

## THE COUNCIL

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*Minutes of the Proceedings for the*

### STATED MEETING

*of*

Thursday, December 5, 2024, 2:51 p.m.

#### Council Members

Adrienne E. Adams, *The Speaker*

Amanda C. Farías, *The Majority Leader  
and Acting President Pro Tempore*

Joseph C. Borelli, *The Minority Leader*

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

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

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

*There were 51 Council Members marked present at this Stated Meeting held in the Council Chambers at City Hall, New York, N.Y. (including Council Members Gutiérrrez, Moya, and Minority Leader Borelli who all participated remotely).*

### INVOCATION

The Invocation was delivered by Rev. Dr. Richard Griffiths, Lead Pastor, Bronx Bethany Church of The Nazarene located at 971 East 227th Street, The Bronx, N.Y. 10466.

Good afternoon,  
 it's a privilege to be a part  
 of this convening today  
 and open this time  
 of critical dialogue and legislation  
 with an Invocation of prayer.  
 Thank you to Speaker Adams, Majority Leader Farias,  
 and my Councilman from the Bronx,  
 Honorable Kevin Riley, for this invitation.  
 Would you please bow your heads  
 as we look to the Lord in prayer?

Let us pray.

Lord Jesus,  
 your word says to pray in the spirit on all occasions  
 with all kinds of prayers and requests and to be alert,  
 always praying for the Lord's people.  
 And this, Living God, is an occasion to seek you.  
 Thank you, Lord God, for the miracle  
 of today in breathing the breath of life into our lungs.  
 Thank you for these Council Members  
 who are here today as representatives and advocates  
 chosen by your people and allowed by you.  
 Thank you for their commitments  
 to and passion for your beloved people.  
 We thank you for the residents of this city,  
 its richness and its diversity.  
 Help us to see the beauty of difference  
 in how you've called your people  
 to unity amidst our diversity.  
 Lord, we pray that the matters at hand today  
 would transcend partisanship and emphasize humanity,  
 that hearts would be filled with unity and marked  
 by postures of collaboration and peace;  
 true *shalom* that comes from you and is accessible to us.  
 This Chamber wrestles  
 with the complexities of the human condition.  
 Grant this Council your wisdom,  
 which you have promised to give generously to anyone  
 who asks of you without finding fault.  
 When asked of you, give them your acumen to listen

and to discern both the immediate  
and long term effects of each issue and decision.  
Give this assembly the courage to be compassionate.  
We pray that justice and mercy and compassion  
would be the priorities that would saturate  
this convening and each discussion.  
Lord, we pray that your kingdom,  
the Kingdom of God, would be their benchmark.  
We pray for humility and patience  
and also decisiveness for those things  
that are both urgent and important.  
Help your people today  
who carry heavy loads and great responsibilities.  
Today I come against apathy and indifference,  
but I pray for true servant hearts,  
hearts that are more interested  
in caring than being correct.  
Lord, we remember those  
who are often forgotten,  
the widow, the immigrant,  
the fatherless, the impoverished,  
and the imprisoned, many of whom are exploited  
and are experiencing pure poor  
and inhumane living conditions.  
Cause this Council to plead their cases  
and to act to transform their realities.  
I bring before you each representative,  
their support staff, and their families,  
and pray that you would bless them  
and overshadow them with your presence and love.  
Lord, we look to you for their covering and protection.  
Now to the King eternal, immortal, invisible,  
the only God, be glory and honor forever and ever.  
We pray these things in Jesus' name.  
Amen.

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

#### **ADOPTION OF MINUTES**

Council Member Hudson moved that the Minutes of the Stated Meetings of November 13, 2024 and November 21, 2024 be adopted as printed.

**COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES**

M-80

**Communication from the Comptroller – Submitting the projection of the City’s debt-incurring power for Fiscal Years 2025-2028, pursuant to Section 232 of the New York City Charter.**

November 29, 2024

The Honorable Adrienne Adams  
Speaker  
City Council  
The City of New York  
City Hall  
New York, New York 10007

Dear Speaker Adams:

In accordance with Section 232 of the New York City Charter, enclosed please find the projection of the City's debt-incurring power for Fiscal Years 2025-2028.

Brad Lander  
New York City Comptroller

Attachment

**(For text of the projection, please see the Attachments section of [the M-80 of 2024 file](https://council.nyc.gov) in the legislation section of the New York City Council website at <https://council.nyc.gov>)**

Received, Ordered, Printed and Filed.

M-81

**Communication from the Richmond County Democratic Committee - Submitting a Certificate of Recommendation for Matthew K. Mobilia, to fill the vacancy as Richmond County Democratic Commissioner of Elections, pursuant to Section 3-204 of the New York State Election Law.**

City Clerk and Clerk of the City Council of New York City  
141 Worth Street  
Municipal Building  
New York, New York 10013

To Whom it May Concern:

Enclosed please find a Certificate of Recommendation for the appointment of Matthew K. Mobilia, to fill the vacancy as Richmond County Democratic Commissioner of Elections.

Mr. Mobilia is an extremely qualified candidate for the position of Commissioner of Elections. He has been a trial attorney for over a decade and is currently in private practice in Richmond County specializing in criminal defense, personal injury and civil litigation. The Democratic Committee of Richmond County Committee voted unanimously for him to fill this role.

As you are aware, Commissioner Michele Sileo's term expires on December 31st which prompted this recommendation.

This appointment is very important to me on both a personal and professional level. I want to thank you in advance for your time and consideration in this regard.

Yours,

Laura Sword  
County Chair

**(For text of the certificate, please see the Attachments section of [the M-81 of 2024 file](https://council.nyc.gov) in the legislation section of the New York City Council website at <https://council.nyc.gov>)**

Referred to the Committee on Rules, Privileges and Elections.

M-82

**Communication from the Office of Management & Budget - Transfer City funds between various agencies in Fiscal Year 2025 to implement changes to the City's expense budget, pursuant to Section 107(b) of the New York City Charter (MN-1).**

December 3, 2024

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 107(b) of the New York City Charter, I request your approval to transfer City funds between various agencies in fiscal year 2025 to implement changes in the City's expense budget.

This modification (MN-1) will implement expense budget changes which were reflected in the City's November Financial Plan. In addition, as requested by the City Council, this modification reflects the funding for the reallocation of City Council initiatives that were included in the FY 2025 Adopted Budget and funding for additional programs.

Appendix A details State, Federal and other funds impacted by these changes. Your approval of modification MN-1 is respectfully requested.

Sincerely,

Jacques Jiha, Ph.D.  
Director

**(For text of the MN-1 and Appendix A numbers, please see the New York City Council website at <https://council.nyc.gov/> for the attachments section of [the M-82 of 2024 file](#))**

Referred to the Committee on Finance.

M-83

**Communication from the Office of Management & Budget - Appropriation of new City revenues in Fiscal Year 2025 in the amount of \$255.6 million, pursuant to Section 107(e) of the New York City Charter (MN-2).**

December 3, 2024

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 107(e) of the New York City Charter, I seek your approval to appropriate new City revenues in fiscal year 2025 in the amount of \$255.6 million.

This modification (MN-2) implements revenue budget changes reflected in the City's November Financial Plan. The \$255.6 million of new revenues will be used to pay for rate increase for child care providers, tax lien sale outreach, rental assistance and partially pay for cash assistance.

Your approval of modification MN-2 is respectfully requested.

Sincerely,

Jacques Jiha, Ph.D.  
Director

(For text of the MN-2 numbers, please see the New York City Council website at <https://council.nyc.gov/> for the attachments section of [the M-83 of 2024 file](#))

Referred to the Committee on Finance.

**REPORTS OF THE STANDING COMMITTEES****Report of the Committee on Aging**

Report for Int. No. 1022-A

**Report of the Committee on Aging in favor of approving and adopting, as amended, a Local Law in relation to requiring a study and plan regarding naturally occurring retirement communities and aging in place.**

The Committee on Aging, to which the annexed proposed amended local law was referred on September 12, 2024 (Minutes, page 3098), respectfully

**REPORTS:****I. INTRODUCTION**

On December 5, 2024, the Committee on Aging, chaired by Council Member Crystal Hudson, considered Introduction Number (“Int. No.”) 1022-A, sponsored by Council Members Jennifer Gutiérrez and Hudson, in relation to requiring a study and plan regarding naturally occurring retirement communities and aging in place; and Int. No. 1054-A, sponsored by Council Member Hudson, in relation to a 10-year plan to support aging in place.

The Committee previously heard this legislation on September 23, 2024. Witnesses who testified include the New York City (“NYC” or “City”) Department for the Aging (“DFTA”), aging advocates, and other interested stakeholders. On December 5, 2024, the Committee passed this legislation by a vote of six in the affirmative, zero in the negative, and zero abstentions.

**II. BACKGROUND****a. Rapidly Growing Older Adult Population**

Older adults are rapidly becoming a larger percentage of the population nationally and in New York State (“State”), and are driving most of the population growth in the State.<sup>1</sup> In NYC, which is currently home to 1.8 million older adult New Yorkers, the population of residents aged 65 years and older increased by 36 percent over the past decade, from 1,010,156 in 2011 to 1,373,495 in 2021.<sup>2</sup> Older adult New Yorkers currently account for 16.2 percent of NYC’s population.<sup>3</sup> Among the boroughs, Queens is home to the largest older adult population of any county in the State, while Brooklyn is home to the second largest older adult population.<sup>4</sup> By 2040, DFTA projects the population of older adults to reach 1.86 million, or 20.6 percent of NYC’s population.<sup>5</sup>

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<sup>1</sup> Jonathan Bowles, Eli Dvorkin & Charles Shaviro, *Keeping Pace with an Aging New York State*, Center for an Urban Future (Jan. 2023), accessible at <https://nycfuture.org/research/keeping-pace-with-an-aging-new-york-state>.

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

<sup>3</sup> *Id.*

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

<sup>5</sup> N.Y.C. Dep’t. for the Aging, *Commissioner’s Message* (n.d.), accessible at <https://www.nyc.gov/site/dfta/about/commissioners-message.page>.



## b. Naturally Occurring Retirement Communities

A Naturally-Occurring Retirement Community (“NORC”) is a term used to describe a community, such as a housing development or neighborhood, with a concentrated population of older adults.<sup>6</sup> Unlike retirement communities or facilities specifically built for older adults, NORCs evolve over time through accumulation, or the aging in place of existing residents; relocation, or the migration of older residents to the community; or the departure of younger residents.<sup>7</sup> A housing-based NORC, which is also called a “classic,” “closed,” or “vertical” NORC, refers to a NORC located in a single age-integrated apartment building, a housing complex with multiple buildings under common management, or an area where a number of apartment buildings are clustered together.<sup>8</sup> A neighborhood-based NORC or N-NORC, also known as an “open” or “horizontal” NORC, typically refers to one- and two-family homes in an age-integrated neighborhood.<sup>9</sup>

NORC Supportive Service Programs (“NORC programs”), which are administered by nonprofit organizations, are placed within a designated NORC to address the health and social service needs of older adult residents.<sup>10</sup> Such services may include assessment and case management, health care and wellness, housekeeping, social services, and educational activities.<sup>11</sup> While NORC programs do not replace the services older adults might require when they can no longer live independently, research shows that providing such services on-site fosters independence among older residents, which can prevent or delay costly interventions (like moving to residential care facilities) and allow older adults to continue aging in place.<sup>12</sup>

To be designated a classic NORC by State law:

1. An apartment building or housing complex must not have been predominantly built for older adults;
2. Such building or complex may not restrict admissions solely to older adults;
3. At least 40 percent of the units in such building or complex must have an occupant who is 60 years of age or older, in which at least 250 of the residents of an apartment building are at least 60 years old or 500 residents of a housing complex are at least 60 years old; and
4. A majority of the older adults residents served must be low or moderate income, as defined by the United States (U.S.) Department of Housing and Urban Development (HUD).<sup>13</sup>

To be designated an N-NORC by State law:

1. A residential dwelling or group of residential dwellings in a geographically defined neighborhood or group of contiguous neighborhoods must not have been predominantly developed for older adults;
2. Such dwelling or group of dwellings must not predominantly restrict admission to older adults; and
3. Such dwelling or group of dwellings must be located in a non-rural area (such as NYC), with at least 30 percent of residents who are 60 years of age or older or the units have an occupant who is at least 60 years old.<sup>14</sup>

<sup>6</sup> Srifevi Mohan, *Naturally Occurring Retirement Communities*, University of Wisconsin-Madison (2018), 1, *accessible at* <https://blogs.extension.wisc.edu/aging/files/2018/02/Naturally-Occurring-Retirement-Communities.pdf>.

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

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> Irene Lew & Tara Klein, *NORCs: An Antidote to Social Isolation*, United Neighborhood Houses (Mar. 2024), 1, *accessible at* [https://assets.nationbuilder.com/unhny/pages/12/attachments/original/1711044936/UNH\\_NORCs\\_Report.pdf?1711044936](https://assets.nationbuilder.com/unhny/pages/12/attachments/original/1711044936/UNH_NORCs_Report.pdf?1711044936).

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

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

<sup>13</sup> N.Y. Elder Law § 209. HUD defines ‘low-income’ as 80% of the area median income, which amounts to \$87,100 for a one-person household in New York County in 2024. HUD defines “moderate-income” as falling between 80 and 95 percent of the area median income. *See* U.S. Dep’t of Housing & Urban Development, *FY 2024 Income Limits Documentation System*, [https://www.huduser.gov/portal/datasets/il/il2024/2024summary.odn?STATES=36.0&INPUTNAME=METRO35620MM5600\\*3606199999%2BNew+York+County&statelist=&stname=New+York&wherefrom=%24wherefrom%24&statefp=36&year=2024&ne\\_fl ag=&selection\\_type=county&incpath=%24incpath%24&data=2024&SubmitButton=View+County+Calculations](https://www.huduser.gov/portal/datasets/il/il2024/2024summary.odn?STATES=36.0&INPUTNAME=METRO35620MM5600*3606199999%2BNew+York+County&statelist=&stname=New+York&wherefrom=%24wherefrom%24&statefp=36&year=2024&ne_fl ag=&selection_type=county&incpath=%24incpath%24&data=2024&SubmitButton=View+County+Calculations) (last accessed May 31, 2024).

<sup>14</sup> *Id.*

Today, there are an estimated 60 NORC programs, of which DFTA funds 37, in NYC located throughout the five boroughs.<sup>15</sup>

### III. COMMUNITY CARE PLAN

In April 2021, then-Mayor Bill de Blasio announced a \$58 million investment in the first year of a five-year community care plan to address the increasing and changing needs of the rapidly growing older adult population in NYC.<sup>16</sup> The plan, *Building Community Care for an Age-Inclusive New York City* (“Plan”), highlights the importance of creating a network of services that support the independence, self-reliance and well-being older New Yorkers need to age in their homes.<sup>17</sup> Not only does data show that community care helps people stay healthy longer and avoid institutional care, but 90 percent of Americans have reported a desire to age at home.<sup>18</sup> Moreover, community care is cost-effective, it reduces hospitalizations and fosters social connections, which benefit both individuals and communities.<sup>19</sup>

To inform its vision for the Plan, DFTA facilitated workgroups and dialogues with providers and other stakeholders to develop a roadmap for congregate and community-based programming for older adults.<sup>20</sup> In doing so, DFTA curated several resources, which are available on their website, including demographics, growth projections and service gaps, to help providers understand their communities’ needs.<sup>21</sup>

Given the population growth and demographic changes among the older adult population in NYC, the Plan emphasizes the need for investments in community care and the importance of diversity in service providers.<sup>22</sup> According to the Plan, the de Blasio Administration’s “investments have reversed losses from previous administrations and added slightly more, additional investments are needed to keep pace with the growth, diversification, and financial pressures facing [the older adult] population.”<sup>23</sup> Moreover, the Plan states “[DFTA] aims to increase the diversity in its portfolio of providers to address historical funding inequities.”<sup>24</sup>

Next, the Plan seeks to “reimagine” OACs and NORCs.<sup>25</sup> This includes promoting “collaborations, innovations and synergies” between the two programs.<sup>26</sup> The Plan also highlights the importance of expanding the full range of DFTA-funded services that comprise a continuum of care, from OACs for healthy and mobile older New Yorkers to home-delivered meals for those largely homebound older New Yorkers.<sup>27</sup> This includes a need for improved marketing and outreach to inform older New Yorkers about the services and programming available to them, as well as expanded transportation to reach those who reside in geographically isolated areas.<sup>28</sup> Lastly, with reference to COVID-19 pandemic-era programming, the Plan seeks to improve virtual programming to engage isolating or otherwise largely homebound older adults.<sup>29</sup>

To realize this vision, the Plan references the de Blasio Administration’s “right-sizing” OAC contracts and eliminating inequities across the system.<sup>30</sup> It also references upcoming requests for proposal (“RFP”) for both OACs and NORCs, which was set to be accompanied by strategic investments, including 25 new OACs or

<sup>15</sup> Irene Lew & Tara Klein, NORCs: An Antidote to Social Isolation, United Neighborhood Houses (Mar. 2024), 4, *accessible at* [https://assets.nationbuilder.com/unhny/pages/12/attachments/original/1711044936/UNH\\_NORCs\\_Report.pdf?1711044936](https://assets.nationbuilder.com/unhny/pages/12/attachments/original/1711044936/UNH_NORCs_Report.pdf?1711044936).

<sup>16</sup> DFTA, “MAYOR DE BLASIO ANNOUNCES GROUNDBREAKING FIVE-YEAR COMMUNITY CARE PLAN TO EXPAND AGING SUPPORT SERVICES” press release (Apr. 14, 2021), *available at* <https://www.nyc.gov/site/dfta/news-reports/press-releases/pr-community-care-plan-to-expand-aging-support-services.page>.

<sup>17</sup> DFTA, *Building Community Care for an Age-Inclusive New York City* (Apr. 2021), 2, *available at* <https://home.nyc.gov/assets/dfta/downloads/pdf/publications/DFTACommunityCarePublicVisionFinal040221.pdf>.

<sup>18</sup> *Id.*

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

<sup>20</sup> *Id.* at 3.

<sup>21</sup> DFTA, *Building Community Care for an Age-Inclusive New York City* (Apr. 2021), 2, *available at* <https://home.nyc.gov/assets/dfta/downloads/pdf/publications/DFTACommunityCarePublicVisionFinal040221.pdf>.

<sup>22</sup> *Id.* at 5.

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

<sup>24</sup> *Id.*

<sup>25</sup> *Id.* at 6.

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> DFTA, *Building Community Care for an Age-Inclusive New York City* (Apr. 2021), 2, *available at* <https://home.nyc.gov/assets/dfta/downloads/pdf/publications/DFTACommunityCarePublicVisionFinal040221.pdf>.

<sup>30</sup> *Id.* at 9.

NORCs; expanded outreach; increased transportation option; strengthened staffing; and optimized virtual programming.<sup>31</sup> Additionally, the Plan envisions an expansion of in-home community care services with strategic investments to create a platform for community care supported by an expansion of case management, homecare services, caregiver services, and other essential programs, and assist various participants in need of benefits counseling and other types of assistance and referrals to services, such as mental health programming.<sup>32</sup> More specifically, this includes increased case management budgets with improved outreach and expanded OAC and NORC capacity; increase capacity to serve home-delivered meal clients and State-funded and City tax levy-funded home care clients; increase City-funded homecare average weekly hours per client; increase caregiver support dollars to assist more caregivers; continuing investment in virtual programming; and devices, connectivity and teaching assistance on use of devices for accessing virtual programming offerings for low income older New Yorkers.<sup>33</sup>

#### **IV. LEGISLATIVE ANALYSIS**

##### **a. Proposed Int. No. 1022-A**

This bill would require the Commissioner for the Aging (“Commissioner”) to conduct a 3-year study on NORCs and N-NORCs in NYC. The study would identify potential NORCs and N-NORCs, assess the needs of older adults, evaluate necessary improvements, and collect data on demographic trends and health outcomes. Within two years of completing the study, the Commissioner would be required to develop and implement a plan to support aging in place within these communities. This plan would include recommendations for officially designating identified communities, resource estimates for supportive service programs, training for community-based organizations, infrastructure improvements, and the establishment of a program to provide grant funding and other resources to support the operations of community-based organizations to provide services within such identified communities.

Since its initial hearing, this legislation received technical amendments and was additionally amended to require that DFTA designate potential NORCs and N-NORCS where such communities meet the criteria for designation. A previous version of the legislation required that DFTA identify a set number of such potential communities. The legislation was also amended to require DFTA to consult with relevant Council Members and community stakeholders on the existing capacity of community-based organizations to support potential NORCs, and to list in the study findings any identified capital needs within existing NORCs. Finally, the amended legislation would require, subject to appropriation, the creation of a program to provide grant funding and other resources, including start-up grants, capacity-building support, and operational funding to support the operations of community-based organizations to provide services within identified naturally occurring retirement communities. The bill would take effect immediately.

##### **b. Proposed Int. No. 1054-A**

This bill would require the Commissioner for the Aging (“Commissioner”), in consultation with coordinating agencies, to submit a 10-year aging in place plan to the Mayor and the Speaker of the Council, and to post the plan on DFTA’s website. The aging in place plan would focus on assisting older adults with aging in place throughout New York City, including in NORCs and N-NORCs, and would include proposed projects and recommendations. The Commissioner would be required to submit the aging in place plan no later than 2 years after the effective date of the local law that enacted the plan. Two years after the publication of the aging in place plan and every two years until the plan’s completion, or until January 30, 2037, the Commissioner would be required to post on the Department’s website and to submit to the Mayor and the Speaker of the Council a progress report detailing the status of projects and recommendations included in the 10-year plan.

Since its initial hearing, this bill received technical amendments and was additionally amended to require that DFTA provide an estimation of the need in each community district for accessibility improvements that

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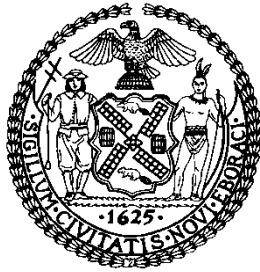
<sup>31</sup> *Id.*

<sup>32</sup> *Id.* at 10.

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

facilitate the provision of services and allow for aging in place, including the installation in publicly-owned spaces of lighting, railings, grab bars, ramps, elevators, escalators, curb cuts, and enhancements such as the widening of doorways and hallways, and other accessibility features. The bill was also amended to require in the plan the inclusion of recommendations for best practices to improve accessibility in privately owned spaces. The bill would take effect immediately.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1022-A:)**



**THE COUNCIL OF THE CITY OF NEW YORK**

**FINANCE DIVISION**

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

**RICHARD LEE, FINANCE DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INT. NO: 1022-A**

**COMMITTEE: Aging**

**TITLE:** A Local Law in relation to requiring a study and plan regarding naturally occurring retirement communities and aging in place.

**SPONSOR(S):** Council Members Gutiérrez, Hudson, Ung, Restler, Cabán, Narcisse, Hanif, Louis, Ossé, Joseph, Schulman, Brewer, Brannan, Riley, Farías, Williams, Krishnan, Stevens, Won, Lee, Sanchez, Rivera and Carr.

**SUMMARY OF LEGISLATION:** Proposed Int. No. 1022-A would require the Commissioner of the Department for the Aging (DFTA) to conduct a three-year study on Naturally Occurring Retirement Communities (NORCs) and Neighborhood Naturally Occurring Retirement Communities (N-NORCs) in New York City. Through the study, DFTA would be required to identify potential NORCs and N-NORCs, assess the needs of older adults, evaluate necessary improvements, and collect data on demographic trends and health outcomes. Within two years of completing the study, the Commissioner would be required to develop and implement a plan to support aging in place within these communities, to include recommendations for officially designating identified communities, resource estimates for supportive service programs, training for community-based organizations, infrastructure improvements, and the establishment of a program to provide grant funding and other resources to support the operations of community-based organizations to provide services within such identified communities. Two years after publication of the plans, and every 2 years thereafter until the completion of each such plan, or until January 30, 2037, the Commissioner would be required to submit to the Mayor and the Speaker of the Council, and post on DFTA's website, progress reports detailing the status of the implementation of projects and recommendations included in each plan.

**EFFECTIVE DATE:** Immediately

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal Year 2026

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY25</b>	<b>FY Succeeding Effective FY26</b>	<b>Full Fiscal Impact FY26</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

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

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

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

**ESTIMATE PREPARED BY:** Saiyemul Hamid, Financial Analyst

**ESTIMATE REVIEWED BY:** Julia K. Haramis, Unit Head  
Chima Obichere, Deputy Director  
Nicholas Connell, Counsel  
Jonathan Rosenberg, Managing Director

**LEGISLATIVE HISTORY:** The legislation was introduced to the full Council on September 12, 2024, as Int. No. 1022 and referred to the Committee on Aging (the Committee). The legislation was heard by the Committee on September 23, 2024, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 1022-A, will be considered by the Committee at a hearing on December 5, 2024. Upon majority affirmative vote by the Committee, Int. No. 1022-A will be submitted to the full Council for a vote on December 5, 2024.

**DATE PREPARED:** December 2, 2024.

**(For text of Int. No. 1054-A and its Fiscal Impact Statements, please see the Report of the Committee on Aging for Int. No. 1054-A printed in these Minutes; for text of Int. No. 1022-A, please see below)**

*Accordingly, this Committee recommends the adoption of Int. Nos. 1022-A and 1054-A.*

**(The following is the text of Int. No. 1022-A:)**

Int. No. 1022-A

By Council Members Gutiérrez, Hudson, Ung, Restler, Cabán, Narcisse, Hanif, Louis, Ossé, Joseph, Schulman, Brewer, Brannan, Riley, Fariás, Williams, Krishnan, Stevens, Won, Lee, Sanchez, Rivera, Bottcher, Zhuang, Dinowitz, Carr and Ariola.

**A Local Law in relation to requiring a study and plan regarding naturally occurring retirement communities and aging in place**

*Be it enacted by the Council as follows:*

Section 1. Section 21-205.1 of the administrative code of the city of New York, as added by a local law for the year 2024 amending the administrative code of the city of New York, relating to a 10-year plan to support aging in place, as proposed in introduction number 1054, is amended by adding new subdivisions c, d, e, and f to read as follows:

*c. Study regarding naturally occurring retirement communities. Over a 3-year period beginning on the effective date of the local law that added this section, the commissioner shall conduct a study on naturally occurring retirement communities and neighborhood naturally occurring retirement communities in the city. Such study shall include, but need not be limited to:*

- 1. Information on the existing state of naturally occurring retirement communities, including their locations, supportive services provided at each such location, and contact information for buildings and service providers;*
- 2. Identifications of potential naturally occurring retirement communities and neighborhood naturally occurring retirement communities as both such communities are defined in section 209 of the elder law, not currently designated or otherwise recognized by the New York state office for the aging or the department, accompanied by explanations of how and why each such potential community was identified;*
- 3. In consultation with relevant council members and community stakeholders, information on the existing capacity of community-based organizations to support each such potential community;*
- 4. An assessment of the identification, designation and funding processes for naturally occurring retirement communities and neighborhood naturally occurring retirement communities, including any recommendations for improving such processes;*
- 5. A summary of the needs assessments and challenges expressed by current naturally occurring retirement community providers, including any identified capital needs within such communities;*
- 6. Data on the demographic trends, health outcomes, and social isolation among older adults in such communities; and*
- 7. In consultation with the department of city planning, the department of health and mental hygiene, the department of transportation, and any other agency deemed necessary, an evaluation of the necessary improvements and investments required to enhance neighborhood infrastructure, healthcare facilities, social services, transportation, and other critical services to support older adults aging in place within such communities.*

*d. Plan regarding naturally occurring retirement communities. Based on the findings of the study conducted pursuant to subdivision c of this section, the commissioner shall, within 2 years of completing such study, develop and implement a plan to support naturally occurring retirement communities and neighborhood naturally occurring retirement communities. The plan shall include, but need not be limited to:*

- 1. Recommendations to the New York state office for the aging to designate any housing developments, buildings, or areas identified in the study conducted pursuant to subdivision c of this section as naturally occurring retirement communities or neighborhood naturally occurring retirement communities, as appropriate;*
- 2. An estimate of the resources needed to establish and maintain supportive service programs within such potential communities, disaggregated by each such potential community;*
- 3. Training and onboarding for community-based organizations to expand their capacity to support older adults in such potential communities;*
- 4. Recommendations for infrastructure improvements for such potential communities to be shared with the cabinet for older New Yorkers as established by section 2405 of the New York city charter;*
- 5. Strategies to improve the identification of naturally occurring retirement communities and neighborhood naturally occurring retirement communities throughout the city, taking into consideration communities that lack appropriate or relevant service providers; and*
- 6. Subject to appropriation, a program to provide grant funding and other resources, including start-up grants, capacity-building support, and operational funding to support the operations of community-based organizations to provide services within identified naturally occurring retirement communities.*

*e. The commissioner shall submit to the mayor and the speaker of the council, and post on the department's website, the findings of the study conducted pursuant to subdivision c of this section and the plan developed pursuant to subdivision d of this section.*

*f. Progress reports. Two years after publication of the plans developed pursuant to subdivisions b and d of this section, and every 2 years thereafter until the completion of each such plan, or until January 30, 2037, the*

*commissioner shall submit to the mayor and the speaker of the council and post on the department’s website progress reports detailing the status of the implementation of projects and recommendations included in each such plan.*

§ 2. This local law takes effect immediately.

CRYSTAL HUDSON, *Chairperson*; LINDA LEE, DARLENE MEALY, LYNN C. SCHULMAN, CHRIS BANKS, YUSEF SALAAM; 6-0-0; *Absent*: Susan Zhuang; December 5, 2024; Committee on Aging, December 5, 2024. *Other Council Members Attending: Council Member Williams.*

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

Report for Int. No. 1054-A

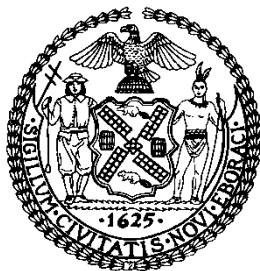
**Report of the Committee on Aging in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to a 10-year plan to support aging in place.**

The Committee on Aging, to which the annexed proposed amended local law was referred on September 26, 2024 (Minutes, page 3259), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Aging for Int. No. 1022-A printed above 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**

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

**RICHARD LEE, FINANCE DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INT. NO: 1054-A**

**COMMITTEE: Aging**



**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to a 10-year plan to support aging in place.

**SPONSOR(S):** Council Members Hudson, Louis, Gutiérrez, Restler, Ossé, Riley, Schulman, Narcisse, Farías, Williams, Krishnan, Joseph, Stevens, Won, Brannan, Sanchez and Rivera.

**SUMMARY OF LEGISLATION:** Proposed Int. No. 1054-A would require the Commissioner for the Department for Aging (DFTA), in consultation with coordinating agencies, to submit a 10-year aging in place plan to the Mayor and the Speaker of the Council, and to post the plan on DFTA’s website. The required aging in place plan would focus on assisting older adults with aging in place throughout New York City, including in naturally occurring retirement communities and neighborhood naturally occurring retirement communities, and would include proposed projects and recommendations. The Commissioner would be required to submit the aging in place plan no later than two years after the effective date of the local law that enacted the plan. Two years after the publication of the aging in place plan and every two years until the plan’s completion, or until January 30, 2037, the Commissioner would be required to post on DFTA’s website, and to submit to the Mayor and the Speaker of the Council, a progress report detailing the status of projects and recommendations included in the 10-year plan.

**EFFECTIVE DATE:** Immediately

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal Year 2026

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY25</b>	<b>FY Succeeding Effective FY26</b>	<b>Full Fiscal Impact FY26</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

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

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

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

**ESTIMATE PREPARED BY:** Saiyemul Hamid, Financial Analyst

**ESTIMATE REVIEWED BY:** Julia K. Haramis, Unit Head  
Chima Obichere, Deputy Director  
Nicholas Connell, Counsel  
Jonathan Rosenberg, Managing Director

**LEGISLATIVE HISTORY:** The legislation was heard as a Pre-considered Introduction at a hearing held by the Committee on Aging (the Committee) on September 23, 2024, and the legislation was laid over. The legislation was subsequently introduced to the full Council on September 26, 2024, as Int. No. 1054 and referred to the Committee. The legislation was subsequently amended and the amended version, Proposed Int. No. 1054-A, will be considered by the Committee at a hearing on December 5, 2024. Upon majority affirmative vote by the Committee, Int. No. 1054-A will be reported to the full Council for a vote on December 5, 2024.



**DATE PREPARED:** December 2, 2024.

*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 Hudson, Louis, Gutiérrez, Restler, Ossé, Riley, Schulman, Narcisse, Farías, Williams, Krishnan, Joseph, Stevens, Won, Brannan, Sanchez, Rivera, Bottcher, Zhuang, Hanif and Dinowitz.

**A Local Law to amend the administrative code of the city of New York, in relation to a 10-year plan to support aging in place**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of Title 21 of the administrative code of the city of New York, is amended by adding a new section 21-205.1 to read as follows:

*§ 21-205.1 Plans to support aging in place a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Aging in place. The term “aging in place” means when older adults remain in their existing homes or communities as they age, as an alternative to moving into an assisted-living facility, nursing home, or other institutional care facility.*

*Coordinating agencies. The term “coordinating agencies” means the department of buildings, the department of housing preservation and development, the department of transportation, and any other agency designated by the mayor.*

*Naturally occurring retirement community. The term “naturally occurring retirement community” has the same meaning as set forth in section 209 of the elder law.*

*Neighborhood naturally occurring retirement community. The term “neighborhood naturally occurring retirement community” has the same meaning as set forth in section 209 of the elder law.*

*Older adult. The term “older adult” means a person 60 years of age or older.*

*b. Ten-year plan. No later than 2 years after the effective date of the local law that added this section, the commissioner, in consultation with coordinating agencies, shall submit to the mayor and the speaker of the council and post on the department’s website a 10-year plan regarding older adults aging in place. Such plan shall focus on assisting older adults with aging in place throughout the city, considering the department’s programs and services, including in naturally occurring retirement communities and neighborhood naturally occurring retirement communities, and shall include, but need not be limited to:*

*1. An estimation of the need for improvements and investments to enhance existing healthcare facilities, social services, access to transportation, and other supportive services that help older adults with aging in place throughout the city, as well as specific recommendations for any such improvements and investments in each borough;*

*2. An estimation of the need in each community district for accessibility improvements that facilitate the provision of services and allow for aging in place, including the installation in publicly owned spaces of lighting, railings, grab bars, ramps, elevators, escalators, curb cuts, and enhancements such as the widening of doorways and hallways, and other accessibility features, as well as recommendations for best practices to improve accessibility in privately owned spaces;*

*3. Supportive services and accessibility improvement projects the department and coordinating agencies plan to initiate and complete in the 10-year period following submission of the plan, disaggregated by borough, community district, and address;*

*4. Resources that the department and coordinating agencies determine will be needed for the purpose of implementing and maintaining any such supportive services and accessibility improvement projects; and*

*5. For each such supportive service and accessibility improvement project, (i) an estimate of how many older adults would be served, and (ii) a list of the boroughs, community districts, and neighborhoods that would be served.*

§ 2. This local law takes effect immediately.

CRYSTAL HUDSON, *Chairperson*; LINDA LEE, DARLENE MEALY, LYNN C. SCHULMAN, CHRIS BANKS, YUSEF SALAAM; 6-0-0; *Absent*: Susan Zhuang; December 5, 2024; Committee on Aging, December 5, 2024. *Other Council Members Attending: Council Member Williams.*

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

## **Report of the Committee on Environmental Protection, Resiliency and Waterfronts**

Report for Int. No. 814-A

### **Report of the Committee on Environmental Protection, Resiliency and Waterfronts 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 addressing sewer backups.**

The Committee on Environmental Protection, Resiliency and Waterfronts, to which the annexed proposed amended local law was referred on April 18, 2024 (Minutes, page 1849), respectfully

#### **REPORTS:**

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

On December 5, 2024, the New York City Council Committee on Environmental Protection, Resiliency, and Waterfronts (the “Committee”), chaired by Council Member James F. Gennaro, held a hearing to vote on Int. No. 814-A, sponsored by Council Member Gennaro, in relation to addressing sewer backups, and Int. No. 815-A, sponsored by Council Member Gennaro, in relation to the creation of a flood risk area map showing both the rainfall risk area and the coastal flood risk area. Int. Nos. 814-A and 815-A were first heard by the Committee on April 26, 2024.

##### **II. BACKGROUND**

Sewer backups occur when a blockage prevents the normal flow of wastewater through the sewer system. This can result in raw sewage backing up into individual homes from plumbing fixtures.<sup>1</sup> Sewer backups can cause damage to homes that can be expensive to repair, and when a backup leads to raw sewage being deposited in a building, can potentially lead to the spread of disease. Sewer backups are primarily caused by physical blockages and heavy rainfall. Blockages caused by fat and grease improperly poured down a drain can solidify and accumulate, and accounted for 40% of confirmed sewer backup cases in the City for fiscal year 2023.<sup>2</sup> Debris can block sewers, or tree roots can invade pipes and clog the space. Additionally, in the 60% of the City with a

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<sup>1</sup> Samantha Maldonado, “Spike in Sewer Backups Leaves New Yorkers in a Soggy Mess, with Long-Term Fixes Years Away,” THE CITY, Feb. 8, 2024, <https://www.thecity.nyc/2024/02/08/sewer-backups-elmhurst-solutions/> (last accessed Apr. 12, 2024).

<sup>2</sup> NYC DEP, “State of the Sewers 2023,” <https://www.nyc.gov/assets/dep/downloads/pdf/water/wastewater/state-of-the-sewers-2023.pdf>.

combined sewer system—, which uses a single pipe to carry the both stormwater and wastewater to wastewater treatment plants—heavy rain can cause sewer backups.<sup>3</sup>

Although most of NYC’s stormwater system is designed to handle rainfall of up to 1.75 inches per hour, parts of the system in Queens are only designed to handle up to 1.5 inches per hour.<sup>4</sup> When rainfall exceeds that rate, as it did during Hurricane Henri (1.94 inches per hour) and Hurricane Ida (over 3 inches per hour),<sup>5</sup> the sewers can become overtaxed. With nowhere else to go, excess wastewater remains above ground, and sewage can back up into individual homes where the lowest plumbing fixture is below the lowest opening in the public sewer system.<sup>6</sup>

Urban areas are highly susceptible to pluvial flooding, which is flooding caused by rainfall.<sup>7</sup> More than 70% of NYC’s surface area is comprised of impervious surfaces,<sup>8</sup> which hinder the natural infiltration of water into the ground, and can concentrate rainfall into surface runoff that must be routed to stormwater infrastructure and conveyed away from the road.<sup>9</sup> When rainfall overwhelms the carrying capacity of drainage infrastructure, known as a surcharge, excess stormwater can remain above street level, leading to flooding that can spill over into low lying areas like driveways, and contribute to sewage backing up into low lying spaces like basements and driveways.<sup>10</sup> Sea barriers and coastal defenses put in place to protect against coastal storm surge will not solve flooding caused by heavy rainfall events.<sup>11</sup> Additionally, more people die from floodwaters than from any other effect of a hurricane.<sup>12</sup> In 2021, Hurricane Ida broke the City’s hourly precipitation record and caused pluvial flooding that killed at least 10 New Yorkers by drowning in illegal basement apartments.<sup>13</sup>

### III. LEGISLATION

#### Int. No. 814-A

This bill would require that the Department of Environmental Protection (DEP) update its sewer backup prevention plan by 2025 and conduct regular updates every 5 years thereafter. The plan would be submitted to the Mayor and the Council, and posted on the DEP website. Additionally, the plan would be expanded to include the identification of areas with a significant number of notices of claims filed with the Comptroller alleging losses due to sewer backups. Further, when DEP is unable to confirm the existence of a sewer backup in its own system, following receipt and investigation of a sewer backup complaint, the sewer backup is considered unconfirmed, but that may mean that the actual blockage is in the private system of a nearby property owner. Therefore, this bill would require DEP to provide timely notice of such unconfirmed sewer backup to the individual who submitted the sewer backup complaint and to the residents of the property about which the

<sup>3</sup> NYC DEP, “Sewer Backups,” <https://www.nyc.gov/site/dep/water/sewer-backup.page>.

