and

Whereas, The rule uses an overly broad definition of "assist in performance" to mean everything from scheduling the appointment, to physically undertaking the procedure, to providing testing and correlated medication or contraception; and

Whereas, The rule lies in direct opposition to federal and state statutes that require the provision of emergency medical treatment, mandatory informed consent, the funding of family planning projects through Title X of the Public Health Service Act of 1970, and New York State's mandatory provision of contraception to survivors of sexual assault, among others; and

Whereas, The rule's language is so broad that it is difficult to assess its full impact, especially as it grants DHHS the power (hitherto not held) to immediately cancel federal funding to states where any failure or threatened failure to comply exists; and

Whereas, The contradictory nature of the new rule places health care facilities in New York City at risk of losing Title X federal funding for complying with the new rule, or at risk of losing all DHHS funding for failing to comply with Title X requirements; and

Whereas, Repercussions for this rule, under the guise of "religious freedom" risk further impacting the LGBTQ-TGNC community since the broadest definition of "sterilization procedure" can be used to deny health care to transgender patients; and

Whereas, This rule could have far-reaching consequences for New Yorkers, as individuals with employer-based health insurance may face discrimination and denial of service by any individual involved in the administration, insurance processing, testing or actual health care delivery; and

Whereas, The free exercise of religion should not be a shield for government-sponsored discrimination by excluding individuals from accessing legally available services for religious reasons; and

Whereas, New York City is a bastion of civil rights, being the epicenter of many of the nation's largest civil rights movements including the women's and LGBTQ-TGNC rights movements; and

Whereas, Recognizing the vital role played by members of the LGBTQ-TGNC community, The Council of the City of New York has regularly championed legislation, including a robust human rights law, which has provided extensive discrimination protections for members of the LGBTQ-TGNC community, as vital members of the city’s social, cultural and economic fabric; now, therefore, be it

Resolved, The Council of the City of New York reaffirms the City’s continued commitment to civil rights protections of all minority groups, including women and members of the LGBTQ-TGNC community, and condemning federal efforts to roll back such protections under the guise of “religious freedom” laws and regulations.

Referred to the Committee on Civil and Human Rights.

Int. No. 1263

By Council Member Espinal.

A Local Law to amend the administrative code of the city of New York, in relation to the definition of freelance worker

Be it enacted by the Council as follows:

Section 1. Section 20-927 of the administrative code of the city of New York is amended to read as follows:

§ 20-927. Definitions.

For purposes of this chapter, the following terms have the following meanings:

Director. The term “director” means the director of the office of labor standards established pursuant to section 20-a of the charter.

Freelance worker. The term “freelance worker” means any natural person or any organization composed of no more than one natural person, whether or not incorporated or employing a trade name, that is hired or retained as an independent contractor by a hiring party to provide services in exchange for compensation. This term does not include:

1. Any person who, pursuant to the contract at issue, is a sales representative as defined in section 191-a of the labor law;

2. Any person engaged in the practice of law pursuant to the contract at issue and who is a member in good standing of the bar of the highest court of any state, possession, territory, commonwealth or the District of Columbia and who is not under any order of any court suspending, enjoining, restraining, disbaring or otherwise restricting such person in the practice of law; [and]

3. Any person who is a licensed medical professional[.]; *and*

4. *Any person who is a real estate broker, associate real estate broker or real estate salesman as defined in section 440 of the real property law.*

Hiring party. The term “hiring party” means any person who retains a freelance worker to provide any service, other than (i) the United States government, (ii) the state of New York, including any office, department, agency, authority or other body of the state including the legislature and the judiciary, (iii) the city, including any office, department, agency or other body of the city, (iv) any other local government, municipality or county or (v) any foreign government.

Office. The term “office” means the office of labor standards established pursuant to section 20-a of the charter.

§ 2. This local law takes effect immediately.

Referred to the Committee on Civil Service and Labor.

Int. No. 1264

By Council Members Espinal, Cabrera, Rodriguez, Salamanca, Chin, Rivera, Levine, Cumbo, Cornegy, Reynoso, Menchaca, Van Bramer, Lander and Lancman.

A Local Law to amend the administrative code of the city of New York, in relation to the operation of certain electric bicycles

Be it enacted by the Council as follows:

Section 1. Section 19-176.2 of the administrative code of the city of New York, subdivisions a and d of such section as amended by local law number 40 for the year 2013 and subdivisions b and c of such section as added by local law number 51 for the year 2004, is amended to read as follows:

§ 19-176.2. Motorized scooters. a. For purposes of this section, the term “motorized scooter” shall mean any wheeled device that has handlebars that is designed to be stood or sat upon by the operator, is powered by an electric motor or by a gasoline motor that is capable of propelling the device without human power and is not capable of being registered with the New York State Department of Motor Vehicles. For the purposes of this section, the term motorized scooter shall not include wheelchairs or other mobility aids designed for use by disabled persons *or class one or class two electric bicycles as defined in section 19-176.3(a) of this code.*

b. No person shall operate a motorized scooter in the city of New York.

c. Any person who violates subdivision b of this section shall be liable for a civil penalty in the amount of [five hundred dollars] *\$100*. Authorized employees of the police department and department of parks and recreation shall have the authority to enforce the provisions of this section. Such penalties shall be recovered in a civil action or in a proceeding commenced by the service of a notice of violation that shall be returnable before the environmental control board. In addition, such violation shall be a traffic infraction and shall be punishable in accordance with section eighteen hundred of the New York state vehicle and traffic law.

d. Any motorized scooter that has been used or is being used in violation of the provisions of this section *that has been operated in a manner that endangers the safety of the operator or the safety or property of another* may be impounded and shall not be released until any and all removal charges and storage fees and the applicable fines and civil penalties have been paid or a bond has been posted in an amount satisfactory to the commissioner of the agency that impounded such [vehicle] *device*.

§ 2. 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 19-176.3 to read as follows:

§ 19-176.3 *Motorized bicycles. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

Class one electric bicycle. A “class one electric bicycle” means a bicycle equipped with fully operable pedals and an electric motor with an output of less than 750 watts that engages only when the operator is pedaling and disengages or ceases to function when such bicycle’s brakes are applied, the operator stops pedaling, or such bicycle achieves a speed of 20 miles per hour or more.

Class two electric bicycle. A “class two electric bicycle” means a bicycle equipped with fully operable pedals and an electric motor with an output of less than 750 watts that may be used to propel such bicycle without the operator pedaling and will disengage or cease to function when such bicycle achieves a speed of 20 miles per hour or more.

Motorized bicycle. The term “motorized bicycle” means any bicycle powered by an electric or gasoline motor other than a class one electric bicycle or class two electric bicycle.

b. *No person shall operate a class one or class two electric bicycle in the city unless such bicycle has a permanently affixed label of the manufacturer or distributor of the bicycle or electric motor or as otherwise authorized by the department, containing the maximum speed and motor wattage of the bicycle. The department shall establish procedures to provide labels for existing class one or class two electric bicycles.*

c. *No person shall operate a motorized bicycle in the city.*

d. *Any person who violates the terms of subdivision c shall be liable for a civil penalty in the amount of \$100. Any person found in violation shall be allowed, for the first such violation, a period of 30 days to submit proof of having brought their motorized bicycle into compliance with subdivision b, and upon submission of*

proof, shall not be liable for any penalty under this section. Authorized employees of the police department and department of parks and recreation shall have the authority to enforce the provisions of this section. Such penalties shall be recovered in a civil action or in a proceeding commenced by the service of a notice of violation that shall be returnable before the environmental control board. In addition, such violation is a traffic infraction and is punishable in accordance with section eighteen hundred of the vehicle and traffic law.

e. Any motorized bicycle operated in violation of subdivision c and operated in a manner that endangers the safety of the operator or the safety or property of another may be impounded and shall not be released until any and all removal charges and storage fees and applicable fines and civil penalties have been paid or a bond has been posted in an amount satisfactory to the commissioner of the agency that impounded such bicycle.

f. Operators of class one and class two electric bicycles shall be subject to the same rights and responsibilities attributed to operators of bicycles under the code and the rules of the city of New York.

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of transportation 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 Transportation.

Int. No. 1265

By Council Members Espinal, Cabrera, Rodriguez, Salamanca, Chin, Rivera, Levine, Cumbo, Cornegy, Powers, Constantinides, Rose, Koo, Williams, Torres, Richards, Van Bramer, Reynoso, Vallone, Rosenthal, Perkins, Lander, Eugene, Adams, Levin, Menchaca, Miller, Treyger, Lancman and Ulrich.

A Local Law in relation to a conversion program for pedal-assist electric bicycles

Be it enacted by the Council as follows:

Section 1. Pedal-Assist Bicycle Conversion Program. a. Definitions. For purposes of this local law, the following terms have the following meanings:

Pedal-assist bicycle. The term “pedal-assist bicycle” means a bicycle equipped with fully operable pedals and an electric motor of less than 750 watts (1 horsepower) whereby such electric motor engages only when the operator is pedaling and the rate of speed of the bicycle is less than 20 miles per hour, and disengages or ceases to function when the operator applies the brakes, the operator stops pedaling or the bicycle achieves a speed of 20 miles per hour.

