**Finance Division Staff:**

Rebecca Chasan, Senior Counsel

Stephanie Ruiz, Assistant Counsel

Daniel Kroop, Senior Financial Analyst

John Basile, Senior Financial Analyst

Nevin Singh, Financial Analyst

Frank Sarno, Financial Analyst

A close up of a logo

Description automatically generated

**THE NEW YORK CITY COUNCIL**

**LATONIA MCKINNEY, DIRECTOR, FINANCE DIVISION**

**COMMITTEE ON FINANCE**

**HON. DANIEL DROMM, CHAIR**

**June 25, 2020**

**PROPOSED INT. NO. 1952-A:** By Council Members Gibson, Treyger, Lander, Brannan, Rosenthal, Kallos, Louis, Richards, Rose, Moya, Chin, Koo, Ampry-Samuel, Ayala, Adams and Menchaca

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the creation of a database to track the expenditure of funds in connection with COVID-19, and to provide for the repeal thereof

1. **Introduction**

On June 10, 2020, the Committee on Finance (Committee), chaired by Council Member Daniel Dromm, held a hearing to consider a piece of legislation relating to tracking COVID-19 expenditures by the City. At that hearing, the Committee heard testimony from a representative from the Mayor’s Office of Contract Services and members of the public. This is the second hearing on this bill, which was amended after introduction.

The bill to be considered by the Committee is the following: Proposed Int. No. 1952-A, sponsored by Council Member Vanessa Gibson, A Local Law to amend the administrative code of the city of New York, in relation to the creation of a database to track the expenditure of funds in connection with COVID-19, and to provide for the repeal thereof.

1. **Background**

The outbreak of the novel coronavirus, COVID-19, in the City of New York has resulted in a myriad of concerns for many New Yorkers, including loss of income and housing instability. The first case of COVID-19 in New York State was confirmed on March 1, 2020, an individual who contracted the virus while traveling in Iran, and then returned home to Manhattan.[[1]](#footnote-2) The second case was confirmed two days later.[[2]](#footnote-3)

On March 7, Governor Cuomo issued Executive Order No. 202 declaring a state disaster emergency for New York State, to remain in effect until September 7, 2020, in an effort to contain the spread of the virus.[[3]](#footnote-4) On March 11, the World Health Organization (WHO) characterized COVID-19 as a pandemic.[[4]](#footnote-5) On March 12, Mayor de Blasio issued Emergency Executive Order No. 98 declaring a state of emergency in New York City.[[5]](#footnote-6)

1. **COVID-19 Spending in New York City**

To date, the City has received approximately $2.8 billion in COVID-19 related funding, with obligations totaling approximately $2.3 billion. The budget includes funding received from federal, state or local sources, and the obligations represents the money that has been entered into a contract and has either been paid or will be paid at some point in the future. The agency with the largest COVID-19 budget is Department of Citywide Administrative Services with a current budget of $1.4 billion, or 52 percent, of the city’s total COVID-19 budget.

The chart below summarizes the budget and obligations for city agencies and offices as of May 8, 2020, as provided by the Council Finance Division.

**COVID-19 Spending in New York City**

|  |  |  |
| --- | --- | --- |
| **Agency** | **Budget** | **Obligations** |
| Department of Citywide Administrative Services | $1,442,521,255 | $1,235,900,027 |
| Office of Emergency Management | $379,000,000 | $317,117,340 |
| Department of Sanitation | $265,246,753 | $140,660,501 |
| Department of Design and Construction | $222,866,906 | $126,718,924 |
| Department of Small Business Services | $149,100,000 | $118,653,512 |
| Department of Health and Mental Hygiene | $125,633,592 | $72,664,165 |
| Department of Information Technology and Telecommunications | $88,063,646 | $71,025,795 |
| Department of Education | $0 | $53,956,971 |
| Fire Department | $8,307,997 | $45,112,211 |
| Department of Homeless Services | $50,000,000 | $36,738,699 |
| Department for the Aging | $7,387,407 | $25,331,399 |
| Police Department | $15,994,950 | $14,526,910 |
| Department of Social Services | $2,000,000 | $6,819,641 |
| Department of Transportation | $5,093,908 | $6,206,050 |
| Department of Correction | $0 | $5,115,072 |
| Department of Environmental Protection | $7,026,865 | $3,332,315 |
| Department of Parks and Recreation | $3,315,000 | $1,789,454 |
| Administration for Children's Services | $3,000,003 | $1,384,549 |
| District Attorney-Kings | $484,300 | $1,086,706 |
| District Attorney-New York | $0 | $945,990 |
| Mayoralty | $824 | $623,661 |
| Department of Buildings | $1,920,421 | $612,497 |
| Financial Information Services Agency | $0 | $566,688 |
| Department of Probation | $744,142 | $499,498 |
| Office of the Comptroller | $0 | $241,294 |
| Department of Finance | $0 | $239,982 |
| District Attorney-Queens | $18,286 | $217,054 |
| Department of Youth and Community Development | $366,581 | $166,865 |
| Department of Consumer Affairs | $174,483 | $136,493 |
| Office of Administrative Trials and Hearings | $0 | $119,010 |
| Office of Prosecution Special Narcotics | $0 | $84,695 |
| District Attorney-Richmond | $0 | $69,522 |
| Taxi and Limousine Commission | $58,613 | $63,724 |
| Civilian Complaint Review Board | $9,658 | $61,210 |
| Business Integrity Commission | $0 | $48,971 |
| Office of the Actuary | $0 | $24,979 |
| Office of Administrative Tax Appeals | $0 | $17,908 |
| Board of Correction | $0 | $6,349 |
| Equal Employment Practices Commission | $3,510 | $3,510 |
| Department or Records and Information Services | $2,533 | $2,533 |
| Department of Veterans' Services | $3,453 | $219 |
| Health and Hospitals Corporation | $0 | $0 |
| Housing Preservation and Development | $315,000 | $0 |
| Office of Payroll Administration | $0 | -$10,729 |
| **TOTAL** | **$2,778,660,086** | **$2,288,882,165** |