<sup>4</sup> Thomas Frank, “City Sewers Can’t Handle Climate Change’s Intense Rains,” *SCIENTIFIC AMERICAN*, July 24, 2023 <https://www.scientificamerican.com/article/city-sewers-cant-handle-climate-changes-intense-rains/>; Liz Donovan, “Sewer Backups Nearly Doubled in NYC Last Year Due to Climate Change,” *CITY LIMITS*, Sept. 22, 2022, <https://citylimits.org/2022/09/22/sewer-backups-nearly-doubled-in-nyc-last-year-due-to-climate-change/> (last accessed Apr. 12, 2024).

<sup>5</sup> Liz Donovan, “Sewer Backups Nearly Doubled in NYC Last Year Due to Climate Change,” *supra* note 4

<sup>6</sup> NYC DEP, “Flood Prevention,” <https://www.nyc.gov/site/dep/environment/flood-prevention.page?question=faq3>.

<sup>7</sup> Ivan Maddox, “Three common types of flood explained,” *Intermap*, October 13, 2014, available at: <https://www.intermap.com/risks-of-hazard-blog/three-common-types-of-flood-explained>.

<sup>8</sup> New York City Department of Environmental Protection. Resilient NYC Partners. <https://www.nyc.gov/site/dep/whats-new/resilient-nyc-partners.page>

<sup>9</sup> United States Environmental Protection Agency. Urbanization – Stormwater Runoff. <https://www.epa.gov/caddis/urbanization-stormwater-runoff>

<sup>10</sup> New York City Department of Environmental Protection. Flood Prevention. <https://www.nyc.gov/site/dep/environment/flood-prevention.page>

<sup>11</sup> Casey Crownhart, *MIT Technology Review*, “How Ida dodged NYC’s flood defenses,” Sept. 3, 2021, available at: <https://www.technologyreview.com/2021/09/03/1034315/ida-dodged-nyc-flood-defenses-climate-change-storm/>.

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

<sup>13</sup> NYC Environment & Health Data Portal, “What Hurricane Ida and Superstorm Sandy taught us about flooding and health,” June 11, 2024, available at: <https://a816-dohbsp.nyc.gov/IndicatorPublic/data-stories/flooding-and-health/>

complaint was made. Such notice would include: DEP's determination that the sewer backup complaint was not associated with a condition in the city sewer system; a statement that a backup may be related to an adverse condition in a privately-owned sewer, coupled with a suggestion to conduct an inspection of such privately-owned sewer; and an informational pamphlet detailing potential causes of adverse conditions in privately-owned sewers.

This bill would take effect immediately after becoming law.

### **Int. No. 815-A**

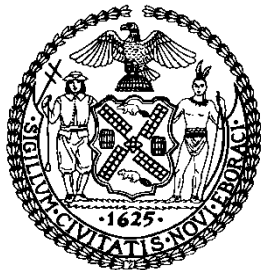
This bill would require DEP, in consultation with the Department of Buildings and Office of Long-Term Planning and Sustainability, to promulgate a rule to adopt an interim flood risk area map, showing the 10-year rainfall risk area, which includes locations in the city where there is a 10 percent chance or greater of rainfall-induced flooding in any year, incorporating the impacts of the projected 2050 sea level rise on sewer outfalls and storm drains as projected by the New York City Panel on Climate Change, and the coastal flood risk area, which includes locations in the city where there is a 1 percent chance or greater of flooding in any year, incorporating the impacts of sea level rise as projected for the year 2080 by the New York City Panel on Climate Change. The bill would require such interim map to be posted to the city's website for at least 1 year after adoption. Additionally, the bill would require DEP to update the 10-year rainfall risk area no later than January 1, 2028, and require DEP to update both the 10-year rainfall risk area and coastal risk area within 1 year of the issuance of a new effective flood insurance rate maps for the City by the Federal Emergency Management Agency. DEP may further update such risk areas in the future. Finally, the bill would require such updated maps to be posted to the department's website, and to include the location of the special flood hazard area, as defined by Appendix G of the New York City Building Code, the bounds of the 10-year rainfall flood risk area at either a block or individual property level, and general elevation or topography indicators for both the 10-year rainfall flood risk area and coastal flood risk area.

This bill would take effect 180 days after becoming law.

### **UPDATE**

On Thursday, December 5, 2024, the Committee adopted Int. Nos. 814-A and 815-A by a vote of 7 in the affirmative, 0 in the negative, 0 abstentions and 2 absences.

**(The following is the text of the Fiscal Impact Statement for Int. No. 814-A:)**



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

**TANISHA EDWARDS, CHIEF FINANCIAL OFFICER  
AND DEPUTY CHIEF OF STAFF TO THE SPEAKER  
RICHARD LEE, DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INT. NO. 814-A**

**COMMITTEE: Environmental Protection, Resiliency  
and Waterfronts**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to addressing sewer backups.

**Sponsors: Council Members:** Gennaro, Louis, Nurse, Williams, Narcisse, Avilés, Banks, Brannan, Brewer, Cabán, Krishnan, Farías, Ung, Restler, Marmorato, Hanif, Ayala, Brooks-Powers, Joseph, Rivera and Marmorato.

**SUMMARY OF LEGISLATION:** Int. 814-A would require that the Department of Environmental Protection (DEP) to update by 2025 its plan to prevent sewer backups and conduct further updates every 5 years thereafter. Additionally, this legislation would require DEP to include in such plan the identification of areas with a significant number of notices of claims filed with the Comptroller alleging losses due to sewer backups. Further, this legislation would require DEP to provide timely notice of unconfirmed sewer backups to impacted residents and to sewer backup complainants. Such notice would be required to include a determination from DEP that the backup complaint was not associated with a condition in the city-owned sewer system, a statement that the backup may be related to an adverse condition in a privately-owned sewer, and an informational pamphlet detailing potential causes of backups in privately-owned sewers.

**EFFECTIVE DATE:** Immediately

**FISCAL YEAR (FY) IN WHICH FULL FISCAL IMPACT ANTICIPATED:** FY26

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY25</b>	<b>Succeeding FY26</b>	<b>Full Fiscal Impact FY26</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is estimated that there would be no impact on revenues resulting from the enactment of Int. 814-A.

**IMPACT ON EXPENDITURES:** It is estimated that there would be no impact on expenditures resulting from the enactment of Int. 814-A as the agency responsible for carrying out its requirements would use existing resources to fulfill its requirements.

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

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

**ESTIMATE PREPARED BY:** Tanveer Singh, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Jack Storey, Unit Head  
Nicholas Connell, Finance Division Counsel  
Jonathan Rosenberg, Managing Deputy Director

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on April 18, 2024, as Intro. No. 814 and referred to the Committee on Environmental Protection, Resiliency and Waterfronts (the Committee). The legislation was considered by the Committee at a hearing held on April 26, 2024, and was subsequently amended. The amended version, Proposed Int. No. 814-A, will be considered by the Committee on December 5, 2024. Upon majority affirmative vote by the Committee, Int. No. 814-A will be reported to the full Council for a vote on December 5, 2024.

**DATE PREPARED:** 12/02/2024.

**(For text of Int. Nos. 815-A and its Fiscal Impact Statement, please see the Report of the Committee on Environmental Protection, Resiliency and Waterfronts for Int. No. 815-A; printed in these Minutes; for text of Int. No. 814-A, please see below)**

*Accordingly, this Committee recommends the adoption of Int. Nos. 814-A and 815-A.*

**(The following is the text of Int. No. 814-A:)**

Int. No. 814-A

By Council Members Gennaro, Louis, Nurse, Williams, Narcisse, Avilés, Banks, Brannan, Brewer, Cabán, Krishnan, Fariás, Ung, Restler, Hanif, Ayala, Brooks-Powers, Joseph, Rivera, Bottcher, Zhuang, Holden, Dinowitz and Marmorato.

**A Local Law to amend the administrative code of the city of New York, in relation to addressing sewer backups**

*Be it enacted by the Council as follows:*

Section 1. Section 24-503.1 of the administrative code of the city of New York, as added by local law number 60 for the year 2019, is amended to read as follows:

§ 24-503.1 [Confirmed sewer] *Sewer backups.* a. As used in this section, the following terms have the following meanings:

Confirmed sewer backup. The term “confirmed sewer backup” means a [sewer backup complaint] *determination by the department* that, upon field investigation by the department, *a sewer backup complaint* is [confirmed to be] associated with a condition in a sewer system. Such conditions may include surcharging, temporary overtaxing, blockages, or collapses.

Sewer system. The term “sewer system” means all sewers, drains, pipes, and appurtenances used to convey sewage and under the jurisdiction of the commissioner of environmental protection.

*Unconfirmed sewer backup.* The term “unconfirmed sewer backup” means a *determination by the department that, upon field investigation by the department, a sewer backup complaint is associated with a condition other than a condition in a sewer system.*

b. Where a confirmed sewer backup occurs, the commissioner shall ensure that the sewer segment causing the confirmed sewer backup is identified, inspected, and cleaned as necessary within 10 calendar days of [such] a confirmation by the department of such backup.

c. *Within 30 calendar days of an unconfirmed sewer backup, the department shall provide notice of such unconfirmed sewer backup to the person who submitted to the department the sewer backup complaint and to the resident of the property about which the complaint was made. Such notice shall provide, but need not be limited to, the following:*

*1. The department’s determination that the sewer backup complaint was not associated with a condition in a sewer system;*

*2. A statement that a backup complaint may be related to an adverse condition in a privately owned sewer, pipe, or appurtenance and that if backups continue then such owner should consider conducting an inspection of such privately owned sewer, pipe, or appurtenance; and*

*3. An informational pamphlet regarding potential causes of adverse conditions in privately owned sewers, pipes, and appurtenances that are used to convey sewage from a private property to a sewer system.*

§ 2. Subdivision b of section 24-503.2 of the administrative code of the city of New York, as added by local law number 61 for the year 2019, is amended to read as follows:

b. No later than [December 31, 2019] *June 30, 2025, and every 5 years thereafter*, the commissioner of environmental protection shall submit to the mayor and the speaker of the council, and post on the department

of environmental protection's website, a plan to prevent confirmed sewer backups for the sewer system. Such plan shall include, but need not be limited to:

1. Confirmed sewer backup prevention and response measures;
2. [An identification of] *Identifying* areas with, on average, more than [one] *1* confirmed sewer backup in a 12-month period;
3. Procedures targeting reductions in confirmed sewer backups in the portions of the sewer system most heavily impacted;
4. Procedures targeting reductions in recurring confirmed sewer backups;
5. A review of root control strategies of other municipalities; and following such review, the department may recommend root control strategies for private property owners; [and]
6. A comprehensive grease management program including commercial establishments and residential households; *and*
7. *Identifying areas where notices of claim filed with the comptroller during the preceding 5 years allege that a sewer backup has damaged persons or property, to the extent it is practicable for the department to review such notices.*

§ 3. This local law takes effect immediately.

JAMES F. GENNARO, *Chairperson*; RAFAEL SALAMANCA, Jr, ROBERT F. HOLDEN, ALEXA AVILES, SANDY NURSE, LINCOLN RESTLER, KRISTY MARMORATO; 7-0-0; *Absent*: Justin L. Brannan and Susan Zhuang; Committee on Environmental Protection, Resiliency and Waterfronts, December 5, 2024.

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

Report for Int. No. 815-A

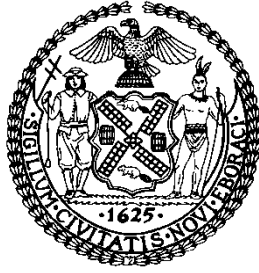
**Report of the Committee on Environmental Protection, Resiliency and Waterfronts in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the creation of a flood risk area map showing both the rainfall risk area and the coastal flood risk area.**

The Committee on Environmental Protection, Resiliency and Waterfronts, to which the annexed proposed amended local law was referred on April 18, 2024 (Minutes, page 1850), respectfully

#### REPORTS:

**(For text of report, please see the Report of the Committee on Environmental Protection, Resiliency and Waterfronts for Int. No. 814-A printed above in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 815-A:*



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

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

**RICHARD LEE, DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INT. NO. 815-A**

**COMMITTEE:** Environmental Protection, Resiliency and Waterfronts

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the creation of a flood risk area map showing both the rainfall risk area and the coastal flood risk area.

**Sponsors: Council Members:** Gennaro, Brannan, Nurse, Williams, Narcisse, Avilés, Banks, Brewer, Louis, Cabán, Krishnan, Farías, Ung, Restler, Hanif, Ossé, Schulman, Ayala, Brooks-Powers, Hudson, Joseph, Rivera, Marmorato and Ariola.

**SUMMARY OF LEGISLATION:** Proposed Int. 815-A would require the Department of Environmental Protection (“DEP”), in consultation with the Department of Buildings and Office of Long-Term Planning and Sustainability, to promulgate a rule to adopt an interim flood risk area map, showing the 10-year rainfall risk area and the coastal flood risk area. This legislation would require such interim map to be posted to the city’s website for at least 1 year after adoption. Additionally, Proposed Int. 815-A would require DEP to update the 10-year rainfall risk area no later than January 1, 2028, and require DEP to update both the 10-year rainfall risk area and coastal risk area within 1 year of the issuance of new effective flood insurance rate maps for the City by the Federal Emergency Management Administration. Finally, Proposed Int. 815-A would require such updated maps to be posted to the department’s website, and to include the location of the special flood hazard area, as defined by Appendix G of the New York City Building Code, the bounds of the 10-year rainfall flood risk area at either a block or individual property level, and general elevation or topography indicators for both the 10-year rainfall flood risk area and coastal flood risk area.

**EFFECTIVE DATE:** 180 days after becoming law

**FISCAL YEAR (FY) IN WHICH FULL FISCAL IMPACT ANTICIPATED:** FY26

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY25</b>	<b>Succeeding FY26</b>	<b>Full Fiscal Impact FY26</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is estimated that there would be no impact on revenues resulting from the enactment of Int. 815-A.



**IMPACT ON EXPENDITURES:** It is estimated that there would be no impact on expenditures resulting from the enactment of Int. 815-A as the agencies responsible for carrying out its requirements would use existing resources to fulfill its requirements.

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

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

**ESTIMATE PREPARED BY:** Tanveer Singh, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Jack Storey, Unit Head  
Nicholas Connell, Finance Division Counsel  
Jonathan Rosenberg, Managing Deputy Director

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on April 18, 2024, as Int. No. 815 and referred to the Committee on Environmental Protection, Resiliency and Waterfronts (the Committee). The legislation was considered by the Committee at a hearing held on April 26, 2024, and was subsequently amended. The amended version, Proposed Int. No. 815-A, will be considered by the Committee on December 5, 2024. Upon majority affirmative vote by the Committee, Int. No. 815-A will be reported to the full Council for a vote on December 5, 2024.

**DATE PREPARED: 12/02/2024.**

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

**(The following is the text of Int. No. 815-A:)**

Int. No. 815-A

By Council Members Gennaro, Brannan, Nurse, Williams, Narcisse, Avilés, Banks, Brewer, Louis, Cabán, Krishnan, Farías, Ung, Restler, Hanif, Ossé, Schulman, Ayala, Brooks-Powers, Hudson, Joseph, Rivera, Bottcher, Zhuang, Holden, Dinowitz, Marmorato and Ariola.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of a flood risk area map showing both the rainfall risk area and the coastal flood risk area**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 24-808 of the administrative code of the city of New York, as added by local law number 122 for the year 2021, is amended to read as follows:

b. Not later than September 30, 2022, and every 10 years thereafter, the office, or another agency or office designated by the director, in consultation with the department of city planning, the department of environmental protection, the department of transportation, the department of housing preservation and development, the department of education, the department of citywide administrative services, the department of buildings, and the department of parks and recreation, shall develop and post on the office's website a climate adaptation plan that considers and evaluates a range of climate hazards impacting the city, including its shoreline, and identifies and recommends resiliency and adaptation measures, *including any updates to the zoning resolution and the construction codes*, and non-structural risk reduction approaches to protect and prepare the city's residents, property and infrastructure.

§ 2. Chapter 8 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-809 to read as follows:

§ 24-809 *Flood risk area map. a. Definitions. As used in this section, the following terms have the following meanings:*

*10-year rainfall flood risk area. The term “10-year rainfall flood risk area” means an area designated on a map promulgated by the department of environmental protection that represents locations in the city where there is a 10 percent chance or greater of rainfall-induced flooding in any year, incorporating the impacts of the projected 2050 sea level rise on sewer outfalls and storm drains as projected by the New York city panel on climate change.*

*Coastal flood risk area. The term “coastal flood risk area” means an area designated on a map promulgated by the department of environmental protection that represents locations in the city where there is a 1 percent chance or greater of flooding in any year, incorporating the impacts of sea level rise as projected for the year 2080 by the New York city panel on climate change, provided that if such panel provides projections for baseline years later in time to 2080 then such baseline years may be adopted by rule for the purposes of this definition. In initially determining such area, the department, in consultation with other relevant agencies as described in subdivision b of this section, shall consider the federal emergency management agency coastal flood mapping data that defines the current 100-year floodplain, and the best available data, as determined by the department and such agencies, including 90th percentile projections from the New York city panel on climate change and any other data determined to be reasonable, that reflects the 1 percent chance or greater of flooding in any year.*

*Department. The term “department” means the department of environmental protection.*

*b. Flood risk area maps. 1. The department, in consultation with the department of buildings, the office of long-term planning and sustainability, and other relevant agencies shall promulgate a rule to adopt an interim flood risk area map, showing the 10-year rainfall risk area and the coastal flood risk area, and post a map, as described in this subdivision, of such areas on the city’s website. No less than 1 year after the map required by paragraph 2 of this subdivision has first been adopted, the interim map required by this paragraph shall no longer be required to be posted.*

*2. (a) No later than January 1, 2028, the department, in consultation with the department of buildings, the office of long-term planning and sustainability, and other relevant agencies shall adopt by rule and post on the city’s website, an updated flood risk area map, showing an updated 10-year rainfall risk area to replace such risk area adopted pursuant to paragraph 1 of this subdivision.*

*(b) Within 1 year of the issuance of new effective flood insurance rate maps for the city of New York by the federal emergency management agency, the department, in consultation with the department of buildings, the office of long-term planning and sustainability, and other relevant agencies, may consider whether the coastal flood risk area should be updated to replace the interim coastal flood risk area established pursuant to paragraph 1 of this section, based on projections of the New York city panel on climate change and any other data such agencies determine to be reasonable. The department shall adopt any such updated coastal flood risk area by rule and post such updated map with the flood risk area map adopted in accordance with this paragraph.*

*(c) Within 1 year of the issuance of new projections by the New York city panel on climate change, pursuant to subdivision 2 of section 3-122, the department may, in consultation with the department of buildings, the office of long-term planning and sustainability, and other relevant agencies, consider whether the 10-year rainfall risk area adopted pursuant to subparagraph (a) of this paragraph should be updated based on such projections, and any other data such agencies determine to be reasonable. The department shall adopt any such updated 10-year rainfall risk area by rule and post on the city’s website an updated flood risk area map showing such updated 10-year rainfall risk area to replace such risk area adopted pursuant to subparagraph (a) of this paragraph.*

*3. Any such updated maps, and to the extent practicable such interim maps, shall:*

*(a) indicate the location of the special flood hazard area and the flood hazard area, as such terms are defined in section 202 of the New York city building code and as adopted pursuant to section G102.2 of appendix G of the New York city building code, provided that inclusion of such areas in such map shall not require adoption by rule pursuant to this subdivision to determine their boundaries;*

*(b) represent the 10-year rainfall flood risk area using bounds at either the block or individual property level, such that the inclusion or exclusion of a property from such area can clearly be determined; and*

*(c) include any relevant information on the 10-year rainfall flood risk area and coastal flood risk area, such as general elevation or topography indicators, to the extent available to the department.*

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

JAMES F. GENNARO, *Chairperson*; RAFAEL SALAMANCA, Jr, ROBERT F. HOLDEN, ALEXA AVILES, SANDY NURSE, LINCOLN RESTLER, KRISTY MARMORATO; 7-0-0; *Absent*: Justin L. Brannan and Susan Zhuang; Committee on Environmental Protection, Resiliency and Waterfronts, December 5, 2024.

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

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

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

Report for Res. No. 677

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

The Committee on Finance, to which the annexed preconsidered resolution was referred on December 5, 2024, respectfully

#### **REPORTS:**

Introduction. The Council of the City of New York (the “Council”) annually adopts the City’s budget covering expenditures other than for capital projects (the “expense budget”) pursuant to Section 254 of the Charter. On June 30, 2023, the Council adopted the expense budget for fiscal year 2024 with various programs and initiatives (the “Fiscal 2024 Expense Budget”). On June 30, 2024, the Council adopted the expense budget for fiscal year 2025 with various programs and initiatives (the “Fiscal 2025 Expense Budget”).

Analysis. In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving funding in accordance with the Fiscal 2025 and Fiscal 2024 Expense Budgets (“Charts”).

This Resolution, dated December 5, 2024, approves the new designations and the changes in the designation of certain organizations receiving local, youth, anti-poverty, and Speaker’s initiative to address citywide needs discretionary funding and funding for certain initiatives in accordance with the Fiscal 2025 Expense Budget; approves the changes in designation of certain organizations receiving youth and Speaker’s initiative to address citywide needs discretionary funding and funding for certain initiatives in accordance with the Fiscal 2024 Expense Budget; and amends the description for the Description/Scope of Services of certain organizations receiving local, aging, and Speaker’s initiative discretionary funding and funding pursuant to a certain initiative in accordance with the Fiscal 2025 Expense Budget. All new designations and changes in designations are as described in the attached Charts and the Resolution text.

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

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

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

Description of Above-captioned Resolution. In the above-captioned Resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2025 and Fiscal 2024 Expense Budgets. Such Resolution would take effect as of the date of adoption.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 677:)**

Preconsidered Res. No. 677

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

By Council Member Brannan.

**Whereas**, On June 30, 2024, the Council of the City of New York (the “City Council”) adopted the expense budget for Fiscal Year 2025 with various programs and initiatives (the “Fiscal 2025 Expense Budget”); and

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

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2025 and Fiscal 2024 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, youth, anti-poverty, and Speaker’s initiative discretionary funding, and by approving the new designations and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2025 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local, aging, and Speaker’s initiative discretionary funding and funding pursuant to a certain initiative; now, therefore, be it

**Resolved**, That the City Council approves the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2025 Expense Budget, as set forth in Chart 1; and be it further

**Resolved**, That the City Council approves the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 2; and be it further

**Resolved**, That the City Council approves the new designations and change in the designation of certain organizations receiving anti-poverty discretionary funding in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 3; and be it further

**Resolved**, That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Speaker’s Initiative to Address Citywide Needs in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 4; and be it further

**Resolved**, That the City Council approves the new designations of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 5; and be it further

**Resolved**, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 6; and be it further

**Resolved,** That the City Council approves the new designations of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 7; and be it further

**Resolved,** That the City Council approves the new designations and change in the designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 8; and be it further

**Resolved,** That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 9; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 10; and be it further

**Resolved,** That the City Council approves the new designations and change in the designation of certain organizations receiving funding pursuant to the Support Our Older Adults Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 11; and be it further

**Resolved,** That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 12; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Trauma Recovery Centers Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 13; and be it further

**Resolved,** That the City Council approves the new designations of certain organizations receiving funding pursuant to the Legal Services for Low-Income Immigrants Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 14; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Discharge Planning Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 15; and be it further

**Resolved,** That the City Council approves the new designation of a certain organizations receiving funding pursuant to the CUNY Social Worker Fellow Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 16; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Adult Literacy Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 17; and be it further

**Resolved,** That the City Council approves the new designations of certain organizations receiving funding pursuant to the Adult Literacy Pilot Project in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 18; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 19; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 20; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 21; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 22; and be it further

**Resolved,** That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 23.

**(For text of the Exhibit Charts, please refer to the attachments section of [the Res. No. 677 oftrf 2024 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>)**

JUSTIN L. BRANNAN, *Chairperson*; DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, GALE A. BREWER, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, CHI A. OSSÉ, YUSEF SALAAM, PIERINA A. SANCHEZ, ALTHEA V. STEVENS, NANTASHA M. WILLIAMS, DAVID M. CARR; 16-0-0; *Absent*: Julie Won; Committee on Finance, December 5, 2024.

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

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

Report for L.U. No. 197

**Report of the Committee on Finance in favor of a Resolution approving DeKalb Cluster, Block 3329, Lot 40, Bronx, Community District No. 7, Council District No. 11.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 5, 2024 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:)**

**THE COUNCIL OF THE CITY OF NEW YORK**

December 5, 2024

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

FROM: Michael Twomey, Assistant Counsel, Finance Division  
Nicholas Connell, Counsel, Finance Division

RE: Finance Committee Agenda of December 5, 2024 – Resolution approving tax exemptions for three Land Use items (Council Districts 11, 9)

**1. DeKalb Cluster**

A new partial 40-year Article XI resolution for the preservation of one rental building in Council Member Dinowitz' district. As a condition of receiving the exemption, the building will enter into a 40-year regulatory agreement with HPD, creating a 15% set-aside for homeless tenants, and completing asbestos testing, pest control, and other critical and short-term work identified in a physical needs assessment. Upon closing of the Article XI exemption, HPD requires that the building work to clear all Housing Maintenance Code violations by designing a remediation plan and entering into a Housing Repair Agreement with the Department.

**Summary:**

- Borough – Bronx
- Block 3329, Lot 40

- Council District – 11
- Council Member – Dinowitz
- Council Member approval –Yes
- Number of buildings – 1
- Number of units – 54 residential
- Type of exemption – Article XI, partial, 40 years
- Population – Rental
- Sponsors – Brooklyn Affordable Housing LLC
- Purpose – preservation
- Cost to the city – \$2.82 million (net present value)
- Housing Code Violations
  - Class A – 78
  - Class B – 298
  - Class C – 142

Anticipated AMI Targets: 5 units at 35%, 12 units at 45%, 26 units at 55%, and 10 units at 65%.

## 2. Morningside I

A retroactive Article V and a new partial 40-year Article XI exemption for preservation of two rental buildings in Council Member Salaam’s district. The project was under an Article V exemption which expired in May 2022. HPD is requesting the Article XI exemption to begin once the project is transferred to an eligible HDFC, and an Article V to run retroactive from the May 2022 expiration to the date of transfer to bridge the gap. As part of the exemptions, the buildings will enter a 40-year regulatory agreement setting aside 30% of the units for homeless tenants, complete window replacements and other capital repairs, and implement Aging-In-Place improvements. During the period of the retroactive Article V and the Article XI, income limits will be capped at 50% AMI.

### Summary:

- Borough – Manhattan
- Block 1943, Lot 1
- Council District – 9
- Council Member – Salaam
- Council Member approval –Yes
- Number of buildings – 2
- Number of units – 109 residential
- Type of exemption
  - Article V, partial, appx. 2.5 years
  - Article XI, partial, 40 years
- Population – Rental
- Sponsors – Wavecrest Management Team
- Purpose – preservation
- Cost to the city
  - Article V: \$229,507 (net present value)
  - Article XI: \$4.79 million (net present value)
- Housing Code Violations
  - Class A – 0
  - Class B – 0
  - Class C – 0

Anticipated AMI Targets: All units capped at 50% AMI

*Accordingly, this Committee recommends the adoption of L.U. Nos. 197 to 199.*

**(For text of the coupled resolutions for L.U. Nos. 198 and 199, please see the Report of the Committee on Finance for L.U. Nos. 198 and 199, respectively, printed in these Minutes; for the coupled resolution for L.U. No. 197, please see below:)**

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

Preconsidered Res. No. 685

**Resolution approving an exemption from real property taxes for property located at (Block 3329, Lot 40) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 197).**

By Council Member Brannan.

**WHEREAS**, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated October 29, 2024, that the Council take the following action regarding a housing project located at (Block 3329, Lot 40) Bronx (“Exemption Area”):

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

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

**WHEREAS**, the Council has considered the financial implications relating to the Tax Exemption; now, therefore, be it

**RESOLVED:**

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Company” shall mean NY Affordable Housing DeKalb Associates 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 Bronx, City and State of New York, identified as Block 3329, Lot 40 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, commercial, and community facility units on the Exemption Area without regard to whether such units are



occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.

- 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 five percent (5.0%) 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 BAH DeKalb Housing Development Fund Corporation 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 that is executed on or after October 1, 2024 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 an 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, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If

the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

- b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
  - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
5. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, (a) nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities, and (b) the J-51 Benefits shall remain in effect, but (i) the Exemption shall be reduced by the amount of such J-51 Benefits, and (ii) the Gross Rent Tax shall not be reduced by such J-51 Benefits.

JUSTIN L. BRANNAN, *Chairperson*; DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, GALE A. BREWER, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, CHI A. OSSÉ, YUSEF SALAAM, PIERINA A. SANCHEZ, ALTHEA V. STEVENS, NANTASHA M. WILLIAMS, DAVID M. CARR; 16-0-0; *Absent*: Julie Won; Committee on Finance, December 5, 2024.

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

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

Report for L.U. No. 198

**Report of the Committee on Finance in favor of a Resolution approving Morningside I (Art. V), Block 1943, Lot 1, Manhattan, Community District No. 10, Council District No. 9.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 5, 2024 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Finance for L.U. No. 197 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

## Preconsidered Res. No. 686

**Resolution approving an additional period of exemption from real property taxes for property located at (Block 1943, Lot 1) Manhattan, pursuant to Section 125(1)(a-3) of the Private Housing Finance Law (Preconsidered L.U. No. 198).**

By Council Member Brannan.

**WHEREAS**, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated November 22, 2024, that the Council take the following action regarding a housing project located at (Block 1943, Lot 1) Manhattan (“Exemption Area”):

Approve an additional period of tax exemption from real property taxes pursuant to Section 125(1)(a-3) of the Private Housing Finance Law (the “Tax Exemption”);

**WHEREAS**, The project description that HPD provided to the Council states that the owner of the Project (the “Owner”) for the subject period of the requested exemption was a duly organized housing redevelopment company formed pursuant to Article V of the Private Housing Finance Law;

**WHEREAS**, the Council has considered the financial implications relating to the Tax Exemption; now, therefore, be it

**RESOLVED:**

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Effective Date” shall mean May 2, 2022.
  - b. “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - c. “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1943, Lot 1 on the Tax Map of the City of New York.
  - d. “Expiration Date” shall mean the earlier to occur of (i) the date of conveyance of the Exemption Area to the HDFC, (ii) the date that HPD and the Owner enter into the Regulatory Agreement, or (iii) a date which is three (3) years from the Effective Date.
  - e. “HDFC” shall mean Morningside I Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - f. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - g. “J-51 Benefits” shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect on the Effective Date.
  - h. “Owner” shall mean Morningside I Associates, L.P.
  - i. “Redevelopment Agreement” shall mean the Land Disposition Agreement dated March 20, 1980, between the City of New York and the Owner, establishing certain controls upon the

operation of the Exemption Area in accordance with Private Housing Finance Law Section 114, and recorded on reel 558, page 173, in the Office of the City Register of the City of New York.

- j. "Regulatory Agreement" shall mean the regulatory agreement between HPD, the HDFC, and the Owner establishing certain controls upon the operation of the Exemption Area on and after the date such regulatory agreement is executed.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Commencing upon the Effective Date, (i) the Owner shall make real property tax payments in the sum of (i) \$95,802 for the period beginning on the Effective Date and ending on June 30, 2022, (ii) \$592,671 for the period beginning on July 1, 2022, and ending on June 30, 2023, (iii) \$592,671 for the period beginning on July 1, 2023, and ending on June 30, 2024, and (iv) \$592,671 for the period beginning on July 1, 2024, and ending on June 30, 2025.
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 V of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Redevelopment Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
  - c. Nothing herein shall entitle the 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 shall (i) execute and record the Regulatory Agreement, and (ii) for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, (a) nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities, and (b) the J-51 Benefits shall remain in effect, but real property tax payments required by paragraph 3 herein shall not be reduced by such J-51 Benefits.

JUSTIN L. BRANNAN, *Chairperson*; DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, GALE A. BREWER, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, CHI A. OSSÉ, YUSEF SALAAM, PIERINA A. SANCHEZ, ALTHEA V. STEVENS, NANTASHA M. WILLIAMS, DAVID M. CARR; 16-0-0; *Absent*: Julie Won; Committee on Finance, December 5, 2024.

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

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

Report for L.U. No. 199

**Report of the Committee on Finance in favor of a Resolution approving Morningside I (Art. XI), Block 1943, Lot 1, Manhattan, Community District No. 10, Council District No. 9.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 5, 2024 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Finance for L.U. No. 197 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Preconsidered Res. No. 687

**Resolution approving an exemption from real property taxes for property located at (Block 1943, Lot 1) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 199).**

By Council Member Brannan.

**WHEREAS**, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated November 22, 2024, that the Council take the following action regarding a housing project located at (Block 1943, Lot 1) Manhattan (“Exemption Area”):

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

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

**WHEREAS**, the Council has considered the financial implications relating to the Tax Exemption; now, therefore, be it

**RESOLVED:**

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Contract 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 Contract Rent Differential Tax for the applicable tax year.
  - b. “Contract Rent Differential” shall mean the amount by which the total contract rents applicable to the Exemption Area for such tax year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date.
  - c. “Contract Rent Differential Tax” shall mean the sum of (i) \$567,966, plus (ii) twenty-five percent (25%) of the Contract Rent Differential; provided, however, that the total annual real property tax payment by the Owner shall not at any time exceed the lesser of (A) seventeen percent (17%) of the contract rents in the applicable tax year, or (B) the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, if the Owner fails to provide the contract rents on or before the Contract Rent Deadline, Contract Rent Differential 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.
  - d. “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.
  - e. “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - f. “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1943, Lot 1 on the Tax Map of the City of New York.
  - g. “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.
  - h. “HDFC” shall mean Morningside I 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. “J-51 Benefits” shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect on the Effective Date.
  - k. “Owner” shall mean, collectively, the HDFC and the Partnership.
  - l. “Partnership” shall mean Morningside I Associates L.P or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.

- m. “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 Contract Rent Differential Tax.
  4. Notwithstanding any provision hereof to the contrary:
    - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
    - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
    - c. Nothing herein shall entitle the 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 shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, (a) nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities, and (b) the J-51 Benefits shall remain in effect, but (i) the Exemption shall be reduced by the amount of such J-51 Benefits, and (ii) the Contract Rent Differential Tax shall not be reduced by such J-51 Benefits.

JUSTIN L. BRANNAN, *Chairperson*; DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, GALE A. BREWER, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, CHI A. OSSÉ, YUSEF SALAAM, PIERINA A. SANCHEZ, ALTHEA V. STEVENS, NANTASHA M. WILLIAMS, DAVID M. CARR; 16-0-0; *Absent*: Julie Won; Committee on Finance, December 5, 2024.

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

## Report of the Committee on Housing and Buildings

Report for Int. No. 654-A

### **Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to abatement of taxation for alterations and improvements to certain multiple dwellings.**

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on March 7, 2024 (Minutes, page 1307), respectfully

#### **REPORTS:**

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

On December 5, 2024, the New York City Council Committee on Housing and Buildings, chaired by Council Member Pierina Sanchez, held a hearing to vote on: Int. No. 654-A, sponsored by Council Member Sanchez, in relation to abatement of taxation for alterations and improvements to certain multiple dwellings; Int. No. 850-A, sponsored by Council member Rafael Salamanca Jr., in relation to requiring the department of housing preservation and development to report on the disposition of city property for affordable housing development; Int. No. 1127-A, sponsored by Council Member Sanchez, in relation to establishing a pilot program to convert existing basement or cellar apartments to habitable dwelling units; and Int. No. 1128-A, sponsored by Council Member Sanchez, in relation to construction of ancillary dwelling units. The Committee on Housing and Buildings heard Int. No. 654-A on May 30, 2024. Int. Nos. 850-A, 1127-A, and 1128-A were heard by the committee on November 19, 2024.

##### **II. BACKGROUND**

###### *The New York City Housing Emergency*

New York City (“NYC” or “the City”) has a dire need for more housing, and for more affordable housing in particular. The New York City Council may declare a housing emergency if the City’s rental vacancy rate is below 5%.<sup>1</sup> According to the 2023 Housing and Vacancy Survey (“2023 HVS”), a triennial survey conducted by the United States Census Bureau and HPD, that rate was 1.41% between January and June 2023.<sup>2</sup> The vacancy rate was even lower for more affordable units, with units renting for less than \$2,400 per month having a vacancy rate of under 1%.<sup>3</sup> Further, according to the 2023 HVS, there were only 33,210 available rental units in New York City, out of a total stock of approximately 2,357,000 units.<sup>4</sup> This statistic reflects significantly less housing available than in 2021, when the vacancy rate was 4.54%.<sup>5</sup> Although the median monthly rent for all renter-occupied units was relatively constant between 2021 and 2023 when taking inflation into account,<sup>6</sup> the cost to rent a new apartment has increased. According to a report by the NYC Comptroller, asking rents on publicly

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<sup>1</sup> New York Department of Homes and Community Renewal Office of Rent Administration, “Emergency Tenant Protection Act (ETPA) of 1974 Chapter 576 Laws of 1974 as Last Amended.” (August 7, 2024) *available at*: [https://hcr.ny.gov/system/files/documents/2024/07/fact-sheet-08-07-2024\\_0.pdf](https://hcr.ny.gov/system/files/documents/2024/07/fact-sheet-08-07-2024_0.pdf).

<sup>2</sup> N.Y.C. Department of Housing Preservation & Development, “2023 New York City Housing and Vacancy Survey Selected Initial Findings,” (February 8, 2024), *available at*: <https://www.nyc.gov/assets/hpd/downloads/pdfs/about/2023-nychvs-selected-initial-findings.pdf>.

<sup>3</sup> *Id.*

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

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

<sup>6</sup> *Id.*



listed apartments rose to a record-high level of \$3,500 per month in 2023.<sup>7</sup> As a result of these housing conditions, a large proportion of City residents are rent burdened, which occurs when a household spends 30% or more of its gross income on rent.<sup>8</sup> According to the 2023 HVS, the median renter paid 29.5% of their household income to housing costs, while renter households earning less than \$70,000 paid 54%.<sup>9</sup>

### The J-51 Tax Abatement Program

The City's J-51 tax incentive program, authorized by Section 489 of the New York State Real Property Tax Law, provides local real property tax benefits as of right to owners of multi-family residential buildings who undertake certain capital improvements on their property, including rehabilitation of a multi-family residential building or conversion of a non-residential building to multi-family housing.<sup>10</sup> Historically, the J-51 tax incentive program has provided eligible properties both a tax exemption and a tax abatement. The tax exemption benefit provides temporary relief from an increase in real estate taxes that would otherwise result from the increase in assessed value of the property due to conversion, alterations or improvements.<sup>11</sup> The tax abatement reduces or eliminates existing real estate taxes, usually on both buildings and land,<sup>12</sup> based on a percentage of the cost of the work that was performed.<sup>13</sup>

Examples of improvements that are eligible for the J-51 tax benefit program include, but are not limited to, the replacement or installation of elevators, heating components, plumbing components, wiring and windows.<sup>14</sup> Further, all rental units in buildings that receive J-51 exemptions and/or abatements must be registered with the State Division of Housing and Community Renewal ("DHCR") and are subject to rent stabilization for at least as long as the J-51 benefits are in force.<sup>15</sup>

The State Legislature has historically only authorized the J-51 program for several years at a time. Each time the State extends this tax incentive program, the City Council must thereafter pass legislation at the local level to have J-51 continue. The J-51 incentive program has not been renewed since it last expired in June 2022. The latest bill passed by the State to extend the program, also known as the Affordable Housing Rehabilitation Program ("AHRP"), limits the program to a tax abatement.<sup>16</sup> This version of the extension is intended to restore and improve the abatement to address some of the historical issues with the program while allowing for the as-of-right tax abatement to exist in the City.<sup>17</sup> The Council is authorized until and including June 30, 2025 to adopt and amend laws allowing for this abatement.<sup>18</sup> The authorization would be retroactive to work completed after June 29, 2022.<sup>19</sup> The work eligible for this abatement must be completed prior to June 30, 2026.<sup>20</sup>

<sup>7</sup> N.Y.C. Comptroller's Office, "Spotlight: New York City's Rental Housing Market," (January 17, 2024), available at: <https://comptroller.nyc.gov/reports/spotlight-new-york-citys-rental-housing-market/>

<sup>8</sup> *Id.*

<sup>9</sup> N.Y.C. Department of Housing Preservation & Development, "2023 New York City Housing and Vacancy Survey Selected Initial Findings," *supra* note 2.

