

THE COUNCIL

Minutes of the Proceedings for the

STATED MEETING

of

Thursday, November 19, 2020, 1:43 p.m.

held remotely via video-conference

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

Council Members

Corey D. Johnson, *Speaker*

Adrienne E. Adams	Barry S. Grodenchik	Ydanis A. Rodriguez
Diana Ayala	Robert F. Holden	Deborah L. Rose
Inez D. Barron	Ben Kallos	Helen K. Rosenthal
Joseph C. Borelli	Peter A. Koo	Rafael Salamanca, Jr
Justin L. Brannan	Karen Koslowitz	Ritchie J. Torres
Fernando Cabrera	Bradford S. Lander	Mark Treyger
Margaret S. Chin	Stephen T. Levin	Eric A. Ulrich
Andrew Cohen	Mark D. Levine	Paul A. Vallone
Costa G. Constantinides	Farah N. Louis	James G. Van Bramer
Robert E. Cornegy, Jr	Alan N. Maisel	Kalman Yeger
Laurie A. Cumbo	Steven Matteo	
Chaim M. Deutsch	Carlos Menchaca	
Ruben Diaz, Sr.	I. Daneek Miller	
Daniel Dromm	Francisco P. Moya	
Mathieu Eugene	Bill Perkins	
Vanessa L. Gibson	Keith Powers	
Mark Gjonaj	Carlina Rivera	

Absent: Council Members Reynoso and Richards;
Bereavement Leave: Council Member Ampy-Samuel.

At the time of this virtual Stated Meeting, there were three vacant seats on the Council pending the swearing-in of the certified winner of the November 3, 2020 General Election that took place in the 37th District (Brooklyn) as well as the respective certified winners of the following upcoming elections: December 22, 2020 non-partisan Special Election in the 12th District (The Bronx); and the February 2, 2021 non-partisan Special Election in the 24th District (Queens).

The Majority Leader (Council Member Cumbo) assumed the chair as the Acting President Pro Tempore and Presiding Officer for these virtual 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 Cumbo).

There were 45 Council Members marked present at this Stated Meeting held remotely.

INVOCATION

The Invocation was delivered by Simran Jeet Singh serving as a spiritual leader at The Sikh Coalition located at 50 Broad Street #504, New York, NY 10004.

Thank you Majority Leader
and good afternoon everyone.
It is an honor to be with you all today.

I am deeply moved
by our country's and our city's
move towards justice.
This feels especially important now
as Hindus and Buddhists and Jains
around the world celebrate *Diwali*,
the victory of darkness over light.
And my own faith, the community of Sikhs,
are celebrating *Bandi Chor Diwas*,
the day when our Sikh prophet *Guru Hargobind*
returned home from unjust incarceration
and as part of his release
negotiated the liberation of fifty-two others
who were wrongfully imprisoned.
His example reinforces the core Sikh teaching
that justice is central to religiosity.
Cultivating our own spirituality is meaningless
if it doesn't move us to serve those around us.
In Sikhi, we call this love-inspired action *Seva*
and it is a tradition that we cherish and enact daily.
As we learn from the Sikh poet Professor Puran Singh
Seva, service, is prayerful action.
Justice is an act of worship.
This echoes the wisdom of Dr. Cornel West who says,
"Justice is what love looks like in public".
So, in the spirit of justice and love,
let's bow our heads for a short opening prayer.

Vahiguru, Ram, God, Allah, Divine,
We live in challenging times.
We are here to serve and we want to do our best

but we also imperfect beings living in an imperfect world.
 Give us the humility to recognize our smallness
 and our shortcomings and our limits;
 and that the world extends beyond our individual selves.
 Give us the courage to grapple with this reality,
 the courage to work for justice at the risk of our own heart.
 Courage to show up in public knowing
 that this work comes with exposure
 and vulnerability and hurt
 and yet we do it anyway.
 Give us the wisdom to see your goodness
 in all that we encounter.
 The wisdom to realize
 that Divinity resides equally
 in each and every one of us, including ourselves.
 Give us the wisdom to not just believe
 in our interconnectedness, but to live it.
 And finally, give us the conviction
 to help keep us steadfast
 through all the ups and downs of our own lives
 and all through the tumult of the world.
 Give us the conviction to do what is right
 and to do it for the right reasons
 no matter how hard it is
 or what the consequences might be.
 I will close with the last line of the Sikh *Ardaas*,
 a daily congregational prayer,
 which asks for the well-being of all people,
 and the spirit of optimism
 that keeps us motivated and connected
 in all aspects of life.
Nanak Nam Chardi Kala
Tere Bhane Sarbat Da Bhala

Thank you.

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

During the Communication from the Speaker segment of this meeting, the Speaker (Council Member Johnson) acknowledged that the number of coronavirus deaths in New York City had reached 24,149 as of November 18, 2020. He noted that there were record-breaking surges in the number of COVID-19 throughout the country and a rising number of cases in New York City. The Speaker (Council Member Johnson) urged everyone to be vigilant as the Thanksgiving holiday approaches and to take the necessary COVID-19 precautions to save lives.

The Speaker (Council Member Johnson) acknowledged the recent deaths of the following first responders who passed away due to 9/11-related illnesses: FDNY Lieutenant John P. Poulos, 64; retired FDNY Firefighter and Las Vegas emergency medicine physician Michael Everett Brown; FDNY Firefighter William Hodgins, 68; NYPD Detective Thomas J. Gallo, 56; and NYPD Inspector Michael O'Neill, 53. He noted that the city would forever be grateful for their sacrifices and for their service. On behalf of the Council, the Speaker (Council Member Johnson) sent his deepest condolences to the families of all the deceased.

The Speaker (Council Member Johnson) acknowledged the death of former Council Member and former Deputy Majority Leader Archie Spigner. He passed away on October 29, 2020 at the age of 92. The Speaker (Council Member Johnson) noted that the late Deputy Majority Leader was the first black man elected to the Council from the borough of Queens. He praised him as a trailblazer and someone who had served as an inspiration to many. The Speaker (Council Member Johnson) added that Deputy Major Leader Spigner's work had stretched beyond his time with the Council and that this legacy would live on.

The Speaker (Council Member Johnson) acknowledged the death of Council Member Ampry-Samuel's mother, Ernestine Turner. Ms. Turner passed away on November 15, 2020 at the age of 66. He spoke of personal memories of the times that he had shared with Ms. Turner at various events in Brooklyn. On behalf of the Council, the Speaker (Council Member Johnson) offered his condolences to his colleague Council Member Alicka Ampry-Samuel during this difficult and painful time for her.

The Speaker (Council Member Johnson) acknowledged the recent deaths of several New Yorkers who had lost their lives during the course of their employment: construction worker Saqueo Mejia, 24, who was killed in a traffic accident on November 13, 2020; stagehand Peter Wright, 54, who was killed following a fall while working at the Winter Garden Theater on November 12, 2020; delivery worker Alfredo Cabrera Liconia, 35, who was killed in a traffic accident on November 12, 2020; city transit worker Kevin White, 55, who died while at work on November 7, 2020; delivery bicyclist Ernesto Guzman, 42, who was killed in a traffic accident on November 1, 2020; deli employee Mohmediyan Tarwala, 26, who was killed by a gunman on October 26, 2020; and city transit worker Donald Duvert, 39, who died while at work on October 24, 2020.

The Speaker (Council Member Johnson) asked for a Moment of Silence in memory of the deceased individuals mentioned above and in memory of all those who had lost their lives to COVID-19.

At this point, a Moment of Silence was observed.

* * *

ADOPTION OF MINUTES

Council Member Dromm moved that the Minutes of the Stated Meeting of October 15, 2020 be adopted as printed.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-259

Communication from the Comptroller - Submitting the Comprehensive Annual Financial Report of the Comptroller of The City of New York for the Fiscal Year Ended June 30, 2020.

(For text of report, please see the reports section at the New York City Comptroller website at <https://comptroller.nyc.gov/reports/>)

Received, Ordered, Printed and Filed.

PETITIONS & COMMUNICATIONS

M-260

Communication from Council Member Rory I. Lancman - Submitting his resignation from the office of New York City Council Member of the 24th Council District effective November 4, 2020.

November 3, 2020

Speaker Corey Johnson
New York City Council
City Hall Office
New York, New York 10007

Dear Speaker Johnson,

It has been my honor to represent the communities of the 24th Council District, and to work alongside my colleagues in the Council, over these past seven years. I am proud of the Council's achievements during that time, and of my contributions to them.

I have accepted the Governor's invitation to join his administration in the newly-created role of statewide Special Counsel for Ratepayer Protection, in order to help ensure that New York's nineteen million residents and hundreds of thousands of businesses have access to safe, reliable, and affordable electricity, gas, water, and internet services.

Accordingly, I hereby resign from the Council effective at 12:00 a.m., on Wednesday, November 4, 2020.

Very Truly Yours,

Rory I. Lancman

Cc: City Clerk and Clerk of the Council Michael McSweeney
New York City Council General Counsel Jason Otaño
Mayor Bill de Blasio

Received, Ordered, Printed and Filed.

LAND USE CALL-UPS

M-261

By The Chair of the Land Use Committee (Council Member Salamanca, Jr.):

Pursuant to Sections 11.20(b-d) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on related Application No. C 200094 ZSK (312 Coney Island Avenue) shall be subject to Council review. This item is related to Application Nos. C 200092 ZMK and N 200093 ZRK.

Coupled on Call-up vote.

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

Affirmative – Adams, Ayala, Barron, Borelli, Brannan, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **43**.

Present but Not Voting – Cabrera and Ulrich.

At this point, the Majority Leader and the Acting President Pro Tempore (Council Member Cumbo) declared the aforementioned item **adopted** and referred this item to the Committee on Land Use and to the appropriate Land Use subcommittee.

REPORT OF THE STANDING COMMITTEES

Report of the Committee on Aging

Report for Int. No. 1693-A

Report of the Committee on Aging in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to recommendations regarding age discrimination and developing the older adult workforce.

The Committee on Aging, to which the annexed proposed amended local law was referred on September 12, 2019 (Minutes, page 2870), respectfully

REPORTS:

I. INTRODUCTION

On November 19, 2020, the Committee on Aging, chaired by Council Member Margaret Chin, held a vote on three bills related to a package addressing age discrimination in the workplace. The Committee will be voting on Proposed Int. No. 1693-A, sponsored by Council Member Chin, in relation to recommendations regarding age discrimination and developing the older adult workforce; Proposed Int. No. 1694-A, in relation to creating a Center for Older Workforce Development; and Propose Int. No. 1695-A, in relation to studying age discrimination in the workplace.

The Committee passed the package of legislation by a vote of six in the affirmative, zero in the negative, with zero abstentions.

Previously, in October 2019, the Committee on Aging, chaired by Council Member Margaret Chin, and the Committee on Civil and Human Rights, chaired by Council Member Mathieu Eugene, held a hearing on the age discrimination package, which also included then Int. No. 1684 and Int. No. 1685. These two bills, now Proposed Int. No. 1684-A and Proposed Int. no. 1685-A, will be heard for a vote in the Committee on Civil Rights on November 19, 2020 as well. Feedback from the Administration, advocates, and stakeholders received during the October 19 hearing was used to inform changes to the bills.

II. BACKGROUND

Nationwide, older adults are increasingly the victims of age discrimination in the workplace. Age discrimination, according to the United States Equal Employment Opportunity Commission (EEOC), “involves treating an applicant or employee less favorably because of his or her age.”¹ During fiscal year (FY) 2017, age discrimination represented 21.8 percent of complaints made to the EEOC, with 18,376 total complaints filed² and most of which were filed by women.³ In a recent national survey conducted by the American Association of Retired Persons (AARP) of adults older than 45, 61 percent of respondents indicated that they have seen or experienced age discrimination in the workplace, and 38 percent of these respondents indicated that such discrimination is “very common.”⁴ Nineteen percent of these respondents indicated that they were not hired due to their age, and 12 percent indicated that they were not promoted because of their age.⁵

¹ *Age Discrimination*, U.S. Equal Employment Opportunity Commission, available at <https://www.eeoc.gov/laws/types/age.cfm>.

² *EEOC Releases Fiscal Year 2017 Enforcement and Litigation Data*, U.S. Equal Employment Opportunity Commission, Jan. 25, 2018, available at <https://www.eeoc.gov/eeoc/newsroom/release/1-25-18.cfm>.

³ Paula Span, *He Called Older Employees ‘Dead Wood’ Two Sued for Age Discrimination*, *The New York Times*, July 6, 2018, available at <https://www.nytimes.com/2018/07/06/health/age-discrimination-ohio-state.html>.

⁴ Rebecca Perron, *The Value of Experience Study*, AARP, July 2018, available at <https://www.aarp.org/research/topics/economics/info-2018/multicultural-work-jobs.html?CMP=RDRCT-PRI-OTHER-WORKJOBS-052118>.

⁵ Kimberly Palmer, *10 Things You Should Know About Age Discrimination*, AARP, available at <https://www.aarp.org/work/on-the-job/info-2017/age-discrimination-facts.html>.

A 2016 study conducted by ProPublica and the Urban Institute found that 28 percent of stable, longtime employees sustain at least one layoff by their employers between turning 50 and leaving work for retirement.⁶ The study also found that 28 percent of those who had been working in long-term, full-time jobs when they entered the study were laid off at least once.⁷ Additionally, 15 percent reported that they stopped working because their pay, hours, treatment from supervisors or other conditions had deteriorated.⁸ Another 13 percent of these older workers entered retirement unexpectedly, which the researchers say suggests the workers likely were forced out of their jobs.⁹ Overall, 56 percent of workers over the age of 50 in long-term, full-time positions lost their jobs involuntarily.¹⁰ Furthermore, workers that are pushed into retirement are more likely to be unemployed longer than younger people, and when they find a job they will typically earn 25 percent less on average than their previous salary.¹¹

Additionally, a 2013 study by the Associated Press-NORC Center for Public Affairs Research at the University of Chicago, found that among those who are retired, 33 percent reported that they did not feel they had a choice except to retire.¹² Overall, the study reported 20 percent of adults aged 50 or older said they have personally experienced prejudice or discrimination because of their age in the job market or at work, including: “being passed over for a raise, promotion, or chance to get ahead; receiving certain unwanted assignments; or being denied access to training or the opportunity to acquire new skills because of their age.”¹³

Age discrimination also persists in New York City as the number of NYC older adults in the workforce continues to increase. According to a 2017 report released by New York City Comptroller Scott Stringer, from 2005-2015, the number of working older adults increased by 62 percent, and, specifically, the number of seniors in the City’s labor force increased from 13 percent to 17 percent.¹⁴ Although recent data is limited, in 2015, the Robert N. Butler Columbia Aging Center and the New York Academy of Medicine reported that there were more than 700,000 individuals, aged 55 and older, in NYC’s workforce.¹⁵

Notably, digital platforms have recently come under scrutiny for their online job recruitment practices. According to The New York Times, corporations such as Verizon, Amazon, Goldman Sachs, and Facebook have placed recruitment ads limited to certain age groups on Facebook.¹⁶ Advocates argue that such practice is discriminatory against older workers, and experts are concerned that these recruitment practices may violate the federal Age Discrimination in Employment Act.¹⁷

With the COVID-19 pandemic, age discrimination has only worsened for older Americans. Company layoffs have disproportionately targeted individuals in protected categories. As of September 2020, unemployment rates for people over the age of 55 have increased from 3.3 percent prior to the pandemic to 26.4

⁶ Gosselin, Peter. “If You’re Over 50, Chances Are the Decision to Leave a Job Won’t Be Yours.” *ProPublica*, 28 Dec. 2018, www.propublica.org/article/older-workers-united-states-pushed-out-of-work-forced-retirement.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ Fisher, Bridget. “52% Of Older Workers Forced into Involuntary Retirement - The New School SCEPA.” *Scepa*, The New School SCEPA, 14 Sept. 2020, www.economicpolicyresearch.org/jobs-report/september-2018-unemployment-report-for-workers-over-55.

¹² Jennifer Benz, Matt Sedensky, Trevor Tompson, and Jennifer Agiesta, *Working Longer: Older Americans’ Attitudes on Work and Retirement*, The Associated Press-NORC Center for Public Affairs Research, Oct. 2013, available at http://www.apnorc.org/PDFs/Working%20Longer/AP-NORC%20Center_Working%20Longer%20Report-FINAL.pdf.

¹³ *Id.* at 2.

¹⁴ New York City Comptroller Scott M. Stringer, *Aging With Dignity: A Blueprint for Serving NYC’s Growing Senior Population*, New York City Comptroller Bureau of Policy and Research, March 2017, available at https://comptroller.nyc.gov/wp-content/uploads/documents/Aging_with_Dignity_A_Blueprint_for_Serving_NYC_Growing_Senior_Population.pdf.

¹⁵ *Age Smart Employer NYC “Resource Guide”*, The Robert N. Butler Columbia Aging Center & The New York Academy of Medicine, Feb. 2015, available at <https://www.mailman.columbia.edu/sites/default/files/pdf/agesmartemployerfactsheets.pdf>.

