

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2021**

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**No. 83**

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Introduced by Council Members Rodriguez, the Speaker (Council Member Johnson), Feliz, Kallos, Lander, Chin, Brooks-Powers, Barron, Rivera, Louis and Rose (in conjunction with the Brooklyn Borough President).

**A LOCAL LAW**

**To amend the New York city charter, in relation to the establishment of an office of ethnic and community media and requirements regarding agency spending on advertising**

*Be it enacted by the Council as follows:*

Section 1. The New York city charter is amended by adding a new chapter 77 to read as follows:

*CHAPTER 77*

*OFFICE OF ETHNIC AND COMMUNITY MEDIA*

*§ 3300. Office of ethnic and community media; executive director. There shall be an office of ethnic and community media. Such office may, but need not, be established in the executive office of the mayor and may be established as a separate office, within any other office of the mayor or within any department, the head of which is appointed by the mayor. Such office shall be headed by an executive director of ethnic and community media who shall be appointed by the mayor or, if the office is established within a department, designated by the head of such department.*

*§ 3301. Definitions. As used in this chapter, the following terms have the following meanings:*

*Ethnic and community media outlet. The term “ethnic and community media outlet” means any media outlet that:*

*(1) serves particular communities of people based on native language, race, color, gender, national origin, ethnicity, religion, sexual orientation, disability or immigrant status;*

*(2) targets a discrete neighborhood, geographic region or population within the city rather than the city as a whole; or*

*(3) falls within a specifically tailored subject matter, as determined by the executive director.*

*Executive director. The term “executive director” means the executive director of ethnic and community media.*

*Mayoral agency. The term “mayoral agency” means (i) any agency the head of which is appointed by the mayor, (ii) any agency headed by a board, commission or other multi-member body, the majority of the membership of which is appointed by the mayor and (iii) the office of the mayor.*

*Media outlet. The term “media outlet” means a publication that provides news or other media content through print or digital means, and any television or radio outlet.*

*§ 3302. Powers and duties. The executive director shall have the power and duty to perform the following functions related to ethnic and community media:*

*a. Advise and assist the mayor in coordinating the communication of government-related information to the public.*

*b. Facilitate communication between mayoral agencies to assist such agencies in delivering consistent information via community and ethnic media outlets to the public.*

*c. Monitor mayoral agencies’ distribution of advertising resources in accordance with section 3303.*

*d. Assist public entities, including but not limited to the department of education, the New York city health and hospitals corporation and the New York city housing authority in their discretionary efforts to satisfy the requirements set forth in section 3303.*

*e. Develop and maintain a list of ethnic and community media outlets for mayoral agencies to use at their discretion. The executive director shall publish guidelines setting forth a process for the development of this list.*

*f. Create forms for requests for waivers pursuant to section 3303.*

*g. During the calendar year beginning January 1, 2022 and at least once each year thereafter, prepare and submit to the mayor and the speaker of the council a report on the annual advertising for the preceding fiscal year of each mayoral agency, the department of education, the New York city health and hospitals corporation and the New York city housing authority, and with respect to each such entity, such report shall include, but need not be limited to, the total amount paid by each entity to media outlets for advertising and the total amount each entity paid to ethnic and community media outlets for advertising. With respect to mayoral agencies, such report shall include any waivers issued pursuant to section 3303. The department of education and mayoral agencies shall provide appropriate data to the office of ethnic and community media to complete such report. In developing such report, the department shall seek the cooperation and assistance of the New York city housing authority and the New York city health and hospitals corporation.*

*h. Hold at least one annual training for city officers and employees responsible for purchasing advertising.*

*i. Delegate these powers and duties to any individuals designated in writing as deputies of the executive director.*

*§ 3303. Advertising on ethnic and community media. a. Each mayoral agency shall seek to direct at least 50 percent of its total spending on advertising to ethnic and community media outlets, provided that a mayoral agency may apply to the executive director for an annual waiver of this goal. Any such application shall provide a particularized explanation regarding the public purpose that would be served by the issuance of a waiver. If a waiver is granted by the executive director, it shall be posted on a website managed or operated by the city together with the explanation for the waiver.*

*b. To the extent subdivision a of this section conflicts with a mayoral agency's obligation to issue notices required by law to be posted or distributed in media outlets, the terms of subdivision a of this section shall not apply. In implementing the requirements of subdivision a of this section, a mayoral agency shall omit the publication cost of such legally required notices from its total advertising budget before calculating its required ethnic and community media outlet spending pursuant to subdivision a.*

*§ 3304. Deputies. The executive director may appoint deputies and staff within available appropriations. One of these positions shall be a citywide marketing director, who shall report to the executive director.*

§ 2. This local law takes effect 45 days after it becomes law.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on June 17, 2021 and returned unsigned by the Mayor on July 19, 2021.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 83 of 2021, Council Int. No. 2313-A of 2021 to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.