

THE COUNCIL

Minutes of the Proceedings for the

STATED MEETING

of

Thursday, October 19, 2023, 1:59 p.m.

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

Council Members

Adrienne E. Adams, *The Speaker*

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

Absent: Council Members Ariola, Ayala, and Louis.

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

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

There were 48 Council Members marked present at this Stated Meeting held in the Council Chambers at City Hall, New York, N.Y. There were four Council Members who participated remotely: Council Members Hanks, Moya, Salamanca, and the Minority Leader (Council Member Borelli).

INVOCATION

The Invocation was delivered by Rev Jacques DeGraff, Citywide Clergy Leader, Choose Healthy Life located at 205 East 42 Street, New York, N.Y. 10017.

Get ready! Get ready!
For prayer is not an empty ritual,
we believe in the power of prayer,
because prayer is how we got here.

O, Lord our God, the God of Abraham, Isaac, and Jacob,
we come before your perfect throne of grace.
We come because you said that we could.
We come because you said that we should.
We come as humbly as we know how.
We come at a time when conflicts
and the threat of wider conflicts
darken the global arising,
when even the environment seems in peril
by our irresponsible actions across the planet.

In New York City, in these Chambers today,
we seek your presence.
As your creation's diverse metropolis,
we have another opportunity today
to light the candle of tolerance, faith, and progress.

Let the words spoken here and the actions taken today,
become an example of what unity looks like.
Help us put aside our differences and meet at the table of achievement.
Bless the leadership of this august body, and each member,
and the communities represented here.

We face many challenges
from opioid deaths and gun violence,
and gun violence, to homelessness, and despair.
Father, won't you breathe
your Holy presence on those assembled here,
so that today we may take steps that uplift and inspire.

Each of us has a light.
Help us to become bigger than our individual selves,
in other words, in the words of the old spiritual,
"This little light of mine, I'm gonna let it shine,
this little light of mine, I'm gonna let it shine".
Help us today to shine so that the world may see and say,
"Well done, thy good and faithful servants."

When we answer this and do these things, Father,
we are convinced and convicted that the best is yet to come.
God bless you.

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

ADOPTION OF MINUTES

Council Member Hanif moved that the Minutes of the Stated Meeting of September 28, 2023 be adopted as printed.

A disturbance took place in the balcony of the Council Chambers at the start of the Communication from the Speaker segment of this meeting. The Speaker (Council Member Adams) and the Majority Leader and Acting President Pro Tempore (Council Member Powers) asked for security to remove the individuals who were disrupting the proceedings despite numerous calls for order. The individuals in question were escorted out of the Council Chambers.

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Environmental Protection, Resiliency and Waterfronts

Report for Int. No. 102-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 requiring the department of environmental protection to include information about the location of green roofs in an online map published by such department

The Committee on Environmental Protection, Resiliency and Waterfronts, to which the annexed proposed amended local law was referred on March 24, 2022 (Minutes, page 438), respectfully

REPORTS:

I. INTRODUCTION

On October 19, 2023, the New York City Council Committee on Environmental Protection, Resiliency, and Waterfronts (the “Committee”), chaired by Council Member James Gennaro, will hold a hearing to vote on Proposed Int. No. 102-A, sponsored by Council Member Justin Brannan, in relation to requiring the Department of Environmental Protection (“DEP”) to publish an online map that provides the locations of and information about green roof systems in New York City (the “City” or “NYC”). Proposed Int. No. 102-A was first heard by the Committee on February 3, 2023.

II. BACKGROUND

Green roof systems offer several benefits, such as the cooling of ambient temperatures and the reduction of combined sewer overflow (“CSO”) events. The vegetation of a green roof system shades surfaces and removes heat from the air through evapotranspiration, which reduces the temperature of the roof and surrounding air.¹ According to one scientific study, certain green roof systems can reduce maximum roof temperatures by a range of 20 to 45°F.² The cooling benefits of green roof systems will become especially important over the coming decades as climate change increases average temperatures in NYC. The NYC Panel on Climate Change, an independent advisory board codified by Local Law 42 of 2012, has warned that climate change may cause the annual number of days over 90°F in NYC to more than triple by 2050.³ This increase in heat may threaten the physical safety of New Yorkers, as extreme heat is the leading cause of weather-related death in the United States.⁴ In NYC alone, approximately 370 people experience heat-related deaths annually.⁵ Green roof systems, along with other cool roof practices, may help to mitigate these consequences of climate change.

Green roof systems may also reduce the frequency of CSOs, which occur when the volume of sewage and stormwater runoff exceeds the capacity of the City’s wastewater treatment plants (“WWTPs”). The discharges from these overflows include pathogenic bacteria and toxic waste that prevent safe recreation in the City’s

¹ U.S. Environmental Protection Agency. 2008. “Green Roofs.” In: Reducing Urban Heat Islands: Compendium of Strategies. Draft. <https://www.epa.gov/heat-islands/heat-island-compendium>, pg. 1.

² *Id.*, pg. 2.

³ NYC Comptroller Brad Lander. Aug 4, 2022. “Overheated, Underserved: Expanding Cooling Center Access.” <https://comptroller.nyc.gov/reports/overheated-underserved/>.

⁴ *Id.*

⁵ *Id.*

waterways and damage the marine habitat.⁶ Every year, more than 20 billion gallons of raw sewage and stormwater runoff enter the City's waterways due to CSOs.⁷ Green roof systems help to reduce the frequency and severity of CSO events by capturing and storing precipitation, which is absorbed and evapotranspired by plants. This process slows the rate at which water enters the City's wastewater system and reduces the burden on wastewater infrastructure during a rainstorm.⁸ More green roof systems in NYC may help to prevent contaminants from entering NYC's waterways and increase the effective capacity of the City's WWTPs.

The City has enacted policy and legislation to increase the installation of green roof systems. In January of 2012, the Office of Long Term Planning and Sustainability adopted a rule designating priority community districts within which tax abatement for installing a green roof system would be nearly tripled, from \$5.23 per square foot, to \$15 per square foot.⁹ The priority community districts were selected based on criteria including the Department of Health and Mental Hygiene's heat vulnerability index, and percentage of land within a CSO Priority Area, as designated by DEP.¹⁰ The enhanced tax abatement is currently set to expire on June 30, 2024.¹¹ Priority districts include Bronx Community Boards 1, 2, 3, 4, 5, 6, and 11, Brooklyn Community Boards 3, 4, 5, 8, 9, 16, and 17, and Manhattan's Community Board 10. No community boards in Queens or Staten Island were designated as priority districts.¹²

In 2019, the New York City Council passed Local Laws 92 and 94, which require the installation of a sustainable roofing zone on all new buildings or major roof renovations.^{13,14} To be considered a sustainable roofing zone, the roof must: have solar panels that can generate at least 4kW of electrical power; a green roof system that consists of a vegetative system; or a combination of the two. Sustainable roofing zones must be installed on 100 percent of available roof area, but are not required in excepted areas, such as recreational space, stormwater management fixtures, and setbacks. The law applies to buildings in the City and provides a five-year grace period for some affordable housing and financially distressed buildings.

The existence of a comprehensive, online map of green roof systems could help the City target its climate adaptation efforts and conduct outreach to buildings that lack a green roof system but may be a good candidate for one. Further, the map could help the City evaluate the effectiveness of Local Laws 92 and 94.

III. LEGISLATION

Proposed Int. No. 102-A

This local law would amend the administrative code to require DEP, in collaboration with the Department of Buildings, to post a map of every green roof system in the city online. Although DEP already maintains an online map of "green infrastructure," which includes green roof systems, it does not appear to be complete. For each building with a green roof system, the proposed online map would provide information relating to: (1) the occupancy group of the building or structure; (2) the area of the roof in square feet; (3) the square footage of the roof covered by the green roof system; (4) the estimated amount of water the green roof system can absorb; and

⁶ NY Department of Environmental Conservation. "Combined Sewer Overflow (CSO)." <https://www.dec.ny.gov/chemical/48595.html>.

⁷ Nathan Kensinger. Feb 20, 2020. "NYC has a plan to clean its sewage-filled waterways. Does it go far enough?." *NY Curbed*. <https://ny.curbed.com/2020/2/20/21144943/new-york-water-combined-sewer-overflow-dep-plan>.

⁸ U.S. Environmental Protection Agency. Mar 2014. "Greening CSO Plans: Planning and Modeling Green Infrastructure for Combined Sewer Overflow (CSO) Control." https://www.epa.gov/sites/production/files/2015-10/documents/greening_cso_plans_0.pdf.

⁹ NYC Office of Long Term Planning and Sustainability. Dec 22, 2020. "Notice of Adoption of Final Rule." <https://www1.nyc.gov/assets/sustainability/downloads/pdf/Final-Rule-Green-Roof-Tax-Abatement.pdf>.

¹⁰ *Id.*

¹¹ *Id.*

¹² Building Energy Exchange. Apr 27, 2021. "Green Roof Incentives Triple in New Priority Zones." <https://be-exchange.org/insight/green-roof-incentives-triple-in-new-priority-zones/>.

¹³ NYC Council. May 19, 2019. "Local Law 92 of 2019."

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3332071&GUID=A2326DB7-EBE2-4CF3-AC1D-50834B9BDDC9&Options=&Search=>

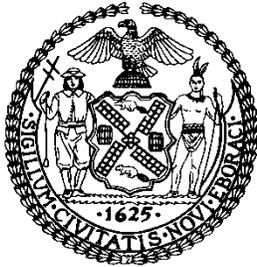
¹⁴ NYC Council. May 19, 2019. "Local Law 94 of 2019."

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3557657&GUID=B4C3A822-2FBB-45FD-8A74-C59DD95246C1&Options=ID%7CText%7C&Search=>

(5) any other functions of the green roof system as may be designated DEP, including aesthetic, water retention, recreational, or farming.

This local law would take effect 120 days after it is enacted.

(The following is the text of the Fiscal Impact Statement for Int. No. 102-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 INTRO. NO: 102-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 requiring the department of environmental protection to include information about the location of green roofs in an online map published by such department

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

SUMMARY OF LEGISLATION: Proposed Int. 102-A would require the commissioner of the Department of Environmental Protection (DEP), in collaboration with the Department of Buildings (DOB), to publish a green infrastructure map with the location of every green roof in the city. The map will provide at minimum: the occupancy group of the building, the area of the roof in square feet, the area of the roof covered by the green roof system in square feet, the estimated amount of water such green roof has the capacity to absorb, and any additional functions of the green roof.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2025

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation, as it will build on and align with a green infrastructure map that DEP already produces and the agency would be able to use existing resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
New York City Mayor's Office of Management and Budget

ESTIMATE PREPARED BY: Andrew Lane-Lawless, Legislative Financial Analyst, NYC Council Finance Division

ESTIMATE REVIEWED BY: Aliya Ali, Unit Head, NYC Council Finance Division
Eisha Wright, Deputy Director, NYC Council Finance Division
Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance Division
Kathleen Ahn, Counsel, NYC Council Finance Division

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on March 24, 2022, as Intro. No. 102 and referred to the Committee on Environmental Protection. A hearing was held by the Committee on Environmental Protection on February 3, 2023, and the bill was laid over. The legislation was subsequently amended, and the amended version Proposed Intro. No. 102-A, was re-referred to the Committee on Environmental Protection, Resiliency and Waterfronts (Committee) on March 7, 2023. Proposed Intro. No. 102-A will be considered by the Committee on October 19, 2023. Upon successful vote by the Committee, Proposed Intro. No. 102-A will be submitted to the full Council for a vote on October 19, 2023.

DATE PREPARED: October 17, 2023.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 102-A:)

Int. No. 102-A

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

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of environmental protection to include information about the location of green roofs in an online map published by such department

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-533 to read as follows:

§ 24-533 *Green roof map.* a. *The commissioner, in collaboration with the department of buildings, shall publish on the green infrastructure program map, or on another map on the department's website, the location of every green roof, as defined in section 24-526.1, in the city, using the best information available.*

b. *For each green roof indicated on such map, the map shall provide at a minimum, based on the best information available, the following information:*

1. *The occupancy group of the building or structure;*
2. *The area of the roof in square feet;*
3. *The area of the portion of the roof covered by the green roof system in square feet;*
4. *The estimated amount of water such green roof has the capacity to absorb; and*
5. *Any functions of the green roof, which may include, but need not be limited to, aesthetic, water retention, recreational, farming, or any other function designated by the department.*

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

JAMES F. GENNARO, *Chairperson*; JENNIFER GUTIÉRREZ, KAMILLAH HANKS, ROBERT F. HOLDEN, JULIE MENIN, SANDY NURSE; 6-0-0; *Medical*: Lincoln Restler; Committee on Environmental Protection, Resiliency & Waterfronts, October 19, 2023.

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

Report of the Committee on Finance

Report for Res. No. 807

Report of the Committee on Finance in favor of approving a Resolution concerning an amendment to the district plan of the Westchester Square business improvement district that provides for a change in the method of assessment upon which the district charge is based, and setting the date, time and place for the public hearing of the local law authorizing such change.

The Committee on Finance, to which the annexed resolution was referred on October 5, 2023 (Minutes, page 2619), respectfully

REPORTS:

I. INTRODUCTION

The Committee on Finance, chaired by Council Member Justin Brannan, will vote on Resolutions 807 and 808, which set a date, time, and place for a public hearing to consider local laws that would amend the assessment method of the Westchester Square Business Improvement District (“BID”), and would increase the annual expenditures of four (4) BIDs as of July 1, 2024, respectively. The resolutions set November 15, 2023 at 10:00 am in the City Council Committee Room, 2nd Floor, City Hall, Manhattan as the date, time, and place for the hearing.

The resolutions also direct that all notices required under the BID Law be properly given by the Department of Business Services and the District Management Association of the respective BIDs, and will list the amounts of the proposed increase in assessments, where applicable.

BIDs, which are specifically established areas, use the City's property tax collection mechanism to approve a special tax assessment with which to fund additional services that would enhance such areas and improve local business. The additional services are normally in the areas of security, sanitation, physical/capital improvements (lighting, landscaping, sidewalks, etc.), seasonal activities (Christmas lighting) and related business services (marketing and advertising). The BID demarcates the areas in which services will be enhanced and also establishes the mechanism for the assessment needed to generate the required budget.

II. Resolution 807

The current method of assessment for the Westchester Square BID is based on the length of each property's longer frontage with an additional \$300 fee for corner properties and properties with above ground commercial uses. Under the proposed amendment, the method of assessment would change by deriving assessments from each property's linear frontage along the main retail, commercial, or professional side of the property and by increasing the fee for corner properties and properties with above ground commercial uses to \$500. Wholly residential properties will remain assessed at \$1 annually, while government and not-for-profit owned properties devoted in whole to public or not-for-profit usages will remain exempt from assessment.

This amended method of assessment would allow for a more equitable assessment, as properties would now be assessed based on the length of their commercial frontage, rather than the longest linear frontage of their property overall. The change is designed such that 65 lots would see an increase in their assessment while 17 lots would see a decrease, with the median assessment amount in the BID decreasing 14 percent (\$4,520.91 to \$3,850.68).

Resolution 808

These increases, which have been requested by the BIDs and approved by the respective District Management Associations, would result in a higher assessment on all properties currently subject to the BIDs' assessments as a result of the increase in the assessment rate.

Pursuant to §§ 25-410(b) and 25-416 of the Administrative Code, the BIDs may obtain an increase in its budget (i.e. the total amount allowed to be expended annually by the BIDs for improvements, services, maintenance, and operation) by means of the adoption of a local law amending the BID's district plan. Such a local law may be adopted by the City Council after a determination that it is in the public interest to authorize such an increase in the maximum annual amount and that the tax and debt limits prescribed in § 25-412 of the Administrative Code will not be exceeded. Notice of the public hearing to consider such a local law must be published in at least one newspaper having general circulation in the district specifying the time when, and the place where, the hearing will be held and stating the increase proposed in the maximum amount to be expended annually.

Accordingly, the resolution also directs the District Management Associations of each of the BIDs to publish in a newspaper of general circulation in each district, not less than ten (10) days prior to the public hearing, a notice stating the time and place of the public hearing and setting forth the increase in the amount to be expended annually in each of the BIDs.

The following BIDs have requested increases to their budgets, as indicated below:

BID Name	Year Established	Years	Original Assessment Cap	Year of Previous Increase	Previous Increase Amount	Current Authorized Assessment Cap	Proposed Authorized Assessment Cap	\$ Increase Request	% Increase	Annualized % Increase	Projected Years for Increase Phase-In	Phase-In Schedule	2023 CM District(s)	2024 CM District(s)	Increase Justification
Brighton Beach	1987	36	\$75,000	2009	\$80,000	\$220,000	\$300,000	\$80,000	36.36%	0.74%	3	1 X \$20,000 (FY25) 1 X \$30,000 (FY26) 1 X \$30,000 (FY27)	Inna Vernikov (48)	Inna Vernikov (48)	The proposed assessment increase will allow Brighton Beach BID to account for the new and unexpected cost of an office space. The BID previously secured office space from Chase Bank at no cost, but this space is no longer available which has led to an increase in operating costs for the BID. In addition, the BID will also have to account and adjust for the NY State minimum wage increase to keep its services and sanitation labor force in the District at the current levels. The BID also estimates that other services such as printing, event equipment and other back-end equipment will increase by 25-30%. The assessment increase is vital to continue current BID operations as it will offset rising costs of space and labor as well as inflation rates.
Fordham Road	2005	18	\$500,000	2018	\$670,000	\$1,010,000	\$1,510,000	\$500,000	50%	1.84%	3	1 X \$250,000 (FY25) 1 X \$150,000 (FY26) 1 X \$100,000 (FY27)	Pierina Ana Sanchez (14) Oswald Feliz (15)	Pierina Ana Sanchez (14) Oswald Feliz (15)	Fordham Road BID's proposed assessment increase will allow them to maintain the current level of sanitation, as this cost will rise due to the NY State minimum wage increase. The additional assessment will fund new services such as seasonal power-washing, a Patrol Ambassador program, and Homeless Outreach. Furthermore, it will allow the BID to hire two (2) part-time staff members (Bookkeeper and Administrative Assistant) and one (1) full-time Program Manager to provide support to the BID's Fordham Forward Coalition initiative.
Meatpacking District	2016	7	\$3,200,000	none	none	\$3,200,000	\$6,200,000	\$3,000,000	93.75%	6.91%	3	1 X \$1,000,000 (FY25) 1 X \$1,000,000 (FY26) 1 X \$1,000,000 (FY27)	Erik Bottcher (3)	Erik Bottcher (3)	Meatpacking District's proposed assessment increase is necessary as the BID has been operating under the same budget cap since its founding in 2016. Since 2021, the BID has expanded its placemaking program significantly and will dramatically increase its expenditure on capital improvements in the district in the future. The BID will allocate additional financial resources for beautification and horticulture in these public spaces. The assessment increase will also allow the BID to maintain and even expand its sanitation services as the NY State minimum wage increases. Expanded sanitation services will include additional power-washing services, pest control, as well as plaza setup/breakdown.
Village Alliance	1993	30	\$238,000	2016	\$415,100	\$1,400,000	\$1,900,000	\$500,000	36%	0.88%	3	1 X \$160,000 (FY25) 1 X \$170,000 (FY26) 1 X \$170,000 (FY27)	Christopher Marte (1) Carlina Rivera (2) Erik Bottcher (3)	Carlina Rivera (2) Erik Bottcher (3)	Village Alliance's proposed assessment increase is necessary as for the past 2 years, the Village Alliance has been operating with deficits to spend down a reserve. With inflation and increases in to the BID's Public Safety and Sanitation Contracts, along with the planned increase in the upcoming NY State minimum wage, the Village Alliance needs this assessment increase to ensure the future financial stability of the organization while maintaining its current levels of service.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 807:)

Res. No. 807

Resolution concerning an amendment to the district plan of the Westchester Square business improvement district that provides for a change in the method of assessment upon which the district charge is based, and setting the date, time and place for the public hearing of the local law authorizing such change.

By Council Member Brannan.

WHEREAS, pursuant to chapter 4 of title 25 of the Administrative Code of the City of New York (the "BID Law"), the City established the Westchester Square Business Improvement District (the "District") in the Borough of the Bronx; and

WHEREAS, pursuant to Local Law No. 82 for the year 1990, the City Council assumed responsibility for adopting legislation relating to Business Improvement Districts; and

WHEREAS, pursuant to Section 25-410(b) of the BID Law, an amendment to the District Plan that provides for any change in the method of assessment upon which the district charge is based may be adopted by local law, provided that the City Council determines, after a public hearing, that it is in the public interest to authorize such change and that the tax and debt limits prescribed in Section 25-412 of the BID Law will not be exceeded by such change; and

WHEREAS, the District wishes to amend the District Plan in order to provide for a change in the method of assessment upon which the district charge is based; and

WHEREAS, pursuant to Section 25-410(b) of the BID Law, the City Council is required to give notice of the public hearing by publication of a notice in at least one newspaper having general circulation in the district specifying the time when and the place where the hearing will be held; now, therefore, be it

Resolved, that the Council of the City of New York, pursuant to Section 25-410(b) of the BID Law, hereby directs that:

- (i) November 15, 2023 is the date and the City Council Committee Meeting Room, 2nd floor, City Hall, is the place and 10:00 am is the time for a public hearing (the "Public Hearing") to hear all persons interested in the legislation that would authorize a change in the method of assessment upon which the district charge in the Westchester Square Business Improvement District is based; and
- (ii) On behalf of the City Council and pursuant to Section 25-410(b) of the BID Law, the District Management Association of the Westchester Square Business Improvement District is hereby authorized to publish in a newspaper of general circulation in the district, not less than ten (10) days prior to the Public Hearing, a notice stating the time and place of the Public Hearing.

JUSTIN L. BRANNAN, *Chairperson*: DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, CHARLES BARRON, GALE A. BREWER, AMANDA FARÍAS, CRYSTAL HUDSON, CHI. A. OSSÉ, PIERINA ANA SANCHEZ, ALTHEA V. STEVENS, MARJORIE VELÁZQUEZ, NANTASHA M. WILLIAMS, DAVID M. CARR; 16-0-0; *Absent*: Julie Won; *Medical*: Kamillah Hanks; Committee on Finance, October 19, 2023.

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

Report for Res. No. 808

Report of the Committee on Finance in favor of approving a Resolution concerning the increase in the annual expenditure for four business improvement districts and the setting of the date, time and place for the hearing of the local law increasing the annual expenditure for such districts.

The Committee on Finance, to which the annexed resolution was referred on October 5, 2023 (Minutes, page 2620), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Finance for Res. No. 807 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 808:)

Res. No. 808

Resolution concerning the increase in the annual expenditure for four business improvement districts and the setting of the date, time and place for the hearing of the local law increasing the annual expenditure for such districts.

By Council Member Brannan.

WHEREAS, pursuant to Chapter 4 of Title 25 of the Administrative Code of the City of New York or the predecessor of such Chapter (the "BID Law"), the City established the Village Alliance, Brighton Beach, Fordham Road, and Meatpacking Area Business Improvement Districts in the City of New York; and

WHEREAS, pursuant to Local Law No. 82 for the year 1990, the City Council assumed responsibility for adopting legislation relating to Business Improvement Districts; and

WHEREAS, pursuant to Section 25-410(b) of the BID Law, an increase in the amount to be expended annually may be adopted by local law, provided that the City Council determines, after a public hearing, that it is in the public interest to authorize the increase and that the tax and debt limits prescribed in Section 25-412 of the BID Law will not be exceeded; and

WHEREAS, the four Business Improvement Districts wish to increase the amount to be expended annually beginning on July 1, 2024 as follows: the Village Alliance Business Improvement District, \$1,900,000; and the Brighton Beach Business Improvement District, \$300,000; and the Fordham Road Business Improvement District, \$1,510,000; and the Meatpacking Area Business Improvement District, \$6,200,000; and

WHEREAS, pursuant to Section 25-410(b) of the BID Law, the City Council is required to give notice of the public hearing by publication of a notice in at least one newspaper having general circulation in the districts specifying the time when and the place where the hearing will be held and stating the proposed amount to be expended annually; now, therefore, be it

RESOLVED, that the Council of the City of New York, pursuant to Section 25-410(b) of the BID Law, hereby directs that:

(i) November 15, 2023 is the date and the City Council Committee Room, 2nd Floor, City Hall is the place and 10:00 AM is the time for a public hearing (the “Public Hearing”) to hear all persons interested in the legislation that would increase the amount to be expended annually in the four Business Improvement Districts; and

(ii) on behalf of the City Council and pursuant to Section 25-410(b) of the BID Law, the District Management Associations of the Village Alliance, Brighton Beach, Fordham Road, and Meatpacking Area Business Improvement Districts are hereby authorized to publish in a newspaper of general circulation in each district, not less than ten (10) days prior to the Public Hearing, a notice stating the time and place of the Public Hearing and setting forth the proposed increase in the amount to be expended annually in each of the four Business Improvement Districts.

JUSTIN L. BRANNAN, *Chairperson*: DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, CHARLES BARRON, GALE A. BREWER, AMANDA FARÍAS, CRYSTAL HUDSON, CHI. A. OSSÉ, PIERINA ANA SANCHEZ, ALTHEA V. STEVENS, MARJORIE VELÁZQUEZ, NANTASHA M. WILLIAMS, DAVID M. CARR; 16-0-0; *Absent*: Julie Won; *Medical*: Kamillah Hanks; Committee on Finance, October 19, 2023.

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

Report of the Committee on Governmental Operations

Report for Int. No. 790-B

Report of the Committee on Governmental Operations 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 documentation establishing proof of identity and proof of residency for a New York city identity card.

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on October 27, 2022 (Minutes, page 1614), respectfully

REPORTS:

I. INTRODUCTION

On October 19, 2023, the New York City Council Committee on Government Operations, chaired by Council Member Sandra Ung, voted on Proposed Introduction Number (Int. No.) 790-B, sponsored by Council Member Brewer, which would amend the administrative code of the City of New York in relation to documentation establishing proof of identity and proof of residency for a New York city identity card. On April 28, 2023, the Committee, in conjunction with the Committee on Immigration, Chaired by Council Member Hanif, held an oversight hearing entitled “Meeting the Needs of Asylum Seekers in New York City.” At that hearing the Committee on Governmental Operations considered a previous version of Int. 790. Witness invited to testify included the Mayor’s Office of Immigrant Affairs (MOIA), Department of Citywide Administrative Services (DCAS), immigration service providers, advocacy organizations, and other members of the public. The

testimony and feedback informed changes to the bill. On October 19, 2023, the Committee passed the legislation by a vote of 5 in the affirmative, 0 in the negative, and 0 abstentions.

II. BACKGROUND

a. IDNYC Program Creation

The New York City Council created IDNYC, a free identification card, in the spring of 2014 to provide every New York City resident the opportunity to obtain affordable, safe, and legitimate government-issued photo identification.¹ The program was established pursuant to Local Law 35 of 2014 (“Local Law 35”), sponsored by then-Council Members Daniel Dromm, Carlos Menchaca, and then-Speaker Melissa Mark-Viverito.² Under the IDNYC program, every New York City resident can obtain an identification card regardless of race, color, creed, age, national origin, alienage or citizenship status, gender, sexual orientation, disability, marital status, partnership status, any lawful source of income, housing status, status as a victim of domestic violence or status as a victim of sex offenses or stalking, or conviction or arrest record, as defined in title eight of the administrative code.³ Pursuant to Local Law 35, IDNYC is recognized by city agencies,⁴ including the New York City Police Department.⁵ The law also requires the administering agency, presently the Human Resources Administration (HRA), to work to promote acceptance of the card by banks and other public and private institutions, although many of these entities are not legally required to accept the card.⁶ Currently, 10 different financial institutions throughout the City accept the card as a valid form of identification for opening a bank or credit account.⁷ The program is also required to expand benefits associated with the card.⁸ Some private institutions have agreed to offer IDNYC cardholders a variety of discounts and benefits.⁹ Such benefits include discounts at entertainment venues, certain health and fitness facilities, and prescription drug discounts at many pharmacies throughout the City.¹⁰ The IDNYC program has also partnered with over 40 of the City’s leading cultural institutions to grant cardholders free one-year memberships or discounted tickets to their institutions.¹¹

The IDNYC program was created to respond to the needs of individuals and communities that were unable to obtain identification and take advantage of services and institutions in the City. One such community considered in establishing the program were the estimated 500,000 undocumented immigrants living in New York City as of 2010.¹² Many undocumented New Yorkers lacked documents proving their identity, while others had only consular identification cards,¹³ driver’s licenses, or birth certificates issued by their countries of origin.¹⁴ For individuals trying to access basic services in the United States, these documents are often not acceptable

¹ Ross Barkan, *City Council Votes Overwhelmingly to Pass Municipal I.D. Bill*. (June 26, 2014) Available at <https://observer.com/2014/06/city-council-votes-overwhelmingly-to-pass-municipal-i-d-bill-2/>.

² Local Law 35 of 2014 amended the Administrative Code of the City of New York, by adding section 3-115.

³ *Id.*; also see, *Mayor Bill de Blasio and Council Speaker Melissa Mark-Viverito Launch IDNYC, The Country’s Most Ambitious Municipal Identification Program*. New York City Mayor’s Office. Available at <https://www1.nyc.gov/office-of-the-mayor/news/215-15/mayor-bill-de-blasio-council-speaker-melissa-mark-viverito-over-100-000-idnyc>.

⁴ See, NYC Administrative Code § 3-115.

⁵ Local Law 35 of 2014.

⁶ *Id.*

⁷ Banks and Credit Unions Information Page. IDNYC. Available at <https://www.nyc.gov/site/idnyc/benefits/banks-and-credit-unions.page>.

⁸ See, NYC Administrative Code § 3-115.

⁹ Benefits Information. IDNYC. <https://www.nyc.gov/site/idnyc/benefits/benefits.page>.

¹⁰ Health Benefits Information. IDNYC. <https://www.nyc.gov/site/idnyc/benefits/health-benefits.page>.

¹¹ Museums and Cultural Institutions Benefits Information, IDNYC. <https://www.nyc.gov/site/idnyc/benefits/museums-and-cultural-institutions.page>.

¹² New York City Department of City Planning. *The Newest New Yorkers: Characteristics of the City’s Foreign born Population*. (2013) Available at https://www.nyc.gov/assets/planning/download/pdf/planning-level/nyc-population/mny2013/nny_2013.pdf.

¹³ A consular identification card is a “document that many consulates issue to identify the citizens of their country who reside abroad.” A consular identification card is not meant to provide proof of legal residency, but provides a valid form of identification, provide certain protections, and may grant access to certain financial institutions. A Consumer Action Publication, Consular ID Cards. (2007). Available at <https://www.consumer-action.org/downloads/english/ConsularIDCards.pdf>.

¹⁴ See, New York City Council Committee on Immigration Hearing Testimony on the Creation of a New York City Identity Program. Available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1709715&GUID=96D7B94F-F24B-4308-8F29-6C559BF444EB>.

forms of identification.¹⁵ By providing individuals who lack identification with an official form of identification accepted by City agencies, the IDNYC program sought to improve public safety, remove a barrier for contacting the NYPD, facilitate the ability of police officers to identify crime victims, witnesses, and suspects, and improve communication and understanding between the police and immigrant communities.¹⁶

A second community in need of government issued identification is LGBTQ youth.¹⁷ Transgender youth in particular face the unique struggle of trying to obtain appropriate identification that accurately reflects their gender.¹⁸ In January 2019, the IDNYC program announced it would let cardholders self-designate their gender or choose not to declare a gender at all.¹⁹ LGBTQ youth who are rejected by their family because of their sexual orientation or gender identity may also end up homeless without any documentation to establish their identity.²⁰ In New York State, the average age at which lesbian, gay, and bisexual youth become homeless is 14 and the average age that transgender youth become homeless is 13.²¹ Although the age of eligibility for IDNYC was initially 14 years of age in August 2018, the age was reduced to 10.²² Having official government issued identification can make it easier for homeless youth to access critical services.²³

In general, the homeless population also encounters difficulty when trying to obtain proper identification. Many homeless individuals live in the City's shelters and therefore lack a permanent address.²⁴ The IDNYC applications allows several types of documentation to prove residency that do not require the applicant to have a permanent address.²⁵ Senior citizens who are disabled or are living on a fixed income also reportedly have a difficult time maintaining identification, mainly due to the cost.²⁶ IDNYC is available to all New Yorkers at no cost through at least December 31, 2023.²⁷ Although the IDNYC program responds to the needs of the members of these communities, it was developed to be accessible for and usable by all residents of the city.²⁸

b. IDNYC Program Launch

The IDNYC program was launched on January 12, 2015.²⁹ IDNYC is currently managed by HRA,³⁰ with the aid of MOIA and the Mayor's Office of Operations (MOO).³¹ HRA administers the enrollment centers and the application process in addition to conducting eligibility reviews and application approvals.³² MOIA works with HRA to "identify and implement measures, including but not limited to staff training, community outreach, and language assistance tools, to address the needs of limited English proficient individuals in the administration

¹⁵ See, *Who We Are: Municipal ID cards as a local strategy to promote belonging and shared community identity*. The Center for Popular Democracy. (Dec. 2013) Available at <https://www.populardemocracy.org/news/who-we-are-municipal-id-cards-local-strategy-promote-belonging-and-shared-community-identity>.

¹⁶ See, New York City Council Committee on Immigration Hearing Testimony *supra* note 14.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Frequently Asked Questions. IDNYC. Available at <https://www.nyc.gov/site/idnyc/frequently-asked-questions/frequently-asked-questions.page?question=faq31>.

²⁰ *Id.*

²¹ *Infographic: Homeless LGBTQ Youth*. Homeless Hub. (June 30, 2016) Available at <https://www.homelesshub.ca/blog/infographic-homeless-lgbtq-youth>.

²² *New York City Identity Card Program Quarterly Report*. (Sept. 30, 2018) Available at https://www.nyc.gov/assets/idnyc/downloads/pdf/2018_09_30_IDNYC_Final.pdf.

²³ *IDNYC Opens Doors for the Homeless and Those Returning from Prisons*. Cases.com. (March 15, 2019) Available at <https://www.cases.org/2019/03/15/idnyc-opens-doors-for-the-homeless-and-those-returning-from-prison/>.

²⁴ See New York City Council Committee on Immigration Hearing Testimony, *supra* note 14.

²⁵ Document Calculator. IDNYC. <https://www.nyc.gov/site/idnyc/card/documentation.page>.

²⁶ See New York City Council Committee on Immigration Hearing Testimony, *supra* note 14.

²⁷ See FAQ's. IDNYC. Available at <https://www.nyc.gov/site/idnyc/frequently-asked-questions/frequently-asked-questions.page>.