1. **Federal Stimulus Packages**

To date, Congress has passed four pieces of federal legislation appropriating funds to the federal government, states, and localities for purposes of funding direct, COVID-related expenses and addressing the financial impacts of the pandemic.

* 1. Phase 1 – Coronavirus Preparedness and Response Supplemental Appropriations Act

On March 6, 2020, the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 was signed into law and was the federal government’s initial response to the virus.[[6]](#footnote-7) The bill provided $8.3 billion in emergency funding for federal agencies to respond to COVID-19. The stimulus package included $20 million for the SBA disaster loans program to support SBA’s administration of loan subsidies that would be made available to entities financially impacted as a result of the coronavirus.[[7]](#footnote-8) The bill also included a waiver removing restrictions on Medicare providers allowing them to offer telehealth services to beneficiaries, at an estimated cost of $500 million.[[8]](#footnote-9)

According to U.S. Senator for New York, Charles E. Schumer, the legislation provided nearly $1 billion directly to state, local, and tribal governments to conduct public health preparedness and response activities, including: surveillance and monitoring; laboratory testing to identify new cases; tracing to identify additional positive cases; infection control at the local level to prevent new cases; and mitigation activities.[[9]](#footnote-10)

* 1. Phase 2 – Families First Coronavirus Response Act

On March 18, 2020, the Families First Coronavirus Response Act or FFCRA (H.R. 6201) was signed into law.[[10]](#footnote-11) The legislation included $3.5 billion to provide immediate relief to individuals and businesses impacted by the virus, and expanded the coverage for COVID-19 testing, paid sick and family leave, food assistance, and unemployment benefits.[[11]](#footnote-12) According to Senator Schumer, the FFCRA provided critical healthcare funding to states and designated approximately $5.3 billion to New York in the form of Federal Medical Assistance Percentages (FMAPs).[[12]](#footnote-13) FMAPs are used in determining the amount of federal matching funds for state expenditures for assistance payments for certain social services, and State medical and medical insurance expenditures.[[13]](#footnote-14)

Senator Schumer also announced that the legislation provided $1 billion in additional unemployment benefits to states, unlocking tens of millions of new dollars to help New York as the virus’s economic impacts risk taking effect.[[14]](#footnote-15) The legislation also provides states, including New York, $15 million for meals homebound seniors might require and $1 billion for free coronavirus testing, paid sick leave for workers, and food assistance.[[15]](#footnote-16)

* 1. Phase 3 – Coronavirus Aid, Relief, and Economic Security Act

On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act, or the CARES Act (H.R. 748) was enacted to provide an estimated $2.2 trillion stimulus package to battle the harmful effects of the COVID-19 pandemic.[[16]](#footnote-17) A few highlights of funding that will flow into the State and City budgets from the federal stimulus package are provided below.