<sup>10</sup> NYC Housing Preservation & Development, *Tax Incentives: J-51*, available at <https://www1.nyc.gov/site/hpd/services-and-information/tax-incentives-j-51.page> (last visited May 13, 2024); see also NYC Department of Finance, *J-51 Exemption and Abatement*, available at <https://www1.nyc.gov/site/finance/benefits/benefits-j51.page> (last visited May 13, 2024).

<sup>11</sup> NYC Housing Preservation & Development, *Tax Incentives: J-51*, available at <https://www1.nyc.gov/site/hpd/services-and-information/tax-incentives-j-51.page> (last visited May 13, 2024).

<sup>12</sup> Buildings located in Manhattan in the Minimum Tax Zone may use the abatement benefit only to reduce real estate taxes on the value of the building only, not the land.

<sup>13</sup> NYC Housing Preservation & Development, *Tax Incentives: J-51*, available at <https://www1.nyc.gov/site/hpd/services-and-information/tax-incentives-j-51.page> (last visited May 13, 2024).

<sup>14</sup> Chapter 5 of Title 28 of the Rules of the City of New York sets forth the complete list improvements that can qualify a building for a J-51 benefit.

<sup>15</sup> N.Y.C. Admin. Code § 11-243(t).

<sup>16</sup> S.47094A/A.7758

<sup>17</sup> New York State Governor, *Governor Hochul Signs Legislation to Build and Preserve More Affordable, Sustainable Housing in New York City* (October 23, 2023), available at <https://www.governor.ny.gov/news/governor-hochul-signs-legislation-build-and-preserve-more-affordable-sustainable-housing-new> (last accessed May 15, 2024).

<sup>18</sup> *Id.*

<sup>19</sup> RPTL § 489(21)(b).

<sup>20</sup> RPTL § 489(21)(a)(10)(C).

### Ancillary Dwelling Units

One housing type that may help to mitigate the City’s housing emergency is the Ancillary Dwelling Unit, also known as the Accessory Dwelling Unit (“ADU”). An ADU is a small, independent residential dwelling unit located on the same tax lot as a primary dwelling unit. ADUs can be located within an existing home, such as within a basement or attic, attached to an existing home, such that the home and the ADU are separated by a fire wall, or a completely detached structure from the existing home. An ADU differs from a conventional unit in that an ADU may be subject to different code, permitting, ownership, and occupancy requirements.

Proponents of ADUs argue that they benefit homeowners and non-nuclear families. For example, an ADU may be rented to a tenant in order to generate income, which may aid older homeowners on fixed incomes struggling amidst recent inflation.<sup>21</sup> Further, ADUs may help families with older or dependent relatives live near each other without sacrificing privacy or adequate space in the primary dwelling.<sup>22</sup> Critics of ADUs have argued that they should be accompanied by an increase in public infrastructure, such as additional vehicle parking, and may negatively impact adjacent properties.<sup>23</sup>

As of November 2024, both the NYC Zoning Resolution (“ZR”) and the NYC Building Code (“BC”) generally prohibit ADUs in the City. The proposed *City of Yes for Housing Opportunity* zoning text amendment would amend the ZR to permit ADUs, with certain prohibitions.

### Basement and Cellar Apartments

Illegal basement or cellar apartments present several regulatory, health, and safety challenges. Basement units are those that have at least one-half of its height above the curb level while cellar units are those with more than one-half of its height below curb level.<sup>24</sup> Some of the more common concerns with these unauthorized units include the risk of carbon monoxide poisoning, insufficient means of escape in case of fire, and inadequate natural light and ventilation.<sup>25</sup> Additionally, with an increase in extreme weather events resulting from climate change, there is a growing concern around flood risks.<sup>26</sup> Flooding concerns were brought to light in the wake of Hurricane Ida in September 2021: of the 13 fatalities in New York City, 11 occurred in basement units, many of which were illegal.<sup>27</sup> Because of the unauthorized nature of many of these units, it is unclear exactly how many units exist in the City. According to one 2021 estimate by the Pratt Center for Community Development, over 30,000 illegal basement or cellar apartments were concentrated in just eight Community Districts, with the greatest number in Brooklyn Community District 5, in the neighborhood of East New York.<sup>28</sup>

In an effort to bring some of these units into compliance with existing BC and other legal requirements, the Basement Apartment Conversion Pilot Program (“BACPP” or “the Program”) was created in 2019 to facilitate the creation and renovation of apartments in the basements and cellars of certain one- and two-family homes in Brooklyn Community District 5.<sup>29</sup> Under the Program, a basement apartment could be brought into compliance

<sup>21</sup> Subeksha Poudel, “New Funding for ‘Accessory’ Apartments Touted as Tool for Housing Older New Yorkers,” *City Limits* (August 6, 2024), available at: <https://citylimits.org/2024/08/06/new-funding-for-accessory-apartments-touted-as-tool-for-housing-older-new-yorkers/>.

<sup>22</sup> Lorraine Cortés-Vázquez and Beth Finkel, “AARP is for ADU’s in Mayor’s City of Yes,” *AMNY* (September 29, 2024), available at: <https://www.amny.com/opinion/aarp-is-for-adus-in-mayors-city-of-yes/>.

<sup>23</sup> Paul Liotta, “Backyard cottages, basement apartments: NYC’s housing plan is riding on its most controversial piece,” *SI Live* (August 7, 2024), available at: <https://council.nyc.gov/joseph-borelli/2024/08/07/backyard-cottages-basement-apartments-nycs-housing-plan-is-riding-on-its-most-controversial-piece/>.

<sup>24</sup> N.Y.C. Department of Housing Preservation and Development, *Housing Quality/Safety: Basements and Cellars*, available at <https://www.nyc.gov/site/hpd/services-and-information/basement-and-cellar.page>.

<sup>25</sup> *Id.*

<sup>26</sup> N.Y.C. Comptroller, *Bringing Basement Apartments Into the Light: Establishing a NYC Basement Board to Provide Basic Rights, Responsibilities, and Protections for Basement Apartment Residents and Owners*, 9 (Aug. 2022), available at <https://comptroller.nyc.gov/reports/bringing-basement-apartments-into-the-light/>.

<sup>27</sup> Mihir Zaveri et al., *The storm’s toll highlighted New York City’s shadow world of basement apartments.*, *The New York Times*, (Sept. 2, 2021, updated Oct. 13, 2021), available at <https://www.nytimes.com/2021/09/02/nyregion/nyc-basement-apartments-flooding.html?searchResultPosition=1>.

<sup>28</sup> Pratt Center for Community Development, *New York’s Housing Underground: 13 Years Later* (Oct. 2021), 3, available at <https://prattcenter.net/our-work/new-yorks-housing-underground-revisited>.

<sup>29</sup> N.Y.C. Council, Local Law 49 of 2019, available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3541119&GUID=79F0901A-CE2C-44B5-B7F3->

through capital improvements and upgrades using a City subsidy of up to \$120,000.<sup>30</sup> The BACPP required the owner to enter into a regulatory agreement with HPD, to remain in the home as a primary residence, and to rent the newly legalized unit at an affordable rate. Out of approximately 8,000 potentially eligible homeowners to whom HPD had conducted outreach, just over 100 homeowners completed a home assessment form for the program.<sup>31</sup> In January 2023, the Committee held a hearing on “Oversight – Accessory Dwelling Units and a Pathway to Basement Legalization” where HPD testified that, as of the date of that hearing, 12 homeowners had met the basic eligibility standards for the Program, 5 owners were actively working with HPD, and only one owner had closed on financing.<sup>32</sup> For the remaining 4 properties, HPD estimated that the cost for the conversion work ranged between \$500,000 and \$1,000,000.<sup>33</sup> HPD has attributed this high cost to New York State Multiple Dwelling Law requirements.<sup>34</sup>

In April 2024, the Multiple Dwelling Law was amended to allow for cities with a population of one million or more to create a program to legalize basement and cellar dwelling units.<sup>35</sup> Certain community districts in the City are eligible to legalize their inhabited dwelling units and the program must provide for certain tenant protections, such as a right of first refusal to return for tenants that were evicted or removed from a unit as a result of necessary alterations.<sup>36</sup>

### III. LEGISLATION

#### Int. No. 654-A

This bill would extend the J-51 tax abatement program through June 30, 2026. Work completed after June 29, 2022 and before June 30, 2026 would be eligible for the tax abatement. Projects eligible for the program include rental buildings without regulatory agreements if more than 50% of the units have rents at or below 80% of area median income (“AMI”) and regulated affordable buildings, such as Mitchell-Lama buildings. Homeownership buildings, such as condominiums and cooperatives, would be eligible if the average assessed valuation does not exceed \$45,000 per dwelling unit. The scope of work for eligible buildings would be a minimum of \$1,500 per dwelling unit. The certified reasonable cost would cover 70% of the approved cost of work, used at 8 1/3% annually for up to 20 years.

Otherwise eligible buildings would be excluded from the program if the owner fails to file an affidavit of no harassment with the Department of Housing Preservation and Development (“HPD”), if such affidavit contains a willful misrepresentation or omission of fact, or if the owner of record or owner of a substantial interest in the building has been found to have harassed or unlawfully evicted tenants. This bill would also prohibit buildings with outstanding real estate taxes or water or sewer charges from receiving the abatement. The bill would provide for additional tenant protections, including that there would be no major capital improvement (“MCI”) increases for work covered by J-51, prospective, present, or former tenants would have a private right of action to enforce the requirements of the program, the owner has to certify it has not harassed tenants, and if the owner harasses tenants or fails to comply with the regulations for the program, the benefit can be revoked. Finally, HPD would be able to extend the restriction period, increase the number of qualifying rental units in eligible rental buildings, and impose a monetary penalty, revoke, or terminate the tax abatement if an owner fails to comply with the provisions of the program. This bill would also require HPD to report on the implementation of the program.

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<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=205474083B8960&Options=ID|Text|&Search=2019%2f049>; see also N.Y.C. Council, Local Law 25 of 2021, available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4755568&GUID=CDFAF627-8164-4961-9A53-200BE93F29766D&Options=ID|Text|&Search=basements+apartments>.

<sup>30</sup> N.Y.C. Comptroller, *supra* note 21 at 15.

<sup>31</sup> N.Y.C. Office of the Deputy Mayor for Administration, *The New Normal: Combating Storm-Related Extreme Weather in New York City*, 48 (2022), available at <https://www1.nyc.gov/assets/orr/pdf/publications/WeatherReport.pdf>.

<sup>32</sup> N.Y.C. Council Committee on Housing & Buildings, *Oversight – Accessory Dwelling Units and a Pathway to Basement Legalization*, Hearing Transcript, pages 20-21, available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5991408&GUID=CBFEB933-3B26-44F8-B9E4-F32DE76EFB22&Options=&Search=>.

<sup>33</sup> *Id.* at 37

<sup>34</sup> *Id.* at 37-40

<sup>35</sup> Multiple Dwelling Law §§ 288-290.

<sup>36</sup> *Id.*

This local law would take effect immediately.

**Int. No. 850-A**

This bill would require HPD to submit periodic reports to the Council regarding city-financed affordable housing projects involving the disposition of city property. The reports would be due every six months and would include, for each project, the project identifier and location, the date the developer was selected by HPD, the date the project received ULURP approval, whether the project includes any privately-owned parcels, the 6-month cycle during which the disposition of city property is expected to occur, and, for projects that have already closed, the actual closing date for such disposition.

This local law would take effect immediately.

**Int. No. 1127-A**

This bill would establish a basement and cellar dwelling unit legalization program in the following community districts: Bronx CD 9, Bronx CD 10, Bronx CD 11, Bronx CD 12, Brooklyn CD 4, Brooklyn CD 10, Brooklyn CD 11, Brooklyn CD 17, Manhattan CD 2, Manhattan CD 3, Manhattan CD 9, Manhattan CD 10, Manhattan CD 11, Manhattan CD 12, and Queens CD 2.

Building owners would be able to apply for an authorization for temporary residence for units that existed prior to April 20, 2024. An applicant would apply for authorization for temporary residence, so long as the unit does not pose an imminent risk of life or safety to the occupants, contains a smoke detector and carbon monoxide detector, at least 1 means of egress directly to the outdoors, and has a minimum ceiling height of 7 feet. The Department of Buildings (“DOB”) would inspect such units prior to issuing an authorization and, if issued, the building owner would be permitted to do any necessary construction on the unit to legalize the unit and apply for an amended or partial certificate of occupancy. The authorization for temporary residence would be effective for 10 years after the date of its issuance, allowing for occupancy of the unit, and prior to its expiration, an applicant would have to apply for a temporary or final certificate of occupancy with DOB.

An applicant issued an authorization for temporary residence would be required to submit documentation to DOB within 3 months showing the unit has smoke and carbon monoxide alarms, water sensors and alarms, and required signage pursuant to the Housing Maintenance Code. The owner would be required to notify tenants about enrollment in an emergency alert system. No later than 1 year after the authorization is issued, the owner would be required to submit documentation to DOB that the unit complies with fire separation standards and that the unit has been tested for radon and vapor levels. No later than 2 years after the authorization is issued, the owner would be required to submit documentation to DOB that automatic sprinklers have been installed in the unit.

After the issuance of the authorization for temporary residence, DOB would inspect the apartment to ensure it conforms with applicable laws, is safe for occupancy, or waive certain requirements as appropriate because the apartment is otherwise safe. Any pre-existing immediately hazardous violations in the building and underlying conditions that gave rise to a pre-existing violation in the basement or cellar unit would have to be removed prior to the issuance of the certificate of occupancy. All fees that would otherwise be required to be paid for the alteration work would be waived.

HPD would also be required to provide technical assistance for the program, including outreach to owners of eligible basement or cellar residences. Tenants who resided in the basement or cellar unit on April 20, 2024 would have a right of first refusal to return to such unit upon its first occupancy following any necessary alterations. An application for the program could not be used as a basis for an enforcement action for illegal occupancy of the unit. Otherwise eligible owners would not be allowed to apply for the program if the residence is within the 10-year rainfall flood risk area or the coastal food risk area.

HPD would be required to provide technical assistance and outreach to owners of eligible basement or cellar residences. Tenants who resided in the basement or cellar unit on April 20, 2024 would have a right of first refusal to return to such unit upon its first occupancy following any necessary alterations.

This local law would take effect 180 days after it becomes law.

**Int. No. 1128-A**

This bill would set forth eligibility and design requirements for ancillary dwelling units (“ADU”) in one- or two-family dwellings. Specifically, this bill would require ADUs to have separate utilities from the primary dwelling, including heating, ventilation, air-conditioning, electrical, and gas systems. Additionally, this bill would require ADUs to have separate entrances, with basement ADUs required to have at least 1 means of egress and cellar ADUs required to have at least 2 means of egress. This bill would also set forth required means of fire prevention in ADUs, including fire separation, automatic sprinklers, smoke alarms, and exit stairways. Additionally, this bill would set forth requirements for light, ventilation, window size, emergency service access to units, and occupancy. Finally, this bill would prohibit basement and cellar ADUs in coastal and inland flood hazard areas, to mirror such prohibitions as proposed in the *City of Yes* amendments to the New York City Zoning Resolution.

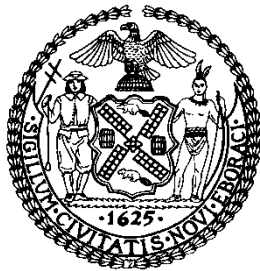
This local law would take effect on the same date as a local law amending the administrative code of the city of New York, relating to establishing a pilot program to convert existing basement or cellar apartments to habitable dwelling units, as introduction number 1127 for the year 2024, takes effect.

A technical edit was made to the bill text on December 3, 2024, to correct a spacing issue between two words.

**UPDATE**

On Thursday, December 5, 2024 the committee adopted Int. No. 654-A, Int. No. 850-A, Int. No. 1127-A, and Int. No. 1128-A by a vote of 6 in the affirmative, 0 in the negative, and 0 abstentions.

**(The following is the text of the Fiscal Impact Statement for Int. No. 654-A:)**



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

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

**RICHARD LEE, FINANCE DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INT. NO: 654-A**

**COMMITTEE: Housing and Buildings**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to abatement of taxation for alterations and improvements to certain multiple dwellings.

**SPONSOR(S):** Council Members Sanchez, Krishnan, Louis, Gennaro, Salaam, Farías, Schulman, Won, Banks, Dinowitz, Abreu, Cabán, Ung, Ayala, Stevens, Ossé, Bottcher, Joseph, Holden, Narcisse, Feliz, Brooks-Powers, Powers, Lee, Restler, Menin, Avilés, Hudson, Rivera, Gutiérrez, Marte, De La Rosa, Nurse, Brewer, Brannan and Yeger (by request of the Mayor).

**SUMMARY OF LEGISLATION:** Proposed Int. 654-A would extend the J-51 tax abatement program for certain alterations or improvements completed after June 29, 2022, and before June 30, 2026. Eligible buildings are: condos and coops where the average assessed valuation is under \$45,000 per dwelling unit, and rental buildings (i) where more than half the units are affordable, (ii) that are operated by limited-profit housing companies, or (iii) that receive substantial governmental assistance. Under the proposed legislation, the owners of these buildings would be able to recover up to 70 percent of the cost of the work at eight and one-third percent per

year for up to 20 years. The proposed law would require the Department of Housing Preservation and Development (HPD) to establish the work and costs that qualify for this program in a certified reasonable cost schedule, which would be updated considering factors such as local law requirements and the effects of inflation. Lastly, the proposed legislation would provide for tenant protections, including the possibility of a revocation of benefits if an owner fails to comply. This bill would also require HPD to report on the implementation of the program.

**EFFECTIVE DATE:** Immediately

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal Year 2026

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY25</b>	<b>FY Succeeding Effective FY26</b>	<b>Full Fiscal Impact FY26</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is estimated that this legislation would have no impact on revenues because the financial plan already assumes that the J-51 program would be extended, and therefore the fiscal impact associated with this legislation is already reflected in the plan.

**IMPACT ON EXPENDITURES:** As the extension of this tax program is already reflected in the financial plan, it is estimated that there will be no impact on expenditures as a result of this legislation. It is expected that average costs will be on par with the recent average of approximately \$270 million per year over the past 15 years. Additionally, it is anticipated that existing resources would be used by HPD and the Department of Finance (DOF) to implement its provisions.

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

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

**ESTIMATE PREPARED BY:** Daniel Kroop, Principal Financial Analyst

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

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on March 7, 2024, as Int. No. 654, and was referred to the Committee on Housing and Buildings (the Committee). A hearing on the legislation was held by the Committee on May 30, 2024, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 654-A, will be considered by the Committee at a hearing on December 5, 2024. Upon majority affirmative vote by the Committee, Int. No. 654-A will be submitted to the full Council for a vote on December 5, 2024.

**DATE PREPARED:** December 4, 2024.

**(For text of Int. Nos. 850-A, 1127-A, and 1128-A and their Fiscal Impact Statements, please see the Report of the Committee on Housing and Buildings for Int. Nos. 850-A, 1127-A, and 1128-A, respectively, printed in these Minutes; for text of Int. No. 654-A, please see below)**

Accordingly, this Committee recommends the adoption of Int. Nos. 654-A, 850-A, 1127-A, and 1128-A.

**(The following is the text of Int. No. 654-A:)**

Int. No. 654-A

By Council Members Sanchez, Krishnan, Louis, Gennaro, Salaam, Farías, Schulman, Won, Banks, Dinowitz, Abreu, Cabán, Ung, Ayala, Stevens, Ossé, Bottcher, Joseph, Holden, Narcisse, Feliz, Brooks-Powers, Powers, Lee, Restler, Menin, Avilés, Hudson, Rivera, Gutiérrez, Marte, De La Rosa, Nurse, Brewer, Brannan, Yeger and Hanif (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to abatement of taxation for alterations and improvements to certain multiple dwellings**

*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 section 11-243.2 to read as follows:

§ 11-243.2 *Tax abatement for alterations and improvements to certain multiple dwellings. a. Definitions. As used in this section, the following terms have the following meanings:*

*Area median income. The term “area median income” means the income limits as defined annually by the United States department of housing and urban development for the New York city area.*

*Certificate of eligibility and reasonable cost. The term “certificate of eligibility and reasonable cost” means a document issued by the department of housing preservation and development that establishes that a property is eligible for rehabilitation program benefits and sets forth the certified reasonable cost of the eligible construction for which such benefits shall be received.*

*Certified reasonable cost schedule. The term “certified reasonable cost schedule” means a table providing maximum dollar limits for specified alterations and improvements, established, and updated regularly as necessary, by the department of housing preservation and development.*

*Checklist. The term “checklist” means a document that the department of housing preservation and development issues requesting additional information or documentation that is necessary for further assessment of an application for a certificate of eligibility and reasonable cost where such application contained all information and documentation required at the initial filing.*

*Commencement date. The term “commencement date” means, with respect to eligible construction, the date on which any physical operation undertaken for the purpose of performing such eligible construction lawfully begins.*

*Completion date. The term “completion date” means, with respect to eligible construction, the date on which:*

- 1. Every physical operation undertaken for the purpose of all eligible construction has concluded; and*
- 2. All such eligible construction has been completed to a reasonable and customary standard that renders such eligible construction capable of use for the purpose for which such eligible construction was intended.*

*Dwelling unit. The term “dwelling unit” means any residential accommodation in a class A multiple dwelling that:*

- 1. Is arranged, designed, used, or intended for use by 1 or more persons living together and maintaining a common household;*
- 2. Contains at least 1 room; and*
- 3. Contains within such accommodation lawful sanitary and kitchen facilities reserved for its occupants.*

*Dwelling unit floor area. The term “dwelling unit floor area” means the gross square footage within the dwelling unit measured from the interior faces of the demising partitions or party walls.*

*Eligible building. The term “eligible building” means an eligible rental building, an eligible homeownership building, or an eligible regulated homeownership building, provided that such building contains 3 or more dwelling units.*

*Eligible construction.* The term “eligible construction” means alterations or improvements to an eligible building that:

1. Are specifically identified on the certified reasonable cost schedule;
2. Meet the minimum scope of work threshold;
3. Have a completion date that is after June 29, 2022 and prior to June 30, 2026 and that is not more than 30 months after the commencement date; and

4. Are not attributable to any increased cubic content in such eligible building.

*Eligible homeownership building.* The term “eligible homeownership building” means an existing building that:

1. Is a class A multiple dwelling operated as condominium or cooperative housing;
2. Is not operating in whole or in part as a hotel; and
3. Has an average assessed valuation, including the valuation of the land, that as of the commencement date does not exceed the homeownership average assessed valuation limitation.

*Eligible regulated homeownership building.* The term “eligible regulated homeownership building” means an existing building that is a class A multiple dwelling owned and operated by either:

1. A mutual company that continues to be organized and operated as a mutual company and that has entered into and recorded a mutual company regulatory agreement; or
2. A mutual redevelopment company that continues to be organized and operated as a mutual redevelopment company and that has entered into and recorded a mutual redevelopment company regulatory agreement.

*Eligible rental building.* The term “eligible rental building” means an existing building that:

1. Is a class A multiple dwelling in which all of the dwelling units are operated as rental housing;
2. Is not operating in whole or in part as a hotel; and
3. Satisfies 1 of the following conditions:
  - (a) Not less than 50 percent of the dwelling units in such building are qualifying rental units;
  - (b) Such building is owned and operated by a limited-profit housing company; or
  - (c) Such building is the recipient of substantial governmental assistance.

*Existing building.* The term “existing building” means an enclosed structure which:

1. Is permanently affixed to the land;
2. Has 1 or more floors and a roof;
3. Is bounded by walls;
4. Has at least 1 principal entrance utilized for day-to-day pedestrian ingress and egress;
5. Has a certificate of occupancy or equivalent document that is in effect prior to the commencement date; and
6. Exclusive of the land, has an assessed valuation of more than \$1,000 for the fiscal year immediately preceding the commencement date.

*Homeownership average assessed valuation limitation.* The term “homeownership average assessed valuation limitation” means an average assessed valuation of \$45,000 per dwelling unit.

*Limited-profit housing company.* The term “limited-profit housing company” has the same meaning as “company” set forth in section 12 of the private housing finance law.

*Market rental unit.* The term “market rental unit” means a dwelling unit in an eligible rental building other than a qualifying rental unit.

*Marketing band.* The term “marketing band” means maximum rent amounts ranging from 20 percent of 80 percent of the area median income, adjusted for family size, to 30 percent of 80 percent of the area median income, adjusted for family size.

*Minimum scope of work threshold.* The term “minimum scope of work threshold” means a total amount of certified reasonable cost established by rules and regulations of the department of housing preservation and development, provided that such amount shall be no less than \$1,500 for each dwelling unit in existence on the completion date.

*Multiple dwelling.* The term “multiple dwelling” has the same meaning as set forth in section 4 of the multiple dwelling law.

*Mutual company.* The term “mutual company” has the same meaning as set forth in section 12 of the private housing finance law.



*Mutual company regulatory agreement.* The term “mutual company regulatory agreement” means a binding and irrevocable agreement between a mutual company and the commissioner of housing of the state of New York, the mutual company supervising agency, the New York city housing development corporation, or the New York state housing finance agency, prohibiting the dissolution or reconstitution of such mutual company pursuant to section 35 of the private housing finance law for not less than 15 years from the commencement of rehabilitation program benefits for the existing building owned and operated by such mutual company.

*Mutual company supervising agency.* The term “mutual company supervising agency” has the same meaning, with respect to any mutual company, as “supervising agency” set forth in section 2 of the private housing finance law.

*Mutual redevelopment company.* The term “mutual redevelopment company” has the same meaning as “mutual” when applied to a redevelopment company as set forth in section 102 of the private housing finance law.

*Mutual redevelopment company regulatory agreement.* The term “mutual redevelopment company regulatory agreement” means a binding and irrevocable agreement between a mutual redevelopment company and the commissioner of housing of the state of New York, the redevelopment company supervising agency, the New York city housing development corporation, or the New York state housing finance agency prohibiting the dissolution or reconstitution of such mutual redevelopment company pursuant to section 123 of the private housing finance law until the earlier of: (i) 15 years from the commencement of rehabilitation program benefits for the existing building owned and operated by such mutual redevelopment company; or (ii) the expiration of any tax exemption granted to such mutual redevelopment company pursuant to section 125 of the private housing finance law.

*Qualifying rent.* The term “qualifying rent” means the maximum rent within the marketing band that is allowed for a qualifying rental unit as such rent is established by the department of housing preservation and development.

*Qualifying rental unit.* The term “qualifying rental unit” means a dwelling unit in an eligible rental building that, as of the filing of an application for a certificate of eligibility and reasonable cost, has a rent at or below the qualifying rent.

*Redevelopment company.* The term “redevelopment company” has the same meaning as set forth in section 102 of the private housing finance law.

*Redevelopment company supervising agency.* The term “redevelopment company supervising agency” has the same meaning, with respect to any redevelopment company, as “supervising agency” set forth in section 102 of the private housing finance law.

*Rehabilitation program benefits.* The term “rehabilitation program benefits” means the abatement of real property taxes pursuant to this section.

*Rent regulation.* The term “rent regulation” means, collectively, the emergency housing rent control law, any local law enacted pursuant to the local emergency housing rent control act, the rent stabilization law of 1969, the rent stabilization code, and the emergency tenant protection act of 1974, all as in effect as of October 23, 2023, or as any such statute is amended thereafter, together with any successor statutes or regulations addressing substantially the same subject matter.

*Restriction period.* The term “restriction period” means, notwithstanding any termination or revocation of rehabilitation program benefits prior to such period, 15 years from the initial receipt of rehabilitation program benefits, or such additional period of time as may be imposed pursuant to paragraph 7 of subdivision d of this section.

*Substantial government assistance.* The term “substantial governmental assistance” means grants, loans, or subsidies from any federal, state, or local governmental agency or instrumentality in furtherance of a program for the development of affordable housing approved by the department of housing preservation and development, provided that such grants, loans, or subsidies are provided in accordance with a regulatory agreement entered into with such agency or instrumentality that is in effect for no less than 15 more years as of the filing date of the application for a certificate of eligibility and reasonable cost.

*Substantial interest.* The term “substantial interest” means an ownership interest of 10 percent or more.

*b. Abatement.* Notwithstanding the provisions of section 11-243 or of any general, special, or local law to the contrary, real property taxes on an eligible building in which eligible construction has been completed may be abated by an aggregate amount that shall not exceed 70 percent of the total certified reasonable cost of such

*eligible construction, as determined under rules and regulations of the department of housing preservation and development, provided that:*

- 1. Such abatement shall not be effective for a period of more than 20 years;*
- 2. The annual abatement of real property taxes on such eligible building shall not be greater than eight and one-third percent of the total certified reasonable cost of such eligible construction;*
- 3. The annual abatement of real property taxes on such eligible building in any consecutive 12 month period shall in no event exceed the amount of real property taxes payable in such 12 month period for such building, provided, however, that such abatement shall not exceed 50 percent of the amount of real property taxes payable in such 12 month period for any of the following:*
  - (a) An eligible rental building owned by a limited-profit housing company or a redevelopment company;*
  - (b) An eligible homeownership building; or*
  - (c) An eligible regulated homeownership building;*
- 4. Such abatement shall become effective beginning with the first quarterly tax bill immediately following the date of issuance of the certificate of eligibility and reasonable cost;*
- 5. Such abatement shall not be applied to abate or reduce the taxes upon the land portion of real property, which shall continue to be taxed based upon the assessed valuation of the land and the applicable tax rate at the time such taxes are levied;*
- 6. Such abatement shall not be allowed for any eligible building receiving a tax exemption or abatement concurrently for rehabilitation or new construction under any other provision of state or local law with the exception of any eligible construction to an eligible building receiving a tax exemption or abatement under the provisions of the private housing finance law;*
- 7. Such abatement shall not be allowed for any item of eligible construction in an eligible building if such eligible building is receiving a tax exemption or abatement for the same or a similar item of eligible construction as of the last December 31 preceding the date of application for a certificate of eligibility and reasonable cost for such abatement; and*
- 8. Where the eligible construction includes or benefits a portion of an eligible building that is not occupied for dwelling purposes, the assessed valuation of such eligible building and the cost of the eligible construction shall be apportioned so that such abatement shall not be provided for eligible construction made for other than dwelling purposes.*

*c. Application.*

- 1. An application for a certificate of eligibility and reasonable cost shall be made after the completion date and no later than on or before the later of:*
  - (a) Four months from the effective date of this local law; or*
  - (b) Four months from such completion date.*
- 2. Such application shall include evidence of eligibility for rehabilitation program benefits and evidence of reasonable cost as shall be satisfactory to the department of housing preservation and development including, but not limited to, evidence showing the cost of eligible construction.*
- 3. The department of housing preservation and development shall require a non-refundable filing fee that shall be paid by a certified check or cashier's check upon the filing of an application for a certificate of eligibility and reasonable cost. Such fee shall be \$1,000, plus \$75 for each dwelling unit in excess of 6 dwelling units in the eligible building that is the subject of such application.*
- 4. Any application that is filed pursuant to this subdivision that is missing any of the information and documentation required at initial filing by this section and the rules and regulations of the department of housing preservation and development promulgated pursuant to this section shall be denied, provided that a new application for the same eligible construction, together with a new non-refundable filing fee, may be filed within 15 days of the date of issuance of such denial. If such second application is also missing any such required information and documentation, it shall be denied and no further applications for the same eligible construction shall be permitted.*
- 5. The failure of an applicant to respond to any checklist within 30 days of the date of its issuance by the department of housing preservation and development shall result in denial of the application for which such checklist was issued, and no further applications for the same eligible construction shall be permitted. The department of housing preservation and development shall issue not more than 3 checklists per application. An application for a certificate of eligibility and reasonable cost shall be denied when the department of housing*

*preservation and development does not have a sufficient basis to issue a certificate of eligibility and reasonable cost after the timely response of an applicant to the third checklist concerning such application. After the department of housing preservation and development has denied an application for such reason, the department of housing preservation and development shall permit no further applications for the same eligible construction.*

*6. An application for a certificate of eligibility and reasonable cost shall also include an affidavit of no harassment.*

*(a) Such affidavit shall set forth the following information:*

*(1) The name of every owner of record, owner of a substantial interest in the eligible building, and entity owning the eligible building or sponsoring the eligible construction; and*

*(2) A statement that no owner of record, owner of a substantial interest in the eligible building, or entity owning the eligible building or sponsoring the eligible construction, within the 5 years prior to the completion date, had been found to have harassed or unlawfully evicted tenants by judgment or determination of a court or agency, including a non-governmental agency, having appropriate legal jurisdiction under the penal law, any state or local law regulating rents, or any state or local law relating to harassment of tenants or unlawful eviction.*

*(b) No eligible building shall be eligible for rehabilitation program benefits where:*

*(1) Any affidavit required under this paragraph has not been filed;*

*(2) Any such affidavit contains a willful misrepresentation or omission of any material fact; or*

*(3) Any owner of record, owner of a substantial interest in the eligible building, or entity owning the eligible building or sponsoring the eligible construction, within the 5 years prior to the completion date, had been found to have harassed or unlawfully evicted tenants by judgment or determination of a court or agency, including a non-governmental agency, having appropriate legal jurisdiction under the penal law, any state or local law regulating rents, or any state or local law relating to harassment of tenants or unlawful eviction, until and unless the finding is reversed on appeal.*

*(c) Notwithstanding the provisions of any general, special, or local law to the contrary, the corporation counsel or other legal representative of the city of New York or the district attorney of any county within the city of New York, may institute an action or proceeding in any court of competent jurisdiction that may be appropriate or necessary to determine whether any owner of record, owner of a substantial interest in the eligible building, or entity owning the eligible building or sponsoring the eligible construction has harassed or unlawfully evicted tenants.*

*7. Notwithstanding the provisions of any general, special, or local law to the contrary, applications for a certificate of eligibility and reasonable cost shall be filed electronically if the department of housing preservation and development makes electronic filing available and requires electronic filing by rules and regulations.*

*d. Additional requirements for an eligible rental building other than one owned and operated by a limited-profit housing company. In addition to all other conditions of eligibility for rehabilitation program benefits, an eligible rental building, other than one owned and operated by a limited-profit housing company, must also comply with all provisions of this subdivision. Notwithstanding the foregoing, an eligible rental building that is the recipient of substantial governmental assistance shall not be required to comply with the provisions of paragraph 2 of this subdivision.*

*1. Notwithstanding any provision of rent regulation to the contrary, any market rental unit within such eligible rental building subject to rent regulation as of the filing date of the application for a certificate of eligibility and reasonable cost and any qualifying rental unit within such eligible rental building shall be subject to rent regulation until such unit first becomes vacant after the expiration of the restriction period, at which time such unit, unless it would be subject to rent regulation for reasons other than the provisions of this section, shall be deregulated, provided, however, that during the restriction period, no exemption or exclusion from any requirement of rent regulation shall apply to such dwelling units.*

*2. Additional requirements for an eligible rental building that is not a recipient of substantial governmental assistance.*

*(a) Not less than 50 percent of the dwelling units in such eligible rental building shall be designated as qualifying rental units.*

*(b) The owner of such eligible rental building shall ensure that no qualifying rental unit is held off the market for a period that is longer than reasonably necessary.*

(c) *The department of housing preservation and development may establish by rules and regulations such requirements as it deems necessary or appropriate for designating qualifying rental units, including, but not limited to, designating the unit mix and distribution requirements of such qualifying rental units in an eligible rental building.*

3. *The owner of such eligible rental building shall waive the collection of any major capital improvement rent increase granted by the New York state division of housing and community renewal pursuant to rent regulation that is attributable to eligible construction for which such eligible rental building receives rehabilitation program benefits, and shall file a declaration with the New York state division of housing and community renewal providing such waiver.*

4. *The owner of such eligible rental building shall not engage in or cause any harassment of the tenants of such eligible rental building or unlawfully evict any such tenants during the restriction period.*

5. *No dwelling units within such eligible rental building shall be converted to cooperative or condominium ownership during the restriction period.*

6. *No dwelling unit in such eligible rental building shall be rented on a temporary, transient, or short-term basis. Each such dwelling unit must be leased for permanent residential purposes for a term of not less than 1 year during the restriction period. Every lease and renewal thereof for each such dwelling unit shall be for a term of 1 or 2 years, at the option of the tenant, and shall include a notice in at least 12 point type informing such tenant of their rights pursuant to this section, including an explanation of the restrictions, if any, on rent increases that may be imposed on such dwelling unit.*

7. *Any noncompliance of an eligible rental building with the provisions of this subdivision shall permit the department of housing preservation and development to take the following action:*

(a) *Extend the restriction period of such eligible rental building;*

(b) *Increase the number of qualifying rental units in such eligible rental building;*

(c) *Impose a penalty of not more than the product of \$1,000 per instance of noncompliance and the number of dwelling units contained in such eligible rental building; and*

(d) *Terminate or revoke any rehabilitation program benefits of such eligible rental building in accordance with subdivision p of this section.*

e. *Compliance with applicable law. Rehabilitation program benefits shall not be allowed for any eligible building unless and until such eligible building complies with all applicable provisions of law. Rehabilitation program benefits shall not be allowed if the department of housing preservation and development determines that eligible construction was not carried out in conformity with all applicable provisions of law.*

f. *Bedroom count. If eligible construction results in a change in the number of dwelling units in an eligible building, then, upon the completion date, the number of bedrooms in such eligible building shall be equal to no less than 75 percent of the total number of dwelling units, provided, however, that if the average dwelling unit floor area in such eligible building is 1,000 square feet or more, the requirement that the number of bedrooms be equal to no less than 75 percent of the total number of dwelling units shall not be applicable and, provided further, that such requirement shall be reduced to the extent the application of such requirement would necessitate a reduction in the number of dwelling units which are contained in such eligible building prior to the commencement date.*

g. *Tenant notification. Notwithstanding any provision of this section to the contrary, no rehabilitation program benefits shall be granted for any eligible construction with a commencement date on or after the effective date of this local law unless the applicant provides to tenants, if any, of such eligible building prior to the commencement date, notice of the following information:*

1. *The proposed work;*

2. *The identity and contact information of the eligible building's representative; and*

3. *The tenants' rights under applicable law with respect to such work; provided that, in the case of a loan program supervised by the department of housing preservation and development, such department may provide the required notice to the tenants.*

h. *Notice of intent. An applicant for rehabilitation program benefits for any eligible construction with a commencement date on or after the effective date of this local law shall file with the department of housing preservation and development a form supplied by such department which:*

1. *States an intention to file for rehabilitation program benefits;*

2. *Describes the work for which rehabilitation program benefits will be claimed;*

3. Estimates the cost of such work which will be eligible for rehabilitation program benefits; and

4. Provides proof of the notice required under subdivision g of this section. Such form shall be filed prior to the commencement date. If the scope of such work or the estimated cost thereof changes materially, such applicant shall file a revised notice of intent. An applicant who fails to comply with the requirements of this subdivision shall be subject to a penalty not to exceed 100 percent of the filing fee otherwise payable pursuant to paragraph 3 of subdivision c of this section.

i. Re-inspection penalty. If any eligible construction claimed on an application for a certificate of eligibility and reasonable cost cannot be verified upon the first inspection by the department of housing preservation and development, such applicant shall be required to pay 10 times the actual cost of any additional inspection needed to verify such eligible construction.

j. Strict liability for inaccurate applications. If the department of housing preservation and development determines that an application for a certificate of eligibility and reasonable cost contains a false statement or omission as to any material matter, such application shall be rejected and no other applications pursuant to this section with respect to such eligible building shall be allowed for a period of 3 years following such determination. An applicant shall not be relieved from liability under this subdivision because such applicant submitted the application under a mistaken belief of fact. Furthermore, any person or entity that files more than 6 applications containing such a false statement or omission within any 12 month period shall be barred from submitting any new application for a certificate of eligibility and reasonable cost on behalf of any eligible building for a period of 5 years.

k. False statements. Any person who shall knowingly and willfully makes any false statement or omission as to any material matter in any application for a certificate of eligibility and reasonable cost shall be guilty of an offense punishable by a fine of not more than \$500, or imprisonment for not more than 90 days, or both.

l. Implementation of rehabilitation program benefits. Upon issuance of a certificate of eligibility and reasonable cost and payment of outstanding fees, the department of housing preservation and development may transmit such certificate of eligibility and reasonable cost to the department of finance. Upon receipt of a certificate of eligibility and reasonable cost, the department of finance shall certify the amount of taxes to be abated pursuant to subdivision b of this section and pursuant to such certificate of eligibility and reasonable cost provided by the department of housing preservation and development.

m. Outstanding taxes and charges. Rehabilitation program benefits shall not be allowed for an eligible building in either of the following cases:

1. There are outstanding real estate taxes or water and sewer charges or payments in lieu of taxes that are due and owing as of the last day of the tax period preceding the date of the receipt of the certificate of eligibility and reasonable cost by the department of finance; or

2. Real estate taxes or water and sewer charges due at any time during the authorized term of such benefits remain unpaid for 1 year after the same are due and payable.

n. Investigatory authority. The department of housing preservation and development may require such certifications and consents necessary to access records, including other tax records, as may be deemed appropriate to enforce the eligibility requirements of this section. For purposes of determining and certifying eligibility for rehabilitation program benefits and the reasonable cost of any eligible construction, the department of housing preservation and development shall be authorized to:

1. Administer oaths to and take the testimony of any person, including, but not limited to, the owner of such eligible building;

2. Issue subpoenas requiring the attendance of such persons and the production of any bills, books, papers, or other documents as such department may deem necessary;

3. Make preliminary estimates of the maximum reasonable cost of such eligible construction;

4. Establish maximum allowable costs of specified units, fixtures, or work in such eligible construction;

5. Require the submission of plans and specifications of such eligible construction before the commencement thereof;

6. Require physical access to inspect the eligible building; and

7. On an annual basis, require the submission of leases for any dwelling unit in an eligible rental building that has been granted a certificate of eligibility and reasonable cost.

o. No owner of an eligible building to which rehabilitation program benefits shall be applied, nor any agent, employee, manager, or officer of such owner, shall directly or indirectly deny to any person any of the dwelling

*accommodations in such property or any of the privileges or services incident to occupancy therein because of race, color, creed, national origin, gender, sexual orientation, disability, marital status, age, religion, alienage, or citizenship status, or the use of, participation in, or being eligible for a governmentally funded housing assistance program, including, but not limited to, the section 8 housing voucher program and the section 8 housing certificate program, 42 U.S.C. § 1437 et. seq., or the senior citizen or persons with disabilities rent increase exemption program, pursuant to either chapter 7 of title 26 or section 26-509. The term "disability" as used in this subdivision has the same meaning set forth in section 8-102. Nothing in this subdivision shall restrict such consideration in the development of housing accommodations for the purpose of providing for the special needs of a particular group.*

*p. Termination or revocation. Failure to comply with the provisions of this section, any rules and regulations promulgated thereunder, or any mutual company regulatory agreement or mutual redevelopment company regulatory agreement entered into thereunder may result in revocation of any rehabilitation program benefits retroactive to the commencement of such benefits. Such termination or revocation shall not exempt such eligible building from continued compliance with the requirements of this section, such rules and regulations, and such mutual company regulatory agreement or such mutual redevelopment company regulatory agreement.*

*q. Criminal liability for unauthorized uses. In the event that any recipient of rehabilitation program benefits uses any dwelling unit in an eligible building in violation of the requirements of this section and any rules and regulations promulgated pursuant thereto, such recipient shall be guilty of an unclassified misdemeanor punishable by a fine in an amount equivalent to double the value of the gain of such recipient from such unlawful use, or imprisonment for not more than 90 days, or both.*

*r. Private right of action. Any prospective, present, or former tenant of an eligible rental building may sue to enforce the requirements and prohibitions of this section, or any rules and regulations promulgated thereunder, in the supreme court of New York. Any such individual harmed by reason of a violation of such requirements and prohibitions may sue therefor in the supreme court of New York on behalf of such individual, and shall recover threefold the damages sustained and the cost of the suit, including a reasonable attorney's fee. The department of housing preservation and development may use any court decision under this subdivision that is adverse to the owner of an eligible building as the basis for further enforcement action. Notwithstanding any other provision of law, an action by a tenant of an eligible rental building under this subdivision must be commenced within 6 years from the date of the latest violation.*

*s. Appointment of receiver. In addition to the remedies for noncompliance provided for in paragraph 7 of subdivision d and subdivision p of this section, the department of housing preservation and development may make application for the appointment of a receiver in accordance with the procedures contained in this subdivision. Any receiver appointed pursuant to this subdivision shall be authorized, in addition to any other powers conferred by law, to effect compliance with the provisions of this section and any rules and regulations of the department of housing preservation and development promulgated thereunder. Any expenditures incurred by the receiver to effect such compliance shall constitute a debt of the owner and a lien upon the eligible building, and upon the rents and income thereof, in accordance with the procedures contained in this subdivision. The department of housing preservation and development in its discretion may provide funds to be expended by the receiver, and such funds shall constitute a debt recoverable from the owner in accordance with applicable local laws.*

*1. Power to order corrections of violations. Whenever the department of housing preservation and development determines that any violation of the provisions of this section, any rules and regulations promulgated thereunder, or any mutual company regulatory agreement or mutual redevelopment company regulatory agreement entered into thereunder, has occurred, such department may order the owner of the eligible building or other responsible party to correct such violation. An order issued pursuant to this paragraph shall state the violations involved and the corrective action to be taken, and shall specify a time for compliance, which shall be not less than 21 days from the date of service of the order, except that where a condition dangerous to human life and safety or detrimental to health exists or is threatened, a shorter period for compliance may be specified.*

*2. Grounds for appointment of receiver. Upon failure of an eligible building to comply with an order to correct issued pursuant to paragraph 1 of this subdivision within the specified time therein, the department of housing preservation and development may apply for the appointment of a receiver to correct such violations.*

*3. Notice to owner, mortgagees, and lienors.*

(a) If the department of housing preservation and development intends to seek the appointment of a receiver pursuant to this subdivision, it shall serve upon the owner, along with the order authorized pursuant to paragraph 1 of this subdivision, a notice stating that in the event the violations covered by the order are not corrected in the manner and within the time specified therein, such department may apply for the appointment of a receiver of the rents, issues, and profits of the property with rights superior to those of the owner and any mortgagee or lienor.