²⁸ *Mayor Bill de Blasio and Council Speaker Melissa Mark-Viverito Launch IDNYC, The Country's Most Ambitious Municipal Identification Program*, *supra* note 3.

²⁹ *Id.*

³⁰ See, Executive Order No. 4 of 2014, designating the Human Resources Administration as the administering agency of the IDNYC program. Available at <http://www1.nyc.gov/assets/idnyc/downloads/pdf/EO6-2014.pdf>.

³¹ See, Local Law 35 of 2014.

³² See, Testimony of Commissioner Steve Banks, *supra* at 26.

of the New York [C]ity identity card program.”³³ Lastly, MOO helps to ensure communication and coordination between the various agencies involved in the IDNYC program.³⁴

After advocacy from the Council, the Administration allocated approximately \$8 million in Fiscal Year 2015 for the implementation of the program.³⁵ The initial allocation included funds for marketing and staffing, among other key components.³⁶ The Council then advocated for an additional \$5 million, which was included by the Administration to increase the program’s resources.³⁷

All New York City residents age 10 and older are eligible to apply for an IDNYC card, and the card can be used to enter all City buildings, such as schools, and access City services.³⁸ The IDNYC card displays the cardholder’s photograph, name, date of birth, and expiration date. With several exceptions, the IDNYC will also display the cardholder’s residential address.³⁹ At the cardholder’s discretion, the card may also display the applicant’s self-identified gender, emergency contact, and organ donor status.⁴⁰ New Yorkers can make an appointment to process their application at any of the programs several enrollment centers or pop-up locations⁴¹ by accessing the IDNYC website⁴² or by calling 311.⁴³

Applicants must present sufficient documentation to prove their identity and meet residency requirements.⁴⁴ The Administrative Code sets forth specific documents that establish proof of identity, but also allows applicants to use “any other documentation that the administering agency deems acceptable.”⁴⁵ As the administering agency, HRA accepts a far wider range of documents than what the Administrative Code provides. This includes documentation issued by federal immigration authorities as proof of identity.⁴⁶ In the last quarter of 2022, in response to the influx of asylum seekers into the City, HRA added six additional documents that asylum seekers could use to prove their identity.⁴⁷ Additionally, IDNYC enrollment was made available at the Asylum Seeker Navigation Center and all 12 additional satellite sites across the five boroughs.⁴⁸ In response to concerns that applicants with residency documents provided by Humanitarian Emergency Response and Relief Centers (HERRCs) and respite centers are unable to access IDNYC, the agency confirmed that those letters that can be verified would be accepted toward proof of residency under its existing authority in the IDNYC law. Int. 790-B

³³ See, NYC Administrative Code § 3-115.

³⁴ See generally, New York City Mayor’s Office of Operations Website, Mission, <https://www.nyc.gov/site/operations/about/about.page>.

³⁵ See, Samar Kurshid. *\$8.4M Muni ID Program Budget Includes \$1.8M for Advertising*. (Jan. 12, 2015) Available at <https://www.gothamgazette.com/index.php/government/5509-84m-muni-id-program-budget-includes-18m-foradvertising>.

³⁶ *Id.*

³⁷ See Aaron Morrison. *Immigrant Identification Card: New York Adds \$5 Million for Staffing in ID Application Rush*. Int’l Bus. Times. (Feb. 10, 2015) Available at <https://www.ibtimes.com/immigrant-identification-card-new-york-city-adds-5-million-staffing-id-application-1811768>.

³⁸ Frequently Asked Questions. IDNYC. Available at <https://www.nyc.gov/site/idnyc/frequently-asked-questions/frequently-asked-questions.page>.

³⁹ *Id.*

⁴⁰ See, NYC Administrative Code § 3-115.

⁴¹ How to Apply: Locations. IDNYC. Available at <https://www.nyc.gov/site/idnyc/card/locations.page>.

⁴² How to Apply. IDNYC. Available at <https://www.nyc.gov/site/idnyc/card/how-to-apply.page>.

⁴³ Frequently Asked Questions, *supra* note 38.

⁴⁴ See NYC Administrative Code § 3-115; also see, How to Apply. IDNYC. Available at <https://www1.nyc.gov/site/idnyc/card/howto-apply.page>.

⁴⁵ NYC Administrative Code § 3-115.

⁴⁶ 68 RCNY 6-05.

⁴⁷ *IDNYC Quarterly Reports*. (Dec. 31, 2022) Available at <https://www.nyc.gov/assets/idnyc/downloads/pdf/idnyc-quarterly-report-20221231.pdf>.

⁴⁸ Mayor Adams Releases “The Road Forward,” *New Blueprint to Handle Asylum Seeker Crisis Moving Forward*. NYC.Gov. (March 7, 2023) Available at <https://www.nyc.gov/office-of-the-mayor/news/158-23/mayor-adams-releases-the-road-forward-new-blueprint-handle-asylum-seeker-crisis-moving-forward#/0>.

is intended to enshrine the agency's acceptance of residency documents received from HERRC and respite center providers that can be verified.

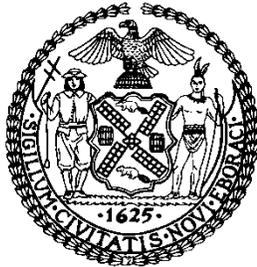
III. LEGISLATIVE ANALYSIS

a. Int. 790-B - A Local Law to amend the administrative code of the city of New York, in relation to documentation establishing proof of identity for a New York city identity card

This bill would amend Local Law 35 of 2014, which sets out the eligibility requirements for the New York City Identity Card (IDNYC) program and the documents required to establish proof of identity and proof of residency. Section one of this bill would expand the list of acceptable documents for proof of identity needed to apply for an IDNYC card to include certain documents issued by federal immigration authorities, electronic verification through the Department of Correction, and a New York State released offender verification card. This bill would also amend the documents accepted for proof of residency to include written verification from emergency housing deemed appropriate by the agency, which is intended to include HERRCs and respite centers.

Section two of this bill sets the effective date. This bill, if passed, would take effect 120 days after it becomes law.

(The following is the text of the Fiscal Impact Statement for Int. No. 790-B:)



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

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

RICHARD LEE, FINANCE DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 790-B

COMMITTEE: Governmental Operations

TITLE: A Local Law to amend the administrative code of the City of New York, in relation to documentation establishing proof of identity and proof of residency for a New York City identity card.

SPONSOR(S): Brewer, Hanif, Louis, Joseph, Richardson Jordan, Ayala, Abreu, Gutiérrez, Krishnan, Hudson, Sanchez, Riley, Cabán, Dinowitz, Stevens, De La Rosa, Avilés, Bottcher, Farías, Restler, Rivera, Schulman, Marte, Ossé, Won, and Nurse.

SUMMARY OF LEGISLATION: This bill would amend Section 3-115 of the Administrative Code to add documentation and verifications to the list of acceptable documents for proof of identity needed to apply for an IDNYC card. The bill includes documents issued by federal immigration authorities, electronic verification through the department of correction, and a released offender verification card. This bill would also amend the documents accepted for proof of residency to include written verification from emergency housing deemed appropriate by the administering agency, which is currently the Department of Social Services (DSS) agency.

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

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

FISCAL IMPACT STATEMENT:

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

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
The Mayor’s Office of Management and Budget

ESTIMATE PREPARED BY: Ross S. Goldstein, Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was introduced to the Council on October 27, 2022, as Int. No. 790 and was referred to the Committee on Governmental Operations (the Committee). The legislation was subsequently amended and presented as Int. No. 790-A. A joint hearing was held by the Committee and the Committee on Immigration on April 28, 2023, and the legislation was laid over. The legislation was again amended and the amended version, Proposed Int. No. 790-B, will be voted on by the Committee at a hearing on October 19, 2023. Upon a successful vote by the Committee, Proposed Intro. No. 790-B will be submitted to the full Council for a vote on October 19, 2023.

DATE PREPARED: October 12, 2023.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 790-B:)

Int. No. 790-B

By Council Members Brewer, Hanif, Louis, Joseph, Richardson Jordan, Ayala, Abreu, Gutiérrez, Krishnan, Hudson, Sanchez, Riley, Cabán, Dinowitz, Stevens, De La Rosa, Avilés, Bottcher, Farías, Restler, Rivera, Schulman, Marte, Ossé, Won, Nurse and Narcisse.

A Local Law to amend the administrative code of the city of New York, in relation to documentation establishing proof of identity and proof of residency for a New York city identity card

Be it enacted by the Council as follows:

Section 1. Subdivision d of section 3-115 of the administrative code of the city of New York, as added by local law number 35 for the year 2014, is amended to read as follows:

d. New York city identity card eligibility. In order to obtain a New York city identity card an applicant must establish proof of identity and proof of residency within the city as follows:

(1) Proof of identity. In order to establish identity, an applicant shall be required to produce one or more of the following documents *or verifications*:

- (i) a U.S. or foreign passport;
- (ii) a U.S. state driver's license;
- (iii) a U.S. state identification card;
- (iv) a U.S. permanent resident card;
- (v) a consular identification card;
- (vi) a photo identification card with name, address, date of birth, and expiration date issued by another country to its citizens or nationals as an alternative to a passport for re-entry to the issuing country;
- (vii) a certified copy of U.S. or foreign birth certificate;
- (viii) a Social Security card;
- (ix) a national identification card with photo, name, address, date of birth, and expiration date;
- (x) a foreign driver's license;
- (xi) a U.S. or foreign military identification card;
- (xii) a current visa issued by a government agency;
- (xiii) a U.S. individual taxpayer identification number (ITIN) authorization letter;
- (xiv) an electronic benefit transfer (EBT) card; [or]
- (xv) *U.S. department of homeland security forms I-385 (alien booking record), I-862 (notice to appear), I-220A (order to release on recognizance), or I-220B (order of supervision);*
- (xvi) *electronic verification through the department of correction incarcerated individual lookup system;*
- (xvii) *a released offender identification card issued by the New York state department of corrections and community supervision; or*
- (xviii) any other documentation that the administering agency deems acceptable. The administering agency may by rule determine the weight to be given to each type of document *or verification* provided in this paragraph, and require that an applicant produce more than one document to establish identity.

(2) Proof of residency. In order to establish residency, an applicant shall be required to produce one or more of the following items each of which must show the applicant's name and residential address located within the city and must be dated no more than sixty days prior to the date such document is presented, except as otherwise indicated in this paragraph:

- (i) a utility bill;
- (ii) a current residential property lease;
- (iii) a local property tax statement dated within one year of the date it is submitted;
- (iv) a local real property mortgage payment receipt;
- (v) a bank account statement;
- (vi) proof that the applicant has a minor child currently enrolled in a school located within the city;
- (vii) an employment pay stub;
- (viii) a jury summons or court order issued by a federal or state court;
- (ix) a federal or state income tax or refund statement dated within one year of the date it is submitted;
- (x) an insurance bill (homeowner, renter, health, life, or automobile insurance);
- (xi) written verification issued by a homeless shelter, *including emergency housing deemed appropriate by the administering agency,* that receives city funding confirming at least fifteen days residency;
- (xii) written verification issued by a hospital, health clinic or social services agency located within the city of New York confirming at least fifteen days residency; or
- (xiii) Any other documentation that the administering agency deems acceptable.
- (xiv) The administering agency may by rule determine the weight to be given to each type of document provided in this paragraph, and require that an applicant produce more than one document to establish residency.

The administering agency shall by rule create alternative methods by which individuals who are homeless can establish residency in the city notwithstanding the lack of fixed address.

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

SANDRA UNG, *Chairperson*; GALE A. BREWER, SHAHANA K. HANIF, LINCOLN RESTLER, LYNN C. SCHULMAN; 5-0-0; Committee on Governmental Operations, October 19, 2023.

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

Report of the Committee on Health

Report for Int. No. 1119-A

Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to a report by the department of health and mental hygiene on drowning deaths that occur in the city.

The Committee on Health, to which the annexed proposed amended local law was referred on July 13, 2023 (Minutes, page 2096), respectfully

REPORTS:

I. INTRODUCTION

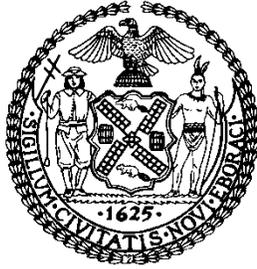
On October 19, 2023, the Committee on Health, chaired by Council Member Lynn Schulman, will hold a vote on Proposed Introduction No. 1119-A (Prop. Int. No. 1119-A), sponsored by Council Member Selvina Brooks-Powers, in relation to a report by the New York City (NYC) Department of Health and Mental Hygiene (DOHMH) on drowning deaths that occur in the city. The Committee heard this legislation previously at a hearing on September 27, 2023. Witnesses who testified included representatives from DOHMH, NYC Emergency Management (NYCEM), and other interested stakeholders and members of the public.

II. LEGISLATIVE ANALYSIS

a. Prop. Int. No. 1119-A

This bill would require DOHMH to report annually on drowning deaths that occur in the city. Since being heard, this bill received technical edits and was amended to eliminate some reporting data points and to refine others. This bill would take effect on January 1, 2024.

(The following is the text of the Fiscal Impact Statement for Int. No. 1119-A:)



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

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

RICHARD LEE, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 1119-A

COMMITTEE: Health

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to a report by the department of health and mental hygiene on drowning deaths that occur in the city.

SPONSOR(S): By Council Members Brooks-Powers, Farías, Riley, Schulman, Hanif, Ung, Louis, Velázquez, Ayala, Menin, Gennaro, Marte, Won and the Public Advocate (Mr. Williams).

SUMMARY OF LEGISLATION: This bill would require the Department of Health and Mental Hygiene (DOHMH) to report annually on drowning deaths that occur in the City. The report would include the location and facility type at which the drowning death occurred, the manner in which the drowning death occurred, the age group and gender identity of the decedent, the race and ethnicity of the decedent, whether the decedent had a physical, medical, mental, or psychological impairment; and whether alcohol, drugs, or prescription medication was a contributing factor.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2025

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because DOHMH 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
New York City Office of Management and Budget

ESTIMATE PREPARED BY: Danielle Glants, Financial Analyst, NYC Council Finance Division

ESTIMATE REVIEWED BY: Crilhien R. Francisco, Assistant Director, NYC Council Finance Division
 Chima Obichere, Deputy Director, NYC Council Finance Division
 Kathleen Ahn, Finance Division Counsel, NYC Council Finance Division
 Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance Division

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on July 13, 2023 as Intro. 1119 and referred to the Committee on Health (Committee). The legislation was considered by the Committee on September 27, 2023 and was subsequently amended to Proposed Intro. No. 1119-A. The amended version, Proposed Intro No. 1119-A, will be considered by the Committee on October 19, 2023. Upon successful vote by the Committee, Intro. No. 1119-A will be submitted to the full Council for a vote on October 19, 2023.

DATE PREPARED: October 12, 2023.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1119-A:)

Int. No. 1119-A

By Council Members Brooks-Powers, Farías, Riley, Schulman, Hanif, Ung, Louis, Velázquez, Ayala, Menin, Gennaro, Marte, Won, Rivera, Barron, Narcisse, Lee, Brannan and the Public Advocate (Mr. Williams).

A Local Law to amend the administrative code of the city of New York, in relation to a report by the department of health and mental hygiene on drowning deaths that occur in the city

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.23 to read as follows:

§ 17-199.23 Report on drownings. a. Report. No later than January 1, 2025, and annually thereafter, the department, in consultation with other relevant agencies as appropriate, shall submit to the mayor and the speaker of the council and post on its website a report on drownings that occurred in the city. Each report shall include the number of drownings in the year for which data on such drownings is most recently available, disaggregated, to the extent available, by:

- 1. The manner in which the drowning death occurred;*
- 2. The age group of the decedent;*
- 3. The gender identity of the decedent;*
- 4. The race and ethnicity of the decedent;*
- 5. Whether the decedent had any physical, medical, mental, or psychological impairment, or a history or record of such impairment, such as a seizure disorder;*
- 6. Whether alcohol, drugs, or prescription medication was a contributing factor regarding the drowning death;*
- 7. The type of location or facility at which the drowning death occurred, including, but not limited to, a beach, public outdoor pool, public indoor pool, private outdoor pool, or private indoor pool, and whether such location or facility has lifeguard supervision;*
- 8. The council district in which the drowning death occurred; and*
- 9. The community district in which the drowning death occurred.*

b. Personally identifiable information. The report required pursuant to subdivision a of this section shall not disclose any identifying information, as defined in section 23-1201, about any individual or any decedent.

c. Information reported. No information that is 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 any individual or any decedent, or that would interfere with law enforcement investigations or otherwise conflict with the interests of any law enforcement agency.

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

LYNN C. SCHULMAN, *Chairperson*; CHARLES BARRON, CRYSTAL HUDSON, JULIE MENIN, MERCEDES NARCISSE, MARJORIE VELÁZQUEZ; 6-0-0; *Absent*: Oswald Feliz, Kalman Yeger, and Joann Ariola; Committee on Health, October 19, 2023. *Other Council Members Attending*: Council Member Brooks-Powers.

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 Immigration

Report for Int. No. 1084-A

Report of the Committee on Immigration in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to creating training on trauma-informed care for persons serving refugees, asylees, asylum seekers, and migrants.

The Committee on Immigration, to which the annexed proposed amended local law was referred on June 8, 2023 (Minutes, page 1722), respectfully

REPORTS:

I. INTRODUCTION

On October 19, 2023, the Committee on Immigration, chaired by Council Member Shahana Hanif, held a vote on: Proposed Introduction Number 1084-A (Int. 1084-A), sponsored by Council Member Mercedes Narcisse, in relation to creating training on trauma-informed care for persons serving refugees, asylees, asylum seekers, and migrants. A prior version of this bill was heard on June 21, 2023. The Committee on Immigration also held a vote on Proposed Resolution Number 459-A (Res. 459-A), sponsored by Council Member Amanda Farías, calling upon the New York State Legislature to pass, and the Governor to sign, A.568/S.1802 prohibiting municipalities from requiring all employers to check prospective employees' work authorization status by using the federal electronic verification system and prohibiting employers from checking the employment authorization status of an existing employee or an applicant who has not been offered employment. A prior version of this bill was heard on April 28, 2023. Proposed Introduction Number 1084-A was approved by the Committee by a vote of 7 in the affirmative and 0 in the negative. Proposed Resolution 459-A was approved by the Committee by a vote of 7 in the affirmative and 0 in the negative.

II. BACKGROUND

a. Migrant and Asylum Crisis

i. Asylum Seekers in the United States

People fleeing persecution have the right to seek asylum.¹ The United States (U.S.) codified refugee protection and the procedures for asylum in the Refugee Act of 1980, made part of the Immigration and

¹ *Pro Bono Asylum Representation Manual: An Overview of Asylum Law & Procedure*, THE ADVOCATES FOR HUMAN RIGHTS (2009), available at https://www.theadvocatesforhumanrights.org/uploads/pro_bono_asylum_representation_manual_2009.pdf.

Nationality Act (INA).² Responsibility for the implementation and enforcement of most U.S. immigration law, including asylum and refugee law, is shared between the Department of Homeland Security (DHS) and the Department of Justice’s (DOJ) Executive Office for Immigration Review (EOIR).³ Within DHS, U.S. Citizenship and Immigration Services (USCIS) adjudicates applicants for immigration benefits; Customs and Border Protection (CBP) inspects and admits non-citizens into the U.S.; and Immigration and Customs Enforcement (ICE) investigates immigration violations, as well as detains and removes violators of immigration law.⁴ EOIR conducts removal proceedings and adjudicates appeals of decisions in removal proceedings.⁵ Individuals who seek asylum may encounter any and all of these agencies during the asylum process. If an individual is applying for asylum affirmatively—meaning they have come to the U.S. and have not been placed in removal proceedings by DHS—their application is adjudicated by USCIS.⁶ If an individual is applying for asylum defensively—meaning they were arrested by ICE or CBP and placed in removal proceedings—their asylum application is transferred to the EOIR immigration court upon the filing of a Notice to Appear (NTA).⁷

To qualify for asylum, an applicant must be physically present in the U.S.⁸ Asylum may be granted to an applicant who can establish past persecution or a “well-founded fear” of future persecution in their home country on account of race, religion, nationality, membership in a particular social group, or political opinion.⁹ Asylum is discretionary; additionally, certain bars apply which could make an applicant ineligible for asylum, such as prior fraudulent asylum claims.¹⁰ Upon a grant of asylum, an asylee has the right to: (1) travel and return to the U.S. with asylum status, (2) remain indefinitely in the U.S., (3) work, and (3) after one year, apply to adjust their status to lawful permanent resident (LPR).¹¹ Additionally, an asylee’s spouse and unmarried children, under 21, can obtain asylee status with the asylee or follow the asylee to join them in the U.S.¹²

Individuals who are applying for asylum are often survivors of unimaginable atrocities. Many have had family members killed in conflict or been separated from their parents or children due to violence or chaos.¹³ They have been arrested, jailed, beaten, raped, tortured, threatened with death, or otherwise persecuted because of their political or religious beliefs, or their race, nationality, or other fundamental aspects of their identity.¹⁴ Currently, over 889,549 U.S. asylum applications are pending—a backlog that means asylum seekers can wait over four years before their immigration legal case is resolved.¹⁵ Over 100,000 new cases were added to the backlog between November 2022 and May 2023.¹⁶ Additionally, work authorization applications, which can only be filed over 150 days after an asylum application is filed, are also subject to significant backlogs resulting in months without approval to work in the United States.¹⁷ The delays in processing work authorization often result in asylum seekers becoming victims of wage theft and other employment abuses as they become desperate to support themselves and their families.¹⁸

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.* “Adjudication of refugee status takes place outside U.S. borders and is handled by the U.S. Refugee Program (USRP). Individuals approved as refugees are then resettled to the U.S. and enter the country with refugee status. They do not go through an asylum adjudication in the U.S.” *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Fact Sheet: The Basics of U.S. Asylum Law*, HUMAN RIGHTS FIRST. Available at https://www.humanrightsfirst.org/wp-content/uploads/pdf/HRF_Fact_Sheet-The_Basics_of_US_Asylum_Law.pdf.

¹⁴ *Id.*

¹⁵ *A Sober Assessment of the Growing U.S. Asylum Backlog*. TRAC IMMIGRATION. (Dec. 22, 2022) Available at <https://trac.syr.edu/whatsnew/email.221222.html#:~:text=A%20decade%20later%20at%20the,cases%20and%20now%20totals%20787%2C882>.

¹⁶ *Immigration Court Asylum Backlog*, TRAC IMMIGRATION. Accessed June 14, 2023. Available at: <https://trac.syr.edu/phptools/immigration/asylumb/l/>.

¹⁷ Russo, Melissa and Hillary Weissman. *NY Migrants Wait Months for Work Authorization Cards, Preventing Them from Getting Jobs*. NBC NEW YORK. (Mar., 17, 2023) Available at <https://www.nbcnewyork.com/investigations/migrant-crisis/migrants-forced-to-wait-months-for-work-authorization-cards-keeping-them-out-of-work/4159474/>

¹⁸ *Id.*

While current U.S. asylum policies have become less restrictive than in the previous federal administration, asylum applicants that come to the U.S. seeking refuge are now met with extraordinary barriers at the state and local levels that put their safety and wellness at grave risk.¹⁹ Although the Biden administration has rolled back many of the most restrictive policies in place under the Trump Administration, recent proposals demonstrate their intent to continue implementing restrictive border policies absent large scale immigration reform.²⁰ Under the new proposals, many people will be stopped from entering the country and could be removed more quickly.²¹ New York and other sanctuary cities have become targets of efforts by states along the U.S./Mexico border to curb the appetite for granting asylum in the U.S.²² There were initial concerns that the end of Title 42 would result in mass crossings that would inevitably contribute to an even greater influx to New York City, with some officials estimating hundreds of migrants arriving in New York City daily.²³ However, in a recent report, DHS shared that border crossings have decreased by more than 70%.²⁴ Despite the significant decrease at the border, New York City has reported thousands of asylum seekers arriving each week, including 2,200 between June 4 and June 11.²⁵

ii. Asylum Seekers in New York

1. Historic Trends

New York State's distance from the U.S./Mexico border has not precluded it from feeling the impact of many of the changes in asylum policy effected under the Trump and Biden administrations. While the complete population of asylum-seeking New Yorkers is difficult to quantify, the Transactional Records Access Clearinghouse ('TRAC') at Syracuse University has reported some data collected through Freedom of Information Act requests ('FOIA').²⁶ From 2001 to February 2023, EOIR has made 148,035 asylum determinations in New York, granting asylum in 97,161 cases.²⁷ In 2021, the primary country of origin for asylum applications in New York was Burma,²⁸ with over 78 percent of all refugees and special immigrant visa²⁹ arrivals coming from four source countries (Democratic Republic of Congo, Syria, Afghanistan, and Burma).³⁰ Notably, the majority of asylum seekers in New York since 2001 have never been detained (76 percent).³¹ However, recent data from the Trump years shows that this trend changed, with defensive asylum cases making up nine out of 10 asylum decisions, nationally.³²

New York courts have historically reviewed a disproportionate number of asylum cases, compared to courts across the U.S. In 2019, New York's EOIR courts decided over 20 percent of all completed defensive asylum

¹⁹ *Asylum in the United States*. AM. IMM. COUNCIL. (Aug. 16, 2022) Available at <https://www.americanimmigrationcouncil.org/research/asylum-united-states>.

²⁰ Chotiner, Isaac. *Are Biden's Immigration Policies Stuck in the Trump Era?* THE NEW YORKER. (Mar. 2, 2023) Available at <https://www.newyorker.com/news/q-and-a/are-bidens-immigration-policies-stuck-in-the-trump-era>.

²¹ *Id.*

²² Dey, Sneha, Gabriel Poblete, and Greg B. Smith, *How Gov. Greg Abbott Texas-Sized a Crisis for NYC Mayor Eric Adams*. THE CITY. (Aug. 12, 2022) Available at <https://www.thecity.nyc/immigration/2022/8/12/23302379/greg-abbott-eric-adams-asylum-crisis>.

²³ *New York City braces for influx of migrants as Title 42 expires*. ABC 7 EYEWITNESS NEWS. (May 12, 2023) Available at <https://abc7ny.com/what-title-42-is-time-does-expire-ny-asylum-seekers/13237599/>

²⁴ Cotto, Jonathan. *DHS reports significant decline in border crossings since end of Title 42*. KSAT. (June 14, 2023). Available at <https://www.ksat.com/news/local/2023/06/14/dhs-reports-significant-decline-in-border-crossings-since-end-of-title-42/>

²⁵ NYC Mayor's Office. *Deputy Mayor For Health & Human Services Anne Williams-Isom Holds Briefing on Asylum Seeker Crisis*. YOUTUBE. (June 14, 2023) Available at <https://www.youtube.com/watch?v=8DDxk7o3eao>.

²⁶ *About TRAC*, TRAC IMMIGRATION. Available at <http://foiaproject.org/about/about-trac/>.

²⁷ *Asylum Decisions APP*, TRAC IMMIGRATION. Available at <https://trac.syr.edu/phptools/immigration/asylum/>.

²⁸ Office of Temporary and Disability Assistance. *Population Data for Refugee and Special Immigrant Visa Holders Resettled in New York State FFY 2021*. NEW YORK STATE. Available at <https://otda.ny.gov/programs/bria/documents/population-report.pdf>.

²⁹ Special Immigrant Visas are offered through programs that allow eligible applicants to settle in the U.S. Special immigrants qualify for Green Cards (permanent residence) after meeting certain criteria. See *Special Immigrants*. USCIS (Oct. 22, 2020). Available at <https://www.uscis.gov/humanitarian/special-immigrants>.

³⁰ *Population Data for Refugee and Special Immigrant Visa Holders Resettled in New York State FFY 2021* supra note 20; For historic data see also Beth Fertig, *Why It's Harder to Win Asylum, Even in New York*, WNYC (May 15, 2019). Available at <https://www.pri.org/stories/2019-05-15/why-its-harder-win-asylum-even-new-york>.

³¹ *Asylum Filings APP*, TRAC IMMIGRATION. Available at <https://trac.syr.edu/phptools/immigration/asyfile/>.

³² *Asylum Grant Rates Climb Under Biden*. TRAC IMMIGRATION. Available at <https://trac.syr.edu/immigration/reports/667/>.

cases.³³ While immigration judges are making more asylum decisions per year, and the number of asylum grantees more than doubled from Fiscal Year 2014 to Fiscal Year 2019,³⁴ the denial rate has increased exponentially: nationally, two-thirds of applicants were denied in 2019 as compared to half in 2014.³⁵ Additionally, by compiling case-by-case EOIR court records, TRAC found New York, which has historically had one of the highest acceptance rates in the nation, has also seen a rise in denial rates: 37 percent in Fiscal Year 2019 as compared to 16 percent in fiscal year 2015.³⁶ Asylum-seeking New Yorkers will face further hardship as changes to the asylum system place further strain on New York courts,—as seen in the five year backlog of legal immigration cases³⁷—necessitating more resources from local legal and social service and City agencies.

1. *Current Services and Challenges for New Arrivals*

In early June 2022, reports began circulating that the governors of Arizona and Texas were busing migrants and asylum seekers to Washington D.C.³⁸ Shortly thereafter, on July 19, 2022, New York City Mayor Eric Adams expressed concerns about the increase in the number of asylum seekers in the city.³⁹ In his statement, Mayor Adams addressed the City’s obligation to provide shelter to these individuals and called for federal resources to support these efforts.⁴⁰ Specifically, the Mayor acknowledged that, “By law, asylum seekers have a right to be in the United States while they seek humanitarian protection. In New York City, we are responsible for the provision of services and infrastructure for newly arrived asylum seekers and currently residing populations alike.”⁴¹ He claimed that at the time 2,800 individuals had entered the New York City shelter system and required services.⁴²

In August 2022, ahead of a City Council hearing on the issue, Mayor Adams announced a declaration of emergency for asylee services and shelter.⁴³ At the Council hearing, the Commissioner of DSS claimed that the Mayor’s emergency declaration allows the City to more efficiently procure and for providers to deliver services before contracts are signed.⁴⁴ Following the hearing and the Commissioners’ testimony about their agencies efforts to aid the incoming asylum seekers, Mayor Adams, alongside the Commissioners of NYCEM and the Mayor’s Office of Immigrant Affairs (MOIA), announced the opening of an Open Resource Navigation Center.⁴⁵ The Navigation Center centralized access to city and non-profit services, including health care, education, jobs, immigration legal services, and IDNYC enrollment.⁴⁶ The announcement about the Center detailed the resources that would be available to asylum seekers by appointment as well as emphasizing the partnership with community organizations to work with more asylum seekers.⁴⁷

³³ *Asylum Decisions Vary Widely Across Judges and Courts – Latest Results*, TRAC IMMIGRATION. Available at <https://trac.syr.edu/immigration/reports/590/>.

³⁴ *Record Number of Asylum Cases in FY 2019*, TRAC IMMIGRATION. Available at <https://trac.syr.edu/immigration/reports/588/>.

³⁵ Beth Fertig, *supra* note 22; *see also* *Asylum Grant Rates Climb Under Biden* *supra* note 24.

³⁶ *Id.*

³⁷ Meko, Hurubie. *Migrants Encounter ‘Chaos and Confusion’ in New York Immigration Courts*. THE NEW YORK TIMES, 11/3/2022 <https://www.nytimes.com/2022/11/03/nyregion/ny-immigration-courts-migrants.html>

³⁸ Patteson, Callie. *Arizona, Texas sent 79 Buses of Migrants to DC Since mid-April*. NY POST (June 15, 2022). Available at <https://nypost.com/2022/06/15/arizona-texas-sent-79-buses-of-migrants-to-dc-since-april/>.

³⁹ NYC.Gov. (2022) *Mayor Adams Calls for Federal Resources to Assist with Arriving Asylum Seekers*. (July 19, 2022) Available at <https://www1.nyc.gov/office-of-the-mayor/news/520-22/mayor-adams-calls-federal-resources-assist-arriving-asylum-seekers>

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ Office of the Mayor. *Mayor Adams, NYCEM, MOIA Open Resource Navigation Center to Support Newly Arrived Individuals and Families Seeking Asylum*. NYC.GOV. (Sept. 15, 2022) Available at [https://www1.nyc.gov/office-of-the-mayor/news/667-22/mayor-adams-nycem-moia-open-resource-navigation-center-support-newly-arrived-individuals-and#/>.](https://www1.nyc.gov/office-of-the-mayor/news/667-22/mayor-adams-nycem-moia-open-resource-navigation-center-support-newly-arrived-individuals-and#/)

⁴⁶ *Id.*

⁴⁷ *Id.*

2. *Emergency Shelters and HERRCS*

Approximately one week after the announcement of the Open Resource Navigation Center, Mayor Adams announced that the City would open Humanitarian Emergency Response and Relief Centers (HERRCs).⁴⁸ The first of these Emergency Response Centers would be located at Orchard Beach in the Bronx (this was later moved to Randalls Island) and would provide shelter, food, medical care, casework services, settlement options and direct referrals to alternative emergency supports.⁴⁹ Although the Randalls Island HERRC has since been deconstructed, the City currently has HERRCs in operation at hotels and office buildings across Manhattan and Brooklyn, including new introductions at The Candler Building on West 42nd St. in Manhattan, 455 Jefferson Street, an office building in Brooklyn's Bushwick neighborhood, 205 and 207 West 85th St, and 117 West 70th Street.⁵⁰ Although HERRCs are typically run by H+H, on March 23, representatives from the Mayoral administration handling the responses to the influx indicated that the newest HERRC at in Bushwick is currently overseen by HPD.⁵¹ HPD has also been responsible for the relocation of single adults and adult families to other cities in New York State, including Albany and White Plains.⁵² Details on numbers of asylum seekers that have been transferred upstate were not available on the Adams' Administration's most recent briefing.

According to updates from the Adams Administration, as of June 11, 2023, over 76,200 asylum seekers had gone through the system and been offered a place to rest at night since last spring.⁵³ Over 48,100 are currently in the City's care. As of that date, the City had opened 169 emergency shelters and 11 HERRCs to meet this need.