Throttle-operated bicycle. The term “throttle-operated bicycle” means any bicycle powered by an electric motor and equipped with any throttle capacity that does not comply with subdivision b of section 4-01 of title 34 of the rules of the department of transportation.

b. By May 14, 2019, the department of transportation shall establish a program to provide logistical or financial assistance to individuals with incomes not in excess of 200% of the federal poverty guidelines for the physical conversion of throttle-operated electric bicycles to pedal-assist electric bicycles. For the purposes of establishing such a program, the department of transportation shall consider available sources of public or private funding and other resources. Unless extended by the department of transportation, the program shall have a duration of one year.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of transportation shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date. This local law expires and is deemed repealed one year after it becomes law.

Referred to the Committee on Transportation.

Int. No. 1266

By Council Members Espinal, Cabrera, Rodriguez, Salamanca, Levine, Cumbo, Cornegy, Koslowitz, Ampry-Samuel, Vallone, Brannan, Maisel, Constantinides, Koo, Williams, Grodenchik, Torres, Richards, Van Bramer, Kallos, Gibson, Reynoso, Rosenthal, Perkins, Eugene, Adams, Chin, Gjonaj and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to a pilot program for shared electric scooters

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 19-176.4 to read as follows:

§ 19-176.4 Shared electric scooter pilot program. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Dock-based bike share program. The term “dock-based bike share program” means the provision of public bicycles for shared use within the city under a contract that permits payment for the use of such bicycles.

Electric scooter. The term “electric scooter” means any wheeled device with handlebars that is designed to be stood upon by the operator and is powered by an electric motor incapable of propelling the device more than 15 miles per hour.

Shared electric scooter organizations. The term “shared electric scooter organization” means a natural person, organization or entity that operates a fleet of shared, private electric scooters available for rent to the public on a short-term basis.

b. Pilot program. The department shall establish a shared electric scooter pilot program that allows qualified shared electric scooter organizations to apply for permits to operate publicly accessible shared electric scooter fleets. The department shall determine the geographic boundaries of such pilot program, with priority given to neighborhoods currently underserved by existing dock-based bike share programs and neighborhoods affected by the 2019 Canarsie Tunnel closure. Shared electric scooter organizations shall provide any information requested by the department relating to their application to participate in, and their operations undertaken in connection with, participation in such pilot program.

c. Duration of pilot program. The shared electric scooter pilot program described in subdivision b of this section shall exist for a duration of no less than one year and no more than two years, unless the department terminates or suspends the program on an earlier date; provided, however, the department shall notify the speaker of the council in writing of such termination or suspension within seven days of taking such action and the reasons for such action.

d. No shared electric scooter organization shall operate any electric scooter in the city without the prior written approval of the department. If any such electric scooter is parked or operated on a public street without department approval, it may be impounded and shall not be released until any and all removal charges and storage fees have been paid or a bond has been posted in an amount satisfactory to the commissioner of the agency that impounded such electric scooter.

e. Report. Prior to the completion of such pilot, the department shall submit a report to the speaker of the council regarding the progress of the pilot program. Such report shall include, but need not be limited to, a determination as to whether the department recommends the implementation of a permanent shared electric scooter program, along with any recommendations as to changes in the laws, rules, regulations and policies governing the use of such electric scooters, where appropriate.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of transportation 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 Transportation.

Int. No. 1267

By Council Members Eugene, Levine and Brannan.

A Local Law to create a task force to provide assistance to people affected by Alzheimer's disease

Be it enacted by the Council as follows:

Section 1. Alzheimer's assistance task force. a. There shall be a task force with seven members consisting of the commissioner of health and mental hygiene as co-director of the task force, the commissioner for the aging as co-director of the task force, three city council members appointed by the speaker of the council and two members appointed by the mayor.

b. The commissioner of health and mental hygiene, the commissioner for the aging, and the city council members on the task force may appoint a representative for the purpose of determining the existence of a quorum and who may vote on behalf of such member, provided that such representative shall be an officer or employee from the same agency as the delegating member.

c. In the event that a member's seat becomes vacant, that member's successor shall be appointed within 30 days of the vacancy. The new member shall be appointed in the same manner as the predecessor member whose vacancy is being filled.

d. Members appointed by the speaker of the council and by the mayor may be removed by the appointing person.

e. The task force shall consult, on an ongoing basis, with doctors, homebased healthcare professionals, relevant community based organizations and interested stakeholders to determine the best way for the city to assist persons affected by Alzheimer's disease, their families and their caregivers.

f. The task force shall hold not less than one hearing each month, except during the months of July and August.

g. Within one year from the date of the first meeting of the task force, and annually thereafter, the task force shall report its findings to the council and make recommendations to determine the best way for the city to assist persons affected by Alzheimer's disease, their families and their caregivers.

h. This task force shall dissolve upon submission of the third annual report.

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

Referred to the Committee on Aging.

Int. No. 1268

By Council Member Eugene.

A Local Law to amend the administrative code of the city of New York, in relation to payment of notices of violation for parking violations at check cashing businesses

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-142 to read as follows:

§11-142 *Payment of notices of violation for parking violations at check cashing businesses.* a. *Definitions. Check cashing business. The term "check cashing business" means licensed casher of checks as defined by subdivision 1 of section 366 of the banking law.*

The term "parking violation" means parking violation as defined by section 19-201.

b. *The commissioner shall establish a program enabling payment of notices of violation for parking violations at check cashing businesses.*

§2. This local law takes effect 120 days after it becomes law, except that the commissioner of finance may promulgate rules or take other actions for the implementation of this local law prior to such effective date.

Referred to the Committee on Finance.

Int. No. 1269

By Council Members Eugene, Brannan and Ayala.

A Local Law to amend the administrative code of the city of New York, in relation to requiring police officers to receive training related to recognizing and interacting with individuals with autism

Be it enacted by the Council as follows:

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-176 to read as follows:

§14-176 Autism safety training. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Autism. The term “autism” means a range of conditions characterized by challenges with social skills, repetitive behaviors, speech and nonverbal communication, as well as other unique conditions which may be caused by different combinations of genetic and environmental influences.

b. Training. The New York city police department shall train patrol officers in recognizing and responding to individuals with autism as part of their academy training. The training shall be sensitive to a wide variation in challenges and strengths possessed by each individual with autism.

§2. This local law shall take effect immediately after it becomes law.

Referred to the Committee on Public Safety.

Res. No. 636

Resolution calling upon Congress to continue annual increases in funding for the research and treatment of Alzheimer’s disease, while also rejecting future efforts to cut funding in this area.

By Council Member Eugene.

Whereas, Alzheimer’s disease is a progressive, neurodegenerative and fatal disease that can lead to dramatic changes in personality and behavior, along with growing trouble with: memory, thinking and reasoning, decision-making, and performing familiar tasks; and

Whereas, According to the Mayo Clinic, there is currently no cure for Alzheimer’s disease; and

Whereas, According to the Alzheimer’s Association, in 2017, an estimated 5.5 million Americans were living with Alzheimer’s disease, with this number projected to increase to about 16 million by 2050; and

Whereas, According to the Alzheimer’s Association, Alzheimer’s disease and other dementias cost the United States \$259 billion in 2017, with costs projected to increase to as high as \$1.1 trillion by the year 2050; and

Whereas, According to the Alzheimer’s Association New York State Coalition, approximately 400,000 people in New York State are living with Alzheimer’s disease, with New York, alone, paying more than \$4.5 billion each year in costs related to Alzheimer’s disease, the highest cost to any state in the nation; and

Whereas, According to the Centers for Disease Control and Prevention (CDC), Alzheimer’s disease was the 6th leading cause of death in the United States in 2017; and

Whereas, In 2017, the Alzheimer's Association found that 1 in 3 seniors die with Alzheimer's disease or other dementias, with these diseases killing more people than breast cancer and prostate cancer combined; and

Whereas, According to Alzheimer's Disease International, only 1-in-4 people with Alzheimer's disease have been diagnosed, with many people living with the disease undiagnosed; and

Whereas, Leading experts in the United States believe that federal funding for research and treatment of Alzheimer's disease is inadequate, falling short of need, and a greater investment, with continued annual increases in federal funding, is necessary in order to stay on track to prevent, diagnose and effectively treat the disease by 2025; and

Whereas, Federal funding for Alzheimer's disease has been disproportionately low as compared to other diseases such as HIV/AIDS and cancer, even though Alzheimer's disease is stated to be the most expensive disease in America; and

Whereas, According to estimated funding for the National Institutes of Health (NIH), funding for Alzheimer's Disease including Alzheimer's Disease Related Dementias, for Fiscal Year 2017 ending on September 30, 2017, was estimated to be about \$1.4 billion, while funding for cancer was estimated to be \$6.03 billion and funding for HIV/AIDS was estimated to be \$3 billion; and

Whereas, In President Trump's 2018 Budget Proposal, a 22% cut in federal funding of the NIH was called for, which amounts to about \$7.5 billion in funding, however Congress denied these funding cuts; and

Whereas, Despite Congress denying President Trump's proposed 2018 cuts, future efforts to cut funding would drastically hurt the progress that the NIH and other institutions have made in terms of research and treatment for Alzheimer's disease; and

Whereas, President Trump's 2018 Proposed Budget, as well as the recently announced decision by Pfizer to end all research and development efforts into new drugs and treatment for Alzheimer's and Parkinson's disease, pose significant threats to future federal funding for the NIH and the advancement in research and treatment for Alzheimer's disease; and

Whereas, Continuing annual increases in federal funding for the research and treatment of Alzheimer's disease, while also rejecting future proposed cuts in funding, will improve the health of those with Alzheimer's disease, ease the economic and emotional burden of caregivers, as well as reduce the economic and social costs that the United States incurs due to Alzheimer's disease; now, therefore, be it

Resolved, That the New York City Council calls upon Congress to continue annual increases in funding for the research and treatment of Alzheimer's disease, while also rejecting future efforts to cut funding in this area

Referred to the Committee on Aging.