(b) Within 5 days after service of the order and notice upon the owner, the department of housing preservation and development shall serve a copy of the order and notice upon every mortgagee and lienor of record, personally or by registered or certified mail, at the address set forth in the recorded mortgage or lien. If no address appears therein, a copy shall be sent by registered mail to the person at whose request the instrument was recorded.

(c) The department of housing preservation and development shall file a copy of the notice and order in the office of the county clerk in which mechanics liens affecting the eligible building would be filed.

#### 4. Order to show cause.

(a) The department of housing preservation and development, upon failure of the owner to comply with an order issued pursuant to paragraph 1 of this subdivision within the time provided therein, may thereafter apply to a court of competent jurisdiction in the county where the eligible building is located for an order directing the owner and any mortgagees or lienors of record to show cause why the commissioner of housing preservation and development should not be appointed receiver of the rents, issues, and profits of the eligible building and why the receiver should not correct such violation and obtain a lien in favor of the department of housing preservation and development against the eligible building having the priority provided in article 8 of subchapter 5 of chapter 2 of title 27 to secure repayment of the costs incurred by the receiver in removing such conditions. Such application shall contain:

(1) Proof by affidavit that an order of the department of housing preservation and development has been issued, served on the owner, mortgagees, and lienors, and filed, in accordance with subparagraph (c) of paragraph 3 of this subdivision;

(2) A statement that a violation continued to exist in such eligible building after the time provided in the order for correction of the condition, and a description of the eligible building and violations involved; and

(3) A brief description of the nature of the actions required to correct the violations and an estimate as to the cost thereof.

(b) The order to show cause shall be returnable not less than 5 days after service is completed.

(c) A copy of the order to show cause, and the papers on which it is based, shall be served on the owner, mortgagees of record, and lienors. If any such persons cannot with due diligence be served personally within the city of New York within the time fixed in the order, then service may be made by posting a copy of the order in a conspicuous place on the eligible building, and by sending a copy thereof by registered mail to the owner at the last address, if any, registered by such owner with the department of housing preservation and development, or to such owner's last address, if any, known to the department of housing preservation and development, or, in the case of a mortgagee or lienor, to the address set forth in the recorded mortgage or lien, and by publication in a newspaper of general circulation in the county where such eligible building is located. Service shall be deemed complete on filing proof thereof in the office of the clerk of the court in which application for such order is made.

#### 5. Proceedings on return of order to show cause.

(a) On the return of the order to show cause, determination thereof shall have precedence over every other business of the court unless the court shall find that some other pending proceeding, having a similar statutory preference, has priority.

(b) If the court finds that the facts stated in the application warrant the granting thereof, then it shall appoint the commissioner of housing preservation and development receiver of the rents, issues, and profits of the eligible building.

(c) Notwithstanding subparagraph (b) of this paragraph, if, after determination of the issue, the owner, or any mortgagee or lienor or other person having an interest in the eligible building, shall apply to the court to be permitted to correct the violations set forth in the department of housing preservation and development's application and shall (i) demonstrate the ability to promptly undertake the actions required; and (ii) post security for the performance thereof within the time, and in the amount and manner, deemed necessary by the court, then

*the court may, in lieu of appointing a receiver, issue an order permitting such person to perform the actions within a time fixed by the court. If at the time fixed in the order the actions have not been satisfactorily done, the court shall appoint such receiver. If after the granting of an order permitting a person to perform the actions but before the time fixed by the court for the completion thereof it shall appear to the department of housing preservation and development that the person permitted to do the same is not proceeding with due diligence, then such department may apply to the court, on notice to those persons who have appeared in the proceeding, for a hearing to determine whether a receiver shall be appointed immediately. On the failure of any person to complete the corrective actions in accordance with the provisions of an order under this subparagraph, such department, or any receiver thereafter appointed, shall be reimbursed for costs incurred by such department or receiver in correcting the violation and other charges herein provided for out of the security posted by such person.*

*6. Powers and duties of receiver.*

*(a) A receiver appointed pursuant to this subdivision shall have all of the powers and duties of a receiver appointed in an action to foreclose a mortgage on real property, together with such additional powers and duties as herein granted and imposed. Such receiver shall not be required to file any bond.*

*(b) The receiver shall with all reasonable speed remove violations in the eligible building. Such receiver shall have the power to let contracts or incur expenses therefor in accordance with the provisions of law applicable to contracts for public works except that advertisement shall not be required for each such contract. Notwithstanding any provision of law, the receiver may let contracts or incur expenses for individual items without the procurement of competitive bids where the total amount of any such individual item does not exceed \$2,500.*

*(c) The receiver shall collect the accrued and accruing rents, issues, and profits of the eligible building and apply the same to the cost of the corrective actions authorized in subparagraph (b) of this paragraph, to the payment of expenses reasonably necessary to the proper operation and management of the eligible building, including insurance and the fees of the managing agent, and the necessary expenses of his or her office as receiver, the repayment of all moneys advanced to the receiver by the department of housing preservation and development to cover the costs incurred by the receiver and interest thereon; and then, if there be a surplus, to unpaid taxes, assessments, water rents, sewer rents, and penalties and interest thereon, and then to sums due to mortgagees or lienors. If the income of the eligible building shall be insufficient to cover the cost of the repairs and improvements or the expenses reasonably necessary to the proper operation and management of such eligible building and other necessary expenses of the receiver, the department of housing preservation and development shall advance to the receiver any sums required to cover such cost and expense and thereupon shall have a lien against such eligible building having the priority provided in article 8 of subchapter 5 of chapter 2 of title 27 of the administrative code for any such sums so advanced with interest thereon.*

*(d) The receiver shall be entitled to the same fees, commissions, and necessary expenses as receivers in actions to foreclose mortgages. Such fees and commissions shall be paid into the fund created pursuant to section 27-2111. The receiver shall be liable only in such receiver's official capacity for injury to person and property by reason of conditions of the eligible building in a case where an owner would have been liable; such receiver shall not have any liability in such receiver's personal capacity. The personnel and facilities of the department of housing preservation and development and the corporation counsel shall be availed of by the receiver for the purpose of carrying out such receiver's duties, and the costs of such services shall be deemed a necessary expense of the receiver.*

*7. Discharge of receiver. The receiver shall be discharged upon rendering a full and complete accounting to the court when the actions herein authorized are completed and the cost thereof and all other costs authorized herein have been paid or reimbursed from the rents and income of the eligible building and the surplus money, if any, has been paid over to the owner or the mortgagee or lienor as the court may direct. However, at any time, the receiver may be discharged upon filing his or her account as receiver without affecting the right of the department of housing preservation and development to its lien. Upon the completion of the repairs and improvements, the owner, the mortgagee, or any lienor may apply for the discharge of the receiver upon payment to the receiver of all moneys expended by such receiver therefor and all other costs authorized by paragraph 6 of this subdivision which have not been paid or reimbursed from the rents and income of such eligible building.*

*8. Recovery of expenses of receivership; lien of receiver.*



(a) *The expenditures made by the receiver pursuant to paragraph 6 of this subdivision shall, to the extent that they are not recovered from the rents and income of the eligible building collected by the receiver, constitute a debt of the owner and a lien upon such building and lot, and upon the rents and income thereof. Except as otherwise provided in this paragraph, the provisions of article 8 of subchapter 5 of chapter 2 of title 27 shall govern the effect and enforcement of such debt and lien; references therein to the department of housing preservation and development shall, for purposes of this article, be deemed to refer to the receiver and, after such receiver's discharge, the department of housing preservation and development.*

(b) *Failure to serve a copy of the order and notice required in the manner specified by paragraph 3 of this subdivision, or failure to serve any mortgagee or lienor with a copy of the order to show cause as required by subparagraph (c) of paragraph 4 of this subdivision, shall not affect the validity of the proceeding or the appointment of a receiver, but the rights of the department of housing preservation and development or of the receiver shall not in such event be superior to the rights of any mortgagee or lienor who has not been served as provided therein.*

(c) *Any mortgagee or lienor who at such mortgagee or lienor's expense corrects the violations to the satisfaction of the court pursuant to the provisions of subparagraph (c) of paragraph 5 of this subdivision shall have and be entitled to enforce a lien equivalent to the lien granted to the receiver in favor of the department of housing preservation and development hereunder. Any mortgagee or lienor who, following the appointment of a receiver by the court, shall reimburse the receiver and the department of housing preservation and development for all costs and charges as hereinabove provided shall be entitled to an assignment of the lien granted to the receiver in favor of the department of housing preservation and development.*

9. *Obligations of owner not affected. Nothing herein contained shall be deemed to relieve the owner of any civil or criminal liability incurred or any duty imposed by law by reason of acts or omissions of the owner prior to the appointment of a receiver; nor shall anything contained herein be construed to suspend during the receivership any obligation of the owner for the payment of taxes or other operating and maintenance expenses of the eligible building nor of the owner or any other person for the payment of mortgages or liens.*

t. *Rulemaking. Each agency or department to which functions are assigned by this section may adopt and promulgate rules and regulations for the effectuation of the purpose of this section.*

u. *State enabling law. This section is enacted pursuant to the provisions of subdivision 21 of section 489 of the real property tax law.*

v. *Reporting. No later than 2 years after the effective date of this local law, and annually thereafter, the department of housing preservation and development, in consultation with the department of finance, shall submit to the mayor and the speaker of the council and post on its website a report on the actions by the department of housing preservation and development in the preceding fiscal year related to rehabilitation program benefits. Such report shall include, but not be limited to:*

1. *The total amount of the rehabilitation program benefits approved for each eligible building, the number of eligible buildings in each community district, neighborhood tabulation area, council district, New York state assembly district, and New York state senate district, the building classification, in accordance with section 302 of the New York city building code, of each such eligible building, the number of dwelling units in each such eligible building, and the number of qualifying rental units in each such eligible building; and*

2. *The number of eligible buildings whose rehabilitation program benefits were terminated or revoked and the number of eligible buildings against which actions were taken, pursuant to subparagraphs (a) through (c) of paragraph 7 of subdivision d, to address noncompliance with the provisions of such subdivision, and the street address of each such eligible building.*

w. *Updates to the certified reasonable cost schedule. When updating the certified reasonable cost schedule, the department of housing preservation and development shall consider the factors such department deems relevant, such as the requirements imposed on eligible buildings by local law, including, but not limited to, articles 302, 320, and 321 of chapter 3 of title 28, and the effects of inflation on such costs since the prior date the certified reasonable cost schedule was updated.*

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

PIERINA A. SANCHEZ, *Chairperson*; ERIC DINOWITZ, OSWALD J. FELIZ, SHAUN ABREU, ALEXA AVILÉS, LINCOLN RESTLER; 6-0-0; *Absent*: Crystal Hudson; Committee on Housing and Buildings, December 5, 2024. *Other Council Members Attending*: Council Members Brewer, Ayala, Brooks-Powers, Banks, Ossé, Nurse, Salaam and Williams.

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

Report for Int. No. 850-A

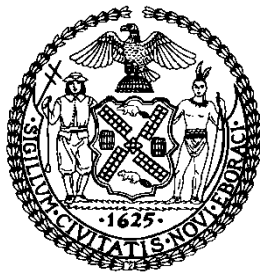
**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of housing preservation and development to report on the disposition of city property for affordable housing development.**

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on April 18, 2024 (Minutes, page 1911), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 654-A printed above in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 850-A:*



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

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

**RICHARD LEE, FINANCE DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INT. NO: 850-A**

**COMMITTEE: Housing and Buildings**

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of housing preservation and development to report on the disposition of city property for affordable housing development.

**SPONSOR(S):** Council Members Salamanca Jr., Louis, Restler, Farías and Avilés.

**SUMMARY OF LEGISLATION:** Proposed Int. 850-A would require the Department of Housing Preservation and Development (HPD) to submit periodic reports to the Council regarding City-financed affordable housing projects involving the disposition of City property. The reports required by the proposed legislation would be due every six months and would include, for each project, the project identifier and location, the date the developer was selected by HPD, the date the project received ULURP approval, whether the project includes any privately-owned parcels, the six-month cycle during which the disposition of City property is expected to occur, and, for projects that had already closed, the actual closing date for such disposition.

**EFFECTIVE DATE:** Immediately

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal Year 2026

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY25</b>	<b>FY Succeeding Effective FY26</b>	<b>Full Fiscal Impact FY26</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is estimated that there would be no impact on revenues resulting from the enactment of Proposed Int. No. 850-A.

**IMPACT ON EXPENDITURES:** It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because HPD would utilize existing resources for comprehensive technology upgrades to fulfill its requirements.

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

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

**ESTIMATE PREPARED BY:** Daniel Kroop, Principal Financial Analyst

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

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on April 18, 2024, as Proposed Int. No. 850, and was referred to the Committee on Housing and Buildings (the Committee). A hearing on the legislation was held by the Committee on November 19, 2024, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 850-A, will be considered by the Committee at a hearing on December 5, 2024. Upon majority affirmative vote by the Committee, Int. No. 850-A will be submitted to the full Council for a vote on December 5, 2024.

**DATE PREPARED:** December 4, 2024.

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

**(The following is the text of Int. No. 850-A:)**

## Int. No. 850-A

By Council Members Salamanca Jr., Louis, Restler, Farías, Avilés and Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of housing preservation and development to report on the disposition of city property for affordable housing development**

*Be it enacted by the Council as follows:*

Section 1. Section 26-901 of the administrative code of the city of New York is amended by adding new subdivisions f-1 and n-1 to read as follows:

*f-1. "Disposition project" means the construction of any residential building, residential facility, or residential structure that:*

*(1) requires the sale, lease, exchange, or other disposition of real property of the city that is, or will be, under the jurisdiction of the department on the date of such sale, lease, exchange, or other disposition;*

*(2) creates at least 1 dwelling unit; and*

*(3) is funded in whole or in part by loans, grants, tax credits, subsidies, mortgages, debt forgiveness, or other thing of value allocated, conveyed, or expended by the city, other than tax exemptions, tax abatements, land conveyances for less than appraised value, as-of-right assistance or benefits, or any assistance or benefits for which the amount is based on an evaluation of as-of-right assistance or benefits for which such project would have been eligible.*

*n-1. "Sponsor" means a person or combination of persons designated by the department to develop a disposition project.*

§ 2. Chapter 10 of title 26 of the administrative code of the city of New York is amended by adding a new section 26-903.1 to read as follows:

*§ 26-903.1 Reporting on disposition projects. a. No later than January 31, 2026, and every 6 months thereafter, the department shall submit to the council and publish online a report containing the following information about each disposition project:*

*(1) The project identifier;*

*(2) The borough, block, and lot numbers;*

*(3) The date that the sponsor was designated by the department;*

*(4) The date of approval of the sale, lease, exchange, or other disposition of real property, pursuant to section 197-c or section 197-d of the charter, or the date of waiver of the requirements set forth in sections 197-c and 197-d of the charter, pursuant to section 694 of the general municipal law, to such sale, lease, exchange, or other disposition;*

*(5) Whether the disposition project includes privately-owned parcels;*

*(6) If the sale, lease, exchange, or other disposition of real property has not occurred, the 6-month period during which such sale, lease, exchange, or other disposition is expected to occur; and*

*(7) If the sale, lease, exchange, or other disposition of real property has occurred, the date of such sale, lease, exchange, or other disposition of such real property and the amount of city financial assistance received by the sponsor of such disposition project.*

*b. The report due on January 31, 2026 shall include disposition projects where the date of approval of the sale, lease, exchange, or other disposition of real property, pursuant to section 197-c or section 197-d of the charter, or the date of waiver of the requirements set forth in sections 197-c and 197-d of the charter, pursuant to section 694 of the general municipal law, to such sale, lease, exchange, or other disposition, is after July 1, 2016 and before January 1, 2026.*

*c. Each report due after January 31, 2026 shall include disposition projects where the date of approval of the sale, lease, exchange, or other disposition of real property, pursuant to section 197-c or section 197-d of the charter, or the date of waiver of the requirements set forth in sections 197-c and 197-d of the charter, pursuant to section 694 of the general municipal law, to such sale, lease, exchange, or other disposition is after July 1, 2016, and, for the report due on July 31 of each year, before the preceding July 1, and for the report due on January 31 of each year, before the preceding January 1.*

§ 3. This local law takes effect immediately.

PIERINA A. SANCHEZ, *Chairperson*; ERIC DINOWITZ, OSWALD J. FELIZ, SHAUN ABREU, ALEXA AVILÉS, LINCOLN RESTLER; 6-0-0; *Absent*: Crystal Hudson; Committee on Housing and Buildings, December 5, 2024. *Other Council Members Attending: Council Members Brewer, Ayala, Brooks-Powers, Banks, Ossé, Nurse, Salaam and Williams.*

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

Report for Int. No. 1127-A

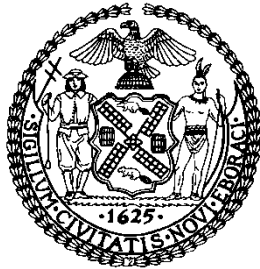
**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to establishing a pilot program to convert existing basement or cellar apartments to habitable dwelling units.**

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on November 21, 2024 (Minutes, page 3935), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 654-A printed above in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 1127-A:*



THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION

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

RICHARD LEE, FINANCE DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INT. NO: 1127-A

COMMITTEE: Housing and Buildings

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to establishing a pilot program to convert existing basement or cellar apartments to habitable dwelling units.

**SPONSOR(S):** Council Members Sanchez, Louis, Farías and Rivera (by request of the Mayor).

**SUMMARY OF LEGISLATION:** Proposed Int. 1127-A would establish a basement and cellar dwelling unit legalization program in certain community districts. Under the proposed legislation, building owners would be able to apply for an authorization for temporary residence for units that existed prior to April 20, 2024. The Department of Buildings (DOB) would inspect such units prior to issuing an authorization and, if issued, the

building owner would be permitted to do any necessary construction on the unit to legalize the unit and apply for an amended or partial certificate of occupancy. The proposed legislation would require the Department of Housing Preservation and Development (HPD) to provide technical assistance and outreach to owners of eligible basement or cellar residences. Tenants who resided in the basement or cellar unit on April 20, 2024, would have a right of first refusal to return to such unit upon its first occupancy following any necessary alterations.

**EFFECTIVE DATE:** 180 days after becoming law

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal Year 2026

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY25</b>	<b>FY Succeeding Effective FY26</b>	<b>Full Fiscal Impact FY26</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is estimated that there would be no impact on revenues resulting from the enactment of Proposed Int. No. 1127-A.

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

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

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

**ESTIMATE PREPARED BY:** Daniel Kroop, Principal Financial Analyst

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

**LEGISLATIVE HISTORY:** This legislation was introduced as a Pre-considered Introduction at a hearing of the Committee on Housing and Buildings (the Committee) on November 19, 2024, and was subsequently laid over. The legislation was introduced to the full Council on November 21, 2024, as Int. No. 1127. The legislation was subsequently amended and the amended version, Proposed Int. No. 1127-A, will be considered by the Committee at a hearing on December 5, 2024. Upon majority affirmative vote by the Committee, Int. No. 1127-A will be reported to the full Council for a vote on December 5, 2024.

**DATE PREPARED:** December 4, 2024.

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

**(The following is the text of Int. No.1127-A:)**

Int. No. 1127-A

By Council Members Sanchez, Louis, Farías and Rivera (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to establishing a pilot program to convert existing basement or cellar apartments to habitable dwelling units**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 28 of the administrative code of the city of New York is amended by adding a new article 507 to read as follows:

**ARTICLE 507  
PILOT PROGRAM FOR ELIGIBLE BASEMENT AND CELLAR RESIDENCES**

**§28-507.1 Definitions.** *For purposes of this article, the following terms have the following meanings:*

**APARTMENT.** *The term “apartment” has the same meaning as defined in section BC 202 of the New York city building code.*

**APPLICATION.** *The term “application” means an application for authorization for temporary residence pursuant to this article.*

**AUTHORIZATION FOR TEMPORARY RESIDENCE.** *The term “authorization for temporary” residence means an authorization issued by the department pursuant to section 28-507.4 authorizing the temporary use of an eligible basement or cellar as an apartment prior to the issuance of a certificate of occupancy or temporary certificate of occupancy for such use.*

**BASEMENT.** *The term “basement” means a story partly below the grade plane and having less than one-half of its clear height, measured from finished floor to finished ceiling, below the grade plane.*

**CELLAR.** *The term “cellar” means that portion of a building that is partly or wholly underground, and having one-half or more of its clear height, measured from finished floor to finished ceiling, below the grade plane.*

**ELIGIBLE BASEMENT OR CELLAR RESIDENCE.** *The term “eligible basement or cellar residence” means a basement or cellar in an existing dwelling within the program area, unlawfully arranged to be occupied as an apartment with acceptable kitchen and sanitation facilities as described in department rules, and which apartment was in existence prior to April 20, 2024.*

**FAMILY.** *The term “family” has the same meaning as defined in the multiple dwelling law, except that as used in this article, family shall not include any boarders, roomers, or lodgers.*

**PRE-EXISTING VIOLATION.** *The term “pre-existing violation” means a violation issued by an agency of the city of New York for the illegal occupancy of a basement or a cellar for which a notice of violation, administrative summons, criminal court summons, or other process was issued prior to the date of issuance of an authorization for temporary residence by the department pursuant to this article.*

**PROGRAM AREA.** *The term “program” area means Bronx community district 9; Bronx community district 10; Bronx community district 11; Bronx community district 12; Brooklyn community district 4; Brooklyn community district 10; Brooklyn community district 11; Brooklyn community district 17; Manhattan community district 2; Manhattan community district 3; Manhattan community district 9; Manhattan community district 10;*

*Manhattan community district 11; Manhattan community district 12; and Queens community district 2, and such other community districts as may be authorized pursuant to section 289 of the multiple dwelling law.*

**RENTED.** *The term “rented” means leased, let, or hired out, with or without a written agreement.*

**TEMPORARY RESIDENCE PROGRAM.** *The term “temporary residence program” means a program established pursuant to this article to facilitate the legalization of eligible basement and cellar residences within the program area and to authorize their temporary use as apartments pending the issuance of a certificate of occupancy or temporary certificate of occupancy for such use.*

**TENANT.** *The term “tenant” means an individual to whom an eligible basement or cellar residence is rented.*

**§ 28-507.2 Eligibility.** *This article applies to private dwellings and multiple dwellings. The department shall establish a temporary residence program in accordance with this article. To participate in such program, an owner of an eligible basement or cellar residence shall apply for authorization for temporary residence pursuant to section 28-507.4 on or before April 20, 2029. An application for temporary residence may not be made where the eligible basement or cellar residence is located within the 10-year rainfall flood risk area or the coastal flood risk area as described in section 24-809, except as otherwise allowed pursuant to the New York city zoning resolution.*

**§ 28-507.3 Occupancy.** *Notwithstanding section 27-751 of the 1968 New York city building code, section 27-2087, section 1208.2 of the New York city building code, any applicable laws in existence prior to December 6, 1968, or any provision of any other local law or the multiple dwelling law that is inconsistent with or that would frustrate the purpose of this article, the department may authorize the use of an eligible basement or cellar residence within the program area as an apartment in accordance with this article.*

**§ 28-507.4 Authorization for temporary residence.** *The department may issue an authorization for temporary residence for the use of an eligible basement or cellar residence in the program area as an apartment prior to the issuance of a certificate of occupancy or temporary certificate of occupancy in accordance with this section. The owner of an eligible basement or cellar residence may submit an application for an authorization for temporary residence to the department in a form and manner determined by the department. An application for an authorization for temporary residence may not be used as the basis for an enforcement action for illegal occupancy of such residence, provided that nothing in this article shall be construed to prevent the issuance of a vacate order for an imminently hazardous or otherwise unsafe condition.*

**§ 28-507.4.1 Issuance of authorization for temporary residence.** *The department may issue an authorization for temporary residence upon determining that:*

- 1. The basement or cellar referenced in such application is an eligible basement or cellar residence;*
- 2. Such eligible basement or cellar residence contains an apartment that was in existence prior to April 20, 2024; and*
- 3. Such eligible basement or cellar residence has been inspected, and:*
  - 3.1 Would not pose an imminent risk to the life or safety of occupants;*
  - 3.2 Contains a battery-operated or hard-wired smoke detector and carbon monoxide detector;*
  - 3.3 Contains at least 1 means of egress directly to the outdoors in accordance with the construction standards of chapter 10 of the New York city building code, including access to a public way. Such means of egress shall be an exterior door that swings inward and is provided with landings on both*



*the interior and exterior sides in accordance with section 1010.1.6 of the New York city building code; and*

*3.4 Has a minimum clear ceiling height in accordance with section 202.5 of appendix U of the New York city building code.*

**§ 28-507.4.2 Rulemaking.** *The department, in consultation with the fire department and the office of emergency management, shall adopt rules governing the occupancy and use, prior to the issuance of a certificate of occupancy or temporary certificate of occupancy, of eligible basement and cellar residences that have been issued an authorization for temporary residence, including minimum housing maintenance standards. Such rules shall:*

- 1. Require occupancy of an eligible basement or cellar residence by not more than 1 family maintaining a common household;*
- 2. Prohibit an owner or occupant from renting or offering to rent such eligible basement or cellar residence for less than 30 consecutive days; and*
- 3. Prohibit registration of such residence for short-term rental pursuant to chapter 31 of title 26.*

*Except as otherwise provided in such rules, the provisions of chapter 2 of title 27 shall not apply to such eligible basement and cellar residences.*

**§ 28-507.4.3 Vacate orders.** *The department, the department of housing preservation and development, or the fire department may stay an order to vacate an eligible basement or cellar residence once an owner has applied for authorization for temporary residence or at any time following the issuance of an authorization for temporary residence.*

**§ 28-507.4.4 Expiration of authorization for temporary residence.** *An authorization for temporary residence expires 10 years after the date of its issuance. Prior to such expiration date, the owner must obtain a certificate of occupancy or temporary certificate of occupancy for such residence in accordance with section 28-507.6. An owner must comply with the conditions set forth in section 28-507.4.5 during such 10-year period. The issuance of an authorization for temporary residence allows occupancy of the eligible basement or cellar residence prior to the issuance of a certificate of occupancy or temporary certificate of occupancy.*

**§ 28-507.4.5 Requirements for maintaining an authorization for temporary residence.** *An authorization for temporary residence shall be subject to the requirements set out in sections 28-507.4.5.1, 28-507.4.5.2, and 28-507.4.5.3*

**§ 28-507.4.5 .1 Requirements within 3 months.** *Not later than 3 months following the date such authorization is issued, the owner must submit documentation in a form and manner determined by the department establishing that:*

- 1. Such eligible basement or cellar residence has smoke and carbon monoxide alarms in accordance with sections U103.6.2 and U103.6.3 of appendix U of the New York city building code;*
- 2. Such eligible basement or cellar residence has water sensors and alarms in accordance with section U202.11 of appendix U of the New York city building code;*
- 3. Such eligible basement or cellar residence has the required signage posted in a manner prescribed by chapter 2 of title 27 and the rules of the department of housing preservation and development; and*

4. The owner has notified any tenants in such eligible basement or cellar residence about enrollment in an emergency alert system operated by the office of emergency management.

**§ 28-507.4.5.2 Authorization requirements within 1 year.** Not later than 1 year following the date such authorization is issued, the owner must submit documentation in a form and manner determined by the department establishing that such eligible basement or cellar residence:

1. Complies with the fire separation standards set forth in section U202.7 of appendix U of the New York city building code; and

2. Is tested and meets the standard set forth in rules promulgated by the department of health and mental hygiene in consultation with the mayor's office of environmental remediation, in accordance with sections U202.9 and U202.10 of appendix U of the New York city building code.

**§ 28-507.4.5.3 Authorization requirements within 2 years.** Not later than 2 years following the date such authorization is issued, the owner must submit documentation in a form and manner determined by the department establishing that such eligible basement or cellar residence has an automatic sprinkler system in accordance with section U103.6.1 of Appendix U of the New York city building code and section 28-507.9, provided, however, that notwithstanding any provision of this article or the multiple dwelling law, in no case shall the addition of an eligible basement or cellar residence require the installation of an automatic sprinkler outside of the eligible basement or cellar residence, or outside of the means of egress from such residence.

**§ 28-507.4.6 Additional safety or construction requirements.** An eligible basement or cellar residence must be in compliance with any additional safety or construction requirements established pursuant to rules promulgated by the department in consultation with the fire department and the office of emergency management.

**§ 28-507.5 Deferral or waiver of penalties by the department.** Payment of any civil penalties for violations issued by the department that would otherwise be required to be paid by an owner of an eligible basement or cellar residence before the issuance of a permit for alterations to comply with section 28-507.4 may be deferred, and upon issuance of a certificate of occupancy or temporary certificate of occupancy in accordance with section 28-507.6, such deferred amounts may be waived. Notwithstanding the preceding sentence, deferred amounts shall continue to be due and owing to the department. Where an owner fails to comply with the requirements of this article, deferred amounts shall no longer be deferred and payment may be enforced in accordance with this code.

**§ 28-507.6 Certificates of occupancy pursuant to this article.** Notwithstanding any inconsistent provision of the multiple dwelling law, article 118 of chapter 1, or of any other law, where an eligible basement or cellar residence in a one- or two-family home has been issued an authorization for temporary residence in accordance with section 28-507.4, the department may issue a certificate of occupancy pursuant to the article as follows:

1. For a building erected prior to January 1, 1938 that does not have and is not otherwise required to have a certificate of occupancy, issue a partial certificate of occupancy limited to the new or altered apartment in the basement of a building or the new apartment in the cellar of a building.

2. For a building with an existing certificate of occupancy, issue an amended certificate of occupancy limited to the new or altered apartment in the basement of such building or the new apartment in the cellar of such building.