Migrants and asylum seekers have reported inadequate services and conditions at shelters and HERRCs.⁵⁴ For instance, those housed at the Row Hotel reported they were served food that was variously still frozen, expired, or rotten. Hospitals report children served the food appeared malnourished.⁵⁵ At the Brooklyn Cruise Terminal (BCT), which was adapted to serve single male arrivals and has since been closed, many refused to stay because of overcrowding, inadequate bathrooms, poor heat, limited food, and unreliable water.⁵⁶

The City Council's Oversight and Investigations Division (OID) participated in site tours at each HERRC to observe overall conditions, note services provided, and flag any potential concerns to Council leadership and the Administration.⁵⁷ On these tours, OID noted robust services available to migrants and asylum seekers, including healthcare enrollment, transportation assistance, round-the-clock food availability, safety and security procedures, education referrals for minors, private accommodations for asylum seeker families, and legal assistance referrals. While these robust services exist at each HERRC, OID noted that the living conditions vary depending upon the type of HERRC, whether it be a hotel accommodation such as The Row Hotel or a congregate setting such as the BCT. Single adult men in the congregate settings like the cruise terminal lacked private accommodation space, had limited privacy, were required to use outdoor facilities for showers, shared limited restroom space, and were required to keep all personal belongings in two small, locked storage bins. In

⁴⁸ Song Beer, Isabel and Dean Moses. *NYC to Provide Humanitarian Emergency Response for Asylum Seekers*. AMNY. (Sept. 22, 2022) Available at <https://www.amny.com/services/adams-humanitarian-response-asylum-seekers/>.

⁴⁹ *Id.* Note: this HERRC was subsequently moved to Randall's Island following concerns about flooding in Orchard Beach. See Konig, Joseph. *Mayor defends plan to move asylum seeker camp to Randall's Island*. SPECTRUM NEWS NY1. (Oct. 4, 2022) Available at <https://www.ny1.com/nyc/all-boroughs/politics/2022/10/04/mayor-reverses-course--moves-asylum-seeker-camps-to-randall-s-island>

⁵⁰ Vielkind, Jimmy. *Times Square Office Building is New York's Latest Migrant Shelter*. THE WALL STREET JOURNAL. (Mar. 28, 2023) Available at <https://www.wsj.com/articles/times-square-office-building-is-new-yorks-latest-migrant-shelter-ddcef3f8>; Stark-Miller,

Ethan. *Two new migrant relief centers coming to Upper West Side college dorm buildings*. AMNY. (June 12, 2023) Available at <https://www.amny.com/housing/two-new-migrant-relief-centers-coming-to-upper-west-side-college-dorm-buildings/>

⁵¹ *Asylum Seeker Bi-Weekly Update Call*. March 23, 2023.

⁵² *Supra* note 25.

⁵³ *Id.*

⁵⁴ McDonnell Nieto Del Rio, Giulia and Rommel H. Ojeda. *One Year in NYC: Migrants Still Fighting to Leave Shelters*. DOCUMENTED. (May 26, 2023) Available at <https://documentedny.com/2023/05/26/nyc-migrants-asylum-seekers-shelter/>

⁵⁵ Russo, Melissa. *Migrants Complain of 'Rotten' NYC Shelter Meals – But Mayor Implies They're Just Picky*. NBC NEW YORK. (Jan. 13, 2023) Available at <https://www.nbcnewyork.com/investigations/migrant-crisis/migrants-complain-of-rotten-nyc-shelter-meals-but-mayor-implies-theyre-just-picky/4046902/>.

⁵⁶ Smith, Romney and Adam Harding. *Migrants Reject New NYC Cruise Shelter, Citing 'Very Basic Beds,' 'Cold' Conditions*. NBC NEW YORK. (Jan. 31, 2023) Available at <https://www.nbcnewyork.com/investigations/migrant-crisis/migrants-reject-new-cruise-terminal-shelter-demand-return-to-old-facility/4074881/>.

⁵⁷ *Notes from OID Site Visits on file with Committee on Contracts Staff*.

addition, given the isolated location of the BCT (and previously Randall’s Island HERRC,) transportation was significantly more difficult for the single adult male asylum seeker population, even considering the transportation assistance and shuttles that the administration is providing at the sites. The hotel sites provide significantly higher quality of life for residents, affording them private or semi-private locked hotel rooms, private bathrooms, more-centrally located locations, and easier access to third-party assistance services.

As the City continues to respond to the asylum seeker crisis, the Adams Administration prepared a blueprint in March 2023 with new initiatives to adjust to this influx.⁵⁸ Within this blueprint are plans to introduce a new OASO, which is tasked to oversee and coordinate city agencies involved in this crisis.⁵⁹ The OASO will also be responsible for ensuring that “all newly arrived asylum seekers who need temporary shelter have access to a safe place to sleep, food, and other basic necessities.”⁶⁰ The blueprint also revealed plans to create a new 24/7 Arrival Center to replace the Port Authority Bus Terminal which has acted as an unofficial point center for arriving asylum seekers.⁶¹ An additional HERRC located in the Roosevelt Hotel has been designated as the 24/7 Arrival Center and newly arrived asylum seekers are directed to this facility instead of Port Authority.⁶² The Roosevelt Hotel works with community-based partners to support access to resettlement services, shelter intake, legal services, and medical support.⁶³ The blueprint noted plans for coordinating a migrant workforce training pilot with The Center for Discovery and SUNY Sullivan, but details of the plan have not been confirmed.⁶⁴

3. Right to Shelter

On May 23, 2023, reports indicated that Mayor Eric Adams requested permission from Deputy Chief Administrative Judge Deborah Kaplan to relieve the City from the right to shelter established pursuant to the consent decree issued in *Callahan v. Carey*.⁶⁵ The decree established the right to shelter for anyone who applies for it.⁶⁶ In its request, the City argued that it “lacks the resource and capacity to establish and maintain sufficient shelter sites, staffing, and security to provide safe and appropriate shelter.”⁶⁷ Also in May 2023, Mayor Adams issued Emergency Executive Order 402 suspending rules established pursuant to the decree requiring families to be placed in private rooms with bathrooms and kitchens, and not in congregate settings.⁶⁸

After the issuance of Emergency Executive Order 402, the City began housing asylum seekers in emergency respite centers.⁶⁹ These centers are handled by NYCEM and are designed to house asylum seekers short-term until longer term housing is available.⁷⁰ However, in a recent tour of the emergency respite center located at Lincoln Correctional Facility, OID noted that some of the asylum seekers had been there for weeks.⁷¹ Several days prior to the tour, the facility suffered a burst pipe and asylum seekers residing at the center were evacuated.

⁵⁸ Mayor Adams Releases ‘The Road Forward,’ New Blueprint to Handle Asylum Seeker Crisis Moving Forward. NYC.GOV. (Mar., 7, 2023). Available at <https://www.nyc.gov/assets/home/downloads/pdf/press-releases/2023/asylum-seeker-blueprint.pdf>

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² Brand, David, Elizabeth Kim, and Bahar Ostadan. *NYC is shutting down volunteer-led Port Authority welcome center for migrants*. GOTHAMIST. (May 19, 2023). Available at <https://gothamist.com/news/nyc-is-shutting-down-volunteer-led-port-authority-welcome-center-for-migrants>.

⁶³ Santana, Christian. *New York City launches new migrant arrival center at Midtown hotel*. GOTHAMIST. (May 14, 2023). Available at <https://gothamist.com/news/new-york-city-launches-new-migrant-arrival-center-at-midtown-hotel>.

⁶⁴ Donaldson, Sahalie. *NYC’s Plan to Relocate Some Asylum-Seekers to the Catskills May Not Happen*. CITY AND STATE NEW YORK. (Mar., 24, 2023). Available at <https://www.cityandstateny.com/policy/2023/03/nycs-plan-relocate-some-asylum-seekers-catskills-may-not-happen/384434/>.

⁶⁵ Mays, Jeffery C. *NYC Asks for Relief from Its Right-To-Shelter Mandate*. NEW YORK TIMES. (May, 23, 2023). Available at <https://www.nytimes.com/2023/05/23/nyregion/right-to-shelter-nyc.html>.

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ NYC Mayor’s Office. *Emergency Executive Order 402*. (May 10, 2023). Available at <https://www.nyc.gov/office-of-the-mayor/news/402-003/emergency-executive-order-402>.

⁶⁹ Yu, Janice. *Migrants sent to respite centers in NYC; Hochul says SUNY campuses being considered*. ABC 7. (May 25, 2023). Available at <https://abc7ny.com/asylum-seekers-housing-nyc-suny-migrants/13297632/>

⁷⁰ Hogan, Gwynne and Haidee Chu. *Adams Admin Races to Open Seventh Migrant ‘Respite Center’ as It Challenges Right to Shelter*. THE CITY. (May 24, 2023). Available at <https://www.thecity.nyc/2023/5/24/23736745/respice-centers-eric-adams-migrants>

⁷¹ *Notes from OID Site Visit on June 7, 2023 on file with Committee on Immigration Staff*

⁷² However, by the time of the tour, the asylum seekers had returned. OID also noted that the Lincoln Correctional Facility, was in clear disrepair from lack of use, had two separate leaks in the facility, and for sanitary reasons food could not remain on site for longer than four hours.

b. E-Verify

E-Verify is a federal electronic system that is utilized by employers to determine whether an employee is eligible to work in the United States.⁷³ This is done by comparing the details included on an employee's Employment Eligibility Verification form (I-9) with records from Social Security Administration (SSA) and the Department of Homeland Security.⁷⁴ 22 states currently require some or all of their employers to use E-Verify.⁷⁵ New York does not currently require employers to use E-Verify.⁷⁶ Unless you are an employer with a federal contract or subcontract, in a region mandating the usage of E-Verify, or legally required for a specific reason like a legal ruling, E-Verify is entirely voluntary.⁷⁷ Although E-Verify is voluntary, employers are required to confirm that employees are legally eligible for employment in the United States and every hired employee must have a properly completed I-9 form.⁷⁸ However, E-Verify has historically caused problems for workers with legal status to work in the United States and reports show that between 2006 and 2019, over 760,000 workers were negatively affected by E-Verify errors.⁷⁹

III. INT. 1084-A LEGISLATIVE ANALYSIS

This bill would require the Department of Health and Mental Hygiene to include in its training on trauma-informed care appropriate information on refugee, asylee, asylum seeker, and migrant experiences; determine who, of those serving refugees, asylees, asylum seekers, and migrants, should be offered the training; and offer it to them. If enacted, this bill would take effect 120 days after it becomes law.

IV. INT. NO. 1084 AMENDMENTS

On June 21, 2023, the Committee on Immigration considered Int. 1084, among several other bills, at a joint hearing with the Committee on General Welfare. The Committees received testimony from the Department of Homeless Services, NYC Health + Hospitals, the Department of Housing Preservation Development, NYC Department of Emergency Management, the NYC Comptroller, immigration and housing advocates, and members of the public.

After the hearing, Int. 1084 was amended to require the Department of Health and Mental Hygiene to review its existing training on trauma-informed care and include in its training appropriate information on refugee, asylee, asylum seeker, and migrant experiences. The amended bill also defined the term "provider" to encompass city agencies as well as community-based organizations and not-for-profit organizations working directly with refugees, asylees, asylum seekers, and migrants. Finally, the amended bill modified the reporting requirement.

⁷² Laxmi, Bijay. *Migrants Temporarily Evacuated from Converted Manhattan prison as Plumbing Bursts*. BNN. (June 4, 2023). Available at <https://bnn.network/breaking-news/migrants/migrants-temporarily-evacuated-from-converted-manhattan-prison-as-plumbing-bursts/>

⁷³ Department of Homeland Security. *Verify Employment Eligibility (E-Verify)*. DHS.GOV. Available at: <https://www.dhs.gov/verify-employment-eligibility-e-verify>. (Accessed on October 16, 2023).

⁷⁴ *Id.*

⁷⁵ Garrett, David J. *In 2022, More Mandates for E-Verify*. MAYNARD NEXSEN. (December 20, 2022). Available at: <https://www.maynardnexsen.com/publication-in-2022-more-mandates-for-e-verify>

⁷⁶ *Id.*

⁷⁷ E-Verify. *E-Verify USER MANUAL FOR CORPORATE ADMINISTRATORS*. E-VERIFY.GOV. Available at: <https://www.e-verify.gov/e-verify-user-manual-for-corporate-administrators-10-introduction/11-background-and-overview>. (Accessed on October 16, 2023).

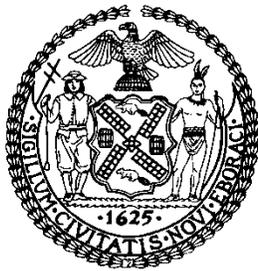
⁷⁸ U.S. Citizenship and Immigration Services. *I-9, Employment Eligibility Verification*. USCIS.GOV. Available at: <https://www.uscis.gov/i-9#:~:text=All%20U.S.%20employers%20must%20properly,employer%20must%20complete%20the%20form>. (Accessed on October 16, 2023).

⁷⁹ Bier, David J., *E-Verify Errors Harmed 760,000 Legal Workers Since 2006*. CATO INSTITUTE. (May 30, 2019). Available at: <https://www.cato.org/blog/e-verify-errors-harmed-760000-legal-workers-2006>.

V. RES. 459-A LEGISLATIVE ANALYSIS

This resolution would call on the New York State Legislature to pass and the Governor to sign a bill prohibiting municipalities from requiring all employers to check a prospective employee’s work authorization status using the federal electronic verification system (e-verify). This bill would also prohibit employers from checking the employment authorization status of an existing employee or job applicant. The federal e-verify system is a voluntary program, except for federal agencies, their contractors and vendors. This system does not allow an employee or prospective employee to contest the findings of the e-verify system. In 2010, approximately 80,000 work eligible employees lost their position due to erroneous e-verify results. Currently, 34,000 employers in New York State participate in e-verify.

(The following is the text of the Fiscal Impact Statement for Int. No. 1084-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. 1084-A

COMMITTEE: Committee on Immigration

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to creating training on trauma-informed care for persons serving refugees, asylees, asylum seekers, and migrants.

Sponsors: Council Members Narcisse, Cabán, Riley, Ossé, Louis, Hanif, Restler, Gutiérrez, Farías and Nurse.

SUMMARY OF LEGISLATION: This bill would require the Department of Health and Mental Hygiene to include in its training on trauma-informed care appropriate information on refugee, asylee, asylum seeker, and migrant experiences; determine who, of those serving refugees, asylees, asylum seekers, and migrants, should be offered the training; and offer it to them.

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

FISCAL YEAR (FY) IN WHICH FULL FISCAL IMPACT ANTICIPATED: FISCAL YEAR 2025

FISCAL IMPACT STATEMENT:

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

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Florentine Kabore, Principal Financial Analyst

ESTIMATE REVIEWED BY: Crilhien R. Francisco, Assistant Director
Chima Obichere, Deputy Director
Kathleen Ahn, Finance Division Counsel

LEGISLATIVE HISTORY: The legislation was first introduced to the full Council on June 8, 2023, as Intro. No. 1084 and referred to the Committee on Health and subsequently re-referred to the Committee on Immigration (the Committee) on June 13, 2023. The legislation was considered by the Committee at a joint hearing with the Committee on General Welfare, held on June 21, 2023, and the bill was laid over. The legislation has been amended and the amended version, Proposed Intro. No. 1084-A, will be considered by the Committee on October 19, 2023. Upon successful vote by the Committee, Proposed Intro. No. 1084-A will be submitted to the full Council for a vote on October 19, 2023.

DATE PREPARED: 9/25/2023.

(For text of Res. No. 459-A, please see the Report of the Committee on Immigration for Res. No. 459-A printed in the voice-vote Resolutions calendar section of these Minutes; for text of Int. No. 1084-A, please see below)

Accordingly, this Committee recommends the adoption of Int. No. 1084-A and Res. No. 459-A.

(The following is the text of Int. No. 1084-A:)

Int. No. 1084-A

By Council Members Narcisse, Cabán, Riley, Ossé, Louis, Hanif, Restler, Gutiérrez, Farías, Nurse, Velázquez, Rivera, Lee, Dinowitz and Avilés.

A Local Law to amend the administrative code of the city of New York, in relation to creating training on trauma-informed care for persons serving refugees, asylees, asylum seekers, and migrants

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-180.2 to read as follows:

§ 17-180.2 Trauma-informed care. a. Definitions. For purposes of this section, the following terms have the following meanings:

Client. The term “client” means anyone served by the providers.

Provider. The term “provider” means a city agency, or a community-based organization or not-for-profit organization that works directly with refugees, asylees, asylum seekers, and migrants, and is under contract or similar agreement with the department.

Trauma-informed care. The term “trauma-informed care” means trauma-informed care as described by the substance abuse and mental health services administration of the United States department of health and human services, or any successor agency, department, or governmental entity.

b. Training on trauma-informed care. The department shall review existing training on trauma-informed care that the department offers to providers and include in such training appropriate information on refugee, asylee, asylum seeker, and migrant experiences. Such training shall:

1. Include, but not be limited to, methods for recognizing signs of trauma exposure, strategies for understanding common behaviors of individuals exposed to trauma, trauma-informed principles for interacting with such individuals, and resources on addressing secondary trauma, traumatic stress, and post-traumatic stress disorder;

2. Recognize the variation in signs of trauma across a client’s lifespan and include a range of age-appropriate tools according to the different developmental needs of those served; and

3. Include culturally competent tools and resources for providing trauma-informed care.

c. Outreach. The department shall offer the training on trauma-informed care reviewed and revised pursuant to subdivision b of this section to eligible providers deemed appropriate by the department.

d. Reporting. Not later than 6 months after the effective date of the local law that added this section and annually thereafter, the department shall publish on its website a report on the following:

1. The components of the training on trauma-informed care developed pursuant to subdivision b of this section; and

2. The number of individuals who accepted and completed the training on trauma-informed care.

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

SHAHANA K. HANIF, *Chairperson*; FRANCISCO P. MOYA, CARMEN N. De La ROSA, RITA C. JOSEPH, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, SANDRA UNG; 7-0-0; Committee on Immigration, October 19, 2023. *Other Council Members Attending: Council Member Narcisse.*

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 Land Use

Report for L.U. No. 263

Report of the Committee on Land Use in favor of approving, as modified, Application number N 230112 ZRR (South Richmond Zoning Relief) 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 provisions of Article X, Chapter 7 (Special South Richmond Development District) and related Sections, Borough of Staten Island, Community District 3, Council District 51.

The Committee on Land Use, to which the annexed Land Use item was referred on September 14, 2023 (Minutes, page 2432), respectfully

REPORTS:**SUBJECT****STATEN ISLAND CB - 3****N 230112 ZRR**

City Planning Commission decision approving an application submitted by the 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 the Special South Richmond Development District (Article X, Chapter 7).

INTENT

To approve the zoning text amendment to Article X, Chapter 7 of the Zoning Resolution to update the Special South Richmond Development District (SSRDD) by alleviating review requirements for small sites with primarily one- and two-family homes while strengthening discretionary review for large and environmentally sensitive sites in the Special South Richmond Development District (SRD), Borough of Staten Island, Community District 3.

PUBLIC HEARING**DATE:** September 6, 2023**Witnesses in Favor:** Two**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** October 17, 2023

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

In Favor:	Against:	Abstain:
Riley	None	None
Louis		
Bottcher		
Hanks		
Schulman		
Carr		

COMMITTEE ACTION

DATE: October 17, 2023

The Committee recommends that the Council approve the attached resolution.

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

RAFAEL SALAMANCA, Jr., *Chairperson*; CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, 9-0-0; *Absent*: Joseph C. Borelli and Darlene Mealy; *Medical*: Kamillah Hanks and Francisco P. Moya; Committee on Land Use, October 17, 2023..

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

Report for L.U. No. 267

Report of the Committee on Land Use in favor of approving Application number N 230383 HIX (Fire Alarm Telegraph Bureau, Bronx Central Office, DL- 533/LP-2668) submitted by the Landmarks Preservation Commission, pursuant to the provisions Section 3020 of the Charter of the City of New York and Chapter 3 of Title 25 of the Administrative Code of the City of New York, for the designation of the Fire Alarm Telegraph Bureau, Bronx Central Office, located at 1129 East 180th Street (Tax Map Block 4333, p/o Lot 1), Borough of the Bronx, Community District 27, Council District 15.

The Committee on Land Use, to which the annexed Land Use item was referred on September 14, 2023 (Minutes, page 2433) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****BRONX – JOINT INTEREST AREA 27****N 230383 HIX**

Designation by the Landmarks Preservation Commission [DL-533/LP-2668], pursuant to Section 3020 of the New York City Charter, of the Fire Alarm Telegraph Bureau, Bronx Central Office (Tax Map Block 4333, p/o Lot 1), as an historic landmark.

PUBLIC HEARING**DATE:** September 19, 2023**Witnesses in Favor:** Two**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** October 11, 2023

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

In Favor:

Louis
Feliz
De la Rosa
Nurse
Ung

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** October 17, 2023

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca
Rivera
Louis
Riley
Abreu
Brooks-Powers
Bottcher
Krishnan
Sanchez

Against:

None

Abstain:

None

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

Res. No. 821

Resolution affirming the designation by the Landmarks Preservation Commission of the Fire Alarm Telegraph Bureau, Bronx Central Office located at 1129 East 180th Street (Tax Map Block 4333, p/o Lot 1), Borough of the Bronx, Designation List No. 533/LP-2668 (L.U. No. 267; N 230383 HIX).

By Council Members Salamanca and Louis.

WHEREAS, the Landmarks Preservation Commission filed with the Council on June 23, 2023 a copy of its designation report dated June 13, 2023 (the "Designation"), designating the Fire Alarm Telegraph Bureau, Bronx Central Office, located at 1129 East 180th Street, in Joint Interest Area 27, Borough of the Bronx, as a landmark, and Tax Map Block 4333, p/o Lot 1, as its landmark site, pursuant to Section 3020 of the New York City Charter;

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

WHEREAS, the City Planning Commission submitted to the Council on August 11, 2023, its report on the Designation dated August 9, 2023 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on September 19, 2023; and

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

RESOLVED:

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

RAFAEL SALAMANCA, Jr., *Chairperson*; CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, 9-0-0; *Absent*: Joseph C. Borelli and Darlene Mealy; *Medical*: Kamillah Hanks and Francisco P. Moya; Committee on Land Use, October 17, 2023.

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

Report for L.U. No. 268

Report of the Committee on Land Use in favor of approving Application number N 230385 HIX (Bronx Opera House, DL-533/LP-2667) submitted by the Landmarks Preservation Commission, pursuant to the provisions Section 3020 of the Charter of the City of New York and Chapter 3 of Title 25 of the Administrative Code of the City of New York, for the designation of the Bronx Opera House, located at 436-442 East 149th Street (Tax Map Block 2293, p/o Lot 46), Borough of the Bronx, Community District 1, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on September 14, 2023 (Minutes, page 2433) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****BRONX CB - 1****N 230385 HIX**

Designation by the Landmarks Preservation Commission [DL-533/LP-2667], pursuant to Section 3020 of the New York City Charter, of the Bronx Opera House (Tax Map Block 2293, p/o Lot 46), as an historic landmark.

PUBLIC HEARING**DATE:** September 19, 2023**Witnesses in Favor:** Two**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** October 11, 2023

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

In Favor:

Louis
Feliz
De la Rosa
Nurse
Ung

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** October 17, 2023

The Committee recommends that the Council approve the attached resolution.

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

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

Res. No. 822

Resolution affirming the designation by the Landmarks Preservation Commission of the Bronx Opera House located at 436-442 East 149th Street (Tax Map Block 2293, p/o Lot 46), Borough of the Bronx, Designation List No. 533/LP-2667 (L.U. No. 268; N 230385 HIX).

By Council Members Salamanca and Louis.

WHEREAS, the Landmarks Preservation Commission filed with the Council on June 23, 2023 a copy of its designation report dated June 13, 2023 (the "Designation"), designating the Bronx Opera House, located at 436-442 East 149th Street, Community District 1, Borough of the Bronx, as a landmark and Tax Map Block 2293, p/o Lot 46, as its landmark site pursuant to Section 3020 of the New York City Charter;

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

WHEREAS, the City Planning Commission submitted to the Council on August 11, 2023, its report on the Designation dated August 9, 2023 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on September 19, 2023; and

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

RESOLVED:

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

RAFAEL SALAMANCA, Jr., *Chairperson*; CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, ERIK D. BOTTCHER, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, 9-0-0; *Absent*: Joseph C. Borelli and Darlene Mealy; *Medical*: Kamillah Hanks and Francisco P. Moya; Committee on Land Use, October 17, 2023.

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

Report for L.U. No. 269

Report of the Committee on Land Use in favor of approving Application number N 230386 HIX (Firehouse, Engine Company 88/Ladder Company 38, DL-533/LP-2669) submitted by the Landmarks Preservation Commission, pursuant to the provisions Section 3020 of the Charter of the City of New York and Chapter 3 of Title 25 of the Administrative Code of the City of New York, for the designation of the Firehouse, Engine Company 88/Ladder Company 38, located at 2225 Belmont Avenue (Tax Map Block 3086, Lot 38), Borough of the Bronx, Community District 6, Council District 15.

The Committee on Land Use, to which the annexed Land Use item was referred on September 14, 2023 (Minutes, page 2433) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****BRONX CB - 6****N 230386 HIX**

Designation by the Landmarks Preservation Commission [DL-533/LP-2669], pursuant to Section 3020 of the New York City Charter, of the Firehouse, Engine Company 88/Ladder Company 38 (Tax Map Block 3086, Lot 38), as an historic landmark.

PUBLIC HEARING**DATE:** September 19, 2023**Witnesses in Favor:** Two**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** October 11, 2023

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

In Favor:

Louis
Feliz
De la Rosa
Nurse
Ung

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** October 17, 2023

The Committee recommends that the Council approve the attached resolution.

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

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

Res. No. 823

Resolution affirming the designation by the Landmarks Preservation Commission of the Firehouse, Engine Company 88/Ladder Company 38, located at 2225 Belmont Avenue (Tax Map Block 3086, Lot 38), Borough of the Bronx, Designation List No. 533/LP-2669 (L.U. No. 269; N 230386 HIX).

By Council Members Salamanca and Louis.

WHEREAS, the Landmarks Preservation Commission filed with the Council on June 23, 2023 a copy of its designation report dated June 13, 2023 (the "Designation"), designating the Firehouse, Engine Company 88/Ladder Company 38, located at 2225 Belmont Avenue, Community District 6, Borough of the Bronx, as a landmark and Tax Map Block 3086, Lot 38, as its landmark site pursuant to Section 3020 of the New York City Charter;

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

WHEREAS, the City Planning Commission submitted to the Council on August 11, 2023, its report on the Designation dated August 9, 2023 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on September 19, 2023; and

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

RESOLVED:

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

RAFAEL SALAMANCA, Jr., *Chairperson*; CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, 9-0-0; *Absent*: Joseph C. Borelli and Darlene Mealy; *Medical*: Kamillah Hanks and Francisco P. Moya; Committee on Land Use, October 17, 2023.

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

Report for L.U. No. 270

Report of the Committee on Land Use in favor of approving Application number N 240022 HIM (935 St. Nicholas Avenue Building, DL-534/LP-2670) submitted by the Landmarks Preservation Commission, pursuant to the provisions Section 3020 of the Charter of the City of New York and Chapter 3 of Title 25 of the Administrative Code of the City of New York, for the designation of the 935 St. Nicholas Avenue Building, located at 929-939 St. Nicholas Avenue (aka 462-466 West 157th Street) (Tax Map Block 2107, Lot 72), Borough of Manhattan, Community District 12, Council District 7.

The Committee on Land Use, to which the annexed Land Use item was referred on September 14, 2023 (Minutes, page 2434) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 12

N 240022 HIM

Designation by the Landmarks Preservation Commission [DL-534/LP-2670], pursuant to Section 3020 of the New York City Charter, of the 935 St. Nicholas Avenue Building (Tax Map Block 2107, Lot 72), as an historic landmark.

PUBLIC HEARING

DATE: September 19, 2023

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 11, 2023

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

In Favor:

Louis
Feliz
De la Rosa
Nurse
Ung

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: October 17, 2023

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca
Rivera
Louis
Riley
Abreu
Brooks-Powers
Bottcher
Krishnan
Sanchez

Against:

None

Abstain:

None

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

Res. No. 824

Resolution affirming the designation by the Landmarks Preservation Commission of the 935 St. Nicholas Avenue Building located at 929-939 St. Nicholas Avenue (aka 462-466 West 157th Street (Tax Map Block 2107, Lot 72), Borough of Manhattan, Designation List No. 534/LP-2670 (L.U. No. 270; N 240022 HIM).

By Council Members Salamanca and Louis.

WHEREAS, the Landmarks Preservation Commission filed with the Council on July 7, 2023 a copy of its designation report dated June 27, 2023 (the "Designation"), designating the 935 St. Nicholas Avenue Building, located at 929-939 St. Nicholas Avenue (aka 462-466 West 157th Street), Community District 12, Borough of Manhattan, as a landmark and Tax Map Block 2107, Lot 72, as its landmark site pursuant to Section 3020 of the New York City Charter;

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

WHEREAS, the City Planning Commission submitted to the Council on August 25, 2023, its report on the Designation dated August 23, 2023 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on September 19, 2023; and

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

RESOLVED:

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

RAFAEL SALAMANCA, Jr., *Chairperson*; CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, 9-0-0; *Absent*: Joseph C. Borelli and Darlene Mealy; *Medical*: Kamillah Hanks and Francisco P. Moya; Committee on Land Use, October 17, 2023.

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

Report for L.U. No. 271

Report of the Committee on Land Use in favor of approving Application number N 240020 HIM (Hotel Cecil & Minton's Playhouse Building, DL-534/LP-2671) submitted by the Landmarks Preservation Commission, pursuant to the provisions Section 3020 of the Charter of the City of New York and Chapter 3 of Title 25 of the Administrative Code of the City of New York, for the designation of the Hotel Cecil & Minton's Playhouse Building, located at 206 West 118th Street (aka 150-158 St. Nicholas Avenue and 206-212 West 118th Street) (Tax Map Block 1923, Lot 38), Borough of Manhattan, Community District 10, Council District 9.

The Committee on Land Use, to which the annexed Land Use item was referred on September 14, 2023 (Minutes, page 2434) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 10

N 240020 HIM

Designation by the Landmarks Preservation Commission [DL-534/LP-2671] pursuant to Section 3020 of the New York City Charter, of the Hotel Cecil & Minton's Playhouse Building (Tax Map Block 1923, Lot 38), as an historic landmark.

PUBLIC HEARING

DATE: September 19, 2023

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION**DATE:** October 11, 2023

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

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

COMMITTEE ACTION**DATE:** October 17, 2023

The Committee recommends that the Council approve the attached resolution.

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

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

Res. No. 825

Resolution affirming the designation by the Landmarks Preservation Commission of the Hotel Cecil & Minton's Playhouse Building located at 206 West 118th Street (aka 150-158 St. Nicholas Avenue and 206-212 West 118th Street) (Tax Map Block 1923, Lot 38), Borough of Manhattan, Designation List No. 534/LP-2671 (L.U. No. 271; N 240020 HIM).

By Council Members Salamanca and Louis.

WHEREAS, the Landmarks Preservation Commission filed with the Council on July 7, 2023 a copy of its designation report dated June 27, 2023 (the "Designation"), designating the Hotel Cecil & Minton's Playhouse Building, located at 206 West 118th Street (aka 150-158 St. Nicholas Avenue and 206-212 West 118th Street), Community District 10, Borough of Manhattan, as a landmark and Tax Map Block 1923, Lot 38, as its landmark site pursuant to Section 3020 of the New York City Charter;

WHEREAS, the Designation is subject to review by the Council pursuant to Section 3020 of the New

York City Charter and Section 25-303 of the Administrative Code of the City of New York;

WHEREAS, the City Planning Commission submitted to the Council on August 25, 2023, its report on the Designation dated August 23, 2023 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on September 19, 2023; and

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

RESOLVED:

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

RAFAEL SALAMANCA, Jr., *Chairperson*; CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, 9-0-0; *Absent*: Joseph C. Borelli and Darlene Mealy; *Medical*: Kamillah Hanks and Francisco P. Moya; Committee on Land Use, October 17, 2023.

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

Report for L.U. No. 272

Report of the Committee on Land Use in favor of approving Application number N 240021 HIQ (John Birks “Dizzy” Gillespie Residence, DL-534/LP-2657) submitted by the Landmarks Preservation Commission, pursuant to the provisions Section 3020 of the Charter of the City of New York and Chapter 3 of Title 25 of the Administrative Code of the City of New York, for the designation of the John Birks “Dizzy” Gillespie Residence located at 105-19 37th Avenue (aka 34-68 106th Street) (Tax Map Block 1747, Lot 51), Borough of Queens, Community District 3, Council District 21.

The Committee on Land Use, to which the annexed Land Use item was referred on September 14, 2023 (Minutes, page 2434) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

QUEENS CB - 3

N 240021 HIQ

Designation by the Landmarks Preservation Commission [DL-534/LP-2657] pursuant to Section 3020 of the New York City Charter, of the John Birks “Dizzy” Gillespie Residence (Tax Map Block 1747, Lot 51), as an historic landmark.

PUBLIC HEARING**DATE:** September 19, 2023**Witnesses in Favor:** Two**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** October 11, 2023

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

In Favor:Louis
Feliz
De la Rosa
Nurse
Ung**Against:**

None

Abstain:

None

COMMITTEE ACTION**DATE:** October 17, 2023

The Committee recommends that the Council approve the attached resolution.

In Favor:Salamanca
Rivera
Louis
Riley
Abreu
Brooks-Powers
Bottcher
Krishnan
Sanchez**Against:**

None

Abstain:

None

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

Res. No. 826

Resolution affirming the designation by the Landmarks Preservation Commission of the John Birks “Dizzy” Gillespie Residence located at 105-19 37th Avenue (aka 34-68 106th Street) (Tax Map Block 1747, Lot 51), Borough of Queens, Designation List No. 534/LP-2657 (L.U. No. 272; N 240021 HIQ).

By Council Members Salamanca and Louis.

WHEREAS, the Landmarks Preservation Commission filed with the Council on July 7, 2023 a copy of its designation report dated June 27, 2023 (the "Designation"), designating the John Birks "Dizzy" Gillespie Residence, located at 105-19 37th Avenue (aka 34-68 106th Street), Community District 3, Borough of Queens, as a landmark and Tax Map Block 1747, Lot 51, as its landmark site pursuant to Section 3020 of the New York City Charter;

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

WHEREAS, the City Planning Commission submitted to the Council on August 25, 2023, its report on the Designation dated August 23, 2023 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on September 19, 2023; and

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

RESOLVED:

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

RAFAEL SALAMANCA, Jr., *Chairperson*; CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, 9-0-0; *Absent*: Joseph C. Borelli and Darlene Mealy; *Medical*: Kamillah Hanks and Francisco P. Moya; Committee on Land Use, October 17, 2023..

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

Report for L.U. No. 275

Report of the Committee on Land Use in favor of approving, as modified, Application number C 220453 ZMK (703 Myrtle Avenue Rezoning) submitted by Ranco Capital, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13b, changing from an M1-1 District to an R7D District and establishing within the proposed R7D District a C2-4 District, Borough of Brooklyn, Community District 3, Council District 33.