Res. No. 637

Resolution calling on the United States Department of Health and Human Services and the New York State Department of Health to create a special commission to address health emergencies and infectious diseases

By Council Member Eugene.

Whereas, Diseases know no borders, and a health crisis in one country could easily spread to several countries in the blink of an eye; and

Whereas, In 2014, an Ebola Virus epidemic in Africa spread across the world over the course of the year, with 10 patients being treated in the United States; and

Whereas, New York State was monitoring the spread of Ebola and had months to make preparations, yet many isolation units were still not prepared when Ebola struck New York; and

Whereas, In recent years, the United States has seen potentially dangerous strains of avian flu and multidrug-resistant strains of tuberculosis take root in other countries; and

Whereas, Middle East respiratory syndrome, or MERS, is a contagious disease first reported in 2012 in Saudi Arabia that has killed many, though little is known about it; and

Whereas, In 2014, the U.S. experienced 23 measles outbreaks, including one large outbreak of 383 cases; and

Whereas, New diseases are constantly emerging and old ones adapt to resist current treatments; and

Whereas, The next outbreak could develop unexpectedly and the United States and New York State need to be prepared to quickly identify, treat and contain infectious diseases and other health emergencies; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Department of Health and Human Services and the New York State Department of Health to create a special commission to address health emergencies and infectious diseases.

Referred to the Committee on Health.

Res. No. 638

Resolution calling on the New York State Department of Health to create stand-alone, self-contained isolation centers or units for the treatment of patients with infectious disease due to epidemic, including highly contagious and airborne diseases

By Council Member Eugene.

Whereas, During the Ebola epidemic in 2014, New York State designated 8 hospitals to treat Ebola virus cases, but only Manhattan's Bellevue Hospital isolation unit was fully operational when the first Ebola case hit the State; and

Whereas, Bellevue's quarantine unit was developed in the 1990s when tuberculosis cases were suddenly on the rise and has special anterooms, as well as ventilation and plumbing that run separately from the rest of the hospital's systems; and

Whereas, While Bellevue's unit is a great resource for the City, it only has space for 4 patients; and

Whereas, Each of the 8 hospitals in the State designated to treat Ebola virus cases only had space for 2 to 4 patients; and

Whereas, The State was monitoring the spread of Ebola in other parts of the world and had months to make preparations, yet facilities were still not prepared when Ebola struck New York; and

Whereas, New York can follow the example of the National Institutes of Health's Special Clinical Studies Unit at the Clinical Research Center in Bethesda and use its isolation units as research laboratories when not filled with patients; and

Whereas, The State may not have time to prepare for the next outbreak of an infectious disease and should ensure that facilities are in place that can contain such an outbreak; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Department of Health to create stand-alone, self-contained isolation centers or units for the treatment of patients with infectious disease due to epidemic, including highly contagious and airborne diseases.

Referred to the Committee on Health.

Int. No. 1270

By Council Member Gjonaj.

A Local Law to amend the administrative code of the city of New York, in relation to increasing penalties for attacks by dangerous dogs

Be it enacted by the Council as follows:

Section 1. Subdivisions a and b of section 17-350 of the administrative code of the city of New York, as added by local law number 2 for the year 1991, are amended to read as follows:

§ 17-350 Violations and penalties. a. Any person who violates any provision of this subchapter or any of the regulations promulgated hereunder shall be guilty of a misdemeanor punishable by a fine of not less than [five hundred] \$750 nor more than [five thousand] \$7,500 or by imprisonment for not more than one year, or both, *except that any person who violates any provision of this subchapter or any rule or regulation promulgated hereunder who knew or should have known that the dog is a dangerous dog as defined in paragraph (4) of subdivision c of section 17-342 shall be punishable by an additional fine of not less than \$500 nor more than \$5,000.*

b. In addition to the penalties prescribed by subdivision a of this section, any person who violates any of the provisions of this subchapter or any rule or regulation promulgated hereunder shall be liable for a civil penalty of not less than [five hundred] \$750 nor more than [five thousand] \$7,500.

§ 2. This local law takes effect 90 days after it becomes law, except that the commissioner of health and mental hygiene may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Health.

Int. No. 1271

By Council Members Gjonaj, Cohen, Chin, Gibson, Holden, Brannan, Yeger and Ayala.

A Local Law to amend the administrative code of the city of New York, in relation to protecting the identities of victims of crimes of violence

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 14-177 to read as follows:

§ 14-177 *Crime victim identity information.* a. *Upon request of a victim of a crime of violence, the police department shall not disclose the name of such victim in reports made available to the public in accordance with Public Officers Law § 87(2).*

b. Nothing in this section prohibits the police department from disclosing the name of a victim of a crime of violence in a criminal or civil court proceeding or when the commissioner has determined that such disclosure is necessary to protect the public safety.

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Res. No. 639

Resolution declaring November 28th as Albanian Independence Day in the city of New York.

By Council Member Gjonaj.

Whereas, Albania is a country in southeastern Europe located on the western part of the Balkan Peninsula on the Strait of Otranto that borders the Adriatic and Ionian Seas on the west; and

Whereas, Albanians refer to themselves as Shqiptar and generally consider themselves to be descendants of the ancient Illyrians who lived in Central Europe and migrated south to the territory of Albania at the beginning of the Bronze Age 2000 BCE; and

Whereas, Albania's location on the Adriatic and Ionian seas have long served as a bridgehead for nations and empires, and as such, the Albanians were conquered by the Romans in the third century A.D. and later ruled by the Byzantine Empire in 395 A.D. and subsequently the Ottoman Turks in the 15th Century; and

Whereas, The Ottoman rule served to isolate Albania from Western civilization for more than four centuries, in the late 19th century Albania began to separate itself from Ottoman influence and rediscovered old kinships, traditions, and interests with the West; and

Whereas, The 1878 struggles for Albanian autonomy between the Albanian League and the Turkish army wrought further uprisings in 1910; and

Whereas, In October 1912, during the collapse of the Ottoman Empire in the first Balkan War, the head of the national assembly, Ismail Qemal, returned to Albania and declared Albania independent on November 28th, 1912 in the town of Vlora; and

Whereas, Albanian independence was compromised when territory inhabited by ethnic Albanians was lost to neighboring states on all sides, and particularly when Kosovo was ceded to Serbia in 1913 and when the Albania republic become a monarchy in 1928, and again in 1939 when Mussolini ordered the Italian invasion and occupation; and

Whereas, Albania regained its independence after World War II and with the end of communism in 1991, adopted a free and democratic multi-party parliamentary system; and

Whereas, Albanians are among many groups to immigrate to the United States for reasons related to economic, religious and political turmoil; and

Whereas, Albanian immigrants have settled in New York City since the early 1920's and New York City has been home to many Albanians and Albanian-Americans including notable actors Regis Philbin and brothers John and James Belushi; and

Whereas, The 2016 American Community Survey of the U.S. Census Bureau estimates over 41,000 Albanians and Albanian Americans now live in New York City, constituting one of the largest Albanian communities in the United States; and

Whereas, Their contributions to New York City includes many neighborhood restaurants, celebrations of culture, such as the annual Albanian Parade and arguably one of the most beloved individuals—St. Mother Teresa; now, therefore, be it

Resolved, That the Council of the City of New York declares November 28th as Albanian Independence Day in the city of New York.

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

Int. No. 1272

By Council Members Grodenchik, Levine, Lander and Brannan.