**§ 28-507.6.1 Issuance of an amended or partial certificate of occupancy.** A partial or amended certificate of occupancy shall be issued subject to the following conditions:

1. *Upon inspection, the apartment being created or altered (i) conforms substantially to the approved construction documents, complies with this code and other applicable laws, except as specifically provided in this article, and is safe for occupancy, or (ii) the department upon an inspection certifies that waiver of otherwise applicable requirements is appropriate because such apartment provides for the health and safety of all occupants of such dwelling by alternative means that are no less stringent than the requirements of this article.*
2. *Upon inspection, the required means of egress from all floors of the building comply with this code and other applicable laws.*
3. *A partial or amended certificate of occupancy or a temporary certificate of occupancy may be issued where there are open pre-existing violations in the building. All such open violations, including those specified in the exceptions below, shall remain administratively open and the department may thereafter continue to enforce against such violations until, in accordance with applicable provisions of this code, outstanding penalties are paid and, if applicable, certificates of correction are approved by the department.*

**Exceptions:**

1. *Where a pre-existing violation in parts of the building outside of the new or altered apartment is classified as “immediately hazardous,” the condition that gave rise to the issuance of such immediately hazardous violation must be removed or remedied in accordance with the New York city construction codes and to the satisfaction of the commissioner of buildings, and evidence of such removal or remediation in the form of plans, drawings, photos, affidavits, or a combination thereof, with the signature and seal of a registered design professional or, if applicable, a licensee of the department in the applicable trade, must be submitted to the department prior to the issuance of such amended or partial certificate of occupancy or a temporary certificate of occupancy.*
2. *Any condition that gave rise to a pre-existing violation in the new or altered apartment must be removed or remedied by work performed under permits issued pursuant to this article.*
3. *Notwithstanding any inconsistent provision of this code, including sections 28-118.14 and 28-219.1, a certificate of occupancy or a temporary certificate of occupancy may be issued for a basement or cellar apartment created or altered pursuant to this article where there are outstanding fines and civil penalties for pre-existing violations, provided that such fines and civil penalties may remain due and owing, and the department may thereafter enforce and collect such amounts in accordance with this code, unless such department determines that such fines and civil penalties should be waived in the interest of the program. When determining whether to waive such fines and civil penalties, the department may consider factors including the number and pecuniary amount of fines and civil penalties owed, the financial need of the owner, and the likely effect of such fines and civil penalties on compliance with this code.*

**§ 28-507.6.2 Refusal to issue a certificate of occupancy or temporary certificate of occupancy.** *The department may refuse to issue a certificate of occupancy or a temporary certificate of occupancy pursuant to this section if there are outstanding violations issued by the department, penalties or open permits not signed off related for work performed under permits issued pursuant to this article until such penalties have been paid, such violations have been corrected, including filing certificates of correction, if applicable, and permits have been closed, as required by this code.*

**§ 28-507.6.3 Certificates of occupancy to reference this article.** *Every certificate of occupancy or temporary certificate of occupancy issued for a basement or cellar apartment in a one- or two-family home created or altered pursuant to this article must contain a reference to this article. A partial or amended certificate of occupancy or a temporary certificate of occupancy issued pursuant to section 28-507.6 must*

*contain a note that such certificate of occupancy does not certify compliance with applicable laws with respect to parts of the building outside of the apartment created or altered pursuant to this article.*

**§ 28-507.6.4 Certificate of occupancy for one- or two-family home.** *Where a basement or cellar in a one- or two-family home has been issued an authorization for temporary residence in accordance with section 28-507.4, the department shall issue a certificate of occupancy, temporary certificate of occupancy, partial certificate of occupancy, or amended certificate of occupancy for such dwelling in accordance with the requirements of appendix U of the New York city building code.*

**§ 28-507.6.5 Certificate of occupancy for a multiple dwelling.** *Except as may be provided in the rules of the department, in consultation with the fire department, the office of emergency management, the department of housing preservation and development, the department environmental protection, and the department health and mental hygiene, where a basement or cellar in a multiple dwelling has been issued an authorization for temporary residence in accordance with section 28-507.4, the department shall issue a certificate of occupancy, temporary certificate of occupancy, or amended certificate of occupancy for such dwelling in accordance with the requirements of this code for Group R-2 occupancy.*

**§ 28-507.7 Waiver of application, permit, and inspection fees by the department.** *The commissioner shall waive all fees, which would otherwise be required to be paid to the department by this title, the New York city electrical code, or the rules of the department, in connection with applications, permits, and inspections for work in the program area related to the creation or alteration of habitable apartments in basements and cellars where such apartments are officially subsidized under the program administered by the department of housing preservation and development pursuant to section 28-507.12.*

**§ 28-507.8 Waiver of fees by other agencies.** *The department of environmental protection shall waive all fees which would otherwise be required to be paid to such department arising out of the creation or alteration of habitable apartments in basements and cellars where such apartments are officially subsidized under the program administered by the department of housing preservation and development pursuant to section 28-507.12. Any other agency may promulgate rules to waive fees that would otherwise be required to be paid arising out of the creation or alteration of such apartments where such apartments are officially subsidized under the program administered by the department of housing preservation and development pursuant to section 28-507.12, and where such agency determines that such waiver would facilitate such program.*

**§ 28-507.9 Compliance with fire code sprinkler requirements for altered buildings on substandard width streets.** *Any habitable apartment in a basement or cellar created or altered pursuant to section 28-507.3 shall be deemed to be an alteration subject to exception 5.1 of section 501.4.3.1 of the New York city fire code.*

**§ 28-507.10 Construction.** *Except as specifically provided in this article, nothing in this article is intended to grant authorization for any work to be done in any manner in violation of the provisions of this code, or any other law or rule.*

**§ 28-507.11 Enforcement and revocation.** *The provisions of this article shall be enforced in accordance with section 28-507.11.1, 28-507.11.2, and 28-507.11.3.*

**§ 28-507.11.1 Violations.** *Violations of this article and rules of the department promulgated pursuant to this article shall be subject to enforcement and penalties in accordance with chapter 2 of this title. Notices of violation, administrative summonses, and appearance tickets may be issued by employees of the department or the fire department.*

**§ 28-507.11.2 Inspections and revocation.** *The department and the fire department may inspect eligible basement or cellar residence participating in the program authorized by this article in accordance with applicable law. The department may, after notice and opportunity to be heard, revoke an authorization for temporary residence where 3 or more violations of this article or rules of the department promulgated*

*pursuant to this article have been committed within a 1 year period, or where any violation of section 28-507.4 has been committed.*

**§ 28-507.11.3 Reinstatement of prior actions upon expiration or revocation.** *Where an authorization for temporary residences expires or is revoked before a certificate of occupancy or temporary certificate of occupancy is issued for an eligible basement or cellar residence, the department, the department of housing preservation and development, or the fire department may, as applicable, take any of the follow actions:*

- 1. Issue a vacate order if the basement or cellar is occupied.*
- 2. Reinstatement any prosecution for illegal occupancy that was deferred or waived pursuant to this article.*
- 3. Reinstatement and commence collection of any penalties that were deferred or waived pursuant to sections 28-507.5 or 28-507.6, including interest that would have accrued from the time of such deferral or waiver.*

**§ 28-507.12 Technical assistance and outreach.** *The department of housing preservation and development shall establish a program to provide technical assistance to owners of eligible basement or cellar residences that are contained within one-family or two-family homes and conduct public education and outreach to owners of dwellings such department determines are likely to include eligible conversions.*

**§ 28-507.13 Tenant protections.** *Protections for a tenant of an eligible basement or cellar residence shall be in accordance with sections 28-507.13.1, 28-507.13.2, and 28-507.13.3.*

**§ 28-507.13.1 Certification of rental status as of April 20, 2024.** *An application for authorization for temporary residence pursuant to section 28-507.4 must be accompanied by a certification from the owner of an eligible basement or cellar residence indicating whether such residence was rented to a tenant on April 20, 2024, notwithstanding whether the occupancy of such residence was authorized by law. Such certification may not be used as the basis for an enforcement action for the illegal occupancy of such unit, provided however that nothing in this article shall prevent the issuance of a vacate order for imminently hazardous or unsafe conditions.*

**§ 28-507.13.2 Tenant right of first return.** *A tenant in occupancy of an inhabited eligible basement or cellar residence on April 20, 2024 who is evicted or otherwise removed from such residence as a result of an alteration necessary to bring such residence into compliance with the standards set out in this article shall have a right of first refusal to return to such unit as a tenant upon its first occupancy following such alteration, notwithstanding whether such occupancy on April 20, 2024 was authorized by law, subject to rules established by the department of housing preservation and development.*

**§ 28-507.13.3 Tenant cause of action.** *A tenant unlawfully denied a right of first refusal to return to an eligible basement or cellar residence pursuant to this article shall have a cause of action in any court of competent jurisdiction for compensatory damages or declaratory and injunctive relief as the court deems necessary in the interests of justice, provided that such compensatory relief shall not exceed the annual rental charges for such eligible basement or cellar residence.*

**§ 28-507.14 Application deadline.** *To participate in the temporary residence program, the owner of an eligible basement or cellar residence must apply for authorization for temporary residence pursuant to section 28-507.4 not later than April 20, 2029.*

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

PIERINA A. SANCHEZ, *Chairperson*; ERIC DINOWITZ, OSWALD J. FELIZ, SHAUN ABREU, ALEXA AVILÉS, LINCOLN RESTLER; 6-0-0; *Absent*: Crystal Hudson; Committee on Housing and Buildings, December 5, 2024. *Other Council Members Attending: Council Members Brewer, Ayala, Brooks-Powers, Banks, Ossé, Nurse, Salaam and Williams.*

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

Report for Int. No. 1128-A

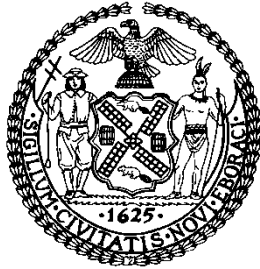
**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the building code of the city of New York and the New York city fire code, in relation to construction of ancillary dwelling units.**

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on November 21, 2024 (Minutes, page 3941), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 654-A printed above in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 1128-A:*



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

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

**RICHARD LEE, FINANCE DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INT. NO: 1128-A**

**COMMITTEE: Housing and Buildings**

**TITLE:** A Local Law to amend the building code of the city of New York and the New York city fire code, in relation to construction of ancillary dwelling units.

**SPONSOR(S):** Council Members Sanchez, Louis, Fariás and Rivera (by request of the Mayor).

**SUMMARY OF LEGISLATION:** Proposed Int. 1128-A would set forth eligibility and design requirements for ancillary dwelling units (“ADUs”) in one- or two-family dwellings. Specifically, the proposed legislation would

require ADUs to have separate utilities from the primary dwelling, including heating, ventilation, air-conditioning, electrical, and gas systems. Additionally, this bill would require ADUs to have separate entrances, with basement ADUs required to have at least one means of egress and cellar ADUs required to have at least two means of egress. This bill would also set forth required means of fire prevention in ADUs, including fire separation, automatic sprinklers, smoke alarms, and exit stairways. Additionally, this bill would set forth requirements for light, ventilation, window size, emergency service access to units, and occupancy. Finally, this bill would prohibit basement and cellar ADUs in coastal and inland flood hazard areas, to mirror such prohibitions in the New York City Zoning Resolution.

**EFFECTIVE DATE:** 180 days after becoming law

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal Year 2026

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY25</b>	<b>FY Succeeding Effective FY26</b>	<b>Full Fiscal Impact FY26</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is estimated that there would be no impact on revenues resulting from the enactment of Proposed Int. No. 1128-A.

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

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

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

**ESTIMATE PREPARED BY:** Daniel Kroop, Principal Financial Analyst

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

**LEGISLATIVE HISTORY:** This legislation was introduced as a Pre-considered Introduction at a hearing of the Committee on Housing and Buildings (the Committee) on November 19, 2024, and was subsequently laid over. The legislation was introduced to the full Council on November 21, 2024, as Int. No. 1128. The legislation was subsequently amended and the amended version, Proposed Int. No. 1128-A, will be considered by the Committee at a hearing on December 5, 2024. Upon majority affirmative vote by the Committee, Int. No. 1128-A will be submitted to the full Council for a vote on December 5, 2024.

**DATE PREPARED:** December 4, 2024.

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

(The following is the text of Int. No. 1128-A:)

Int. No. 1128-A

By Council Members Sanchez, Farías, Rivera and Hanks (by request of the Mayor).

**A Local Law to amend the building code of the city of New York and the New York city fire code, in relation to construction of ancillary dwelling units**

*Be it enacted by the Council as follows:*

Section 1. The New York city building code is amended by adding a new appendix U to read as follows:

**APPENDIX U**  
**ANCILLARY DWELLING UNITS**  
**SECTION BC U101**  
**GENERAL**

**U101.1 Scope.** Except as modified by the express provisions of this appendix, an ancillary dwelling unit shall be constructed on the same tax lot as a one- or two-family dwelling in accordance with the requirements of this code.

**U101.1.1 Multiple dwelling law.** Where the ADU is located within the same building as the primary dwelling, and the total number of dwelling units of such building exceeds 2, the entire building shall be classified as Group R-2 occupancy and comply with all applicable requirements of Group R-2 occupancy in this code and the *New York State Multiple Dwelling Law* as applicable, except for basement and cellar units in the program area pursuant to Section U202.12. Buildings constructed as Type V construction may not be converted or altered to a three-family dwelling, except for eligible conversions made habitable pursuant to U202.12.

**U101.2 General conditions.** Any ADU permitted pursuant to this appendix must comply with the following conditions:

1. An ADU shall only be permitted to be associated with a primary dwelling that is classified in occupancy Group R-3.
2. An ADU shall not be used as a care facility providing custodial care to any persons pursuant to Section 310.5.
3. An ADU shall not be constructed in the rear yard, as such term is defined by the *New York City Zoning Resolution*, of an attached one- or two-family dwelling.
4. An ADU in a cellar must have a clear ceiling height that is at least 2 feet above the grade plane.

**U101.3 Types of ADUs.** Where permitted by the *New York City Zoning Resolution*, no more than 1 ADU may be constructed on each tax lot, in 1 of the following locations:

1. Above the grade plane, adjoining, or within the same building as the one-family dwelling, including attic or enlargement, constructed in accordance with Section U201.
2. In the basement or cellar of the building containing the primary dwelling, constructed in accordance with Section U202.
3. Separated by a fire wall from the two-family dwelling, constructed in accordance with Section U203.
4. Detached from the primary dwelling, constructed in accordance with Section U204.
5. Manufactured home, installed in accordance with Section U205.



**U101.4 Certificate of occupancy.** No ADU shall be occupied for dwelling purposes without a certificate of occupancy issued by the commissioner to permit such ADU in accordance with Section 28-118.3 of the *Administrative Code*. An ADU constructed in accordance with Section U203, U204, or U205 shall require a separate certificate of occupancy from the primary dwelling unit. An ADU constructed in accordance with Section U201 and U202 shall require a new or amended certificate of occupancy for all the primary dwelling units and the ADU. In addition to Section 28-118.6 of the *Administrative Code*, such certificate of occupancy shall indicate the following as applicable:

1. An ADU located in the basement or cellar shall be identified as “ADU Apartment U per BC U202”.
2. An ADU located in the basement or cellar in the program area, as defined in Section U202.2, shall be identified as “ADU Apartment U per BC U202 and MDL Art 7-D”.
3. An ADU with the main entrance opening to the rear yard shall be identified as “ADU Apartment R”.
4. All ADUs shall have “Ancillary Dwelling Unit per ZR 12-10 and BC Appendix U” in the comment.
5. An ADU located in the basement or cellar shall be indicated in the applicable flood area designation where the premises are located, in accordance with Section U202.3.1.

**Exception:** Notwithstanding Section 28-118.3 of the *Administrative Code*, where an authorization for temporary residence is issued by the department in accordance with Article 507 of Chapter 5 of Title 28 of the *Administrative Code* and Section U202.12, a basement or cellar ADU shall be permitted to be occupied for dwelling purposes without the certificate of occupancy.

**U101. 5 Department rules.** The department shall consult with the fire department and the office of emergency management in promulgating any standard protective of health and safety pursuant to this Appendix.

## **SECTION BC U102** **DEFINITIONS**

**U102.1 Definitions.** The following words and terms shall, for the purposes of this appendix, have the meanings shown herein:

**ANCILLARY DWELLING UNIT (ADU).** Where permitted by *New York City Zoning Resolution*, the dwelling unit additional to a one- or two- family dwelling, providing permanent provisions for both sanitation and kitchen facilities, occupied or arranged to be occupied by not more than one family maintaining a common household.

**MANUFACTURED HOME.** Shall mean a manufactured home, as such term is defined in Section 202, and factory manufactured home, as such term is defined in Section 372 of the *New York State Executive Law*.

**PRIMARY DWELLING.** The one- or two- family dwelling to which the ADU is ancillary.

## **SECTION BC U103** **GENERAL REQUIREMENTS**

**U103.1 Scope.** All ADUs shall comply with this section and the applicable requirements in Sections U201 through U205.

**U103.2 Light and ventilation of the primary dwelling.** The creation of an ADU shall not diminish the light or ventilation of any habitable rooms of the primary dwelling in any way not in compliance with Chapter 12.

**U103.3 Light and ventilation of ADU.** All habitable rooms within an ADU shall be provided with natural ventilation in accordance with Section 1203.5 and natural light in accordance with Section 1205.2.

**U103.4 Separate entrance required.** An ADU shall be provided with a separate entrance from that serving the dwelling units of the primary dwelling, either from the exterior of the primary dwelling or directly from a public corridor within the primary dwelling.

**U103.5 Separate utility required.** An ADU shall be provided with a heating, ventilation, and air-conditioning system, electrical system, and gas piping in accordance with Section U103.5.1 through U103.5.4, provided that an ADU on a tax lot where the total number of dwelling units exceeds 2, other than an ADU constructed in accordance with section U202, shall be provided with a heating, ventilation, and air-conditioning system, electrical system, and gas piping that is separate from the primary dwelling.

**U103.5.1 Heating, ventilation, and air-conditioning systems.** A primary dwelling and an ADU shall be provided with:

1. Return air openings for heating, ventilation, and air-conditioning that are not taken from another dwelling unit.
2. Separate climate controls.

**U103.5.2 Electrical systems.** A primary dwelling and an ADU shall be provided with:

1. Ready access to the service disconnecting means serving the dwelling unit.
2. Ready access for each occupant to all overcurrent devices protecting the conductors supplying each dwelling unit.

**U103.5.3 Gas piping.** Where an ADU is served by gas piping, such piping shall be provided with:

1. Ready access for each occupant to shutoff valves serving the dwelling unit in which such occupant resides.
2. Ready access for each occupant to appliance shutoff valves serving appliances in the dwelling unit in which such occupant resides.

**U103.5.4 Water service.** A primary dwelling and an ADU may share a common potable water system, provided that there are separate, accessible main shutoff valves allowing the water to be turned off for each unit without affecting any other unit.

**U103.6 Fire protection system.** ADUs shall be provided with a fire protection system in accordance with Chapter 9 unless otherwise prescribed in Section U103.6.1 through U103.6.3.

**U103.6.1 Automatic sprinkler system.** Where the ADU is permitted to be classified as an R-3 occupancy by this code, the exception in Section 903.2.8 shall not apply to such ADU and such ADU shall be provided with an automatic sprinkler system throughout the ADU in accordance with NFPA 13D as modified by Appendix Q.

**U103.6.1.1 Sprinkler of basement or cellar ADU.** Where permitted by Section U202.12, notwithstanding Section 901.9.2, the primary dwelling shall not be required to be sprinklered as a Group R-2 occupancy where the basement or cellar ADU is sprinklered in accordance with NFPA 13D as modified by Appendix Q and the building is provided with fire department access as described in Section 501.4.3.1 of the *New York City Fire Code*. The alteration or creation of such a basement or cellar ADU shall be deemed to be an alteration subject to exception 5.1 of section 501.4.3.1 of the *New York City Fire Code*.

**U103.6.2 Smoke alarm.** All ADUs shall be provided with smoke alarms in accordance with Section 907.

**U103.6.3 Carbon monoxide alarm.** All ADUs shall be provided with carbon monoxide alarms in accordance with Section 915.

**U103.6.4 Gas alarm.** Where gas service is provided in an ADU, gas alarms shall be required in accordance with Section 918.

**U103.7 Emergency escape and rescue openings.** All habitable rooms of an ADU shall be provided with emergency escape and rescue openings in accordance with Section 1025 of the *New York City Fire Code* and Section 1030.

**U103.8 Fire department access.** For the purpose of Section 501.3.1, an ADU shall be considered as an accessory building. Notwithstanding any inconsistent provisions of Section 501.3.2, where the main entrance to the ADU is set back no more than 100 feet from the curb line, a fire department access path shall be provided in accordance with Table U103.8. Protruding objects, projections, or overhangs shall not reduce such minimum clear width. Such access path shall open to the sky and be unobstructed between the street and such ADU.

**TABLE U103.8  
MINIMUM CLEAR WIDTH OF FIRE DEPARTMENT ACCESS PATH AND MAXIMUM NUMBER  
OF STORIES OF AN ADU**

<u>Width of fire department access path</u>	<u>ADU arrangement <sup>a</sup></u>	<u>Sprinkler <sup>c</sup></u>	<u>Fire district</u>	<u>Construction class</u>	<u>Maximum building height in stories</u>	<u>Fire separation distance</u>
<u>5 ft</u>	<u>Attached <sup>b</sup>, detached, manufactured home</u>	<u>SP</u>	<u>Outside</u>	<u>All</u>	<u>2</u>	<u>As permitted by Table 602</u>
<u>5 ft</u>	<u>Attached <sup>b</sup>, detached, manufactured home</u>	<u>SP</u>	<u>Inside</u>	<u>IA, IB, IIA, IIB, IIIA, IIIB, VA</u>	<u>2</u>	<u>As permitted by Table 602</u>
<u>5 ft</u>	<u>Attached <sup>b</sup>, detached, manufactured home.</u>	<u>SP</u>	<u>Inside</u>	<u>VB</u>	<u>1</u>	<u>As permitted by Table 602</u>
<u>8 ft</u>	<u>Attached <sup>b</sup>, detached, manufactured home</u>	<u>SP</u>	<u>Inside</u>	<u>All</u>	<u>2</u>	<u>As permitted by Table 602</u>

a. "Attached" shall refer to ADUs constructed in accordance with Section U203. "Detached" shall refer to ADUs constructed in accordance with Section U204. "Manufactured home" shall refer to ADUs constructed in accordance with Section U205.

b. The construction class of an attached ADU shall not be lower than the primary dwelling in accordance with U203.3.1.

c. "SP" shall refer to ADUs sprinklered in accordance with this Appendix.

**U103.9 Sustainable roofing zones.** An ADU with a roof constructed pursuant to Section U202.3 or U202.4 shall be exempt from the requirements for a sustainable roofing zone pursuant to Section 1512 for any roof construction attributed to such ADU.

**SECTION BC U201  
ABOVE GRADE ADU WITHIN A ONE-FAMILY PRIMARY DWELLING**

**U201.1 Scope.** An ADU located entirely above the grade plane and adjoining or within the same building of the one-family dwelling shall be constructed in accordance with Section U103 and Sections U201.2 through U201.4.

**Exception:** ADUs constructed in accordance with this section, other than ADUs constructed in an attic, shall not be required to comply with Section U103.6.1.

**U201.2 Occupancy classification.** Where the ADU is adjoining or within the same building as a one-family dwelling, both the ADU and the primary dwelling unit shall be classified as Group R-3 occupancy and shall comply with all applicable requirements of Group R-3 occupancy in this code.

**U201.3 Fire separation.** The ADU shall be separated from the primary dwelling by a fire barrier having at least a one-hour fire-resistance rating meeting the requirements of Section 420.

**U201.4 Exit stairway.** The exit stair required by Section 1006.3.2 may be constructed as an interior or exterior stair serving a Group R-3 occupancy in accordance with Chapter 10. Where an interior stair is provided, such interior stair shall be enclosed in accordance with Section 1023. Where an exterior stair is provided, such exterior stair shall be permitted to be constructed of combustible materials where all of the following conditions are met:

1. The stair is at least 10 feet away from any lot line or wall of any other building on the same tax lot;
2. Sprinklers are provided throughout the ADU in accordance with Section U103.6.1;
3. The building is lawfully constructed as Type V construction; and
4. The stair is constructed in accordance with Section 1011.7.2.

## **SECTION BC U202** **ADU IN A BASEMENT OR CELLAR**

**U202.1 Scope.** An ADU located in a basement or cellar of an existing one- or two-family dwelling shall be constructed in accordance with Section U103 and Sections U202.2 through U202.12, as required by this section.

**U202.2 Definitions.** The following words and terms shall, for the purposes of this section, have the meanings shown herein:

**10-YEAR RAINFALL FLOOD RISK AREA.** Shall have the same definition as such term is defined in Section 24-809 of the *Administrative Code*.

**COASTAL FLOOD RISK AREA.** Shall have the same definition as such term is defined in Section 24-809 of the *Administrative Code*.

**COMMUNITY DISTRICT.** A community district established pursuant to chapter 69 of the *New York City Charter*.

**ELIGIBLE BASEMENT OR CELLAR RESIDENCE.** A basement or cellar in an existing dwelling within the program area, unlawfully arranged to be occupied as an apartment and with kitchen and sanitation facilities acceptable to the department, and which apartment was in existence prior to April 20, 2024.

**PROGRAM AREA.** As permitted by Section 289 of the *New York State Multiple Dwelling Law*, Bronx community district 9; Bronx community district 10; Bronx community district 11; Bronx community district 12; Brooklyn community district 4; Brooklyn community district 10; Brooklyn community district 11; Brooklyn community district 17; Manhattan community district 2; Manhattan community district 3; Manhattan community district 9; Manhattan community district 10; Manhattan community district 11; Manhattan community district 12; and Queens community district 2 and such other community districts as may be authorized pursuant to such section.

**U202.3 Prohibited locations.** An ADU shall not be permitted in a basement or cellar of a building in the following locations, except as otherwise provided pursuant to the *New York City Zoning Resolution*:

1. Within the special flood hazard area in accordance with Appendix G.
2. Within the 10-year rainfall flood risk area.
3. Within the coastal flood risk area.

**U202.3.1 Identification of flood hazard areas.** Where an ADU is permitted in accordance with Section U202.3, the construction documents for the ADU shall include a statement to certify that the premises are not located in any one of the following flood hazard areas:

1. Special flood hazard area, in accordance with Section G201.
  - 1.1 Coastal A-zone.
  - 1.2 Coastal high-hazard area.
  - 1.3 A-zone.
2. 10-year rainfall flood risk area.
3. Coastal flood risk area.

Each such statement shall be accompanied with the applicable flood area map.

**U202.4 Applicability.** Where permitted by this code, a basement or cellar ADU may be permitted if 1 of the following conditions is met:

1. In the program area, eligible basement or cellar residences may be made habitable in accordance with Article 507 of Chapter 5 of Title 28 of the *Administrative Code* and Section U202.12.
2. An existing basement or cellar space in a one-family dwelling may be converted to 1 ADU in accordance with Sections U202.5 through U202.11.
3. An existing basement or cellar space in a two-family dwelling may be converted to 1 ADU in accordance with all applicable requirements of the *New York State Multiple Dwelling Law*. Such ADU shall be classified as a Group R-2 occupancy and comply with all the requirements of Group R-2 occupancy in this code.

**U202.4.1 Occupancy.** Notwithstanding Section 27-751 of the *1968 Building Code*, Section 27-2087 of the *Housing Maintenance Code*, Section 1208.2, and any applicable laws in existence prior to December 6, 1968, a basement or cellar ADU in a one-family dwelling may be occupied in accordance with the provisions of this Appendix, or a basement or cellar ADU in a one- or two-family dwelling in the program area may be occupied in accordance with Article 507 of Chapter 5 of the *Administrative Code*.

**U202.5 Minimum ceiling height.** Notwithstanding Section 1208.2, all habitable rooms in basements shall have a minimum clear ceiling height of 7 feet (2.1 meters). The minimum clear ceiling height of all habitable rooms in a cellar shall be 7 feet (2.1 meters).

**U202.6 Window requirements.** Each habitable room shall have at least 1 window with 6 square feet (.55 m<sup>2</sup>) of openable area to provide natural ventilation as required pursuant to Section 1203.5.1.2.1. The total net glazed area of all windows shall be not less than 10 percent of the floor area of the room served, or 12 square feet (1.1 m<sup>2</sup>), whichever is greater. Such area may include glazed areas in doors providing light directly into such room.

**U202.6.1 Portions of windows below grade.** Portions of windows below grade plane may be included in calculations of such minimum net glazed area required to provide natural light where all the following conditions are met:

1. The window head is located not more than 6 inches (152 millimeters) below the lowest permitted projection below ceiling height; and
2. Such portions are surrounded by a window well or similar open area that:
  - 2.1 is at least 6 inches (152 millimeters) deeper than the bottom of the window;
  - 2.2 is at least 3 times as wide, in the direction perpendicular to the window, as the depth below grade plane of such window portions, not to exceed 5 feet (1.5 meters), provided the top of such window is at least 2 feet (.6 meters) above the adjoining grade;
  - 2.3 is at least twice as wide, in the direction parallel to the window, including 6 inches (152 millimeters) wider on each side, as the depth below grade plane of such window portions; and
  - 2.4 is provided with a drain to prevent any ponding of storm water, in accordance with Chapter 11 of the *New York City Plumbing Code*;

3. No cantilever, permanent shading structure, or other obstruction, is less than 3 feet (.9 meters) above the window head or protrudes more than 1 foot (.3 meters) in the direction perpendicular to the window; and

4. No other encroachment or obstruction is within the window well, except as otherwise required by this code. Supplemental steps that provide access to the required yard, court, open space, or street may also be permitted. Where provided, such steps shall be dimensioned in accordance with Section 1011.5 and shall include a landing at the bottom of such window well in accordance with Section 1011.6.

**U202.7 Fire separation.** An ADU in a basement or cellar shall be constructed with the following fire separations:

**1. Boilers and furnaces.** Any boiler or furnace in such ADU must be enclosed and separated from all habitable spaces by a noncombustible fire barrier having at least a 1-hour fire-resistance rating in accordance with Section 707, provided that any opening in such fire barrier shall be protected with a self-closing door.

**2. Stairway enclosure.** Any stairway connecting more than 1 dwelling unit shall be provided with an enclosure in accordance with Section 713. Where the stairway is fully contained within the ADU and such ADU is fully sprinklered in accordance with Section U103.6.1, such stairway shall be permitted to be unenclosed.

**3. Existing above grade unit.** The ADU must be separated from all other dwelling units by noncombustible construction having at least a 1-hour fire-resistance rating meeting the requirements of Section 420.

**U202.8 Means of egress.** An ADU in a basement or cellar shall be provided with means of egress in accordance with this section.

**U202.8.1 Emergency escape and rescue openings.** All sleeping rooms shall be provided with at least 1 emergency escape and rescue opening in accordance with Section 1030.

**U202.8.2 Means of egress from a basement ADU.** An ADU in a basement shall be provided with at least 1 means of egress exterior door opening directly to the outdoors in accordance with Chapter 10, including access to a public way. Such exterior door shall swing inward and be provided with landings on both the interior and exterior sides in accordance with Section 1010.1.6, excepted as provided in Section U202.8.4.

**U202.8.3 Means of egress from a cellar ADU.** An ADU in a cellar shall be provided with at least two means of egress doors, remotely located from each other. In addition, the following shall be provided:

1. At least 1 means of egress door shall be an exterior door opening directly to the outdoors in accordance with Chapter 10, including access to the public way, even if compliance with such standards is not otherwise required by Chapter 10 or any other law. Such exterior door shall swing inward and be provided with landings on both the interior and exterior sides of the door in accordance with Section 1010.1.6, excepted as provided in Section U202.8.4.

2. Such cellar shall be considered as a story above a grade plane for the purpose of complying with Chapter 9 and Chapter 10.

**U202.8.4 Landing exception.** An exterior landing shall not be required where the landing or floor on the exterior side is no more than 7.75 inches (197 millimeters) below the top of threshold of the exit door, and the door does not swing over the landing or floor.

**U202.9 Radon levels.** No certificate of occupancy or temporary certificate of occupancy may be issued for an ADU located in a basement or cellar unless a certification is submitted to the commissioner that the level of radon in such ADU is tested in accordance with, and meets the standards set forth in rules promulgated by the department of health and mental hygiene, in consultation with the department, the fire department, and the office of emergency management.

**U202.10 Vapor levels.** No certificate of occupancy or temporary certificate of occupancy shall be issued for an ADU located in a basement or cellar unless a certification is submitted to the commissioner that the vapor level in such ADU is tested in accordance with, and meets the standards set forth in rules promulgated by the department of health and mental hygiene, in consultation with the mayor's office of environmental remediation, the department, the fire department, and the office of emergency management.

**U202.11 Basic stormwater prevention requirements.** An ADU located in a basement or cellar shall comply with the following:

**1. Water sensor and alarm.** Every habitable room shall be provided with at least 1 water sensor with backup battery power to warn the occupants in the event of a flood. The department may promulgate rules to supplement the requirement of such water sensors and alarms.

**2. Emergency preparedness information.** The owner shall post all required signage in a manner prescribed by the *Housing Maintenance Code* and the rules of the department of housing preservation and development and shall notify any tenants about enrollment in an emergency alert system operated by the office of emergency management.

**U202.12 Special requirements for certain basement or cellar ADUs.** The department may issue an authorization for temporary residence in accordance with Article 507 of Chapter 5 of Title 28 of the *Administrative Code*. An eligible basement or cellar residence in the program area shall comply with the provisions of such article and the rules of the department.

### **SECTION BC U203**

#### **ADU SEPARATED BY A FIRE WALL FROM A TWO-FAMILY PRIMARY DWELLING**

**U203.1 Scope.** An ADU separated from the primary two-family dwelling by a fire wall that is constructed of concrete or masonry in accordance with Section 706 shall be constructed in accordance with all applicable requirements of a Group R-3 occupancy of this code, except as provided by in Section U103 and Sections U203.2 through U203.7.

**U203.1.1 Occupancy classification.** Where the ADU is separated from the primary two-family dwelling by a fire wall, both the ADU and the primary dwelling unit shall be classified as Group R-3 occupancy and shall comply with all applicable requirements of Group R-3 occupancy in this code.

**U203.2 Subgrade space limitation.** The ADU shall be located above the grade plane. The finished ground level of an under-floor space below the story above the grade plane shall be level with or higher than the outside finished ground level on at least 1 side.

**U203.3 Separate building required.** The ADU shall be constructed as a separate building from the primary dwelling. Both the ADU and the primary dwelling shall provide:

1. All vertical circulation and exit systems required by this code without entering the other building.
2. All fire protection systems required by this code without reliance on the other building. A shared water supply in accordance with Section U103.5.4 shall be permitted.

**U203.3.1 Construction class.** The construction class of an attached ADU shall not be lower than the primary dwelling.

**U203.4 Exterior walls.** Construction, projections, openings and penetration of exterior walls of an ADU shall comply with Sections 602 and 705.

**U203.5 Maximum building height.** The maximum building height of the ADU shall be determined in accordance with Section U103.8.

**U203.6 Type V construction in fire districts.** Notwithstanding Section D105.1, an ADU completely or partially located inside the fire districts, as established in Section D101.2, is permitted to be constructed as Type V in accordance with Section U103.8.

**U203.7 Flood mitigation.** The department may promulgate rules relating to requirements for flood mitigation applicable to an ADU in the coastal flood risk area or 10-year rainfall flood risk area.

#### **SECTION BC U204** **ADU DETACHED FROM THE PRIMARY DWELLING**

**U204.1 Scope.** An ADU detached from the primary dwelling shall be constructed in accordance with the *New York City Zoning Resolution* and all requirements of Group R-3 occupancy in this code, except as provided by Section U103, Sections U203.2 and U203.4 through U203.7, and Section U204.2.

**U204.1.1 Occupancy classification.** Where the ADU is detached from the primary dwelling, both the ADU and the primary dwelling unit shall be classified as Group R-3 occupancy and shall comply with all applicable requirements of Group R-3 occupancy in this code.

**U204.2 Egress arrangement.** The ADU shall provide all vertical circulation and exit systems required by this code without entering the primary dwelling. The construction of an ADU shall not alter the egress requirements for the primary dwelling pursuant to Chapter 10.

#### **SECTION BC U205** **USE OF MANUFACTURED HOMES AS ADUS**

**U205.1 Scope.** Where a manufactured home is permitted by this code, the manufactured home may be used as an ADU in accordance with Section U103, U203, U204, and rules of the department.

§ 2. Section 503.2.4.1 of the New York City fire code, as amended by local law number 47 for the year 2022, is amended to read as follows:

**503.2.4.1 Group R-3 occupancies set back 100 feet or less.** The fire apparatus access road to a Group R-3 building with any main front entrance located more than 40 feet (12192 mm) but not more than 100 feet (30 480 mm) from the street line (as measured along the route of the fire apparatus access road) may be designed and constructed in compliance with the requirements of the Building Code for driveways where:

1. The driveway is designed and is used exclusively to provide access only to a single Group R-3 building and no more than 1 ancillary dwelling unit, as defined in Section U102 of the Building Code, and to no other buildings; and
2. The height of the Group R-3 building or an ancillary dwelling unit does not exceed 35 feet (10 668 mm) above the grade plane (with the terms "building height" and "grade plane" having the meanings set forth in Section BC 502.1 of the Building Code); and
3. The driveway provides access to the frontage space of each occupancy, except as otherwise provided in FC 504.1.2; and
4. The dwelling units are equipped with interconnected smoke alarms, in accordance with Section [907.2.10] 907.2.11 of the Building Code.

§ 3. Section 504.1.2 of the New York City fire code, as amended by local law number 47 for the year 2022, is amended to read as follows:

**504.1.2 Occupancies with separate entrances.** When a building contains more than one occupancy or is primary to a semi-attached or detached ancillary dwelling unit, as defined by Section U102 of the Building Code, and separate entrances are provided for individual occupancies, there shall be a main front entrance for each



such occupancy, and a separate frontage space shall be provided for each main front entrance, except that a second frontage space is not required for a two-family Group R-3 occupancy or a dwelling unit ancillary to a one-family or two-family Group R-3 occupancy if unobstructed access, 5 feet (1524 mm) in width, is provided to the rear yard and to the main front entrance of any dwelling unit from either side of the building that is not directly accessible from the public street, fire apparatus access road, or driveway. An open accessory parking area not less than 5 feet (1524 mm) in width shall be sufficient to constitute unobstructed access to the rear yard, regardless of the presence of parked vehicles in such parking area.

**504.1.2.1 Detached ancillary dwelling units.** A detached ancillary dwelling unit is not required to provide frontage space if access to the main front entrance of the detached ancillary dwelling unit is provided in accordance with the requirements for unobstructed access set forth in FC 504.1.2 and Table U103.8 of Appendix U of the Building Code.

§ 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 establishing a pilot program to convert existing basement or cellar apartments to habitable dwelling units, as proposed introduction number 1127 for the year 2024, takes effect.

PIERINA A. SANCHEZ, *Chairperson*; ERIC DINOWITZ, OSWALD J. FELIZ, SHAUN ABREU, ALEXA AVILÉS, LINCOLN RESTLER; 6-0-0; *Absent*: Crystal Hudson; Committee on Housing and Buildings, December 5, 2024. *Other Council Members Attending*: Council Members Brewer, Ayala, Brooks-Powers, Banks, Ossé, Nurse, Salaam and Williams.

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

### **Report of the Committee on Rules, Privileges and Elections**

Report for M-79

#### **Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment of Muriel Goode-Trufant for the position of Corporation Counsel.**

The Committee on Rules, Privileges and Elections, to which the annexed Mayor's Message was referred on November 13, 2024 (Minutes, page 3595) and which same Mayor's Message was coupled with the resolution shown below, respectfully

#### **REPORTS:**

**Topic I: Corporation Counsel – (Candidate for appointment by the Mayor) Muriel Goode-Trufant [M 0079-2024]**

Pursuant to Sections 31 and 391 of the New York City Charter, and by letter dated October 25, 2024, Mayor Eric Adams presented the name of Muriel Goode-Trufant to the New York City Council requesting this body's advice and consent.

Section 391(b) of the Charter provides that the Mayor shall submit a nominee for Corporation Counsel to the City Council for its advice and consent within 60 days of a vacancy.

On June 1, 2024, Judge Cynthia Hinds-Radix resigned from the position of Corporation Counsel. Ms. Goode-Trufant has been serving in the role of Acting Corporation Counsel since then.

Today, the Corporation Counsel receives an annual salary of \$253,000.

### **Law Department Powers and Duties**

Chapter 17 of the Charter outlines the powers of the Corporation Counsel and the New York City Law Department. The Charter dictates that the Corporation Counsel shall be the attorney for the City and all City agencies. The Law Department “shall have the charge and conduct of all the law business of the city and its agencies and in which the city is interested.” New York City Charter, Section 394(a).

This mandate includes the ability to institute legal actions on behalf of the City in any court. New York City Charter, Section 394(c). Any settlement requires the approval of the Comptroller. *Id.* The Corporation Counsel is also charged with preparing certain legal papers for the City, including leases, deeds, contracts, and bonds, among other types of legal papers. New York City Charter, Section 394(b).

### **Agency Structure**

Pursuant to Section 392 of the Charter, the Corporation Counsel is authorized to appoint and assign various positions.

The Corporation Counsel “may appoint a first assistant corporation counsel, and such other assistants as may be necessary . . . .” New York City Charter, Section 392(a).

The First Assistant Corporation Counsel “possesses all of the powers” to act as the Corporation Counsel if the Corporation Counsel is absent or disabled, and in case of the death or a vacancy in the office of Corporation Counsel, acts “as the Corporation Counsel until the appointment of a new Corporation Counsel.” New York City Charter, Section 392(b).

Since Judge Cynthia Hind-Radix resigned, the First Assistant Corporation Counsel, Muriel Goode-Trufant, has been serving as the acting corporation counsel.

Assistant Corporation Counsels possess the power to perform duties as assigned by the Corporation Counsel, by written authority filed on record at the Law Department. New York City Charter, Section 392(c).

### **Conclusion**

If appointed, Ms. Goode-Trufant will serve for an indefinite term. Ms. Goode-Trufant will appear before the New York City Council’s Committee on Rules, Privileges, and Elections on November 20, 2024. Copies of Ms. Goode-Trufant’s résumé 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 MURIEL GOODE-TRUFANT [M-79]).*

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to Sections 31 and 391 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby recommends that the Council approve the appointment by the Mayor of Muriel Goode-Trufant for the position of Corporation Counsel.

This matter was heard on November 13, 2024.

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

Res. No. 688

**RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR OF MURIEL GOODE-TRUFANT FOR THE POSITION OF CORPORATION COUNSEL.**

By Council Member Powers.

**RESOLVED**, Pursuant to Sections 31 and 391 of the New York City Charter, the Council hereby approves the appointment by the Mayor of Muriel Goode-Trufant for the position of Corporation Counsel.

KEITH POWERS, *Chairperson*; DIANA I. AYALA, JUSTIN L. BRANNAN, SELVENA N. BROOKS-POWERS, GALE A. BREWER, AMANDA C. FARÍAS, PIERINA A. SANCHEZ, THE SPEAKER (COUNCIL MEMBER ADRIENNE E. ADAMS), 8-1-0; *Negative*: The Minority Leader (Council Member Joseph C. Borelli); *Absent*: Crystal Hudson and Rafael Salamanca, Jr.; Committee on Rules, Privileges and Elections, December 5, 2024.

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

## GENERAL ORDERS CALENDAR

Report for L.U. No. 181 & Res. No. 689

**Report of the Committee on Land Use in favor of approving, as modified, Application number N 240290 ZRY (City of Yes Zoning for Housing Opportunity) submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying multiple Sections to expand opportunities for housing within all zoning districts, Citywide.**

The Committee on Land Use, to which the annexed Land Use item was referred on October 10, 2024 (Minutes, page 3443) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on November 21, 2024 (Minutes, page 3832), respectfully

### REPORTS:

#### SUBJECT

**CITYWIDE**

**N 240290 ZRY**

City Planning Commission decision approving an application submitted by New York City Department of City Planning (DCP), pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying multiple Sections to expand opportunities for housing within all zoning districts, and across all 59 of the City's Community Districts.

#### INTENT

To approve the zoning text amendment of the Zoning Resolution to modify multiple Sections to expand opportunities from housing within all zoning districts and across all 59 of the City's Community Districts to enable more housing and a wider variety of housing types in every neighborhood, from the lowest-density districts to the highest, to address the housing shortage and high cost of housing in New York City.

#### PUBLIC MEETING AND PUBLIC HEARING

***\*Public meeting, with informational presentation by DCP***

On October 21, 2024, the Council's Subcommittee on Zoning & Franchises held a public meeting, which featured a presentation of the proposal by Department of City Planning personnel, including the DCP's Director. The presentation was followed by a question-and-answer session regarding the proposal with those Council Members present.