The Committee on Land Use, to which the annexed Land Use item was referred on September 28, 2023 (Minutes, page 2556), respectfully

REPORTS:

SUBJECT

**BROOKLYN CB-3 – TWO APPLICATIONS RELATED TO 703 MYRTLE AVENUE
REZONING**

C 220453 ZMK (L.U. No. 275)

City Planning Commission decision approving an application submitted by Ranco Capital, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13b:

1. changing from an M1-1 District to an R7D District property bounded by a line 100 feet northerly of Myrtle Avenue, Walworth Street, Myrtle Avenue, and Spencer Street; and
2. establishing within the proposed R7D District a C2-4 District bounded by a line 100 feet northerly of Myrtle Avenue, Walworth Street, Myrtle Avenue, and Spencer Street;

as shown on a diagram (for illustrative purposes only) dated April 24, 2023, and subject to the conditions of CEQR Declaration E-695.

N 220454 ZRK (L.U. No. 276)

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

INTENT

To approve the amendment to rezone the project area from an M1-1 zoning district to an R7D/C2-4 zoning district and amend the zoning text to establish the project area as a Mandatory Inclusionary Housing (MIH) area utilizing Options 1 and 2 to facilitate the construction of a new eight-story residential building containing 54 dwelling units, eighteen of which would be permanently income restricted, at 703 Myrtle Avenue in the Bedford-Stuyvesant neighborhood of Brooklyn, Community District 3.

PUBLIC HEARING

DATE: September 19, 2023

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 17, 2023

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on L.U. No. 275 and approve with modifications the decision of the City Planning Commission on L.U. No. 276.

In Favor:	Against:	Abstain:
Riley	None	None
Louis		
Bottcher		
Hanks		
Schulman		
Carr		

COMMITTEE ACTION

DATE: October 17, 2023

The Committee recommends that the Council approve the attached resolutions.

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

RAFAEL SALAMANCA, Jr., *Chairperson*; CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, ERIK D. BOTTCHER, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, 9-0-0; *Absent*: Joseph C. Borelli and Darlene Mealy; *Medical*: Kamillah Hanks and Francisco P. Moya; Committee on Land Use, October 17, 2023..

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

Report for L.U. No. 276

Report of the Committee on Land Use in favor of approving, as modified, Application number N 220454 ZRK (703 Myrtle Avenue Rezoning) submitted by Ranco Capital, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 3, Council District 33.

The Committee on Land Use, to which the annexed Land Use item was referred on September 28, 2023 (Minutes, page 2556), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 275 printed in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, ERIK D. BOTTCHER, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, 9-0-0; *Absent*: Joseph C. Borelli and Darlene Mealy; *Medical*: Kamillah Hanks and Francisco P. Moya; Committee on Land Use, October 17, 2023.

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

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

Report for L.U. No. 280

Report of the Committee on Land Use in favor of approving Application number G 230035 CCK (Livonia4 Technical Correction) submitted by the New York City Department of Housing Preservation requesting a technical amendment to Council Resolution 433 for the year 2022 related to an Urban Development Action Area Project (UDAAP) pursuant to Section 694 of the General Municipal Law and an Article XI tax exemption pursuant to Section 577 of the Private Housing Finance Law, and related to property located at Livonia Avenue between Christopher Avenue and Mother Gaston Boulevard (Block 3811, Lots 17, 18, 19, 21, 23, 24, 25, 26, 27, and 124), Livonia Avenue between Sackman Street and Christopher Avenue (Block 3812, Lots 19, 20, 21, 22, and 121), Livonia Avenue between Powell Street and Sackman Street (Block 3813, Lot 115), Livonia Avenue between Thomas S. Boyland Street and Amboy Street (Block 3586, Lot 26), Borough of Brooklyn, Community District 16, Council District 42.

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on October 19, 2023 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 16

G 230035 CCK

Application submitted by the New York City Department of Housing Preservation and Development (HPD), requesting a technical amendment to Council Resolution No. 433 for the year 2022 related to the designation of an Urban Development Action Area and Urban Development Action Area Project, related to property located at Livonia Avenue between Christopher Avenue and Mother Gaston Boulevard (Block 3811, Lots 17, 18, 19, 21, 23, 24, 25, 26, 27, and 124); Livonia Avenue between Sackman Street and Christopher Avenue (Block 3812, Lots 19, 20, 21, 22, and 121); Livonia Avenue between Powell Street and Sackman Street (Block 3813, Lot 115); Livonia Avenue between Thomas S. Boyland Street and Amboy Street (Block 3586, Lot 26); and the disposition of city-owned property located at Livonia Avenue between Christopher Avenue and Mother Gaston Boulevard (Block 3811, Lots 17, 18, 19, 21, 23, 24, 26, 27, and 124); Livonia Avenue between Sackman Street and Christopher Avenue (Block 3812, Lots 19, 20, 21, 22, and 121); Livonia Avenue between Powell Street and Sackman Street (Block 3813, Lot 115); Livonia Avenue between Thomas S. Boyland Street and Amboy Street (Block 3586, Lot 26), Borough of Brooklyn, Community District 16, Council District 42.

INTENT

To approve the amendment of a previously-approved City Council Resolution dated December 7, 2022 (Resolution No. 433, L.U. No. 135), clarifying the block and lot information for the Project Area and the Disposition Area, to correct a typographical error.

PUBLIC HEARING

DATE: October 11, 2023

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 11, 2023

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

In Favor:

Louis
Feliz
De La Rosa
Nurse
Ung

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: October 17, 2023

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca
Rivera
Louis
Riley
Abreu
Brooks-Powers
Bottcher
Krishnan
Sanchez

Against:

None

Abstain:

None

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

Res. No. 827

Resolution amending Resolution 433 of the year 2022 related to the decision of the City Planning Commission on Application No. C 220407 HAK, approving the designation of an Urban Development Action Area and Urban Development Action Area Project, related to property located at Livonia Avenue between Christopher Avenue and Mother Gaston Boulevard (Block 3811, Lots 17, 18, 19, 21, 23, 24, 25, 26, 27, and 124); Livonia Avenue between Sackman Street and Christopher Avenue (Block 3812, Lots 19, 20, 21, 22, and 121); Livonia Avenue between Powell Street and Sackman Street (Block 3813, Lot 115); Livonia Avenue between Thomas S. Boyland Street and Amboy Street (Block 3586, Lot 26); and the disposition of city-owned property located at Livonia Avenue between Christopher Avenue and Mother Gaston Boulevard (Block 3811, Lots 17, 18, 19, 21, 23, 24, 26, 27, and 124); Livonia Avenue between Sackman Street and Christopher Avenue (Block 3812, Lots 19, 20, 21, 22, and 121); Livonia Avenue between Powell Street and Sackman Street (Block 3813, Lot 115); Livonia Avenue between Thomas S. Boyland Street and Amboy Street (Block 3586, Lot 26); Borough of Brooklyn, Community District 16, to a developer selected by HPD (Preconsidered L.U. No. 280) (G 230035 CCK).

By Council Members Salamanca and Louis.

Resolution 433 for the year 2022 is hereby amended to read as follows:

WHEREAS, the City Planning Commission filed with the Council on October 14, 2022 its decision dated October 11, 2022 (the “Decision”), on the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) regarding city-owned property located at Livonia Avenue between Christopher Avenue and Mother Gaston Boulevard (Block 3811, Lots 17, 18, 19, 21, 23, 24, 25, 26, 27, 124); Livonia Avenue between Sackman Street and Christopher Avenue (Block 3812, Lots 19, 20, 21, 22 and 121); Livonia Avenue between Powell Street and Sackman Street (Block 3813, Lot 115); Livonia Avenue between Thomas S. Boyland Street and Amboy Street (Block 3586, Lot 26), (the “[Disposition] Project Area”), approving:

- a) pursuant to Article 16 of the General Municipal Law of New York State the designation of the [Disposition] Project Area as an Urban Development Action Area;
- b) pursuant to Article 16 of the General Municipal Law of New York State an Urban Development Action Area Project for the [Disposition] Project Area (the “Project”); and
- c) pursuant to Section 197-c of the New York City Charter the disposition of property located at Livonia Avenue between Christopher Avenue and Mother Gaston Boulevard (Block 3811, Lots 17, 18, 19, 21, 23, 24, 26, 27, 124), Livonia Avenue between Sackman Street and Christopher Avenue (Block 3812, Lots 19, 20, 21, 22 and 121), Livonia Avenue between Powell Street and Sackman Street (Block 3813, Lot 115), Livonia Avenue between Thomas S. Boyland Street and Amboy Street (Block 3586, Lot 26) (the “Disposition Area”) to a developer to be selected by the New York City Department of Housing Preservation and Development;

which in conjunction with the related action would facilitate the development of four new buildings containing an approximate total of 498 affordable housing units, and commercial and community facility space, Borough of Brooklyn, Community District 16 (ULURP No. C 220427 HAK) (the “Application”);

WHEREAS, the Application is related to applications C 220428 HUK (Pre. L.U. No. 136), an amendment to the Brownsville II Urban Renewal Plan (URP); C 220429 ZMK (Pre. L.U. No. 137), a zoning map amendment to change R6/C2-4 and R6 districts, to an R7-2/C2-4 district; and N 220430 ZRK (Pre. L.U. No. 138), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

WHEREAS, the City Planning Commission has certified its unqualified approval of UDAAP pursuant to Article 16 of the General Municipal Law;

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

WHEREAS, by letter dated October 17, 2022 and submitted to the Council on October 17, 2022, HPD submitted its requests (the “HPD Requests”) respecting the Application including the submission of the project summaries for the Project (the “Project Summary”);

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision and the HPD Requests on October 19, 2022;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued May 19th, 2022 (CEQR No. 20HPD054K) (the “Negative Declaration”).

RESOLVED:

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

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report C 220427 HAK and incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission and the HPD Requests.

Pursuant to Article 16 of the General Municipal Law of New York State, based on the environmental determination and the consideration described in the report C 220427 HAK and incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission and the HPD Requests.

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

The Council approves the designation of the [Disposition] Project Area as an urban development action area pursuant to Section 693 of the General Municipal Law.

The Council approves the Project as an urban development action area project pursuant to Section 694 of the General Municipal Law and subject to the terms and conditions of the Project Summary, a copy of which is attached hereto.

The Council approves the disposition of the Disposition Area under Section 197-d of the New York City Charter, to a developer to be selected by the New York City Department of Housing Preservation and Development for the development of the Project consistent with the Project Summary.

ATTACHMENT:**PROJECT SUMMARY**

1. **PROGRAM:** EXTREMELY LOW AND LOW INCOME AFFORDABILITY PROGRAM
2. **PROJECT:** Livonia4
3. **LOCATION:**
- a. **BOROUGH:** Brooklyn
- b. **COMMUNITY DISTRICT:** 16
- c. **COUNCIL DISTRICT:** 42
- d. **DISPOSITION AREA:**
- | <u>BLOCK</u> | <u>LOT</u> | <u>ADDRESSES</u> |
|--------------|------------|--------------------|
| 3813 | 115 | 386 Livonia Avenue |
| 3586 | 26 | 339 Amboy Street |
4. **BASIS OF DISPOSITION PRICE:** Nominal. Sponsor will pay one dollar per lot and deliver an enforcement note and mortgage for the remainder of the appraised value (“Land Debt”). For a period of at least thirty (30) years following completion of construction, the Land Debt or the City’s capital subsidy may be repayable out of resale or refinancing profits. The remaining balance, if any, may be forgiven at the end of the term.
5. **TYPE OF PROJECT:** New Construction
6. **APPROXIMATE NUMBER OF BUILDINGS:** 2
7. **APPROXIMATE NUMBER OF UNITS:** 279 dwelling units, plus 2 units for superintendents
8. **HOUSING TYPE:** Rental
9. **ESTIMATE OF INITIAL RENTS** Rents will be affordable to families earning from 30% - 80% of the area median income (“AMI”). Formerly homeless tenants referred by DHS and other City agencies will pay up to 30% of their income as rent. All units will be subject to rent stabilization.
10. **INCOME TARGETS** 30% to 80% of AMI
11. **PROPOSED FACILITIES:** Approximately 19,675 square feet of commercial space

Approximately 39,863 square feet of community facility space

- 12. **PROPOSED CODES/ORDINANCES:** None
- 13. **ENVIRONMENTAL STATUS:** Negative Declaration
- 14. **PROPOSED TIME SCHEDULE:** Approximately 24 months from closing to completion of construction of each phase

PROJECT SUMMARY

1. **PROGRAM:** SENIOR AFFORDABLE RENTAL APARTMENTS PROGRAM

2. **PROJECT:** Livonia4

3. **LOCATION:**

a. **BOROUGH:** Brooklyn

b. **COMMUNITY DISTRICT:** 16

c. **COUNCIL DISTRICT:** 42

d. **DISPOSITION AREA:**

<u>BLOCKS</u>	<u>LOTS</u>	<u>ADDRESSES</u>
3811	17	651 Mother Gaston Blv.
3811	18	649 Mother Gaston Blv.
3811	19	647 Mother Gaston Blv.
3811	21	643 Mother Gaston Blv.
3811	23	350 Livonia Avenue
3811	24	352 Livonia Avenue
3811	26	360 Livonia Avenue
3811	27	386 Christopher Avenue
3811	124	354 Livonia Avenue

e. **PROJECT AREA:**

<u>BLOCKS</u>	<u>LOTS</u>	<u>ADDRESSES</u>
3811	17	651 Mother Gaston Blv.
3811	18	649 Mother Gaston Blv.
3811	19	647 Mother Gaston Blv.
3811	21	643 Mother Gaston Blv.
3811	23	350 Livonia Avenue
3811	24	352 Livonia Avenue
3811	25	356 Livonia Avenue
3811	26	360 Livonia Avenue
3811	27	386 Christopher Avenue
3811	124	354 Livonia Avenue

- 4. **BASIS OF DISPOSITION PRICE:** Nominal. Sponsor will pay one dollar per lot and will deliver an enforcement note and mortgage for the remainder of the appraised value (“Land Debt”). For a period of at least thirty (30) years following completion of construction, the Land Debt or the City’s capital subsidy may be repayable out of resale or refinancing profits. The remaining balance, if any, may be forgiven at the end of the term.
- 5. **TYPE OF PROJECT:** New construction
- 6. **APPROXIMATE NUMBER OF BUILDINGS:** 1
- 7. **APPROXIMATE NUMBER OF UNITS:** 139 dwelling units, plus 1 unit for a superintendent
- 8. **HOUSING TYPE:** Rental
- 9. **ESTIMATE OF INITIAL RENTS** Formerly homeless tenants referred by DHS and other City agencies will pay up to 30% of their income as rent. Other tenants will pay rents set at up to 30% of 60% of the area median income (AMI) on an annual basis. All units will be subject to rent stabilization.
- 10. **INCOME TARGETS** Up to 60% of AMI
- 11. **PROPOSED FACILITIES:** Community facility space, social service offices
- 12. **PROPOSED CODES/ORDINANCES:** None
- 13. **ENVIRONMENTAL STATUS:** Negative Declaration
- 14. **PROPOSED TIME SCHEDULE:** Approximately 24 months from closing to completion

PROJECT SUMMARY

- 1. **PROGRAM:** SUPPORTIVE HOUSING LOAN PROGRAM
- 2. **PROJECT:** Livonia4
- 3. **LOCATION:**
 - a. **BOROUGH:** Brooklyn
 - b. **COMMUNITY DISTRICT:** 16
 - c. **COUNCIL DISTRICT:** 42
 - d. **DISPOSITION AREA:**

<u>BLOCKS</u>	<u>LOTS</u>	<u>ADDRESSES</u>
3812	19	362 Livonia Ave
3812	20	364 Livonia Ave

3812	21	368 Livonia Ave
3812	22	376 Livonia Ave
3812	121	372 Livonia Ave

- 4. **BASIS OF DISPOSITION PRICE:** Nominal. Sponsor will pay one dollar per lot and will deliver an enforcement note and mortgage for the remainder of the appraised value (“Land Debt”). For a period of at least thirty (30) years following completion of construction, the Land Debt or the City’s capital subsidy may be repayable out of resale or refinancing profits. The remaining balance, if any, may be forgiven at the end of the term.

- 5. **TYPE OF PROJECT:** New Construction

- 6. **APPROXIMATE NUMBER OF BUILDINGS:** One Not-For-Profit Institution With Sleeping Accommodations

- 7. **APPROXIMATE NUMBER OF UNITS:** 80 Rental
1 Superintendent
 81 Total

- 8. **HOUSING TYPE:** Rental

- 9. **ESTIMATE OF INITIAL RENTS** Formerly homeless tenants referred by DHS and other City agencies will pay up to 30% of their income as rent. Other tenants will pay rents set at up to 30% of 60% of the area median income (AMI) on an annual basis. All units will be subject to rent stabilization.

- 10. **INCOME TARGETS** Up to 60% of AMI

- 11. **PROPOSED FACILITIES:** Social Service Offices, Security Desk, Ground Floor Community Facility Space

- 12. **PROPOSED CODES/ORDINANCES:** None

- 13. **ENVIRONMENTAL STATUS:** Negative Declaration

- 14. **PROPOSED TIME SCHEDULE:** Approximately six months from authorization to sale.

RAFAEL SALAMANCA, Jr., *Chairperson*; CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, 9-0-0; *Absent*: Joseph C. Borelli and Darlene Mealy; *Medical*: Kamillah Hanks and Francisco P. Moya; Committee on Land Use, October 17, 2023.

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

Report of the Committee on Rules, Privileges and Elections

Report for M-175

Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment of John Heesemann as a member of the New York City Tax Commission.

The Committee on Rules, Privileges and Elections, to which the annexed Mayor's Message was referred on September 28, 2023 (Minutes, page 2446) and which same Mayor's Message was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-176, printed below in these Minutes)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to Sections 31 and 153 of the City Charter, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of **John Heesemann** as a member of the New York City Tax Commission to serve the remainder of a six-year term that expires on January 6, 2024 (M. 175-2023).

This matter was heard on October 3, 2023.

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

Res. No. 828

RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR OF JOHN HEESEMAN AS A MEMBER OF THE NEW YORK CITY TAX COMMISSION (M. 175-2023).

By Council Member Powers.

RESOLVED, pursuant Sections 31 and 153 of the City Charter, the Council hereby approves the appointment by the Mayor of **John Heesemann** as a member of the New York City Tax Commission to serve the remainder of a six-year term that expires on January 6, 2024 (M. 175-2023).

KEITH POWERS, *Chairperson*; RAFAEL SALAMANCA, Jr.; SELVENA N. BROOKS-POWERS, JUSTIN L. BRANNAN, GALE A. BREWER, CRYSTAL HUDSON, PIERINA ANA SANCHEZ, THE SPEAKER (COUNCIL MEMBER ADRIENNE E. ADAMS); 8-0-0; *Absent*: Joseph C. Borelli; Committee on Rules, Privileges and Elections, October 19, 2023.

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

Report for M-176

Report of the Committee on Rules, Privileges and Elections in favor of the appointment of Bennett Minko as a member of the New York City Tax Commission.

The Committee on Rules, Privileges and Elections, to which the annexed Mayor's Message was referred on September 28, 2023 (Minutes, page 2447) and which same Mayor's Message was coupled with the resolution shown below, respectfully

REPORTS:**Topic I: New York City Tax Commission – (Candidates for appointment by the Mayor upon the advice and consent of the Council)**

- **Bennett Minko [M-176]**
- **John Heesemann [M-175]**
- **Gary Bristol [M-177]**

The Tax Commission (the "Commission") is charged with the duty of reviewing and correcting all assessments of real property within the City of New York that are set by the New York City Department of Finance. New York City Charter ("Charter") § 153 (b). Any Commissioner shall exercise such other powers and duties as the President may from time to time assign. [Charter § 154.]

The Commission consists of the President and six Commissioners. Charter § 31 states that the Mayor, with advice and consent of the Council, shall appoint members of the Commission after a public hearing. Each Commissioner shall have at least three years of business experience in the field of real estate or real estate law. At least one resident of each borough shall be included among the Commissioners. [Charter § 153 (a).] The President of the Commission receives an annual salary of \$221,151. Commissioners receive an annual salary of \$25,677.

Real property tax assessment-related claims subject to administrative and corrective action by the Commission may assert: inequality; excessiveness, including the denial of a full or partial exemption; unlawfulness; and misclassification. See definitions – Charter §§ 163 and 164(b) (class one property). The Commission's administrative determinations are subject to de novo judicial review. [Charter § 165(a).]

Between the fifteenth day of January and the twenty-fifth day of May, the Commission may itself, or by a Commissioner or assessor authorized by the Commission, act upon applications, compel the attendance of witnesses, administer oaths or affirmations and examine applicants and other witnesses under oath. In addition, the Commission is empowered to make rules of practice for its proceedings. [Charter § 164(a).]

The Commission determines the final assessed valuation or taxable assessed valuation, or the actual assessment or transition assessment, or the proper class designation of the real property of each applicant. The final assessed valuation or taxable assessed valuation of real property may be the same or less than the original assessment or, if determined to be unlawful, the same shall be ordered stricken from the roll or, where appropriate, entered on the exempt portion of the roll. If it is determined that the real property is misclassified, the correct class designation or allocation of assessed valuation shall be entered on the roll. [Charter § 164(b).]

Applications for correction of assessment of real property assessed at seven hundred fifty thousand dollars or more are dealt with between the first day of February and the first day of September. [Charter § 164-a (a).]

The final determination of the Commission upon any application for the correction of an assessment shall be rendered not later than the twenty-fifth day of May. Otherwise, the assessment objected to shall be deemed to be the final determination of the Commission. [Charter § 165.] A proceeding to review or correct on the merits any final determination of the Commission may be had as provided by law, and, if brought to review a

determination mentioned in Charter § 165, must be commenced before the twenty-fifth day of October following the time when the determination sought to be reviewed or corrected was made. [Charter § 166.]

The President or any Commissioner may enter upon real property and into buildings and structures at all reasonable times to ascertain the character of the property. Refusal by the owner or his agent to permit such entry shall be triable by a judge of the Criminal court and punishable by not more than thirty days' imprisonment, or by a fine of not more than fifty dollars, or both. [Charter § 156.]

The Commission shall issue an annual report to the City Council and to the Mayor not later than the first day of March in each year. [Charter § 155.]

If appointed, Mr. Minko, a resident of Staten Island, will serve the remainder of a six-year term that expires on January 6, 2026.

If appointed, Mr. Heesemann, a resident of Queens, will serve the remainder of a six-year term that expires on January 6, 2024.

If appointed, Mr. Brisol, a resident of Manhattan, will serve the remainder of a six-year term that expires on January 6, 2024.

Topic II: New York City Environmental Control Board (Candidate for appointment by the Mayor upon the advice and consent of the Council)

- **Lisa Urban [M-178]**

Within the New York City Office of Administrative Trials and Hearings (“OATH”) there is an Environmental Control Board (“ECB”) that adjudicates notices of violation issued by various city agencies including the Departments of Environmental Protection, Police, Sanitation, Health and Mental Hygiene, Fire and Buildings. ECB has the power to render decisions and orders and to impose civil penalties under law provided for such violations. ECB may apply to a court of competent jurisdiction for enforcement of any decision, order or subpoena that it issues. ECB’s responsibilities and structure are outlined in New York City Charter section 1049-a.

Among the provisions of law enforced by ECB are those relating to the cleanliness of city streets; the disposal of wastes; the provision of a pure, wholesome and adequate supply of water; the prevention of air, water and noise pollution; the regulation of street peddling; and the city response to emergencies caused by releases or threatened releases of hazardous substances. ECB has the authority to make, amend or rescind such rules and regulations to carry out its duties. Also, ECB has concurrent jurisdiction with the Board of Health to enforce those provisions of the health code and the rules and regulations relating thereto that the Board of Health shall designate.

ECB consists of the Commissioners of the Departments of Environmental Protection, Sanitation, Health and Mental Hygiene, Buildings, Police, Fire and the Chief Administrative Law Judge of OATH, as well as six persons appointed by the Mayor with the advice and consent of the Council. The Chief Administrative Judge of OATH serves as Chair of ECB. Within its appropriation, ECB may appoint an Executive Director and such hearing officers, including non-salaried hearing officers and other employees as it finds necessary, to properly perform its duties.

Members other than agency Commissioners may not be employed by the City. Five of the six non-Commission members must possess broad general background and experience, one in each of the following areas: air pollution control, water pollution control, noise pollution control, real estate, or the business community. The sixth non-Commissioner member represents the general public. Members other than the agency Commissioners are compensated and receive a \$175.10 per-diem when performing the work of ECB.

Member terms are for four years.

If appointed, Ms. Urban will serve as the general representative for a four-year term that will commence on the date of appointment and end four years later.

Topic III: New York City Planning Commission – (Candidate for appointment by the Bronx Borough President upon the advice and consent of the Council)

• **Orlando Marin [M-179]**

Pursuant to the New York City Charter (“Charter”) §192, there shall be a thirteen-member City Planning Commission, with seven appointments made by the Mayor (including the Chair), one by the Public Advocate, and one by each Borough President. [Charter §192(a)] All members, except the Chair, are subject to the advice and consent of the Council. [Charter §192(a)] Further, the Charter states that members are to be chosen for their independence, integrity, and civic commitment. [Charter §192(a)]

The Charter provides that CPC members shall serve for staggered five-year terms, except for the Chair, who as Director of the Department of City Planning (Charter §191), serves at the pleasure of the Mayor. [Charter §192(a)]

For purposes of Chapter 68 of the Charter (Conflicts of Interest), CPC members, other than the Chair, shall not be considered regular employees of the City. [Charter §192(b)]

There is no limitation on the number of terms a CPC member may serve. [Charter §192(a)] CPC members are prohibited from holding any other City office while they serve on the CPC. [Charter §192(b)] The Chair receives an annual salary of \$222,326.00. The member who is designated as Vice-Chair receives an annual salary of \$73,855.00. The other members receive an annual salary of \$64,224.00.

CPC is responsible for the following:

- CPC must engage in planning focused on the City’s orderly growth, improvement, and future development, which includes consideration of appropriate resources for housing, business, industry, recreation, and culture. [Charter §192(d)];
- CPC assists the Mayor and other officials in developing the ten-year capital strategy, the four-year capital program, as well as the annual Statement of Needs. [Charter §192(f)];
- CPC oversees and coordinates environmental reviews under the City Environmental Quality Review (“CEQR”), as mandated by state law (Environmental Conservation Law – Article 8). [Charter §192(e)]; and
- CPC must review, and either approve or deny, any City proposal involving the City’s request to make acquisitions for office space and any requests for existing buildings for office use. [Charter §195]

CPC is also responsible for promulgating various rules, some of which consists of the following:

- It is CPC’s responsibility to establish minimum standards for certifying the Uniform Land Use and Review Procedure (“ULURP”) applications, which includes providing specific time periods for pre-certification review. [Charter §197-c (i)];
- The criteria associated with the selection of sites for capital projects is also established by CPC.

[Charter §218 (a)];

- CPC establishes the minimum standards for the form and content of plans for the development of the City and boroughs. [Charter §197-a (b)]; and
- CPC also adopts rules that either list major concessions or establishes a procedure for determining whether a concession is defined as a major concession, as it relates to the act of City Agencies granting concessions. [Charter §374 (b)].

Mr. Marin, a resident of the Bronx, has served on the CPC as the appointee of the Bronx Borough President since 2011. If re-appointed to the CPC by Bronx Borough President, Mr. Marin, a resident of the Bronx, will serve the remainder of a five-year term that expires on June 30, 2025.

(After interviewing the candidates and reviewing the submitted material, the Committee decided to approve the appointment of the nominees. For nominees John Heesemann [M-175], Gary Bristol [M-177], Lisa Urban [M-178], Orlando Marin [M-179], please see, respectively, the Reports of the Committee on Rules, Privileges and Elections for M-175, M-177, M-178, and M-179 printed in these Minutes; for nominee Bennett Minko [M-176], please see immediately below:)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to Sections 31 and 153 of the City Charter, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of **Bennett Minko** as a member of the New York City Tax Commission to serve the remainder of a six-year term that expires on January 6, 2026 (M. 0176-2023).

This matter was heard on March 15, 2023.

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

Res. No. 829

RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR OF BENNETT MINKO AS A MEMBER OF THE NEW YORK CITY TAX COMMISSION (M. 176-2023).

By Council Member Powers.

RESOLVED, pursuant Sections 31 and 153 of the City Charter, the Council hereby approves the appointment by the Mayor of **Bennett Minko** as a member of the New York City Tax Commission to serve the remainder of a six-year term that expires on January 6, 2026 (M.176-2023).

KEITH POWERS, *Chairperson*; RAFAEL SALAMANCA, Jr.; SELVENA N. BROOKS-POWERS, JUSTIN L. BRANNAN, GALE A. BREWER, CRYSTAL HUDSON, PIERINA ANA SANCHEZ, THE SPEAKER (COUNCIL MEMBER ADRIENNE E. ADAMS); 8-0-0; *Absent*: Joseph C. Borelli; Committee on Rules, Privileges and Elections, October 19, 2023.

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

Report for M-177

Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment of Gary Bristol as a member of the New York City Tax Commission.

The Committee on Rules, Privileges and Elections, to which the annexed Mayor's Message was referred on September 28, 2023 (Minutes, page 2448) and which same Mayor's Message was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-176 printed above in these Minutes)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to Sections 31 and 153 of the City Charter, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of **Gary Bristol** as a member of the New York City Tax Commission to serve the remainder of a six-year term that expires on January 6, 2024 (M. 177-2023).

This matter was heard on October 3, 2023.

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

Res. No. 830

RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR OF GARY BRISTOL AS A MEMBER OF THE NEW YORK CITY TAX COMMISSION (M. 177-2023).

By Council Member Powers.

RESOLVED, pursuant Sections 31 and 153 of the City Charter, the Council hereby approves the appointment by the Mayor of **Gary Bristol** as a member of the New York City Tax Commission to serve the remainder of a six-year term that expires on January 6, 2024 (M.177-2023).

KEITH POWERS, *Chairperson*; RAFAEL SALAMANCA, Jr.; SELVENA N. BROOKS-POWERS, JUSTIN L. BRANNAN, GALE A. BREWER, CRYSTAL HUDSON, PIERINA ANA SANCHEZ, THE SPEAKER (COUNCIL MEMBER ADRIENNE E. ADAMS); 8-0-0; *Absent*: Joseph C. Borelli; Committee on Rules, Privileges and Elections, October 19, 2023.

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

Report for M-178

Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment of Lisa Urban as a member of the New York City Environmental Control Board.

The Committee on Rules, Privileges and Elections, to which the annexed Mayor's Message was referred on September 28, 2023 (Minutes, page 2449) and which same Mayor's Message was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-176 printed above in these Minutes)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to Sections 31 and 1049-a of the City Charter, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of **Lisa Urban** to the New York City Environmental Control Board as the general representative for a new four-year term commencing on the date of appointment (M. 0178-2023).

This matter was heard on October 3, 2023.

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

Res. No. 831

RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR OF LISA URBAN AS A MEMBER OF THE NEW YORK CITY ENVIRONMENTAL CONTROL BOARD (M. 0178-2023).

By Council Member Powers.

RESOLVED, pursuant Sections 31 and 1049-a of the City Charter, the Council hereby approves the appointment by the Mayor of **Lisa Urban** as the general representative to the New York City Environmental Control Board for a new four-year term that will commence on the date of appointment (M. 0178-2023).

KEITH POWERS, *Chairperson*; RAFAEL SALAMANCA, Jr.; SELVENA N. BROOKS-POWERS, JUSTIN L. BRANNAN, GALE A. BREWER, CRYSTAL HUDSON, PIERINA ANA SANCHEZ, THE SPEAKER (COUNCIL MEMBER ADRIENNE E. ADAMS); 8-0-0; *Absent*: Joseph C. Borelli; Committee on Rules, Privileges and Elections, October 19, 2023.

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

Report for M-179

Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment of Orlando Marin as a member of the New York City Planning Commission.

The Committee on Rules, Privileges and Elections, to which the annexed Council communication was referred on September 28, 2023 (Minutes, page 2449) and which same Council communication was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-176 printed above in these Minutes)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to Sections 31 and 192 of the City Charter, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Bronx Borough President of **Orlando Marin** as a member of the New York City Planning Commission to serve the remainder of a five-year term that expires on June 30, 2025 (M. 0179-2023).

This matter was heard on October 3, 2023.

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

Res. No. 832

RESOLUTION APPROVING THE APPOINTMENT BY THE BRONX BOROUGH PRESIDENT OF ORLANDO MARIN AS A MEMBER OF THE NEW YORK CITY PLANNING COMMISSION (M. 0179-2023).

By Council Member Powers.

RESOLVED, pursuant Sections 31 and 192 of the City Charter, the Council hereby approves the appointment by the Bronx Borough President of **Orlando Marin** as a member of the New York City Planning Commission to serve the remainder of a five-year term that expires on June 30, 2025 (M. 0179-2023).

KEITH POWERS, *Chairperson*; RAFAEL SALAMANCA, Jr.; SELVENA N. BROOKS-POWERS, JUSTIN L. BRANNAN, GALE A. BREWER, CRYSTAL HUDSON, PIERINA ANA SANCHEZ, THE SPEAKER (COUNCIL MEMBER ADRIENNE E. ADAMS); 8-0-0; *Absent*: Joseph C. Borelli; Committee on Rules, Privileges and Elections, October 19, 2023.

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

Report of the Committee on Transportation and Infrastructure

Report for Int. No. 712-A

Report of the Committee on Transportation and Infrastructure in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to reporting on motor vehicles with license plates that are unreadable by photo violation monitoring systems.

The Committee on Transportation and Infrastructure, to which the annexed proposed amended local law was referred on September 29, 2022 (Minutes, page 2287), respectfully

REPORTS:

INTRODUCTION

On October 19, 2023, the Committee on Transportation and Infrastructure, chaired by Majority Whip Selvena N. Brooks-Powers, held a hearing and vote on Int. No. 712-A, sponsored by Council Member Erik Bottcher, in relation to reporting on motor vehicles with license plates that are unreadable by photo violation monitoring systems. The Committee heard a previous version of Int. No. 712 on April 24, 2023. In addition, the Committee conducted a hearing and vote on Int. No. 1026-A, sponsored by Council Member Sandra Ung, in relation to requiring a report on potential locations for the construction of a bus transit center in Flushing, Queens; and Int. No. 1164-A, sponsored by Majority Whip Brooks-Powers, in relation to adding an investment roadmap to the streets master plan. The Committee heard prior versions of Int. No. 1026 and Int. No. 1164 on September 12, 2023.