A Local Law to amend the administrative code of the city of New York, in relation to amending reporting and donor disclosure requirements for organizations affiliated with elected officials

Be it enacted by the Council as follows:

Section 1. Section 3-902 of the administrative code of the city of New York, as amended by local law number 181 for the year 2016, is amended to read as follows:

§ 3-902 Reporting and donor disclosure for organizations affiliated with elected officials.

a. All organizations affiliated with an elected official *that spend or reasonably expect to spend at least 10% of their expenditures in the current or next calendar year on the production or dissemination of elected official communications* shall report to the conflicts of interest board annually by August 1, in a manner determined by the conflicts of interest board by rule. Such report shall [include] *list*:

1. the name of the organization;
2. the name or names of the elected official, or of any agent of such a person or appointee serving at the pleasure of such elected official, who is affiliated with the organization;
3. the names of the principal officers and board members of the organization;
4. whether the organization has tax-exempt status pursuant to the internal revenue code and, if so, the section of such code that grants such status;
5. the website address of the organization, if any;
6. the names of any [people who such organization knows had business dealings with the city on the date of such donation, or who were added to the doing business database within 180 days after the receipt of such donation,] *persons* who made a donation to the organization during the previous calendar year, if any, *who were persons with business dealings with the city on the date of such donation or became persons with business dealings with the city within 180 days after the receipt of such donation*, and the city and state of residence, dates of donation, and value of donation of any such [people] *persons*;
7. the names of any other individuals who, or any entity that, made a donation *or donations* with [a] *an aggregate* reasonable value of \$1,000 or more to the organization during the previous calendar year, if any, and the city and state of residence or state of incorporation as applicable, dates of donation, and value of donation of any such individuals or entities;
8. an accounting of the expenditures of the organization during the previous calendar year on the production or dissemination of elected official communications, in a manner and form determined by the conflicts of interest board; *and*
9. [for an organization affiliated with an elected official that did not spend or reasonably expect to spend at least 10% of their expenditures in the previous or current calendar year on elected official communications, a certification that they did not do so; and
- 10.] any other information required to be included by the conflicts of interest board.

b. *All organizations affiliated with an elected official that did not spend or do not reasonably expect to spend at least 10% of their expenditures in the previous or current calendar year on the production or dissemination of elected official communications shall report to the conflicts of interest board annually by August 1, in a manner determined by the conflicts of interest board by rule. Such report shall list:*

1. *the name of the organization;*
2. *the name or names of the elected official, or of any agent of such a person or appointee serving at the pleasure of such elected official, who is affiliated with the organization;*
3. *the names of the principal officers and board members of the organization;*
4. *whether the organization has tax-exempt status pursuant to the internal revenue code and, if so, the section of such code that grants such status;*
5. *the website address of the organization, if any;*
6. *except for donations covered by paragraph 8 of this subdivision, the names of any persons who, or any entities that, made a donation or donations with an aggregate reasonable value of \$5,000 or more to such organization during the previous calendar year, if any, and the city and state of residence or state of incorporation as applicable, dates of donation, and value of donation of any such persons or entities;*
7. *except for donations covered by paragraph 8 of this subdivision, and where provided by a person who made a donation or donations with an aggregate reasonable value of \$5,000 or more to such organization during the previous calendar year, whether such person was the spouse, domestic partner, unemancipated child or parent of a person with business dealings with the city, and the name of such person with business dealings with the city, which information shall be requested by such organization on a donation form;*

8. *the number of donations from donors who do not wish to have their identity made public with an aggregate reasonable value of \$5,000 or more made to such organization during the previous calendar year, if any, and the amount of each such donation, by a donor who was a person with business dealings with the city on the date of the donation or became a person with business dealings with the city within 180 days after the receipt of the donation. For purposes of this paragraph, the organization shall check the doing business database to determine whether a donor who does not wish to have their identity made public was a person with business dealings with the city on the date of the donation or became a person with business dealings with the city within 180 days after the receipt of such donation; and*

9. *a certification that the organization did not spend or does not reasonably expect to spend at least 10% of its expenditures in the previous or current calendar year on the production or dissemination of elected official communications.*

c. *Upon receipt of the report required by subdivision b of this section, the conflicts of interest board shall determine whether any donor listed pursuant to paragraph 6, or any person with business dealings with the city listed pursuant to paragraph 7, of such subdivision was a person with business dealings with the city on the date of the donation or became a person with business dealings with the city within 180 days after the receipt of the donation.*

d. The conflicts of interest board shall maintain and regularly update a list on its website, *in a machine readable format that permits automated processing*, of all organizations that reported, and all donor information disclosed, to such board pursuant to this section, provided however that the conflicts of interest board may determine that disclosure of donors shall not be made public if, based upon a review of the relevant facts presented by the reporting entity, such disclosure may cause harm, threats, harassment, or reprisals to the donor, or to individuals or property affiliated with the donor. The reporting entity may appeal the board's determination in New York [State] *state* supreme court pursuant to article 78 of the civil practice law and rules. The conflicts of interest board shall not post the names of donors that are the subject of such appeal pending a final judicial determination.

[c.] e. Donor written submissions received pursuant to section 3-903 shall be retained by the inquiring organization for at least three years from the date of receipt.

§ 2. This local law takes effect on January 1, 2019, provided that the information required to be reported under paragraph 7 of subdivision b of section 3-902 of the administrative code of the city of New York, as added by section one of this local law, shall not be listed in the report required under subdivision b of section 3-902 of the administrative code of the city of New York, as added by section one of this local law, that is due by August 1, 2019, and provided further that if this local law becomes law after January 1, 2019, it is retroactive to and deemed to have been in effect as of January 1, 2019.

Referred to the Committee on Standards and Ethics.

Int. No. 1273

By Council Members Lancman, Brannan and Gjonaj.

A Local Law in relation to the creation of a retail resurgence taskforce

Be it enacted by the Council as follows:

Section 1. a. There is hereby established a retail resurgence task force that shall review and recommend changes to the laws, rules, regulations, and policies to promote the resurgence of the retail sector in the city of New York.

b. Such task force shall comprise seven members:

1. The commissioner of small business services, or the designee thereof;
2. Three members appointed by the mayor, representing the retail, real estate and labor sectors, respectively; and

3. Three members appointed by the speaker of the council, representing the retail, real estate and labor sectors, respectively.

c. The members of the task force shall be appointed within 90 days after the effective date of this local law.

d. Each member of the task force shall serve for a term of one year, to commence after the final member is appointed. Any vacancies in the membership of the task force shall be filled in the same manner as the original appointment. A person filling such vacancy shall serve for the unexpired portion of the term of the succeeded member.

e. No member of the task force may be removed except for cause and upon notice and hearing by the official who appointed such member or, in the case of a succeeding member under subdivision d of this section, the official who appointed the succeeding member.

f. Members of the task force shall serve without compensation.

g. The task force shall meet at least monthly.

h. No more than one year after the date that the final member of the task force is appointed under subdivision d of this section, the task force shall submit a report to the mayor and the speaker of the council, which shall include, but need not be limited to, the following:

1. The challenges facing the retail sector, including, but not limited to, challenges related to gentrification, commercial rent, rezoning, and online retail;

2. The needs of the retail sector, including, but not limited to, needs related to technical assistance and legal services;

3. The existing public and private programs available to the retail sector and an analysis of whether such programs meet the needs of the sector;

4. The gaps in available data, including, but not limited to, a comprehensive assessment of storefront vacancies and trends in the commercial rents; and

5. The city policies that could be changed or adopted to promote retail resurgence.

i. No more than 30 days after the report of the task force is submitted to the mayor and the speaker of the council, the report shall be posted on the website of the department of small business services.

j. The task force shall dissolve 180 days after the date that the report is submitted to the mayor and the speaker of the council.

§ 2. This local law takes effect immediately.

Referred to the Committee on Small Business.

Int. No. 1274

By Council Members Levine, Lander, Ampry-Samuel, Lancman and Ayala.

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

Be it enacted by the Council as follows:

Section 1. Section 512 of title 26 of the administrative code of the city of New York is amended by adding a new subdivision g to read as follows:

g. Any owner of property subject to this law shall obtain the previous four years of rent amounts from the department of housing and community renewal and provide such rent amounts for which such documentation is available for the subject premises.

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

Referred to the Committee on Housing and Buildings.

Int. No. 1275

By Council Members Powers, Brannan, Lancman and Ayala.

A Local Law to amend the administrative code of the city of New York, in relation to denying permits for occupied buildings

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-105.5.3 to read as follows:

§ 28-105.5.3 False statements on construction application for occupied buildings. *The commissioner shall not issue a permit to any owner of an occupied building for at least one year following the date of a finding of a construction application document that contained false statements about the number of units occupied at the time such application is filed by such owner or representative of such owner.*

Exception: *The commissioner may issue a permit for a property where the issuance of such permit is necessary to correct an outstanding violation of this code, the housing maintenance code or any other applicable provisions of law or rule or where the commissioner determines that issuance of such permit is necessary to perform work to protect public health and safety.*

§ 2. Chapter 2 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-213.1.3 to read as follows:

§28-213.1.3 Penalty for work without permit on occupied dwelling. *The commissioner shall not issue a permit to any owner of an occupied building for at least one year following the date of a finding of work performed without a permit in such occupied building.*

Exception: *The commissioner may issue a permit for a property where the issuance of such permit is necessary to correct an outstanding violation of this code, the housing maintenance code or any other applicable provisions of law or rule or where the commissioner determines that issuance of such permit is necessary to perform work to protect public health and safety.*

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

Referred to the Committee on Housing and Buildings.

Int. No. 1276

By Council Members Powers, Vallone, Van Bramer and Brannan.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a tourism economy dashboard

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 8 of title 22 of the administrative code of the city of New York is amended by adding a new section 22-825 to read as follows:

§ 22-825 New York city tourism economy dashboard. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Accommodation. The term “accommodation” means any room, group of rooms or building in which someone may, as a visitor, stay, including, but not limited to, hotels, motels, apartments used for less than 30 days, homestays, bed and breakfasts, guestrooms and hostels.