***\*Public Hearing, held pursuant to Charter §197-d (ULURP)***

**DATE:** October 22, 2024

**Witnesses in Favor:** 168

**Witnesses Against:** 154

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** November 21, 2024

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

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Riley	Hanks	None
Moya	Schulman	
Abreu	Carr	
Salaam		

**COMMITTEE ACTION**

**DATE:** November 21, 2024

The Committee recommends that the Council approve the attached resolution.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Salamanca	Hanks	Brooks-Powers
Moya		
Rivera		
Riley		
Abreu		
Farias		
Hudson		
Sanchez		
Borelli		

**FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSIONS**

The City Planning Commission filed a letter dated \_\_\_\_\_, 2024, with the Council on \_\_\_\_\_, 2024, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 689

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 240290 ZRY, for an amendment of the text of the Zoning Resolution (L.U. No. 181).**

By Council Members Salamanca and Riley.

**WHEREAS**, the New York City Department of City Planning filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying multiple Sections to expand opportunities for housing within all zoning districts, and across all 59 of the City’s Community Districts, Citywide (ULURP No. N 240290 ZRY) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on October 2, 2024, its decision dated September 25, 2024 (the “Decision”), on the Application;

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

**WHEREAS**, upon due notice, the Council held a public meeting on the Decision and Application on October 21, 2024, which included a presentation by the Department of City Planning and a question-and-answer session with members of the Council;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on October 22, 2024;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Positive Declaration issued September 26<sup>th</sup>, 2023 (CEQR No. 24DCP033Y) and a Final Environmental Impact Statement (“FEIS”) for which a Notice of Completion was issued on September 13, 2024, in which the Proposed Action as analyzed in the FEIS identified significant adverse impacts related to community facilities (public elementary schools and early childhood programs), open space, and shadows. Due to the broad applicability of the Proposed Action, potential for significant adverse impacts could not be precluded in the following categories: historic and cultural resources (archaeological resources and architectural resources), visual resources, natural resources, hazardous materials, transportation (traffic, bus, subway, and pedestrians), noise, and construction (transportation and noise). In addition, the identified significant adverse impacts and proposed mitigation measures under the Proposed Action are summarized in Chapter 22, “Mitigation”, and Chapter 23, “Alternatives” of the FEIS. Given the citywide applicability of the Proposed Action and the fact that there are no known development sites at this time, it was not possible to identify any practicable mitigation measures that would reduce or eliminate the potential significant adverse impacts. Therefore, the FEIS concluded that the Proposed Action would result in unavoidable significant adverse impacts. On September 24, 2024, a Technical Memorandum (“Technical Memorandum 001”) was issued, reflecting two modifications (the “Proposed Action with CPC Modifications”), to proposal 1.1: More Floor Area for Affordable and Supportive Housing, and proposal 1.3a: Remove Obstacles to Quality Housing Development on Sites with Existing Buildings- Infill Proposal. Proposal 1.1 would be modified to remove the sunset provision for the ability to generate offsite bonus for use in R10 districts. Proposal 1.3a would be modified to reduce the applicability of the campus infill proposal to exclude sites subject to Section 18 of the United States Housing Act. Technical Memorandum 001 concluded the Proposed Action with CPC Modifications would not result in any new or greater significant adverse impacts not already identified in the FEIS. The Council has also considered a technical memorandum dated \_\_\_\_\_, 2024 (“Technical Memorandum 002”).

**RESOLVED:**

Having considered the FEIS and Technical Memorandum 001 and Technical Memorandum 002 with respect to the Decision and Application, the Council finds that:

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. The environmental impacts disclosed in the FEIS and the Technical Memorandum 001 and Technical Memorandum 002 were evaluated in relation to the social, economic and other considerations associated with the action that are set forth in this report; and
3. Consistent with social, economic and other essential considerations, from among the reasonable alternatives provided in the application, the action as modified is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable.

The Decision, together with the FEIS issued September 13<sup>th</sup>, 2024 and Technical Memorandum 001 dated September 24, 2024, and Technical Memorandum 002 dated \_\_\_\_, 2024 constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d);

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 240290 ZRY, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission, with modifications; see attachment to this Resolution for the full zoning text amendment, as modified by the Council, which is incorporated herein and made a part hereof.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SHAUN ABREU, AMANDA C. FARÍAS, CRYSTAL HUDSON, PIERINA A. SANCHEZ; 8-2-1; *Negative*: Joseph C. Borelli and Kamillah M. Hanks; *Abstain*: Selvena N. Brooks-Powers; Committee on Land Use, November 21, 2024. *Other Council Members Attending: Council Member Brewer.*

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

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

- |      |  |   |
|------|--|---|
| (1)  | <b>M-79 &amp;<br/>Res. No. 688 -</b>                           | Muriel Goode-Trufant to the Council for its advice and consent regarding her appointment to be the Corporation Counsel.                     |
| (2)  | <b>Int. No. 654-A -</b>  | Abatement of taxation for alterations and improvements to certain multiple dwellings.   |
| (3)  | <b>Int. No. 814-A -</b>  | Addressing sewer backups.   |
| (4)  | <b>Int. No. 815-A -</b>  | Creation of a flood risk area map showing both the rainfall risk area and the coastal flood risk area.                                      |
| (5)  | <b>Int. No. 850-A -</b>  | Department of Housing Preservation and Development to report on the disposition of city property for affordable housing development.        |
| (6)  | <b>Int. No. 1022-A -</b>                                       | Study and plan regarding naturally occurring retirement communities and aging in place.   |
| (7)  | <b>Int. No. 1054-A -</b>                                       | 10-year plan to support aging in place.   |
| (8)  | <b>Int. No. 1127-A -</b>                                       | Pilot program to convert existing basement or cellar apartments to habitable dwelling units.  |
| (9)  | <b>Int. No. 1128-A -</b>                                       | Construction of ancillary dwelling units.   |
| (10) | <b>Preconsidered<br/>Res. No. 677 -</b>                        | New designation and changes in the designation of certain organizations to receive funding in the Expense Budget (Transparency Resolution). |
| (11) | <b>Preconsidered<br/>L.U. No. 197 &amp;<br/>Res. No. 685 -</b> | DeKalb Cluster, Bronx, Community District No. 7, Council District No. 11.   |
| (12) | <b>Preconsidered<br/>L.U. No. 198 &amp;<br/>Res. No. 686 -</b> | Morningside I, Manhattan, Community District No. 10, Council District No. 9.  |
| (13) | <b>Preconsidered<br/>L.U. No. 199 &amp;<br/>Res. No. 687 -</b> | Morningside, Manhattan, Community District No. 10, Council District No. 9.  |



(14) **L.U. No. 181 &  
Res. No. 689 -**

**App. N 240290 ZRY (City of Yes  
Zoning for Housing Opportunity)**  
Amendment of the Zoning  
Resolution of the City of New York,  
modifying multiple sections to  
expand opportunities for housing  
within all zoning districts, Citywide.

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

**Affirmative** – Abreu, Ariola, Avilés, Ayala, Banks, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, Carr, De La Rosa, Dinowitz, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Hudson, Joseph, Krishnan, Lee, Louis, Marmorato, Marte, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Paladino, Powers, Restler, Riley, Rivera, Salaam, Salamanca, Sanchez, Schulman, Stevens, Ung, Vernikov, Williams, Won, Yeger, Zhuang, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Farías) and the Speaker (Council Member Adams) - **51**.

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

The following was the vote recorded for **M-79 & Res. No. 688**:

**Affirmative** – Abreu, Avilés, Ayala, Banks, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, De La Rosa, Dinowitz, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Hudson, Joseph, Krishnan, Lee, Louis, Marmorato, Marte, Menin, Moya, Narcisse, Nurse, Ossé, Powers, Restler, Riley, Rivera, Salaam, Salamanca, Sanchez, Schulman, Stevens, Ung, Williams, Won, the Majority Leader (Council Member Farías) and the Speaker (Council Member Adams) - **42**.

**Negative** – Ariola, Carr, Holden, Paladino, Vernikov, and the Minority Leader (Council Member Borelli) - **6**.

**Abstention** – Mealy, Yeger, and Zhuang – **3**.

The following was the vote recorded for **Int. No. 1127-A**:

**Affirmative** – Abreu, Avilés, Ayala, Banks, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, De La Rosa, Dinowitz, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Hudson, Joseph, Krishnan, Louis, Marte, Menin, Moya, Narcisse, Nurse, Ossé, Powers, Restler, Riley, Rivera, Salaam, Salamanca, Sanchez, Schulman, Stevens, Ung, Williams, Won, Zhuang, the Majority Leader (Council Member Farías) and the Speaker (Council Member Adams) - **41**.

**Negative** – Ariola, Carr, Holden, Lee, Marmorato, Mealy, Paladino, Vernikov, Yeger, and the Minority Leader (Council Member Borelli) - **10**.

The following was the vote recorded for **Int. No. 1128-A**:

**Affirmative** – Abreu, Avilés, Ayala, Banks, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, De La Rosa, Dinowitz, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Hudson, Joseph, Krishnan, Marte, Menin, Moya, Narcisse, Nurse, Ossé, Powers, Restler, Riley, Rivera, Salaam, Salamanca, Sanchez, Schulman, Stevens, Ung, Williams, Won, Zhuang, the Majority Leader (Council Member Farías) and the Speaker (Council Member Adams) - **40**.

**Negative** – Ariola, Carr, Holden, Lee, Louis, Marmorato, Mealy, Paladino, Vernikov, Yeger, and the Minority Leader (Council Member Borelli) - **11**.

The following was the vote recorded for **L.U. No. 181 & Res. No. 689 (City of Yes Zoning for Housing Opportunity)**:

**Affirmative** – Abreu, Avilés, Ayala, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, De La Rosa, Feliz, Gutiérrez, Hanif, Hudson, Joseph, Krishnan, Menin, Moya, Nurse, Ossé, Powers, Restler, Riley, Rivera, Salaam, Salamanca, Sanchez, Stevens, Williams, Won, the Majority Leader (Council Member Farías) and the Speaker (Council Member Adams) - **31**.

**Negative** – Ariola, Banks, Carr, Dinowitz, Gennaro, Hanks, Holden, Lee, Louis, Marmorato, Marte, Mealy, Narcisse, Paladino, Schulman, Ung, Vernikov, Yeger, Zhuang, and the Minority Leader (Council Member Borelli) - **20**.

*The following Introductions were sent to the Mayor for his consideration and approval:  
Int. Nos. 654-A, 814-A, 815-A, 850-A, 1022-A, 1054-A, 1127-A, and 1128-A.*

## INTRODUCTION AND READING OF BILLS

Int. No. 1130

By Council Members Avilés, Brooks-Powers, Restler and Cabán (in conjunction with the Brooklyn Borough President).

### **A Local Law to amend the administrative code of the city of New York, in relation to the regulation of indirect sources of air pollution**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 24 of the administrative code of the city of New York is amended by adding a new subchapter 10 to read as follows:

#### *Subchapter 10* **INDIRECT SOURCE RULE**

*§ 24-191 Definitions. For the purposes of this subchapter, the following terms have the following meanings: Indirect source. The term “indirect source” means a facility, building, structure, installation, real property, road, or highway which attracts, or may attract, mobile sources of air pollution.*

*Indirect source rule. The term “indirect source rule” means a regulation of indirect sources that aims to reduce emissions from mobile sources of air pollution that interact with such indirect sources.*

*Mobile source of air pollution. The term “mobile source of air pollution” mean vehicles, engines, and equipment that generate air pollution and that move, or can be moved.*

*Qualifying warehouse. The term “qualifying warehouse” means a warehouse that is 50,000 square feet or greater.*

*Warehouse. The term “warehouse” means a fulfillment center, a facility whose primary purpose is storage and distribution of goods to consumers either directly or through a last mile facility; or a last mile facility whose primary purpose is processing or redistributing goods for delivery directly to consumers; or a parcel sorting facility whose primary purpose is sorting or redistributing goods from a fulfillment center to a last mile facility.*

*§ 24-192 Indirect source rule. a. The commissioner shall promulgate an indirect source rule. Such rule shall apply to all operators of qualifying warehouses and any other indirect sources the commissioner deems appropriate.*

*b. In promulgating the indirect source rule, the commissioner shall consider a variety of measures including, but not limited to:*

- 1. Requiring indirect sources to implement air pollution mitigation plans approved by the commissioner;*
- 2. Regulating times or methods of delivery to or from indirect sources;*
- 3. Establishing incentives for indirect sources to take actions specified by the commissioner that mitigate air pollution; and*
- 4. Establishing penalties for violations of the indirect source rule.*

*§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner of environmental protection 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 Environmental Protection, Resiliency and Waterfronts.

## Preconsidered Res. No. 677

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

By Council Member Brannan.

**Whereas**, On June 30, 2024, the Council of the City of New York (the “City Council”) adopted the expense budget for Fiscal Year 2025 with various programs and initiatives (the “Fiscal 2025 Expense Budget”); and

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

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2025 and Fiscal 2024 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, youth, anti-poverty, and Speaker’s initiative discretionary funding, and by approving the new designations and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2025 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local, aging, and Speaker’s initiative discretionary funding and funding pursuant to a certain initiative; now, therefore, be it

**Resolved**, That the City Council approves the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2025 Expense Budget, as set forth in Chart 1; and be it further

**Resolved**, That the City Council approves the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 2; and be it further

**Resolved**, That the City Council approves the new designations and change in the designation of certain organizations receiving anti-poverty discretionary funding in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 3; and be it further

**Resolved**, That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Speaker’s Initiative to Address Citywide Needs in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 4; and be it further

**Resolved**, That the City Council approves the new designations of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 5; and be it further

**Resolved**, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 6; and be it further

**Resolved**, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 7; and be it further

**Resolved**, That the City Council approves the new designations and change in the designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 8; and be it further

**Resolved**, That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 9; and be it further

**Resolved**, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 10; and be it further

**Resolved**, That the City Council approves the new designations and change in the designation of certain organizations receiving funding pursuant to the Support Our Older Adults Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 11; and be it further

**Resolved,** That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 12; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Trauma Recovery Centers Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 13; and be it further

**Resolved,** That the City Council approves the new designations of certain organizations receiving funding pursuant to the Legal Services for Low-Income Immigrants Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 14; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Discharge Planning Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 15; and be it further

**Resolved,** That the City Council approves the new designation of a certain organizations receiving funding pursuant to the CUNY Social Worker Fellow Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 16; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Adult Literacy Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 17; and be it further

**Resolved,** That the City Council approves the new designations of certain organizations receiving funding pursuant to the Adult Literacy Pilot Project in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 18; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 19; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 20; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 21; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 22; and be it further

**Resolved,** That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 23.

**(For text of the Exhibit Charts, please refer to the attachments section of [the Res. No. 677 of 2024 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>)**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Int. No. 1131

By Council Members Brooks-Powers, Brewer, Won, Menin, Krishnan, Louis and Ossé.

**A Local Law in relation to the establishment of a task force to study options for making street design and infrastructure safer in consideration of increased use of electric bicycles and related collisions**

*Be it enacted by the Council as follows:*

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

Agency. The term “agency” means a city, county, borough, or other office, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury.

City. The term “city” means the city of New York.

Electric bicycle. The term “electric bicycle” means a bicycle with electric assist as defined in section 102-c of the vehicle and traffic law.

Task force. The term “task force” means the task force established by this local law.

§ 2. Task force established. There is hereby established a task force to be known as the electric bicycle safety task force.

§ 3. Duties. The task force shall study options for making street design and infrastructure safer for pedestrians, motorists, cyclists, and operators of electric bicycles in consideration of the increased use of electric bicycles and related collisions in the city. The task force shall make recommendations for legislation and policy in furtherance of that objective. Those recommendations shall take into account the following:

- a. Legislation and policy implemented by the city before the effective date of this local law to address the increased use of electric bicycles and related collisions;
- b. The street design and infrastructure of the locations of frequent collisions involving electric bicycles and related collisions;
- c. Legislation and policy implemented by other municipalities to address an increased use of electric bicycles and related collisions in those municipalities;
- d. The anticipated effects of the recommendations on stakeholders, in particular pedestrians with disabilities and individuals who use electric bicycles as a primary mode of transportation for any commercial purpose;
- e. The data available on collisions involving electric bicycles and any gaps in data collection and transparency;
- f. The projected costs to the city and other stakeholders of implementing any recommendations; and
- g. Any other considerations the task force deems relevant.

§ 4. Membership. a. The task force shall be composed of the following members:

1. The deputy mayor who oversees the department of transportation or such deputy mayor’s designee, who shall serve as chair;
  2. The commissioner of transportation or such commissioner’s designee;
  3. One member appointed by the mayor who is not employed by any agency; and
  4. Three members appointed by the speaker of the council.
- b. The mayor may invite officers and representatives of relevant federal, state, and local agencies and authorities to participate in the work of the task force.
- c. All appointments required by this section shall be made no later than 90 days after the effective date of this local law.
- d. Each member of the task force shall serve at the pleasure of the officer who appointed the member. In the event of a vacancy on the task force, a successor shall be appointed in the same manner as the original appointment for the remainder of the unexpired term. All members of the task force shall serve without compensation.

§ 5. Meetings. a. The chair shall convene the first meeting of the task force no later than 30 days after the last member has been appointed, except that where not all members of the task force have been appointed within the time specified in section four, the chair shall convene the first meeting of the task force within 10 days of the appointment of a quorum.

- b. The task force may invite experts and stakeholders to attend its meetings and to provide testimony and information relevant to its duties.
- c. The task force shall meet no less than once each quarter to carry out the duties described in section three.
- d. The meeting requirement of subdivision c shall be suspended when the task force submits its report as required by section six.

§ 6. Report. a. No later than 270 days after the effective date of this local law, the task force shall submit a report to the mayor and the speaker of the council setting forth its recommendations for legislation and policy relating to making street design and infrastructure safer for pedestrians, motorists, cyclists, and operators of electric bicycles in consideration of the increased use of electric bicycles and related collisions in the city. The report shall include a summary of information the task force considered in formulating its recommendations. If the members of the task force do not all agree on a recommendation, the report shall note whether it is a recommendation of a majority or minority of the members.

b. The commissioner of transportation shall publish the task force's report electronically on the website of the department of transportation no later than 10 days after its submission to the mayor and the speaker of the council.

§ 7. Agency support. Each agency affected by this local law shall provide appropriate staff and resources to support the work of such agency related to the task force.

§ 8. Termination. The task force shall terminate 180 days after the date on which it submits its report, as required by section six.

§ 9. Effective date. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Res. No. 678

**Resolution designating January 31 annually as Cecilia Gentili Day in the City of New York to recognize her significant contributions as an author, performer, policymaker, and activist, who fought for the rights of undocumented immigrants, sex workers, and LGBTQIA+ individuals.**

By Council Members Cabán, Bottcher, Ossé, Hudson, Hanif and Restler.

**Whereas**, Cecilia Gentili was born on January 31, 1972, in Gálvez, Argentina; and

**Whereas**, She moved to the larger city of Rosario to attend college and came out as transgender at the age of 18, after which she faced discrimination and repeated acts of brutality from the police in Argentina; and

**Whereas**, Working hard, she managed to save enough money to buy a plane ticket to Miami in 1998 in order to live a freer life; and

**Whereas**, As an undocumented immigrant in Miami, she made a living as a sex worker and was arrested before moving to New York City (NYC), where she struggled with addiction and faced more arrests; and

**Whereas**, She began her community service work as an intern with the NYC Anti-Violence Project—which is today the largest anti-violence LGBTQ organization in the United States (U.S.)—in order to help marginalized groups she was part of: sex workers, undocumented immigrants, and transgender women, especially transgender women of color; and

**Whereas**, From 2012 to 2016, she worked with Apicha Community Health Center to create a program for transgender services, including gender-affirming care, and manage a clinic for transgender patients that grew from four patients to over 500 during her time there; and

**Whereas**, From 2016 to 2019, she worked as the Director of Policy at the GMHC (formerly Gay Men's Health Crisis), well known for its long fight against HIV/AIDS and its work on behalf of those affected by the epidemic; and

**Whereas**, Known for her warm embrace of those who needed help on their personal journeys, her longtime partner Peter Scotto noted after her death that their "phone would ring all the time in the middle of the night and she'd jump into action to help people in crisis"; and

**Whereas**, In 2019, she founded Trans Equity Consulting as an organization that could pay transgender individuals for their expertise on community matters, such as how to make businesses, nonprofit organizations, and government agencies more inclusive and more supportive of LGBTQIA+ rights; and

**Whereas**, She worked successfully for the 2019 passage of GENDA, the New York Gender Expression and Nondiscrimination Act, which bans discrimination based on gender expression and identity; and

**Whereas**, In 2019, she received a Community Health Award from Callen-Lorde Community Health Center for her leadership, including the creation of the first free health care clinic for sex workers, Cecilia's Occupational Inclusion Network (COIN); and

**Whereas**, She helped lead the DecrimNY campaign to decriminalize sex work in NYC and worked for the repeal of the "walking while trans" law, used to justify the arrest of transgender sex workers; and

**Whereas**, As a performer, she played Miss Orlando on the FX television series *Pose*, launched her own live one-woman show *The Knife Cuts Both Ways*, and made her off-Broadway debut in her autobiographical *Red Ink*; and

**Whereas**, In 2022, she published her memoir *Faltas: Letters to Everyone in My Hometown Who Isn't My Rapist*, which comprises eight letters, written to people in her past who had treated her either kindly or cruelly, including the daughter of the man who sexually abused her from childhood; and

**Whereas**, She noted that *Faltas* "is not a book that tries to create social change," but also explained that she hoped that people would read the book and ask, "How much damage are we doing by not validating the identities of trans children?"; and

**Whereas**, As the organizer of the fundraiser Transmission Fest 2023, NYC's first all-transgender music festival, held in Marsha P. Johnson State Park and featuring 20 transgender musical artists, she explained that transgender artists "are often included in Pride events," but are not "centered," commenting pointedly that "there's a difference"; and

**Whereas**, Following Gentili's death on February 6, 2024, she was honored in NYC both at a memorial service at Judson Memorial Church and at a funeral at St. Patrick's Cathedral; and

**Whereas**, The designation of a day is fitting to commemorate Gentili's groundbreaking activism in NYC carried out in support of the marginalized communities to which she belonged and which she championed with ferocity, humor, and unwavering dedication; now, therefore, be it

**Resolved**, That the Council of the City of New York designates January 31 annually as Cecilia Gentili Day in the City of New York to recognize her significant contributions as an author, performer, policymaker, and activist, who fought for the rights of undocumented immigrants, sex workers, and LGBTQIA+ individuals.

Referred to the Committee on Women and Gender Equity.

Int. No. 1132

By Council Member Feliz.

**A Local Law to amend the administrative code of the city of New York, in relation to geographically targeted regulatory compliance services for small businesses**

*Be it enacted by the Council as follows:*

Section 1. Chapter 10 of title 22 of the administrative code of the city of New York is amended by adding a new section 22-1008 to read as follows:

*§ 22-1008 Geotargeted provision of regulatory compliance assistance.*

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

*Community district. The term "community district" means a district designated pursuant to chapter 69 of the New York city charter.*

*Violation. The term "violation" means a violation commonly issued to a business over which the office of administrative trials and hearings exercises jurisdiction pursuant to chapter 45-A.*



*b. No later than August 1, 2026 and annually thereafter, the department, in cooperation with the office of administrative trials and hearings, shall determine the number and types of violations issued to businesses in the preceding fiscal year within each community district, disaggregated by issuing agency and violation type. To the extent feasible, the department shall further determine the 5 most common types of violations issued to small businesses within each community district in the preceding year. Based on such determination, the department shall coordinate with relevant agencies to develop and deliver tailored regulatory compliance assistance services for each community district, as follows:*

*1. Such assistance shall include direct outreach and awareness-raising to small businesses in each community district, and may also include specially tailored education, training, or other appropriate assistance as determined by the department;*

*2. As appropriate, any education, training, or other assistance services developed pursuant to this section shall be made available on the portal created pursuant to subdivision a of section 22-1002;*

*3. Where a single type of violation is identified as among the 5 most common violations in multiple community districts, the department may offer similar assistance services to small businesses in all such community districts to the extent that the reason for the high frequency of such violations is also consistent across such districts; and*

*4. As appropriate, education, training, or other assistance services pursuant to this section may be conducted as part of a business education event pursuant to section 20-706.2.*

*c. The department shall include information on the specially tailored training, education, outreach, and assistance services for small businesses provided pursuant to this section as part of the annual report required pursuant to subdivision c of section 22-1003. Such information shall include:*

*1. The 10 most common types of violation issued to small businesses citywide;*

*2. The total number of businesses in each community district that received direct outreach regarding regulatory compliance services pursuant to this section, the sector or industry of such businesses, and the languages in which such outreach was conducted;*

*3. A list and short description of training and education modules developed pursuant to this section, a description of how such training and education modules were tailored to the specific compliance challenges identified within each community district, and the languages in which such training and education was offered; and*

*4. Any recommendations for improving support and resources to assist small businesses with regulatory compliance, or for streamlining or reducing regulatory compliance burdens where feasible.*

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

Referred to the Committee on Small Business.

Int. No. 1133

By Council Members Gutiérrez, Nurse, Hanif, Cabán, Ossé and Restler.

**A Local Law to amend the administrative code of the city of New York, in relation to protections for contracted delivery workers**

*Be it enacted by the Council as follows:*

Section 1. Chapter 15 of title 20 of the administrative code of the city of New York, as added by local law number 114 for the year 2021, the definition of “third-party courier service” in section 20-1501 of such chapter as amended by local law number 17 for the year 2023, subdivision a of section 20-1521 of such chapter as amended by local law number 118 for the year 2021, section 20-1522 of such chapter as added by local law number 115 for the year 2021, section 20-1523 of such chapter as added by local law number 116 for the year 2021, section 20-1524 of such chapter as added by local law number 113 for the year 2021, and section 20-1525 of such chapter as added by local law number 41 for the year 2023, is amended to read as follows:

CHAPTER 15  
 [THIRD-PARTY SERVICE] *CONTRACTED DELIVERY WORKERS*  
 SUBCHAPTER 1  
 GENERAL PROVISIONS

- [§ 20-1501 Definitions.
- § 20-1502 Outreach and education.
- § 20-1503 Reporting.
- § 20-1504 Retaliation.
- § 20-1505 Notice of rights.
- § 20-1506 Recordkeeping.
- § 20-1507 Administrative enforcement.
- § 20-1508 Remedies for workers.
- § 20-1509 Civil penalties.
- § 20-1510 Enforcement by the corporation counsel.
- § 20-1511 Private cause of action.
- § 20-1512 Civil action by corporation counsel for pattern or practice of violations.]

§ 20-1501 Definitions.

As used in this chapter, the following terms have the following meanings:

*Contracted delivery worker.* The term “contracted delivery worker” means any natural person or any organization composed of no more than 1 natural person, whether or not incorporated or employing a trade name, who is retained by a delivery service to deliver goods in exchange for compensation, including, but not limited to, a food delivery worker, provided that the term “contracted delivery worker” does not include any natural person or any organization composed of no more than 1 natural person, whether or not incorporated or employing a trade name, who delivers goods solely using a vehicle required by federal or state law, rule or regulation to be registered with the federal motor carrier safety administration.

*Customer.* The term “customer” means a person that places an order for, accepts or receives goods delivered by, through or with the assistance of a delivery service.

*Delivery service.* The term “delivery service” means a person that facilitates, offers, or arranges for the delivery of goods to or from a location in the city, including, but not limited to, a third-party food delivery service and a third-party courier service, provided that the term “delivery service” does not include any such person that facilitates, offers or arranges fewer than 50 trips each week, or any person that facilitates, offers or arranges for the delivery of goods solely by vehicles required by federal or state law, rule or regulation to be registered with the federal motor carrier safety administration.

*Food delivery worker.* The term “food delivery worker” means any natural person or any organization composed of no more than [one] 1 natural person, whether or not incorporated or employing a trade name, who is [hired,] retained[, or engaged as an independent contractor] by a third-party food delivery service required to be licensed pursuant to section 20-563.1 or a third-party courier service to deliver [food, beverage, or other] goods from a business to a [consumer] customer in exchange for compensation.

*Food service establishment.* The term “food service establishment” means a business establishment located within the city where food is provided for individual portion service directly to the consumer whether such food is provided free of charge or sold, and whether consumption occurs on or off the premises or is provided from a pushcart, stand or vehicle.

*Goods.* The term “goods” means 1 or more items, parcels, packages, products, or articles of any type, including but not limited to food, beverages, groceries, or papers.

*Gratuity.* The term “gratuity” means a sum of money (i) paid voluntarily by a customer for an order of goods placed or delivered by, through or with the assistance of a delivery service, (ii) that is in addition to the purchase price of the goods and any mandatory charges such as taxes and fees, (iii) the amount of which the customer may choose, and (iv) that is referred to by a delivery service as a gratuity, tip or other similar term that would suggest to a reasonable person that the sum, or a substantial portion thereof, would be received by a contracted delivery worker in addition to any compensation from the delivery service.

*Pay period.* The term “pay period” means a fixed and regularly recurring period of 168 hours or 7 consecutive 24-hour periods.

*Retained.* The term “retained” means hired, or retained or engaged, as an independent contractor.

*Third-party courier service.* The term “third-party courier service” means a service that (i) facilitates the same-day delivery or same-day pickup of food, beverages, or other goods from a food service establishment on behalf of such food service establishment or a third-party food delivery service; and (ii) that is owned and operated by a person other than the person who owns such food service establishment[; and (iii) and is not a third-party food delivery service].

*Third-party food delivery service.* The term “third-party food delivery service” means any website, mobile application, or other internet service that: (i) offers or arranges for the sale of food and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages from, a food service establishment; and (ii) that is owned and operated by a person other than the person who owns such food service establishment.

*Toilet facility.* The term “toilet facility” means a room or space on the premises of a food service establishment or other business that: (i) contains a toilet or urinal and sink or similar washing facility; and (ii) is a dedicated facility for its patrons, or that is a dedicated facility for its employees to the extent such establishment or business does not have a dedicated facility for its patrons.

*Trip.* The term “trip” means the time spent, distance travelled, and route followed by a *contracted delivery worker* to [provide delivery services to a consumer through a third-party food delivery service or third-party courier service] *deliver goods*, including, *but not limited to*, travel to [a business] *1 or more pick-up locations; selecting, preparing, assembling, waiting for, and picking up the [food, beverage, or other] goods for delivery [, and taking]; and travel to and unloading and depositing such [delivery at a different location as requested] goods at 1 or more drop-off locations, including any time spent waiting for goods to be retrieved by a customer or other person, provided that the term “trip” shall not include any time spent, distance travelled or route followed for the delivery of goods using a vehicle that is required by federal or state law, rule or regulation to be registered with the federal motor carrier safety administration.*

#### § 20-1502 Outreach and education.

The commissioner shall conduct outreach and education about the provisions of this chapter. Such outreach and education shall be provided to [food] *contracted delivery workers*[, third-party food] *and delivery services*[, and third-party courier services].

#### § 20-1503 Reporting.

The department shall annually report on its website the number and nature of the complaints received pursuant to this chapter, the results of investigations undertaken pursuant to this chapter, including the number of complaints not substantiated and the number of notices of violations issued, the number and nature of adjudications held to resolve notices of violation issued pursuant to this chapter, and the average time for a complaint to be resolved pursuant to this chapter.

#### § 20-1504 Retaliation.

No person shall take any adverse action against a [food] *contracted delivery worker* that penalizes such worker for, or is reasonably likely to deter such worker from, exercising or attempting to exercise any right protected under this chapter. Adverse actions include threats, intimidation, harassment, discipline, denial of work opportunities to or discrimination against a [food] *contracted delivery worker*, reduction in hours or pay, reduction or downgrade of a worker's public or internal rating, and other negative consequences imposed on a [food] *contracted delivery worker*, including actions related to perceived immigration status or work authorization. A [food] *contracted delivery worker* need not explicitly refer to this chapter or the rights enumerated herein to be protected from retaliation.

#### § 20-1505 Notice of rights.

a. The commissioner shall publish and make available a notice for a [third-party food] delivery service [or third-party courier service] to provide to [food] *contracted delivery workers* informing them of their rights protected under this chapter. Such notice shall be made available [in a downloadable format] on the city's website and shall be updated if any changes are made to the requirements of this chapter or as otherwise deemed appropriate by the commissioner.

b. A [third-party food] delivery service [or third-party courier service] shall provide such notice electronically to [a food] *each contracted delivery worker* retained by such service. Such notice shall be in English and [any] *the preferred language* [spoken as a primary language by at least five percent] of

the [food] *contracted* delivery [workers hired, retained, or engaged by such service] *worker*, provided that the commissioner has made the notice available in such language, *and further provided that such contracted delivery worker has communicated their preferred language to the delivery service.*

§ 20-1506 Recordkeeping.

a. A [third-party food] delivery service [or third-party courier service] shall retain records documenting its compliance with the applicable requirements of this chapter for a period of [three] 3 years and shall allow the department to access such records and other information, consistent with applicable law and in accordance with rules of the department and with appropriate notice, in furtherance of an investigation conducted pursuant to this chapter. A [third-party food] delivery service [or third-party courier service] must maintain records in their original format and provide such records to the department in their original format or a machine-readable electronic format as set forth in rules of the department. The department also may establish by rule, and require [third-party food] delivery services [and third-party courier services] to adhere to, a uniform system of records, and require submission of such records and other reports as the department may determine, in accordance with applicable law and rules and with appropriate notice.

b. The failure of a [third-party food] delivery service [or third-party courier service] to maintain, retain, or produce a record or other information required to be maintained by this chapter and requested by the department in furtherance of an investigation conducted pursuant to this chapter that is relevant to a material fact alleged by the department in a notice of violation issued pursuant to this subchapter creates a rebuttable presumption that such fact is true.

c. *To implement or enforce the provisions of this chapter or to promulgate any rule necessary and appropriate to the administration of this chapter, the department may issue orders or subpoenas for the production of data, documents, testimony, or other information from a delivery service, a food service establishment, or any person that sells or provides goods delivered by, through or with the assistance of a delivery service. Such data, documents, testimony, or other information may include, but is not limited to, identifying and contact information of contracted delivery workers; information about the times that contracted delivery workers are available to work for delivery services; work schedules of contracted delivery workers; the mode of transportation contracted delivery workers use, including the makes and models of vehicles or devices; information about trips or other work opportunities that are offered, assigned, or performed by contracted delivery workers; contracted delivery workers' pay, gratuities, and benefits; agreements with or internal policies covering contracted delivery workers; insurance policies covering contracted delivery workers; charges imposed by delivery services on customers, food service establishments or any person who sells or provides goods delivered by, through or with the assistance of a delivery service; and any other information deemed relevant by the department. In accordance with applicable law and rules and upon reasonable notice of no less than 14 days, a person who receives a request or subpoena for data, documents, or other information pursuant to this section shall produce such data, documents or information to the department in its original format or a machine-readable electronic format as set forth in rules of the department.*

§ 20-1507 Administrative enforcement.

a. The commissioner shall enforce the provisions of this chapter.

b. 1. Any person alleging a violation of this chapter may file a complaint with the department within [two] 2 years of the date the person knew or should have known of the alleged violation.

2. Upon receiving such a complaint, the department shall investigate it.

3. The department may open an investigation on its own initiative.

4. A person or entity under investigation shall, in accordance with applicable law, provide the department with information or evidence that the department requests pursuant to the investigation. The department may attempt to resolve an investigation concerning a violation of this chapter through any action authorized by chapter 64 of the charter. *Adjudicatory powers pursuant to this subchapter may be exercised by the commissioner or by the office of administrative trials and hearings pursuant to chapter 64 of the charter.*

5. The department shall keep the identity of any complainant confidential unless disclosure is necessary to resolve the investigation or is otherwise required by law. The department shall, to the extent practicable, notify such complainant that the department will be disclosing the complainant's identity before such disclosure.

c. The commissioner may promulgate rules necessary and appropriate to the administration of this chapter.

§ 20-1508 Remedies for workers.

a. For violations of their rights under this chapter, a [food] *contracted* delivery worker shall be entitled to the following relief:

1. all compensatory damages and other relief required to make the worker or former worker whole;
2. an order directing compliance with the requirements set forth in this chapter; and
3. for each violation of:

(a) section 20-1504,

(1) \$500 for each violation not involving denial of future work opportunities;

(2) \$2,500 for each violation involving denial of future work opportunities; and

(3) any equitable relief appropriate under the circumstances, including but not limited to payment of any lost earnings resulting from such retaliation.

(b) section 20-1521, \$200;

(c) section 20-1522, including any minimum payment established by rule pursuant to section 20-1522, [three] 3 times the amount of any payment that should have been made and was not timely made;

(d) section 20-1523, \$200; [and]

(e) section 20-1524, \$200; *and*

(f) *section 20-1526, \$200.*

b. The relief authorized by this section shall be imposed on a per worker and per instance basis for each violation.

§ 20-1509 Civil penalties.

a. For each violation of this chapter, [a third-party food delivery service or third-party courier service] any person is liable for a penalty of \$500 for the first violation and, for subsequent violations that occur within [two] 2 years of any previous violation of this chapter, up to \$750 for the second violation and up to \$1,000 for each succeeding violation.

b. The penalties imposed pursuant to this section shall be imposed on a per worker and per instance basis for each violation.

§ 20-1510 Enforcement by the corporation counsel.

The corporation counsel or such other persons designated by the corporation counsel on behalf of the department may initiate in any court of competent jurisdiction any action or proceeding that may be appropriate or necessary for correction of any violation issued pursuant to sections 20-1507 through 20-1509, including actions to secure permanent injunctions, enjoining any acts or practices that constitute such violation, mandating compliance with the provisions of this chapter, or such other relief as may be appropriate.

§ 20-1511 Private cause of action.

a. Any person alleging a violation of the following provisions of this chapter may bring a civil action, in accordance with applicable law, in any court of competent jurisdiction:

1. section 20-1504;

2. section 20-1521;

3. section 20-1522, including any minimum payment established by rule pursuant to section 20-1522;

4. section 20-1523; and

5. section 20-1524.

b. Such court may order compensatory, injunctive and declaratory relief, including the remedies set forth in section 20-1508, and reasonable attorney's fees *and costs*.

c. A civil action under this section shall be commenced within [two] 2 years of the date the person knew or should have known of the alleged violation.

d. 1. Any person filing a civil action shall simultaneously serve notice of such action and a copy of the complaint upon the department. Failure to so serve a notice does not adversely affect any person's cause of action.

2. A worker need not file a complaint with the department pursuant to subdivision b of section 20-1507 before bringing a civil action; however, no person shall file a civil action [after filing] *based on the same facts as a complaint filed with the department pursuant to subdivision b of section 20-1507* unless such complaint has been withdrawn or dismissed without prejudice to further action.

3. No person shall file a complaint with the department [after filing] *pursuant to subdivision b of section 20-1507 based on the same facts as a civil action filed pursuant to this section* unless such action has been withdrawn or dismissed without prejudice to further action.

4. The commencement or pendency of a civil action by a worker does not preclude the department from investigating a [third-party food] delivery service [or third-party courier service] or commencing, prosecuting or settling a case against a [third-party food] delivery service [or third-party courier service] based on some or all of the same violations.

§ 20-1512 Civil action by corporation counsel for pattern or practice of violations.

a. 1. Where reasonable cause exists to believe that a [third-party food] delivery service [or third-party courier service] is engaged in a pattern or practice of violations of this chapter, the corporation counsel may commence a civil action on behalf of the city in a court of competent jurisdiction.

2. The corporation counsel shall commence such action by filing a complaint setting forth facts relating to such pattern or practice and requesting relief, which may include injunctive relief, relief for [food] *contracted* delivery workers set forth in section 20-1508, civil penalties set forth in section 20-1509, and any other appropriate relief.

3. Such action may be commenced only by the corporation counsel or such other persons designated by the corporation counsel.

4. Nothing in this section prohibits (i) the department from exercising its authority under [section] sections 20-1507 through 20-1509 or (ii) a person alleging a violation of this chapter from filing a complaint pursuant to section 20-1507 or a civil action pursuant to section 20-1511 based on the same facts pertaining to such a pattern or practice, provided that a civil action pursuant to this section shall not have previously been commenced.

b. Investigation. The corporation counsel may initiate any investigation to ascertain such facts as may be necessary for the commencement of a civil action pursuant to subdivision a of this section, and in connection therewith shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents, to administer oaths and to examine such persons as are deemed necessary.

#### Subchapter 2

#### [FOOD] PROTECTIONS FOR CONTRACTED DELIVERY WORKERS

[§ 20-1521 Delivery distance and route.

§ 20-1522 Reserved.