* + 1. Direct Economic Stimulus Funding

The legislation provides $150 billion to use for expenditures incurred due to the public health emergency with respect to COVID-19 in the face of revenue declines.[[17]](#footnote-18) The distribution is based on population, and no state will receive a payment for Fiscal 2020 that is less than $1.3 billion.[[18]](#footnote-19) Approximately 45 percent of a state’s funds are set aside for local governments, with populations that exceed 500,000.[[19]](#footnote-20) New York is expected to receive an estimated $7.5 billion from the Coronavirus Relief Fund.[[20]](#footnote-21)

* + 1. Health Provisions

Of the $2.2 trillion, $140.4 billion was designated for HHS.[[21]](#footnote-22) Of the $140.4 billion in designated funding, New York State is estimated to receive an estimated $18 million from the CDC Emergency Grant.[[22]](#footnote-23)

* + 1. Human Services

Approximately, $6.3 billion was designated to the Administration for Children and Families (ACF).[[23]](#footnote-24) This funding was designated to go to a number of human services programs including $3.5 billion for the Child Care and Development Block Grant (CCDBG) to provide immediate assistance to childcare providers.[[24]](#footnote-25) Additionally, $900 million was designated for the Low-Income Home Energy Assistance Program (LIHEAP) to help families and to provide assistance.[[25]](#footnote-26) Of the designated funding, New York State is expected to receive $162 million for CCDBG Funding, and $28 million for LIHEAP.[[26]](#footnote-27)

* + 1. Education

Approximately, $30.8 billion was designated for an Education Stabilization Fund for states, school districts and institutions of higher education for costs related to COVID-19.[[27]](#footnote-28)

* + 1. Federal Emergency Management Agency (FEMA)

Approximately, $45 billion was designated for a Disaster Relief Fund.[[28]](#footnote-29) Of the $45 billion, $25 billion was designated for major disasters declared for certain states under the Stafford Act ￼and $45 million was designated for FEMA to expand information technology and communications capabilities and build capacity in response coordination efforts.[[29]](#footnote-30)

* + 1. Transportation

Approximately, $25 billion was allocated for the nation’s transit systems.[[30]](#footnote-31) Approximately $1 billion dollars was designated to Amtrak to ensure continued operations along the Northeast Corridor and long-distance routes.[[31]](#footnote-32) States will also receive a portion of this assistance to help meet their match obligations on state-supported routes. An estimated $3.8 billion in funding will go to the Metropolitan Transportation Authority.[[32]](#footnote-33)

* + 1. Agriculture

The CARES Act provided a number of food- and agriculture-related benefits.[[33]](#footnote-34) Among those benefits included approximately $15.5 billion to expand SNAP, $8.8 billion to children nutrition programs, and $450 million to The Emergency Food Assistance Program (TEFAP) to provide funding for commodities and distribution of emergency food assistance through community partners, including food banks.[[34]](#footnote-35)

* 1. Phase 3.5 - Paycheck Protection and Health Care Enhancement Act

On April 24, 2020, the Paycheck Protection Program and Health Care Enhancement Act (H.R. 266) was enacted to further respond to the COVID-19 outbreak by providing additional funding for small business loans, health care providers, and COVID-19 testing.[[35]](#footnote-36) The legislation provided $310 billion to the Paycheck Protection Program for small businesses, $100 billion to hospitals for aid and more testing capability, and $60 billion for small business disaster loans.[[36]](#footnote-37) The testing funding included in the legislation provided no less than $11 billion for states, localities, territories, tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes, of which, and no less than $750 million was allocated to tribes and tribal organizations, and no less than $4.25 billion be allocated to States, localities, and territories according to a formula based on the relative number of COVID-19 cases.[[37]](#footnote-38)

1. **Federal Stimulus Aid to New York City**

The Executive Financial Plan recognized approximately $2 billion in federal aid related to the COVID-19 pandemic, all of it in Fiscal 2020. The Plan allocated $594 million in CARES Act funding in agency budgets for spending related to COVID-19. The Plan budgeted an additional $800 million from the CARES Act as revenue. This allocation reimbursed the City for a portion of its prior Medicaid spending. The Plan also recognized new federal support through grants from the CDC as a part of the CARES Act.

The Plan also recognized $250 million in FEMA revenue for overtime reimbursement for uniformed agencies. Additionally, the Plan projects $1.6 billion in FEMA reimbursements across agencies in Fiscal 2020 for COVID-19 related expenses. According to current guidelines, FEMA will reimburse the City for 70 percent of its approved COVID-19 related spending. This funding will be reimbursed upon approval from FEMA.

With respect to FMAP allocations, the City budgeted for $498 million in FMAP funding through Medicaid for Fiscal 2020 and $444 million in Fiscal 2021.

1. **Previous Funding Trackers**

In the past, when the City has received large influxes of funding from outside sources as a result of an unexpected event, it has created online funding trackers to allow the public to monitor the progress and results of spending. Previous examples include trackers set up to track spending of federal stimulus funds after the Great Recession in 2008 and funds received after Hurricane Sandy in 2012. It is the goal of the City Council to establish a similar mechanism for funds provided to and spent by New York City as a result of COVID-19.