Arts, entertainment and recreation. The term “arts, entertainment and recreation” means, but is not limited to, performing arts, spectator sports, museums, art galleries, historical sites and other amusement and recreation industries.

Food services. The term “food services” means any restaurant, bar, drinking establishment or other establishment in which people may imbibe food and drinks.

Tourism-related industries. The term “tourism-related industries” means industries related to any of the following: accommodation, arts, entertainment and recreation, food services, retail trade, transportation and travel arrangements and reservation services.

Transportation. The term “transportation” means, but is not limited to, air transportation, water transportation, for hire vehicles, public transportation and scenic and sightseeing transportation.

Travel arrangements and reservation services. The term “travel arrangements and reservation services” means, but is not limited to, any services retained to facilitate arrangements for travel within, and to, the city and any services retained to secure admission to arts, entertainment and recreation events.

b. An office or agency designated by the mayor shall develop and administer a New York city tourism dashboard website which shall provide data about the tourism economy in the city. Such website shall be developed and made accessible to the public within 90 days of the effective date of the local law that added this section. The website shall be updated by the first business day of every second month.

c. Content on the website required by subdivision b of this section shall include information about consumer spending in tourism-related industries. The information required by this subdivision shall be:

1. Aggregated by borough;
2. Disaggregated by industry;
3. Disaggregated by percentage of spending by visitors to the city; and
3. Disaggregated by percentage of spending by residents of the city.

d. Content on the website shall also include information about employment in tourism-related industries. Such information shall be aggregated by borough of employment, disaggregated by industry, salary range and borough of residence and include, but need not be limited to:

- 1, The number of individuals employed in tourism-related industries;
2. The average annual salary of individuals employed in tourism-related industries; and
3. The borough of residence of individuals employed in tourism-related industries.

e. By the first business day of every second month, such office or agency designated by the mayor shall submit to the speaker of the council an electronic file in .xls format, containing the raw data forming the basis of the information required by subdivisions b, c and d of this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Economic Development.

Int. No. 1277

By Council Members Ampry-Samuel and Lancman.

A Local Law to amend the administrative code of the city of New York, in relation to preliminary inspections

Be it enacted by the Council as follows:

Section 1. Section 28-116.2.1 of the administrative code of the city of New York is amended to read as follows:

§ 28-116.2.1. Preliminary Inspection. Before approving construction documents, the commissioner is authorized to examine or cause to be examined structures or premises for which an application has been filed. *The department shall conduct preliminary inspections of no fewer than 15 percent of buildings where (i) an application for construction documents is submitted to the department and (ii) the applicant has indicated that the building that is the subject of such application is unoccupied to verify the occupancy status of such buildings.*

§ 2. This local law takes effect 90 days after it becomes law, except that the commissioner of buildings may take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 1278

By Council Members Rivera, Levine, Ampry-Samuel, Gibson and Lancman.

A Local Law to amend the administrative code of the city of New York, in relation to requiring heightened review of tenant protection plans and increased enforcement of building code standards

Be it enacted by the Council as follows:

Section 1. Section 28-2014.8.4 of the administrative of the city of New York, as amended by local law number 154 for the year 2017, is amended to read as follows:

§ 28-104.8.4 Tenant protection plan. Construction documents for alterations of buildings in which any dwelling unit will be occupied during construction shall include a tenant protection plan. Such plan shall *(i) be approved by the commissioner before the issuance of any permit in connection with such construction documents and (ii) contain a statement that the building contains dwelling units that will be occupied during construction and shall indicate in sufficient detail the specific units that are or may be occupied during construction, the means and methods to be employed to safeguard the safety and health of the occupants throughout the construction, including, where applicable, details such as temporary fire-rated assemblies, opening protectives, or dust containment procedures. Such means and methods shall be described with particularity and in no case shall terms such as "code compliant," "approved," "legal," "protected in accordance with law" or similar terms be used as a substitute for such description. The elements of the tenant protection plan may vary depending on the nature and scope of the work but at a minimum shall make detailed and specific provisions for:*

1. Egress. At all times in the course of construction provision shall be made for adequate egress as required by this code and the tenant protection plan shall identify the egress that will be provided. Required egress shall not be obstructed at any time except where approved by the commissioner. *The commissioner shall review each tenant protection plan and ensure compliance with requirements to maintain ingress and egress routes in accordance with chapter 10 of the New York city building code.*

2. Fire safety. All necessary laws and controls, including those with respect to occupied dwellings, as well as additional safety measures necessitated by the construction shall be strictly observed. *The commissioner shall review each tenant protection plan and ensure compliance with (i) fire proofing requirements in accordance with the requirements of title 29 and (ii) the electrical code in accordance with the requirements of chapter 3 of title 27.*

3. Health requirements. Specification of means and methods to be used for control of dust, disposal of construction debris, pest control and maintenance of sanitary facilities, and limitation of noise to acceptable levels shall be included. *The commissioner shall review each tenant protection plan and ensure compliance with debris removal requirements of section 3303.5 of the New York city building code.*

3.1. There shall be included a statement of compliance with applicable provisions of law relating to lead and asbestos, and such statement shall describe with particularity what means and methods are being undertaken to meet such compliance.

4. Compliance with housing standards. The requirements of the New York city housing maintenance code, and, where applicable, the New York state multiple dwelling law shall be strictly observed.

5. Structural safety. No structural work shall be done that may endanger the occupants. *The commissioner shall review each tenant protection plan and ensure compliance with protective wall, internal wall and retention wall maintenance requirements of sections 420 and 508 of the New York city building code.*

6. Noise restrictions. Where hours of the day or the days of the week in which construction work may be undertaken are limited pursuant to the New York city noise control code, such limitations shall be stated.

7. Maintaining essential services. Where heat, hot water, cold water, gas, electricity, or other utility services are provided in such building or in any dwelling unit located therein, the tenant protection plan shall specify the means and methods to be used for maintaining such services during such work in accordance with the requirements of the New York city housing maintenance code. If a disruption of any such service is anticipated during the work, then such plan shall specify the anticipated duration of such disruption and the means and methods to be employed to minimize such disruption, including the provision of sufficient alternatives for such service during such disruption. *The commissioner shall review each tenant protection plan and ensure compliance with requirements to maintain gas and water access in accordance with (i) section 107 of the New York city building code and (ii) the New York city plumbing code.*

§ 2. Section 3303.10.2 of the New York city building code, as added by local law number 154 for the year 2017, is amended to read as follows:

3303.10.2 Inspections of tenant protection plan. The owner shall notify the department in writing at least 72 hours prior to the commencement of any work requiring a tenant protection plan. The department shall conduct an inspection of [five] 20 percent of such sites within seven days after the commencement of such work to verify compliance with the tenant protection plan. *The department shall conduct follow up inspections of such sites every 120 days until such construction is completed to verify compliance with the building code and tenant protection plan.* Thereafter, the department shall conduct an inspection [upon the] *within 72 hours of receipt of a complaint concerning such work.*

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

Referred to the Committee on Housing and Buildings.

Int. No. 1279

By Council Members Rosenthal, Ampry-Samuel, Lancman and Ayala.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of buildings and the department of housing preservation and development to audit a certain percentage of certifications of correction

Be it enacted by the Council as follows:

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 23 to read as follows:

*CHAPTER 23
AUDITS OF CERTIFICATIONS OF CORRECTION*

§ 26-2301 Definitions. As used in this article, the term “certification of correction” means the paper or electronic document filed with the department of buildings or the department of housing preservation and development by a property owner or managing agent to affirm that the violation conditions cited on a notice of violation have been corrected within the required timeframe.

§ 26-2302 Audits of certifications of correction. a. The department of buildings shall audit no fewer than 20 percent of certifications of correction of immediately hazardous violations filed with such department. Such audit shall include, at minimum, an inspection by such department to ensure that the condition cited in the notice of violation has been corrected.

b. The department of housing preservation and development shall audit no fewer than 20 percent of all certifications of correction of class C violations filed with such department. Such audit shall include, at minimum, an inspection by such department to ensure that the condition cited in the notice of violation has been corrected.

§ 2. This local law takes effect 180 days after it becomes law; provided, however, that the commissioner of buildings and the commissioner of housing preservation and development may promulgate rules as may be necessary for the purpose of implementing and carrying out the provisions of this local law, prior to its effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 1280

By Council Members Rosenthal, Levine, Ampry-Samuel, Lancman and Ayala.