§ 20-1523 Reserved.

§ 20-1524 Insulated food delivery bags.]

§ 20-1521 Delivery [distance and route] *offers or assignments*.

a. [Each third-party food] A delivery service [and third-party courier service] *that maintains a website, mobile application, or other internet service through which such service offers or assigns a trip to a contracted delivery worker retained by such delivery service shall provide each [food] such contracted delivery worker with the ability to specify, in such form and manner as the department may specify by rule:*

1. *in increments of not greater than 1 mile, the maximum distance per trip[, [from a food service establishment where such worker will pick up food, beverages, or other goods,] that such worker will travel on trips;*

2. *that such worker will not accept trips that require travel [over any bridge or] over particular bridges chosen by such worker, provided the department shall determine by rule any such bridge that a worker may so choose; and*

3. *that such worker will not accept trips that require travel [through any tunnel or] through particular tunnels chosen by such worker, provided the department shall determine by rule any such tunnel that a worker may so choose.*

b. [Each third-party food] *Such a delivery service [and third-party courier service] shall allow each [food] contracted delivery worker retained by such delivery service to change the parameters established by such worker pursuant to subdivision a at any time.*

c. [A third-party food] *Such a delivery service [or third-party courier service] shall not offer or assign any [food] contracted delivery worker any trip that is inconsistent with the parameters established by such worker pursuant to subdivision a and shall not penalize a [food] contracted delivery worker for selecting or changing such parameters.*

d. Each time *such a [third-party food] delivery service [or third-party courier service] offers or assigns a trip to a [food] contracted delivery worker, before such worker accepts such trip, such [third-party food] delivery*

service [or third-party courier service] shall disclose, *in such form and manner as the department may specify by rule*, to such worker the following information:

1. [the] *any* address where the [food, beverage or other] goods must be picked up *during such trip*;
2. the estimated time and distance for the trip;
3. the amount of any gratuity, if specified by [the consumer] *any customer*; [and]
4. the amount of compensation to be paid to the [food] *contracted* delivery worker, excluding any gratuity;

*and*

5. *Any other information that the department determines would aid a contracted delivery worker in deciding whether to accept an offer or assignment for a trip from a delivery service, as determined by the department by rule.*

[e. The requirements of this section shall apply to trips that originate in the city, end in the city or involve picking up food from a food service establishment located in the city.]

§ 20-1522 Minimum payment.

a. 1. The department shall study the working conditions for food delivery workers. In conducting such study, the department may coordinate with any other agency, organization, or office that can assist in such study. Such study shall include, at minimum, consideration of the pay food delivery workers receive and the methods by which such pay is determined, the total income food delivery workers earn, the expenses of such workers, the equipment required to perform their work, the hours of such workers, the average mileage of a trip, the mode of travel used by such workers, the safety conditions of such workers, and such other topics as the department deems appropriate. *In conducting such study, the department shall not be required to consider the business model or operations of any third-party food delivery service or third-party courier service, any differences between or among the business models or operations of third-party food delivery services and third-party courier services, or the potential impact on any third-party food delivery service or third-party courier service of establishing any minimum payment requirement pursuant to this section.*

2. In furtherance of such study, the department may [request or] issue *orders or subpoenas* for the production of data, documents, and other information from a third-party food delivery service or third-party courier service relating to food delivery workers that include, but are not limited to, worker identifiers, information about the times that such workers are available to work for such third-party food delivery service or third-party courier service, the mode of transportation such workers use, how trips are offered or assigned to food delivery workers, the data such service maintains relating to the trips of such workers, the compensation such workers receive from such third-party food delivery service or third-party courier service, any gratuities such workers receive, information relating to both completed and cancelled trips, agreements with or policies covering such workers, contact information of such workers, information relating to the setting of fees paid by food service establishments and consumers, and any other information deemed relevant by the department. In accordance with applicable law and rules and with appropriate notice, a third-party food delivery service or third-party courier service must produce such information to the department in its original format or a machine-readable electronic format as set forth in rules of the department.

3. Based on the results of the study conducted pursuant to paragraph a of this subdivision, and no later than January 1, 2023, the department shall by rule establish a method for determining the minimum payments that must be made to a food delivery worker by a third-party food delivery service or third-party courier service. In establishing such method, the department shall, at minimum, consider the duration and distance of trips, the expenses of operation associated with the typical modes of transportation such workers use, the types of trips, including the number of deliveries made during a trip, the on-call and work hours of food delivery workers, the adequacy of food delivery worker income considered in relation to trip-related expenses, and any other relevant factors, as determined by the department. *In establishing such method, the department shall not be required to consider the business model or operations of any third-party food delivery service or third-party courier service, any differences between or among the business models or operations of third-party food delivery services and third-party courier services, or the potential impact on any third-party food delivery service or third-party courier service of establishing such a method.* Any rules promulgated by the department pursuant to this subdivision shall not prevent payments to food delivery workers from being calculated on an hourly or weekly basis, or by any other method, provided that the actual payments made to such workers comply with the minimum payment requirements determined by the department. *The department may establish a single method for determining minimum payments to food delivery workers by any third-party food delivery service or third-*

*party courier service. Nothing in this section shall be construed as requiring the department to establish a method for determining minimum payments to a food delivery worker retained by any third-party food delivery service or any third-party courier service that is tailored to the circumstances of a particular service or is different than the method for determining minimum payments to a food delivery worker retained by any other third-party food delivery service or third-party courier service.*

b. Any minimum payment determined by the department pursuant to this section shall not include gratuities. A [third-party food] delivery service [or third-party courier service] shall not retain any portion of any gratuity or use gratuities to offset or cover any portion of minimum payments required by this section. A [third-party food] delivery service shall clearly and conspicuously disclose to [food] *contracted* delivery workers *retained by such service* which payments constitute gratuities from [consumers] *customers* and which payments constitute compensation paid by [the third-party food] *such* delivery service.

c. Beginning February 1, 2024 and no later than February 1 of each year thereafter, the department shall announce any update to [the] *any* minimum payment method established pursuant to this section if it determines an update is warranted or necessary. Any such update shall become effective the following April 1 after it has been announced. If the department determines that an amendment to [the] *any* minimum payment standard is warranted or necessary, it is hereby authorized to promulgate such amendment by rule.

d. The department shall, no later than September 30, 2024, and [two] 2 years thereafter, submit to the council and the mayor a report on [the] *any* minimum payment standard, any amendment to *any* such standard, and the effect of *any* such minimum payment standard on [food delivery] *contracted delivery* workers and the [food] delivery industry.

e. *Reserved.*

f. *No later than 18 months after the effective date of the local law that added this subdivision, the department shall by rule establish 1 or more methods for determining the minimum payments a delivery service shall make to a contracted delivery worker retained by such service. Any minimum payment determined pursuant to any such method shall include:*

1. *A labor component, which shall be no less than the minimum wage required pursuant to paragraph a of subdivision 1-a or paragraph a of subdivision 1-b of section 652 of the labor law, or its successor provisions;*

2. *A benefit component, which shall be no less than an amount equal to the value of benefits required to be provided by employers to employees in the city pursuant to city, state, or federal law, as determined by the department;*

3. *An expense component, which shall be sufficient to cover ordinary and necessary expenses of a contracted delivery worker, as determined by the department.*

g. *In establishing any method pursuant to subdivision f, the department shall consider factors including, but not limited to, the minimum pay and benefits that are required to be provided by employers to employees in the city pursuant to city, state, or federal law; the pay and benefits received by employees or independent contractors in the city performing work similar to the work performed by contracted delivery workers or working in similar industries as contracted delivery workers; ordinary and necessary expenses of contracted delivery workers; and any other relevant factor, as determined by the department. In establishing such method, the department may, but is not required, to consider variations among the business models or operations of delivery services, including potential impacts on any delivery service of establishing such a method, and variations among the working conditions of contracted delivery workers, including variations in compensation of contracted delivery workers, the total income different contracted delivery workers earn, the expenses of such workers, the equipment used by such workers, the hours of such workers, and such other topics as the department deems appropriate. The department may establish a single method for determining minimum payments to contracted delivery workers by any delivery service, or may establish 1 or more methods for determining minimum payments to such workers by any such service. Any method established pursuant to subdivision f may include individual criteria for determining the minimum payments a delivery service shall make to each contracted delivery worker retained by such service, or aggregate criteria for determining the total amount of minimum payments a delivery service shall make to all contracted delivery workers retained by such delivery service, or both such individual criteria and aggregate criteria. Nothing in this subdivision shall be construed as requiring the department to establish a method for determining minimum payments to a contracted delivery worker retained by a delivery service that is tailored to the circumstances of such service.*

§ 20-1523 Payments to workers.



a. A third-party food delivery service or third-party courier service shall not charge or impose any fee on a food delivery worker for the use of any form of payment selected by such service to pay such worker for work performed.

b. A third-party food delivery service or third-party courier service shall pay a food delivery worker for work performed no less frequently than once a week.

§ 20-1524 Insulated food delivery bags.

a. 1. A [third-party food] delivery service [or third-party courier service] shall provide at its own expense, or ensure the availability of, an insulated food delivery bag to each [food] *contracted* delivery worker *retained by such service*, provided that such worker has completed at least [six] 6 deliveries of goods that are customarily transported in an insulated food delivery bag for such service. Such service may not require any [food] *such contracted* delivery worker to provide an insulated food delivery bag at such worker's expense. Such *an* insulated food delivery bag *provided to a contracted delivery worker that uses a bicycle to deliver goods* must be designed for use in accordance with section 1235 of the vehicle and traffic law. *The department, in consultation with the department of transportation, may establish requirements for an insulated food delivery bag provided to a contracted delivery worker that uses a vehicle or device other than a bicycle.*

2. Nothing in this section shall be construed to require the use of insulated delivery bags by [food] *contracted* delivery workers.

3. *The department may promulgate rules as necessary to implement this section, including defining, for purposes of this section, goods that are customarily transported in an insulated food delivery bag, and establishing requirements for an insulated food delivery bag for a contracted delivery worker that use a vehicle or device other than a bicycle.*

§ 20-1525 Fire safety materials.

a. The department, in consultation with the fire department, shall identify materials developed pursuant to section 15-147, regarding the fire risks posed by powered mobility devices and safety measures that mitigate such risks, for dissemination to [food] *contracted* delivery workers. The department shall publish such materials on the city's website.

b. A [third-party food] delivery service [or third-party courier service] shall provide the materials identified by the department pursuant to subdivision a of this section to [a food] *each contracted* delivery worker [hired,] retained[, or engaged] by [any] such service. A [third-party food] delivery service [or third-party courier service] shall provide such materials by email and as a link within a text message sent to a [food] *contracted* delivery worker no later than [sixty] 60 days after the [department publishes such materials pursuant to subdivision a of this section. Such materials shall be provided] *the first date such service retains such worker to deliver goods. A delivery service shall provide such materials to a contracted delivery worker in English[, the designated citywide languages as defined in section 23-1101,] and [any additional languages as determined by the commissioner] the preferred language of such contracted delivery worker*, provided that the department has published the materials in such [additional languages] *language, and further provided that such contracted delivery worker has communicated the preferred language of such worker to the delivery service.*

§ 20-1526 Toilet facility access.

a. *A food service establishment or other business with a premises located in the city that sells or provides goods delivered by a contracted delivery worker shall provide access to a toilet facility located on such premises to a contracted delivery worker that picks up such goods from such premises, including selecting, assembling, or packing such goods on such premises.*

b. *Notwithstanding subdivision a, such an establishment or business is not required to provide access to a toilet facility to a contracted delivery worker where:*

1. *Accessing a toilet facility would require a contracted delivery worker to walk through a kitchen, food preparation or storage area, or utensil washing area of a food service establishment;*

2. *Accessing the toilet facility would create an obvious health or safety risk to the contracted delivery worker or to the food service establishment or business; or*

3. *The commissioner has promulgated by rule an applicable exception to the requirement to provide access to a toilet facility as set forth in subdivision a.*

§ 2. This local law takes effect immediately, except that sections 20-1521, 20-1524, 20-1525, and 20-1526, and subdivision b of section 20-1522, of the administrative code of the city of New York, as amended by section one of this local law, take effect 180 days after it becomes law, and provided that the amendments to subdivision

a of such section 20-1522 shall be deemed to apply to any study conducted or method established pursuant to such subdivision prior to the effective date of such amendments.

Referred to the Committee on Consumer and Worker Protection.

Res. No. 679

**Resolution designating August 2 annually as James Baldwin Day in the City of New York to honor his legacy as a groundbreaking essayist, novelist, playwright, poet, and civil rights activist, who fought racial and sexual discrimination with candor, sensitivity, and lasting influence.**

By Council Members Hudson, Hanif, Restler and Cabán.

**Whereas**, James Arthur Baldwin was born in New York City (NYC) in Harlem on August 2, 1924, to a single mother, Emma Berdis Jones, and was raised as the oldest of nine children by his mother and stepfather David Baldwin, a Baptist minister; and

**Whereas**, As a child, Baldwin sought out books to read at the public library and began writing poems, short stories, and plays at an early age; and

**Whereas**, Baldwin attended Frederick Douglass Junior High School, where he was taught French and mentored by the remarkable Harlem Renaissance poet Countee Cullen; and

**Whereas**, Baldwin went on to DeWitt Clinton High School in the Bronx, where he served as the editor of the school literary magazine and joined the literary club; and

**Whereas**, From the age of 14 to 17 and having been influenced by his very strict stepfather, Baldwin preached in a small Pentecostal church and later remarked that his preaching experience “is what turned me into a writer, really, dealing with all that anguish and that despair and that beauty”; and

**Whereas**, After graduating from high school in 1942, he lived through the Harlem Race Riot of 1943 and the death of his stepfather, which caused him to give up on going to college in order to help his mother care for his younger brothers and sisters, while working at menial jobs and writing on his own; and

**Whereas**, By his early twenties, Baldwin was publishing book reviews and essays, eventually in well-known publications, and was mentored by literary great Richard Wright, who helped Baldwin get a grant to allow him to finish his first novel and move to Paris; and

**Whereas**, Baldwin relocated to Paris in 1948 to escape both racial discrimination that he and other Black Americans faced in the United States (U.S.) and sexual discrimination, and he began to write what have become modern classics in American fiction and nonfiction, typically rooted in his own experiences; and

**Whereas**, His best-known essay collections were *Notes of a Native Son* (1955), *Nobody Knows My Name* (1961), and *The Fire Next Time* (1963), written as the Civil Rights Movement was taking shape and covering a wide range of subjects, including literature, film, personal experiences at home and abroad, sexuality, and race relations; and

**Whereas**, During the Civil Rights Movement, Baldwin became an ally of Medgar Evers, Malcolm X, and Martin Luther King, Jr.; and

**Whereas**, Though Baldwin wrote about race relations, participated in historic marches in Washington and in Selma, and organized protests, including a march in Paris to support the Civil Rights Movement in the U.S., he described his role in the Movement as “bear[ing] witness to the truth,” noting that “no society can smash the social contract and be exempt from the consequences”; and

**Whereas**, Baldwin appeared on the May 17, 1963, cover of *Time* magazine, which noted that “in the U.S. today there is not another writer—white or black—who expresses with such poignancy and abrasiveness the dark realities of the racial ferment in North and South”; and

**Whereas**, Baldwin’s unfinished screenplay adaptation of Alex Haley’s *Autobiography of Malcolm X* two decades later became the basis for Spike Lee’s acclaimed *Malcolm X* film; and

**Whereas**, Baldwin famously said in a debate at the University of Cambridge in 1965, “It comes as a great shock to discover the country which is your birthplace and to which you owe your life and your identity has not in its whole system of reality evolved any place for you”; and

**Whereas**, Baldwin described his acclaimed and best-known semi-autobiographical novel *Go Tell It on the Mountain* (1953), which dealt with his upbringing in Harlem by his difficult stepfather, as the “book [he] had to write if [he] was ever going to write anything else” and noted that he had “learned a lot” from his stepfather and that “nobody’s ever frightened [him] since”; and

**Whereas**, His semi-autobiographical novels *Giovanni’s Room* (1956) and *Another Country* (1962) explored sexuality, sexual preference, and the nature of love with frankness, dignity, and artistry; and

**Whereas**, Baldwin dedicated *Giovanni’s Room* to Swiss painter Lucien Happersberger, who provided Baldwin with a peaceful place to write in Happersberger’s family’s chalet in the small village of Lœèche-les-Bains in the Alps and whom Baldwin once described as “the one real love story of my life”; and

**Whereas**, While living back and forth between the U.S. and France for the rest of his life, with long stays in Turkey as well, Baldwin kept an apartment in NYC, but lectured and taught at the University of California at Berkeley, the University of Massachusetts at Amherst, Mount Holyoke College, the New School of Social Research, and more; and

**Whereas**, Considering his own reputation as a writer, whose fictional work especially had sometimes been critically reviewed by his colleagues, Baldwin said that “any real artist will never be judged in the time of his time; whatever judgment is delivered in the time of his time cannot be trusted”; and

**Whereas**, Baldwin died in 1987 of stomach cancer at his home in St. Paul de Vence, France, and his funeral was held at NYC’s Cathedral of St. John the Divine; and

**Whereas**, Baldwin is now judged outside of his own time as “one of the giants,” in the words of civil rights leader Reverend Jesse Jackson, who knew him, and as a “prolific and sensitive writer” whose “voice was not watered down by political considerations”; and

**Whereas**, The designation of a day is fitting to commemorate the life and legacy of James Baldwin, who wrote and spoke about injustice so eloquently and profoundly that his influence on both accomplished authors and young writers and his impact on everyday New Yorkers continues unabated today; now, therefore, be it

**Resolved**, That the Council of the City of New York designates August 2 annually as James Baldwin Day in the City of New York to honor his legacy as a groundbreaking essayist, novelist, playwright, poet, and civil rights activist, who fought racial and sexual discrimination with candor, sensitivity, and lasting influence.

Referred to the Committee on Civil and Human Rights.

Res. No. 680

**Resolution designating February 18 annually as Audre Lorde Day in the City of New York to honor her legacy as a poet, essayist, memoirist, and lecturer, whose life and work powerfully addressed the injustices of racism, sexism, and gender discrimination**

By Council Members Hudson, Hanif, Restler and Cabán.

**Whereas**, Audrey Geraldine Lorde was born in Harlem on February 18, 1934, to Frederick Byron Lorde of Barbados and Linda Gertrude Belmar Lorde of Grenada, who had come to New York City (NYC) in 1924; and

**Whereas**, As a child, Lorde dropped the “y” from her first name, preferring the look of having both her first and last names end in “e” and disliking the look of the tail on the “y”; and

**Whereas**, Lorde, who was legally blind and did not speak until she was four or five, explained that, as a child, she “used to speak in poetry” by reciting lines from poems she had memorized in order to answer people’s questions, a habit that she described as “communicat[ing] through poetry”; and

**Whereas**, Even before graduating from the prestigious Hunter College High School, Lorde had joined the Harlem Writers Guild, where she met Langston Hughes and other remarkable writers, and had published her first poems in the *Harlem Writers’ Quarterly* and *Seventeen* magazine; and

**Whereas**, Lorde attended the National University of Mexico in Cuernavaca for a year before returning to NYC and earning a bachelor’s degree from Hunter College at The City University of New York (CUNY) and then a master’s degree in library science from Columbia University; and

**Whereas**, Lorde worked as a librarian in the NYC public schools from 1961 to 1968, following in the footsteps of Augusta Baker, a neighborhood librarian who had befriended Lorde when she was small and had introduced her to poetry; and

**Whereas**, Lorde later became a college professor, first winning a National Endowment for the Arts grant to become a writer-in-residence at Tougaloo College and then going on to teach at Lehman College (CUNY), John Jay College of Criminal Justice (CUNY), and her alma mater Hunter College, while lecturing nationally and internationally; and

**Whereas**, Lorde married and divorced Edwin Rollins and had a son and a daughter from that marriage, who were raised by Lorde and her partner of two decades Frances Clayton, a white female psychology professor, in a house on Staten Island, now designated as a landmark by the NYC Landmarks Preservation Commission; and

**Whereas**, Among her best-known essay and poetry collections are *The First Cities* (1968), *Cables to Rage* (1970), *From a Land Where Other People Live* (published in 1973 and a finalist for the National Book Award for Poetry), *New York Head Shop and Museum* (1974), *Coal* (1976), *The Black Unicorn* (published in 1978 and inspired by a trip to Benin), *Sister Outsider: Essays and Speeches* (published in 1984 and including the landmark essay “The Master’s Tools Will Never Dismantle the Master’s House”), and *A Burst of Light and Other Essays* (published in 1988 and winner of the Before Columbus Foundation American Book Award); and

**Whereas**, Her 1980 memoir *The Cancel Journals*, which told of her brutal struggle with breast cancer and a mastectomy, powerfully addressed the silence and isolation that women—and especially Black lesbians—with breast cancer faced from society and the difficulties Lorde herself had encountered in dealing with a medical system she considered racist; and

**Whereas**, In 1982, Lorde published a second memoir, *Zami: A New Spelling of My Name*, to reflect on her acceptance of her own identity as a Black lesbian in her early years, recounting funny, dramatic, and colorful anecdotes from her life downtown in the 1950s and writing that it “was hard enough to be Black, to be Black and female, to be Black female, and gay,” but perhaps “simply suicidal” to “be Black, female, gay, and out of the closet in a white environment”; and

**Whereas**, Lorde also was concerned and wrote about the growing environmental crisis, noting in 1990 that the “earth is telling us something about our conduct of living”; and

**Whereas**, Lorde was a founding member of Kitchen Table: Women of Color Press and of Sisterhood in Support of Sisters in South Africa, and she served on the board of the Feminist Press; and

**Whereas**, Among other honors she received, Lorde was given the Manhattan Borough President’s Award for Excellence in the Arts in 1988 and was awarded honorary doctorates from Hunter College, Oberlin College, and Haverford College; and

**Whereas**, Lorde was honored as the poet laureate for New York State for 1991-1992 and was posthumously elected to the American Poets Corner at NYC’s Cathedral of St. John the Divine; and

**Whereas**, Lorde often introduced herself as “a Black, lesbian, mother, warrior, poet,” sometimes adding “doing my work, coming to ask you if you’re doing yours”; and

**Whereas**, In her later years, Lorde often said, “What I leave behind has a life of its own,” foreshadowing the power that her writing continues to have today in changing the way people think about discrimination against all of the communities that she belonged to and championed; and

**Whereas**, Before her death, Lorde adopted the African name Gamba Adisa, which means “Warrior: She Who Makes Her Meaning Known”; and

**Whereas**, Lorde died at the age of 58 on November 17, 1992, of liver cancer at her home in St. Croix, Virgin Islands, where she lived with her partner Gloria Joseph; and

**Whereas**, The designation of a day is fitting to commemorate the life and work of Audre Lorde, who still speaks through her writing to all New Yorkers affected by the consequences of bias and intolerance; now, therefore, be it

**Resolved**, That the Council of the City of New York designates February 18 annually as Audre Lorde Day in the City of New York to honor her legacy as a poet, essayist, memoirist, and lecturer, whose life and work powerfully addressed the injustices of racism, sexism, and gender discrimination.

Referred to the Committee on Civil and Human Rights.

## Res. No. 681

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.9904, in relation to defining the term mass shooting for purposes of emergency response measures and access to emergency funding.**

By Council Member Hudson.

**Whereas**, Mass shootings are an alarming and persistent threat that profoundly impact the safety and security of New Yorkers; and

**Whereas**, Despite efforts to prevent gun violence in New York through record-level investments and prevention measures, mass shootings continue to occur; and

**Whereas**, New York Executive Law Chapter 18, Article 35, §835 defines “mass shooting” as an incident in which at least four people are murdered with a firearm, rifle, or shotgun, thereby limiting emergency response and victim support following incidents where multiple individuals are injured, but four people are not murdered; and

**Whereas**, According to data compiled by the Gun Violence Archive, a nonprofit that defines a mass shooting as four or more people shot regardless of whether they were killed, under existing New York law, 99% of what many would consider to be mass shootings in the state over the past decade are not recognized by New York as mass shootings because they did not have the requisite amount of fatalities; and

**Whereas**, Only three mass shootings in New York over the last decade would meet the State's current threshold of at least four fatalities, while 218 other incidents would not qualify because they do not have a high enough death toll; and

**Whereas**, The consequences of mass shootings extend beyond fatalities, with survivors and families often facing long-term physical, emotional, and financial hardships; and

**Whereas**, Victims of mass shooting incidents often lack access to the necessary resources and support for healing and recovery; and

**Whereas**, The inclusion of individuals injured in mass shooting incidents is essential for a more comprehensive emergency response and access to necessary funding; and

**Whereas**, S9904 sponsored by State Senator Zellnor Myrie seeks to redefine the term "mass shooting" as defined in Executive Law §835 to include both fatalities and injuries, thereby expanding access to emergency resources, response measures, and funding for affected individuals and communities; and

**Whereas**, This State legislation would provide a more inclusive framework for identifying and responding to mass shootings, ensuring that all victims, regardless of the extent of their injuries, are eligible for vital support services; and

**Whereas**, Ensuring that victims of gun violence, including those injured in mass shooting incidents, receive timely assistance is critical for community recovery and resilience; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, S.9904, in relation to in relation to defining the term mass shooting for purposes of emergency response measures and access to emergency funding.

Referred to the Committee on Public Safety.

## Res. No. 682

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.9905, in relation to establishing the Office of Gun Violence Prevention and the Gun Violence Advisory Council**

By Council Member Hudson.

**Whereas**, Gun violence remains a critical public safety issue that requires focused and efficient intervention; and

**Whereas**, According to the John Hopkins School of Public Health, gun violence is the leading cause of premature death in the United States with 48,204 people killed in 2022, and

**Whereas**, In addition to the immeasurable human toll, this violence costs the nation approximately \$557 billion annually and New York State approximately \$11.4 billion per year, according to The Economic Cost of Gun Violence by Everytown Research & Policy; and

**Whereas**, According to the New York State Department of Health, in New York and nationally, gun violence disproportionately impacts Black and Hispanic communities, with Black individuals being 10 times more likely to be killed and 18 times more likely to be injured by a gun compared to their white counterparts; and

**Whereas**, In July 2021, New York State issued Executive Order 211, declaring a Disaster Emergency in response to the escalating gun-related incidents and hospitalizations, necessitating urgent action; and

**Whereas**, Executive Order 211 emphasized the importance of community engagement as a key component in addressing and combating gun violence effectively; and

**Whereas**, As part of the 2022 State of the State to prevent and reduce gun violence and violent crime in New York State, the Governor announced a three-part agenda focusing on three core initiatives: investing in state and local law enforcement gun safety efforts, partnering with localities and neighboring states to combat gun trafficking, and tripling investment in community-based gun violence response programs; and

**Whereas**, The Office of Gun Violence Prevention (“OGVP”) was established as part of New York State's three-part agenda to coordinate efforts in combating gun violence; and

**Whereas**, OGVP is tasked with fostering collaboration among community partners, local municipalities, and state agencies to ensure a unified and effective approach to reducing gun violence; and

**Whereas**, OGVP is currently situated within the New York State Department of Health (“NYSDOH”) where it executes the central role in consolidating fragmented violence prevention strategies across the state; and

**Whereas**, The evolving nature and complexities of gun violence, and its intersection with the criminal justice system, require adaptive and specialized responses; and

**Whereas**, The State of New York seeks to further enhance its efforts to reduce the prevalence of gun violence through a streamlined and coordinated approach; and

**Whereas**, Relocating OGVP to the New York State Division of Criminal Justice Services would enable it to leverage the Division's extensive expertise in law enforcement and criminal justice; and

**Whereas**, This relocation would foster more integrated and impactful responses to gun violence, with a continued emphasis on community engagement to ensure better traction and transparency in addressing gun violence across the state; and

**Whereas**, S9904, sponsored by State Senator Zellnor Myrie would situate the Office of Gun Violence Prevention within the New York State Division of Criminal Justice Services to oversee efforts aimed at reducing gun violence; and

**Whereas**, The Gun Violence Advisory Council, as established by this act, will assist OGVP in advising on policy, programs, and actions necessary to reduce gun violence; and

**Whereas**, The transfer of the Office of Gun Violence Prevention to the Division of Criminal Justice Services aims to improve the efficiency and effectiveness of gun violence prevention programs across the state; and

**Whereas**, The advisory council will play a crucial role in ensuring ongoing collaboration and the sharing of knowledge and best practices between governmental agencies and community organizations; and

**Whereas**, The Division of Criminal Justice Services has a strong focus on crime prevention and justice system coordination, which aligns with the core goals of OGVP; and

**Whereas**, This transition is expected to enhance the effectiveness of the OGVP's strategies and initiatives by integrating criminal justice resources with gun violence prevention efforts; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, S.9905, in relation to establishing the Office of Gun Violence Prevention and the Gun Violence Advisory Council.

Referred to the Committee on Public Safety.

Int. No. 1134

By Council Members Krishnan, Schulman, Hanif, Ossé, Joseph, Won, Hudson, Lee, Brannan and Restler.

**A Local Law to amend the New York city charter, in relation to race and ethnicity data collected by agencies**

*Be it enacted by the Council as follows:*

Section 1. Subdivision i of section 15 of the New York city charter, as amended by local law number 76 for the year 2018, is amended to read as follows:

i. *1. Definitions. As used in this subdivision, the following terms have the following meanings:*

*Administering agency. The term “administering agency” means an agency that directly or by contract collects demographic information through form documents from residents.*

*Minimum race and ethnicity reporting category. The term “minimum race and ethnicity reporting category” means a category for reporting data on race and ethnicity based on the most recent data by the United States census bureau, with options including American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, Middle Eastern or North African, Native Hawaiian or Pacific Islander, and White.*

*Regional subgroup race and ethnicity reporting category. The term “regional subgroup race and ethnicity reporting category” means a category for reporting data on race and ethnicity consisting of an aggregation of related subgroup race and ethnicity reporting categories within a minimum race and ethnicity reporting category, based on the most recent regional subgroup race and ethnicity reporting categories used by the United States census bureau, including Alaska Native, American Indian, Latin American Indian, Central Asian, East Asian, South Asian, Southeast Asian, African American or American descendants of slaves, Caribbean and the Americas, Sub-Saharan African with regional groupings as determined by the United Nations geoscheme, Central African or Middle African, Eastern African, Southern African, Western African, Caribbean, Central American, South American, Arab, Anatolian, Arabian Peninsular, Caucasus, Fertile Crescent, Iranian Plateau, North African, Sinai Peninsula, Melanesian, Micronesian, Polynesian, Australian and New Zealander, Eastern European, North American, North European, South European, and West European.*

*Subgroup race and ethnicity reporting category. The term “subgroup race and ethnicity reporting category” means a category for reporting data on race and ethnicity within a regional subgroup race and ethnicity reporting category, based on the most recent subgroup race and ethnicity reporting categories used by the United States census bureau, including Apache, Blackfeet Tribe, Cherokee, Chickasaw, Chippewa, Choctaw, Iroquois, Lenape, Mohawk, Oneida, Onondaga, Seneca, Shinnecock, Sioux, Aztec, Inca, Maya, Mixtec, Taino, Afghan, Kazakh, Kyrgyz, Tajik, Turkmen, Uyghur, Uzbek, Chinese, Japanese, Korean, Mongolian, Taiwanese, Asian Indian, Asian Indian-Bengali, Asian Indian-Punjabi, Bangladeshi, Bengali, Bhutanese, Maldivian, Nepali, Pakistani, Punjabi, Sikh, Sindhi, Sri Lankan, Bruneian, Burmese, Cambodian, Filipino, Hmong, Indonesian, Laotian, Malaysian, Mien, Singaporean, Thai, Vietnamese, Anguillan, Antiguan and Barbudan, Aruban, Bahamian, Barbadian, Belizean, Bermudan, British Virgin Islander, British West Indian, Caymanian, Dominica Islander, Grenadian, Guyanese, Haitian, Jamaican, Kittian and Nevisian, Montserratian, St. Lucian, Surinamese, Trinidadian and Tobagonian, U.S. Virgin Islander, Vincentian, West Indian, Angolan, Cameroonian, Central African, Chadian, Congolese, Equatorial Guinean, Gabonese, Burundian, Ethiopian, Eritrean, Kenyan, Malagasy, Malawian, Mozambican, Rwandan, Somali, South Sudanese, Sudanese, Tanzanian, Ugandan, Zambian, Zimbabwean, Motswana or Botswanian, Namibian, South African, Swazi, Burkinabe, Beninese, Bissau-Guinean, Cape Verdean, Gambian, Ghanaian, Guinean, Ivoirian, Liberian, Malian, Mauritanian, Nigerian, Nigerien, Senegalese, Sierra Leonean, Togolese, Cuban, Dominican, Puerto Rican, Costa Rican, Guatemalan, Honduran, Mexican, Nicaraguan, Panamanian, Salvadoran, Argentinian, Bolivian, Brazilian, Chilean, Colombian, Ecuadoran, Paraguayan, Peruvian, Uruguayan, Venezuelan, Turkish, Bahraini, Emirati, Kuwaiti, Omani, Qatari, Saudi, Yemeni, Armenian, Assyrian, Chaldean, Jewish, Kurdish, Iraqi, Israeli, Jordanian, Lebanese, Palestinian, Syriac, Syrian, Yazidi, Iranian, Amazigh or Berber, Algerian, Comorian, Djiboutian, Libyan, Moroccan, Mauritanian, Somali, Sudanese, Tunisian, Egyptian, Fijian, Chamorro, Marshallese, Native Hawaiian, Samoan, Tongan, Australian, New Zealander, Azerbaijani, Georgian, Armenian, Czech, Belarussian, Bulgarian, Hungarian, Moldovan, Polish, Romanian, Russian,*

*Slovak, Slovenian, Ukrainian, American, Cajun, Canadian, Alsatian, British, Danish, English, Estonian, Finnish, Icelandic, Irish, Latvian, Lithuanian, Norwegian, Scottish, Swedish, Welsh, Albanian, Andorran, Basque, Bosnian and Herzegovinian, Croat, Cypriot, Greek, Italian, Kosovan, Maltese, Montenegrin, North Macedonian, Portuguese, Serbian, Spanish, Turkish, Belgian, Dutch, French, German, Liechtensteiner, Monacan, and Swiss.*

*Transnational subgroup race and ethnicity reporting category. The term “transnational subgroup race and ethnicity reporting category” means a category for reporting data on race and ethnicity consisting of subgroup race and ethnicity reporting categories that include multiple races or ethnicities, based on the most recent transnational race and ethnicity reporting categories used by the United States census bureau, including Chinese Caribbean or Chinese Latin American, Guyanese, Indo-Caribbean, Japanese Latin American, Surinamese, Tibetan, and Jewish.*

[1. The department of social services, the administration for children's services, the department of homeless services, the department of health and mental hygiene, the department for the aging, the department for youth and community development, the department of education and any other agencies designated by the mayor] 2. *Each administering agency [that directly or by contract collect demographic information via form documents from city residents seeking social services] shall provide all persons [seeking such services] completing form documents with a standardized, anonymous, and voluntary demographics information survey form that contains combined race and ethnicity questions [regarding ancestry and languages spoken] based on the most recent guidance by the United States census bureau. Such form shall include a statement indicating that completion of the form is voluntary and that any information collected will not affect eligibility for services.*

[2.] 3. *The combined race and ethnicity questions shall include options allowing respondents to select from:*

(a) *[at least the top 30 largest ancestry groups and languages spoken in the city of New York based on data from the United States census bureau; and] The minimum race and ethnicity reporting categories, and an option to write in a response;*

(b) *["other," with an option to write in a response.] The 10 subgroup race and ethnicity reporting categories within each minimum race and ethnicity reporting category with the highest populations in the city based on the most recent data from the United States census bureau, and 3 additional subgroup race and ethnicity reporting categories within each minimum race and ethnicity reporting category chosen by the administering agency, and at least 1 transnational subgroup race and ethnicity reporting category, if such a category exists within such minimum race and ethnicity reporting category, and an option to write in a response.*

[3.] 4. (a) *Such survey form shall be created by the office of operations, in coordination with the [and] office of immigrant affairs, or such offices or agencies as may be designated by the mayor, and [may] shall be updated based on the most recent guidance reported by the United States census bureau, and may be updated as deemed necessary by those agencies based on changing demographics.*

(b) *No later than 1 year after the effective date of the local law that added this subparagraph, each administering agency, in coordination with the office of operations and office of immigrant affairs, shall update any existing form documents as required by this subdivision.*

(c) *The office of operations, in collaboration with the office of immigrant affairs, shall establish a webpage that lists each minimum race and ethnicity reporting category, regional subgroup race and ethnicity reporting category, and subgroup race and ethnicity reporting category based on the most recent race and ethnicity reporting categories used by the United States census bureau. Each administering agency shall include a link to such webpage on any online form that includes demographic data questions. The office of operations shall update such webpage as necessary based on the most recent race and ethnicity categories used by the United States census bureau.*

[4.] 5. (a) *Beginning no later than six months after the effective date of the local law that added this subdivision, and annually thereafter, the office of operations, or the office or agency designated by the mayor, shall conduct a review of all forms issued [by the agencies described in] pursuant to paragraph [1] 2 of this subdivision [and any other agencies so designated by the mayor] that[:] collect demographic information [addressing the questions contained on the survey form, are completed by persons seeking services and contain content and/or language in relation to collecting such information that is within the administering city agency's authority to edit or amend] from city residents [seeking social services]. The office of operations, or the office or agency designated by the mayor, shall submit to the council, within 60 days of such review, a [list] report listing [of] all forms reviewed [and all forms eligible for updating, and for forms not eligible for updating an*



explanation of why such forms are not eligible for updating, and indicate which forms shall be updated.] *and indicating whether each such form is within each administering agency's authority to amend. If a form is not within an administering agency's authority to amend, the report shall identify the law or other barrier that prohibits such amendment, whether there is any applicable waiver that would permit amendment of such form, and, if so, any efforts made to obtain such a waiver.* When [practicable, when] such forms are updated they shall request voluntary responses to questions about [ancestry and languages spoken] *race and ethnicity*. All forms [identified as eligible for updating during the review required pursuant to this paragraph] *within an administering agency's authority to amend* shall be updated to invite responses to questions about *race and ethnicity* [ancestry and languages spoken no later than five years from the effective date of the local law that added this subdivision].

(b) All forms not [eligible for updating] *within an administering agency's authority to amend* shall be provided in conjunction with the standardized, anonymous, and voluntary demographics information survey form as established by paragraph [1] 2 of *this subdivision* [i of this section.], *provided that, if there is any waiver that would permit such form to be amended, the administering agency shall apply for such waiver, and, if such waiver is granted, such form shall be updated to invite responses to questions about race and ethnicity.*

(c) *Upon an administering agency's determination that a form is not within such administering agency's authority to amend, such administering agency shall notify the public by posting on such administering agency's website the law or other barrier that prohibits such amendment, whether there is a waiver that would permit amendment of such form, and any efforts to obtain such a waiver. Such administering agency shall provide the public with an opportunity to comment on such form at a public hearing within 30 days of issuing such notice, and shall publish on such administering agency's website the decision on whether such request for a waiver was granted or denied, including an explanation of the reasons why such waiver was granted or denied.*

[5.] 6. (a) Beginning no later than 18 months after the effective date of the local law that added this subdivision, and annually thereafter, the office of operations, or the office or agency designated by the mayor, *in coordination with each administering agency*, shall make available to the public *through the single web portal required by section 23-502* the following data for the prior fiscal year: [that includes but is not limited to the total number of individuals who have identified their ancestry or languages spoken on the survey form described in paragraph 1 of this subdivision and any forms updated pursuant to paragraph 4 of this subdivision, disaggregated by response option, agency and program. Such data shall be made available to the public through the single web portal provided for in section 23-502 of the administrative code.]