¹⁶ Julia Angin, Noam Scheiber, and Ariana Tobin, *Facebook Job Ads Raise Concerns About Age Discrimination*, *The New York Times*, Dec. 20, 2017, available at <https://www.nytimes.com/2017/12/20/business/facebook-job-ads.html>.

¹⁷ *Id.*

percent.¹⁸ An employee in New York filed suit challenging his termination, alleging he was among the first laid off as his employer made cuts during the pandemic and was selected because of his age.¹⁹

This, then, seems to be the current state of age discrimination in the workplace; although the population of older workers continues to grow rapidly, technology and stereotypical views toward the aging population make it potentially easier for employers to effectively discriminate against these same workers based on age—often leading to harmful consequences.

Consequences and Effects of Age Discrimination

Stereotypes and Bias

Although New York City has some of the strongest anti-discrimination laws in the country, older workers continue to face discrimination and harassment due to their age. For example, of the 193 age-related inquiries made by New Yorkers last year to CCHR, 119 of these were regarding discrimination in employment.²⁰ According to these complaints, discrimination is experienced at all stages of employment—hiring, firing, training, and promotion—and is often perpetrated because of stereotypes about older workers.²¹

Academic research shows that negative preconceptions about older workers persists, despite evidence that disproves them.²² These stereotypes include assumptions such as: older workers being less flexible, alert, and productive; or needing to take more sick leave days because of health issues.²³ This is despite the fact that some research “suggests that older workers are [actually] generally more productive, because of their higher levels of organization, commitment and loyalty.”²⁴ This incorrect bias against older workers is one of the causes of age discrimination. In a worldwide study conducted by Deloitte Consulting, for instance, 41 percent of the surveyed companies stated that they considered their aging workforce to be a competitive disadvantage.²⁵ These negative assumptions results in older workers being undervalued, and less likely to be offered career development or promotion opportunities.²⁶

Financial Security

The financial security offered through steady, fairly-paid work is often denied to older workers because of discrimination and bias. The long periods of unemployment or underemployment many of these workers face have severe consequences on their financial health. For example, a recent paper has shown that the bankruptcy

¹⁸ Jennifer Schramm, “September 2020 Employment Data Digest,” AARP Public Policy Institute, available at: <https://www.aarp.org/ppi/info-2020/employment-data-digest.html>

¹⁹ By Gregory P. Abrams, Esq., Taylor L. Haran, Esq., Samantha M. Rollins, Esq., and Katrina W. Forsyth, Esq., “Coronavirus lawsuits on the horizon: Termination and discrimination,” Westlaw, 2020 WL 4463392, available at: [https://1.next.westlaw.com/Document/I151671f1d6c311eabea4f0dc9fb69570/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)](https://1.next.westlaw.com/Document/I151671f1d6c311eabea4f0dc9fb69570/View/FullText.html?transitionType=Default&contextData=(sc.Default))

²⁰ NYC Commission on Human Rights “2017 Year End Review”, NYC Commission on Human Rights, available at <https://www1.nyc.gov/assets/cchr/downloads/pdf/publications/2017YearEndReviewFINAL.pdf>, p. 3.

²¹ *Id.*

²² Victoria A. Lipnic, *The state of age discrimination and older workers in the U.S. 50 years after the Age Discrimination in Employment Act (ADEA)*, U.S. Equal Employment Opportunity Commission, June, 2018, available at <https://www.eeoc.gov/eeoc/history/adea50th/report.cfm>.

²³ Geoffrey Wood, Adrian Wilkinson and Mark Harcourt, *Age discrimination and working life: perspective and contestations – a review of the contemporary literature*, *International Journal of Management Reviews*, 2008, p. 7; see also Nathaniel Reade, *The surprising truth about older workers*, *AARP the Magazine*, Sept. 2015, available at <https://www.aarp.org/work/job-hunting/info-07-2013/older-workers-more-valuable.html>; and Neelie Verlinden, *Aging workforce challenges: trends. Statistics and impact*, *Digital HR Tech*, available at <https://www.digitalthrtech.com/aging-workforce-challenges/>.

²⁴ Geoffrey Wood, Adrian Wilkinson and Mark Harcourt, *Age discrimination and working life: perspective and contestations – a review of the contemporary literature*, *International Journal of Management Reviews*, 2008, p. 8.

²⁵ Mark Miller, *Companies need older workers: here’s why*, *Reuters*, June 21, 2018, available at <https://www.reuters.com/article/us-world-work-olderworkers/companies-need-older-workers-here-is-why-idUSKBN1JH15F>.

²⁶ Geoffrey Wood, Adrian Wilkinson and Mark Harcourt, *Age discrimination and working life: perspective and contestations – a review of the contemporary literature*, *International Journal of Management Reviews*, 2008, p. 8.

rates for older Americans has increased between 200 and 300 percent (depending on the age bracket) since 1991.²⁷

The biases and stereotypes that operate to either fire or prevent older workers from finding the employment they need and desire also push these workers into early retirement. According to data from the Equal Employment Opportunity Commission (EEOC), last year 55 percent of all of the age discrimination-related charges involved unfair dismissal.²⁸ When newly-retired workers turn to Social Security earlier than they had planned, either as a substitute for or supplement to employment income, they are financially penalized because the benefit is calculated according to the age when an individual starts accessing it. As one author articulates, “[w]orkers who retire at age 62 suffer a 25 percent cut in their monthly Social Security benefit for the rest of their lives compared to workers who retire at age 66, and a 32 percent decrease when compared to workers who retire at age 70.”²⁹

Health and Wellbeing

In addition to financial security, continued employment for older people provides a range of benefits for an individual’s health and wellbeing. Research has shown improvements in the ability to sustain levels of cognitive functioning over longer periods for people who are able to work past the age of 65.³⁰ Maintaining employment also helps tackle a sense of isolation and build a stronger sense of self-worth. For example, according to a US Senate report into the country’s aging workforce, “[o]lder workers are more likely than younger workers to report that their job provides personal fulfillment and a sense of being needed and valued, as well as opportunities to learn new skills and remain physically, cognitively, and socially active.”³¹

While the benefits of working later in life extend beyond a person’s financial bottom-line, so do the negative consequences of age discrimination. For instance, “a 2013 Urban Institute report found that 63 percent of long-term unemployed or underemployed workers in 2011 skipped dental visits, 56 percent put off healthcare and 40 percent did not fill medical prescriptions. Many older adults who have jobs are vulnerable to bullying or mistreatment, realizing if they quit, they face joblessness, loss of health benefits and poverty.”³² Meanwhile, “[f]orced retirement correlates with significant declines in mental and physical health that can lead to shortened life spans.”³³

Discrimination, in general, has many negative effects on mental and physical health and wellbeing, and the age discrimination experienced by older workers shows similar negative consequences.³⁴ Research shows that this is especially true for older women in the workforce, as they often face gendered age discrimination.³⁵ Such research has found that women who have experienced age discrimination experienced an increase in depressive symptoms and that the perceived financial strain of this discrimination has often perpetuated these symptoms.³⁶

²⁷ Deborah Thorne, Pamela Foohey, Robert M. Lawless and Katherine Porter, *Graying of U.S. bankruptcy: fallout from life in a risk society*, Aug. 2018, available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3226574.

²⁸ Victoria A. Lipnic *The state of age discrimination and older workers in the U.S. 50 years after the Age Discrimination in Employment Act (ADEA)*, U.S. Equal Employment Opportunity Commission, June, 2018, available at: <https://www.eeoc.gov/eeoc/history/adea50th/report.cfm>.

²⁹ Patricia G. Barnes, *An epidemic of age discrimination*, *Aging Today*, Jan. 21, 2015, available at <http://www.asaging.org/blog/epidemic-age-discrimination>.

³⁰ Special Committee on Aging, *America’s aging workforce: opportunities and challenges*, *United States Senate*, Dec., 2017, available at <https://www.aging.senate.gov/imo/media/doc/Aging%20Workforce%20Report%20FINAL.pdf>, p. 20.

³¹ *Id.*

³² Patricia G. Barnes, *An epidemic of age discrimination*, *Aging Today*, Jan. 21, 2015, available at <http://www.asaging.org/blog/epidemic-age-discrimination>.

³³ Victoria A. Lipnic, *The state of age discrimination and older workers in the U.S. 50 years after the Age Discrimination in Employment Act (ADEA)*, U.S. Equal Employment Opportunity Commission, June, 2018, available at <https://www.eeoc.gov/eeoc/history/adea50th/report.cfm>.

³⁴ Tetyana P. Shippee, Lindsay R. Wilkinson, Markus H. Schafer, and Nathan D. Shippee, *Long-term effects of age discrimination on mental health: the role of perceived financial strain*, *Journals of Gerontology*, March 14, 2017, available at <https://academic.oup.com/psychsocgerontology/advance-article/doi/10.1093/geronb/gbx017/3069149>, p. 1.

³⁵ *Id.* at 2.

³⁶ Tetyana P. Shippee, Lindsay R. Wilkinson, Markus H. Schafer, and Nathan D. Shippee, *Long-term effects of age discrimination on mental health: the role of perceived financial strain*, *Journals of Gerontology*, March 14, 2017, available at <https://academic.oup.com/psychsocgerontology/advance-article/doi/10.1093/geronb/gbx017/3069149>.

III. CITY SERVICES FOR OLDER WORKERS

Employment Services at the New York City Department for the Aging (DFTA)

DFTA provides many services to assist older adults with finding employment. DFTA’s Senior Employment Services Unit (SESU), which is part of the federal Community Service Employment Program, helps seniors receive employment in administrative work, customer service, home care, and other fields.³⁷ SESU offers trainees assistance with job-searching, resume writing, and interviewing.³⁸ Additionally, SESU provides training on the job and the opportunity for participants to earn a wage through placements at government agencies and nonprofits.³⁹ To qualify for SESU services, participants must be 55 or older, unemployed, and have a family income of 125 percent or less than the federal poverty level.⁴⁰

In addition to SESU services, DFTA offers the ReServe program, through a contract with ReServe Elder Services, which matches retirees with short-term NYC agency projects.⁴¹ At the Aging Committee’s 2018 hearing on “Age Discrimination in the Workplace,” DFTA testified that there were 251 individuals in the city’s ReServe program.⁴² DFTA also provides a Home Health Aide Referral Program, which has partnerships with 12 health care agencies that are interested in employing older adults.⁴³ According to DFTA’s 2017 Annual Plan Summary, the agency has partnerships with Security Companies and the Airport Opportunities Inc. to help older adults gain employment in these fields.⁴⁴

Age Discrimination Complaints at the New York City Commission on Human Rights

An individual who believes that they have been discriminated against in their employment because of age can file a complaint with CCHR. Members of the public may file a complaint with the Commission’s Law Enforcement Bureau (LEB) or a lawyer may file a complaint with the LEB on a client’s behalf.⁴⁵ After a complaint is filed, the Commission’s LEB investigates the allegations to determine whether probable cause exists to credit the allegations of unlawful discrimination.⁴⁶

If LEB makes a finding of probable cause, LEB may litigate the case at the Office of Administrative Trials and Hearings.⁴⁷ At various stages of the process, the Commission also offers alternative resolutions such as mediation or conciliation.⁴⁸ Further, the Commission may pursue various remedies in the resolution of a complaint, including ordering an employer to cease and desist from engaging in unlawful conduct, reinstating an employee, providing an accommodation, requiring respondents to take actions such as trainings, and ordering pay for lost wages, emotional distress damages, and civil penalties.⁴⁹

³⁷ Department for the Aging, “Senior Employment,” available at: <https://www1.nyc.gov/site/dfta/services/senior-employment.page>

³⁸ Id.

³⁹ Id.

⁴⁰ Id.

⁴¹ Department for the Aging, “Annual Plan Summary,” September 2017, available at:

<https://www1.nyc.gov/assets/dfta/downloads/pdf/reports/DFTAAnnualPlanSummary2017.pdf> at p. 38.

⁴² Testimony of the Department for the Aging, New York City Council Oversight Hearing, September 17, 2019.

⁴³ *Annual Plan Summary*, NYC Department for the Aging, Sept. 2017, available at

<https://www1.nyc.gov/assets/dfta/downloads/pdf/reports/DFTAAnnualPlanSummary2017.pdf> at p. 38.

⁴⁴ Id.

⁴⁵ *Assistance for the Complainant*, NYC Commission on Human Rights, available at

<https://www1.nyc.gov/site/cchr/enforcement/assistance-for-the-complainant.page>.

⁴⁶ Id.

⁴⁷ Id.

⁴⁸ Id.

⁴⁹ Id.

IV. LEGAL PROTECTIONS AND REMAINING ISSUES AND CONCERNS

Current Legal Protections

Although it persists in the workplace, age discrimination in employment is prohibited by federal, state, and local laws. Generally, it is unlawful for employers, employment agencies, apprenticeship programs, and labor organizations to discriminate against an employee or a job applicant because of their age with respect to any term, condition, or privilege of employment, including hiring, firing, promotion, layoff, compensation, benefits, job assignments, and training.⁵⁰ However, there are slight differences in the ways in which age as a protected class is defined under each of these laws and the employers it covers.

For example, the Age Discrimination in Employment Act of 1967 (ADEA)⁵¹, the federal law that prohibits employers from discriminating against individuals on the basis of age, applies to employers with 20 or more employees and protects individuals who are 40 years of age or older.⁵² The state law that prohibits age discrimination in employment, the New York State Human Rights Law, is considerably broader, covering employers with four or more employees, and protecting persons who are 18 years of age and over from age discrimination in employment.⁵³ Finally, the law which most expansively prohibits age discrimination in employment is the local one; the New York City Human Rights Law (NYCHRL) applies to employers with four or more employees and protects persons of all ages from discrimination based on age or perceived age.⁵⁴

Individuals who wish to pursue a claim alleging age discrimination have several forums available to them, including state court, federal court, the EEOC, the New York State Division of Human Rights (NYSDHR), and CCHR. In order to establish a claim for unlawful age discrimination at these bodies under the ADEA, New York State Human Rights Law, or NYCHRL, an individual must show: (1) they are a member of the class protected by the statute; (2) they were qualified for the position, or were performing it satisfactorily; (3) they suffered an adverse employment action; and (4) the adverse employment action was under circumstances giving rise to an inference of age discrimination.⁵⁵ If an employer can then show their actions were taken for legitimate, nondiscriminatory reasons, the age discrimination suit will not be successful.⁵⁶ Importantly, for age discrimination suits, courts have interpreted the NYCHRL to be more protective than even the ADEA; complainants filing such a suit under the NYCHRL generally have a lower burden to prove than is required under the federal law.⁵⁷

There are, however, also other federal laws that offer protections against age discrimination in specific contexts.⁵⁸ For example, since employees may voluntarily release age discrimination claims, the Older Workers' Benefits Protection Act (OWBPA)⁵⁹ amended the ADEA to protect older workers with regard to employee benefits and prohibit employers from providing severance agreements or early retirement packages that favor younger workers.

Remaining Issues and Concerns

Across the country, 10,000 Baby Boomers turn 65 every day.⁶⁰ Changes to the workplace, involving more technology or varied tasks, may be perpetuating biases against older workers. However, with only a small

⁵⁰ See, e.g., Age Discrimination in Employment Act of 1967, 29 U.S.C. 29 U.S.C.A. §§ 621 to 634; N.Y. Exec. Law § 296(1)(a).

⁵¹ 29 U.S.C.A. §§ 621 to 634.

⁵² 29 U.S.C.A. §§ 623.

⁵³ N.Y. Exec. Law § 296(1)(a).

⁵⁴ N.Y.C. Admin Code § 8-107(1)

⁵⁵ *Abdu-Brisson v. Delta Air Lines, Inc.*, 239 F.3d 456, 466-67 (2d Cir. 2001).

⁵⁶ *Id.*

⁵⁷ *Schlosser v. Time Warner Cable Inc.*, No. 14CV9349, 2017 WL 2468975, at *6 (S.D.N.Y. June 7, 2017) (dismissing the plaintiff's ADEA claim, but finding that the record evidence was sufficient for purposes of asserting a NYCHRL claim).

⁵⁸ See Government Employee Rights Act of 1991; Age Discrimination Act of 1975; Public Works Employment Act; Job Training Partnership Act; National and Community Service Act.

⁵⁹ 29 U.S.C.A. § 626.

⁶⁰ Neelie Verlinden, *Aging workforce challenges: Trends, Statistics and impact*, *Digital HR Tech*, available at <https://www.digitalhrtech.com/aging-workforce-challenges/>, p. 2.

percentage of workers financially secure enough to retire, coupled with concerns about rising healthcare costs,⁶¹ workers are needing to stay in the workforce longer. The proliferation of age discrimination in the workplace makes it more difficult for these same older adults to find and maintain employment that may be necessary to their financial stability. Addressing discrimination as seemingly ubiquitous as age discrimination may require a multi-pronged strategy targeting employers, recruiters, enforcement officials, and legislative bodies.