1. NYC Stat Stimulus Tracker

To respond to the financial crisis in 2008, President Barack Obama signed into law the American Recovery and Reinvestment Act of 2009 (ARRA), commonly referred to as the “Recovery Act” or “Stimulus Package” on February 17, 2009.[[38]](#footnote-39) The goals of the bill were achieved by providing an initial appropriation of $787 billion in tax cuts and benefits, funding for entitlement programs such as unemployment benefits, and funding for federal contract, grants, and loans.[[39]](#footnote-40) The following month, the New York City Mayor's Office of Operations and the New York City Department of Information Technology and Telecommunications created the NYC Stat Stimulus Tracker, an online database to help the public track federal stimulus funds appropriated to, and used by, New York City.[[40]](#footnote-41)

Not only was the Stimulus Tracker created rapidly, the Stimulus Tracker allowed New Yorkers to track the City's use of federal stimulus/recovery funds through interactive features and easy-to-read charts and graphs at project, contract, and payment levels.[[41]](#footnote-42) The tracker provided a funding summary, which gave an overview of all stimulus dollars allocated to date; funding details, which provided detailed information about projects and programs in each major category of stimulus funding; and the number of jobs created and maintained as a result of the Stimulus funding.[[42]](#footnote-43) New Yorkers were also to view projects occurring in locations throughout the city through the use of mapping technologies.[[43]](#footnote-44) The Stimulus Tracker allowed the public and government officials, to follow federal funding progress at project, contract, and payment levels and tied public outcomes to money spent

1. Hurricane Sandy Tracker

Similar to the Stimulus Tracker, in December of 2013, the City Council passed legislation that became Local Law 140, creating a database to track the expenditure of funds in connection with recovery efforts in the wake of Superstorm Sandy.[[44]](#footnote-45) Referred to as the Sandy Funding Tracker, the database was to improve transparency, accessibility of information and accountability for how Sandy funds are used.[[45]](#footnote-46) Additionally, the database was to be used to track key performance measurements such as jobs created and maintained.[[46]](#footnote-47)

The legislation required the City to establish a searchable, interactive online database to be updated monthly that includes summaries of the administration of Superstorm Sandy funds (defined as local, State, or federal funds in excess of $100,000 provided to a recipient to recover or rebuild from Superstorm Sandy).[[47]](#footnote-48) For each project (and construction, services or programs paid for with Sandy funds) the database was required to include information about the contractor, the project, and funding. The data provided for such projects was required to be aggregated by zip code.[[48]](#footnote-49) In order to track the companies earning money from the rebuilding effort and whether local companies and workers are being included in the process the legislation required various reporting on contracts and subcontracts. It also was required to provide data that would allow an analysis of job creation and retention relating to the rebuilding and resiliency effort.

1. **Legislative Analysis**
   1. Analysis of Proposed Int. No. 1952-A (sponsored by Council Member Gibson)

Proposed Int. 1952-A would require the City to create a public database on its website that would track expenditures of federal, state and local funds for addressing COVID-19, including city procurement contracts, grants and loans.

Section 1 of Proposed Int. No. 1952-A would renumber Section 6-138 of the administrative code of the city of New York, relating to reporting on the expenditure of hurricane Sandy funds, as added by local law number 140 for the year 2013, to Section 6-143 of the administrative code of the city of New York.

Section 2 of Proposed Int. No. 1952-A would require the Mayor to establish and maintain a public online searchable and interactive database on the city’s website. Such database would be required to include summaries of the administration of COVID-19 funds and be in a format that would allow automated processing and that is downloadable. The information contained in the database would be disaggregated by federal, state and local COVID-19 funds and include, but not be limited, to the following:

* For each COVID-19 expense expenditure, where applicable, the administering agency, the unit of appropriation, the budget code, the amount submitted for reimbursement, the amount reimbursed and the source of reimbursement;
* For each COVID-19 capital expenditure, where applicable, the administering agency, the budget line, the project identification number, the project description, the amount submitted for reimbursement, the amount reimbursed and the source of reimbursement;
* For each executed city procurement contract funded in whole or in part by COVID-19 funds, the awarding agency, the unit of appropriation, the budget code, the name and address of the contractor and, if known, subcontractors, the contract identification number, the purpose of the contract, the original contract value in dollars and any applicable contract modification value in dollars, the contract award method, the contract type, the contract start and end date and any revised contract end date, the original contract registration date and the registration date of any applicable contract modification, the status of any contractor and, if known, subcontractor, as a minority and women-owned business enterprise, the contract status, to the extent practicable the amount spent to date on the contract and, if known, subcontracts, and information on the value of the contract and, if known, subcontracts, eligible for reimbursement from a COVID-19 funds award; and
* For each grant or loan issuance associated with COVID-19 funds, the awarding agency, the recipient name, the recipient’s zip code, the grant or loan name, the purpose of the grant or loan, the grant or loan award amount, whether the grant or loan was subject to a selective award process and the nature of that process, the award status and information on the value of the grant or loan eligible for reimbursement from a COVID-19 funds award.