On October 19, 2023, the Committee on Transportation and Infrastructure passed Int. No. 712-A and Int. No. 1026-A by a vote of 11 in the affirmative, zero in the negative, with zero abstentions. In addition, the Committee passed Int. No. 1164-A by a vote of 8 in the affirmative, three in the negative, with zero abstentions.

BACKGROUND

Vision Zero and Street Safety

Since 2014, NYC has instituted Vision Zero, a citywide initiative that operates to improve the safety of its streets throughout every neighborhood and in every borough.¹ First launched under former Mayor Bill de Blasio, the initiative includes: expanded enforcement against dangerous moving violations, such as speeding and failing to yield to pedestrians; new street designs and configurations; broad public outreach and communication; and legislation to increase penalties for dangerous drivers.² Vision Zero rests on the belief that deaths and serious injuries in traffic incidents are not inevitable “accidents,” but preventable crashes that can be reduced through engineering, enforcement, and education.³ Traffic fatalities in NYC have fallen significantly since 1990, from 701 in 1990 to 381 in 2000 to an all-time low of 202 in 2018, with traffic deaths in NYC having fallen by a third when comparing 2018 with the year before Vision Zero began.⁴

Although the data through 2018 is encouraging, the citywide initiative has received a number of criticisms, mainly due to the rapid increase in deaths occurring on City streets over the last several years. Notably, for a nearly two month period during the novel coronavirus (COVID-19) pandemic in 2020 there were zero pedestrian

¹ NYC, Vision Zero, available at <https://www1.nyc.gov/content/visionzero/pages/>

² *Id.*

³ *Id.*

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

fatalities in NYC, largely attributed to the lack of congestion and lack of commuters in the City at that time.⁵ However, the *New York Times* indicated in a January 2021 article that the total number of traffic fatalities in 2020 made it the deadliest year on record since Mayor de Blasio introduced Vision Zero, and the second straight year of increased road fatalities.⁶

Safe streets advocates contended that a lack of targeted action by the de Blasio Administration was to blame for the increase in fatalities.⁷ They highlighted the reduced budgets for Vision Zero and the Green Wave program, the latter of which focused on safer streets for cyclists.⁸ They also highlighted the delayed implementation of reckless driver legislation passed by the City Council, and Mayor de Blasio's failure to heed advice from his own expert transportation panel.⁹ In Fiscal Year 2021, there were 275 traffic fatalities in the City,¹⁰ the highest level since Vision Zero was launched in 2014.

In January 2023, DOT announced that for 2022 the City had experienced its first decline in traffic fatalities since 2019, with "among the fewest annual pedestrian deaths recorded in history."¹¹ According to DOT, overall traffic fatalities decreased 6.6 percent and pedestrian fatalities decreased by 6.3 percent.¹² DOT noted that it worked with State lawmakers to expand the City's school zone speed camera program to operate at all hours, year round, which has resulted in a 30 percent reduction in violations since the program's expansion on August 1, 2022.¹³ It also announced support for legislation that would lower the DWI blood-alcohol concentration (BAC) threshold from 0.08 percent to 0.05 percent, in an attempt to further reduce traffic fatalities.¹⁴ However, though there had been improvements in 2022 when compared to 2021, there were 257 traffic fatalities in the City, just one fewer than there had been nine year ago when Vision Zero first launched.¹⁵ According to an editorial by *Crain's New York Business*, the City is currently on track for 2023 to be the deadliest year for cyclists in 40 years.¹⁶

Despite an increase in traffic fatalities in recent years, Vision Zero-related moving summonses issued by the NYPD have significantly declined. In Fiscal Year 2018 and 2019, 698,709 and 696,012 summonses were issued by NYPD, respectively, which corresponded with lower levels of traffic fatalities.¹⁷ However, in Fiscal Year 2020, Vision Zero summonses declined by approximately 23 percent to 537,742.¹⁸ In Fiscal Year 2021, Vision Zero-related moving summonses issued by NYPD declined again to 298,377, a decline of approximately 57 percent when compared with Fiscal Year 2019.¹⁹ The Vision Zero Fiscal Year 2022 Mayor's Management Report stated that this decline in Fiscal Year 2020 and Fiscal Year 2021 when compared to Fiscal Year 2019 "can be attributed to officers being out sick during the pandemic, as well as the increase in officers being assigned to monitor civil unrest which was largely spread across the city."²⁰ But the overall trend has continued, and as

⁵ Jake Offenhartz, *Vision Zero Sputter as NYC Traffic Deaths Reach Highest Level of De Blasio Era*, Gothamist, (Oct. 23, 2020), available at <https://gothamist.com/news/vision-zero-sputters-nyc-traffic-deaths-reach-highest-level-de-blasio-era>

⁶ Christina Goldbaum, *Why Empty Streets Meant an Especially Deadly Year for Traffic Deaths*, New York Times (Jan. 1, 2021), available at <https://www.nytimes.com/2021/01/01/nyregion/nyc-traffic-deaths.html>

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ NYC, *Vision Zero's Fiscal 2023 Preliminary Mayors Management Report*, available at https://www.nyc.gov/assets/operations/downloads/pdf/pmmr2023/vision_zero.pdf

¹¹ NYC DOT, Press Release, *Vision Zero: NYC Traffic Fatalities Dropped in 2022 for First Time in Three Years, Pedestrian Deaths Near Record Low* (January 6, 2023), available at <https://www.nyc.gov/html/dot/html/pr2023/vision-zero-fatalities-dropped-2022.shtml>

¹² *Id.*

¹³ NYC DOT, Press Release, *Speeding, Injuries, and Traffic Fatalities Declined in Areas with Speed Cameras During First Year of 24/7 Enforcement* (August 28, 2023), available at <https://www.nyc.gov/html/dot/html/pr2023/speed-cameras-first-year.shtml>

¹⁴ NYC DOT, Press Release, *Vision Zero: NYC Traffic Fatalities Dropped in 2022 for First Time in Three Years, Pedestrian Deaths Near Record Low* (January 6, 2023), available at <https://www.nyc.gov/html/dot/html/pr2023/vision-zero-fatalities-dropped-2022.shtml>

¹⁵ Ginia Bellafante, *When a Walkable City Becomes a Death Trap*, New York Times (April 28, 2023) available at <https://www.nytimes.com/2023/04/28/nyregion/traffic-deaths-nyc-vision-zero.html>

¹⁶ Editorial: *Prioritizing Protection of Bicyclists Will Help Mayor Rebuild Residents' Trust*, Crain's New York Business (Sept. 5, 2023), available at <https://www.crainsnewyork.com/editorials/prioritizing-cyclists-safety-will-help-mayor-rebuild-trust>

¹⁷ NYC, *Fiscal 2022 Mayor's Management Report*, available at https://www.nyc.gov/assets/operations/downloads/pdf/mmr2022/2022_mmr.pdf

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

of the end of Fiscal Year 2022, just 342,858 Vision Zero related moving summonses had been issued by NYPD, which is still a decline from the years preceding the pandemic.²¹

NYS License Plates

Under New York State (NYS) law, numbered license plates are required to be kept clean and in an easily readable condition, not covered by glass or any plastic material or covered with any material or substance that conceals or obscures the plates from being recorded by a photographic image, such as is used for toll collection or by an enforcement agent.²² In addition, state law restricts any person or entity from selling, offering for sale, or distributing any materials to distort or obstruct the reading of a license plate on a vehicle.²³ Although illegal under state law, in recent years, there have been increasing incidences of the use, sale, or distribution of materials to block or distort license plates. Obscured or distorted license plates undermine street safety according to officials from the NYPD who state that such licenses plates render speed and red light cameras ineffective.²⁴

Obscuring and distorting license plates also reduces the effectiveness of toll cameras, thereby enabling toll evasion on NYS roads. In NYS, if a vehicle does not have an EZ Pass, tolls are assigned by using a camera to record the license plate associated with the registered vehicle, whose owner is then sent a bill. However, covering or obstructing a vehicle's license plate, thereby making it unreadable to the camera, is a tactic deployed by drivers to avoid paying the toll.²⁵

In an effort to reduce the prevalence of license obstruction and defacement, in October of 2021, the state enacted a bill to increase the maximum penalty for license obstruction to \$300.²⁶ In January of 2022, the NYC Council, along with the Mayor, enacted Local Law 22 prohibiting the sale or distribution of materials that obscure license plates or distort images on license plates in NYC.²⁷ The law created a penalty of not less than \$300 for the first violation and not less than \$500 for any subsequent violation.²⁸

In addition to defacing New York license plates, drivers in the City avoid tolls and camera enforcement by acquiring fraudulent plates—often by using expired temporary or illegal paper plates. Vehicles with such fraudulent plates are called “ghost vehicles” since they are virtually untraceable if involved in a crime, speeding in neighborhoods, or evading tolls.²⁹

NYC's Red Light and Speed Camera Programs

In 1988 and 2013, NYS law granted authority to DOT to implement a red light and speed camera program in NYC. In 1988, the NYS Legislature and Governor enacted Vehicle and Traffic Law (VTL) § 1111-a, which provided NYC with the authority to establish a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator to comply with traffic control signals, and to allow NYC to install and operate traffic control signal photo violation monitoring devices.³⁰ In 1994, NYC used this authorization and launched the nation's first Red Light Camera Program with the authority to operate red light cameras at no more than 150 locations at a time. The State Legislature extended the Program eight times, with current expiration in December 2024.³¹ In a 2022 report reviewing the NYC Red Light Camera Program, DOT found the following.

²¹ *Id.*

²² NYS Vehicle and Traffic Law § 402

²³ *Id.*

²⁴ Testimony of the NYPD during the joint hearing of the Council's Committee on Transportation and the Committee on Oversight and Investigations held on October 26, 2021

²⁵ MTA Press Releases, *MTA and Law Enforcement Partners Announce Crackdown on Fake and Obstructed License Plates*, (May 20, 2022), available at <https://new.mta.info/press-release/mta-and-law-enforcement-partners-announce-crackdown-fake-and-obstructed-license>

²⁶ Senate Bill S4849A/A6014A, available at <https://www.nysenate.gov/legislation/bills/2021/s4849/amendment/a> or at <https://www.nyasembly.gov/leg/?bn=6014>

²⁷ NYC Local Law 22 of 2022.

²⁸ *Id.*

²⁹ NY1, Edric Robinson, *New York City Sheriff seizes “ghost” vehicles*, July 15, 2022, available at <https://www.ny1.com/nyc/all-boroughs/news/2022/07/14/ny1-exclusive--ridealong-with-sheriff-department-and-nypd-seizing-vehicles>

³⁰ NYC DOT, *NYC Red Light Camera Program Review 2022 Report*, available for download at <https://www.nyc.gov/html/dot/downloads/pdf/nyc-red-light-camera-program.pdf>

³¹ *Id.*

- The program was effective at deterring drivers from running red lights, with the average daily number of red light violations issued at camera locations declining by over 77% since the inception of the program in 1994.³²
- The program, along with other traffic safety initiatives like the speed camera program and street improvement projects, has helped prevent crashes associated with red light running. During 1991 to 1993, just prior to the launch of the program, NYC saw an average of 13,815 right-angle crashes annually and 12,024 rear-end crashes annually, while in 2020 right-angle crashes had declined to 2,819 annually (a decrease of 80%) and to 4,736 rear-end crashes annually (a decrease of 61%).³³
- Red light running has increased since the COVID-19 pandemic, with red light camera violations per camera per day increasing to an average of 7 violations per camera per day in 2021, up from 4.79 in 2020 and 5.3 in 2019.³⁴

In 2013, the NYS Legislature and Governor enacted VTL § 1180-b, which granted NYC the authority to pilot an automated speed enforcement program to deter speeding in 20 school speed zones.³⁵ The pilot program was then expanded in June 2014 to include a total of 140 school speed zones, and once more in 2019 to 750 school speed zones on all weekdays between 6AM and 10PM.³⁶ The 2019 expansion authorization was codified in Article 30 of the NYS VTL, allowing cameras to be placed at any location within a quarter-mile radius of a school building, and codified into law DOT's practice of using data to guide installations to where the greatest reduction of death and injury could be realized.³⁷ In 2022, with data showing that speeding at fixed camera locations had dropped significantly, the State permitted camera hours to be expanded to 24 hours a day, seven days a week.³⁸ From August 1, 2022 (when 24/7 camera operation began) to December 20, 2022, according to the NYC Comptroller's Office, NYC's 24/7 speed camera program has issued nearly 3 million violations and the City has received nearly \$100 million from fines paid.³⁹ In addition to this revenue, another \$66.5 million remains outstanding, which includes late penalties, court-determined reductions, and interest.⁴⁰ As of January 2023, there were about 2,000 speed cameras throughout NYC that operate 24/7, with 1,079,642 violations being given based on cameras in Queens, 949,004 in Brooklyn, 440,000 in the Bronx, 227,000 in Manhattan, and 18,600 in Staten Island.⁴¹

The Streets Plan

The City Council has supported the goal of Vision Zero through the passage of numerous local laws, including: enacting street design checklist legislation, which allows the City to better plan street space;⁴² enacting truck side guard legislation, which accelerated deadlines for side guard implementation in the City fleet and for trade waste hauling vehicles by a year, and requires that a side guard be equipped on any large vehicle used to fulfill a contract with the City of at least \$2 million, beginning with contracts registered on or after 2023;⁴³ and enacting citywide speed limit legislation, lowering New York City's default speed limit to twenty-five miles per hour.⁴⁴ Moreover, in 2019, following a significant increase in cyclist fatalities, the Council passed

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ NYC DOT, *NYC Automated Speed Enforcement Program 2022 Report*, available for download at <https://www.nyc.gov/html/dot/downloads/pdf/speed-camera-report.pdf>

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ Pix11, Mira Wassef, *NYC 24/7 speed cameras raked in about \$100M for the city, officials say*, January 12, 2023, available at <https://pix11.com/news/local-news/nyc-24-7-speed-cameras-raked-in-about-100m-for-the-city-officials-say/>

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² See Local Law 121 of 2019.

⁴³ See Local Law 108 of 2021.

⁴⁴ See Local Law 54 of 2014.

Local Law 195 of 2019, which created a plan for street improvements requiring an estimated \$1.7 billion in funding, to significantly increase the City's transportation infrastructure.⁴⁵

Local Law 195 of 2019, also known as the Streets Plan or the Transportation Master Plan, was passed in October, 2019, by the Council to expand the City's biking, bus, and pedestrian safety infrastructure through the issuance and implementation of a plan, to be updated every five years.⁴⁶ According to the legislation, the Streets Plan's goals are to prioritize the safety of all street users, the use of mass transit, the reduction of vehicle emissions, and access for individuals with disabilities.⁴⁷ The first five-year plan was due in December 2021 and included the following mandates:

- 150 miles of physically or camera-protected bus lanes over five-years, with at least 20 miles in the first year and 30 miles during each subsequent year;⁴⁸
- Transit signal priority at 750 intersections during the first year and 1,000 intersections during each subsequent year;⁴⁹
- 250 miles of protected bike lanes over five-years, with at least 30 miles in the first year and 50 miles in each subsequent year;⁵⁰
- Bus stop upgrades, such as benches, shelters, and real-time passenger information at 500 bus stops each year;⁵¹
- Redesigning at least 2,000 signalized intersections over five-years, with at least 400 redesigns each year;⁵²
- Accessible pedestrian signals at no fewer than 2,500 intersections, with at least 500 installations each year;⁵³
- Assessing and amending commercial loading zones and truck routes;⁵⁴
- Developing parking policies to promote the Street Plan's goals of safety, mass transit use, reduced vehicle emissions, and access for individuals with disabilities;⁵⁵ and
- Within the first two-years, creating and maintaining one-million square feet of pedestrian space.⁵⁶

The subsequent streets plan, due in Fiscal Year 2026, requires:

- The completion of a connected bike lane network (which means every City resident will live within one mile of the Streets Plan bike network);⁵⁷
- Installation of physically or camera-protected bus lanes on all bus routes where they can be installed;⁵⁸
- Installation of accessible pedestrian signals at no fewer than 2,500 intersections over five years;⁵⁹
- Installation of bus stop upgrades at all bus stops;⁶⁰
- Redesign of at least 2,000 intersections over five years;⁶¹ and
- Installation of pedestrian ramps at no fewer than 3,000 street corners by Fiscal Year 2031.⁶²

⁴⁵ Caroline Spivack, *City Council passes \$1.7B plan to 'revolutionize' NYC streets*, Curbed New York (Oct. 30, 2019), available at <https://ny.curbed.com/2019/10/30/20940184/city-council-passes-master-street-safety-plan>

⁴⁶ See Local Law 195 of 2019.

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

The law also requires reporting in February of each year regarding an update on any changes to the Streets Plan and the progress towards achieving the benchmarks laid out in the plan.⁶³ Finally, DOT is required to conduct a public education campaign on the benefits of each master plan.⁶⁴

When Local Law 195 of 2019 was first passed, the Plan included street improvements that the Council estimated would require \$1.7 billion in funding over ten years. The Council estimated that achieving the first five-year Streets Plan minimum mandates would require \$376.7 million in expense funding between Fiscal Year 2022 and Fiscal Year 2026 and that achieving the second five-year plan minimum mandates would require \$545.5 million in expense funding between Fiscal Year 2027 and Fiscal Year 2031.⁶⁵ In addition, achieving the first five-year plan minimum mandates would require \$251.6 million in capital funding between Fiscal Year 2022 and Fiscal Year 2026 and achieving the first five-year plan minimum mandates would require \$545.5 million in capital funding between Fiscal Year 2027 and Fiscal Year 2031.⁶⁶

In the New York City Council's Fiscal Year 2023 Preliminary Budget Response, the Council called on the Administration to provide an additional \$3.1 billion in funding to further enhance the Streets Plan, to provide funding for at least 500 lane miles of new protected bus-only lanes, so that every New Yorker lives within a quarter mile of a protected bus lane, and to include funding for 40 lane miles of car-free busways.⁶⁷ The Council also called on the Mayor to expand the Streets Plan to require at least 500 lane miles of protected bike lanes and dedicate 38 million square feet of open pedestrian space, so that every New Yorker lives within a quarter mile of a protected bike lane.⁶⁸ In response, the Administration provided an additional \$53.3 million in expense funding in the Fiscal Year 2023 Adopted Budget and an additional \$585.6 million in capital funding was included between Fiscal Year 2022 and Fiscal Year 2026.⁶⁹

Streets Plan and Equity

In 2020, DOT created a working group focused on equity and inclusion in planning which discussed strategies to improve public engagement, project prioritization and development, safety and sustainability.⁷⁰ The working group has implemented strategies including a pilot Community Ambassadors Volunteer Program, which implements feedback from staff in DOT into projects being planned for neighborhoods where they live or work or that they are familiar with; and an Equitable Public Engagement Toolkit to assist project managers in designing an engagement strategy that is inclusive and intentional.⁷¹ In addition, the working group made a major recommendation to use equity as a factor in prioritizing project locations, which was introduced as Priority Investment Areas (PIAs) in the Streets Plan.⁷² The plan creates a framework for prioritizing transportation investments equitably across the City, with priorities based on broad indicators of neighborhood need, as well as transportation-related inputs.⁷³ PIAs are the foundation of this framework and are based on three inputs: equity, density and previous levels of DOT investment.⁷⁴ To develop PIAs as a tool to focus future investment, DOT based this primarily on demographic populations, calculating the percentage of the population that is non-white (by race and ethnicity) and the percentage of low-income households to adequately survey historically

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ See Fiscal Impact Statement of Int. No. 1557-A, available at <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2022/04/Fiscal-2023-Preliminary-Budget-Response-.pdf>

⁶⁶ *Id.*

⁶⁷ See New York City Council's Fiscal 2023 Preliminary Budget Response at <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2022/04/Fiscal-2023-Preliminary-Budget-Response-.pdf>

⁶⁸ *Id.*

⁶⁹ See New York City Council's Report on the Fiscal 2024 Preliminary Budget Plan and Fiscal 2023 Mayor's Preliminary Management Report for the Department of Transportation at <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2023/03/DOT-1.pdf>

⁷⁰ NYC DOT, *2023 Streets Plan Update* (February 14, 2023), at 18-19, available for download at <https://www.nyc.gov/html/dot/html/about/nyc-streets-plan.shtml>

⁷¹ *Id.*

⁷² *Id.*

⁷³ NYC DOT, *NYC Streets Plan* (December 1, 2021), at 42-45, available for download at <https://www.nyc.gov/html/dot/downloads/pdf/nyc-streets-plan.pdf>

⁷⁴ *Id.*

underserved and vulnerable communities throughout the City.⁷⁵ PIAs also take into account density to understand where most people are traveling inside and around, and measures the level of both in-house and capital projects from the last 10 years in each neighborhood.⁷⁶ Based on these three factors, PIAs are then determined and ranked by tiers.⁷⁷ The Streets Plan is then implemented, with more improvements going into PIAs that are higher priority.⁷⁸

Bus traffic in Flushing, Queens

Flushing, in Queens, New York, is the busiest bus-to-train transfer hub in the NYC Transit system.⁷⁹ There are approximately 20 MTA bus routes that pass through or begin and end in downtown Flushing, and a large number of NICE buses that service areas of Nassau County.⁸⁰ From these buses, commuters then transfer to other routes, the 7 train, or the Long Island Railroad.⁸¹ Out-of-service buses park on several different blocks in Flushing, either for scheduled layovers for driver breaks or shift changes.⁸² With this comes increased congestion and idling which impacts quality-of-life for residents and poses challenges for businesses trying to attract customers.⁸³ Notably, up until the mid-1940's, a bus depot existed at the intersection of Main Street and Roosevelt Avenue, but it was replaced by a large department store, and then, in the 1970's and over the years, building a bus depot on what was then Municipal Lot 1 at Union Street and 39th Avenue was proposed, but was never created.⁸⁴

LEGISLATIVE ANALYSIS

Analysis of Int. No 712-A

Int. No. 712-A, sponsored by Council Member Bottcher, would require the Department of Transportation (DOT) to report on motor vehicles with license plates that are unreadable by red light cameras or school speed cameras. An unreadable license plate would be defined as a license plate that a photo-violation monitoring system does not read because the camera malfunctioned, the license plate's number was concealed or obscured, the license plate produced a distorted recorded or photographic image, or if no license plate was affixed to the motor vehicle. This bill would require DOT to post the report on its website and submit those reports to the Mayor and the Speaker of the Council each quarter. The report would include information on the days, and times of day, when the license plates could not be read, the community districts where they could not be read, and the reason the license plate could not be read.

If enacted, the provisions found in Int. No. 712-A would take effect immediately.

Analysis of Int. No. 1026-A

Int. No. 1026-A, sponsored by Council Member Sandra Ung, would require an agency or office designated by the mayor to prepare a report examining options for the potential construction of a bus transit center in or around Flushing, Queens. The report would also estimate the projected costs associated with the construction of such bus transit center, how bus routes may be redesigned to arrive at the transit center, and projected local

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ Bill Parry, *Flushing lawmaker introduces legislation to create bus depot task force to address congestion issues* (September 14, 2023), QNS, available at <https://qns.com/2023/09/flushing-bus-depot-congestion/>

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Id.*

⁸⁴ *Id.*

benefits. The designated agency or office would be required to submit a report to the Council, the Mayor, and the city planning commission with its findings.

If enacted, the provisions found in Int. No. 1026-A would take effect immediately.

Analysis of Int. No. 1164-A

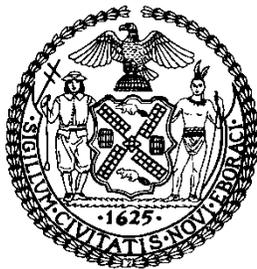
Int. No. 1164-A, sponsored by Majority Whip Selvena N. Brooks-Powers, would require the Department of Transportation to promote equity in infrastructure investment as part of its master plan, and include an investment roadmap as part of each master plan beginning with the one due December 1, 2026. The investment roadmap would, for each neighborhood tabulation area (NTA), require the Department take into account existing infrastructure compared to the neighborhood's safety needs and need for other infrastructure in order to identify underserved areas, and then describe how the Department's master plan will invest in those underserved areas. As part of its annual updates, the Department will also be required to report on the past 15 years of infrastructure investment in each NTA, the incidence rate of collisions that result in significant injuries, and whether it considers the NTA is underserved. If the NTA is in the bottom quintile of NTAs in terms of investment but is not considered underserved by the Department, the Department is required to explain the factors that led to that determination.

If enacted, the provisions found in Int. No. 1164-A would take effect immediately.

UPDATE

On October 19, 2023, the Committee on Transportation and Infrastructure passed Int. No. 712-A and Int. No. 1026-A by a vote of 11 in the affirmative, zero in the negative, with zero abstentions. In addition, the Committee passed Int. No. 1164-A by a vote of 8 in the affirmative, three in the negative, with zero abstentions.

(The following is the text of the Fiscal Impact Statement for Int. No. 712-A:)



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

PROPOSED INTRO. NO: 712-A

COMMITTEE: Transportation and Infrastructure

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to reporting on motor vehicles with license plates that are unreadable by photo violation monitoring systems.

SPONSOR(S): By Council Members Bottcher, Brewer, Restler, Hudson, Ung, Joseph, Abreu, Brooks-Powers, Avilés, Rivera, Marte, Velázquez, Narcisse and Lee.

SUMMARY OF LEGISLATION: This bill would require the Department of Transportation (DOT) to report on motor vehicles with license plates that are unreadable by red light cameras or school speed cameras. An unreadable license plate would be defined as a license plate that a photo-violation monitoring system does not read because the camera malfunctioned, the license plate’s number was concealed or obscured, the license plate produced a distorted recorded or photographic image, or if no license plate was affixed to the motor vehicle. This bill would require DOT to post the report on its website and submit those reports to the Mayor and the Speaker of the Council each quarter. The report would include information on the days and times of day when the license plates could not be read, the community districts where they could not be read, and the reason the license plate could not be read.

EFFECTIVE DATE: This bill would take effect immediately.

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

FISCAL IMPACT STATEMENT:

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

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Michael Sherman, Senior Financial Analyst

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

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on September 29, 2022, as Intro. No. 712 and referred to the Committee on Transportation and Infrastructure (the Committee). A hearing was held by the Committee on April 24, 2023 and the bill was laid over. The legislation has been amended and the amended version, Proposed Intro. No. 712-A will be considered by the Committee on October 19, 2023. Upon a successful vote by the Committee, Proposed Intro. No. 712-A will be submitted to the full Council for a vote on October 19, 2023.

DATE PREPARED: October 16, 2023.

(For text of Int. Nos. 1026-A and 1164-A and their Fiscal Impact Statements, please see the Report of the Committee on Transportation and Infrastructure for Int. Nos. 1026-A and 1164-A, respectively, printed in these Minutes; for text of Int. No. 712-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 712-A, 1026-A, and 1164-A.

(The following is the text of Int. No. 712-A:)

Int. No. 712-A

By Council Members Bottcher, Brewer, Restler, Hudson, Ung, Joseph, Abreu, Brooks-Powers, Avilés, Rivera, Marte, Velázquez, Narcisse, Lee and Dinowitz.

A Local Law to amend the administrative code of the city of New York, in relation to reporting on motor vehicles with license plates that are unreadable by photo violation monitoring systems

Be it enacted by the Council as follows:

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-198.1 to read as follows:

§ 19-198.1 Reporting on unreadable license plates. a. Definitions. For purposes of this section, the term “unreadable license plate” means a license plate that a photo violation monitoring system authorized by section 1111-a or 1180-b of the vehicle and traffic law could not read because (i) such system was malfunctioning at the time, (ii) such license plate’s number was concealed or obscured from such system, (iii) such license plate produced a distorted recorded or photographic image on such system, or (iv) no license plate was affixed to a motor vehicle.

b. Reporting. Beginning no later than April 30, 2024, and quarterly thereafter, the commissioner shall send a report on unreadable license plates to the mayor and the speaker of the council and post such report on the department’s website. Such report shall include, but need not be limited to, monthly aggregate data on unreadable license plates during the previous quarter and provide the following information about such license plates:

- 1. The days and times of day when such license plates could not be read;*
 - 2. The community districts where such license plates could not be read;*
 - 3. The boroughs where such license plates could not be read; and*
 - 4. A breakdown by type of unreadable license plates.*
- c. Data dictionary. The report required by this section shall include a data dictionary.*
- § 2. This local law takes effect immediately.*

SELVENA N. BROOKS-POWERS, *Chairperson*; KALMAN YEGER FARAH N. LOUIS, AMANDA FARIAS, LINDA LEE, MERCEDES NARCISSE, LINCOLN RESTLER, NANTASHA M. WILLIAMS, JULIE WON, ARI KAGAN, DAVID M. CARR; 11-0-0; Carlina Rivera and Joann Ariola; Committee on Transportation and Infrastructure, October 19, 2023.

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

Report for Int. No. 1026-A

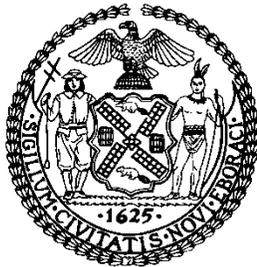
Report of the Committee on Transportation and Infrastructure in favor of approving and adopting, as amended, a Local Law in relation to requiring a report on potential locations for the construction of a bus transit center in Flushing, Queens.

The Committee on Transportation and Infrastructure, to which the annexed proposed amended local law was referred on April 27, 2023 (Minutes, page 1164), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Transportation and Infrastructure for Int. No. 712-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1026-A:



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

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

RICHARD LEE, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 1026-A

COMMITTEE: Transportation and Infrastructure

TITLE: A Local Law in relation to requiring a report on potential locations for the construction of a bus transit center in Flushing, Queens. **SPONSOR(S):** By Council Members Ung and Riley.

SUMMARY OF LEGISLATION: This bill would require an agency or office designated by the Mayor to prepare a report examining options for the potential construction of a bus transit center in or around Flushing, Queens. The report would also estimate the projected costs associated with the construction of such bus transit center, how bus routes may be redesigned to arrive at the transit center, and projected local benefits. The designated agency or office would be required to submit a report to the Council, the Mayor, and the city planning commission with its findings.

EFFECTIVE DATE: This bill would take effect immediately.

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

FISCAL IMPACT STATEMENT:

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

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Michael Sherman, Senior Financial Analyst

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

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on April 27, 2023, as Intro. No. 1026 and referred to the Committee on Transportation and Infrastructure (the Committee). A joint hearing was held by the Committee and the Committee on Oversight and Investigation on September 12, 2023, and the legislation was laid over. The legislation has been amended and the amended version, Proposed Intro. No. 1026-A will be considered by the Committee on October 19, 2023. Upon a successful vote by the Committee, Proposed Intro. No. 1026-A will be submitted to the full Council for a vote on October 19, 2023.

DATE PREPARED: October 16, 2023.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1026-A:)

Int. No. 1026-A

By Council Members Ung, Riley and Lee.

A Local Law in relation to requiring a report on potential locations for the construction of a bus transit center in Flushing, Queens

Be it enacted by the Council as follows:

Section 1. a. Definitions. For purposes of this local law, the following terms have the following meanings: Administering agency. The term “administering agency” means an agency or office designated by the mayor for the purpose of issuing the report required by this local law.

Bus transit center. The term “bus transit center” means a bus oriented transit hub where numerous bus lines converge for the embarking or disembarking of passengers such that buses and passengers may queue at the bus transit center without impeding the surrounding streets or sidewalks.

b. No later than 1 year after the effective date of this local law, the administering agency shall submit to the mayor, the speaker of the council, the chair of the city planning commission, and post conspicuously on the administering agency’s website, a report setting forth the administering agency’s recommendations relating to the potential construction of a bus transit center in or around Flushing, Queens. The report shall:

1. Include the locations of existing bus depots and other zoning considerations in or around Flushing, Queens;
2. Identify potential locations for the construction of a bus transit center in Flushing, Queens;
3. Identify nearby bus routes that may be redesigned to converge on the bus transit center for each potential location;
4. Estimate the projected costs associated with the construction and maintenance of such bus transit center, including the costs of purchasing the necessary lots, the cost of hiring contractors, workers, inspectors, and other staff, and the cost of construction-related materials, for each potential location; and
5. Estimate any projected local benefits to the flow of traffic due to convergence and relocation of bus lines at each potential location.

c. In preparing the report required by section one of this local law, the administering agency shall consult with the department of city planning and the department of transportation, and also invite the metropolitan transportation authority, the New York city transit authority, and the economic development corporation to participate. The administering agency may invite officers and representatives of relevant federal, state, and local agencies and authorities to participate in the preparation of the report.

§ 2. This local law takes effect immediately and is deemed repealed upon submission of the report required pursuant to section one of this local law.

SELVENA N. BROOKS-POWERS, *Chairperson*; KALMAN YEGER FARAH N. LOUIS, AMANDA FARIAS, LINDA LEE, MERCEDES NARCISSE, LINCOLN RESTLER, NANTASHA M. WILLIAMS, JULIE WON, ARI KAGAN, DAVID M. CARR; 11-0-0; *Absent*: Carlina Rivera and Joann Ariola; Committee on Transportation and Infrastructure, October 19, 2023.

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

Report for Int. No. 1164-A

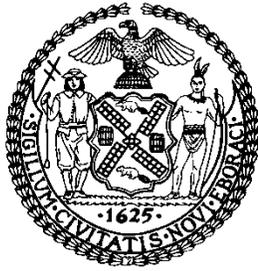
Report of the Committee on Transportation and Infrastructure in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to adding an investment roadmap to the streets master plan.

The Committee on Transportation and Infrastructure, to which the annexed proposed amended local law was referred on September 14, 2023 (Minutes, page 2376), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Transportation and Infrastructure for Int. No. 712-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1164-A:



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

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

RICHARD LEE, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 1164-A

COMMITTEE: Transportation and Infrastructure

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to adding an investment roadmap to the streets master plan.

SPONSOR(S): By Council Members Brooks-Powers, Riley, Restler, Brewer, Hanif and Narcisse.

SUMMARY OF LEGISLATION: This bill would require the Department of Transportation (“DOT”) to promote equity in infrastructure investment as part of its master plan, and include an investment roadmap as part of each plan beginning with the one due December 1, 2026. The investment roadmap would require DOT to identify underserved neighborhoods with a high need of additional infrastructure based on existing infrastructure and safety needs, and to describe future investments in these neighborhoods so they are no longer underserved. DOT would report, for each neighborhood: the level of investment in safety-enhancing street infrastructure, and other types of street infrastructure, made in the past 15 years, the incidence rate of collisions that result in significant injuries, the demographics of the neighborhood, whether the neighborhood is considered underserved, and if the neighborhood has received low investment but is not considered underserved, the factors that DOT considered in reaching that conclusion.