One reason age discrimination may continue, for example, is because current enforcement measures are weak. Evidence from one field experiment, conducted by the Director of the Economic Self-Sufficiency Policy Research Institute at the University of California, Irvine, finds that “current policies to combat age discrimination, which rely in large part on private litigation for enforcement, may be ineffective at reducing or eliminating age discrimination in hiring.”⁶² “In particular,” the study writes, “the potential rewards to plaintiffs’ attorneys may be too low to encourage sufficient enforcement, because it is difficult to file a class action lawsuit, and economic damages from discrimination in hiring may be small.”⁶³ Complicating matters, while plaintiffs can seek damages from private employers or the federal government in an age discrimination suit, they cannot collect damages against state employers, making attorneys reluctant to take such cases.⁶⁴

On a foundational level, it might be difficult to prove an age discrimination lawsuit at all. According to AARP Senior Attorney Laurie McCann, “age discrimination is very difficult to prove in a lawsuit. [I]t is extremely rare to have a ‘smoking gun’ statement akin to ‘you are too old to do the job.’”⁶⁵ This particular difficulty is exacerbated, in part, because employers are not liable under the ADEA if they show their decisions were based on “reasonable factors other than age.”⁶⁶ In the 2005 decision *Smith v. City of Jackson, Mississippi*,⁶⁷ the Supreme Court held that claims of unintentional discrimination can be made under the ADEA as long as the discrimination is *not* based on reasonable factors *other* than age.⁶⁸ The unintended consequence of this decision has been that employers are able to pass over older adults for hiring or promotions so long as they can show they are not making those decisions because of age.⁶⁹ For example, employers might use passing a physical strength test as a proxy for age discrimination, but would be able to indicate failure to pass a physical examination as a valid reason for not hiring an individual.⁷⁰ Thus, as most employers do not explicitly state they are discriminating based on age, proving age discrimination often relies on circumstantial evidence, making it difficult to prove discriminatory intent.⁷¹

On the other hand, it is difficult to prove age discrimination even when plaintiffs can prove that age was a factor in being fired. Prior to 2009, workers were able to prove age discrimination so long as age was one of the factors considered in firing an employee. However, this changed with the Supreme Court’s decision in *Gross v. FBL Financial Services*.⁷² In *Gross*, the Supreme Court raised the standard required to prove age discrimination; after *Gross*, employees must prove that age was the *only* reason for their termination, and not one of many reasons.⁷³ This means that in mixed motive cases, such as those where an employer considers age and race or

⁶¹ Special Committee on Aging, *America’s aging workforce: opportunities and challenges*, United States Senate, Dec., 2017, available at <https://www.aging.senate.gov/imo/media/doc/Aging%20Workforce%20Report%20FINAL.pdf>, p. 33.

⁶² David Neumark, Ian Burn, and Patrick Button, *Age discrimination and hiring of older workers*, Federal Reserve Bank of San Francisco, Feb. 27, 2017, available at <https://www.frbsf.org/economic-research/publications/economic-letter/2017/february/age-discrimination-and-hiring-older-workers/>, p. 2.

⁶³ *Id.*

⁶⁴ *Kimel v. Florida Board of Regents*, 528 U.S. 62 (2000); Paula Span, *He Called Older Employees ‘Dead Wood.’ Two Sued for Age Discrimination.*, *The New York Times*, July 6, 2018, available at <https://www.nytimes.com/2018/07/06/health/age-discrimination-ohio-state.html>.

⁶⁵ Nicole Javorsky, *Older Workers are Organizing to Fight Ageism on the Job*, *CityLimits.org*, Apr. 11, 2018, available at <https://citylimits.org/2018/04/11/older-workers-organize-to-resist-stereotypes-and-discrimination/>.

⁶⁶ *Id.*

⁶⁷ *Smith v. City of Jackson, Mississippi*, 544 U.S. 228 (2005).

⁶⁸ Nicole Javorsky, *Older Workers are Organizing to Fight Ageism on the Job*, *CityLimits.org*, Apr. 11, 2018, available at <https://citylimits.org/2018/04/11/older-workers-organize-to-resist-stereotypes-and-discrimination/>.

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Gross v. FBL Financial Services, Inc.*, 557 U.S. 167 (2009).

⁷³ David G. Savage, *Supreme Court makes age bias suits harder to win*, *Los Angeles Times*, June 19, 2009, available at <http://articles.latimes.com/2009/jun/19/nation/na-court-age-bias19>; James Dennin, *Older workers are consistently discriminated against in job hiring – here’s how we can fix that*, *Mic*, May 9, 2018, available at <https://mic.com/articles/189141/older-workers-are-consistently-discriminated-against-in-job-hiring-heres-how-we-can-fix-that#.eCVpEMA0n>.

age and gender, employees must have what amounts to an explicit statement that they were fired due to age in order to successfully prove age discrimination.⁷⁴

The current mechanisms to address age discrimination in the workplace, then, leave older adults vulnerable and unable to properly pursue their rights. Even where legislation, such as the ADEA and the NYCHRL, and rights enforcement bodies, such as the EEOC and CCHR, exist to protect older adults from employment discrimination, the actual mechanics of enforcement often obstruct older adults from receiving any relief at all. That is, older adults can pursue action against employment discrimination almost exclusively through litigation—however, age discrimination is often difficult, and costly, to prove. If older adults cannot be properly protected through litigation, then, the question remains what in what other ways can older adults be protected from age discrimination in the workplace?

Addressing Age Discrimination in the Workplace

Addressing age discrimination across all facets of employment will likely need to involve a multipronged approach; suggestions on how to protect older workers have included passing federal, state, and local legislation; creating additional enforcement and review mechanisms; training older workers in different skills and creating more spaces for them in the workplace; changing stereotypes and policies against older workers; and creating alternative career routes for older workers that feature more flexible assignments, schedules, and mentorship opportunities.

At the federal level, for example, one suggestion is to change Medicare rules to accept older workers; this would help shift older workers away from employer-based health plans, which might alleviate some healthcare cost-biases employers associate with older workers.⁷⁵ Another suggestion involves “incentivizing employers by creating a 40-year cap on the total years of work requiring payroll tax contributions to Social Security.”⁷⁶

Another current approach to fighting age discrimination in employment appears in a recent federal lawsuit settled by The Ohio State University. The federal suit, brought by two women who worked in the English as a Second Language program at Ohio State, was unusually successful in the difficult post-*Gross* ADEA legal landscape.⁷⁷ In November 2017, the EEOC found “reasonable cause to believe” that the women and their older colleagues had been discriminated against in violation of the ADEA.⁷⁸

In May 2018, Ohio State announced a settlement with the plaintiffs; not only did the university rehire both women and agree to back pay and retroactive benefits, the plaintiffs won “prospective injunctive relief.”⁷⁹ What the latter means is that Ohio State must take specific actions to avert such illegal policies in the future.⁸⁰ In this case, the university has agreed to train human resources staff to recognize, investigate, and prevent age discrimination.⁸¹ Furthermore, the university will establish a “second-look process,” which would be an independent review of age discrimination investigations.⁸² Both “prospective injunctive relief” as a remedy and the creation of a “second-look” independent review are potential creative ways to address age discrimination.⁸³

In terms of legislation, Senator Casey Robert Jr. introduced S.443 in February 2017; the Protecting Older Workers Against Discrimination Act would address and rescind the stringent standard the Supreme Court set for age discrimination suits in *Gross*. That is, S. 443 would amend the ADEA to allow complainants “to rely on any type or form of admissible evidence” to prove age discrimination and would allow age discrimination to be proved, even in mixed motive claims with multiple factors, as long as they can show that age was *a* motivating factor in the discriminatory employment practice.⁸⁴ In other words, if passed, complainants would no longer be

⁷⁴ Id.

⁷⁵ Mark Miller, *Companies need older workers: here's why*, Reuters, June 21, 2018, available at <https://www.reuters.com/article/us-world-work-olderworkers/companies-need-older-workers-here-is-why-idUSKBN1JH15F>.

⁷⁶ Id.

⁷⁷ Paula Span, *He Called Older Employees 'Dead Wood.' Two Sued for Age Discrimination.*, The New York Times, July 6, 2018, available at <https://www.nytimes.com/2018/07/06/health/age-discrimination-ohio-state.html>.

⁷⁸ Id.

⁷⁹ Id.

⁸⁰ Id.

⁸¹ Id.

⁸² Id.

⁸³ Id.

⁸⁴ *S. 443 – Protecting Older Workers Against Discrimination Act*, 115th U.S. Congress, Feb. 27, 2017, available at <https://www.congress.gov/bill/115th-congress/senate-bill/443>.

required to demonstrate that age was the *sole* reason they were fired in order to be successful in an age discrimination suit.

ANALYSIS OF LEGISLATION

Analysis of Proposed Int. No. 1693-A

Proposed Int. No. 1693-A would first require the Department for the Aging (DFTA) to provide guidance and support to the Center for Older Workforce Development, as created by Proposed Int. No. 1694-A.

The proposed legislation would additionally require the existing Charter-created DFTA Advisory Council to look at local, state, and national data, reports, policies, and procedures related to age discrimination in order to develop recommendations on how the city can address age discrimination in the workplace and help develop the older adult workforce. The Advisory Council would be required to submit a report to the Mayor, the Speaker, and the Center for Older Workforce Development with its recommendations and findings in December 2021 and biennially thereafter.

Proposed Int. No. 1693-A would take effect on the same date as a local law for the year 2020 amending the New York city charter relating to creating a center for older workforce development, as proposed in introduction number 1694-A, would take effect.

Since introduction, the language of Proposed Int. No. 1693-A was amended to change the legislation from a temporary taskforce studying issues of age discrimination to a permanent Advisory Council advising on these issues. Instead of a one-time taskforce report, the Advisory Council would instead issue a biennial report on issues related to age discrimination and older workforce development and would also work with DFTA and the newly created Center for Older Workforce Development on such issues.

Analysis of Proposed Int. No. 1694-A

Proposed Int. No. 1694-A would create an office dedicated to combating ageism in the workplace and to developing the older workforce, called the Center for Older Workforce Development. The Center would be established and placed by the Mayor and led by a Director, whose powers and duties include, for example: advising and assisting the mayor in coordinating agencies involved in workforce development programs for older adults, assisting older adults join or re-join the workforce, including by offering career development and skills development programs, create a centralized workforce development website that assists with career building and workforce development for older adults, providing information about reporting age discrimination, and promoting the inclusion and retention of older adults in the municipal workforce.

The Center would additionally be required to submit an annual report to the Mayor and to the City Council on its activities.

Proposed Int. No. 1694-A would take effect 120 days after it becomes law.

Since introduction, the language of Proposed Int. No. 1694-A has changed to rename the office from the Office of Older Adult Workforce Development to the Center for Older Workforce Development. Certain additions have also been made to the Center's responsibilities, while other duties were eliminated from the first version.

Analysis of Proposed Int. No. 1695-A

Proposed Int. No. 1695-A would require the New York City Commission on Human Rights (CCHR) to conduct a two-year study related to age discrimination in the workplace. Beginning January 2022, for a period of two years, CCHR would design and implement a variety of methods to assess the presence of age discrimination in the workplace, including workplace and employment practices, technologies, and policies.

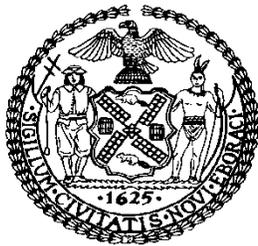
The proposed legislation would then require CCHR to include in its annual report the findings of its two year study and to submit the report to the Speaker on or before September 30, 2024. This report would include,

among other things, a summary of the initiatives taken during this two-year study, a description of the instances of age discrimination found, and recommendations to help the city address and combat age discrimination going forward.

Proposed Int. No. 1695-A would take effect immediately.

From introduction, Proposed Int. No. 1695-A, has been amended to change the nature of the testing to be conducted. Instead of a three year employment testing program with five investigations a year, the bill has been changed to a two year study that will begin January 2022. Instead of match pair employment testing, CCHR will design their own method for assessing age discrimination in the workplace. Finally, instead of issuing a new report each year of the program, CCHR will submit its complete findings and recommendations on workplace age discrimination in the annual report that they produce, after the study has concluded.

(The following is the text of the Fiscal Impact Statement for Int. No. 1693-A:)



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT**

PROPOSED INT. NO: 1693-A

COMMITTEE: Aging

TITLE: A Local Law to amend the New York city charter, in relation to recommendations regarding age discrimination and developing the older adult workforce.

SPONSORS: By Council Members Chin, Ayala, Rosenthal, Rivera, Koslowitz, Gibson, Louis, Adams, Kallos, Eugene, Vallone and Rose.

SUMMARY OF LEGISLATION: Proposed Int. No. 1693-A would require the Department for the Aging (DFTA) to provide guidance and support to the Center for Older Workforce Development once created, as would be required Proposed Int. No. 1694-A. In addition, Proposed Int. No. 1693-A would require the DFTA Advisory Council to develop recommendations for the city to address age discrimination in the workplace and help develop the older adult workforce. The Advisory Council would be required to submit a report to the Mayor, the Speaker, and the Center for Older Workforce Development with its recommendations and findings by December 2021 and biennially thereafter.

EFFECTIVE DATE: This local law would take effect on the same date as Proposed Int. No. 1694-A.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2022

FISCAL IMPACT STATEMENT:

	Effective FY21	FY Succeeding Effective FY22	Full Fiscal Impact FY22
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.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Daniel Kroop, Senior Financial Analyst

ESTIMATED REVIEWED BY: Regina Poreda Ryan, Deputy Director
Stephanie Ruiz, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council as Int. No. 1693 on September 12, 2019 and was referred to the Committee on Aging (Committee). A hearing was held jointly by the Committee and the Committee on Civil and Human Rights on October 8, 2019, and the bill was laid over. The legislation was subsequently amended and the amended legislation, Proposed Int. No. 1693-A, will be considered by the Committee at a hearing on November 19, 2020. Following a successful vote by the Committee, Proposed Int. No. 1693-A will be submitted to the full Council for a vote on November 19, 2020.

DATE PREPARED: November 16, 2020.

(For text of Int. Nos. 1694-A and 1695-A and their Fiscal Impact Statements, please see the Report of the Committee on Aging for Int. Nos. 1694-A and 1695-A, respectively, printed in these Minutes; for text of Int. No. 1693-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 1693-A, 1694-A, and 1695-A.

(The following is the text of Int. No. 1693-A:)

Int. No. 1693-A

By Council Member Chin, Ayala, Rosenthal, Rivera, Koslowitz, Gibson, Louis, Adams, Kallos, Eugene, Vallone, Rose and Barron.

A Local Law to amend the New York city charter, in relation to recommendations regarding age discrimination and developing the older adult workforce

Be it enacted by the Council as follows:

Section 1. Section 2402 of the New York city charter, as amended by a vote of the electors at a general election held on November 8, 1988, is amended to read as follows:

§ 2402. Powers and duties. The department shall have the following powers and duties:

- a. to stimulate community interest in the problems of the aging;
- b. to promote public awareness of resources available for the aging, and to refer the public to appropriate departments and agencies of the city, state and federal governments for advice, assistance and available services in connection with particular problems;
- c. to cooperate with and assist local neighborhoods in the development of programs and the establishment of local offices;
- d. to serve as a clearing house for information relating to the needs of the aging;
- e. to disburse available city, state and federal funds to programs throughout the city and, when practical, coordinate such funds with available funding from the private sector;
- f. *to provide regular guidance and support to the center for older workforce development;*

g. to promulgate rules and regulations for the operation of facilities, services and programs under its jurisdiction; and

h. to maintain, operate and control such programs and facilities as may be necessary or required for the proper administration of the department.

§ 2. Section 2403 of the New York city charter, as amended by local law 6 for the year 1980, is amended to read as follows:

§ 2403. Advisory council. a. There shall be in the department an advisory council consisting of thirty-one members at least sixteen of whom shall be recipients of services rendered to [the elderly] *older adults*. *Beginning in December 2021*, [These] *these* members shall include representatives from the areas of social service, health care, *business, legal services*, the academic community and local neighborhoods.

b. It shall be the duty of the council to advise the commissioner and make recommendations. The council shall submit an annual report of its activities to the mayor *and the speaker of the council*. *Beginning with the report due in December 2021 and biennially thereafter, the council's report shall include recommendations for how to eliminate age discrimination in the workplace and how to develop the older adult workforce. These recommendations shall also be submitted to the center for older workforce development and should be developed while considering the following:*

1. *Data and reports of age discrimination in the workplace, nationally and within the state, including any trends in different industries, demographic differences, age ranges, reporting statistics and any successful remedies;*

2. *The development and use of new technologies and systems in combating age discrimination in the employment process and during employment;*

3. *Existing policies across city agencies, guidelines and resources related to age discrimination and reporting by victims thereof; and*

4. *Existing methods and procedures for reporting and responding to allegations of age discrimination in the workplace, within city agencies and across the city.*

c. The members of the council shall be appointed by the mayor. Ten of said members, two residents from each of the five boroughs of the city, shall be recommended for appointment by a majority vote of the city council members of the respective boroughs.

d. The terms of office of the thirty-one members of the council first appointed shall be as follows: eleven appointees, five of whom shall be recommended for appointment by the city council members of the respective boroughs, one from each borough, shall serve for a term ending the thirty-first day of March, nineteen hundred eighty-one; ten appointees shall serve for a term ending the thirty-first day of March, nineteen hundred eighty-two; and ten appointees, five of whom shall be recommended for appointment by the city council members of the respective boroughs, one from each borough, shall serve for a term ending the thirty-first day of March, nineteen hundred eighty-three. Upon the expiration of such terms, the terms of office of their successors shall be three years. Vacancies occurring otherwise than by expiration of term shall be filled for the unexpired term in the same manner as regular appointments.

e. The mayor shall designate one of the members of the council to be chairman and one to be vice-chairman.

f. The members of the council shall serve without compensation.