A Local Law to amend the administrative code of the city of New York, in relation to the tenant protection plan and penalties for false statements relating to tenant occupancy on certain construction documents

Be it enacted by the Council as follows:

Section 1. The first paragraph of section 28-104.8.4 of the administrative code of the city of New York, as amended by local law 154 for the year 2017, is amended to read as follows:

§ 28-104.8.4 Tenant protection plan. Construction documents for alterations of buildings in which any dwelling unit will be occupied during construction shall include a tenant protection plan. Such plan shall contain a statement that the building contains dwelling units that will be occupied during construction and shall *identify the total number of units in the building, identify the total number of occupied units in the building, and identify* [indicate] in sufficient detail the specific units that are or may be occupied during construction, the

means and methods to be employed to safeguard the safety and health of the occupants throughout the construction, including, where applicable, details such as temporary fire-rated assemblies, opening protectives, or dust containment procedures. Such means and methods shall be described with particularity and in no case shall terms such as "code compliant," "approved," "legal," "protected in accordance with law" or similar terms be used as a substitute for such description. The elements of the tenant protection plan may vary depending on the nature and scope of the work but at a minimum shall make detailed and specific provisions for:

§ 2. Section 28-202.1 of the administrative code of the city of New York, as amended by local law number 70 for the year 2018, is amended by adding a new exception 11 to read as follows:

11. For (i) a violation of section 28-211.1 as pertains to items 1, 2, or 5 of section 28-105.2 or (ii) where a tenant protection plan is required pursuant to section 28-104.8.4, but has not been submitted to the department, the minimum civil penalty for a first offense shall be no less than \$10,000 and no less than \$25,000 for each subsequent offense.

§ 3. Section 28-203.1 of the administrative code of the city of New York, as amended by local law number 203 for the year 2017, is amended by adding a new exception 6 to read as follows:

6. For (i) a violation of section 28-211.1 as pertains to items 1, 2, or 5 of section 28-105.2 or (ii) where a tenant protection plan, as required pursuant to section 28-104.8.4 has not been submitted to the department, the minimum fine shall be no less than \$10,000 and no less than \$25,000 for each subsequent offense.

§ 4. This local law takes effect 120 days after it becomes law, except that the commissioner of housing preservation and development may take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 1281

By Council Members Torres, Espinal, Powers, Deutsch, Cumbo, Lander, Brannan, Dromm, Reynoso, Rivera and Constantinides.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting retail establishments from refusing to accept payment in cash

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 20 to read as follows:

**SUBCHAPTER 20
CASHLESS POLICIES PROHIBITED**

§ 20-828 *Cashless policies prohibited. a. As used in this subchapter, the following terms have the following meanings:*

Food-service establishment. The term "food-service establishment" means an establishment which gives or offers for sale food or beverages to the public for consumption or use on or off the premises.

Retail establishment. The term "retail establishment" means an establishment in which consumer commodities are sold, displayed or offered for sale, or which provides services to consumers at retail.

b. It shall be unlawful for a food-service establishment or a retail establishment, as policy, to refuse to accept payment in cash from consumers.

c. A food-service establishment or retail establishment violating this section is liable for a civil penalty of not more than \$250 for the first violation and a civil penalty of not more than \$500 for each succeeding violation.

d. The department may promulgate such rules as it deems necessary to implement and enforce this subchapter.

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

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 1282

By Council Members Treyger, Lander, Brannan, Williams, Eugene and Rodriguez

A Local Law to amend the New York city charter, in relation to the voter assistance advisory committee providing poll site interpreters in all designated citywide languages

Be it enacted by the Council as follows:

Section 1. Section 1054 of the New York city charter is amended by adding a new subdivision d to read as follows:

d. The committee shall provide interpreters for all designated citywide languages pursuant to section 23-1101 of the administrative code, excluding those languages for which the board of elections in the city of New York provide interpreters, to all poll sites which contain an election district with 50 or more voting age residents with limited English proficiency based on United States census data, or american community survey data, whose primary language is one of such designated citywide languages. Such data shall be reviewed every two years, beginning on January 1, 2020. To the extent permissible under state law, such interpreters shall be made available to the public within such poll sites, provided that where it is not permissible then such interpreters shall be made available to the public within a legally permissible distance of such poll site.

§ 2. This local law takes effect six months after becoming law.

Referred to the Committee on Governmental Operations.

Int. No. 1283

By Council Members Treyger, Brannan and Ampry-Samuel (by request of the Manhattan Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to reporting on food and nutrition education in New York city schools

Be it enacted by the Council as follows:

Section 1. Title 21-A of the administrative code of the city of New York is amended by adding a new chapter 21 to read as follows:

*CHAPTER 21
REPORTING ON FOOD AND NUTRITION EDUCATION*

§ 21-988 Reporting on food and nutrition education. a. Definitions. For the purposes of this chapter, the following terms have the following meanings:

External food and nutrition education program. The term “external food and nutrition education program” means a program that is implemented by an organization other than a school and that provides school-based food and nutrition education to students either at a school or at an offsite location.

External food and nutrition education provider. The term “external food and nutrition education provider” means an organization other than a school, such as a nonprofit, hospital, company, government agency, university or other entity that contracts with the department to provide school-based food and nutrition education to students either at a school or at an offsite location.

Food and nutrition education. The term “food and nutrition education” means instruction, the provision of materials and the facilitation of educational activities that give students the motivation, skills and knowledge to make and advocate for healthy choices. Food and nutrition education topics include, but are not limited to, food justice, promoting ecological sustainability, the health benefits of nutritious diets, food supply challenges and the relationship between nutrition, physical activity and well-being.

School. The term “school” means a school of the city school district of the city of New York.

b. Annual reporting on food and nutrition education. No later than August 31, 2019 and by August 31 of each calendar year thereafter, the department shall submit to the council, post on the department’s website and publish on the city’s open data portal in a non-proprietary machine-readable format that permits automated processing, an annual report based on data from the preceding school year. The report shall include, but need not be limited to, the following:

- 1. The average frequency and average total minutes per week of food and nutrition education provided to students in each grade level in each school;*
- 2. The average frequency and average total minutes per week of food and nutrition education provided to students in each grade level in each school;*
- 3. The number of students receiving food and nutrition education in each grade level in each school disaggregated by (i) race and ethnicity; (ii) gender; and (iii) eligibility for free or reduced-price lunch as determined annually by the United States Department of Agriculture pursuant to subparagraphs (A) and (B) of paragraph (1) of subsection (b) of section 1758 of title 42 of the United States code;*
- 4. The percentage of total time, including minutes, spent on food and nutrition education facilitated by department personnel and the percentage of total time, including minutes, spent on food and nutrition education facilitated by an external food and nutrition education provider in each grade level in each school;*
- 5. The number of department personnel in each school who have received training in food and nutrition education, including the number of hours of training in food and nutrition education and the name of the facility that provided such training;*
- 6. For each school contracting with external food and nutrition education providers for the purposes of providing food and nutrition education: (i) the name and address of the external food and nutrition education provider; (ii) whether the external food and nutrition education provider is a nonprofit, a hospital, a company, a government agency, a university or some other type of entity; (iii) whether the school incurs additional costs by contracting with the external food and nutrition education provider; (iv) whether the school receives any additional funding to pay for the external food and nutrition education program; and (v) any additional relevant data as determined by the department.*
- 7. The methodology by which the data in paragraphs 1, 2, and 3 of this subdivision is tracked at the school level.*

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

§ 2. This local law takes effect 90 days after it becomes law, except that the department of education 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 Education.

Res. No. 640

Resolution calling upon the New York City Department of Education to place an escort or attendant on board all public school buses.

By Council Members Treyger, Cumbo and Ayala.

Whereas, The New York City Department of Education's (DOE) Office of Pupil Transportation (OPT) provides contracted school bus services to approximately 150,000 students daily, according to DOE testimony at an October 2018 Council hearing; and

Whereas, The OPT contracts with about 65 private bus companies to provide general education, special education and special education pre-K and Early Intervention busing; and

Whereas, According to DOE, OPT provides bus services to students in over 2,700 district schools, charter schools and private schools up to 50 miles outside of City limits each day on 8,500 bus routes on a fleet of 9,000 vehicles staffed by 14,000 bus drivers and attendants; and

Whereas, General education students in grades K to 2 who live one-half mile or more from school and those in grades 3 to 6 who live one mile or more from school are eligible for busing; and

Whereas, Special education students are exempt from the minimum grade and distance requirement, but are eligible for busing based on their Individualized Education Program; and

Whereas, Currently, only buses that transport special education students have an escort or attendant in addition to the bus driver; and

Whereas, This means that tens of thousands of young general education students ride school buses each day without escorts or attendants on board; and

Whereas, In recent years, there have been a number of press reports regarding safety issues involving children on school buses, including incidents of young children left alone on buses for hours after falling asleep on the bus; and

Whereas, In another case, at the beginning of the 2017-18 school year, Charlotte, a four-year-old general education kindergarten student in Community School District 2, was released off her school bus at the wrong stop three times, and the last time a stranger picked her up and took her to a nearby hospital; and

Whereas, Having an escort or attendant on the school bus could have prevented and/or reduced the occurrence of such incidents; and

Whereas, Further, having an escort or attendant on all school buses could help maintain order and reduce distractions for bus drivers, resulting in safer and possibly shorter bus trips; and

Whereas, School buses carry a minimum of 11 students and may carry over 50 students; and

Whereas, Adding an escort or attendant on board all public school buses would improve safety for students who ride school buses daily; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Education to place an escort or attendant on board all public school buses.