EFFECTIVE DATE: This bill would take effect immediately.

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

FISCAL IMPACT STATEMENT:

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

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Michael Sherman, Senior Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was considered by the Committee on Transportation and Infrastructure, at a hearing held jointly with the Committee on Oversight and Investigation, as a Pre-considered Introduction on September 12, 2023 and the bill was laid over. The legislation was subsequently introduced to the full Council on September 14, 2023, as Intro. No. 1164 and referred to the Committee on Transportation and Infrastructure (the Committee). The legislation has been amended and the amended version, Proposed Intro. No. 1164-A will be considered by the Committee on October 19, 2023. Upon a successful vote by the Committee, Proposed Intro. No. 1164-A will be submitted to the full Council for a vote on October 19, 2023.

DATE PREPARED: October 16, 2023.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1164-A:)

Int. No. 1164-A

By Council Members Brooks-Powers, Riley, Restler, Brewer, Hanif, Narcisse and Rivera.

A Local Law to amend the administrative code of the city of New York, in relation to adding an investment roadmap to the streets master plan

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 19-199.1 of the administrative code of the city of New York, as added by local law number 195 for the year 2019, is amended by adding new definitions of “daylighting,” “neighborhood tabulation area,” “significant injury,” “traffic calming device,” and “underserved neighborhood tabulation area” in alphabetical order to read as follows:

Daylighting. The term “daylighting” means street design elements for enhancing visibility of cross traffic and pedestrians for motorists approaching an intersection.

Neighborhood tabulation area. The term “neighborhood tabulation area” means a geographical area defined by the department of city planning for the purposes of providing neighborhood-level data.

Significant injury. The term “significant injury” means any injury categorized as an “A” injury by the New York state department of motor vehicles, any injury that requires hospitalization, or any other injury as determined by the department.

Traffic calming device. The term “traffic calming device” means a device, including but not limited to street redesigns, speed humps, neckdowns, and raised crosswalks, installed on a street and intended to slow, reduce, or alter motor vehicle traffic to enhance safety for pedestrians and cyclists.

Underserved neighborhood tabulation area. The term “underserved neighborhood tabulation area” means a neighborhood tabulation area that has a high need for additional transportation infrastructure, as determined by the department, based on the safety needs of the neighborhood tabulation area relative to the neighborhood tabulation area’s existing transportation infrastructure.

§ 2. Subdivision b of section 19-199.1 of the administrative code of the city of New York, as added by local law number 195 for the year 2019, is amended to read as follows:

b. Master plan. 1. The department shall issue and implement a master plan for the use of streets, sidewalks, and pedestrian spaces every five years. In developing each such plan, the department shall prioritize and promote: (i) the safety of all street users; (ii) on-street priority for mass transit vehicles; (iii) the reduction of vehicle emissions; [and] (iv) access for individuals with disabilities; *and (v) equity in infrastructure investment.*

2. By December 1, 2021 and by December 1 of every fifth year thereafter, the department shall issue such plan for the five-year period beginning January 1 of the following year.

3. *Beginning with the master plan issued December 1, 2026, and for each master plan issued thereafter, such plan shall identify all underserved neighborhood tabulation areas and for each such area, describe future investments in such area so that it will no longer be an underserved neighborhood tabulation area.*

§ 3. Subdivision d of section 19-199.1 of the administrative code of the city of New York, as added by local law number 195 for the year 2019, is amended to read as follows:

d. Reporting. 1. By December 1, 2021 and by December 1 of every fifth year thereafter, the department shall submit such plan to the mayor and the speaker of the council, and post such plan on the department's website.

2. By February 1, 2023 and by each February 1 thereafter, the department shall submit to the mayor and the speaker of the council and post on the department's website an update regarding any changes to the plan from the previous year, the bicycle lane network coverage index, and the status of the implementation of each benchmark identified in such plan, including but not limited to those benchmarks listed in subdivision c. Such information shall include a data set containing data on geographic feature boundaries, as represented by points, lines, or polygons. In addition, each report due beginning February 1, 2028 shall include the bicycle connectivity index for the previous year *and describe the installation of traffic infrastructure during the previous year in the underserved neighborhood tabulation areas identified in the most recent master plan.*

3. *Beginning with the master plan issued December 1, 2026, and for each master plan issued thereafter, such plan shall indicate for each neighborhood tabulation area:*

(i) *the investment in infrastructure that enhances the safety of street users that was installed during the prior 15 years, including but not limited to daylighting, traffic calming devices, pedestrian spaces, and protected bicycle lanes;*

(ii) *the investment in other transportation infrastructure that was installed during the prior 15 years, including but not limited to accessible pedestrian signals, bus stop upgrades, protected bus lanes, and transit signal priority;*

(iii) *the incidence rate of crashes involving motor vehicles, pedestrians, cyclists, or other street users that result in a significant injury;*

(iv) *the socioeconomic demographics of the neighborhood tabulation area, including but not limited to population and population density, the percentage of the population that is low income, and the percentage of the population that is a racial or ethnic minority;*

(v) *whether it is an underserved neighborhood tabulation area; and*

(vi) *if the neighborhood tabulation area is in the bottom 20 percent of neighborhood tabulation areas based on the amount of investment it has received in infrastructure as identified in subparagraphs (i) or (ii) of this paragraph, but is not determined to be an underserved neighborhood tabulation area, a detailed description of the factors considered by the department in reaching that determination.*

§ 4. This local law takes effect immediately.

SELVENA N. BROOKS-POWERS, *Chairperson*; FARAH N. LOUIS, AMANDA FARIAS, LINDA LEE, MERCEDES NARCISSE, LINCOLN RESTLER, NANTASHA M. WILLIAMS, JULIE WON; 8-3-0; *Negative*: Kalman Yeger, David M. Carr, and Ari Kagan; *Absent*: Carlina Rivera and Joann Ariola; Committee on Transportation and Infrastructure, October 19, 2023.

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

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

By the Presiding Officer –

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

<i>Approved New Applicants</i>		
<i>Name</i>	<i>Address</i>	<i>District #</i>
ZHI SIAN TAN	634 West 135th Street, Apt 64 New York, New York 10031	7
TATYANA GONZALEZ	136 Heron Lane Bronx, New York 10473	18
MICHAEL TALISAYAN	21-36 33rd Road, Apt 7C Queens, New York 11106	20
PAULINE SIEH	58-11 263rd Street Queens, New York 11362	23
BIBI ROBERTS	169-09 107th Ave. 1st Floor Queens, New York 11433	27
MIRIAM BASAL DAZA	69-06 Exeter St Queens, New York 11375	29
RABIYA ISMAIL	315 Devoe Street, Apt 2 Brooklyn, New York 11211	34
CLEMY BOWEN	804 Lenox Road, Apt 2F Brooklyn, New York 11203	41
THALIA CHARLES	507 Linden Blvd, Apt C2 Brooklyn, New York 11203	41
LIZBETH VARGAS5	66 Jules Dr Staten Island, New York 10314	49
RUSSELL JOSEPH SCIBETTI JR.	230 Cannon Blvd Staten Island, New York 10306	50

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

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

- (1) **M-175 & Res 828 -** **John Heesemann** to the City Council for advice and consent regarding his appointment to the New York City Tax Commission for the remainder of a six-year term that expiring on January 6, 2024.
- (2) **M-176 & Res 829 -** **Bennett Minko** to the City Council for advice and consent regarding his appointment to the New York City Tax Commission for the remainder of a six-year term that expiring on January 6, 2026.
- (3) **M-177 & Res 830 -** **Gary L. Bristol** to the City Council for advice and consent regarding his appointment to the New York City Tax Commission for the remainder of a six-year term that expiring on January 6, 2024.
- (4) **M-178 & Res 831 -** **Lisa Breier Urban** to the City Council for advice and consent regarding her appointment to the New York City Environmental Control.
- (5) **M-179 & Res 832 -** **Orlando Marin** to the Council for its advice and consent regarding his appointment to the City Planning Commission for a five year term that began on June 30, 2020 and expires on June 30, 2025.
- (6) **Int. No. 102-A -** Department of Environmental Protection to include information about the location of green roofs in an online map published by such department.
- (7) **Int. No. 712-A -** Motor vehicles with license plates that are unreadable by photo violation monitoring systems.
- (8) **Int. No. 790-B -** Establishing proof of identity and proof of residency for a New York city identity card.

- (9) **Int. No. 1026-A -** Report on potential locations for the construction of a bus transit center in Flushing, Queens.
- (10) **Int. No. 1084-A -** Training on trauma-informed care for persons serving refugees, asylees, asylum seekers, and migrants.
- (11) **Int. No. 1119-A -** Department of Health and Mental Hygiene on drowning deaths that occur in the city.
- (12) **Int. No. 1164-A -** Adding an investment roadmap to the streets master plan.
- (13) **Res. No. 807 -** Westchester Square Business Improvement District that provides for a change in the method of assessment upon which the district charge is based.
- (14) **Res. No. 808 -** Increase in the annual expenditure for four business improvement districts.
- (15) **L.U. 267 & Res 821 -** **App. N 230383 HIX (Fire Alarm Telegraph Bureau, Bronx Central Office, DL- 533/LP-2668)**, Borough of the Bronx, Community District 27, Council District 15.
- (16) **L.U. 268 & Res 822 -** **App. N 230385 HIX (Bronx Opera House, DL-533/LP-2667)**, Borough of the Bronx, Community District 1, Council District 8.
- (17) **L.U. 269 & Res 823 -** **App. N 230386 HIX (Firehouse, Engine Company 88/Ladder Company 38, DL-533/LP-2669)**, Borough of the Bronx, Community District 6, Council District 15.
- (18) **L.U. 270 & Res 824 -** **App. N 240022 HIM (935 St. Nicholas Avenue Building, DL-534/LP-2670)**, Borough of Manhattan, Community District 12, Council District 7.
- (19) **L.U. 271 & Res 825 -** **App. N 240020 HIM (Hotel Cecil & Minton’s Playhouse Building, DL-534/LP-2671)**, Borough of Manhattan, Community District 10, Council District 9.

- (20) **L.U. 272 & Res 826 - App. N 240021 HIQ (John Birks “Dizzy” Gillespie Residence, DL-534/LP-2657)**, Borough of Queens, Community District 3, Council District 21.
- (21) **Preconsidered L.U. 280 & Res 827 - App. G 230035 CCK (Livonia4 Technical Correction)**, Borough of Brooklyn, Community District 16, Council District 42.
- (22) **Resolution approving various persons Commissioners of Deeds.**

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

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

Present, Not Voting – Barron, Richardson Jordan, and the Minority Leader (Council Member Borelli).

The General Order vote recorded for this Stated Meeting was 45-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the 39-6-0 vote recorded for **Int. No. 790-B:**

Affirmative – Abreu, Avilés, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, De La Rosa, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Hudson, Joseph, Krishnan, Lee, Marte, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Restler, Riley, Rivera, Salamanca, Sanchez, Schulman, Stevens, Ung, Velázquez, Williams, Won, the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **39**.

Negative – Carr, Holden, Kagan, Paladino, Vernikov, and Yeger – **6**.

Present, Not Voting – Barron, Richardson Jordan, and the Minority Leader (Council Member Borelli).

The following was the 39-6-0 vote recorded for **Int. No. 1164-A:**

Affirmative – Abreu, Avilés, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, De La Rosa, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Hudson, Joseph, Krishnan, Lee, Marte, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Restler, Riley, Rivera, Salamanca, Sanchez, Schulman, Stevens, Ung, Velázquez, Williams, Won, the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **39**.

Negative – Carr, Holden, Kagan, Paladino, Vernikov, and Yeger – **6**.

Present, Not Voting – Barron, Richardson Jordan, and the Minority Leader (Council Member Borelli).

The following was the 44-1-0 vote recorded for **Res. Nos. 807 and 808**:

Affirmative – Abreu, Avilés, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, Carr, De La Rosa, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Hudson, Joseph, Kagan, Krishnan, Lee, Marte, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Paladino, Restler, Riley, Rivera, Salamanca, Sanchez, Schulman, Stevens, Ung, Velázquez, Vernikov, Williams, Won, the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **44**.

Negative – Yeger - **1**.

Present, Not Voting – Barron, Richardson Jordan, and the Minority Leader (Council Member Borelli).

*The following Introductions were sent to the Mayor for his consideration and approval:
Int. Nos. 102-A, 712-A, 790-B, 1026-A, 1084-A, 1119-A, and 1164-A.*

Council Member Barron's Motion to Vote on the Items Coupled on the General Orders Calendar

Council Member Barron had left the Chambers before the Roll Call for General Orders had been called. The Roll Call for General Orders subsequently took place and the vote was duly announced. Upon his return to the Chambers, Council Member Barron moved to be allowed to vote on the day's General Orders with the unanimous consent of the Council Members present. His motion drew an objection from Council Member Williams. Since his motion did not have the unanimous consent of the Council Members present, Council Member Barron was not allowed to cast his vote on the items coupled on the General Orders Calendar.

RESOLUTIONS

presented for a voice-vote on the Resolutions Calendar

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

Report for voice-vote item Res. No. 68

Report of the Committee on Public Housing in favor of approving a Resolution calling upon the New York State Legislature and U.S. Department of Housing & Urban Development to take strong action and increase NYCHA accountability by auditing the responsiveness of NYCHA managers to tenants.

The Committee on Public Housing, to which the annexed resolution was referred on March 10, 2022 (Minutes, page 358), respectfully

REPORTS:

Introduction

On October 19, 2023, the Committee on Public Housing, chaired by Council Member Alexa Avilés, held a hearing to vote on Res. No. 68, sponsored by Council Member Ari Kagan, calling upon the New York State Legislature and U.S. Department of Housing & Urban Development to take strong action and increase NYCHA accountability by auditing the responsiveness of NYCHA managers to tenants. The resolution was approved by the committee by a vote of nine in the affirmative, zero in the negative, and zero abstentions.

Background

Res. No. 68

Housing is an essential need that is crucial to the livelihood and wellbeing of New Yorkers. Hundreds of thousands of New Yorkers reside in developments managed by the New York City Housing Authority (NYCHA), the largest provider of public housing in the nation. However, NYCHA has repeatedly mismanaged their responsibilities, resulting in widespread issues for the infrastructure of NYCHA buildings and the wellbeing of NYCHA tenants. Many of these issues can have serious health and safety implications for tenants. While the federal monitor, appointed by the United States Department of Housing and Urban Development (HUD), has developed an accountability framework and guidelines for workers in the maintenance, caretaker, and superintendent positions, more work is necessary to ensure the needs of residents are being fully met and to instill a culture of accountability within NYCHA. The proposed resolution would call on the New York State Legislature and HUD to take strong action and increase NYCHA accountability by auditing the responsiveness of NYCHA managers to tenants.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 68:)

Res. No. 68

Resolution calling upon the New York State Legislature and U.S. Department of Housing & Urban Development to take strong action and increase NYCHA accountability by auditing the responsiveness of NYCHA managers to tenants.

By Council Members Kagan, Farias, Ossé, Louis, Stevens, Hanif, Cabán, Brewer, Won, Restler, Hanks, Avilés, De La Rosa, Brannan, Menin, Williams, Hudson, Krishnan, Bottcher, Schulman, Riley, Ayala, Nurse, Rivera, Velázquez, Barron, Mealy, Narcisse, Lee and Paladino.

Whereas, The New York City Housing Authority (NYCHA) is the largest public housing authority in North America, providing homes for over 6% of New York City residents or approximately 550,000 people, across 177,611 apartments within 335 housing developments; and

Whereas, Formed in 1935 with a mission statement of providing decent, affordable housing for low- and moderate-income New Yorkers, NYCHA has suffered from decades of disinvestment at the Federal, State, and City level; and

Whereas, In 2015, a New York State Comptroller's audit found that NYCHA did not sufficiently ensure that work orders were performed in a timely manner, did not establish time frames for or adequately track the completion and closure of work orders, and did not sufficiently track whether residents were satisfied with the services provided, or considered their complaints to be resolved; and

Whereas, A New York Daily News article published in July of 2018 outlined strategies NYCHA staff employed to close work orders without performing repairs, including forging tenant signatures on inspections that were never completed, and attempting to gain entry to units during periods tenants were least likely to be home; and

Whereas, There have been numerous well publicized incidents of NYCHA staff certifying individual apartments and entire developments to be free from lead contamination without ever checking the vast majority of units; and

Whereas, In October of 2021, NYCHA staff at the Washington Houses in East Harlem were found to be falsifying the results of mold inspections in order to artificially reduce the number of abatements they would be required to perform; and

Whereas, Residents have also brought attention to NYCHA staffers closing heat and hot water tickets without outages being resolved, and pest related tickets being closed after insufficient work, such as plastic bags being placed over holes through which vermin were entering apartments; and

Whereas, Inadequate access to heat and hot water, and exposure to lead paint, mold, and pest issues can have severe deleterious long-term consequences for the health and wellbeing of NYCHA residents; and

Whereas, A process by which NYCHA property managers can receive disciplinary action such as reduced vacation time, fines, demotion, and firing if tenants make multiple requests with no response or adequate resolution within six months, would ensure on site staff are accountable to NYCHA residents, and disincentivize the closure of work tickets through dishonest means; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature and U.S. Department of Housing & Urban Development to take strong action and increase NYCHA accountability by auditing the responsiveness of NYCHA managers to tenants.

ALEXA AVILÉS, *Chairperson*; DIANA I. AYALA, CHARLES BARRON, CARMEN N. De La ROSA, DARLENE MEALY, CHI A. OSSÉ, LINCOLN RESTLER, RAFAEL SALAMANCA, Jr., PIERINA ANA SANCHEZ; 9-0-0; *Absent*: Julie Won; Committee on Public Housing, October 19, 2023. *Other Council Members Attending*: Council Member Kagan.

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

Adopted unanimously by the Council by voice-vote.

Report for voice-vote item Res. No. 422

Report of the Committee on Education in favor of approving a Resolution calling upon the New York City Department of Education to expand career-connected learning programs and opportunities at all public high schools.

The Committee on Education, to which the annexed resolution was referred on December 7, 2022 (Minutes, page 2959), respectfully

REPORTS:**I. INTRODUCTION**

On October 18, 2023, the Committee on Education, chaired by Council Member Rita Joseph, will consider Resolution Number (“Res. No.”) 422, sponsored by Council Member Vickie Paladino, calling upon the New York City Department of Education to expand career-connected learning programs and opportunities at all public high schools. The Committee previously heard testimony on Res. No. 422 from advocacy groups and organizations, and other interested stakeholders at a hearing on June 21, 2023.

II. RES. 422

Career and Technical Education (CTE) programs provide high school students with academic and technical instruction alongside work-based learning experiences and opportunities to obtain industry-recognized certifications in order to better prepare students to make informed post-secondary decisions, whether it be to continue at college or university, enter the workforce immediately, or select vocational training programs or apprenticeships. The New York City Department of Education (DOE) offers over 260 CTE elective courses and programs across 135 high schools with over 60,000 participating students and recently launched two new career-connected learning opportunities for high school students. However, the New York City public school system consists of 542 high schools with an enrollment of over 300,000 high school students and all New York City high school students should have the opportunity to participate in CTE programs and other career-connected learning opportunities.

Res. No. 422 calls on the DOE to expand career-connected learning programs and opportunities at all public high schools.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 422:)

Res. No. 422

Resolution calling upon the New York City Department of Education to expand career-connected learning programs and opportunities at all public high schools.

By Council Members Paladino, Louis, Yeger, Stevens, Richardson Jordan, Lee, Holden, Riley, Brooks-Powers, Menin, Williams, Krishnan, Hudson, Hanks, Kagan, Abreu, Ung, Brannan, Dinowitz, Feliz, Gennaro, Won, Powers, Narcisse, Velázquez, Schulman, Moya, Salamanca, De La Rosa, Farías, Brewer, Nurse, Joseph, Rivera, Ariola, Carr, Borelli and Vernikov.

Whereas, As reported by the National Student Clearinghouse Research Center, approximately 662,000 fewer students enrolled in undergraduate programs in the spring of 2022 compared to a year earlier, amounting to a decline of 4.7 percent; and

Whereas, According to The New York Times, this decline in enrollment raises questions about a potential change in attitudes towards the value of college and whether prospective college students may be weighing the relative value of jobs that require a college degree against equally attractive job opportunities that do not; and

Whereas, Career and Technical Education (CTE) programs provide high school students with academic and technical instruction alongside work-based learning experiences and opportunities to obtain industry-recognized certifications in order to better prepare students to make informed post-secondary decisions, whether it be to continue at college or university, enter the workforce immediately, or select vocational training programs or apprenticeships; and

Whereas, New York State Education Law requires school districts to provide secondary school students access to career education programs commensurate with the interests and capabilities of those desiring and having a need for preparatory training, retraining or upgrading for employment, and develop realistic programs in accord with employment needs in existing and emerging occupations for present and projected employment opportunities; and

Whereas, The New York City Department of Education (DOE) offers over 260 CTE elective courses and programs across 135 high schools with over 60,000 participating students; and

Whereas, The DOE recently launched two new career-connected learning opportunities for high school students: FutureReadyNYC, which provides students access to career exploration in high-growth fields and the chance to receive early college credit and industry-validated credentials, and the Career Readiness and Modern Youth Apprenticeship, which connects students with paid multi-year apprenticeships in high-growth, high wage fields; and

Whereas, The New York City public school system consists of 542 high schools with an enrollment of over 300,000 high school students; and

Whereas, All New York City high school students should have the opportunity to participate in CTE programs and other career-connected learning opportunities offered by the DOE to meet the interests and capabilities of a diverse student body and better prepare all students for their next steps after high school; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Education to expand career-connected learning programs and opportunities at all public high schools.

RITA C. JOSEPH, *Chairperson*; FARAH N. LOUIS, CARMEN N. De La ROSA, JENNIFER GUTIÉRREZ, SHAHANA K. HANIF, KAMILLAH HANKS, SHEKAR KRISHNAN, LINDA LEE, JULIE MENIN, MERCEDES NARCISSE, LINCOLN RESTLER, PIERINA ANA SANCHEZ, ALTHEA V. STEVENS, SANDRA UNG; 14-0-0; *Absent*: Alexis Avilés, Eric Dinowitz, Oswald Feliz, James F. Gennaro and Lynn C. Schulman; Committee on Education, October 18, 2023. *Other Council Members Attending: Council Member Paladino.*

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

Adopted unanimously by the Council by voice-vote.

Report for voice-vote item Res. No. 459-A

Report of the Committee on Immigration favor of approving, as amended, a Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A.568/S.1802 prohibiting municipalities from requiring all employers to check prospective employees' work authorization status by using the federal electronic verification system and prohibiting employers from checking the employment authorization status of an existing employee or an applicant who has not been offered employment.

The Committee on Immigration, to which the annexed amended resolution was referred on January 19, 2023 (Minutes, page 269), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Immigration for Int. No. 1084-A printed in the Reports of the Committee on Immigration for Int. No. 1084-A printed in the Reports of the Standing Committees section of these Minutes)

Accordingly, this Committee recommends its adoption, as amended.

Res. No. 459-A

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A.568/S.1802 prohibiting municipalities from requiring all employers to check prospective employees' work authorization status by using the federal electronic verification system and prohibiting employers from checking the employment authorization status of an existing employee or an applicant who has not been offered employment.

By Council Member Farías, Louis, Menin, Hudson, Restler, Richardson Jordan, Riley, De La Rosa and Hanif.

Whereas, The Immigration Reform and Control Act of 1986 established a prohibition on employers hiring unauthorized workers; and

Whereas, To prevent unauthorized workers from obtaining employment in the United States, Congress established the I-9 verification process, which requires prospective and current employees to submit documentation proving their work eligibility to their employers; and

Whereas, E-Verify was introduced as part of the Illegal Immigration Reform and Responsibility Act of 1996 as a pilot program that seeks to aid employers in accurately determining the work eligibility of current and prospective employees; and

Whereas, E-Verify is a federal electronic system that determines an employee's work eligibility by comparing the information on an employee's I-9 form to Social Security Administration (SSA) and Department of Homeland Security (DHS) records; and

Whereas, If the individual's I-9 information does not match SSA and DHS records, E-Verify will issue a tentative non-confirmation or a final non-confirmation result, which signifies that they are not currently authorized to work; and

Whereas, According to the U.S. Government Accountability Office, in 2010, an estimated 80,000 work eligible employees lost their position as a result of erroneous E-Verify non-confirmation results; and

Whereas, According to the National Immigration Law Center (NILC), E-Verify's errors disproportionately impact lawful permanent residents and other noncitizens working legally in the United States; and

Whereas, An employee who receives a non-confirmation result is often not given the opportunity to contest the finding since employers do not always notify employees about non-confirmation results or about the necessary procedures to rectify potential errors; and

Whereas, Challenging a non-confirmation result is a time consuming process that can require a worker to travel several hours to visit an SSA office; and

Whereas, E-Verify is currently a voluntary program at the federal level except for federal agencies and their contractors and vendors; and

Whereas, Twenty-two states have laws requiring some or all employers to use E-Verify; and

Whereas, New York State does not require employers to use E-Verify, but employers can voluntarily use the program and municipal governments can opt to require employers to use the system; and

Whereas, According to DHS, over 34,000 employers in New York State participate in E-Verify; and

Whereas, Mandating that employers join the program would likely cause the error rate for all workers to increase, given the enormous expansion of E-Verify that such a mandate would require; and

Whereas, If E-Verify becomes mandatory it could negatively affect the more than three million immigrants residing in New York City; and

Whereas California limits the use of E-Verify by prohibiting localities from requiring employers to use the program; and

Whereas, A.568, introduced by Assembly Member Kenny Burgos and pending in the New York State Assembly, and companion bill S.1802, introduced by State Senator Jessica Ramos and pending in the New York State Senate, would prohibit municipalities from requiring employers to use E-Verify and prohibit employers from using E-Verify to check the employment authorization status of an existing employee or an applicant who has not been offered employment; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, A.568/S.1802 prohibiting municipalities from requiring all employers to check prospective employees' work authorization status by using the federal electronic verification system and prohibiting employers from checking the employment authorization status of an existing employee or an applicant who has not been offered employment.

SHAHANA K. HANIF, *Chairperson*; FRANCISCO P. MOYA, CARMEN N. De La ROSA, RITA C. JOSEPH, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, SANDRA UNG; 7-0-0; Committee on Immigration, October 19, 2023. *Other Council Members Attending: Council Member Narcisse.*

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

The following 7 Council Members formally noted their intention to vote negative on this item: Council Members Carr, Holden, Kagan, Paladino, Vernikov, Yeger, and the Minority Leader (Council Member Borelli).

Adopted by the Council by voice-vote.

Report for voice-vote item Res. No. 581-A

Report of the Committee on Veterans in favor of approving, as amended, a Resolution to recognize November as Veteran Appreciation Month in New York City.

The Committee on Veterans, to which the annexed amended resolution was referred on April 27, 2023 (Minutes, page 1137), respectfully

REPORTS:

INTRODUCTION

On October 19, 2023, the Committee on Veterans, chaired by Council Member Robert Holden, will consider Proposed Resolution Number (Reso. No.) 581-A, sponsored by Council Member Dinowitz. The Committee previously held a hearing on Proposed Reso. No. 581-A on September 15, 2023, where witnesses invited to testify included representatives from the New York City Department of Health and Mental Hygiene (DOHMH), the New York City Department of Veterans' Services (DVS), and other interested stakeholders and members of the public.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 581-A:)

Res. No. 581-A

Resolution to recognize November as Veteran Appreciation Month in New York City.

By Council Members Dinowitz, Louis, Yeger, Farías, Hanif, Brewer, Ung, Lee, Riley, Velázquez, Schulman, Nurse, Rivera, Holden, Narcisse, Paladino, Kagan, Vernikov, Borelli and Ariola (by request of the Bronx Borough President).

Whereas, For centuries, the armed forces have played a central role in American life, defending American values and interests from Bunker Hill to Baghdad; and

Whereas, The individuals who serve in the Army, the Navy, the Air Force, the Marines, and the Coast Guard come from all 50 states and embody the socioeconomic, racial, and religious diversity of our nation; and

Whereas, During the month of November, the United States celebrates Veterans Day, to recognize and honor the immeasurable sacrifices and indispensable contributions veterans have made to national security; and

Whereas, Every year since 1996, The President of the United States issues a proclamation to designate the month of November as National Veterans and Military Families Month to honor veterans, military families, caregivers, and survivors, who have served and continue to serve the nation; and

Whereas, Service to the nation also includes the immense patriotism, courage, and resilience of America's military families; and

Whereas, New York City is home to roughly 200,000 veterans, and is the first city in the nation to establish a Department of Veterans Services; and

Whereas, The agency works to connect, mobilize, and empower New York City's veteran community in order to foster purpose-driven lives for New York City Service Members – past and present; and

Whereas, As a national leader on veterans' issues, New York City should recognize November as Veteran Appreciation Month in the five boroughs; and

Whereas, This recognition would reaffirm New York City's commitment to its veterans and create opportunities for civic engagement across New York City's institutions; and

Whereas, In light of the significant contributions that veterans have made to American life, and New York City's engagement with the veteran community, establishing this commemorative month is an important step toward becoming the most veteran-friendly city in the country; now, therefore, be it

Resolved, That the Council of the city of New York recognizes November as Veteran Appreciation Month in the city of New York.

ROBERT F. HOLDEN, *Chairperson*; SANDY NURSE, ARI KAGAN; VICKIE PALADINO: 4-0-0; *Absent*: Kristin Richardson Jordan and Joann Ariola; Committee on Veterans, October 19, 2023. *Other Council Members Attending*: Council Members Dinowitz and Ossé.

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

Adopted unanimously by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Int. No. 1220

By Council Members Brewer and Rivera.

A Local Law to amend the administrative code of the city of New York, in relation to creating licensing requirements for electric bicycle or scooter businesses

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 37 to read as follows:

SUBCHAPTER 37 ELECTRIC BICYCLE OR SCOOTER BUSINESS

§ 20-565 Definitions. For purposes of this subchapter, the following terms have the following meanings:

Electric bicycle or scooter business. The term "electric bike or scooter business" means any business that engages in commercial activity of which a significant proportion is focused on the sale, rental or maintenance of powered bicycles or powered mobility devices, including but not limited to the sale, rental, storage, charging, or repair, of such equipment and related storage batteries.

Licensee. The term "licensee" means any person that is currently licensed by the department to engage in the operation of an electric bicycle or scooter business.

Powered bicycle. The term "powered bicycle" means a bicycle with electric assist as defined in section 102-c of the vehicle and traffic law.

Powered mobility device. The term "powered mobility device" means an electric scooter as defined in section 114-e of the vehicle and traffic law or successor provision or other personal mobility device powered by a lithium-ion or other storage battery. The term does not include powered bicycles, wheelchairs or other mobility devices designed for use by persons with disabilities, or any vehicle that is capable of being registered with the New York State Department of Motor Vehicles.

§ 20-565.1 License. a. License required. It shall be unlawful for any person to operate an electric bicycle or scooter business without first having obtained a license therefor issued pursuant to this subchapter. All licenses issued pursuant to this subchapter shall be valid for no more than three years.

b. License application. An application for any license required under this subchapter or for any renewal thereof shall be made in such form or manner as the department shall prescribe by rule, provided that such application shall include, but need not be limited to:

1. A signed statement certifying compliance with all applicable laws, regulations and rules including:

(a) that the applicant is in compliance with section 20-610 of the code; and

(b) that the applicant is in compliance with sections FC 309.3, FC 309.3.1, FC 309.3.2, FC 309.3.3, FC 309.3.4, and FC 309.3.5 of the New York city fire code.

2. Original or true copies of liability insurance policies or certificates of insurance for liability insurance carried by the applicant.

§ 20-565.2 Duties of licensees. Any person holding a license permitting operation of an electric bicycle or scooter business shall:

a. Ensure compliance with all applicable laws, regulations and rules.

b. Carry liability insurance that, as determined by the department, adequately protects the public.

c. File annual declarations, in a manner and form prescribed by the department pursuant to rule, certifying compliance with all provisions of this subchapter, including but not limited to, providing documentation of an active liability insurance policy.

§ 20-565.3 Inspections. Prior to issuing any license for an electric bicycle or scooter business to operate, and routinely thereafter, the department, in coordination with the fire department, shall conduct inspections of operating locations of such businesses to ensure compliance with licensee duties established by section 20-565.2 and any rules promulgated pursuant to this subchapter.

§ 20-565.4 Issuance, renewal, revocation and suspension of license; fines. In addition to any of the powers that may be exercised by the department, and not in limitation thereof, a license required pursuant to this subchapter may be suspended or revoked, or issuance or renewal thereof denied, by the department, and the licensee may be fined pursuant to subdivision e of section 20-104, upon a determination made by the department after due notice and hearing that an applicant or licensee has failed to comply with licensee duties established by section 20-565.2 of this subchapter or any rules promulgated thereunder, or has practiced fraud or misrepresentation in meeting requirements of this subchapter.

§ 20-565.5 Unlicensed operation. Any person operating an electric bicycle or scooter business without a valid license issued by the department shall be liable for a civil penalty of no less than one thousand dollars for every calendar day during which the unlicensed electric bicycle or scooter business operated.

§ 20-565.6 Display of license. Each licensee shall conspicuously display a true copy of the license issued pursuant to this subchapter in close proximity to the main entrance door of each licensee's electric bicycle or scooter business in such a manner that the license is visible from outside the building where such center is located.

§ 20-565.7 Outreach. No more than 60 days after the effective date of this local law, and continuing for 90 days thereafter, the commissioner, in collaboration with relevant agencies, shall conduct culturally appropriate outreach in the designated citywide languages, as defined in section 23-1101, to alert electric bicycle or scooter businesses to the requirements of this subchapter. Such outreach shall include, but need not be limited to, posting information on relevant agency websites and distributing information to electric bicycle or scooter businesses and other relevant stakeholders.

§ 2. Prior to the effective date of this local law, the department, in coordination with the fire department, shall make efforts to identify all electric bicycle or scooter businesses currently operating and notify such businesses of requirements as established by this local law.

§ 3. This local law takes effect 180 days after becoming law.

Referred to the Committee on Consumer and Worker Protection.

Int. No. 1221

By Council Members Cabán, Gennaro, Ung, Restler and Hanif.

A Local Law to amend the administrative code of the city of New York, in relation to a feasibility study on housing adaptation and mobility, voluntary residential buyouts, and related support services for residents of high-risk flood zones

Be it enacted by the Council as follows:

Section 1. a. Definitions. 1. For purposes of this section, the terms “climate hazard,” “environmental justice area,” “non-structural risk reduction approach,” and “resiliency and adaptation measure” have the same meanings as defined in section 24-808 of the administrative code of the city of New York.