§ 3. This local law takes effect on the same date as a local law for the year 2020 amending the New York city charter relating to creating a center for older workforce development, as proposed in introduction number 1694-A, takes effect.

MARGARET S. CHIN, *Chairperson*; MATHIEU EUGENE, DIANA AYALA, CHAIM M. DEUTSCH, MARK TREYGER, PAUL A. VALLONE; Committee on Aging, November 19, 2020 (Remote Meeting). *Other Council Members Attending: Council Member Rose.*

On motion of the Speaker (Council Member Johnson), 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. 1694-A

Report of the Committee on Aging in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to a center for older workforce development.

The Committee on Aging, to which the annexed proposed amended local law was referred on September 12, 2019 (Minutes, page 2872), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Aging for Int. No. 1693-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1694-A:



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT**

PROPOSED INT. NO: 1694-A

COMMITTEE: Aging

TITLE: A Local Law to amend the New York city charter, in relation to a center for older workforce development.

SPONSORS: By Council Members Chin, Ayala, Rosenthal, Rivera, Koslowitz, Gibson, Louis, Adams, Kallos, Eugene, Diaz, Vallone and Rose.

SUMMARY OF LEGISLATION: Proposed Int. No. 1694-A would require the Mayor to establish the Center for Older Workforce Development, which would be dedicated to combating ageism in the workplace and to developing the older adult workforce. The Center would additionally be required to submit an annual report to the Mayor and to the City Council on its activities.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2022

FISCAL IMPACT STATEMENT:

	Effective FY21	FY Succeeding Effective FY22	Full Fiscal Impact FY22
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.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Daniel Kroop, Senior Financial Analyst

ESTIMATED REVIEWED BY: Regina Poreda Ryan, Deputy Director
Stephanie Ruiz, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council as Int. No. 1694 on September 12, 2019 and was referred to the Committee on Aging (Committee). A hearing was held jointly by the Committee and the Committee on Civil and Human Rights on October 8, 2019, and the bill was laid over. The legislation was subsequently amended and the amended legislation, Proposed Int. No. 1694-A, will be considered by the Committee at a hearing on November 19, 2020. Following a successful vote by the Committee, Proposed Int. No. 1694-A will be submitted to the full Council for a vote on November 19, 2020.

DATE PREPARED: November 16, 2020.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1694-A:)

Int. No. 1694-A

By Council Member Chin, Ayala, Rosenthal, Rivera, Koslowitz, Gibson, Louis, Adams, Kallos, Eugene, R. Diaz, Vallone, Rose and Barron.

A Local Law to amend the New York city charter, in relation to a center for older workforce development

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-k to read as follows:

§ 20-k. *Center for older workforce development. a. The mayor shall establish an office for older adult workforce development, called the center for older workforce development. Such office may be established in the office of the mayor or as a separate office or 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 a director who shall be appointed by the mayor or the head of such department. For the purposes of this section, "director" means the director of the center for older workforce development.*

b. Powers and duties. The director shall have the power and the duty to:

1. Advise and assist the mayor in planning and implementing for coordination and cooperation among agencies and offices under the jurisdiction of the mayor that are involved in any workforce development program or service for older adults;

2. Coordinate assistance for older adults to join or re-join the workforce, including through programs offering job, language and technological training, job search and application assistance, wraparound employment support and other general career building and job support for older adults;

3. Assess the feasibility of and help foster any public, private or public/private partnerships that develop and implement programs and services for older adult employment;

4. Provide information relevant to older adults in a centralized workforce development website with resources for career building and development and employment support, including a list of city employment and workforce development initiatives and a list of different community based organizations and non-profit organizations that provide such assistance;

5. Provide information on how to report age discrimination in the workplace, including potential municipal and state remedies;

6. Promote the inclusion and retention of older adults in the workforce by coordinating with the department for the aging and other city agencies, including but not limited to, the commission on human rights, the department of citywide administrative services and the department of small business services, to develop and recommend guidance to address age discrimination in the workplace and to consult on job placements within city agencies for older adults;

8. Provide outreach and education on the services provided by the center; and

9. Perform other duties as the mayor may assign.

c. On or before December 1 of each year, the center shall submit a report of its activities to the mayor and the speaker of the council.

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

MARGARET S. CHIN, *Chairperson*; MATHIEU EUGENE, DIANA AYALA, CHAIM M. DEUTSCH, MARK TREYGER, PAUL A. VALLONE; Committee on Aging, November 19, 2020 (Remote Meeting).
Other Council Members Attending: Council Member Rose.

On motion of the Speaker (Council Member Johnson), 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. 1695-A

Report of the Committee on Aging in favor of approving and adopting, as amended, a Local Law in relation to studying age discrimination in the workplace.

The Committee on Aging, to which the annexed proposed amended local law was referred on September 12, 2019 (Minutes, page 2873), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Aging for Int. No. 1693-A printed in the Reports of the Standing Committees section of these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1695-A:



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT

PROPOSED INT. NO: 1695-A

COMMITTEE: Aging

TITLE: A Local Law in relation to studying age discrimination in the workplace.

SPONSORS: By Council Members Chin, Ayala, Rosenthal, Rivera, Koslowitz, Gibson, Louis, Adams, Kallos, Eugene, Diaz, Vallone and Rose.

SUMMARY OF LEGISLATION: Proposed Int. No. 1695-A would require the New York City Commission on Human Rights (CCHR) to conduct a two-year study related to age discrimination in the workplace. Beginning in January 2022, and lasting for a period of two years, CCHR would design and implement a variety of methods to assess the presence of age discrimination in the workplace, including workplace and employment practices, technologies, and policies. The bill would also require CCHR to include in its annual report the findings of the study and to submit the report to the Speaker on or before September 30, 2024.

EFFECTIVE DATE: This local law would take effect immediately upon enactment.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2022

FISCAL IMPACT STATEMENT:

	Effective FY21	FY Succeeding Effective FY22	Full Fiscal Impact FY22
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, because existing staff and resources at CCHR would be used to implement the study and generate the report.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Daniel Kroop, Senior Financial Analyst

ESTIMATED REVIEWED BY: Regina Poreda Ryan, Deputy Director
Stephanie Ruiz, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council as Int. No. 1695 on September 12, 2019 and was referred to the Committee on Aging (Committee). A hearing was held jointly by the Committee and the Committee on Civil and Human Rights on October 8, 2019, and the bill was laid over. The legislation was subsequently amended and the amended legislation, Proposed Int. No. 1695-A, will be considered by the Committee at a hearing on November 19, 2020. Following a successful vote by the Committee, Proposed Int. No. 1695-A will be submitted to the full Council for a vote on November 19, 2020.

DATE PREPARED: November 16, 2020.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1695-A:)

Int. No. 1695-A

By Council Member Chin, Ayala, Rosenthal, Rivera, Koslowitz, Gibson, Louis, Adams, Kallos, Eugene, R. Diaz, Vallone, Rose and Barron.

A Local Law in relation to studying age discrimination in the workplace

Be it enacted by the Council as follows:

Section 1. Study of age discrimination in the workplace. a. Beginning January 2022, for a period of two years, the commission on human rights shall design, prepare and utilize a variety of methods to address age discrimination in the workplace. These methods shall be used, at a minimum, to assess workplace and employment practices, and technologies and policies that promote or involve age discrimination.

b. In its annual report due to the speaker of the council pursuant to section 905 of the charter on September 30, 2024, the commission shall include a report on information related to the commission's work to address age discrimination in the workplace pursuant to subdivision a.

c. Such information shall include, but not be limited to:

1. A description of any initiatives undertaken pursuant to subdivision a and a summary of findings;
2. A general description of any instances of age discrimination encountered during such initiatives, including a summary of the discriminatory conduct and when in the employment process it occurred; and
3. Based on the results of the study conducted pursuant to subdivision a, recommendations on how to identify and address age discrimination in employment and in the workplace.

d. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of any person or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement.

§ 2. This local law takes effect immediately.

MARGARET S. CHIN, *Chairperson*; MATHIEU EUGENE, DIANA AYALA, CHAIM M. DEUTSCH, MARK TREYGER, PAUL A. VALLONE; Committee on Aging, November 19, 2020 (Remote Meeting).
Other Council Members Attending: Council Member Rose.

On motion of the Speaker (Council Member Johnson), 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 Civil and Human Rights

Report for Int. No. 1684-A

Report of the Committee on Civil and Human Rights 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 commission on human rights to create an anti-discrimination poster that includes age discrimination, and requiring city agencies to display the poster.

The Committee on Civil and Human Rights, to which the annexed proposed amended local law was referred on September 12, 2019 (Minutes, page 2856), respectfully

REPORTS:

I. INTRODUCTION

On November 19, 2020, the Committee on Civil and Human Rights, chaired by Council Member Eugene, held a vote on Proposed Introduction Bill Number 1684-A (Int. 1684-A), in relation to requiring the commission on human rights to create an anti-discrimination poster that includes age discrimination, and requiring city agencies to display the poster and Proposed Introduction Bill Number 1685-A (Int. 1685-A), in relation to requiring age discrimination training to city agencies. In October 2019, the Committee heard a previous version of these bills, and testimony was received from the New York City Commission on Human Rights (CCHR), advocacy groups and other stakeholders to provide feedback on this bill. This feedback has informed the changes to the bills. Int. 1684-A and Int. 1685-A both passed with 5 votes in the affirmative, no negatives, and no abstentions.

II. BACKGROUND

Nationwide, older adults are increasingly the victims of age discrimination in the workplace. Age discrimination, according to the United States Equal Employment Opportunity Commission (EEOC), “involves treating an applicant or employee less favorably because of his or her age.”¹ During fiscal year 2019 (FY19), age discrimination represented 21.4 percent of complaints made to the EEOC, with 15,573 total complaints filed² and most of which were filed by women.³ In FY20, CCHR received 125 inquiries in relation to age-related discrimination, 92 of which were related to employment.⁴ Moreover, of the 49 age discrimination-related claims in FY20, 40 of them were employment-related.⁵ In a recent national survey conducted by the American Association of Retired Persons (AARP) of adults older than 45, 61 percent of respondents indicated that they have seen or experienced age discrimination in the workplace, and 38 percent of these respondents indicated that such discrimination is “very common.”⁶ Nineteen percent of these respondents indicated that they were not hired due to their age, and 12 percent indicated that they were not promoted because of their age.⁷

¹ *Age Discrimination*, U.S. Equal Employment Opportunity Commission, available at <https://www.eeoc.gov/laws/types/age.cfm>.

² *EEOC Releases Fiscal Year 2019 Enforcement and Litigation Data*, U.S. Equal Employment Opportunity Commission, Jan. 20, 2019, available at <https://www.eeoc.gov/newsroom/eeoc-releases-fiscal-year-2019-enforcement-and-litigation-data>

³ Paula Span, *He Called Older Employees ‘Dead Wood’ Two Sued for Age Discrimination*, *The New York Times*, July 6, 2018, available at <https://www.nytimes.com/2018/07/06/health/age-discrimination-ohio-state.html>.

⁴ *NYC Commission on Human Rights, “CCHR Annual Report 2020”* New York City Commission on Human Rights, 2020, available at www1.nyc.gov/assets/cchr/downloads/pdf/publications/CCHR_Annual_Report_FY20.pdf.

⁵ *NYC Commission on Human Rights, “CCHR Annual Report 2020”* New York City Commission on Human Rights, 2020, available at www1.nyc.gov/assets/cchr/downloads/pdf/publications/CCHR_Annual_Report_FY20.pdf.

⁶ Rebecca Perron, *The Value of Experience Study*, AARP, July 2018, available at <https://www.aarp.org/research/topics/economics/info-2018/multicultural-work-jobs.html?CMP=RDRCT-PRI-OTHER-WORKJOBS-052118>.

⁷ Kimberly Palmer, *10 Things You Should Know About Age Discrimination*, AARP, available at <https://www.aarp.org/work/on-the-job/info-2017/age-discrimination-facts.html>.

A 2016 study conducted by ProPublica and the Urban Institute found that 28 percent of stable, longtime employees sustain at least one layoff by their employers between turning 50 and leaving work for retirement.⁸ The study also found that 28 percent of those who had been working in long-term, full-time jobs when they entered the study were laid off at least once.⁹ Additionally, 15 percent reported that they stopped working because their pay, hours, treatment from supervisors or other conditions had deteriorated.¹⁰ Another 13 percent of these older workers entered retirement unexpectedly, which the researchers say suggests the workers likely were forced out of their jobs.¹¹ Overall, 56 percent of workers over the age of 50 in long-term, full-time positions lost their jobs involuntarily.¹² Furthermore, workers that are pushed into retirement are more likely to be unemployed longer than younger people, and when they find a job they will typically earn 25 percent less on average than their previous salary.¹³

Age discrimination also persists in New York City as the number of NYC older adults in the workforce continues to increase. According to a 2017 report released by New York City Comptroller Scott Stringer, from 2005-2015, the number of working older adults increased by 62 percent, and, specifically, the number of seniors in the City's labor force increased from 13 percent to 17 percent.¹⁴ Although recent data is limited, in 2015, the Robert N. Butler Columbia Aging Center and the New York Academy of Medicine reported that there were more than 700,000 individuals, aged 55 and older, in NYC's workforce.¹⁵

Notably, digital platforms have recently come under scrutiny for their online job recruitment practices. According to The New York Times, corporations such as Verizon, Amazon, Goldman Sachs, and Facebook have placed recruitment ads limited to certain age groups on Facebook.¹⁶ Advocates argue that such practice is discriminatory against older workers, and experts are concerned that these recruitment practices may violate the federal Age Discrimination in Employment Act.¹⁷

With the COVID-19 pandemic, age discrimination has only worsened for older Americans. Company layoffs have disproportionately targeted individuals in protected categories. As of September 2020, unemployment rates for people over the age of 55 have increased from 3.3 percent prior to the pandemic to 26.4 percent.¹⁸ An employee in New York filed suit challenging his termination, alleging he was among the first laid off as his employer made cuts during the pandemic and was selected because of his age.¹⁹

This, then, seems to be the current state of age discrimination in the workplace; although the population of older workers continues to grow rapidly, technology and stereotypical views toward the aging population make it potentially easier for employers to effectively discriminate against these same workers based on age—often leading to harmful consequences.

⁸ Gosselin, Peter. "If You're Over 50, Chances Are the Decision to Leave a Job Won't Be Yours." *ProPublica*, 28 Dec. 2018, www.propublica.org/article/older-workers-united-states-pushed-out-of-work-forced-retirement.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ Fisher, Bridget. "52% Of Older Workers Forced into Involuntary Retirement - The New School SCEPA." *Scepa*, The New School SCEPA, 14 Sept. 2020, www.economicpolicyresearch.org/jobs-report/september-2018-unemployment-report-for-workers-over-55.

¹⁴ New York City Comptroller Scott M. Stringer, *Aging With Dignity: A Blueprint for Serving NYC's Growing Senior Population*, New York City Comptroller Bureau of Policy and Research, March 2017, available at https://comptroller.nyc.gov/wp-content/uploads/documents/Aging_with_Dignity_A_Blueprint_for_Serving_NYC_Growing_Senior_Population.pdf.

¹⁵ *Age Smart Employer NYC "Resource Guide"*, The Robert N. Butler Columbia Aging Center & The New York Academy of Medicine, Feb. 2015, available at <https://www.mailman.columbia.edu/sites/default/files/pdf/agesmartemployerfactsheets.pdf>.

¹⁶ Julia Angin, Noam Scheiber, and Ariana Tobin, *Facebook Job Ads Raise Concerns About Age Discrimination*, *The New York Times*, Dec. 20, 2017, available at <https://www.nytimes.com/2017/12/20/business/facebook-job-ads.html>.

