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Title: A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to advancing gender, racial, sexual orientation and income equity

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Attachments: 1. Summary of Int. No. 2192, 2. Int. No. 2192, 3. December 17, 2020 - Stated Meeting Agenda with Links to Files, 4. Hearing Transcript - Stated Meeting 12-17-20, 5. Minutes of the Stated Meeting - December 17, 2020

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Int. No. 2192

By Council Members Rosenthal, Dromm, Kallos, Adams, Cornegy and D. Diaz

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to advancing gender, racial, sexual orientation and income equity

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 16 of the New York city charter, as amended by local law number 177 for the year 2017, is amended to read as follows:

a. 1. For purposes of this section, the term "gender" includes actual or perceived sex and [shall] also [include] includes a person's gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the legal sex assigned to that person at birth.

2. The mayor shall submit an annual report to the council, borough presidents, and community boards

analyzing the social, economic and environmental health of the city, including any disparities among populations including gender, racial groups, income groups and[,] sexual orientation, where relevant data is available, and proposing strategies for addressing the issues raised in such analysis. The report shall present and analyze data on the social, economic and environmental conditions, and gender, racial, and income disparities, and[,] disparities relating to sexual orientation, as available, as well as other disparities as may be identified by the mayor within such conditions, which may include, national origin, citizenship status, age, and disability status, where relevant data is available, which are significantly related to the jurisdiction of the agencies responsible for the services specified in section [twenty seven hundred four,] 2704, the health and hospitals corporation, and such other agencies as the mayor shall from time to time specify.

3. The report shall include the generally accepted indices of economic security and mobility, poverty, education, child welfare, housing affordability and quality, homelessness, health, physical environment, transportation, criminal justice and policing, civic participation, public employment and such other indices as the mayor shall require by executive order or the council shall require by local law, including where possible generally accepted data or indices regarding gender, racial, and income-based disparities and disparities relating to sexual orientation, as available, within each indexed category of information, in addition to disparities based upon other population characteristics that may be identified by the mayor. The report shall include both citywide equity metrics and data for each agency, with such metrics and data disaggregated by race, gender and, where relevant data is available, income and sexual orientation, regarding: (i) residents served; (ii) service locations and the available demographic characteristics of the areas served by location of service delivery; (iii) diversity in employment and hiring; (iv) contract utilization by domain and Minority and Women-Owned Business Enterprises distribution; and (v) key internal practices designed to ensure equitable service delivery, including any specialized positions, committees or programs.

4. Such report shall be submitted no later than [sixty] 60 days before the community boards are required to submit budget priorities pursuant to section [two hundred thirty] 230 and shall contain: [(1)] (i) the

reasonably available statistical data, for the current and previous five years, on such conditions in the city and, where possible, in its subdivisions disaggregated by gender, racial group, and income group, and sexual orientation to the extent that such data is available; and a comparison of this data with such relevant national, regional or other standards or averages as the mayor deems appropriate; [(2)] (ii) a narrative discussion of the differences and the disparities in such conditions by gender, racial group and income group, and sexual orientation, as available, and among the subdivisions of the city and of the changes over time in such conditions; and [(3)] (iii) the mayor's short and long term plans, organized by agency or by issue, for responding to the significant problems and disparities evidenced by the data presented in the report.

§ 2. Section 3-160 of the administrative code of the city of New York, as added by local law number 174 for the year 2017, is amended to read as follows:

§ 3-160 Equity assessments. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Agency. The term “agency” has the same meaning as such term is defined in section 1150 of the charter and includes the offices of the borough presidents, the comptroller and the public advocate.

Equity assessment. The term “equity assessment” means a systematic process of identifying policies and practices that may be implemented to address disparate outcomes on the basis of, at a minimum, gender, race, income, and sexual orientation, and any other relevant population characteristics that may be identified by the mayor.

Gender. The term “gender” includes actual or perceived sex and [shall] also [include] includes a person’s gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the legal sex assigned to that person at birth.

[Relevant city agencies.] The term “relevant city agencies” means the department of health and mental hygiene, the administration for children’s services, the department of social services and any other agencies

designated by the mayor.]

Sexual orientation. The term “sexual orientation” means an individual's actual or perceived romantic, physical or sexual attraction to other persons, or lack thereof, on the basis of gender. A continuum of sexual orientation exists and includes, but is not limited to, heterosexuality, homosexuality, bisexuality, asexuality and pansexuality.

b. Equity assessment. Not later than July 1, [2018, relevant city agencies] 2021, each agency shall complete gender, racial, and income equity assessments, and where relevant data is available, a sexual orientation equity [assessments] assessment, of [their] the agency’s actions, procedures, services and programs, employment, contracting practices, rulemaking and budgeting. Such assessments shall be submitted to the mayor, in a format and manner determined by the mayor’s office of operations or other city office that the mayor may designate.

c. Equity action plan. Not later than January 1, [2019, the relevant city] 2022, agencies shall:

1. Identify, and create a plan to address, any disparate outcomes based on gender, race, and income, and sexual orientation to the extent that relevant data is available, and any other population characteristics examined as part of equity assessments conducted by such agencies; and

2. Submit to the mayor a plan to address any disparate outcomes identified.

d. Reporting requirement. Not later than July 1, [2019] 2022, and no later than July 1 every two years thereafter, [the relevant city] agencies shall report to the speaker and the mayor on efforts they have undertaken to implement their equity action plans. Such reports shall be made publicly available online.

e. Equity committee.

1. There shall be an equity committee created to:

(a) make recommendations to [the relevant city] agencies, after seeking input from other employees and officials of the city having the necessary expertise, with respect to the nature and scope of equity assessments, and the development and implementation of equity action plans;

- (b) review publicly available reports required pursuant to subdivision d of this section; and
- (c) make recommendations to the mayor and speaker based on such reports.

2. The committee shall consist of at least five members. The mayor shall appoint four members, including the chair of the committee, and the speaker shall appoint one member. Appointments to the committee shall occur within 90 days of the effective date of this section. Any vacancy in membership shall be filled in the same manner as the original appointment. The mayor shall have the discretion to appoint agency officials and outside experts to the committee, including, but not limited to, members of the commission on human rights and the commission on gender equity. Prior to the completion of the action plans, the committee shall meet as often as needed, as determined by the committee in consultation with the mayor, but not less than twice annually. The committee shall cease to exist following its submission to the mayor and the speaker of any recommendations it may make following its review of the third report required pursuant to subdivision d of this section.

§ 3. This local law takes effect immediately.

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12/7/20