Section 2 would further require that to the extent that the city is awarded funding from any federal appropriation related to COVID-19 that is not covered in this section, the database would include the amount of such funds, disaggregated by source, and how such funds were allocated and expended by agency, unit of appropriation and budget code.

Section 2 also would provide that the database established by this local law would not be used to distribute information which, if disclosed, would jeopardize compliance with local, state or federal law, threaten public health, welfare, or safety, or harm the competitive economic position of a recipient. It would further provide that this local law would not create a private right of action to enforce its provisions, and that failure to comply with the provisions of this local law would not result in liability for the city. Lastly, Section 2 would require that the database be updated on a quarterly basis.

Section 3 of Proposed Int. No. 1952-A would provide that no reporting on any contract entered prior to the effective date of this local law would be required if the reporting requirements of this local law would require the city to collect information that is not available and that cannot be reasonably obtained.

Section 4 of Proposed Int. No. 1952-A would provide that if any provision of this local law, or its application, be adjudged by any court to be invalid or unconstitutional, such judgement would not impair or invalidate the remainder of the local law.

Section 5 of Proposed Int. No. 1952-A would provide that any data maintained pursuant to this local law would also be subject to the requirements of the Open Data Law.

Section 6 of Proposed Int. No. 1952 would provide that the local law takes effect 90 days after it becomes law, provided, however, that mayor may take such actions as are necessary for its implementation prior to such effective date. It further provides that Section 2 through Section 5 of this local law would expire and be deemed repealed 5 years after it becomes law.

Int. No. 1952-A

By Council Members Gibson, Treyger, Lander, Brannan, Rosenthal, Kallos, Louis, Richards, Rose, Moya, Chin, Koo, Ampry-Samuel, Ayala and Adams

..Title

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a database to track the expenditure of funds in connection with COVID-19, and to provide for the repeal thereof

..Body

Be it enacted by the Council as follows:

Section 1. Section 6-138 of the administrative code of the city of New York, relating to reporting on the expenditure of hurricane Sandy funds, as added by local law number 140 for the year 2013, is renumbered section 6-143.

§ 2. Title 6 of the administrative code of the city of New York is amended by adding a new section 6-144 to read as follow:

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

COVID-19. The term “COVID-19” means the 2019 novel coronavirus or 2019-nCoV.

COVID-19 expenditure. The term “COVID-19 expenditure” means any expense or capital expenditure by a city agency for services, goods or materials, programs or construction paid for, in whole or in part, with any COVID-19 funds, provided that such term shall only include personnel expenditures that are tracked as such for reimbursement.

COVID-19 funds. The term “COVID-19 funds” means any federal, state or local funds allocated to or expended by any city agency to provide assistance for responding to COVID-19, including, but not limited to, preventing the spread among the population, containing or treating COVID-19 or mitigating the direct or indirect effects of COVID-19.

Recipient. The term “recipient” means any person or entity, including any individual, sole proprietorship, public authority, partnership, association, joint venture, limited liability company, corporation or any other form of doing business, awarded COVID-19 funds.

b. 1. The mayor shall establish and maintain a public online searchable and interactive database on the website of the city that shall include summaries of the administration of COVID-19 funds as set forth in this section. The data included in such database shall be available in a format that permits automated processing and is downloadable, and shall be available without any registration requirement, license requirement or restrictions on their use, provided that the city may require a third party providing to the public any data from such database, or any application utilizing such data, to explicitly identify the source and version of the data, and a description of any modifications made to such data. The database shall include but not be limited to the following information, which shall, to the extent practicable, be disaggregated by federal, state and local COVID-19 funds, and, for federal funds, by the source of such funds:

(a) For each COVID-19 expense expenditure, where applicable, the administering agency, the unit of appropriation, the budget code, the amount submitted for reimbursement, the amount reimbursed and the source of reimbursement;

(b) For each COVID-19 capital expenditure, where applicable, the administering agency, the budget line, the project identification number, the project description, the amount submitted for reimbursement, the amount reimbursed and the source of reimbursement;