¹⁷ *Id.*

¹⁸ Jennifer Schramm, "September 2020 Employment Data Digest," AARP Public Policy Institute, available at: <https://www.aarp.org/ppi/info-2020/employment-data-digest.html>

¹⁹ By Gregory P. Abrams, Esq., Taylor L. Haran, Esq., Samantha M. Rollins, Esq., and Katrina W. Forsyth, Esq., "Coronavirus lawsuits on the horizon: Termination and discrimination," Westlaw, 2020 WL 4463392, available at: [https://1.next.westlaw.com/Document/I151671f1d6c311eabea4f0dc9fb69570/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)](https://1.next.westlaw.com/Document/I151671f1d6c311eabea4f0dc9fb69570/View/FullText.html?transitionType=Default&contextData=(sc.Default))

Consequences and Effects of Age Discrimination

Stereotypes and Bias

Despite anti-discrimination laws, older workers continue to face discrimination and harassment due to their age. Discrimination is experienced at all stages of employment—hiring, firing, training, and promotion—and is often perpetrated because of stereotypes about older workers.²⁰ Academic research shows that negative preconceptions about older workers persists, despite evidence that disproves them.²¹ These stereotypes include assumptions such as: older workers being less flexible, alert, and productive; or needing to take more sick leave days because of health issues.²² This is despite the fact that some research “suggests that older workers are [actually] generally more productive, because of their higher levels of organization, commitment and loyalty.”²³ This incorrect bias against older workers is one of the causes of age discrimination. In a worldwide study conducted by Deloitte Consulting, for instance, 41 percent of the surveyed companies stated that they considered their aging workforce to be a competitive disadvantage.²⁴ These negative assumptions results in older workers being undervalued, and less likely to be offered career development or promotion opportunities.²⁵

Financial Security

The financial security offered through steady, fairly-paid work is often denied to older workers because of discrimination and bias. The long periods of unemployment or underemployment many of these workers face have severe consequences on their financial health. For example, a recent paper has shown that the bankruptcy rates for older Americans has increased between 200 and 300 percent (depending on the age bracket) since 1991.²⁶

The biases and stereotypes that operate to either fire or prevent older workers from finding the employment they need and desire also push these workers into early retirement. According to data from the Equal Employment Opportunity Commission (EEOC), 55 percent of all of the age discrimination-related charges in 2018 involved unfair dismissal.²⁷ When newly-retired workers turn to Social Security earlier than they had planned, either as a substitute for or supplement to employment income, they are financially penalized because the benefit is calculated according to the age when an individual starts accessing it. As one author articulates, “[w]orkers who retire at age 62 suffer a 25 percent cut in their monthly Social Security benefit for the rest of their lives compared to workers who retire at age 66, and a 32 percent decrease when compared to workers who retire at age 70.”²⁸

²⁰ NYC Commission on Human Rights “2017 Year End Review”, [NYC Commission on Human Rights](https://www1.nyc.gov/assets/cchr/downloads/pdf/publications/2017YearEndReviewFINAL.pdf), available at <https://www1.nyc.gov/assets/cchr/downloads/pdf/publications/2017YearEndReviewFINAL.pdf>, p. 3.

²¹ Victoria A. Lipnic, *The state of age discrimination and older workers in the U.S. 50 years after the Age Discrimination in Employment Act (ADEA)*, U.S. Equal Employment Opportunity Commission, June, 2018, available at <https://www.eeoc.gov/eeoc/history/adea50th/report.cfm>.

²² Geoffrey Wood, Adrian Wilkinson and Mark Harcourt, *Age discrimination and working life: perspective and contestations – a review of the contemporary literature*, *International Journal of Management Reviews*, 2008, p. 7; see also Nathaniel Reade, *The surprising truth about older workers*, *AARP the Magazine*, Sept. 2015, available at <https://www.aarp.org/work/job-hunting/info-07-2013/older-workers-more-valuable.html>; and Neelie Verlinden, *Aging workforce challenges: trends. Statistics and impact*, *Digital HR Tech*, available at <https://www.digitalhrtech.com/aging-workforce-challenges/>.

²³ Geoffrey Wood, Adrian Wilkinson and Mark Harcourt, *Age discrimination and working life: perspective and contestations – a review of the contemporary literature*, *International Journal of Management Reviews*, 2008, p. 8.

²⁴ Mark Miller, *Companies need older workers: here’s why*, *Reuters*, June 21, 2018, available at <https://www.reuters.com/article/us-world-work-olderworkers/companies-need-older-workers-here-is-why-idUSKBN1JH15F>.

²⁵ Geoffrey Wood, Adrian Wilkinson and Mark Harcourt, *Age discrimination and working life: perspective and contestations – a review of the contemporary literature*, *International Journal of Management Reviews*, 2008, p. 8.

²⁶ Deborah Thorne, Pamela Foohey, Robert M. Lawless and Katherine Porter, *Graying of U.S. bankruptcy: fallout from life in a risk society*, Aug. 2018, available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3226574.

²⁷ Victoria A. Lipnic *The state of age discrimination and older workers in the U.S. 50 years after the Age Discrimination in Employment Act (ADEA)*, U.S. Equal Employment Opportunity Commission, June, 2018, available at: <https://www.eeoc.gov/eeoc/history/adea50th/report.cfm>.

²⁸ Patricia G. Barnes, *An epidemic of age discrimination*, *Aging Today*, Jan. 21, 2015, available at <http://www.asaging.org/blog/epidemic-age-discrimination>.

Health and Wellbeing

In addition to financial security, continued employment for older people provides a range of benefits for an individual's health and wellbeing. Research has shown improvements in the ability to sustain levels of cognitive functioning over longer periods for people who are able to work past the age of 65.²⁹ Maintaining employment also helps tackle a sense of isolation and build a stronger sense of self-worth. For example, according to a U.S. Senate Special Committee on Aging report, “[o]lder workers are more likely than younger workers to report that their job provides personal fulfillment and a sense of being needed and valued, as well as opportunities to learn new skills and remain physically, cognitively, and socially active.”³⁰ Meanwhile, “[f]orced retirement correlates with significant declines in mental and physical health that can lead to shortened life spans.”³¹

While the benefits of working later in life extend beyond a person's financial bottom-line, so do the negative consequences of age discrimination. The median age for retirement in the United States is 62 years old.³² Ideally, a worker that is retiring would want to have the means to support themselves financially after leaving the workforce. However, a 2019 study conducted by the Center for Retirement Research at Boston College found that less than half of Americans have enough savings to maintain their planned standard of living into retirement.³³ An earlier retirement than planned, or earlier than is needed in order to be financially stable after leaving the workforce, could therefore have disastrous consequences to the financial security of those aging out of the workforce.

Discrimination, in general, has many negative effects on mental and physical health and wellbeing, and the age discrimination experienced by older workers shows similar negative consequences.³⁴ Research shows that this is especially true for older women in the workforce, as they often face gendered age discrimination.³⁵ Such research has found that women who have experienced age discrimination experienced an increase in depressive symptoms and that the perceived financial strain of this discrimination has often perpetuated these symptoms.³⁶

Age Discrimination Complaints at the New York City Commission on Human Rights

An individual who believes that they have been discriminated against in their employment because of age can file a complaint with CCHR. Members of the public may file a complaint with the Commission's Law Enforcement Bureau (LEB) or a lawyer may file a complaint with the LEB on a client's behalf.³⁷ After a complaint is filed, the Commission's LEB investigates the allegations to determine whether probable cause exists to credit the allegations of unlawful discrimination.³⁸

If LEB makes a finding of probable cause, LEB may litigate the case at the Office of Administrative Trials and Hearings.³⁹ At various stages of the process, the Commission also offers alternative resolutions such as mediation or conciliation.⁴⁰ Further, the Commission may pursue various remedies in the resolution of a

²⁹ Special Committee on Aging, *America's aging workforce: opportunities and challenges*, United States Senate, Dec., 2017, available at <https://www.aging.senate.gov/imo/media/doc/Aging%20Workforce%20Report%20FINAL.pdf>, p. 20.

³⁰ *Id.*

³¹ Victoria A. Lipnic, *The state of age discrimination and older workers in the U.S. 50 years after the Age Discrimination in Employment Act (ADEA)*, U.S. Equal Employment Opportunity Commission, June, 2018, available at <https://www.eeoc.gov/eeoc/history/adea50th/report.cfm>.

³² “2019 Retirement Confidence Survey Report.” *Employee Benefit Research Institute*, 23 Apr. 2019, available at www.ebri.org/docs/default-source/rcs/2019-rcs/2019-rcs-short-report.pdf.

³³ Munnell, Alicia H., et al. “How Would More Saving Affect the National Retirement Risk Index?” *Center for Retirement Research at Boston College*, Boston College, Oct. 2019, crr.bc.edu/wp-content/uploads/2019/10/IB_19-16.pdf.

³⁴ Tetyana P. Shippee, Lindsay R. Wilkinson, Markus H. Schafer, and Nathan D. Shippee, *Long-term effects of age discrimination on mental health: the role of perceived financial strain*, *Journals of Gerontology*, March 14, 2017, available at <https://academic.oup.com/psychsocgerontology/advance-article/doi/10.1093/geronb/gbx017/3069149>, p. 1.

³⁵ *Id.* at 2.

³⁶ Tetyana P. Shippee, Lindsay R. Wilkinson, Markus H. Schafer, and Nathan D. Shippee, *Long-term effects of age discrimination on mental health: the role of perceived financial strain*, *Journals of Gerontology*, March 14, 2017, available at <https://academic.oup.com/psychsocgerontology/advance-article/doi/10.1093/geronb/gbx017/3069149>.

³⁷ *Assistance for the Complainant*, NYC Commission on Human Rights, available at <https://www1.nyc.gov/site/cchr/enforcement/assistance-for-the-complainant.page>.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

complaint, including ordering an employer to cease and desist from engaging in unlawful conduct, reinstating an employee, providing an accommodation, requiring respondents to take actions such as trainings, and ordering pay for lost wages, emotional distress damages, and civil penalties.⁴¹

III. BILL ANALYSIS

Int. No. 1684-A

Section 1 of this bill would require CCHR to create an anti-discrimination rights and responsibilities poster that addresses the forms of discrimination prohibited by the City's Human Rights Law, including age discrimination, and which explains how to contact the Commission. The bill would require city agencies to conspicuously display this poster in employee breakrooms and other common areas for employees. The Commission would also be required to include informational resources on age discrimination, all of which must be made available on the Commission's website, as part of its regular outreach and education efforts.

The bill provides that the local law would take effect 120 days after it becomes law.

Int. No. 1685-A

This bill would require all City agencies to provide age discrimination training to their employees every two years. The training would be developed by the Department of Citywide Administrative Services and the Commission on Human Rights.

The bill provides that the local law would take effect 120 days after it becomes law.

(The following is the text of the Fiscal Impact Statement for Int. No. 1684-A:)



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT**

PROPOSED INTRO. NO. 1684-A

COMMITTEE: Civil and Human Rights

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the commission on human rights to create an anti-discrimination poster that includes age discrimination, and requiring city agencies to display the poster.

Sponsors: By Council Members Ayala, Chin, Louis, Kallos, Eugene, Diaz, Vallone, Rose, and Adams.

⁴¹ Id.

SUMMARY OF LEGISLATION: Proposed Intro. No. 1684-A would require the City Commission on Human Rights to create an anti-discrimination poster that includes age discrimination, and to provide additional age discrimination resources on its website. This bill would also require City agencies to display the poster in employee common areas.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2022

FISCAL IMPACT STATEMENT:

	Effective FY21	FY Succeeding Effective FY22	Full Fiscal Impact FY22
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 because the relevant city agency would utilize existing resources to comply with the requirements of the legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Nevin Singh, Financial Analyst

ESTIMATE REVIEWED BY: Eisha Wright, Unit Head
Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council on September 12, 2019 as Intro. No. 1684 and was referred to the Committee on Civil and Human Rights (Committee). The Committee heard the legislation on October 8, 2019 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1684-A, will be voted on by the Committee at a hearing on November 19, 2020. Upon successful vote by the Committee, Proposed Intro. No. 1684-A will be submitted to the full Council for a vote on November 19, 2020.

DATE PREPARED: November 12, 2020.

(For text of Int. Nos. 1685-A and its Fiscal Impact Statement, please see the Report of the Committee on Civil and Human Rights for Int. Nos. 1685-A printed in these Minutes; for text of Int. No. 1684-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 1684-A and 1685-A.

(The following is the text of Int. No. 1684-A:)

Int. No. 1684-A

By Council Members Ayala, Chin, Louis, Kallos, Eugene, R. Diaz, Vallone, Rose, Adams, Rosenthal, Barron and Rivera.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the commission on human rights to create an anti-discrimination poster that includes age discrimination, and requiring city agencies to display the poster

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 8 of the administrative code of the city of New York is amended by adding a new section 8-134 to read as follows:

§ 8-134 *Anti-discrimination poster.* a. *The commission shall create an anti-discrimination rights and responsibilities poster that addresses the forms of discrimination prohibited by the city human rights law, including age discrimination, and which explains how to contact the commission. The commission shall also include as part of its regular outreach and education efforts informational resources on age discrimination. Such poster and educational resources shall be made available on the commission's website.*

b. *Every agency shall conspicuously display the poster created by the commission pursuant to this section in employee breakrooms or other common areas where employees gather.*

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

MATHIEU EUGENE, *Chairperson*; DANIEL DROMM, BRADFORD S. LANDER, INEZ D. BARRON, BILL PERKINS; Committee on Civil and Human Rights, November 19, 2019 (Remote Meeting).

On motion of the Speaker (Council Member Johnson), 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. 1685-A

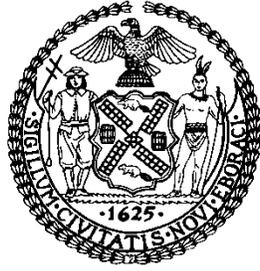
Report of the Committee on Civil and Human Rights in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to providing age discrimination training to city agencies.

The Committee on Civil and Human Rights, to which the annexed proposed amended local law was referred on September 12, 2019 (Minutes, page 2857), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Civil and Human Rights for Int. No. 1684-A printed above in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1685-A:



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
 LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO. 1685-A

COMMITTEE: Civil and Human Rights

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to providing age discrimination training to city agencies.

Sponsors: By Council Members Ayala, Chin, Louis, Kallos, Eugene, Diaz, Vallone, Rose, and Adams.

SUMMARY OF LEGISLATION: Proposed Intro. No. 1685-A would require city agencies to provide training on age discrimination every two years. The training would be developed by the Department of Citywide Administrative Services and the City Commission on Human Rights.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2022

FISCAL IMPACT STATEMENT:

	Effective FY21	FY Succeeding Effective FY22	Full Fiscal Impact FY22
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 because the relevant city agency would utilize existing resources to comply with the requirements of the legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Nevin Singh, Financial Analyst

ESTIMATE REVIEWED BY: Eisha Wright, Unit Head
 Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council on September 12, 2019 as Intro. No. 1685 and was referred to the Committee on Civil and Human. The legislation was heard by the Committee on Civil and Human joint with the Committee on Aging on October 8, 2019 and was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1685-A, will be voted on by the Committee on Civil and Human Rights at a hearing on November 19, 2020. Upon successful vote by the

Committee on Civil and Human Rights, Proposed Intro. No. 1685-A will be submitted to the full Council for a vote on November 19, 2020.

DATE PREPARED: November 16, 2020.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1685-A:)

Int. No. 1685-A

By Council Members Ayala, Chin, Louis, Kallos, Eugene, R. Diaz, Vallone, Rose, Adams, Rosenthal, Barron and Rivera.

A Local Law to amend the New York city charter, in relation to providing age discrimination training to city agencies

Be it enacted by the Council as follows:

Section 1. Chapter 35 of the New York city charter is amended by adding a new section 815.2 to read as follows:

§ 815.2. Age discrimination training. a. The department, in consultation with the commission on human rights, shall create training, including materials, to identify, prevent and eliminate age discrimination in the workplace.

b. The head of each agency, in consultation with the department, shall ensure that each employee of such agency receives age discrimination training biennially. Such training may be provided in combination with other training on equal employment provided to the agency's employees.

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

MATHIEU EUGENE, *Chairperson*; DANIEL DROMM, BRADFORD S. LANDER, INEZ D. BARRON, BILL PERKINS; Committee on Civil and Human Rights, November 19, 2019 (Remote Meeting).

On motion of the Speaker (Council Member Johnson), 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 Int. No. 2136

Report of the Committee on Finance in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in two business improvement districts

The Committee on Finance, to which the annexed proposed local law was referred on October 29, 2020 (Minutes, page 2308), respectfully

REPORTS:

On November 19, 2020, the Committee on Finance will hold a hearing on Intro. No. 2136, *A Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in two business improvement districts*, sponsored by Council Members Dromm and Louis

(by request of the Mayor). These increases, which have been requested by the Business Improvement Districts (BIDs) 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.

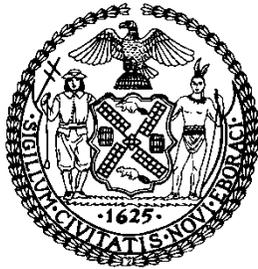
Pursuant to §§ 25-410(b) and 25-416 of the Administrative Code, the BIDs may obtain an increase in its budget (i.e. the total amount allowed to be expended annually by the BIDs for improvements, services, maintenance, and operation) by means of the adoption of a local law amending the BID's district 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.

On October 29, 2020, the Committee adopted Resolution 1471 that set November 19, 2020 as the date to consider a local law that would increase the annual expenditures of two BIDs, as of July 1, 2020. Today, the Committee will hear from all persons interested in the legislation, which would increase the amount to be expended annually in the two BIDs.