Referred to the Committee on Education.

Res. No. 641

Resolution calling on the coordination of the New York State Division of Criminal Justice Services (DCJS), the New York State Office of Court Administration, and New York City District Attorneys to expunge the records of all city misdemeanor marijuana convictions.

By Council Members Williams, Levin, Cumbo and Ayala.

Whereas, In recent years many jurisdictions around the country have sought to correct the wrongs of the war on drugs and collateral consequences of marijuana-related convictions; and

Whereas, In New York City, enforcement policies have been amended to move further away from criminalizing the low-level possession and use of marijuana; and

Whereas, As of September 2018, the New York City Police Department committed to issuing criminal summons in lieu of arrests for the majority of persons found smoking marijuana in public; and

Whereas, Arrests will only be made if persons are on probation or parole, have an existing criminal warrant, a recent history of violence, does not possess a form of identification, or if their smoking poses an immediate public safety risk, such as while driving a car; and

Whereas, While the City has taken steps to improve enforcement, a legacy of unduly harsh policies has had significantly negative adverse consequences on those with convictions for marijuana possession, hindering access to housing, education, and employment prospects for persons with decades-old convictions; and

Whereas, Due to racial disparities in policing strategies, research shows that poor communities of color are disproportionately affected by marijuana convictions; and

Whereas, According to the Misdemeanor Project at John Jay College of Criminal Justice, between 1993 and 2016, arrestees for marijuana-related charges were overwhelmingly Black and Latino men, despite there being no difference in usage across race; and

Whereas, As many states have now legalized marijuana for recreational use, some jurisdictions, including San Francisco, San Diego, and Seattle have automatically cleared prior misdemeanor convictions for possession; and

Whereas, New York should follow in the footsteps of these jurisdictions; therefore be it

Resolved, That the Council of the City of New York calls on the coordination of the New York State Division of Criminal Justice Services (DCJS), the New York State Office of Court Administration, and New York City District Attorneys to expunge the records of all city misdemeanor marijuana convictions

Referred to the Committee on Justice System.

L.U. No. 278

By Council Member Salamanca:

Application No. 20195120 SCR submitted by the New York City School Construction Authority pursuant to Section 1731 of the New York City School Construction Authority Act for the site selection of property located at Block 683, Portion of Lot 1, for the construction of a new, approximately 456-seat primary school facility (replacement for Richard H. Hungerford School, R86), Borough of Staten Island, Community School District 31, Community District 2, Council District 50.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 279

By Council Member Salamanca:

Application No. 20195180 HAM (Victory Plaza) submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for an amendment of a previously approved Urban Development Action Area Project, for property located at 3-11 West 118th Street and 1460-1472 5th Avenue (Block 1717, Lots 28 and 33 – formerly Lots 28-40), Borough of Manhattan, Community District 10, Council District 9.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 280

By Council Member Salamanca:

Application No. C 180344 ZMK (29 Jay Street Rezoning) submitted by Forman Ferry, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 12d by changing from an M1-4/R8A District to an M1-6/R8X District property bounded by Jay Street, John Street, a line 150 feet easterly of Jay Street, and Plymouth Street, Borough of Brooklyn, Council District 33, Community District 2.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 281

By Council Member Salamanca:

Application No. N 180345 ZRK (29 Jay Street Rezoning) submitted by Forman Ferry, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, amending Article XII, Chapter 3 (Special Mixed Use District) for the purpose of expanding an existing Mixed Use District, Borough of Brooklyn, Council District 33, Community District 2.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

<http://legistar.council.nyc.gov/Calendar.aspx>

ANNOUNCEMENTS

Thursday, November 29, 2018

[Subcommittee on Zoning & Franchises](#)

Francisco Moya, Chairperson

See **Land Use Calendar**

Committee Room – City Hall.....9:30 a.m.

[Committee on Finance](#) jointly with the
Chairperson

Daniel Dromm,

[Committee on Civil Service and Labor](#)

I. Daneek Miller, Chairperson

Oversight - Healthcare Savings Agreement: A Look Back and a Look Forward.

Council Chambers – City Hall.....10:00
a.m.

[Subcommittee on Landmarks, Public Siting & Maritime Uses](#)

Adrienne Adams, Chairperson

See **Land Use Calendar**

Committee Room – 250 Broadway, 16th Floor.....12:00 p.m.

Deferred

~~[Committee on Criminal Justice](#) jointly with the~~

~~Keith Powers, Chairperson~~

~~[Committee on Justice System](#)~~

~~Rory Laneman, Chairperson~~

~~**Oversight** – Why does the City make it so hard to post bail?~~

~~**Int 944** – By Council Members Laneman and Ampry Samuel – **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of correction to notify inmates, defense attorneys, and court personnel when an inmate is detained solely on a bail amount of one dollar.~~

~~**Int 1199** – By Council Members Powers, Laneman, Brannan, Cohen, Dromm, Yeger, Treyger and Ampry Samuel – **A Local Law** to amend the administrative code of the city of New York, in relation to removing fees associated with credit card bail payments and in relation to allowing online bail payment to be made by direct deposit and electronic check.~~

~~Council Chambers – City Hall.....1:00 p.m.~~

[Committee on Economic Development](#) jointly with the
Chairperson

Paul Vallone,

[Committee on Cultural Affairs, Libraries &
International Intergroup Relations](#)

James Van Bramer, Chairperson

Off-site Hearing - Oversight – The Economic Impact of the City’s Tourism Infrastructure and Cultural Attractions.

Int 1276 - By Council Members Powers and Vallone - **A Local Law** to amend the administrative code of the city of New York, in relation to the creation of a tourism economy dashboard.

Location: TWA Lounge at One World Trade Center, 86th Floor.

Details attached.....1:00 p.m.

[Committee on Sanitation and Solid Waste Management](#) jointly with the
[Committee on Transportation](#) and the
Chairperson

Antonio Reynoso, Chairperson
Ydanis Rodriguez,

[Committee on Education](#)

Mark Treyger, Chairperson

Oversight – The City’s Preparation for and Response to Winter Storm Avery.

Council Chambers – City Hall.....1:00 p.m.

Deferred

~~Subcommittee on Planning, Dispositions & Concessions Ben Kallos, Chairperson
See Land Use Calendar
Committee Room – 250 Broadway, 16th Floor.....2:00 p.m.~~

Monday, December 3, 2018

Subcommittee on Planning, Dispositions & Concessions Ben Kallos, Chairperson
See Land Use Calendar
Committee Room – City Hall.....9:30 a.m.

Committee on Criminal Justice jointly with the Keith Powers, Chairperson
Committee on Justice System Rory Lancman, Chairperson

Oversight - Why does the City make it so hard to post bail?

Int 944 - By Council Members Lancman and Ampry-Samuel - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of correction to notify inmates, defense attorneys, and court personnel when an inmate is detained solely on a bail amount of one dollar.

Int 1199 - By Council Members Powers, Lancman, Brannan, Cohen, Dromm, Yeger, Treyger and Ampry-Samuel - **A Local Law** to amend the administrative code of the city of New York, in relation to removing fees associated with credit card bail payments and in relation to allowing online bail payment to be made by direct deposit and electronic check.

Council Chambers – City Hall.....10:00 a.m.

Note Topic Deferred

Committee on Land Use Rafael Salamanca, Jr., Chairperson

~~**Proposed Int 1168-A** – By Council Members Salamanca, Kallos and Yeger – **A Local Law** to amend the administrative code of the city of New York, in relation to extending the call up deadlines for review of revocable consents for sidewalk cafes.~~

All items reported out of the Subcommittees

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Committee Room – City Hall.....11:00 a.m.

Committee on Education Mark Treyger, Chairperson

Oversight - Physical Education and Athletics in NYC Public Schools.

Proposed Int 242-A - By Council Members Reynoso, Brannan, Richards, Lander, Torres, Gibson, Holden, Treyger, Cumbo, Ampry-Samuel, Rose, Cohen, Levin, Cabrera, Menchaca, Rivera, Adams, Rosenthal and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of education to report on funding for after school athletics.

Preconsidered Int ____ - By Council Member Rosenthal - **A Local Law** to amend the administrative code of the city of New York, in relation to reporting by the department of education on adaptive physical education.

Preconsidered Int ____ - By Council Members Treyger and Kallos - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of education to report on physical education curricula in New York city schools.

Res 85 - By Council Members Reynoso and Salamanca - **Resolution** calling upon the New York City Department of Education (DOE) to ensure that all students have equitable access to after-school athletic activities and associated funding.

Council Chambers – City Hall.....1:00 p.m.

[Committee on Mental Health, Disabilities & Addition](#)

Diana Ayala, Chairperson

[Committee on Public Safety](#)

Donovan Richards, Jr., Chairperson

Oversight - Addressing the Bronx Opioid Crisis: From Enforcement, to Safe Spaces, to Treatment.

Committee Room – 250 Broadway, 16th Floor.....1:30 p.m.

Tuesday, December 4, 2018

[Committee on Environmental Protection](#)

Costa Constantinides, Chairperson

Int 1251 - By Council Member Cohen - **A Local Law** to amend the administrative code of the city of New York in relation to a building energy efficiency grade.