(c) For each executed city procurement contract funded in whole or in part by COVID-19 funds, the awarding agency, the unit of appropriation, the budget code, the name and address of the contractor and, if known, subcontractors, the contract identification number, the purpose of the contract, the original contract value in dollars and any applicable contract modification value in dollars, the contract award method, the contract type, the contract start and end date and any revised contract end date, the original contract registration date and the registration date of any applicable contract modification, the status of any contractor and, if known, subcontractor, as a minority and women-owned business enterprise, the contract status, to the extent practicable the amount spent to date on the contract and, if known, subcontracts, and information on the value of the contract and, if known, subcontracts, eligible for reimbursement from a COVID-19 funds award; and

(d) For each grant or loan issuance associated with COVID-19 funds, the awarding agency, the recipient name, the recipient’s zip code, the grant or loan name, the purpose of the grant or loan, the grant or loan award amount, whether the grant or loan was subject to a selective award process and the nature of that process, the award status and information on the value of the grant or loan eligible for reimbursement from a COVID-19 funds award.

2. To the extent that the city is awarded funding from any federal appropriation related to COVID-19 that is not covered by paragraph 1 of subdivision b of this section, the database shall include the amount of such funds, disaggregated by source, and how such funds were allocated and expended by agency, unit of appropriation and budget code.

c. Notwithstanding any other provision of this section the database required by subdivision b of this section shall not be used to distribute information which, if disclosed, would jeopardize compliance with local, state or federal law, threaten public health, welfare, or safety, or harm the competitive economic position of a recipient.

d. The database prescribed in subdivision b of this section shall be updated each quarter within 30 days of the end of such quarter.

e. This section shall not be construed to create a private right of action to enforce its provisions. Failure to comply with this section shall not result in liability for the city. The city shall not be deemed to warranty the completeness, accuracy, content or fitness for any particular purpose or use of any information provided by the city pursuant to this section, including but not limited to information provided to the city by a third party or information provided by the city that is based upon information provided by a third party.

§ 3. Section 6-144 of the administrative code of the city of New York, as added by section two of this local law, shall not require reporting on any contracts entered into prior to the effective date of this local law where the reporting requirements of this local law would require collecting information that is not available to the city, and cannot reasonably be obtained by the city.

§ 4. If any provision of section 6-144 of the administrative code of the city of New York, as added by section two of this local law, or the application thereof shall for any reason be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not effect, impair or invalidate the remainder of such section.

§ 5. Data maintained pursuant to section 6-144 of the administrative code of the city of New York, as added by section two of this local law, shall also be subject to chapter 5 of title 23 of such administrative code, where such chapter is otherwise applicable.

§ 6. This local law shall take effect 90 days after it becomes law, provided, however, that mayor may take such actions as are necessary for its implementation prior to such effective date, and provided further that sections two through five of this local law shall expire and be deemed repealed 5 years after it becomes law.

NAB/SR/RKC

LS #14948/15099

6/17/20 11:07pm

1. Governor Cuomo Issues Statement Regarding Novel Coronavirus in New York, Mar. 1, 2020, *available at*: <https://www.governor.ny.gov/news/governor-cuomo-issues-statement-regarding-novel-coronavirus-new-york>. [↑](#footnote-ref-2)
2. New York City Department of Health, New York City Confirms A Second COVID-19 Case, Mar. 3, 2020, available at <https://www1.nyc.gov/site/doh/about/press/pr2020/city-confirms-second-covid-19-case.page>. [↑](#footnote-ref-3)
3. New York State, Governor Andrew M. Cuomo, Executive Order No. 202: Declaring a Disaster Emergency in the State of New York, <https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/EO_202.pdf> [↑](#footnote-ref-4)
4. Press Release, World Health Organization, WHO Director-General's opening remarks at the media briefing on COVID-19 (March 11, 2020), available at <https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020> (last accessed on March 20, 2020). [↑](#footnote-ref-5)
5. New York City, Mayor Bill de Blasio, Executive Order No. 98: Declaration of Local State Emergency (March 12, 2020), available at <https://www1.nyc.gov/assets/home/downloads/pdf/executive-orders/2020/eeo-98.pdf> (last accessed on March 19, 2020). [↑](#footnote-ref-6)
6. # *See* Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020, Public Law No. 116-123, available at <https://www.congress.gov/bill/116th-congress/house-bill/6074> (last accessed on April 2, 2020).