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

BID Name	Yr Est	Last Increase Yr	Current Authorized Assessment Cap	Proposed Authorized Assessment Cap	\$ Increase Request		Months Reserve	Increase Schedule	Retro/ Forward	CM District (s)	SBS Justification
	Yrs	Increase Amount			Total % Increase	Annualized % Increase				CM(s)	
Bryant Park	1992	2018	\$1,600,000	\$2,500,000	\$900,000		1.2	One-time	Retroactive	4	Assessment increase will offset significant declines in revenues caused by the effects of the COVID-19 outbreak and recovery - including changing the configuration and staffing of skating pavilions to accommodate proper distancing, anticipating lower volume of park guests, and hosting fewer or cancelling revenue-generating programs due to the outbreak. A portion of this increase will be used to sustain current levels of programs and services impacted by rising contract costs associated with the increase in minimum wage
	28	\$1,755,000			56.25%	1.29%		1x \$900,000 (FY21)		Powers	
Flatbush- Nostrand Junction	2007	None	\$200,000	\$350,000	\$150,000		1.5	One-time	Retroactive	45	Assessment increase will expand staff and administrative capacity by hiring one (1) part-time staff to manage marketing, graphics, and administrative functions; upgrade computer and technologies systems; programming on new Hillel Plaza public plaza. A portion of this increase will be used to sustain current levels of programs and services impacted by rising contract costs associated with the increase in minimum wage.
	13	None			75.00%	3.30%		1 x \$150,000 (FY21)		Louis	

(The following is the text of the Fiscal Impact Statement for Int. No. 2136:)



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT**

INTRO. No. 2136

COMMITTEE: Finance

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in two business improvement districts.

SPONSORS: Council Members Dromm and Louis (by request of the Mayor).

SUMMARY OF LEGISLATION: Business Improvement Districts (BIDs) raise funding, primarily through special assessments, to provide services independent of those already provided by the City. Special assessments are additional charges billed to property owners within a BID that are collected as part of the City’s property tax collection system. This legislation would authorize the Bryant Park BID to increase the amount it expends annually from \$1,600,000 to \$2,500,000 and would authorize the Flatbush-Nostrand Junction BID to increase the amount it expends annually from \$200,000 to \$350,000, in both cases retroactive to July 1, 2020.

EFFECTIVE DATE: This local law would take effect immediately and be retroactive to and deemed to have been in effect as of July 1, 2020.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal Year 2021

FISCAL IMPACT STATEMENT:

	Effective FY21	FY Succeeding Effective FY22	Full Fiscal Impact FY21
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES AND EXPENDITURES: There would be no net impact on revenues or expenditures resulting from the enactment of this legislation. The BID assessments are charges separate from the City’s property tax levy and do not contribute to the General Fund. The assessments are levied on the businesses located in the impacted BIDs. The authorized expenditures for Fiscal 2021 will increase from the Fiscal 2020 amounts.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: BID special assessments

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

ESTIMATE PREPARED BY: Luke Zangerle, Finance Analyst, Finance Division

ESTIMATE REVIEWED BY: Chima Obichere, Unit Head
Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: Intro. No. 2136 was introduced to the full Council on October 29, 2020 and referred to the Committee on Finance (Committee). The Committee will consider and vote on the legislation on November 19, 2020. Upon a successful vote by the Committee, the legislation will be submitted to the full Council for a vote on November 19, 2020.

DATE PREPARED: November 13, 2020.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 2136:)

Int. No. 2136

By Council Members Dromm and Louis (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in two business improvement districts

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 25-441 of the administrative code of the city of New York, as amended by local law number 17 for the year 2016, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Bryant Park business improvement district beginning on July 1, [2015] 2020, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [one million six hundred thousand dollars (\$1,600,000)] *two million five hundred thousand dollars (\$2,500,000)*.

§ 2. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-470.1 to read as follows:

§ 25-470.1 *Flatbush-Nostrand Junction business improvement district; increase in the amount to be expended annually.* a. *The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Flatbush-Nostrand Junction business improvement district beginning on July 1, 2020, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of three hundred fifty thousand dollars (\$350,000).*

b. *The amount of such expenditure to be levied upon each property in the district shall be determined in accordance with the method of assessment set forth in the Flatbush-Nostrand Junction business improvement district plan.*

§ 3. This local law takes effect immediately and is retroactive to and deemed to have been in effect as of July 1, 2020.

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, MARK GJONAJ, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, STEVEN MATTEO; Committee on Finance, November 19, 2020 (Remote Meeting).

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

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

Report for Res. No. 1480

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

The Committee on Finance, to which the annexed preconsidered resolution was referred on November 19, 2020, respectfully

REPORTS:

Introduction. The Council of the City of New York (the “Council”) annually adopts the City’s budget covering expenditures other than for capital projects (the “expense budget”) pursuant to Section 254 of the Charter. On June 19, 2019, the Council adopted the expense budget for fiscal year 2020 with various programs and initiatives (the “Fiscal 2020 Expense Budget”). On June 30, 2020, the Council adopted the expense budget for fiscal year 2021 with various programs and initiatives (the “Fiscal 2021 Expense Budget”).

Analysis. In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving funding in accordance with the Fiscal 2021 and Fiscal 2020 Expense Budgets, and amendments to the description for the Description/Scope of Services of certain organizations receiving funding in accordance with the Fiscal 2021 and Fiscal 2020 Expense Budgets.

This Resolution, dated November 19, 2020, approves the new designation and the changes in the designation of certain organizations receiving local, anti-poverty, and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2021 Expense Budget, and amends the description for the Description/Scope of Services of certain organization receiving local and youth discretionary funding and funding pursuant to certain initiatives in accordance with the Fiscal 2021 and Fiscal 2020 Expense Budgets.

This Resolution sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2021 Expense Budget, as described in Chart 1; sets forth the new designation and the changes in the designation of a certain organization receiving anti-poverty discretionary funding pursuant to the Fiscal 2021 Expense Budget, as described in Chart 2; sets forth the new designation and the changes in the designation of certain organizations receiving youth discretionary funding, as described in Chart 3; sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to certain initiatives pursuant to the Fiscal 2021 Expense Budget, as described in Charts 4-13; amends the description for the Description/Scope of Services for certain organizations receiving local and youth discretionary funding and funding for a certain initiative accordance with the Fiscal 2021 Expense Budget, as described in Chart 14; and amends the description for the Description/Scope of Services for certain organizations receiving local discretionary funding and funding for a certain initiative accordance with the Fiscal 2020 Expense Budget, as described in Chart 15.

Specifically, Chart 1 sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2021 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 2 sets forth the new designation and the changes in the designation of a certain organization receiving anti-poverty discretionary funding pursuant to the Fiscal 2021 Expense Budget. One of these changes will be effectuated upon a budget modification.

Chart 3 sets forth the new designation and the changes in the designation of certain organizations receiving youth discretionary funding pursuant to the Fiscal 2021 Expense Budget.

Chart 4 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2021 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 5 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2021 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 6 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2021 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 7 sets forth the new designation of a certain organization receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2021 Expense Budget.

Chart 8 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2021 Expense Budget.

Chart 9 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2021 Expense Budget.

Chart 10 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2021 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 11 sets forth the new designation of certain organizations receiving funding pursuant to the Support our Seniors Initiative in accordance with the Fiscal 2021 Expense Budget.

Chart 12 sets forth the change in the designation of a certain organization receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2021 Expense Budget. Such change will be effectuated upon a budget modification.

Chart 13 sets forth the change in the designation of a certain organization receiving funding pursuant to the LGBT Community Services Initiative in accordance with the Fiscal 2021 Expense Budget.

Chart 14 amends the description for the Description/Scope of Services for certain organizations receiving local and youth discretionary funding and funding for a certain initiative in accordance with the Fiscal 2021 Expense Budget.

Chart 15 amends the description for the Description/Scope of Services for certain organizations receiving local discretionary funding and funding for a certain initiative in accordance with the Fiscal 2020 Expense Budget.

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

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

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

Description of Above-captioned Resolution. In the above-captioned Resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2021 and Fiscal 2020 Expense Budgets. Such Resolution would take effect as of the date of adoption.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1480:)

Preconsidered Res. No. 1480

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

By Council Member Dromm.

Whereas, On June 30, 2020, the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2021 with various programs and initiatives (the “Fiscal 2021 Expense Budget”); and

Whereas, On June 19, 2019 the Council adopted the expense budget for fiscal year 2020 with various programs and initiatives (the “Fiscal 2020 Expense Budget”); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2021 and Fiscal 2020 Expense Budgets by approving the new designation and changes in the designation for certain organizations receiving local, anti-poverty, and youth discretionary funding, and by approving the new designation and changes in the designation for certain organizations receiving funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2021 and Fiscal 2020 Expense Budgets by approving new Description/Scope of Services for certain organizations receiving local and youth discretionary funding and funding pursuant to certain initiatives; now, therefore, be it

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2021 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of a certain organization receiving anti-poverty discretionary funding in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designation of certain organization receiving funding pursuant to the Support our Seniors Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 12; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the LGBT Community Services Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 13; and be it further

Resolved, That the City Council approves the amendment of the description for the Description/Scope of Services for certain organizations receiving local and youth discretionary funding and funding for a certain initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 14; and be it further

Resolved, That the City Council approves the amendment of the description for the Description/Scope of Services for certain organizations receiving local discretionary funding and funding for a certain initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 15.

ATTACHMENT:

CHART #1: Local Initiatives - Fiscal 2021

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Rosenthal	New York City Housing Authority - Domesite	13-6400434	HPD	(\$1,000)	806	012	
Rosenthal	New York City Housing Authority - Douglas Rehab	13-6400434	HPD	\$1,000	806	012	
Rosenthal	New York City Housing Authority - WSUR A	13-6400434	HPD	(\$2,000)	806	012	
Rosenthal	New York City Housing Authority - WSUR A 120 West 92nd	13-6400434	HPD	\$2,000	806	012	
Rosenthal	New York City Housing Authority - WSUR B	13-6400434	HPD	(\$2,000)	806	012	
Rosenthal	New York City Housing Authority - WSUR Brownstones	13-6400434	HPD	\$2,000	806	012	
Rosenthal	New York City Housing Authority - WSUR C.	13-6400434	HPD	(\$2,000)	806	012	
Rosenthal	New York City Housing Authority - WSUR C 589 Amsterdam Avenue	13-6400434	HPD	\$2,000	806	012	
Ayala	New York City Housing Authority - Mott Haven Houses	13-6400434	HPD	(\$4,500)	806	012	
Ayala	New York City Housing Authority - Millbrook Houses	13-6400434	HPD	\$4,500	806	012	
Levin	La Nueva Esperanza, Inc. - Food & Nutrition Services **	20-4393724	DHMH	(\$7,500)	816	117	
Levin	Community Help in Park Slope, Inc. - Soup Kitchen & Food Pantry **	11-2449994	DYCD	\$5,000	260	005	
Levin	Berry Street Tenants Association, Inc. **	46-5367567	DYCD	\$2,500	260	005	
Miller	City University of New York	13-3893536	CUNY	(\$7,500)	042	001	
Miller	City University of New York - Queensborough Community College Auxiliary Enterprises Association	13-3893536	CUNY	\$7,500	042	001	
Adams	Jamaica Center for Arts and Learning, Inc. - Children's Festival **	11-2478709	DCLA	(\$5,000)	126	003	
Adams	Jamaica Center for Arts and Learning, Inc. - Children's Festival **	11-2478709	DCLA	\$5,000	126	022	
Levine	New York Shakespeare Festival - Project Access Shakespeare **	13-1844852	DCLA	(\$5,000)	126	003	
Levine	New York Shakespeare Festival - Project Access Shakespeare **	13-1844852	DCLA	\$5,000	126	024	
Diaz	Wildlife Conservation Society - Discovery Guide Program **	13-1740011	DCLA	(\$5,000)	126	003	
Diaz	Wildlife Conservation Society - Discovery Guide Program **	13-1740011	DCLA	\$5,000	126	007	
Ayala	Museum of the City of New York	13-1624098	DCLA	(\$5,000)	126	005	
Ayala	Museum of the City of New York	13-1624098	DCLA	\$5,000	126	016	
Koo	Young Women's Christian Association of Queens	20-0351906	DYCD	(\$5,000)	260	312	
Koo	Making Books Sing, Inc.	13-4201577	DYCD	\$5,000	260	312	
Koo	Making Books Sing, Inc. **	13-4201577	DYCD	(\$5,000)	260	312	
Koo	Making Books Sing, Inc. **	13-4201577	DCLA	\$5,000	126	003	
Dromm	Chhaya Community Development Corporation - Asset Building	11-3580935	DYCD	(\$9,750)	260	005	
Dromm	South Asian Council for Social Services	11-3632920	DYCD	\$9,750	260	005	
Rose	Eden II School for Autistic Children, Inc. - Adult Recreational Program	13-2872916	DYCD	(\$5,000)	260	005	

Rose	Eden II School for Autistic Children, Inc.	13-2872916	DYCD	\$5,000	260	005	
Kallos	FIGMENT Project, Inc. - Roosevelt Island **	20-4582464	DCLA	(\$5,000)	126	003	*
Kallos	FIGMENT Project, Inc. - Roosevelt Island **	20-4582464	DYCD	\$5,000	260	005	*
Cornegy	Green Earth Poets Cafe, Inc. **	46-4951821	DCLA	(\$5,000)	126	003	
Cornegy	Green Earth Poets Cafe, Inc. **	46-4951821	DYCD	\$5,000	260	005	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect.

CHART #1: Local Initiatives - Fiscal 2021 (continued)

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Reynoso	Ujima Community Working Together, Inc.	30-0708882	DYCD	(\$5,000)	260	312	
Reynoso	Department of Youth and Community Development	13-6400434	DYCD	\$5,000	260	312	
Reynoso	Department of Youth and Community Development	13-6400434	DYCD	(\$5,000)	260	312	
Reynoso	Central Brooklyn Economic Development Corporation	11-2981085	DYCD	\$5,000	260	005	
Gjonaj	Department of Youth and Community Development	13-6400434	DYCD	(\$10,000)	260	005	
Gjonaj	Council on the Environment, Inc.	13-2765465	DYCD	\$10,000	260	005	
Gjonaj	Morris Park Community Association, Inc. - Senior Program **	23-7429900	DFTA	(\$25,000)	125	003	
Gjonaj	Council on the Environment, Inc. **	13-2765465	DYCD	\$25,000	260	005	
Gjonaj	Quilts of Valor: Quilters by the Sea	20-2474691	DYCD	(\$5,000)	260	005	
Gjonaj	Council on the Environment, Inc.	13-2765465	DYCD	\$5,000	260	005	
Gjonaj	White Plains Road District Management Association - Holiday Lighting	13-3776486	DYCD	(\$5,000)	260	005	
Gjonaj	Department of Youth and Community Development	13-6400434	DYCD	\$5,000	260	005	
Gjonaj	Coalition on Positive Health Empowerment, Inc. - Illyria Clinic **	27-2654975	DHMH	(\$18,000)	816	117	
Gjonaj	Catholic Charities Community Services, Archdiocese of New York **	13-5562185	DYCD	\$18,000	260	005	
Gjonaj	Kingsbridge-Riverdale-Van Cortlandt Development Corporation - Community Building Initiative - Council District 13	13-3097905	DYCD	(\$66,000)	260	005	
Gjonaj	Department of Youth and Community Development	13-6400434	DYCD	\$66,000	260	005	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect.