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

Climate hazard zone. The term “climate hazard zone” means an area of the city that the task force determines is at elevated risk from climate hazards.

Eligible household. The term “eligible household” means a household whose members reside on an eligible property.

Eligible property. The term “eligible property” means a property located in a flood hazard zone that the task force deems eligible to participate in a housing mobility program. Properties shall not be excluded from consideration for eligibility solely on the basis of residence, tenure, or public or other government-subsidized or regulated status.

Flood hazard zone. The term “flood hazard zone” means an area of the city of New York that the task force determines to be at foreseeable risk of severe or repeated flooding or storm-related damage within 100 years, or that may provide protection from such flooding or damage to surrounding areas, if converted for that purpose.

Housing mobility program. The term “housing mobility program” means a program or programs for acquiring eligible properties through voluntary residential buyouts, which shall also (i) offer support services to eligible households and owners of eligible properties, and (ii) provide for the permanent conversion of such properties for use as flood protection or public space.

Support services. The term “support services” means services needed by residents or property owners in climate or flood hazard zones in relation to climate-related risk mitigation, adaptation, and relocation, including but not limited to services for information dissemination, social organizing support, and counseling with regard to flood prevention, mitigation, and adaptation options, financial planning and assistance, relocation support, mental health, and insurance options.

Task force. The term “task force” means the New York city climate change adaptation task force established pursuant to section 3-123 of the administrative code of the city of New York.

b. Feasibility study. The task force shall study the feasibility of mitigating and preventing risks associated with climate hazards that may affect property in or adjacent to flood hazard zones. No later than 1 year after the effective date of this local law, the task force shall deliver the feasibility study to the mayor, the speaker of the council, and the borough presidents, and make the report available to the public. The feasibility study must comprise a report on housing adaptation, a proposed framework for a housing mobility program and fund, and a pilot study on support services, as follows:

1. Housing adaptation report. The task force shall recommend strategies and measures to adapt housing for the prevention and mitigation of climate hazards in flood hazard zones, to limit future housing growth in flood hazard zones, and to identify areas at low risk of flooding where housing growth may be feasible, taking into consideration the climate adaptation plan proposed pursuant to section 24-808 of the administrative code of the city of New York, the wetlands protection strategy prepared pursuant to section 24-528 of the administrative code of the city of New York and any successor frameworks for wetlands management, the work of the New York city panel on climate change established pursuant to section 3-122 of the New York city charter, the comprehensive waterfront plan prepared pursuant to section 205 of the New York city charter, and the environmental justice plan and study required by sections 3-1003 and 3-1007 of the administrative code of the city of New York.

2. Housing mobility program framework. The task force shall develop a proposal for the establishment of a housing mobility program for certain property owners and residents of flood hazard zones, informed by best practices for such programs. The proposal shall include the following:

(a) Proposed eligibility requirements and valuation criteria for households and properties to take part in the program, taking into consideration properties’ flood and climate hazard risk profiles, economic status of residents and owners, local population density, environmental justice considerations, and the potential of a given land area to contribute to flood prevention or mitigation in surrounding areas;

(b) Estimated number of eligible households and properties and estimated total valuation of all eligible properties, pursuant to the proposed requirements and criteria developed under subparagraph (a) of this paragraph;

(c) Recommendations and considerations for including properties with various ownership and tenancy structures, including but not limited to tenants and cooperators of public housing, rent-regulated housing, federally subsidized housing, supportive housing, limited-equity cooperatives, and housing subject to city or state regulatory agreements;

(d) Recommendations for streamlining applications to participate in the proposed housing mobility program and for prioritizing among eligible properties, including with respect to options for establishing an advanced-commitment program or other form of precertification process;

(e) Recommendations for the provision of integrated support services to eligible households and eligible property owners, commensurate with identified flood hazard zones and the needs of residents of flood hazard zones, and taking into account the results of the pilot study required by paragraph 5 of this subdivision;

(f) Recommendations for establishing a participatory process for working with communities of eligible households to identify and select eligible sites for relocation, and for preventing displacement of any vulnerable populations that may already reside at selected relocation sites; and

(g) Recommendations for converting the use of eligible properties to the prevention or mitigation of flooding and other climate risks, including, as needed, recommended legislative, regulatory, or zoning reforms, recommended entities to take possession of or manage converted properties, and potential recommended uses for converted properties such as green infrastructure installation, habitat restoration, public access, community use and benefit, or other protective or recreational purposes.

3. Buyout Fund. The task force shall propose a plan to establish a fund for the purpose of financing a housing mobility program and support services. The plan shall include, at a minimum, the following information:

(a) An analysis of the economic, fiscal, and social impacts that may be expected from the housing mobility program and support services, including but not necessarily limited to impacts on jobs and local development; tax revenue; social and equity indicators; the costs and benefits associated with different land uses, including with respect to subsidized housing, group quarters, and natural ecosystem restoration; the long-term costs and benefits of protecting or rebuilding current residential uses in the context of foreseeable future climate hazards; and savings from potential flood-mitigation uses of acquired properties, individually and in aggregate, on the basis of varying levels of participation from eligible households and properties;

(b) Potential sources of funding and other resources for a housing mobility program, support services, and ecological restoration, commensurate with the estimates, recommendations, and impact analysis pursuant to subparagraph (a) of this paragraph; and

(c) A recommended framework for establishing, structuring, managing, and administering a permanent housing mobility fund for eligible properties and residents in flood hazard zones.

4. Strategic oversight. The task force shall recommend a structure for the administration, coordination, and strategic leadership for housing adaptation planning, a housing mobility program, a permanent housing mobility fund, and support services. Such recommendations shall include any legal, regulatory, or policy changes that the city may undertake in order to effectuate such structure.

5. Pilot study for support services. The department of housing preservation and development, in consultation with the task force, shall conduct a pilot study to assess the knowledge, interest level, needs, and concerns of households that reside on properties with a high likelihood of being designated as eligible to participate in a housing mobility program and to receive support services. The task force shall take the findings into account when preparing the housing mobility program scope pursuant to paragraph 2 of this subdivision, and shall include an anonymized analysis of the pilot study findings as an appendix in the feasibility study. The pilot study shall include, at a minimum, the following:

(a) Baseline survey. No later than 120 days after the effective date of this local law, the department of housing preservation and development, in consultation with the task force, shall administer a baseline survey to a group of likely eligible households, including residents of public housing and other government-subsidized or regulated housing, which shall be statistically representative of all likely eligible households with regard to income, race, and tenure. The baseline survey shall assess:

(1) Household composition, primary household language, and length and nature of tenure;

(2) The knowledge, experiences, needs, concerns, and goals of eligible households in relation to flooding and to a potential housing mobility program; and

(3) Interest level in participating in a housing mobility program, as applicable, and in receiving relocation and other support services.

(b) Focus groups. No later than 160 days after the effective date of this local law, the department of housing preservation and development, in consultation with the task force, shall conduct qualitative interviews with focus groups composed of a statistically representative group of likely eligible households. The interviews shall further investigate the knowledge, experiences, needs, concerns, and goals of likely eligible households as identified by the baseline survey results.

(c) Recommendations for support services. The task force shall make recommendations for establishing comprehensive support services in relation to household climate adaptation, taking into account the findings of the baseline survey and focus group interviews. The task force shall further recommend:

(1) How the support services can be integrated into a permanent housing mobility program for flood hazard zones, if a program is established, and coordinated or combined with any existing support services offered by the city;

(2) The extent to which support services should be offered in climate or flood hazard zones to households other than those eligible to participate in a housing mobility program; and

(3) How the services can help to mitigate climate inequities, especially in environmental justice areas.

c. Consultation requirements. 1. Community stakeholders. For the purpose of completing the feasibility study required by subdivision b of this section, the task force shall consult, at a minimum, 8 community-based organizations that provide direct services to residents of climate hazard zones, at least 2 of which deliver services to residents of a flood hazard zone located in an environmental justice area.

2. Intragovernmental coordination. The task force shall consult with any other city, state, or federal agency, office, or entity to the extent they may have relevant information in relation to housing adaptation, housing mobility programs, relocation programs, interagency coordination needs, or equity considerations. Such agencies, offices, or entities shall include but need not be limited to the mayor's office of operations, the mayor's office of equity, the department of housing preservation and development, the New York city housing authority, the landmarks preservation commission, the mayor's office of contract services, and any successor to any such office, commission, or authority.

d. Meetings. 1. The chair shall convene a meeting of the task force to carry out the duties described in this local law no later than 30 days after the date that this local law takes effect.

2. The task force shall meet no less than once each quarter to carry out the duties described in this section, inclusive of the twice yearly meetings required pursuant to section 3-123 of the administrative code of the city of New York. This additional meeting requirement is suspended after the task force submits its report as required in subdivision b of this section.

§ 2. Subdivision b of section 3-123 of the administrative code of the city of New York is amended by adding new paragraphs 4 and 5 to read as follows:

4. Each agency affected by this section shall provide appropriate staff and resources to support the agency's work in relation to the task force.

5. In the event that the chair of the task force, an agency affected by this section, or the mayor receives constructive or actual notice of a vacancy on the task force, a successor shall be appointed in the same manner as the original appointment no later than 60 days after the vacancy occurs.

§ 3. This local law takes effect immediately.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 1222

By Council Members De La Rosa, Riley, Restler, Brooks-Powers, Hanif and Hudson.

A Local Law to amend the administrative code of the city of New York, in relation to civil service examination fee waivers

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 12 of the administrative code of the city of New York is amended by adding a new section 12-216 to read as follows:

§ 12-216 Civil service examination waivers. a. Definitions. For purposes of this section, the following terms have the following meanings:

Civil service examination. The term "civil service examination" means a competitive examination administered in accordance with the civil service law to determine the merit and fitness of applicants for the civil service.

Department. The term “department” means the department of citywide administrative services.

High school. The term “high school” means a school of the city school district of the city of New York that contains any combination of grades from and including grade 9 through grade 12.

Student. The term “student” means any pupil who does not have a high school diploma and who is enrolled in a high school.

b. The department may waive the fee for a civil service examination for any individual who meets one of the following conditions at the time of filing for the examination:

1. The individual is a high school student; or

2. The individual has not filed for a civil service examination administered by the department.

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

Referred to the Committee on Civil Service and Labor.

Res. No. 813

Resolution recognizing April 13 annually as Borinqueneers Day in the City of New York in honor of the courage and wartime contributions of the U.S. Army’s 65th Infantry Regiment and their lasting legacy.

By Council Members Fariás, Ayala, Salamanca, Velázquez, Won, Lee, Holden, Rivera, Avilés, Stevens, Brooks-Powers and Hudson.

Whereas, In 1899, Congress authorized the formation of Puerto Rico’s Battalion of Volunteer Infantry, a unit of men primarily from the island of Puerto Rico, which had just become a territory of the United States (U.S.); and

Whereas, In 1908, the Battalion became a regiment in the regular U.S. Army; and

Whereas, Lieutenant Teófilo Marxuach’s unit from the regiment fired warning shots at a German supply ship trying to leave San Juan Bay, thus marking the first U.S. shots of World War I; and

Whereas, Later in World War I, the regiment impressively defended the Panama Canal Zone; and

Whereas, After the regiment’s return to Puerto Rico, it was renamed as the 65th Infantry Regiment; and

Whereas, The 65th Infantry Regiment served with distinction during World War II in North Africa, France, and Germany; and

Whereas, After war in Korea broke out, the 65th Infantry Regiment was sent quickly and arrived in Pusan in 1950, thereafter engaging honorably in many battles during the harsh winter, including fighting off the Chinese People’s Liberation Army in the Chosin Reservoir in order to free the trapped U.S. Army’s First Battalion; and

Whereas, The 65th Infantry Regiment protected redeployed Marines in what would become the last battalion-sized bayonet assault in U.S. military history; and

Whereas, During the Korean campaign, the 65th Infantry Regiment became known as the Borinqueneers, a name taken from the Taino word for their homeland; and

Whereas, In praising the Borinqueneers, General Douglas MacArthur, who had the Regiment under his command, said that they “give daily proofs on the battlefields of Korea of their courage, determination and resolute will to victory” and that they “are writing a brilliant record of heroism in battle”; and

Whereas, In spite of great praise from U.S. and Korean military leaders, in 1952, 91 Borinqueneers were court-martialed and jailed for not following orders they deemed insulting and unnecessarily risky; and

Whereas, After backlash from Puerto Rico’s government, the U.S. Congress, and the public, the U.S. Army pardoned the Borinqueneers expeditiously and blamed poorly trained and inexperienced new officers, who had trouble communicating with the soldiers, needlessly dangerous military tactics, and ethnic prejudice, which was evident both in and out of battle, for the regrettable courts-martial; and

Whereas, The Borinqueneers were cleared by an internal U.S. Army investigation, many hoped for a more substantial vindication, which would finally come more than 60 years later; and

Whereas, On May 29, 2014, the New York City Council adopted Resolution Number 103, “urging Congress to pass and the President to sign H.R.1726 and S.1174, to award a Congressional Gold Medal to the 65th Infantry Regiment, known as Borinqueneers”; and

Whereas, On June 10, 2014, President Barack Obama signed these bills into law, awarding the Congressional Gold Medal, the highest honor given by Congress, to the Borinqueneers and noting that it is “a proud day for all those whose lives they saved and whose freedom they defended” and that the Borinqueneers have “earned a hallowed place in our history”; and

Whereas, On April 13, 2016, Speaker of the House Paul Ryan actually presented the Congressional Gold Medal to the Borinqueneers and remarked that these men “showed us time and again that, courage does not know color”; and

Whereas, In addition to the Congressional Gold Medal, the Borinqueneers have earned 10 Distinguished Service Crosses, more than 250 Silver Stars, more than 600 Bronze Stars, and more than 2,700 Purple Hearts, along with commendations from the Republic of Korea, while suffering over 1,500 casualties and over 2,600 wounded; and

Whereas, Section 1088 of the National Defense Authorization Act for Fiscal Year 2021 (P.L. 116-283) supported the designation of National Borinqueneers Day and recognized the “bravery, service, and sacrifice of the Puerto Rican soldiers of the 65th Infantry Regiment in the armed conflicts of the United States in the 20th and 21st centuries”; and

Whereas, Section 1088 urges Americans on National Borinqueneers Day to participate in activities that celebrate the “distinguished service” and “significant contributions to United States history” of the Borinqueneers and that “pay tribute to the sacrifices made and adversities overcome by Puerto Rican and Hispanic members of the Armed Forces”; and

Whereas, Since 2021, April 13 has been officially recognized by Congress as National Borinqueneers Day;

Whereas, According to U.S. Census estimates for 2019, New York City (NYC) has a population of more than 650,000 people of Puerto Rican origin, or about 8 percent of NYC’s total population; and

Whereas, On July 13, 2023, at an annual Gracie Mansion celebration of Puerto Rican heritage, Mayor Eric Adams, who has referred to Puerto Rico as NYC’s “sixth borough,” commented, “You look into the history and success of this city, you would see over and over again the role that the Puerto Rican community has played and how they ensured and fortified everything that’s great about the city”;

Whereas, Borinqueneers have already been honored in the Bronx with the co-naming of Southern Boulevard as “La 65 de Infanteria Boulevard”; now, therefore, be it

Resolved, That the Council of the City of New York recognizes April 13 annually as Borinqueneers Day in the City of New York in honor of the courage and wartime contributions of the U.S. Army’s 65th Infantry Regiment and their lasting legacy.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Int. No. 1223

By Council Members Gutiérrez, Menin, Brooks-Powers, Hanif and Hudson (by request of the Queens Borough President).

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to establishing an office of algorithmic data integrity

Be it enacted by the Council as follows:

Section 1. Chapter 1 of the New York city charter is amended by adding a new section 20-o to read as follows:

§ 20-o. *Office of algorithmic data integrity. a. Definitions. As used in this section, the following terms have the following meanings:*

Algorithmic tool. The term “algorithmic tool” has the same meaning as it does in section 3-119.5 of the administrative code.

Director. The term “director” means the director of algorithmic data integrity.

Office. The term “office” means the office of algorithmic data integrity.

Identifying information. The term “identifying information” has the same meaning as it does in section 23-1201 of the administrative code.

b. *Office established.* The commissioner of the department of information technology telecommunications in consultation with the commissioner of investigation shall establish an office of algorithmic data integrity. Such office shall be headed by a director of algorithmic data integrity who shall be appointed by the mayor. Such office shall also include other employees as may be appointed by the mayor or designated by the commissioner of the department of information technology telecommunications to assist in the performance of the duties of the office. In the event the director is removed or resigns, the mayor shall appoint a new director within 90 days of such removal or resignation.

c. *Powers and duties.* The director shall have the power and duty to:

1. *Collaborate with agencies to:*

(a) *Analyze data and algorithmic tools provided to the office by an agency to determine whether such tools result in biased, unlawfully discriminatory decision-making, or disproportionate impact on individuals, and report the findings back to such agency;*

(b) *Assist and advise agencies that utilize algorithmic tools on compliance with laws and regulations;*

(c) *Establish a protocol for receiving complaints from the public, and investigating any such complaints, regarding any potentially unlawfully discriminatory outcome experienced in connection with an agency’s use of algorithmic tools;*

(d) *Make recommendations for policies and best practices to encourage non-discriminatory decision-making in connection with an agency’s use of algorithmic tools;*

(e) *Create and maintain a public facing platform that provides a mechanism for receiving public comments and questions about a specific algorithmic tool used by an agency;*

(f) *Plan and implement a public engagement and education strategy related to the city’s use of algorithmic tools; and*

(g) *Conduct a pre-deployment assessment of algorithmic tools.*

2. *Perform any other relevant duties the mayor deems appropriate.*

d. *Report required.* Within one year of the effective date of the local law that added this section, and quarterly thereafter, the director shall post on the office’s website and submit to the mayor and the speaker of the council a report containing, at a minimum, the recommendations required by subparagraph (d) of paragraph 1 of subdivision c and a summary of any findings made pursuant to subparagraph (a) of paragraph 1 of subdivision, except to the extent that disclosures of such data would conflict with other applicable law. §2. Section 3-119.5 of the administrative code of the city of New York is amended to read as follows:

§ 3-119.5 [Annual reporting on algorithmic] *Algorithmic tools.* a. For purposes of this section, the term “algorithmic tool” means any technology or computerized process that is derived from machine learning, artificial intelligence, predictive analytics, or other similar methods of data analysis, that is used to make or assist in making decisions about and implementing policies that materially impact the rights, liberties, benefits, safety or interests of the public, including their access to available city services and resources for which they may be eligible. Such term includes, but is not limited to tools that analyze datasets to generate risk scores, make predictions about behavior, or develop classifications or categories that determine what resources are allocated to particular groups or individuals, but does not include tools used for basic computerized processes, such as calculators, spellcheck tools, autocorrect functions, spreadsheets, electronic communications, or any tool that relates only to internal management affairs such as ordering office supplies or processing payments, and does not materially affect the rights, liberties, benefits, safety or interests of the public.

b. Each agency shall report to *the office of algorithmic data integrity*, [the mayor’s office of operations, or any other office or agency designated by the mayor,] no later than December 31 of every year, every algorithmic tool that the agency has used one or more times during the prior calendar year *or plans to use within the following calendar year.*

c. Each agency shall provide the following information about each algorithmic tool reported pursuant to subdivision b of this section:

1. The name or commercial name, and a brief description of such algorithmic tool;
 2. The purpose for which the agency is using such an algorithmic tool;
 3. The type of data collected or analyzed by the algorithmic tool and the source of such data;
 4. A description of how the information received from such algorithmic tool is used;
 5. Whether a vendor or contractor was involved in the development or ongoing use of the algorithmic tool, a description of such involvement, and the name of such vendor or contractor when feasible; and
 6. The month and year in which such algorithmic tool began to be used, if known.
- d. The [mayor's office of operations] *office of algorithmic data integrity*, or any other office or agency designated by the mayor, shall compile the information received pursuant to subdivisions b and c of this section and report it to the mayor and the speaker of the council, disaggregated by agency, no later than March 31 of every year.
- e. No agency shall disclose any information pursuant to this section where such disclosure would violate local, state, or federal law, or endanger the safety of the public, or interfere with an active agency investigation.
- § 3. This local law takes effect 180 days after it becomes law.

Referred to the Committee on Technology.

Int. No. 1224

By Council Members Holden and Brooks-Powers.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the 311 customer service center to indicate that an agency is unable to respond to a service request or complaint and implement protocols providing proof of action

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-311 to read as follows:

§ 23-311 *Agency response to service requests and complaints.* a. *If an agency that receives a request for service or complaint through the 311 customer service center is unable to take action on such request for service or complaint within 24 hours, the 311 customer service center shall indicate in the description of the action taken on such request for service or complaint that the responding agency is currently unable to respond to the request for service or complaint. The responding agencies shall indicate to the 311 customer service center if they are unable to take action on a request for service or complaint.*

b. *The 311 customer service center, in consultation with relevant agencies, shall develop and implement protocols for responding agencies to provide proof of any action taken by the responding agency once a request for service or complaint is resolved. The responding agencies shall provide proof to the 311 customer service center of any action taken pursuant to protocols developed pursuant to this subdivision.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Technology.

Int. No. 1225

By Council Members Holden and Marte.

A Local Law in relation to requiring the department of small business services to conduct a study on the economic impact of film and television production on local businesses and develop a plan to mitigate lost revenue attributable to filming

Be it enacted by the Council as follows:

Section 1. Film and television production industry study and plan. a. For purposes of this local law, the following terms have the following meanings:

Agency. The term “agency” has the same meaning as set forth in section 1-112 of the administrative code of the city of New York.

Department. The term “department” means the department of small business services.

Mayor’s office of media and entertainment. The term “mayor’s office of media and entertainment” has the same meaning as set forth in section 3-119.4 of the administrative code of the city of New York.

b. The department, in collaboration with the mayor’s office of media and entertainment and any other relevant agency, shall conduct a study to measure the negative economic impact of film and television production on local businesses, including loss of revenue due to filming activity. No later than 1 year after the effective date of this local law, the commissioner of small business services shall submit to the mayor and the speaker of the council and post on the department’s website a report on the findings of this study.

c. The department, in coordination with local businesses and members of the film and television production industry, shall develop a plan to mitigate lost revenue attributable to filming activity.

§ 2. This local law takes effect immediately.

Referred to the Committee on Small Business.

Int. No. 1226

By Council Members Hudson and Hanif.

A Local Law to amend the administrative code of the city of New York, in relation to collecting information on the accessibility of private buildings and publishing this information online

Be it enacted by the Council as follows:

Section 1. Article 104 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-104.7.19 to read as follows:

§ 28-104.7.19 Accessibility features. Upon submission of an application for approval of construction documents, the department shall collect the accessibility features to be constructed or altered, including but not limited to, accessible entrances, elevators, and ramps.

§ 2. Chapter 11 of the New York city building code is amended by adding a new section 1103.3 to read as follows:

§ 1103.3 Publication of accessibility features. For each building for which the department has received information on accessibility features as required in section 28-104.7.19 of the *Administrative Code*, the department shall make such information publicly available online for all privately owned buildings classified as occupancy groups A, B, I, M, and R as defined in chapter 3.

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

Referred to the Committee on Housing and Buildings.

Int. No. 1227

By Council Member Joseph.

A Local Law to amend the administrative code of the city of New York, in relation to the establishment of a parking enforcement unit within the department of transportation

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-162.6 to read as follows:

§ 19-162.6 *Parking enforcement.* *The commissioner shall establish within the department a parking enforcement unit which shall have the power and duty to enforce laws and rules regulating parking, stopping, or standing.*

§ 2. This local law takes effect immediately, and the commissioner of transportation shall establish the parking enforcement unit required by this local law no later than 90 days after such effective date.

Referred to the Committee on Transportation and Infrastructure.

Res. No. 814

Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation to increase Medicaid reimbursement to cover eight pre- and post-natal visits, as well as delivery support by doulas.

By Council Members Menin, Yeger, Restler, Brooks-Powers, Hanif and Hudson.

Whereas, The World Health Organization defines maternal death as the death of a woman while pregnant or within 42 days of termination of pregnancy, irrespective of the duration and the site of the pregnancy, from any cause related to or aggravated by the pregnancy or its management, but not from accidental or incidental causes; and

Whereas, According to the National Center for Health Statistics at the Centers for Disease Control and Prevention (CDC), there were 1,205 maternal deaths in the United States (U.S.) in 2021, an increase from 861 maternal deaths in 2020 and 754 maternal deaths in 2019; and

Whereas, Per the CDC, the U.S. maternal mortality rate for 2021 was 32.9 deaths per 100,000 live births, a rise from 23.8 deaths per 100,000 live births in 2020 and 20.1 deaths per 100,000 live births in 2019; and

Whereas, The CDC's data also reveal that in 2021, the U.S. maternal mortality rate for non-Hispanic Black women was 69.9 deaths per 100,000 live births, which was 2.6 times the rate for non-Hispanic White women of 26.6 deaths per 100,000 live births and more than twice the overall national maternal mortality rate of 32.9 deaths per 100,000 live births during the same year; and

Whereas, According to an April 2022 report by the New York State Department of Health, there were 41 pregnancy-related deaths in New York State in 2018, denoting a maternal mortality rate of 18.2 deaths per 100,000 live births; and

Whereas, Per the same report by the New York State Department of Health, as of 2018, in New York State, Black, non-Hispanic women were five times more likely to die of pregnancy-related causes than White, non-Hispanic women; and

Whereas, Moreover, the New York State Department of Health also highlighted that in 46 percent of all pregnancy-related deaths in New York State in 2018, discrimination was identified as a probable or a definite circumstance surrounding the maternal death; and

Whereas, Furthermore, per the New York State Department of Health's 2022 report, as of 2018, in New York State, women who had a Cesarean delivery were 1.7 times more likely to die of pregnancy-related causes than women who delivered vaginally; and

Whereas, According to a January 2023 report by the New York City Department of Health and Mental Hygiene (NYC DOHMH), there were 57 pregnancy-related deaths in New York City in 2019, signifying a maternal mortality rate of 26.4 deaths per 100,000 live births; and

Whereas, Per the NYC DOHMH, between 2001 and 2019, the New York City pregnancy-related mortality rate for Black mothers was, on average, 9.2 times higher than for White mothers, due to structural racism and discrimination in combination with inequities in healthcare access and quality; and

Whereas, In a May 2022 report, the Kaiser Family Foundation, a non-profit health policy research organization, noted that one approach to addressing negative pregnancy outcomes and racial disparities in maternal morbidity and mortality is to provide access through Medicaid coverage to services by doulas; and

Whereas, A doula is a trained non-clinician who assists a pregnant person before, during, and/or after childbirth through physical and/or emotional support, labor coaching, advocacy in healthcare settings, and postpartum care; and

Whereas, Per the Kaiser Family Foundation, pregnant persons who receive doula support tend to have shorter labors, lower Cesarean section rates, fewer birth complications, are more likely to initiate breastfeeding, and their infants are less likely to be born with a low birth weight; and

Whereas, In testimony during a March 2023 hearing of the New York State Senate on Medicaid reimbursement and integration of doula services, the New York Coalition for Doula Access (NYCDA) stressed that implementing an equitable Medicaid reimbursement rate for doula services would exponentially increase access to doulas, help retain doulas in the profession, and improve health outcomes for families, as well as position New York State as a leader in addressing the maternal health crisis and as a safer and more equitable place to give birth; and

Whereas, As an equitable reimbursement, NYCDA recommended the reimbursement rate of \$1,930, which would cover up to eight pre- and post-natal visits at \$85 per visit, and labor and delivery support at the rate of \$1,250, as well as additional uncompensated doula care and expenses, including resource referrals, phone and text communications, transportation, and administrative costs incurred by the doula; 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, legislation to increase Medicaid reimbursement to cover eight pre- and post-natal visits, as well as delivery support by doulas.

Referred to the Committee on Health.

Res. No. 815

Resolution calling on the United States Congress to pass, and the President to sign, H.R. 4756-118th Congress, known as the Community News and Small Business Support Act.

By Council Member Menin.

Whereas, Small businesses and local newspapers continue to suffer from the adverse economic effects caused by the pandemic; and

Whereas, In a 2022 survey of small businesses, the Small Business Majority found that roughly one in three businesses indicated that without additional financial support or a change in business conditions they would struggle to survive beyond three months; and

Whereas, Over the past 25 years, the small business sector has contributed two for every three jobs created in the U.S. workforce; and

Whereas, Threats to the sustainability of small businesses negatively affects not only the economy of New York City, but of the nation; and

Whereas, The pandemic also resulted in local newspapers shutting down; and

Whereas, However, local newspapers have been significantly struggling over the past 20 years, with annual newspaper advertising revenue dropping almost 81 percent between 2000 and 2020; and

Whereas, Research on the collapse of the local news industry has linked the decline in local news coverage with reductions in voter turnout; and

Whereas, Indicating that robust local news coverage is beneficial for citizen engagement; and

Whereas, Local newspapers garner significant revenue from advertisements placed in their papers; and

Whereas, Small businesses can reach a wider consumer base and grow their business by advertising in their local papers; and

Whereas, These two sectors overlap in the pursuit of revenue through the use of advertisements; and

Whereas, H.R. 4756, also known as the Community News and Small Business Support Act, introduced by U.S. House Representative Claudia Tenney (R-NY) and pending in the U.S. House of Representatives, seeks to amend the Internal Revenue Code, in relation to providing tax incentives that support local media; and

Whereas, H.R. 4756 would offer payroll tax credits to local and community news publishers that serve the needs of a regional or local community and employ at least one local news journalist who resides in the same community; and

Whereas, H.R. 4756 would also offer tax credits for small businesses that place advertisements in local news outlets; and

Whereas, H.R. 4756 would begin to address the collapse of the local news landscape and mitigate the significant repercussions that can occur without local news coverage and ease some financial strain on small businesses; and

Whereas, The Community News and Small Business Support Act would benefit local newspapers and local journalists, and provide much needed support for small businesses in New York City and across the United States; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to pass and the President to sign, H.R. 4756-118th Congress, known as the Community News and Small Business Support Act.

Referred to the Committee on Small Business.

Int. No. 1228

By Council Members Narcisse, Brooks-Powers and Hanif.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to develop educational materials regarding marijuana, for distribution to youth services programs and students

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 17-199.9 of the administrative code of the city of New York, as added by local law number 125 for the year 2018, is amended to read as follows:

b. The department shall develop age appropriate educational materials regarding drugs and opiates awareness and prevention. *Such materials shall include, but shall not be limited to, information relating to the health risks of using marijuana, including, but not limited to:*

1. *Respiratory problems including coughing, bronchitis, and other lung infections;*
2. *Cognitive problems including lack of memory, difficulty maintaining attention, and sleepiness;*
3. *Overdosing; and*
4. *Risk of fentanyl-laced marijuana.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Health.

Res. No. 816

Resolution calling upon the New York State Legislature to pass, and the Governor to sign S.643-C /A.7339-A, an act to amend the environmental conservation law, in relation to extended producer responsibility for rechargeable batteries.

By Council Members Nurse, Hanif, Farías and Hudson.

Whereas, Electric micromobility or e-mobility devices such as electric-assist bicycles (e-bikes), electric scooters (e-scooters), and other small, lightweight, wheeled electric-powered conveyances, are vital to a successful transition away from fossil fuel powered modes of transportation, and are indispensable to the livelihoods of many of New York City's delivery workers; and

Whereas, E-scooters, e-bikes, and other electric micromobility devices are most often powered by rechargeable lithium ion batteries, which are favored for electric vehicles due to their high energy density and low overall weight compared to other comparable battery chemistries, maximizing energy storage while minimizing added weight; and

Whereas, Lithium ion batteries are also favored for transportation uses due to their ability to hold a charge for extended periods of time, only losing 1.5 to 2 percent of their charge per month when not in use, and because lithium based battery chemistries are less toxic than those that require metals such as cadmium and lead; and

Whereas, Disadvantages associated with rechargeable lithium ion batteries include the possibility of overheating, high flammability, susceptibility to combustion due to over-charging or use of improper or mismatched charging equipment, and potential for combustion from thermal runaway, which occurs when lithium ion cells produce heat faster than the batteries can dissipate; and

Whereas, According to educational material distributed by the FDNY, the use of mismatched chargers to charge batteries can lead to overcharging due to incompatible 100% cutoff mechanisms to prevent overcharging, which can increase the likelihood of dangerous malfunction; and

Whereas, The high cost of certified batteries, up to 1,000 dollars in some cases, has resulted in the widespread use of refurbished and second hand batteries, which while cheaper and more accessible to delivery workers, are also more susceptible to dangerous malfunctions and combustion; and

Whereas, In 2022, at least 220 fires and six deaths were attributed to rechargeable batteries from e-bikes and other electric micromobility devices across New York City, with approximately 175 fires, 96 injuries, and 14 fatalities attributed to battery fires between January 1st and September 8th of 2023; and

Whereas, These batteries can also create fire and explosion hazards when improperly disposed of, such as in a 2018 incident where an improperly disposed of lithium ion battery caused a five alarm fire at a recycling facility in Jamaica, Queens, and a 2017 incident where a battery caused an explosion in the back of a New York City garbage truck; and

Whereas, In December 2021, a fire on a barge in the East River required 60 fire fighters to put out and sent four individuals to the hospital for smoke inhalation, and was attributed to an exploding lithium ion battery; and

Whereas, The advocacy group Los Deliveristas Unidos has called attention to a lack of information available to delivery workers regarding proper safe handling, charging, and disposal of e-bike and e-scooter batteries, suggesting that outreach and education efforts be coupled with a trade-in program for used or defective batteries to increase awareness and minimize their improper disposal; and

Whereas, Extended Producer Responsibility ("EPR") is an environmental policy approach in which producers (brand owners, importers, and retailers) accept responsibility for the management of post-consumer products and packaging so those who produce these materials help bear the costs of recycling; and

Whereas, New York State's rechargeable battery EPR law currently requires manufacturers of certain rechargeable batteries to finance the collection and recycling of covered rechargeable batteries collected by retailers, as well as financing outreach and education efforts to consumers regarding proper recycling protocol for rechargeable batteries; and

Whereas, Manufacturers are also required to submit a plan to the New York State Department of Environmental Conservation identifying the methods manufacturers will use to safely collect, transport, and recycle rechargeable batteries collected by retailers, prior to selling in New York State; and

Whereas, Retailers of covered rechargeable batteries are required during business hours to accept up to 10 batteries per day from any person regardless of whether the individual is purchasing batteries, accept as many batteries in return as an individual purchases, and post signage informing customers that it is illegal to dispose of rechargeable batteries in the state of New York as solid waste, and that the retailer accepts used rechargeable batteries for return to the manufacturer; and

Whereas, New York State Senate Bill S.643-C, sponsored by State Senator Brian Kavanagh, and Assembly Bill A.7339-A, sponsored by Assembly Member Deborah Glick seeks to expand the existing rechargeable battery recycling law to include e-mobility device batteries among those for which retailers and manufacturers must participate in the EPR program; and

Whereas, S.643-C and A.7339-A would also amend New York State's Environmental Conservation law to allow New York City to engage in enforcement activities related to the State's rechargeable battery legislation; and

Whereas, The widespread and increasing use of rechargeable batteries for e-mobility devices, coupled with low public awareness of how to properly charge and dispose of these batteries has led to significant loss of life, injury, and severe property damage; and

Whereas, Manufacturers and retailers of rechargeable batteries for e-mobility devices must do their part to ensure that members of the public are aware of their responsibility not to dispose of these potentially dangerous products improperly and assist in the collection and routing of these batteries to the proper disposal and recycling streams; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign S.643-C /A.7339-A, an act to amend the environmental conservation law, in relation to extended producer responsibility for rechargeable batteries.