   [↑](#footnote-ref-7)
7. *See* Kaiser Family Foundation, Stephanie Oum, Adam Wexler and Jennifer Kates, *Summary of the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020,* available at <https://www.kff.org/global-health-policy/issue-brief/the-u-s-response-to-coronavirus-summary-of-the-coronavirus-preparedness-and-response-supplemental-appropriations-act-2020/> (last accessed on April 2, 2020). [↑](#footnote-ref-8)
8. *See id.* [↑](#footnote-ref-9)
9. United States Senator for New York, Charles E. Schumer, *Coronavirus, COVID-19: What’s Being Done*, available at [https://www.schumer.senate.gov/coronavirus/whats-being-](file://\\nycc-files\fin_vol1\Legal%20Unit\Finance%20Committee\Finance%20Committee%20Hearings\FY20\06-25-20%20(VOTE-LU%20item,%20COVID%20Tracker,%20interest%20rate%20deferrals,%20and%20interest%20and%20discount%20rates)\PROPOSED%20INT.%20NO.%201974-A:By%20The%20Public%20Advocate%20(Mr.%20Williams),%20and%20Council%20Members%20Kallos,%20Lander,%20Adams%20and%20Ayala%20%20%20%20TITLE:%20A%20local%20law%20to%20authorize%20adoption%20by%20resolution%20of%20an%20interest%20rate%20for%20nonpayment%20of%20taxes%20on%20real%20property%20with%20an%20assessed%20value%20of%20two-hundred%20and%20fifty%20thousand%20dollars%20or%20less%20in%20fiscal%20year%202021%20for%20property%20owners%20adversely%20affected%20by%20COVID-19)done (last accessed on April 7, 2020). [↑](#footnote-ref-10)
10. ### *See* Families First Coronavirus Response Act, Public Law No: 116-127, available at <https://www.congress.gov/116/plaws/publ127/PLAW-116publ127.htm> (last accessed on April 2, 2020).

    [↑](#footnote-ref-11)
11. *See id.*  [↑](#footnote-ref-12)
12. *See* United States Senator for New York, Charles E. Schumer, AFTER SCHUMER’S SUCCESSFUL PUSH TO INCLUDE NY-SPECIFIC MEASURES INTO FIRST-OF-ITS-KIND CORONAVIRUS BILL, SENATE PASSES FMAP LEGISLATION, UNLOCKING OVER $6 BILLION FOR NYS – THE MOST OF ANY STATE –AND MILLIONS FOR COUNTIES, TO SUPPORT NY’S FIGHT TO CONTAIN CORONAVIRUS SPREAD & COVER MOUNTING LOCAL COSTS (March 18, 2020), available at <https://www.schumer.senate.gov/newsroom/press-releases/after-schumers-successful-push-to-include-ny-specific-measures-into-first-of-its-kind-coronavirus-bill-senate-passes-fmap-legislation-unlocking-over-6-billion-for-nys_the-most-of-any-state-and-millions-for-counties-to-support-nys-fight-to-contain-coronavirus-spread-and-cover-mounting-local-costs> (last accessed on April 6, 2020). [↑](#footnote-ref-13)
13. *See* U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation, FEDERAL MEDICAL ASSISTANCE PERCENTAGES OR FEDERAL FINANCIAL PARTICIPATION IN STATE ASSISTANCE EXPENDITURES   
    FMAP (March 1, 2015), available at <https://aspe.hhs.gov/federal-medical-assistance-percentages-or-federal-financial-participation-state-assistance-expenditures> (last accessed on April 7, 2020). [↑](#footnote-ref-14)
14. *See* Kaiser Family Foundation, Federal Medical Assistance Percentage (FMAP) for Medicaid and Multiplier, available at <https://www.kff.org/medicaid/state-indicator/federal-matching-rate-and-multiplier>