CHART #2: Anti-Poverty Initiatives - Fiscal 2021

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Dromm	MCCNY Charities, Inc. - Food Pantry	27-5282132	DYCD	(\$5,000)	260	005	
Dromm	Queens Lesbian and Gay Pride Committee, Inc.	11-3146598	DYCD	\$5,000	260	005	
Gjonaj	CUNY School of Law Justice & Auxiliary Services Corporation - City Counseling Program **	90-1013912	CUNY	(\$10,000)	042	001	
Gjonaj	Catholic Charities Community Services, Archdiocese of New York **	13-5562185	DYCD	\$10,000	260	005	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

CHART #3: Youth Discretionary – Fiscal 2021

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Koo	Making Books Sing, Inc.	13-4201577	DYCD	(\$5,000)	260	312	
Koo	Young Women's Christian Association of Queens	20-0351906	DYCD	\$5,000	260	312	
Rose	United States Wallball Association, Inc. - Public Handball & Basketball Clinics/Tournaments	45-3569022	DYCD	(\$5,000)	260	312	
Rose	United States Wallball Association, Inc.	45-3569022	DYCD	\$5,000	260	312	
Cornegy	Young Airmans Association, The - United Youth Aviators Summer Camp	83-2005292	DYCD	(\$7,500)	260	312	
Cornegy	Little Sun People, Inc.	11-3081207	DYCD	\$7,500	260	312	
Reynoso	Department of Youth and Community Development	13-6400434	DYCD	(\$5,000)	260	312	
Reynoso	Ujima Community Working Together, Inc.	30-0708882	DYCD	\$5,000	260	312	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

CHART #4: A Greener NYC - Fiscal 2021

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Borelli	Horticultural Society of New York, The - Gardening Skills & Nutrition Education ***	13-0854930	DCLA	(\$10,000)	126	003	
Borelli	Snug Harbor Cultural Center & Botanical Garden - Environmental education & Workforce Development ***	80-0193388	DCLA	(\$10,000)	126	020	
Cabrera	New York Botanical Garden - Council District 14 ***	13-1693134	DCLA	(\$10,000)	126	005	
	Department of Youth and Community Development ***	13-6400434	DYCD	\$30,000	260	005	
	Department of Cultural Affairs	13-6400434	DCLA	(\$30,000)	126	003	
Borelli	Horticultural Society of New York, The - Gardening Skills & Nutrition Education	13-0854930	DCLA	\$10,000	126	003	
Borelli	Snug Harbor Cultural Center & Botanical Garden - Environmental education & Workforce Development	80-0193388	DCLA	\$10,000	126	020	
Cabrera	New York Botanical Garden - Council District 14	13-1693134	DCLA	\$10,000	126	005	
Cabrera	Department of Parks and Recreation - Council District 14 ***	13-6400434	DPR	(\$10,000)	846	006	
CD12	Department of Parks and Recreation - Haffen Park ***	13-6400434	DPR	(\$10,000)	846	006	
CD12	Department of Parks and Recreation - Agnes Haywood Playground ***	13-6400434	DPR	(\$10,000)	846	006	
Powers	Outstanding Renewal Enterprises, Inc. - Composting StuyTown GreenMarket ***	13-3320984	DSNY	(\$20,000)	827	102	
	Department of Youth and Community Development ***	13-6400434	DYCD	\$50,000	260	005	
	Department of Cultural Affairs **	13-6400434	DCLA	(\$50,000)	126	003	
Cabrera	Department of Parks and Recreation - Council District 14 **	13-6400434	DPR	\$10,000	846	006	
CD12	Department of Parks and Recreation - Haffen Park **	13-6400434	DPR	\$10,000	846	006	
CD12	Department of Parks and Recreation - Agnes Haywood Playground **	13-6400434	DPR	\$10,000	846	006	
Powers	Outstanding Renewal Enterprises, Inc. - Composting StuyTown GreenMarket **	13-3320984	DSNY	\$20,000	827	102	
CD24	Department of Parks and Recreation - GrowNYC - Seed to Plate Public School 201Q (25Q201) **	13-6400434	DPR	(\$10,000)	846	006	
CD24	Council on the Environment, Inc. - GrowNYC - Seed to Plate Public School 201Q (25Q201) **	13-2765465	DYCD	\$10,000	260	005	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

*** Technical adjustment to designation made in a previous Transparency Resolution.

CHART #5: Cultural After-School Adventure (CASA) - Fiscal 2021

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Perkins	Research Foundation of the City University of New York	13-1988190	DCLA	(\$20,000)	126	003	
Perkins	Research Foundation of the City University of New York - Public School 123M Mahalia Jackson (05M123)	13-1988190	DCLA	\$20,000	126	003	
Richards	Ballroom Basix USA, Inc. - Middle School 53Q (27Q053)	27-3218865	DCLA	(\$20,000)	126	003	
Richards	Ballroom Basix USA, Inc. - Middle School 53Q (27Q053) / Village Academy (27Q319)	27-3218865	DCLA	\$20,000	126	003	
Richards	Ballroom Basix USA, Inc. - Village Academy (27Q319)	27-3218865	DCLA	(\$20,000)	126	003	
Richards	Ballroom Basix USA, Inc. - Public School 197Q The Ocean School (27Q197)	27-3218865	DCLA	\$20,000	126	003	
	Department of Cultural Affairs **	13-6400434	DCLA	(\$80,000)	126	022	
	Department of Cultural Affairs	13-6400434	DCLA	(\$200,000)	126	003	
Reynoso	Afro-Latin Jazz Alliance of New York, Inc. - Public School 132K The Conselyea School (14K132)	45-3665976	DCLA	\$20,000	126	003	
Reynoso	Afro-Latin Jazz Alliance of New York, Inc. - Public School 120K (14K120)	45-3665976	DCLA	\$20,000	126	003	
Reynoso	Ballet Hispanico of New York, Inc. - Public School 239K (21K239)	13-2685755	DCLA	\$20,000	126	003	
Reynoso	Ballroom Basix USA, Inc. - Learners and Leaders (24Q305)	27-3218865	DCLA	\$20,000	126	003	
Reynoso	Ballroom Basix USA, Inc. - Public School 123K (32K123)	27-3218865	DCLA	\$20,000	126	003	
Reynoso	Brooklyn Arts Council, Inc. - Public School 145K (32K145)	23-7072915	DCLA	\$20,000	126	003	
Reynoso	Brooklyn Queens Conservatory of Music - Public School 299K (32K299)	11-1532426	DCLA	\$20,000	126	003	
Reynoso	Bushwick Starr, Inc. - Public School 274K (32K274)	26-4546315	DCLA	\$20,000	126	003	
Reynoso	Bushwick Starr, Inc. - Public School 075K (32K075)	26-4546315	DCLA	\$20,000	126	003	
Reynoso	Bushwick Starr, Inc. - Public School 018 Edward Bush (14K018)	26-4546315	DCLA	\$20,000	126	003	
Reynoso	El Puente de Williamsburg, Inc. - Public School 257K (14K257)	11-2614265	DCLA	\$20,000	126	003	
Reynoso	Henry Street Settlement - Public School 147K (14K147)	13-1562242	DCLA	\$20,000	126	003	
Reynoso	Marquis Studios, Ltd. - Public School 250K (14K250)	13-3047206	DCLA	\$20,000	126	003	
CD37	Bushwick Starr, Inc. - Public School 106K (32K106) **	26-4546315	DCLA	\$20,000	126	003	
	Department of Cultural Affairs	13-6400434	DCLA	(\$20,000)	126	022	
Reynoso	Queens Botanical Garden Society, Inc. - Public School 081Q (24Q081)	11-1635083	DCLA	\$20,000	126	022	
Dromm	City University of New York - Public School 280Q (30Q280)	13-6400434	CUNY	(\$20,000)	042	001	
Dromm	City University of New York - Queensborough Performing Arts Center - Public School 280Q (30Q280)	13-6400434	CUNY	\$20,000	042	001	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect.

CHART #6: Cultural Immigrant Initiative - Fiscal 2021

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Corney	Dwana Smallwood Performing Arts Center, Inc. **	90-0958731	DCLA	(\$10,000)	126	003	
Corney	Entertainers for Education Alliance, Inc. - I Will Graduate **	43-2115174	DYCD	\$10,000	260	312	
	Department of Cultural Affairs	13-6400434	DCLA	(\$10,000)	126	003	
Dromm	Film Fleadh Foundation, Inc. - Council District 25	13-4051235	DCLA	\$10,000	126	003	
	Department of Cultural Affairs **	13-6400434	DCLA	(\$50,000)	126	003	
Gjonaj	Kingsbridge-Riverdale-Van Cortlandt Development Corporation **	13-3097905	DYCD	\$50,000	260	005	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

CHART #7: Digital Inclusion and Literacy Initiative - Fiscal 2021

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
	Department of Youth and Community Development	13-6400434	DYCD	(\$15,000)	260	005	
Gjonaj	Simon Wiesenthal Center, Inc.	95-3964928	DYCD	\$15,000	260	005	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

CHART #8: Domestic Violence and Empowerment (DoVE) Initiative - Fiscal 2021

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Cabrera	New York Women's Chamber of Commerce, Inc. ***	14-1845651	MOCJ	(\$10,000)	098	002	
Cabrera	Northern Manhattan Coalition for Immigrant Rights ***	13-3255591	MOCJ	\$10,000	098	002	
	Mayor's Office of Criminal Justice	13-6400434	MOCJ	(\$20,000)	098	002	
Holden	RPGA Studio, Inc.	47-2589237	MOCJ	\$20,000	098	002	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

*** Technical adjustment to designation made in a previous Transparency Resolution.

CHART #9: Food Pantries Initiative - Fiscal 2021

Borough	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Brooklyn Delegation	SCO Family of Services	11-2777066	DYCD	(\$10,062)	260	005	
Brooklyn Delegation	SCO Family of Services - Bethany Food Pantry at 164 Suydam Street	11-2777066	DYCD	\$10,062	260	005	
Brooklyn Delegation	Masbia	20-1923521	DYCD	(\$1,205)	260	005	
Brooklyn Delegation	People In Need, Inc.	81-2473789	DYCD	(\$1,205)	260	005	
Brooklyn Delegation	Council of Peoples Organization, Inc.	75-3046891	DYCD	(\$1,208)	260	005	
Brooklyn Delegation	Community Help in Park Slope, Inc.	11-2449994	DYCD	\$3,618	260	005	
Bronx Delegation	Food Bank For New York City - St. Peter's Love Kitchen Pantry - EFRO# 85174	13-3179546	DYCD	(\$10,000)	260	005	
Bronx Delegation	Catholic Charities Community Services, Archdiocese of New York	13-5562185	DYCD	\$10,000	260	005	
Bronx Delegation	Jewish Community Council of Pelham Parkway, Inc.	13-3099520	DYCD	(\$16,000)	260	005	
Bronx Delegation	Catholic Charities Community Services, Archdiocese of New York	13-5562185	DYCD	\$16,000	260	005	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

CHART #10: NYC Cleanup Initiative - Fiscal 2021

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Holden	Department of Sanitation - Council District 30 **	13-6400434	DSNY	(\$20,000)	827	102	
Holden	Department of Parks and Recreation - Council District 30 **	13-6400434	DPR	\$20,000	846	006	
	Department of Youth and Community Development	13-6400434	DYCD	(\$201,000)	260	005	
Yeger	Association of Community Employment Programs for the Homeless, Inc.	13-3846431	DYCD	\$75,000	260	005	
Yeger	Kings Highway Beautification Association, Inc.	20-4986882	DYCD	\$10,000	260	005	
Yeger	Wildcat Service Corporation	13-2725423	DYCD	\$75,000	260	005	
CD37	Elite Knights, Inc.	83-3393441	DYCD	\$10,000	260	005	
CD37	Elite Learners, Inc.	81-4482839	DYCD	\$10,000	260	005	
CD37	Brooklyn Alliance, Inc.	11-2145956	DYCD	\$21,000	260	005	
	Department of Youth and Community Development **	13-6400434	DYCD	(\$34,000)	260	005	
CD37	Department of Sanitation **	13-6400434	DPR	\$34,000	827	102	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

CHART #11: Support Our Seniors - Fiscal 2021

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
	Department for the Aging	13-6400434	DFTA	(\$200,000)	125	003	
Reynoso	Jewish Association for Services for the Aged (JASA) - Bushwick/Hylan Senior Centers	13-2620896	DFTA	\$10,000	125	003	
Reynoso	Ridgewood Older Adult Center and Services, Inc.	05-0607283	DFTA	\$24,000	125	003	
Reynoso	Riseboro Community Partnership, Inc. - Riseboro Borinquen Plaza	11-2453853	DFTA	\$14,000	125	003	
Reynoso	Riseboro Community Partnership, Inc. - Riseboro Hope Gardens	11-2453853	DFTA	\$18,000	125	003	
Reynoso	Southside United Housing Development Fund Corporation - HDFC	11-2268359	DFTA	\$20,000	125	003	
Reynoso	Jewish Association for Services for the Aged (JASA) - Williamsburg Senior Center	13-2620896	DFTA	\$14,000	125	003	
Yeger	Agudath Israel of America Community Services, Inc.	13-3975090	DFTA	\$10,000	125	003	
Yeger	Boro Park Jewish Community Council	11-3475993	DFTA	\$30,000	125	003	
Yeger	Council of Jewish Organizations of Flatbush, Inc.	11-2864728	DFTA	\$10,000	125	003	
Yeger	SBH Community Service Network, Inc.	23-7406410	DFTA	\$30,000	125	003	
Yeger	Young Men's Young Women's Hebrew Association of Boro Park, Inc.	11-1630917	DFTA	\$20,000	125	003	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

*** Technical adjustment to designation made in a previous Transparency Resolution.

CHART #12: Parks Equity Initiative - Fiscal 2021

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Chin	Horticultural Society of New York, The - Sara D. Roosevelt Park **	13-0854930	DPR	(\$5,000)	846	006	
Chin	Horticultural Society of New York, The - Sara D. Roosevelt Park **	13-0854930	DYCD	\$5,000	260	005	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

CHART #13: LGBT Community Services - Fiscal 2021

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
City University of New York	13-3893536	CUNY	(\$42,500)	042	001	
City University of New York - Hunter College	13-3893536	CUNY	\$42,500	042	001	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

CHART #14: Purpose of Funds Changes - Fiscal 2021

Source	Member	Organization - Program	EIN Number	Agency	Amount	New Purpose of Funds	*
Speaker		Ohel Children's Home and Family Services, Inc.	11-6078704	DFTA	(\$75,000)	Funding to support holocaust survivors and their family members who are in need of specialized aging services.	
Speaker		Ohel Children's Home and Family Services, Inc.	11-6078704	DFTA	\$75,000	To provide services to people with mental illness including education, housing, case management, crisis intervention, counseling, and training for independent living.	
Local	Lander	Annual Gowanus Artists Studio Tour	75-3192120	DYCD	(\$5,000)	Funding to support outreach and online presence to promote arts events in Gowanus including the Gowanus Open Studios tour.	
Local	Lander	Annual Gowanus Artists Studio Tour	75-3192120	DYCD	\$5,000	Funding to support outreach and online presence to promote art events and support artists in Gowanus including the Arts Gowanus ArtWalk on Atlantic Avenue.	
Local	Rosenthal	New York City Housing Authority - Domesite	13-6400434	HPD	(\$1,000)	Funds support tenant association activities at Domesite.	
Local	Rosenthal	New York City Housing Authority - Douglas Rehab	13-6400434	HPD	\$1,000	Funds support tenant association activities at Douglas Rehab.	
Local	Rosenthal	New York City Housing Authority - WSUR A	13-6400434	HPD	(\$2,000)	Funds support tenant association activities at WSUR A.	
Local	Rosenthal	New York City Housing Authority - WSUR A 120 West 92nd	13-6400434	HPD	\$2,000	Funds support tenant association activities at WSUR A 120 West 92nd.	
Local	Rosenthal	New York City Housing Authority - WSUR B	13-6400434	HPD	(\$2,000)	Funds support tenant association activities at WSUR B.	
Local	Rosenthal	New York City Housing Authority - WSUR Brownstones	13-6400434	HPD	\$2,000	Funds support tenant association activities at WSUR Brownstones.	
Local	Rosenthal	New York City Housing Authority - WSUR C.	13-6400434	HPD	(\$2,000)	Funds support tenant association activities at WSUR C.	
Local	Rosenthal	New York City Housing Authority - WSUR C 589 Amsterdam Avenue	13-6400434	HPD	\$2,000	Funds support tenant association activities at WSUR C 589 Amsterdam Avenue.	
Local	Ayala	New York City Housing Authority - Mott Haven Houses	13-6400434	HPD	(\$4,500)	To support community activities and events for residents of the Mott Haven Houses development, including annual family days. Funding will support the purchase of refreshments, supplies, and entertainment at these events.	
Local	Ayala	New York City Housing Authority - Millbrook Houses	13-6400434	HPD	\$4,500	To support community activities and events for residents of the Millbrook Houses development, including annual family days. Funding will support the purchase of refreshments, supplies, and entertainment at these events.	

Local	Cohen	Mosholu Preservation Corporation	13-3109387	DYCD	(\$30,000)	Funding will support holiday lights displays in the commercial corridors along East 204th Street, West 235th to W 239th on Katonah Avenue, Bainbridge Avenue and White Plains Road and funds for speed cameras.
Local	Cohen	Mosholu Preservation Corporation	13-3109387	DYCD	\$30,000	Funding will support holiday lights displays in the commercial corridors along East 204th Street, West 235th to W 239th on Katonah Avenue, Bainbridge Avenue, Riverdale Ave, Johnson Ave and White Plains Road.

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

CHART #14: Purpose of Funds Changes - Fiscal 2021 (continued)

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds	*
Local	Cumbo	West Indian American Day Carnival Association, Inc. - New York City West Indian American Labor Day Parade ***	23-7176396	DCLA	(\$6,000)	Funding to educate the community on Caribbean arts & culture, along with support for their transition to a new location at Bedford Armory in Spring 2021.	
Local	Cumbo	West Indian American Day Carnival Association, Inc. - New York City West Indian American Labor Day Parade ***	23-7176396	DCLA	\$6,000	Funding to support the West Indian traditional cultural arts program.	
Youth	Rose	United States Wallball Association, Inc. - Public Handball & Basketball Clinics/Tournaments	45-3569022	DYCD	(\$5,000)	Funds will be utilized to help cover the administrative, operational and staffing costs associated with participating in tournaments for district youth, including travel and equipment.	
Youth	Rose	United States Wallball Association, Inc.	45-3569022	DYCD	\$5,000	Funds will be used to create one wallball game mural in the 49th district.	
Local	Rose	Eden II School for Autistic Children, Inc. - Adult Recreational Program	13-2872916	DYCD	(\$5,000)	Funding would be used to cover the cost of staffing and fees associated with community outings and trips.	
Local	Rose	Eden II School for Autistic Children, Inc.	13-2872916	DYCD	\$5,000	Funds will be used to cover the costs associated with the purchase of on-site supplies/activities and meals.	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

*** Technical adjustment to designation made in a previous Transparency Resolution.

CHART #15: Purpose of Funds Changes - Fiscal 2020

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds	*
Local	Cumbo	West Indian American Day Carnival Association, Inc. - New York City West Indian American Labor Day Parade	23-7176396	DCLA	(\$6,000)	Funding to support the West Indian traditional cultural arts program.	
Local	Cumbo	West Indian American Day Carnival Association, Inc. - New York City West Indian American Labor Day Parade	23-7176396	DCLA	\$6,000	Funding to educate the community on Caribbean arts & culture, along with support for their transition to a new location at Bedford Armory in Spring 2021.	
NYC Cleanup	Reynoso	Grand Street District Management Association, Inc.	11-2739527	DYCD	(\$20,000)	Funding will be used to support clean up and beautification services in Ridgewood.	
NYC Cleanup	Reynoso	Grand Street District Management Association, Inc.	11-2739527	DYCD	\$20,000	Funding will be used to support clean up and beautification services on Grand Street.	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, MARK GJONAJ, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, STEVEN MATTEO; Committee on Finance, November 19, 2020 (Remote Meeting).