Referred to the Committee on Sanitation and Solid Waste Management.

Res. No. 817

Resolution calling on the New York State Legislature to pass, and the New York State Governor to sign, legislation, which would create unlimited transfers within the two-hour period of paying the Metropolitan Transportation Authority subway or bus fare for pay-per-ride users.

By Council Members Riley, Restler, Hanif and Hudson.

Whereas, The Metropolitan Transportation Authority (MTA) is North America's largest transportation network, providing transportation to a population of 15.3 million people across New York City (NYC), Long Island, southeastern New York State (NYS), and Connecticut; and

Whereas, According to the MTA, on April 26, 2023, daily subway ridership was 3,994,458, which was 72 percent of daily ridership on the same day pre-pandemic, and bus ridership was 1,519,574, which was 70 percent of daily ridership on the same day pre-pandemic; and

Whereas, In order to ride the subway or bus in NYC, riders must either buy a MetroCard or utilize a contactless credit or debit card, smartphone, or OMNY card; and

Whereas, The fares for most riders increased in August 2023 on subways and local, limited, and Select Bus Service throughout NYC from \$2.75 to \$2.90, and for Express Bus service from \$6.75 to \$7; and

Whereas, One free transfer from subway to bus, bus to subway, or bus to bus within two hours of paying the fare is encoded on the device or the MetroCard used; and

Whereas, Despite the one free transfer, many people are faced with longer and complex trips that ultimately require additional transfers, which then increases the price of the total trip, as riders are forced to pay additional fares; and

Whereas, Increases in costs to riders who have to pay additional fares due to the one free transfer policy has exacerbated impacts on specific groups throughout the City, as a 2021 TransitCenter study found that, for the New York region, which includes NYC: transit provides less access to opportunities for Black and Latinx

residents than other residents; transportation and development patterns create longer transit trips to healthcare and food; and expensive fares put opportunity out of reach for some riders; and

Whereas, These impacts have most likely increased since 2021, as the MTA has fallen into a worse budget deficit, with current projections, as of December 2022, indicating that there is a \$600 million deficit that MTA officials have stated that they need to fill with additional state and city funds, otherwise this could lead to fare hikes, spending cuts and service reductions; and

Whereas, S.627, sponsored by NYS Senator Leroy Comrie, and A.774, sponsored by NYS Assemblymember Jeffrey Dinowitz, have been introduced at the state level to ensure that riders of the MTA system do not incur extra costs due to complex trips and a lack of an additional free transfer with the establishment of a “two free transfers policy,” provided that the MTA shall not pay any costs related to the policy from its operating or capital budgets and may only implement the policy with funds appropriated by the state; and

Whereas, Although these bills will provide some relief to riders, many riders need more than two free transfers, thus, legislation should be adopted that would require the MTA to expand the one free transfer policy to unlimited free transfers in an effort to ensure that riders who have complex and long trips via subway and bus throughout NYC do not have to pay more than riders with shorter and less complex trips; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the New York State Governor to sign, legislation, which would create unlimited transfers within the two-hour period of paying the Metropolitan Transportation Authority subway or bus fare for pay-per-ride users.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 1229

By Council Members Rivera, Marte, Restler, Brannan, Hanif, Cabán, Won and Hudson.

A Local Law to amend the administrative code of the city of New York, in relation to flood evacuation plans for tenants

Be it enacted by the Council as follows:

Section 1. Section 27-2005 of the administrative code of the city of New York is amended by adding a new subdivision h to read as follows:

h. The owner of a dwelling shall deliver or cause to be delivered to each tenant and prospective tenant of the dwelling, along with the lease or lease renewal form for such tenant or prospective tenant, and shall post and maintain in a common area of the building containing such dwelling, a notice, in a form developed or approved by the department, regarding the procedures that should be followed in the event of flooding. The notice may be combined with any existing required notices and must instruct tenants of evacuation protocol, including but not limited to the location of stairs and emergency exits.

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

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Res. No. 818

Resolution calling on the New York State Legislature to pass, and the New York State Governor to sign, S.7647/A.8029, which directs the Metropolitan Transportation Authority and the New York City Transit Authority to rename the 23rd Street Subway Station to the 23rd Street Baruch College Station.

By Council Members Rivera, Hanif and Hudson.

Whereas, In 1919, City College's School of Business and Civic Administration was established; and

Whereas, In 1953, the school was renamed to Baruch College, in honor of Bernard M. Baruch-a statesman, financier, and devoted alumnus, and in 1968, Baruch College became an independent senior college in The City University of New York (CUNY) system; and

Whereas, The location of Baruch College (23rd Street and Lexington Avenue) is significant, as it occupies the site of the Free Academy, which was the nation's first free public institution of higher education; and

Whereas, Baruch College offers 29 undergraduate majors, 60 undergraduate minors, and 56 graduate-level specializations/programs to a total of over 19,700 students through its three schools: the Zicklin School of Business-one of the largest and most respected business schools in the nation; the Mildred and George Weissman School of Arts and Sciences; and the Austin W. Marxe School of Public and International Affairs; and

Whereas, Baruch College also offers non-degree and certificate programs through the Division of Continuing and Professional Studies; and

Whereas, The 23rd Street Subway Station on Park Avenue is the nearest subway station to Baruch College; and

Whereas, Over the years, several CUNY colleges, including Brooklyn College, City College, Hunter College and Medgar Evers Community College, have had their nearest subway stations named after them; and

Whereas, As Baruch College has established a national and international reputation for academic excellence, the 23rd Street Subway Station should be renamed the 23rd Street Baruch College Station; and

Whereas, The Metropolitan Transportation Authority (MTA) has three requirements for renaming a station: not interfering with commuters' ability to travel through the system and identify the system; having a "compelling link" between the station and the sponsor; and the sponsor being responsible for paying the costs of making new signs, tiles and maps; and

Whereas, Baruch College fulfills all these requirements, and would also benefit from the increased presence of its name in the subways; and

Whereas, S.7647, sponsored by New York State (NYS) Senator Kristen Gonzalez, and A.8029, sponsored by NYS Assemblymember Harvey Epstein, would direct, upon determination that sufficient funds have been committed, the MTA and the NYC Transit Authority to rename the 23rd Street Subway Station to the 23rd Street Baruch College Station; 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 New York State Governor to sign, S.7647/A.8029, which directs the Metropolitan Transportation Authority and the New York City Transit Authority to rename the 23rd Street Subway Station to the 23rd Street Baruch College Station.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 1230

By Council Members Ung and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting smoking on sidewalks immediately adjoining parks, imposing civil penalties for violating such prohibition, and increasing civil penalties for smoking in parks

Be it enacted by the Council as follows:

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

3. Any park or other property under the jurisdiction of the department of parks and recreation, *and any sidewalk immediately adjoining such park*; provided, however, that this paragraph shall not apply to: (a) the sidewalks immediately adjoining [parks, squares and] public places *that are not parks*; (b) any pedestrian route through any park strip, median or mall that is adjacent to vehicular traffic; (c) parking lots; and (d) theatrical productions.

§ 2. Paragraph 3 of subdivision e of section 17-508 of the administrative code of the city of New York, as amended by local law number 147 for the year 2017 and redesignated by local law number 80 for the year 2021, is amended to read as follows:

3. Every person who violates subdivision d of this section [shall be] *is* liable for a civil penalty of [one hundred dollars] *\$100* for each violation, except that every person who violates subdivision d of this section by smoking[,] or using an electronic cigarette[,] in a pedestrian plaza as prohibited by paragraph [seven] 7 of subdivision c of section 17-503 [or] *is liable for a civil penalty of \$50 for each violation, and every person who violates subdivision d of this section by smoking or using an electronic cigarette* in a park or *on* other property under the jurisdiction of the department of parks and recreation, *or on any sidewalk immediately adjoining such park*, as prohibited by paragraph [three] 3 of subdivision d of section 17-503 [shall be] *is* liable for a civil penalty of [fifty dollars] *\$50* for [each] *a first violation and \$200 for each subsequent violation committed within a period of 12 months*. Every owner of a class A multiple dwelling who violates subdivision d-1 of this section, and every tenant-shareholder, condominium unit owner and tenant who violates subdivision d-2 of this section, [shall be] *is* liable for a civil penalty of [one hundred dollars] *\$100* for each violation, provided that a violation of paragraph [two] 2, [three] 3 or [four] 4 of subdivision d-1 [shall be] *is* considered a single violation regardless of whether such owner failed to disclose a smoking policy, to provide notification of adoption of such policy or a material change to such policy, or to make available copies of such policy to more than one person.

§ 3. This local law takes effect immediately.

Referred to the Committee on Health.

Int. No. 1231

By Council Members Williams and Riley.

A Local Law to amend the administrative code of the city of New York, in relation to the licensing of tire shops

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 38 to read as follows:

**SUBCHAPTER 38
TIRE SHOPS**

§ 20-565 *Definitions.*

§ 20-565.1 *Tire shop license; application; fee.*

§ 20-565.2 *Issuance of license.*

§ 20-565.3 *Denial, renewal, suspension and revocation of license.*

§ 20-565.4 *Display of license.*

§ 20-565.5 *Facilities and inspections.*

§ 20-565.6 *Rulemaking.*

§ 20-565 *Definitions. As used in this subchapter, the following terms have the following meanings:*

Tire. The term “tire” means a tire for use on motor vehicles that have a gross vehicle weight of ten thousand pounds or less.

Tire shop. The term “tire shop” means any individual, partnership, corporation, limited liability company, joint venture association or other business entity that predominately engages in the repair, retail, mounting and balancing, or alignment of tires. “Tire shop” shall not include:

1. Any business entity that is wholly or partially engaged in repairing or diagnosing motor vehicle malfunctions or repairing motor vehicle bodies or components other than tires and is required to register as a repair shop pursuant to article 12-A of the vehicle and traffic law; or
2. Any business that is wholly or partially engaged in selling or leasing motor vehicles and requires registration pursuant to article 16 of the vehicle and traffic law or pursuant to section 20-265; or
3. Any business that is wholly or partially engaged in towing or booting vehicles and requires a license pursuant to section 20-496 or section 20-531.

§ 20-565.1 *Tire shop license; application; fee.* a. License required. It shall be unlawful for any person to own, control or operate a tire shop without first having obtained a license for such business in the manner provided in this subchapter. All licenses issued pursuant to this subchapter shall be valid for no more than two years and expire on the date the commissioner prescribes by rule.

b. License application. An application for a license required under this subchapter or for any renewal thereof shall be made to the commissioner in such form or manner as the commissioner shall prescribe by rule, provided that such application shall include, but need not be limited to:

1. The name and address of the applicant;
2. An email address that the applicant monitors where the department can send license application materials, official notifications, and other correspondence;
3. If the applicant does not reside in the city, the name and address of a registered agent within the city upon whom process or other notification may be served; and
4. A signed statement certifying compliance with all applicable laws, regulations and rules including:
 - (a) that the applicant is in compliance with section 16-118;
 - (b) that the applicant is in compliance with section 16-122;
 - (c) that the applicant is in compliance with section FC 3401.2 of the New York city fire code;
 - (d) that the applicant is in compliance with section 4-12 of title 34 of the rules of the city of New York, regarding the use of roadways, or a successor provision; and
 - (e) that the applicant is in compliance with sections 27-1905 and 27-1913 of the environmental conservation law.

c. Fee. There shall be a biennial fee of \$200 for a license to operate a tire shop.

§ 20-565.2 *Issuance of license.* A license to operate a tire shop shall be granted in accordance with the provisions of this subchapter, chapter 1 of this title, and applicable rules of the commissioner.

§ 20-565.3 *Denial, renewal, suspension and revocation of license.* In addition to any powers of the commissioner and not in limitation thereof, the commissioner may deny or refuse to renew any license required under this subchapter and may suspend or revoke such license, after due notice and opportunity to be heard, if the applicant or licensee, or, where applicable, any of its officers or principals, directors, members, managers, employees or other ownership interest of the organization, is found to have:

1. Committed two or more violations of any provision of this subchapter or any rules promulgated thereunder in the preceding two years; or
2. Made a material false statement or concealed a material fact in connection with the filing of any application pursuant to this subchapter.

§ 20-565.4 *Display of license.* Each licensee shall conspicuously display a true copy of the license issued pursuant to this subchapter in close proximity to the main entrance door of each licensee’s tire shop in such a manner that the license is visible from outside the building where such center is located.

§ 20-565.5 *Facilities and inspections.* a. The commissioner may inspect a tire shop for violations of this subchapter and rules promulgated pursuant to this subchapter.

b. The commissioner may determine whether a tire shop operated pursuant to a license issued under this subchapter is suitable for the proper storage and handling of tires.

§ 20-565.6 Rulemaking. The commissioner shall promulgate such rules as the commissioner deems necessary to effectuate the provisions of this subchapter.

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

Referred to the Committee on Consumer and Worker Protection.

Int. No. 1232

By Council Members Williams, Stevens, Restler and Hudson.

A Local Law to amend the New York city charter, in relation to offering community service in lieu of civil penalties for certain littering violations

Be it enacted by the Council as follows:

Section 1. The opening paragraph and paragraphs (a) and (b) of subdivision 4 of section 1049 of the New York city charter, as added by local law number 73 for the year 2016, are amended to read as follows:

4. Notwithstanding any other provision of law, in the conduct of an adjudication relating to a natural person accused of committing a specified violation, as defined in paragraph (b) of this subdivision, an administrative law judge or a hearing officer shall offer the respondent the option to perform community service in lieu of a monetary civil penalty.

(a) For purposes of this section, the term “community service” means performing services for a public or not-for profit corporation, association, institution, or agency in lieu of payment of a monetary civil penalty. Such services may include, but are not limited to, attendance at programs, either in person or web-based, designed to benefit, improve, or educate either the community or the respondent.

(b) For purposes of this section, the term “specified violation” means a violation of: subparagraph (i) of paragraph 9 of subdivision a of section 533; section 10-125 of the administrative code; subdivision 1 of section 16-118 of the administrative code; *paragraph (a) of subdivision 2 of section 16-118 of the administrative code*; subdivision 6 of section 16-118 of the administrative code, with respect to the act of public urination; section 18-146 of the administrative code, excluding paragraphs 2, 3, 21, 23, and 24 of subdivision c; or subdivision (a) of section 24-218 of the administrative code. Specified violations shall not include violations arising during the course of conducting any commercial activity or violations arising from any activity carried out for a commercial purpose, except that a violation of paragraph 15 of section 18-146 of the administrative code is a specified violation, regardless of whether such violation arose during the course of conducting a commercial activity or from an activity carried out for a commercial purpose.

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

Referred to the Committee on Public Safety.

Res. No. 819

Resolution designating October as Youth Empowerment Month annually in the City of New York to recognize, appreciate, and celebrate the successes of young people and their contributions to school and community life.

By Council Members Williams, Riley, Stevens, Brooks-Powers and Hanif.

Whereas, New York City (NYC) youths and young adults up to 25 years of age have an important and constructive role to play in NYC communities; and

Whereas, According to the U.S. Department of Health and Human Services' *Key Substance Use and Mental Health Indicators in the United States: Results from the 2020 National Survey on Drug Use and Health*, herein called *National Survey*, about 17 percent of young people aged 12 to 25 said that they had felt depressed for at least one period of two weeks or longer during the past year and had also had issues with their sleeping, eating, energy, concentration, or feelings of self-worth; and

Whereas, According to the *National Survey*, the percentage of young people aged 12 to 25 experiencing depression has been on a steady rise since 2013; and

Whereas, According to the Mayo Clinic, social media can provide teens with support and a social network, which might help them avoid depression, but excessive use of social media can also increase anxiety and depression and expose them to bullying and peer pressure; and

Whereas, Looking for ways to reach out to young people to support them in resolving their day-to-day issues and, in the long run, in increasing their self-esteem is a necessary and valuable role for school and community leaders to play; and

Whereas, Many agencies and community leaders focus their efforts on young people who have been marginalized—including those living in underserved communities, those living in immigrant and low-income households, those caught in the epidemic of gun violence, and those struggling with personal issues—and rightly so; and

Whereas, According to Linette Townsley, Youth Services Committee Chair of Community Board 12 in Queens, NYC needs to pay attention to its young people who are excelling in school and giving back to the community, to recognize them and let them know that they are appreciated, and to guide them as they plan for their futures; and

Whereas, Many prominent organizations, NYC agencies, and community leaders have joined with Community Board 12 to plan, provide resources, or host activities for the first commemoration of Youth Empowerment Month in October, 2023, including the National Association for the Advancement of Colored People (NAACP), National Action Network, National Urban League, NYC Department of Youth and Community Development (DYCD), local pastors, and more; and

Whereas, Although the idea for Youth Empowerment Month was born in Queens, sponsors for this first Youth Empowerment Month have reached out to and brought in youth and supportive community leaders and organizations from every NYC borough; and

Whereas, Pastor Tina Booker, who founded Radikal4kidz, a youth outreach organization, praised the idea of a month devoted to young people and called for their involvement in choosing the kinds of events to be held during Youth Empowerment Month in years to come; and

Whereas, Events for Youth Empowerment Month can include college fairs, art installations, days of community service, documentary movie screenings, lectures and discussions on current issues, music and dance performances, block parties, resources such as those from the U.S. Small Business Administration for youth entrepreneurs that young people might not even be aware of, and more; and

Whereas, Every NYC community can and should find a local community leader to create its own Youth Empowerment Month agenda and find its own ways to celebrate its young people; and

Whereas, It is fitting that NYC take some time to focus its resources and energy on its young people, who hold the future of the City in their hands and who, when coming together, can inspire each other to continue doing great things; now, therefore, be it

Resolved, That the Council of the City of New York designates October as Youth Empowerment Month annually in the City of New York to recognize, appreciate, and celebrate the successes of young people and their contributions to school and community life.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Res. No. 820

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.1037/A.423 to require public schools to obtain prior written consent from parents or eligible students before releasing their personal information to third party contractors.

By Council Members Won, Joseph, Farías, Krishnan, Hanif, Gutiérrez, Hudson and Cabán.

Whereas, Currently, the New York City (NYC) Department of Education (DOE) shares students' names, parents' names, mailing addresses, ZIP codes, and grade levels with outside vendors; and

Whereas, The NYC DOE allows families to opt out of, rather than allowing them to opt into, the sharing of that information by filling out and submitting a form for each child by a specific deadline—a practice that has caused parents to complain about being targeted for marketing without their consent; and

Whereas, S.1037, introduced on January 9, 2023, by State Senator Robert Jackson, representing the 31st State Senate District in Manhattan, would amend the State education law to require the written consent of public school parents or eligible students before their personal information can be provided to a third party contractor (specifically, to a shared learning infrastructure service provider or a data dashboard operator), which might use that information for commercial gain; and

Whereas, Companion bill A.423, introduced on January 9, 2023, by State Assembly Member Harvey Epstein, representing the 74th State Assembly District in Manhattan, would provide for the same restriction on releasing personal data of public school students to third party contractors; and

Whereas, S.1037/A.423 would require the NYC DOE to change from using its opt-out system requiring parents to opt out of sharing their information by submitting a removal form to implementing an opt-in system requiring the NYC DOE to obtain written consent before sharing any personal information about students; 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.1037/A.423 to require public schools to obtain prior written consent from parents or eligible students before releasing their personal information to third party contractors, who might use that information for commercial gain.

Referred to the Committee on Education.

Preconsidered L.U. No. 280

By Council Member Salamanca:

Application number G 230035 CCK (Livonia4 Technical Correction) submitted by the New York City Department of Housing Preservation requesting a technical amendment to Council Resolution 433 for the year 2022 related to an Urban Development Action Area Project (UDAAP) pursuant to Section 694 of the General Municipal Law and an Article XI tax exemption pursuant to Section 577 of the Private Housing Finance Law, and related to property located at Livonia Avenue between Christopher Avenue and Mother Gaston Boulevard (Block 3811, Lots 17, 18, 19, 21, 23, 24, 25, 26, 27, and 124), Livonia Avenue between Sackman Street and Christopher Avenue (Block 3812, Lots 19, 20, 21, 22, and 121), Livonia Avenue between Powell Street and Sackman Street (Block 3813, Lot 115), Livonia Avenue between Thomas S. Boyland Street and Amboy Street (Block 3586, Lot 26), Borough of Brooklyn, Community District 16, Council District 42.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings, and Dispositions).

Preconsidered L.U. No. 281

By Council Member Salamanca:

Application number G 230036 XAM (506 West 135th Street ANCP) submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law and Article XI of the Private Housing Finance Law for approval of an Urban Development Action Area Project (UDAAP), and an exemption from real property taxes for property located at Block 1988, Lot 131; Block 1988, Lot 40; and Block 2070, Lot 26, Borough of Manhattan, Community District 9, Council District 7.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings, and Dispositions (preconsidered but laid over by the Subcommittee on Landmarks, Public Sitings, and Dispositions).

Preconsidered L.U. No. 282

By Council Member Salamanca:

Application number G 230037 NUK (Linden Gardens – UDAAP) submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for approval of an Urban Development Action Area Project (UDAAP) for property located at Blake Avenue (Block 4072, Lots 25 and 27), Essex Street (Block 4083, Lot 146), Jerome Street (Block 4078, Lot 11), Barbey Street (Block 4076, Lot 25), Livonia Avenue (Block 4074, Lot 39), Van Siclen Avenue (Block 4009, Lot 47; Block 4010, Lot 6), and Warwick Street (Block 4030, Lots 19 and 20), Borough of Brooklyn, Community District 5, Council Districts 37 and 42.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings, and Dispositions (preconsidered but laid over by the Subcommittee on Landmarks, Public Sitings, and Dispositions).

Preconsidered L.U. No. 283

By Council Member Salamanca:

Application number G 230038 XAK (Linden Gardens – Article XI) submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for approval of an exemption from real property taxes for property located at Milford Street & Logan Street (Block 4208, Lots 10, 35), Blake Avenue (Block 4072, Lots 25 and 27), Essex Street (Block 4083, Lot 146), Jerome Street (Block 4078, Lot 11), Barbey Street (Block 4076, Lot 25), Livonia Avenue (Block 4074, Lot 39), Van Siclen Avenue (Block 4009, Lot 47; Block 4010, Lot 6), and Warwick Street (Block 4030, Lots 19 and 20), Borough of Brooklyn, Community District 5, Council Districts 37 and 42.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings, and Dispositions (preconsidered but laid over by the Subcommittee on Landmarks, Public Sitings, and Dispositions).

Preconsidered L.U. No. 284

By Council Member Salamanca:

Application number C 230010 ZMK (534 Coney Island Avenue) submitted by Remica Property Group Corp., pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 22c, changing from a C8-2 District to an R7X District and establishing within the proposed R7X District a C2-4 District, Borough of Brooklyn, Community District 12, Council District 40.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

Preconsidered L.U. No. 285

By Council Member Salamanca:

Application number N 230011 ZRK (534 Coney Island Avenue) submitted by Remica Property Group Corp., pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 12, Council District 40.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

NEW YORK CITY COUNCIL

A N N O U N C E M E N T S

Monday, October 23, 2023

Committee on Consumer and Worker Protection

Marjorie Velázquez, Chairperson

Oversight - Lithium-Ion Battery, Powered Bicycle and Powered Mobility Device Safety.

Int 819 - By Council Members Brewer, Hanif, Joseph, Powers and Abreu - A Local Law to amend the administrative code of the city of New York, in relation to requiring the posting of lithium-ion battery safety guides in places of business and online retail platforms that sell powered mobility devices.

Int 822 - By Council Members Gutiérrez, Restler, Powers, Brewer, Abreu, Nurse and Avilés - **A Local Law** to amend the administrative code of the city of New York, in relation to establishing a battery safety certification for powered mobility device mechanics.

Int 998 - By Council Members Nurse, Avilés, Restler, Hanif and Riley - **A Local Law** to amend the administrative code of the city of New York, in relation to record keeping and reporting on the disposal of rechargeable batteries used for powered mobility devices.

Int 1163 - By Council Members Brewer, Stevens, Louis, Restler, Feliz and Abreu - **A Local Law** to amend the administrative code of the city of New York, in relation to third-party delivery workers and powered bicycle safety.

Int 1168 - By Council Members Feliz, Powers, Velázquez, Abreu, Joseph, Brewer, Louis, Marte, Brooks-Powers, Schulman, Restler, Ossé, Cabán and Borelli - **A Local Law** to amend the administrative code of the city of New York, in relation to safety standards for powered bicycles and powered mobility devices used for food delivery services.

Int 1220 - By Council Member Brewer, Powers and Rivera - **A Local Law** to amend the administrative code of the city of New York, in relation to creating licensing requirements for electric bicycle or scooter businesses.

Res 718 - By Council Members Powers, Avilés, Feliz, Velázquez, Restler, Yeger, Hanif, Brewer and Riley - **Resolution** calling on Congress to pass and the President to sign the *Setting Consumer Standards for Lithium-Ion Batteries Act*, which would promulgate consumer product safety standards with respect to rechargeable lithium-ion batteries used in micromobility devices.

Res 746 - By Council Members Brewer, Louis, Farías, Schulman and Abreu - **Resolution** calling on the New York State Assembly to pass A.4938-B and A.5310 and the Governor to sign A.4938-B/S.154-C and A.5310/S.157, which would set standards for lithium-ion batteries used in specific electric mobility devices and prohibit the sale of second-use lithium-ion batteries intended for use in a bicycle with electric assist, an electric scooter or a limited use motorcycle.

Committee Room – City Hall.....10:00 a.m.

Committee on Finance jointly with the
Committee on General Welfare and the
Committee on Oversight and Investigations

Justin Brannan, Chairperson
Diana I. Ayala, Chairperson
Gale A. Brewer, Chairperson

Oversight - Asylum Seeker Response Efforts - Costs and Projections.

Council Chambers – City Hall.....10:00 a.m.

Tuesday, October 24, 2023

Committee on Public Housing

Alexa Avilés, Chairperson

Oversight - RAD/PACT, The Trust, & The Future of NYCHA.

Int 646 - By Council Members Avilés, Louis, Cabán, Velázquez, Restler, Won, Hanif, Ossé, Ayala, Nurse, De La Rosa, Farías, Hudson, Krishnan, Gutiérrez and Narcisse - **A Local Law** in relation to a report on the permanent affordability commitment together program.

Int 648 - By Council Members Avilés, Feliz, Louis, Velázquez, Restler, Won, Hanif, Hudson, Brewer, Ossé, Farías, Ayala, Nurse, De La Rosa, Sanchez, Powers, Narcisse, Schulman, Bottcher, Krishnan, Gutiérrez, Cabán,

Menin, Ung, Marte, Rivera, Riley, Abreu, Brannan and Gennaro - **A Local Law** to amend the administrative code of the city of New York, in relation to reporting on vacant public housing dwelling units.
Committee Room – City Hall.....1:00 p.m.

Committee on Sanitation and Solid Waste Management Sandy Nurse, Chairperson

Oversight - The State of NYC Sanitation Workers’ Safety and Protections.
Int 978 - By Council Members Stevens, Louis, Schulman, Hudson, Marte, Abreu, Riley, Lee, Farías and Gutiérrez - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring large chain stores to donate nonsalable personal care products.
Int 1161 - By Council Members Abreu, Velázquez, Powers, Hudson, Nurse, Restler, Krishnan, Menin, Schulman, Stevens, Bottcher, Gutiérrez, Hanif, Marte and Ung - **A Local Law** to amend the administrative code of the city of New York, in relation to allowing reusable beverage containers in sports venues.
Council Chambers – City Hall.....1:00 p.m.

Wednesday, October 25, 2023

Committee on Women and Gender Equity Tiffany Cabán, Chairperson

Oversight - Microgrants for survivors of domestic and gender-based violence.
Council Chambers – City Hall.....10:00 a.m.

Committee on Contracts Julie Won, Chairperson

Int 982 - By Council Members Brannan, Yeger, Hanif and Brewer - **A Local Law** to amend the administrative code of the city of New York, in relation to interest to be paid on late contract payments to non-profit contractors.
Int 1048 - By Council Members Won, Menin and Riley - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the establishment of a document vault to store certain procurement-related documents.
Committee Room – City Hall.....1:00 p.m.

Committee on Education jointly with the Rita Joseph, Chairperson
Committee on Public Safety Kamillah Hanks, Chairperson

Oversight - New Safety Initiatives in NYC Public Schools.
Int 3 - By Council Members Ayala, Louis, Won, Riley, Restler and Joseph - **A Local Law** to amend the administrative code of the city of New York, in relation to the police department’s response to students in emotional crisis in public schools.
Council Chambers – City Hall.....1:00 p.m.

Thursday, October 26, 2023

Committee on Oversight and Investigations jointly with the Gale A. Brewer, Chairperson
Committee on Fire and Emergency Management and the Joann Ariola, Chairperson
Committee on Health and the Lynn C. Schulman, Chairperson
Committee on Housing and Buildings Pierina Ana Sanchez, Chairperson

Oversight - Mayor’s Management Report: Agency Performance on Inspections and Responses.
Council Chambers – City Hall.....10:00 a.m.

Monday, October 30, 2023

Committee on Finance

Justin Brannan, Chairperson

Int 1208 - By Council Member Ayala (by request of the Mayor) - **A Local Law** to amend the administrative code of the city of New York, in relation to extending the rate of the additional tax on the occupancy of hotel rooms.

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Council Chambers – City Hall.....10:00 a.m.

Committee on Fire and Emergency Management

Joann Ariola, Chairperson

Int 138 - By Council Members Yeger, Restler and Ariola - **A Local Law** to amend the administrative code of the city of New York, in relation to resource and training assistance to New York City’s community-based volunteer ambulance companies.

Int 903 - By Council Members Borelli, Ariola, Riley, Yeger and Schulman - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring provision of body armor to fire department employees providing emergency medical services.

Committee on Fire and Emergency Management (Cont.)

Int 904 - By Council Members Borelli, Ariola, Riley, Yeger, Schulman, Brewer and Richardson Jordan - **A Local Law** to amend the administrative code of the city of New York, in relation to providing de-escalation and self-defense training to fire department employees providing emergency medical services.

Committee Room – City Hall.....10:00 a.m.

Committee on Housing and Buildings

Pierina Ana Sanchez, Chairperson

Oversight – Preparing for Heat Season.

Committee Room – 250 Broadway, 14th Floor..... 10:00 a.m.

Tuesday, October 31, 2023

Committee on Cultural Affairs, Libraries & International Intergroup Relations

Chi A. Ossé, Chairperson

Oversight - An Update on the Percent for Art Program.

Committee Room – City Hall.....10:00 a.m.

Committee on Public Safety jointly with the Committee on Technology

Kamillah Hanks, Chairperson
Jennifer Gutiérrez, Chairperson

Oversight - NYPD’s Implementation of the Public Oversight of Surveillance Technology (POST) ACT.

Int 1193 – By Council Member Farías – **A Local Law** to amend the administrative code of the city of New York, in relation to the department of investigation’s oversight of the police department use of surveillance technology.

Int 1195 – By Council Members Hudson and Brewer – **A Local Law** to amend the administrative code of the city of New York, in relation to the establishment of a police department policy for using facial recognition technology and regular audits to ensure compliance.

Int 1207 – By Council Members Won and Marte – **A Local Law** to amend the administrative code of the city of New York, in relation to police department transparency in the use of surveillance technology.

Council Chambers – City Hall.....10:00 a.m.

Wednesday, November 1, 2023

Subcommittee on Zoning & Franchises

Kevin C. Riley, Chairperson

See Land Use Calendar

Committee Room – 250 Broadway, 16th Floor..... 11:00 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.....11:30 a.m.

Committee on Oversight and Investigations

Gale A. Brewer, Chairperson

Oversight – Mayor’s Management Report: Agency Performance in Delivering Housing & Services.

Council Chambers – City Hall.....1:00 p.m.

Thursday, November 2, 2023

Committee on Finance

Justin Brannan, Chairperson

Preconsidered Res ___ - By Council Member Brannan - Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Committee Room – City Hall.....10:00 a.m.

Stated Council Meeting

Council Chambers – City Hall.....Agenda – 1:30 p.m.

During the Communication from the Speaker segment of this meeting, the Speaker (Council Member Adams) expressed her condolences to Council Member Moya’s family on the passing of his beloved father Edgar. Mr. Edgar R. Moya died on October 2, 2023 at the age of 83. The Speaker (Council Member Adams) also noted that she had sent her regards to Governor Kathy Hochul on the recent death of her father. Mr. John “Jack” Courtney passed away on October 18, 2023 at the age of 87.

* * *

Whereupon on motion of the Speaker (Council Member Adams), the Majority Leader and Acting President Pro Tempore (Council Member Powers) adjourned these proceedings to meet again for the Stated Meeting on Thursday, November 2, 2023.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Note: For the transcript of these proceedings, please refer to the respective attachment section of items introduced or adopted at this Stated Meeting of October 19, 2023 on the New York City Council website at <https://council.nyc.gov>

Editor's Local Law Note: Int. Nos. 263-A, 760-A, 877-B, 949-A, 962-A, 969-A, 1017-A, 1066-A, 1080-A, and 1103-A, all adopted at the September 14, 2023 Stated Meeting, were **returned unsigned** by the Mayor on October 17, 2023. These items had become law on October 15, 2023 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Laws Nos. 128 to 137 of 2023, respectively.

Int. Nos. 349-A and Preconsidered Int. No. 1190, both adopted by the Council at the September 28, 2023 Stated Meeting, were **signed into law by the Mayor** on October 18, 2023 as, respectively, Local Law Nos. 138 and 139 of 2023.