    (last accessed on April 7, 2020). [↑](#footnote-ref-15)
15. *See id.* [↑](#footnote-ref-16)
16. *See* Coronavirus Aid, Relief, and Economic Security Act or the CARES Act, Public Law No. 116-136, available at <https://www.congress.gov/bill/116th-congress/house-bill/748/text?loclr=bloglaw> (last accessed on April 10, 2020). [↑](#footnote-ref-17)
17. *See* National Conference of State Legislatures, *COVID-19 Stimulus Bill: What It Means for States*, available at <https://www.ncsl.org/Portals/1/Documents/statefed/COVID-19-Stimulus-Bill_3-27-20.pdf> (last accessed on April 2, 2020). [↑](#footnote-ref-18)
18. *See id.*  [↑](#footnote-ref-19)
19. *See id.*  [↑](#footnote-ref-20)
20. *See* United States Senator for New York, Charles E. Schumer, WITH SENATE PASSAGE OF “CORONA 3” EMERGENCY LEGISLATION, SCHUMER DELIVERS $40 BILLION+ TO NEW YORK & ITS CITIZENS; SENATOR SAYS FINAL DEAL PUTS WORKERS & FAMILIES FIRST, WHILE SUPPORTING PUBLIC HEALTH EFFORTS & INSTITUTIONS VITAL TO COMBATING THE VIRUS (March 25, 2020), available at https://www.schumer.senate.gov/newsroom/press-releases/with-senate-passage-of-corona-3-emergency-legislation-schumer-delivers-40-billion-to-new-york-and-its-citizens-senator-says-final-deal-puts-workers\_families-first-while-supporting-public-health-efforts--institutions-vital-to-combating-the-virus (last accessed on April 6, 2020) [↑](#footnote-ref-21)
21. *See COVID-19 Stimulus Bill: What It Means for States, supra* note 17*.*  [↑](#footnote-ref-22)
22. *See* United States House Representative Sean Patrick Maloney for New York’s 18th District, *Coronavirus Emergency Response,* available at<https://seanmaloney.house.gov/coronavirus-emergency-response> (last accessed on April 6, 2020). [↑](#footnote-ref-23)
23. *See COVID-19 Stimulus Bill: What It Means for States, supra* note 17. [↑](#footnote-ref-24)
24. *See id.* [↑](#footnote-ref-25)
25. *See id.* [↑](#footnote-ref-26)
26. *See Coronavirus Emergency Response, supra* note 22*.* [↑](#footnote-ref-27)
27. *See COVID-19 Stimulus Bill: What It Means for States, supra* note 17*.*  [↑](#footnote-ref-28)
28. *See id.* [↑](#footnote-ref-29)
29. *See id.* [↑](#footnote-ref-30)
30. *See id.* [↑](#footnote-ref-31)
31. *See id.* [↑](#footnote-ref-32)
32. *See* United States House Representative Sean Patrick Maloney for New York’s 18th District, *CARES Act: New York Impact*, available at <https://seanmaloney.house.gov/sites/seanmaloney.house.gov/files/CARES%20ACT-%20NEW%20YORK%20IMPACT.pdf> (last accessed on June 9, 2020). [↑](#footnote-ref-33)
33. *See id.* [↑](#footnote-ref-34)
34. *See* *CARES Act: New York Impact*, *supra* note 32. [↑](#footnote-ref-35)
35. *See* Paycheck Protection Program and Health Care Enhancement Act, Public Law No. 116-139, available at <https://www.congress.gov/bill/116th-congress/house-bill/266> (last accessed on June 8, 2020). [↑](#footnote-ref-36)
36. *See* National Conference of State Legislatures, Tres York and Haley Nicholson, [*A Quick Review of the Paycheck Protection Program and Health Care Enhancement Act,* available at https://www.ncsl.org/blog/2020/04/22/a-quick-review-of-the-paycheck-protection-program-and-health-care-enhancement-act.aspx](https://www.ncsl.org/blog/2020/04/22/a-quick-review-of-the-paycheck-protection-program-and-health-care-enhancement-act.aspx) (last accessed on June 8, 2020). [↑](#footnote-ref-37)
37. *See id.* [↑](#footnote-ref-38)
38. *See* Pub.L. 111–5, 123 Stat. 115 (Feb 17, 2009). [↑](#footnote-ref-39)
39. *See id*. In 2011, the original expenditure estimate of $787 billion was increased to $840 billion to be in line with the President's 2012 budget and with scoring changes made by the Congressional Budget Office since the enactment of the Recovery Act. Since its enactment in February 2009, $803.1billion has been paid out. *See* the Recovery.gov website, Home, available at <http://www.recovery.gov/Pages/default.aspx>

    (last accessed November 11, 2013). [↑](#footnote-ref-40)
40. *See* NYC Stat Stimulus Tracker, available at <http://www.nyc.gov/html/ops/nycstim/html/home/home.shtml> (last accessed November 11, 2013). [↑](#footnote-ref-41)
41. *See id.* [↑](#footnote-ref-42)
42. *See id.* [↑](#footnote-ref-43)
43. *See id.* [↑](#footnote-ref-44)
44. *See* The New York City Council Website, available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1419832&GUID=5902C0D5-CDF7-492C-AD73-DFA089487BCC> [↑](#footnote-ref-45)
45. *See id.* [↑](#footnote-ref-46)
46. *See id.* [↑](#footnote-ref-47)
47. *See* Administrative Code §6-138(a)(1). [↑](#footnote-ref-48)
48. *See* Administrative Code §6-138(b)(1). [↑](#footnote-ref-49)