Int 1252 - By Council Members Constantinides and the Speaker (Council Member Johnson) (in conjunction with the Mayor) - **A Local Law** to amend the administrative code of the city of New York, in relation to establishing a sustainable energy loan program.

Int 1253 - By Council Member Constantinides, the Speaker (Council Member Johnson) and Council Members Torres, Kallos, Rosenthal, Levin, Rivera, Koo, Powers and Levine - **A Local Law** to amend the New York city charter and the administrative code of the city of New York, in relation to the commitment to achieve certain reductions in greenhouse gas emissions by 2050.

Committee Room – City Hall.....10:00 a.m.

Wednesday, December 5, 2018

[Committee on Aging](#) jointly with the

Margaret Chin, Chairperson

[Committee on Public Housing](#)

Alicka Ampry-Samuel,

Chairperson

Oversight - Senior Services and Centers in NYCHA.

Council Chambers – City Hall.....10:00 a.m.

Thursday, December 6, 2018

Deferred

~~[Subcommittee on Zoning & Franchises](#)~~

~~Francisco Moya, Chairperson~~

~~**See Land Use Calendar**~~

~~Committee Room – City Hall.....9:30 a.m.~~

Deferred

~~[Committee on Housing and Buildings](#)~~

~~Robert Cornegy, Jr.,~~

~~Chairperson~~

~~**Int 30** – By Council Members Chin, Cornegy, Brannan, Levine and Rivera – **A Local Law** to amend the administrative code of the city of New York, in relation to the recovery of relocation expenses incurred by the department of housing preservation and development pursuant to a vacate order.~~

~~**Int 59** – By Council Member Cornegy – **A Local Law** to amend the administrative code of the city of New York, in relation to required disclosures by persons making buyout offers.~~

~~**Int 551** – By Council Member Levine – **A Local Law** to amend the administrative code of the city of New York, in relation to the disclosure of information regarding buyout agreements.~~

~~**Int 975** – By The Public Advocate (Ms. James) and Council Members Brannan, Holden, Koslowitz and Yeger – **A Local Law** to amend the administrative code of the city of New York, in relation to denying building permits where a residential building has an excessive number of violations.~~

~~**Int 977** – By Council Members Reynoso and Holden – **A Local Law** to amend the administrative code of the city of New York, in relation to mandatory sanctions for submitting incorrect professionally certified applications for construction document approval.~~

~~Int 1107~~—By Council Members Rosenthal and Ayala—~~A Local Law~~ to amend the administrative code of the city of New York, in relation to requiring contractors to prepare and submit tenant protection plans, and to repeal section 28-104.8.4 of the administrative code of the city of New York, relating to requiring architects or engineers to prepare such plans.

~~Int 1171~~—By Council Member Torres, Williams, Powers, Rivera and Kallos—~~A Local Law~~ to amend the administrative code of the city of New York, in relation to identifying unlawful statements in submissions to the department of buildings.

~~Int~~ —By Council Member Ampry Samuel—~~A Local Law~~ to amend the administrative code of the city of New York, in relation to expanding sanctions for submission of professionally certified false or noncompliant building permit applications or plans.

~~Int~~ —By Council Member Ayala—~~A Local Law~~ to amend the administrative code of the city of New York, in relation to expanding available data in the online property owner registry.

~~Int~~ —By Council Member Cabrera—~~A Local Law~~ to amend the administrative code of the city of New York, in relation to providing residents with copies of notices of violations.

~~Int~~ —By Council Member Cornegy—~~A Local Law~~ to amend the administrative code of the city of New York, in relation to granting access to the department of buildings as a condition of obtaining a permit.

~~Int~~ —By Council Member Cornegy—~~A Local Law~~ to amend the administrative code of the city of New York, in relation to mandating audits of the records of process servers.

~~Int~~ —By the Public Advocate (Ms. James)—~~A Local Law~~ to amend the administrative code of the city of New York, in relation to preliminary inspections.

~~Int~~ —By Council Member Levine—~~A Local Law~~ to amend the administrative code of the city of New York, in relation to requiring landlords to obtain and provide tenants with the previous four years of rental history.

~~Int~~ —By Council Member Powers—~~A Local Law~~ to amend the administrative code of the city of New York, in relation to denying permits for occupied buildings.

~~Int~~ —By Council Member Rivera—~~A Local Law~~ to amend the administrative code of the city of New York, in relation to requiring heightened review of tenant protection plans and increased enforcement of building code standards.

~~Int~~ —By Council Member Rosenthal—~~A Local Law~~ to amend the administrative code of the city of New York, in relation to the tenant protection plan and penalties for false statements relating to tenant occupancy on certain construction documents.

~~Int~~ —By Council Member Rosenthal—~~A Local Law~~ to amend the administrative code of the city of New York, in relation to requiring the department of buildings and the department of housing preservation and development to audit a certain percentage of certifications of correction.

Council Chambers—City Hall.....10:00 a.m.

...

Deferred

~~[Subcommittee on Landmarks, Public Siting & Maritime Uses](#)~~.....Adrienne Adams, Chairperson

~~See Land Use Calendar~~

~~Committee Room—250 Broadway, 16th Floor.....12:00 p.m.~~

Committee on Health

Mark Levine, Chairperson

Oversight - The New York Health Act

Res 470 - By The Speaker (Council Member Johnson) and Council Members Rodriguez, Espinal, Torres, Grodenchik, Levine, Perkins, Barron, Levin, Eugene, Chin, Williams, Cohen, Kallos, Brannan, Rivera, Powers, Ayala, Cumbo, Lander, Ampry-Samuel, Rosenthal, Menchaca, Reynoso, Constantinides, Richards, Rose, Maisel, Moya and Adams - **Resolution** calling on the State Legislature to pass and the Governor to sign A.4738-A/S.4840-A, legislation that would establish the New York Health program, a universal single payer health plan for all New York State residents.

Committee Room – City Hall.....1:00 p.m.

Deferred

[Subcommittee on Planning, Dispositions & Concessions](#)..... Ben Kallos, Chairperson
~~See Land Use Calendar~~

~~Committee Room – 250 Broadway, 16th Floor.....2:00 p.m.~~

Monday, December 10, 2018

Deferred

[Subcommittee on Zoning & Franchises](#)..... Francisco Moya, Chairperson
~~See Land Use Calendar~~

~~Committee Room – 250 Broadway, 16th Floor.....9:30 a.m.~~

[Committee on For-Hire Vehicles](#)

Ruben Diaz, Sr., Chairperson

Oversight - TLC’s Critical Driver and Persistent Violator Programs.

Int 1249 - By Council Members Cabrera and Diaz - **A Local Law** to amend the administrative code of the city of New York, in relation to repealing the critical driver program and amending the persistent violators program relating to drivers of taxicabs and for-hire vehicles.

Council Chambers – City Hall.....10:00 a.m.

Deferred

[Subcommittee on Landmarks, Public Siting & Maritime Uses](#)..... Adrienne Adams, Chairperson
~~See Land Use Calendar~~

~~Committee Room – 250 Broadway, 16th Floor.....12:00 p.m.~~

Deferred

[Subcommittee on Planning, Dispositions & Concessions](#)..... Ben Kallos, Chairperson
~~See Land Use Calendar~~

~~Committee Room – 250 Broadway, 16th Floor.....2:00 p.m.~~

Tuesday, December 11, 2018

[Stated Council Meeting](#)..... *Ceremonial Tributes – 1:00 p.m.*

..... *Agenda – 1:30 p.m.*



MEMORANDUM

Friday, November 16 2018

TO: ALL COUNCIL MEMBERS**RE: OFF-SITE HEARING BY THE COMMITTEE ON ECONOMIC DEVELOPMENT JOINTLY WITH THE COMMITTEE ON CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL INTERGROUP RELATIONS****TWA Lounge at One World Trade Center, 86th Floor.**The off-site hearing will be held on **Thursday, November 29, 2018 beginning at 1:00 p.m.****PLEASE NOTE:** the venue has extremely strict capacity limits, and for security purposes we require RSVPs with the full legal name of each attendee no later than November 27th at 5:00PM. A van will be leaving City Hall at **11:00 a.m.**Please RSVP to Alex Paulenoff (apaulenoff@council.nyc.gov) or Emily Forgione (eforgione@council.nyc.gov) if you plan to attend.Hon. Paul Vallone, Chairperson
Committee on Economic DevelopmentHon. James Van Bramer, Chairperson
Committee on Cultural Affairs, Libraries
& International Intergroup RelationsHon. Corey Johnson
Speaker of the Council

Whereupon on motion of the Speaker (Council Member Johnson), the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) adjourned these proceedings to meet again for the Stated Meeting on Wednesday, December 11, 2018.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Local Law Note: Int. Nos. 380-A, 853-A, 878-A, 879-A, 905-A, 913-A, and 914-A, both adopted at the October 17, 2018 Stated Meeting, were returned unsigned by the Mayor on November 19, 2018. These items had become law on November 17, 2018 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Laws Nos. 182, 183, 184, 185, 186, 187, and 188 of 2018, respectively.