(1) *The total number of individuals who have selected their race and ethnicity on the survey form described in paragraph 2 of this subdivision;*

(2) *The total number of individuals who selected each minimum race and ethnicity reporting category;*

(3) *The total number of individuals who selected each subgroup race and ethnicity reporting category;*

(4) *The total number of individuals who selected each transnational subgroup race and ethnicity reporting category; and*

(5) *The total number of individuals who are members of each regional subgroup race and ethnicity reporting category based on an analysis of each subgroup race and ethnicity reporting category selected by an individual.*

(b) *No later than 1 year after the effective date of the local law that added this subparagraph, and annually thereafter, each administering agency shall post on each such administering agency's website the following information for the prior fiscal year:*

(1) *The total number of forms used by such administering agency that include questions on race and ethnicity;*

(2) *A list of any forms updated pursuant to this subdivision; and*

(3) *The name of the division or unit within the administering agency responsible for collecting and maintaining race and ethnicity data.*

[6.] 7. [Each] *No later than 1 year after publishing the data required to be published pursuant to paragraph 6 of this section, each administering agency that provides the survey form required pursuant to paragraph [1] 2 of this subdivision shall evaluate its provision of services in consideration of the data collected pursuant to this subdivision and the office of operations, or the office or agency designated by the mayor, shall submit to the council [a] an annual report on any new or modified services developed by any agencies based on such data. [Such report shall be submitted no earlier than 18 months after the effective date of the local law that added this paragraph.]*

[7.] 8. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of information respecting students and families serviced by the New York city department of education. If any category requested contains between 1 and 5, or allows another category to be narrowed to between 1 and 5, the number shall be replaced with a symbol.

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

Referred to the Committee on Governmental Operations, State & Federal Legislation.

Int. No. 1134

By Council Members Krishnan, Schulman, Hanif, Ossé, Joseph, Won, Hudson, Lee, Brannan and Restler.

**A Local Law to amend the New York city charter, in relation to race and ethnicity data collected by agencies**

*Be it enacted by the Council as follows:*

Section 1. Subdivision i of section 15 of the New York city charter, as amended by local law number 76 for the year 2018, is amended to read as follows:

i. 1. *Definitions. As used in this subdivision, the following terms have the following meanings:*

*Administering agency. The term “administering agency” means an agency that directly or by contract collects demographic information through form documents from residents.*

*Minimum race and ethnicity reporting category. The term “minimum race and ethnicity reporting category” means a category for reporting data on race and ethnicity based on the most recent data by the United States census bureau, with options including American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, Middle Eastern or North African, Native Hawaiian or Pacific Islander, and White.*

*Regional subgroup race and ethnicity reporting category. The term “regional subgroup race and ethnicity reporting category” means a category for reporting data on race and ethnicity consisting of an aggregation of related subgroup race and ethnicity reporting categories within a minimum race and ethnicity reporting category, based on the most recent regional subgroup race and ethnicity reporting categories used by the United States census bureau, including Alaska Native, American Indian, Latin American Indian, Central Asian, East Asian, South Asian, Southeast Asian, African American or American descendants of slaves, Caribbean and the Americas, Sub-Saharan African with regional groupings as determined by the United Nations geoscheme, Central African or Middle African, Eastern African, Southern African, Western African, Caribbean, Central American, South American, Arab, Anatolian, Arabian Peninsular, Caucasus, Fertile Crescent, Iranian Plateau, North African, Sinai Peninsula, Melanesian, Micronesian, Polynesian, Australian and New Zealander, Eastern European, North American, North European, South European, and West European.*

*Subgroup race and ethnicity reporting category. The term “subgroup race and ethnicity reporting category” means a category for reporting data on race and ethnicity within a regional subgroup race and ethnicity reporting category, based on the most recent subgroup race and ethnicity reporting categories used by the United States census bureau, including Apache, Blackfeet Tribe, Cherokee, Chickasaw, Chippewa, Choctaw, Iroquois, Lenape, Mohawk, Oneida, Onondaga, Seneca, Shinnecock, Sioux, Aztec, Inca, Maya, Mixtec, Taino, Afghan, Kazakh, Kyrgyz, Tajik, Turkmen, Uyghur, Uzbek, Chinese, Japanese, Korean, Mongolian, Taiwanese, Asian Indian, Asian Indian-Bengali, Asian Indian-Punjabi, Bangladeshi, Bengali, Bhutanese, Maldivian, Nepali, Pakistani, Punjabi, Sikh, Sindhi, Sri Lankan, Bruneian, Burmese, Cambodian, Filipino, Hmong, Indonesian, Laotian, Malaysian, Mien, Singaporean, Thai, Vietnamese, Anguillan, Antiguan and Barbudan, Aruban, Bahamian, Barbadian, Belizean, Bermudan, British Virgin Islander, British West Indian, Caymanian, Dominican Islander, Grenadian, Guyanese, Haitian, Jamaican, Kittian and Nevisian, Montserratian, St. Lucian, Surinamese, Trinidadian and Tobagonian, U.S. Virgin Islander, Vincentian, West Indian, Angolan, Cameroonian, Central African, Chadian, Congolese, Equatorial Guinean, Gabonese, Burundian, Ethiopian, Eritrean, Kenyan, Malagasy, Malawian, Mozambican, Rwandan, Somali, South Sudanese, Sudanese,*

*Tanzanian, Ugandan, Zambian, Zimbabwean, Motswana or Botswanian, Namibian, South African, Swazi, Burkinabe, Beninese, Bissau-Guinean, Cape Verdean, Gambian, Ghanaian, Guinean, Ivoirian, Liberian, Malian, Mauritanian, Nigerian, Nigerien, Senegalese, Sierra Leonean, Togolese, Cuban, Dominican, Puerto Rican, Costa Rican, Guatemalan, Honduran, Mexican, Nicaraguan, Panamanian, Salvadoran, Argentinian, Bolivian, Brazilian, Chilean, Colombian, Ecuadoran, Paraguayan, Peruvian, Uruguayan, Venezuelan, Turkish, Bahraini, Emirati, Kuwaiti, Omani, Qatari, Saudi, Yemeni, Armenian, Assyrian, Chaldean, Jewish, Kurdish, Iraqi, Israeli, Jordanian, Lebanese, Palestinian, Syriac, Syrian, Yazidi, Iranian, Amazigh or Berber, Algerian, Comorian, Djiboutian, Libyan, Moroccan, Mauritanian, Somali, Sudanese, Tunisian, Egyptian, Fijian, Chamorro, Marshallese, Native Hawaiian, Samoan, Tongan, Australian, New Zealander, Azerbaijani, Georgian, Armenian, Czech, Belarussian, Bulgarian, Hungarian, Moldovan, Polish, Romanian, Russian, Slovak, Slovenian, Ukrainian, American, Cajun, Canadian, Alsatian, British, Danish, English, Estonian, Finnish, Icelandic, Irish, Latvian, Lithuanian, Norwegian, Scottish, Swedish, Welsh, Albanian, Andorran, Basque, Bosnian and Herzegovinian, Croat, Cypriot, Greek, Italian, Kosovan, Maltese, Montenegrin, North Macedonian, Portuguese, Serbian, Spanish, Turkish, Belgian, Dutch, French, German, Liechtensteiner, Monacan, and Swiss.*

*Transnational subgroup race and ethnicity reporting category. The term “transnational subgroup race and ethnicity reporting category” means a category for reporting data on race and ethnicity consisting of subgroup race and ethnicity reporting categories that include multiple races or ethnicities, based on the most recent transnational race and ethnicity reporting categories used by the United States census bureau, including Chinese Caribbean or Chinese Latin American, Guyanese, Indo-Caribbean, Japanese Latin American, Surinamese, Tibetan, and Jewish.*

[1. The department of social services, the administration for children's services, the department of homeless services, the department of health and mental hygiene, the department for the aging, the department for youth and community development, the department of education and any other agencies designated by the mayor] 2. *Each administering agency [that directly or by contract collect demographic information via form documents from city residents seeking social services] shall provide all persons [seeking such services] completing form documents with a standardized, anonymous, and voluntary demographics information survey form that contains combined race and ethnicity questions [regarding ancestry and languages spoken] based on the most recent guidance by the United States census bureau. Such form shall include a statement indicating that completion of the form is voluntary and that any information collected will not affect eligibility for services.*

[2.] 3. *The combined race and ethnicity questions shall include options allowing respondents to select from:*

(a) *[at least the top 30 largest ancestry groups and languages spoken in the city of New York based on data from the United States census bureau; and] The minimum race and ethnicity reporting categories, and an option to write in a response;*

(b) *["other," with an option to write in a response.] The 10 subgroup race and ethnicity reporting categories within each minimum race and ethnicity reporting category with the highest populations in the city based on the most recent data from the United States census bureau, and 3 additional subgroup race and ethnicity reporting categories within each minimum race and ethnicity reporting category chosen by the administering agency, and at least 1 transnational subgroup race and ethnicity reporting category, if such a category exists within such minimum race and ethnicity reporting category, and an option to write in a response.*

[3.] 4. (a) *Such survey form shall be created by the office of operations, in coordination with the [and] office of immigrant affairs, or such offices or agencies as may be designated by the mayor, and [may] shall be updated based on the most recent guidance reported by the United States census bureau, and may be updated as deemed necessary by those agencies based on changing demographics.*

(b) *No later than 1 year after the effective date of the local law that added this subparagraph, each administering agency, in coordination with the office of operations and office of immigrant affairs, shall update any existing form documents as required by this subdivision.*

(c) *The office of operations, in collaboration with the office of immigrant affairs, shall establish a webpage that lists each minimum race and ethnicity reporting category, regional subgroup race and ethnicity reporting category, and subgroup race and ethnicity reporting category based on the most recent race and ethnicity reporting categories used by the United States census bureau. Each administering agency shall include a link to such webpage on any online form that includes demographic data questions. The office of operations shall*

*update such webpage as necessary based on the most recent race and ethnicity categories used by the United States census bureau.*

[4.] 5. (a) Beginning no later than six months after the effective date of the local law that added this subdivision, and annually thereafter, the office of operations, or the office or agency designated by the mayor, shall conduct a review of all forms issued [by the agencies described in] *pursuant to* paragraph [1] 2 of this subdivision [and any other agencies so designated by the mayor] that[:] collect demographic information [addressing the questions contained on the survey form, are completed by persons seeking services and contain content and/or language in relation to collecting such information that is within the administering city agency's authority to edit or amend] *from city residents* [seeking social services]. The office of operations, or the office or agency designated by the mayor, shall submit to the council, within 60 days of such review, a [list] *report listing* [of] all forms reviewed [and all forms eligible for updating, and for forms not eligible for updating an explanation of why such forms are not eligible for updating, and indicate which forms shall be updated.] *and indicating whether each such form is within each administering agency's authority to amend. If a form is not within an administering agency's authority to amend, the report shall identify the law or other barrier that prohibits such amendment, whether there is any applicable waiver that would permit amendment of such form, and, if so, any efforts made to obtain such a waiver.* When [practicable, when] such forms are updated they shall request voluntary responses to questions about [ancestry and languages spoken] *race and ethnicity*. All forms [identified as eligible for updating during the review required pursuant to this paragraph] *within an administering agency's authority to amend* shall be updated to invite responses to questions about *race and ethnicity* [ancestry and languages spoken no later than five years from the effective date of the local law that added this subdivision].

(b) All forms not [eligible for updating] *within an administering agency's authority to amend* shall be provided in conjunction with the standardized, anonymous, and voluntary demographics information survey form as established by paragraph [1] 2 of *this* subdivision [i of this section.], *provided that, if there is any waiver that would permit such form to be amended, the administering agency shall apply for such waiver, and, if such waiver is granted, such form shall be updated to invite responses to questions about race and ethnicity.*

(c) *Upon an administering agency's determination that a form is not within such administering agency's authority to amend, such administering agency shall notify the public by posting on such administering agency's website the law or other barrier that prohibits such amendment, whether there is a waiver that would permit amendment of such form, and any efforts to obtain such a waiver. Such administering agency shall provide the public with an opportunity to comment on such form at a public hearing within 30 days of issuing such notice, and shall publish on such administering agency's website the decision on whether such request for a waiver was granted or denied, including an explanation of the reasons why such waiver was granted or denied.*

[5.] 6. (a) Beginning no later than 18 months after the effective date of the local law that added this subdivision, and annually thereafter, the office of operations, or the office or agency designated by the mayor, *in coordination with each administering agency*, shall make available to the public *through the single web portal required by section 23-502* the following data for the prior fiscal year: [that includes but is not limited to the total number of individuals who have identified their ancestry or languages spoken on the survey form described in paragraph 1 of this subdivision and any forms updated pursuant to paragraph 4 of this subdivision, disaggregated by response option, agency and program. Such data shall be made available to the public through the single web portal provided for in section 23-502 of the administrative code.]

(1) *The total number of individuals who have selected their race and ethnicity on the survey form described in paragraph 2 of this subdivision;*

(2) *The total number of individuals who selected each minimum race and ethnicity reporting category;*

(3) *The total number of individuals who selected each subgroup race and ethnicity reporting category;*

(4) *The total number of individuals who selected each transnational subgroup race and ethnicity reporting category; and*

(5) *The total number of individuals who are members of each regional subgroup race and ethnicity reporting category based on an analysis of each subgroup race and ethnicity reporting category selected by an individual.*

(b) *No later than 1 year after the effective date of the local law that added this subparagraph, and annually thereafter, each administering agency shall post on each such administering agency's website the following information for the prior fiscal year:*

(1) *The total number of forms used by such administering agency that include questions on race and ethnicity;*

(2) *A list of any forms updated pursuant to this subdivision; and*

(3) *The name of the division or unit within the administering agency responsible for collecting and maintaining race and ethnicity data.*

[6.] 7. [Each] *No later than 1 year after publishing the data required to be published pursuant to paragraph 6 of this section, each administering agency that provides the survey form required pursuant to paragraph [1] 2 of this subdivision shall evaluate its provision of services in consideration of the data collected pursuant to this subdivision and the office of operations, or the office or agency designated by the mayor, shall submit to the council [a] an annual report on any new or modified services developed by any agencies based on such data. [Such report shall be submitted no earlier than 18 months after the effective date of the local law that added this paragraph.]*

[7.] 8. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of information respecting students and families serviced by the New York city department of education. If any category requested contains between 1 and 5, or allows another category to be narrowed to between 1 and 5, the number shall be replaced with a symbol.

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

Referred to the Committee on Governmental Operations, State & Federal Legislation.

Res. No. 683

By Council Members Nurse and Brooks-Powers.

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.1023A/S.1569A, known as the end toxic home flipping act, to impose a tax on recently resold residential properties.**

**Whereas**, Home flipping is a term referring to the practice of a home being purchased by a real estate investor, shortly followed by its resale, with the purpose of selling it for a considerable increase in price; and

**Whereas**, The practice may inflate median home values in New York City (“NYC” or the “City”), which frustrates first-time homebuyers seeking a more permanent residence for their family and an opportunity to build generational wealth; and

**Whereas**, Home flipping may also contribute to the displacement of Black New Yorkers, worsen outcomes for homeowners going through foreclosure, and has involved the harassment and deception of homeowners; and

**Whereas**, The median value of a home nearly doubled in NYC between 2010 to 2023, such that only 7,707 of the 24,344 one-to-four unit homes sold in 2017 were found by the Center for New York City Neighborhoods (“CNYCN”) to be affordable to families making the Area Median Income for a family of three, which was \$85,900; and

**Whereas**, In part due to these rising home values, many homeowners in the City experience high rates of housing burden, with nearly 45% of homeowners with a mortgage spending more than 30% of their income in 2022 on housing costs, such as mortgage payments, as well as insurance and property tax payments, which makes first-time homeownership less affordable; and

**Whereas**, CNYCN has also found that homes flipped by real estate investors were purchased for 20% to 50% less than comparable properties in the neighborhood, which suggests that home flipping increases the demand for affordable homes and thereby reduces opportunities for first-time homeownership; and

**Whereas**, The inflation of home values due to flipping also harms tenants living in units without rent regulation, as property owners may pass the cost of maintaining more expensive homes onto such tenants by raising rents, which have already increased by more than 40% since 2000 after accounting for inflation; and

**Whereas**, Home flipping may also contribute to the displacement of Black New Yorkers, as many of the community districts that have experienced the greatest number of flips include predominately Black neighborhoods, and may therefore result in households moving farther away from family, community, education, and employment; and

**Whereas**, Over the last two decades, the population of Black NYC residents decreased by nearly 9%, and the population of Black children and teenagers in the City experienced an even sharper decrease of more than 19% between 2010 and 2020 alone, a trend that may have been exacerbated by the difficulty of obtaining physically larger housing to accommodate a growing family in a high-priced housing market; and

**Whereas**, Many historically Black neighborhoods have experienced particularly rapid gentrification in recent years, such as East Harlem and Bedford-Stuyvesant, which experienced 87% and 168% increases in median home values, respectively, between 2009 and 2021, potentially causing residents of these neighborhoods to move within NYC or out of the City entirely; and

**Whereas**, Home flippers are a nuisance to many homeowners, particularly those in rapidly gentrifying neighborhoods, as they may bombard homeowners with unsolicited phone calls, letters, and leaflets that offer to purchase their property, which has created such inconvenience that the New York Department of State established a Cease and Desist Zone program that prohibits aggressive solicitation in certain neighborhoods; and

**Whereas**, Some home flippers have engaged in predatory behavior, such as misleading senior homeowners and family members of deceased homeowners, in order to purchase property for less than market price, as well as illegal behavior, such as deed theft; and

**Whereas**, These aggressive solicitations from home flippers may particularly harm homeowners going through foreclosure, as such homeowners may be persuaded to immediately accept an unfavorable offer instead of the longer process of listing their property on the open market, which would likely yield a higher price and might also incorporate free counseling or legal assistance offered by various not-for-profit organizations in NYC; and

**Whereas**, A.1023A, sponsored by New York State Assembly Member Catalina Cruz, and S.1569A, sponsored by New York State Senator Julia Salazar, would reduce the financial incentive behind home flipping by imposing a new tax on the sale of one-to-three unit residential properties that are resold within two years; and

**Whereas**, If enacted, home flippers would be required to pay a tax of 65% on the financial gain from the resale of a property within one year, and a tax of 50% for properties resold within one to two years, with exemptions for owners who: convey property between family members, are deceased, demonstrate a hardship, or earned a financial gain of 10% or less on the sale of a property; and

**Whereas**, Enactment of A.1023A/S.1569A could facilitate first-time homeownership, alleviate the displacement of Black New Yorkers, benefit homeowners going through foreclosure, and protect homeowners against predatory and illegal behavior; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, A.1023A/S.1569A, known as the end toxic home flipping act, to impose a tax on recently resold residential properties.

Referred to the Committee on Housing and Buildings.

Res No. 684

**Resolution calling upon the United States Congress to pass, and the President to sign, S.4445/H.R.9643, also known as the Right to IVF Act, legislation that would create a federal statutory right to access assisted reproductive technology**

By Council Members Ung, Powers, Hanif and Restler.

**Whereas**, S.4445/H.R.9643, also known as the Right to IVF Act, sponsored by Senator Tammy Duckworth and Representative Susan Wild respectively, was introduced in the United States (U.S.) Senate on June 3, 2024 and the U.S. House of Representatives on September 17, 2024; and

**Whereas**, In the wake of the Alabama Supreme Court ruling *LePage v. Center for Reproductive Medicine, P.C.*, issued February 16, 2024, which declared embryos to be legal children, advocates and lawmakers have called for the immediate passage of the Access to Family Building Act, the predecessor legislation to the Right to IVF Act, in order to protect the process known as in vitro fertilization (IVF); and

**Whereas**, S.4445/H.R.9643 would provide a statutory right to access fertility treatments, including IVF, and would allow individuals to make decisions without limitation or interference regarding the use of their reproductive genetic materials, such as embryos; and

**Whereas**, According to the Mayo Clinic, IVF is the most effective type of fertility treatment involving the handling of eggs, embryos and/or sperm; and

**Whereas**, The Mayo Clinic states that during IVF, mature eggs are collected from ovaries and then fertilized by sperm in a lab, after which the fertilized eggs, known as embryos, are placed in utero for gestation; and

**Whereas**, According to Johns Hopkins University, embryos that have been produced but not used during an IVF treatment cycle may be kept frozen by a fertility clinic for later use, thereby eliminating the need for IVF patients to undergo future additional hormonal treatments; and

**Whereas**, Following an incident in 2020, which, according to a CNN article published on February 20, 2024, resulted in the destruction of their frozen embryos that were being stored at the Center for Reproductive Medicine (CRM) in Mobile, Alabama, three couples filed a wrongful-death complaint against the fertility clinic; and

**Whereas**, One of the claims brought by the plaintiff couples was based upon the 1872 Alabama statute known as The Wrongful Death of a Minor Act (WDMA), which allows parents of a deceased child to recover punitive damages for their child's death; and

**Whereas**, The Alabama trial court dismissed the case, finding that embryos that exist in vitro are not people or children as a legal matter; and

**Whereas**, The plaintiff couples appealed the decision to the Supreme Court of Alabama, which disagreed with the lower court and declared that the WDMA applies "to all unborn children without limitation... including unborn children who are not located in utero at the time they are killed"; and

**Whereas**, In the immediate aftermath of the ruling several of Alabama's IVF clinics paused services; and

**Whereas**, According to the U.S. Department of Health and Human Services, the cost of a single cycle of IVF has been estimated to range from \$15,000 to possibly over \$30,000, and given the average treatment plan requires 2.5 cycles of IVF, this cost can exceed \$40,000; and

**Whereas**, The ruling of the Alabama Supreme Court could result in increased liability costs that could drive the price of IVF even higher; and

**Whereas**, Based upon the Centers for Disease Control and Prevention (CDC) Fertility Clinic Success Rate Report, in 2021, approximately 238,126 patients had 413,776 assisted reproductive technology (ART) cycles performed at 453 clinics across the United States, resulting in 91,906 live births, defined as the "deliveries of one or more living infants," and 97,128 live born infants; and

**Whereas**, According to the CDC, New York State has the second highest number of ART clinics, 44, and, in 2020, the second highest number of infants born using ART treatments, 7,506; and

**Whereas**, While at present, according to Resolve, The National Infertility Association, New York State laws protect the right to access reproductive care and services like IVF, codifying these rights at the federal level would provide another layer of protection for all New Yorkers; and

**Whereas**, The citizens of New York State voted to pass Proposition 1 in the 2024 election, which enshrined in the New York State Constitution protections from discrimination against those receiving reproductive healthcare; and

**Whereas**, according to an NPR article from September 17, 2024, Senate Republicans blocked the Right to IVF Act as Democrats attempted to push the legislation forward ahead of the 2024 election; and

**Whereas**, In April 2024, New York Attorney General Letitia James and a coalition of 21 attorneys urged Congress to pass the Access to Family Building Act, the predecessor legislation to the Right to IVF Act; 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, S.4445/H.R.9643, also known as the Right to IVF Act, legislation that would create a federal statutory right to access assisted reproductive technology.

Referred to the Committee on Health.

## Int. No. 1136

By Council Members Vernikov, Holden, Hanks and Morano.

**A Local Law to amend the administrative code of the city of New York, in relation to the suspension of alternate side of the street parking rules near street work that reduces the number of available parking spaces**

*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 19-163.3 to read as follows:

§ 19-163.3 *Suspension of parking rules near street work.* a. *On days when the department is engaged in street work that results in a reduction of available parking spaces, all alternate side of the street parking rules shall be suspended within a 2 block radius of any parking space that has become unavailable due to such work.*

b. *The department shall post signage at prominent locations within the designated area indicating that alternate side of the street parking rules have been suspended.*

c. *As soon as practicable prior to suspending alternate side of the street parking rules pursuant to subdivision a of this section, the department shall notify the department of sanitation, police department, and department of finance of the time and location of the suspension and shall post such information on the department's website.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

## Int. No. 1137

By Council Members Williams, Restler, Cabán, Ossé, Hanif, Stevens, Brooks-Powers, Hanks and Nurse.

**A Local Law to amend the New York city charter, in relation to the budgets of the equal employment practices commission and the commission on civil and human rights**

*Be it enacted by the Council as follows:*

Section 1. Section 831 of the New York city charter is amended by adding a new subdivision e to read as follows:

e. *The appropriations available to pay for the expenses of the commission in each fiscal year shall not be less than 0.01 percent of the appropriations available to pay for the salaries and wages portion of the city's personal services expenses.*

§ 2. Section 902 of the New York city charter is amended by adding a new subdivision c to read as follows:

c. *The appropriations available to pay for the expenses of the commission in each fiscal year shall not be less than the sum of:*

1. *The appropriations available to pay for the personal services expenses of the department of consumer and worker protection that are allocated for licensing and enforcement; and*

2. *The percentage of appropriations available to pay for the other than personal services expenses of the department of consumer and worker protection that is equal to the percentage of appropriations available to pay for the personal services expenses of the department of consumer and worker protection that are allocated for licensing and enforcement.*

§ 3. This local law takes effect immediately after it is submitted for the approval of the qualified electors of the city at the next general election held after its enactment and is approved by a majority of such electors voting thereon.



Referred to the Committee on Civil and Human Rights.

Int. No. 1138

By Council Members Won, Bottcher, Cabán, Brooks-Powers, Hudson, Restler, Krishnan, Marte, Hanif, Abreu and Nurse (in conjunction with the Brooklyn Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting standing or parking a vehicle within 20 feet of a crosswalk at an intersection**

*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 19-175.9 to read as follows:

§ 19-175.9 *Restricted parking near intersections. a. Definitions. As used in this section, the following terms have the following meanings:*

*Crosswalk. The term “crosswalk” means that part of a roadway, whether marked or unmarked, which is included within the extension of the sidewalk lines between opposite sides of the roadway at an intersection.*

*Intersection. The term “intersection” means the same as such term is defined in section 120 of the vehicle and traffic law or successor provision.*

*Park. The term “park” has the meaning set forth in section 129 of the vehicle and traffic law or successor provision.*

*Stand. The term “stand” has the meaning set forth in section 145 of the vehicle and traffic law or successor provision.*

*b. Except when necessary to avoid conflict with other traffic, or when in compliance with law or the directions of a police officer or official traffic-control device, no person shall stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers, within 20 feet of a crosswalk.*

*c. The department shall conduct citywide community education and outreach efforts with regard to the change in parking regulations described in subdivision b. The department shall post the change in parking regulations on the website containing parking restrictions as required by section 19-175.1. Notwithstanding the notice for affected areas requirement in subdivision a of section 19-175.2, no physical posting of notice shall be required following the implementation of the requirements of this section.*

*d. Any person who violates this section shall be subject to a civil penalty. The commissioner of finance shall promulgate rules establishing the civil penalty for violation of this section.*

§ 2. Subdivisions c, d, e, f, g, and h of section 19-175.8 of subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York, as added by local law number 66 for the year 2023, are amended to read as follows:

*c. Beginning January 1, 2025, each year the department shall implement daylighting barriers at a minimum of [100] 1000 intersections where daylighting [is] barriers are not already implemented. Such intersections shall be determined by the department based on a consideration of the factors described pursuant to paragraph 2 of subdivision b of this section.*

*[d. Whenever the commissioner determines it is feasible and will meaningfully contribute to the safety of motorists, pedestrians, or cyclists, in addition to daylighting an intersection, the department shall install daylighting barriers within that portion of the street where daylighting has been implemented in order to prevent vehicles from occupying the space.*

*e. Notwithstanding subdivision c of this section, the commissioner shall not be required to install daylighting at any intersection where such installation would, in the commissioner’s judgement, endanger the safety of motorists, pedestrians, or cyclists, or otherwise not be in the public interest based on a consideration of the factors described pursuant to paragraph 2 of subdivision b of this section.*

*f.] d. The commissioner may cease the implementation of daylighting barriers as provided in subdivision c of this section on or after January 1, 2030, provided that the commissioner determines that such implementation*

would not meaningfully contribute to the safety of motorists, pedestrians, or cyclists. The department shall inform the speaker of the council in writing of such determination and the reasons [therefore] *therefor*; provided, however, that the commissioner may continue to install daylighting *barriers* at any intersection after such determination, at the commissioner's discretion.

[g.] *e.* No later than February 1, 2026, and annually thereafter, the commissioner shall submit to the mayor and the speaker of the council, and post on the department's website, a report on the implementation of daylighting *barriers* during the prior year pursuant to this section. Such report shall include, but need not be limited to:

1. Every intersection, disaggregated by borough and council district, at which the department implemented daylighting *barriers* during the prior year *and a description of the type of daylighting barriers that were implemented*; and

2. Every intersection, disaggregated by borough, at which the department discontinued or removed daylighting *barriers* during the prior year, and an explanation describing the reason for such discontinuance or removal.

[h.] *f.* The report required by subdivision [g] *e* of this section may be submitted as part of the update required to be submitted pursuant to paragraph 2 of subdivision d of section 19-199.1 of this code, provided that such report shall not be required following a determination to cease the implementation of daylighting *barriers* pursuant to subdivision [f] *d* of this section.

§ 3. This local law takes effect 180 days after it becomes law, except that subdivision d of section 19-175.9 of the administrative code of the city of New York, as added by section one of this local law, takes effect 190 days after it becomes law, and section two takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Preconsidered L.U. No. 197

By Council Member Brannan:

**DeKalb Cluster, Block 3329, Lot 40, Bronx, Community District No. 7, Council District No. 11.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 198

By Council Member Brannan:

**Morningside I (Art. V), Block 1943, Lot 1, Manhattan, Community District No. 10, Council District No. 9.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 199

By Council Member Brannan:

**Morningside I (Art. XI), Block 1943, Lot 1, Manhattan, Community District No. 10, Council District No. 9.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

NEW YORK CITY COUNCIL

**A N N O U N C E M E N T S**

**Monday, December 9, 2024**

Committee on Consumer and Worker Protection

Julie Menin, Chairperson

**Int 1133** - By Council Members Gutiérrez and Nurse - **A Local Law** to amend the administrative code of the city of New York, in relation to protections for contracted delivery workers.

**Int 1135** - By Council Members Nurse and Gutiérrez - **A Local Law** to amend the administrative code of the city of New York, in relation to minimum payments to grocery delivery workers.

Council Chambers – City Hall.....1:00 p.m.

**Tuesday, December 10, 2024**

Committee on Cultural Affairs, Libraries and International Intergroup Relations

Carlina Rivera, Chairperson

**Oversight** - Supporting the Arts, Culture, and History of Indigenous Peoples in New York City.

Council Chambers – City Hall.....10:00 a.m.

**Wednesday, December 11, 2024**

Committee on Transportation and Infrastructure

Selvena N. Brooks-Powers, Chairperson

**Oversight** - Planning Our Shared Streets in New York City: Integrating Micromobility Options.

**Int 606** - By Council Members Holden, Vernikov, Yeger, Fariás, Riley, Brannan, Dinowitz, Ossé, Bottcher, Gennaro, Menin, Abreu, Ung, Lee, Williams, Narcisse, Zhuang, Hanks, Stevens, Feliz, Mealy, Moya, Salamanca, Louis, Salaam, Banks, Ariola, Paladino, Carr, Marmorato and Borelli - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring that every bicycle with electric assist, electric scooter and other legal motorized vehicle be licensed and registered.

**Int 1131** - By Council Members Brooks-Powers, Brewer, Won and Menin - **A Local Law** in relation to the establishment of a task force to study options for making street design and infrastructure safer in consideration of increased use of electric bicycles and related collisions.

Council Chambers – City Hall.....10:00 a.m.

**Thursday, December 12, 2024**

Committee on Children and Youth

Althea V. Stevens, Chairperson

**Oversight** - Examination of ACS’s Preventative Services Programming.

**Proposed Int 9-A** - By Council Members Ayala, Louis, Hanif, Hudson, Ung, Sanchez, Brannan, Won, Gutiérrez, Brooks-Powers, Stevens, Brewer, Abreu and Cabán - **A Local Law** to amend the administrative code of the city of New York, in relation to providing information about obtaining counsel at the first point of contact during an ACS investigation.

**Int 652** - By Council Members Sanchez, Stevens, Menin, Ossé, Gutiérrez, Lee, Joseph, Hudson, the Public Advocate (Mr. Williams), Nurse, Louis, Brewer, Brooks-Powers, Narcisse and Cabán - **A Local Law** in relation to requiring the commissioner of health and mental hygiene to establish and operate a pilot program providing free mental health services to children who have been returned to their home following a removal, and providing for the repeal of such provisions upon the expiration thereof.

Committee Room – City Hall.....10:00 a.m.

[Subcommittee on Zoning & Franchises](#)

Kevin C. Riley, Chairperson

**See Land Use Calendar**

Committee Room – 250 Broadway, 14th Floor..... 11:00 a.m.

[Committee on Civil & Human Rights](#)

Nantasha Williams, Chairperson

**Oversight** - Discrimination in the Workplace.

**Proposed Int 808-A** - By Council Members Brooks-Powers, Farías, Louis, Hanks, Krishnan, Avilés, Ayala, Ossé, Won, Hudson, Salaam, Joseph, Brannan, Riley, Stevens, Cabán and Sanchez - **A Local Law** to amend the administrative code of the city of New York, in relation to information required in job listings.

**Int 871** - By Council Members Hanks, Ayala, Salaam, Brooks-Powers, Banks, Nurse, Brannan, Gutiérrez, Brewer, De La Rosa, Hanif, Louis, Hudson, Ossé and Krishnan - **A Local Law** to amend the administrative code of the city of New York, in relation to extending reasonable workplace accommodations to caregivers.

**Int 982** – By Council Members Cabán, Farías, Brooks-Powers, Restler, Hanif, Ossé, Hudson, Krishnan, Avilés, Sanchez, Banks, Won, Williams and Louis - **A Local Law** to amend the administrative code of the city of New York, in relation to compliance with equal pay laws.

**Int 984** - By Council Members Farías, Cabán, Brooks-Powers, Williams, Menin, Restler, Ung, Hanif, Brannan, Ossé, Hudson, Krishnan, Brewer, Avilés, Sanchez, Banks, Schulman, Won and Louis - **A Local Law** to amend the administrative code of the city of New York, in relation to a study on pay and employment equity for private employees.

**Int 1064** - By Council Members Williams, Farías, Cabán, Nurse, Stevens, Gutiérrez, Hanks, Banks, Ung, Krishnan, Marte and Louis - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring transparency concerning promotional opportunities.

Committee Room – City Hall.....1:00 p.m.

**Monday, December 16, 2024**

[Committee on Public Housing](#)

Chris Banks, Chairperson

**Oversight** - Weather-Proofing at NYCHA Buildings and Campuses.

Committee Room – City Hall.....10:00 a.m.

[Committee on Public Safety](#)

Yusef Salaam, Chairperson

**Oversight** - The NYPD’s Use of Stop-and-Frisk and Other Investigative Encounters.

Council Chambers – City Hall.....10:00 a.m.

[Committee on Economic Development](#)

Amanda Farías, Chairperson

**Oversight** - Industrial and Commercial Business Service Providers

Committee Room – City Hall.....1:00 p.m.

**Tuesday, December 17, 2024**

[Committee on Environmental Protection,  
Resiliency and Waterfronts](#)

James F. Gennaro, Chairperson

**Oversight** - The New York City Drought.

Committee Room – City Hall.....10:00 a.m.

[Committee on Oversight and Investigations](#) jointly with the  
[Committee on General Welfare](#) and the  
[Committee on Finance](#) and the  
[Committee on Contracts](#)

Gale A. Brewer, Chairperson  
Diana I. Ayala, Chairperson  
Justin Brannan, Chairperson  
Julie Won, Chairperson

**Oversight** – Examining the Mayoral Administration’s Oversight of City-Funded Homeless Shelter Providers.

**Int 979** - By Council Members Won, Menin, Farías, Hanif, Gutiérrez and Brannan - **A Local Law** in relation to reporting on shelter food consumption, and providing the repeal thereof.  
Council Chambers – City Hall.....10:00 a.m.

Committee on Land Use

Rafael Salamanca, Jr., Chairperson

**All items reported out of the Subcommittees**

**AND SUCH OTHER BUSINESS AS MAY BE NECESSARY**

Committee Room – 250 Broadway, 16th Floor..... 12:00 p.m.

**Wednesday, December 18, 2024**

Committee on Fire and Emergency Management

Joann Ariola, Chairperson

**Oversight** - Preparation and Response to Flash Flood Emergencies.

**Int 807** - By Council Members Brooks-Powers, Gennaro, Brannan, Louis, Riley, Hanif, Williams and Cabán - **A Local Law** in relation to creating a pilot program to provide shelter locations during flash flooding events  
Committee Room – City Hall.....10:00 a.m.

Committee on Veterans

Robert F. Holden, Chairperson

**Oversight** - Connecting Veterans with Arts and Cultural Opportunities.

**Int 686** - By Council Members Holden, Gennaro, Paladino, Vernikov and Carr - **A Local Law** to amend the administrative code of the city of New York, in relation to supporting veteran vendors.

**Int 687** - By Council Members Holden, Restler, Vernikov and Carr - **A Local Law** to amend the administrative code of the city of New York, in relation to waiving permit fees for mobile food unit commissaries that reserve space for veteran vendors.

**Int 688** - By Council Members Holden, Borelli, Ariola, Yeger, Carr, Vernikov and Paladino - **A Local Law** to amend the administrative code of the city of New York, in relation to cure periods for certain violations by veterans service organizations.

**Int 959** - By Council Members Ariola, Brooks-Powers, Gutiérrez, Yeger, Banks, Narcisse, Holden, Williams, Schulman, Hanks, Zhuang, The Speaker (Council Member Adams), Nurse, Joseph, Rivera, Hudson, Paladino, Marmorato, Vernikov, Borelli and Carr - **A Local Law** to amend the administrative code of the city of New York, in relation to providing rental assistance to homeless veterans

**Res 18** - By Council Members Paladino, Yeger, Gutiérrez, Holden, Schulman, Ung, Feliz, Brooks-Powers, Hanks, Banks, Menin, Williams, Joseph, Ariola, Marmorato, Vernikov, Borelli and Carr - **Resolution** calling on the New York City Department of Education to observe Veterans Day the Friday before November 11th if it falls on a Saturday and the Monday after the 11th if it falls on a Sunday.

**Res 311** - By Council Members Holden, Yeger, Ariola, Marmorato, Vernikov, Carr and Paladino - **Resolution** calling on the New York State Assembly to pass, and the Governor to sign, S.2028-A/A.2965-A, to establish a property tax exemption for veterans with a 100 percent service-connected disability.

**Res 465** - By Council Members Ariola, Brooks-Powers, Yeger, Banks, Holden, Menin, Williams, Schulman, Hanks, Zhuang, The Speaker (Council Member Adams), Nurse, Joseph, Rivera, Narcisse, Brannan, Carr, Paladino, Marmorato, Vernikov and Borelli - **Resolution** calling upon the New York City Housing Authority to include an admission preference for public housing in its next proposed agency plan for all veterans of the U.S. military.

Council Chambers – City Hall.....1:00 p.m.

**Thursday, December 19, 2024**

Stated Council Meeting

**Council Chambers – City Hall.....Agenda – 1:30 p.m.**

The following comments were among the remarks made by the Speaker (Council Member Adams) during the Communication from the Speaker segment of this meeting:

The Speaker (Council Member Adams) acknowledged the death of an individual who lost his life in a Manhattan apartment building fire in Council Member Menin's district. She noted that six firefighters were also injured in the December 1, 2024 blaze. On behalf of the Council, the Speaker (Council Member Adams) offered her thoughts and condolences to the victim's family and loved ones.

The Speaker (Council Member Adams) acknowledged the death of Zvi Kogan, a *Chabad* rabbi who was killed in the United Arab Emirates on November 24, 2024. She noted that his death had been felt in New York City and in *Chabad* communities across the city and the world. She further noted that many of his family members and loved ones resided in Crown Heights, Brooklyn. On behalf of the Council, the Speaker (Council Member Adams) asked that his memory be a blessing.

\* \* \*

During the Communication from the Speaker segment of this meeting, there was a disruption caused by an individual shouting from the balcony as the Speaker (Council Member Adams) had the floor. The Majority Leader (Council Member Farías) asked the Sergeant-at-Arms to remove this individual and to clear the gallery. Once order was restored in the Chambers, the proceedings continued without incident.

Whereupon on motion of the Speaker (Council Member Adams), the Majority Leader and Acting President Pro Tempore (Council Member Fariás) adjourned these proceedings to meet again for the Stated Meeting of Thursday, December 19, 2024.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

*Editor's Local Law Note: Int. Nos. 87-A, 468-A, 733-A, 771-A, and 797-A, all adopted at the October 23, 2024 Stated Meeting, were **returned unsigned** by the Mayor on November 25, 2024. These items had become law on November 22, 2024 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Laws Nos. 112 to 116 of 2024, respectively.*

*Editor's Note: For the transcript of these proceedings, please refer to the respective attachment section of items introduced or adopted at this Stated Meeting of December 5, 2024 on the New York City Council website at <https://council.nyc.gov>.*