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

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

Report for LU No. 692

Report of the Committee on Finance in favor of a Resolution approving 1402 York Avenue, Block 1486, p/o Lot 4 (Tentative Lot 1001); Manhattan, Community District No. 8, Council District 5.

The Committee on Finance, to which the annexed preconsidered resolution was referred on November 19, 2020, respectfully

REPORTS:

(The following is the text of a Memo to the Finance Committee from the Finance Division of the New York City Council:)

November 19, 2020

TO: Hon. Daniel Dromm
Chair, Finance Committee
Members of the Finance Committee

FROM: Rebecca Chasan, Senior Counsel, Finance Division
Noah Brick, Assistant Counsel, Finance Division

RE: Finance Committee Agenda of December 19, 2019 – Resolution approving a tax exemption for one Land Use item (Council District 5)

Item 1: 1402 York Avenue

1402 York Avenue, between East 74th and East 75th Streets on the Upper East Side of Manhattan, is the site of an 11-floor, new construction affordable housing project consisting of 11 units.

Beach Path LLC (“LLC”) acquired the site in September 2009, at which time it was improved by a two-story 2,000 square foot residential building, and in March 2016 obtained a demolition permit. In May 2017 the LLC transferred the fee interest to 1402 York Avenue Housing Development Fund Company (“HDFC”) and the LLC and the HDFC entered into an Inclusionary Housing Regulatory Agreement with the Department of Housing

Preservation and Development (HPD). That agreement required the LLC to develop 10 units of permanently affordable studio apartments, to be sold to households with incomes up to 80% Area Median Income, and additionally permits the construction of a single, market-rate condo unit.

The project completed construction on August 27, 2020. Eight of the affordable units will have an estimated sales price of \$23,972 and the other two will have an estimate sales price of \$64,437.

HPD is requesting that the Council approve a full 40-year Article XI property tax exemption, retroactive to May 2017.

Summary:

- Borough – Manhattan
- Block 1486, p/o 4 (Tentative Lot 1001)
- Council District – 5
- Council Member – Kallos
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 10
- Type of exemption – Article XI, full, 40-year
- Population – affordable homeownership
- Sponsor – The Crest Group, Beach Path LLC, 1402 York Avenue HDFC
- Purpose – new construction
- Cost to the city – \$.52 million
- Housing Code Violations – N/A
- AMI target – 80% AMI

Accordingly, this Committee recommends its adoption.

In connection herewith, Council Member Dromm and Kallos offered the following resolution:

Res. No. 1490

Resolution approving an exemption from real property taxes for property located at (Block 1486, p/o Lot 4 (Tentative Lot 1001) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 692).

By Council Members Dromm and Kallos.

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated October 27, 2020 that the Council take the following action regarding a housing project located at (Block 1486, p/o Lot 4 (Tentative Lot 1001) Manhattan (“Exemption Area”):

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

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

WHEREAS, the Council has considered the financial implications relating to the Tax Exemption;

RESOLVED:

The Council hereby grants an exemption from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Company” shall mean Beach Path, LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - b. “Effective Date” shall mean May 23, 2017.
 - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - d. “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1486, p/o Lot 4 (Tentative Lot 1001) on the Tax Map of the City of New York.
 - e. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - f. “HDFC” shall mean 1402 York Avenue Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - g. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - h. “Owner” shall mean, collectively, the HDFC and the Company.
 - i. “Regulatory Agreement” shall mean the Inclusionary Housing Regulatory Agreement between HPD and the Owner dated May 23, 2017 establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Notwithstanding any provision hereof to the contrary:
 - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written

consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

- b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that has a new permanent certificate of occupancy or a temporary certificate of occupancy for all of the residential areas on or before five years from the Effective Date, or as such deadline may be extended with the prior written consent of HPD.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
4. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, MARK GJONAJ, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, STEVEN MATTEO; Committee on Finance, November 19, 2020 (Remote Meeting).

On motion of the Speaker (Council Member Johnson), 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. 688

Report of the Committee on Land Use in favor of approving Application No. 20215006 HAM (505 West 134th Street Cluster) 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, requesting the waiver of the area designation requirements of Section 693 of the General Municipal Law and Sections 197-c and 197-d of the Charter, approval of an urban development action area project, and approval of an exemption from real property taxes for property located at 505 West 134th Street (Block 1988, Lot 27), 523 West 134th Street (Block 1988, Lot 12), and 527 West 134th Street (Block 1988, Lot 8), Borough of Manhattan, Community District 9.

The Committee on Land Use, to which the annexed Land Use item was referred on October 15, 2020 (Minutes, page 2219) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 9

20215006 HAM

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law and Section 577 of Article XI of the Private Housing Finance Law for approval of an urban development action area project, waiver of the area designation requirement, waiver of the requirements of Sections 197-c and 197-d of the New York City Charter, and approval of a real property tax exemption for property located at 505 West 134th Street (Block 1988, Lot 27), 523 West 134th Street (Block 1988, Lot 12), and 527 West 134th Street (Block 1988, Lot 8) Council District 7, Community District 9.

INTENT

To approve the Project as an Urban Development Action Area Project and a real property tax exemption pursuant to Article XI of the Private Housing Finance Law and Section 696 of the General Municipal Law for the project consisting new construction of approximately two (2) two-family homes containing a total of approximately four (4) dwelling units.

PUBLIC HEARING

DATE: October 8, 2020

Witnesses in Favor: Five

Witnesses Against: Two

SUBCOMMITTEE RECOMMENDATION

DATE: November 5, 2020

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

In Favor:

Adams, Koo, Barron, Miller, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: November 10, 2020

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Levin, Miller, Reynoso, Richards, Grodenchik, Adams, Ayala, Diaz, Moya, Rivera.

Against:

None

Abstain:

None

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

Res. No. 1491

Resolution approving an Urban Development Action Area Project and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure pursuant to Article 16 of the General Municipal Law, and approving a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at 505 West 134th Street (Block 1988, Lot 27); 523 West 134th Street (Block 1988, Lot 12); and 527 West 134th Street (Block 1988, Lot 8), Borough of Manhattan;, Community District 9 (Preconsidered L.U. No. 688; 20215006 HAM).

By Council Members Salamanca and Adams.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on September 18, 2020 its request dated September 18, 2020 that the Council take the following actions regarding the proposed Urban Development Action Area Project (the "Project") located at 505 West 134th Street (Block 1988, Lot 27); 523 West 134th Street (Block 1988, Lot 12); and 527 West 134th Street (Block 1988, Lot 8), Community District 9, Borough of Manhattan (the "Disposition Area or Exemption Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to Section 693 of the General Municipal Law;

3. Waive the requirements of Sections 197-c and 197-d of the Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve an exemption of the Exemption Area from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law.

WHEREAS, the Project is to be developed on land that is an eligible area as defined in Section 692 of the General Municipal Law, consists solely of the rehabilitation or conservation of existing private or multiple dwellings or the construction of one to four unit dwellings, and does not require any change in land use permitted under the New York City Zoning Resolution;

WHEREAS, upon due notice, the Council held a public hearing on the Project on October 8, 2020; and

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

RESOLVED:

The Council finds that the present status of the Disposition 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 waives the area designation requirement pursuant to Section 693 of the General Municipal Law.

The Council waives the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 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.

The Project shall be developed in a manner consistent with the Project Summary that HPD has submitted to the Council on September 18, 2020, a copy of which is attached hereto.

Pursuant to Section 577 of Article XI of the Private Housing Finance Law, the Council approves an exemption of the Exemption Area from real property taxes as follows:

- a. All of the value of the property in the Disposition Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the later of (i) the date of conveyance of the Disposition Area to the Sponsor, or (ii) the date that HPD and the Sponsor enter into a regulatory agreement governing the operation of the Disposition Area (“Effective Date”) and terminating upon the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the regulatory agreement between HPD and the Sponsor, or (iii) the date upon which the Disposition Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company (“Expiration Date”).

- b. Notwithstanding any provision hereof to the contrary, the exemption from real property taxation provided hereunder ("Exemption") shall terminate if HPD determines at any time that (i) the Disposition Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Disposition Area is not being operated in accordance with the requirements of the regulatory agreement between HPD and the Sponsor, (iii) the Disposition Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the demolition of any private or multiple dwelling on the Disposition Area has commenced without the prior written consent of HPD, or (v) the Disposition Area is conveyed without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the owner of the Disposition Area and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified herein, the Exemption shall prospectively terminate.
- c. In consideration of the Exemption, the Sponsor and any future owner of the Disposition Area, for so long as the Exemption shall remain in effect, shall waive the benefits, if any, of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.
- d. The exemption shall not apply to buildings that do not exist on the Effective Date

ATTACHMENT:

PROJECT SUMMARY

1. PROGRAM: Affordable Neighborhood Cooperative Program

2. PROJECT: 505 West 134 Street Cluster

3. LOCATION:

a. BOROUGH: Manhattan

b. COMMUNITY DISTRICT: 9

c. COUNCIL DISTRICT: 7

d. DISPOSITION AREA:	<u>BLOCKS</u>	<u>LOTS</u>	<u>ADDRESSES</u>
	1988	27	505 West 134 Street
	1988	12	523 West 134 Street
	1988	8	527 West 134 Street

4. BASIS OF DISPOSITION PRICE: Nominal (\$1.00 per building). The Sponsor will also deliver a note and mortgage for the remainder of the appraised value ("Land Debt"). For a period of up to sixty (60) years, 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 in the final year of that period.

- 5. TYPE OF PROJECT:** Rehabilitation
- 6. APPROXIMATE NUMBER OF BUILDINGS:** 3 Multiple Dwellings
- 7. APPROXIMATE NUMBER OF UNITS:** 69 cooperative units
- 8. HOUSING TYPE:** Cooperative. If units remain unsold at the end of the marketing period and HPD determines in writing that (i) sale is not feasible within a reasonable time, and (ii) a rental fallback is the best available alternative, then HPD will select a new owner to operate the building as rental housing in accordance with the written instructions of HPD.
- 9. ESTIMATE OF INITIAL PRICE:** The cooperative interests attributed to occupied apartments will be sold to the existing tenants for \$2,500 per apartment. The cooperative interests attributable to vacant apartments will be sold for a price affordable to families earning no more than 165% of the area median income.
- 10. INCOME TARGETS:** The Disposition Area contains three occupied buildings which will be sold subject to existing tenancies. After sale, units must be resold in compliance with federal regulations, where applicable. Units not subject to such regulation may be resold to purchasers with annual household incomes up to 165% of the area median.
- 11. PROPOSED FACILITIES:** N/A
- 12. PROPOSED CODES/ORDINANCES:** None
- 13. ENVIRONMENTAL STATUS:** Type II
- 14. PROPOSED TIME SCHEDULE:** Approximately 36 months from closing to cooperative conversion.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, November 10, 2020 (Remote Meeting).

On motion of the Speaker (Council Member Johnson), 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. 689

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 200103 ZMQ (110-40 Saultell Avenue Rezoning) submitted by Tuchman Associates, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 10b, changing from an R6B District to an R6 District, Borough of Queens, Council District 21, Community District 4.

The Committee on Land Use, to which the annexed Land Use item was referred on October 15, 2020 (Minutes, page 2219), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 689 & Res. No. 1493 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, November 10, 2020 (Remote Meeting).

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. 690

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 200104 ZRQ (110-40 Saultell Avenue Rezoning) submitted by Tuchman Associates, 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 Queens, Council District 21, Community District 4.

The Committee on Land Use, to which the annexed Land Use item was referred on October 15, 2020, (Minutes, p. 2219), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 690 & Res. No. 1494 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, November 10, 2020 (Remote Meeting).

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

Report of the Committee on Rules, Privileges and Elections

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

Report for Res. No. 1481

Report of the Committee on Rules, Privileges and Elections in favor of approving a Resolution amending Rule 7.00 of the Rules of the Council in relation to changes in membership to the Standing Committees of the Council and the Land Use Subcommittee on Zoning and Franchises.

The Committee on Rules, Privileges and Elections, to which the annexed preconsidered resolution was referred on November 19, 2020 and which same resolution was coupled with the resolution shown below, respectfully

REPORTS:

PRECONSIDERED RES. NO. 1481: By Council Member Karen Koslowitz

SUBJECT: Preconsidered Resolution amending Rule 7.00(a) of the Rules of the Council in relation to proposed changes in membership to the Standing Committees of the Council and the Land Use Subcommittee on Zoning and Franchises.

ANALYSIS: Before the Committee, for its consideration, are proposed changes to the membership of certain Standing Committees, through changes to the Rules of the Council. Pursuant to Chapter 2 § 46 of the New York City Charter, the Council sets the rules of its proceedings at the first Stated meeting of each calendar year. These rules may be amended by a resolution introduced and passed by the Council's Committee on Rules, Privileges and Elections ("Rules Committee") followed by a majority vote of all Council Members. See Rule 10.20.

See attached for the changes to membership.

(For the related Standing Committees of the Council listing as of November 19, 2020, please refer to the attachments section of the [Res. No. 181 of 2020 legislative file](https://council.nyc.gov) found on the New York City Council website at <https://council.nyc.gov>)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1481:)

Preconsidered Res. No. 1481

Resolution amending Rule 7.00 of the Rules of the Council in relation to changes in membership to the Standing Committees of the Council and the Land Use Subcommittee on Zoning and Franchises.

By Council Member Koslowitz.

RESOLVED, pursuant to Rule 7.00(a) of the Rules of the Council, the Council does hereby consent to the following changes in Membership to certain Standing Committees and the Land Use Subcommittee on Zoning and Franchises.

STANDING COMMITTEES**Criminal Justice**

[Lancman]

Finance

[Lancman]

Land Use

[Lancman]

Oversight and Investigations

[Lancman]

Public Safety

[Lancman]

Rules, Privileges, and Elections

[Lancman]

Technology

[Koo]

LAND USE SUBCOMMITTEES**Zoning and Franchises**

[Lancman]

KAREN KOSLOWITZ, *Chairperson*; MARGARET S. CHIN, DEBORAH L. ROSE, MARK TREYGER, ADRIENNE E. ADAMS, THE MINORITY LEADER (STEVEN MATTEO), THE SPEAKER (COUNCIL MEMBER COREY D. JOHNSON); Committee on Rules, Privileges and Elections, November 19, 2020 (Remote Meeting).

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

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

Report for Res. No. 1482

Report of the Committee on Rules, Privileges and Elections in favor of approving a Resolution amending Rule 7.00 of the Rules of the Council in relation to dissolving the Committee on the Justice System and transferring its jurisdiction to the Standing Committees on Public Safety and General Welfare.

The Committee on Rules, Privileges and Elections, to which the annexed preconsidered resolution was referred on November 19, 2020 and which same resolution was coupled with the resolution shown below, respectfully

REPORTS:

Pursuant to Chapter 2 § 46 of the New York City Charter, the Council sets the rules of its proceedings at the first Stated meeting of each calendar year. These rules may be amended by a resolution introduced and passed by the Council's Committee on Rules, Privileges and Elections ("Rules Committee") followed by a majority vote of all Council Members. See Rule 10.20. The Rules Committee proposes to recommend the following changes at the next Stated Meeting:

Chapter VII of the Rules of the Council

The Resolution would amend the Rules of the Council by dissolving the Standing Committee on the Justice System and transferring its jurisdiction to the Standing Committees on Public Safety and General Welfare.

Jurisdiction over the Mayor's Office of Criminal Justice, courts, legal services, District Attorneys, and the Office of the Special Narcotics Prosecutor would be transferred to the Public Safety Committee.

Jurisdiction over the Division of Youth and Family Justice within the Administration for Children's Services would be transferred to the General Welfare Committee.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1482:)

Preconsidered Res. No. 1482

Resolution amending Rule 7.00 of the Rules of the Council in relation to dissolving the Committee on the Justice System and transferring its jurisdiction to the Standing Committees on Public Safety and General Welfare.

By Council Member Koslowitz.

RESOLVED, pursuant to Rule 7.00 of the Rules of the Council, the Council does hereby consent to amending the Standing Committees under Rule 7.00(a) by dissolving the Committee on the Justice System and transferring the jurisdiction of the Committee on the Justice System to the Committees on Public Safety and General Welfare.

7.00. Appointment - a. Prior to the establishment of the membership of any other committee, and after the selection of the Speaker, the Council shall elect the membership of the Committee on Rules, Privileges and Elections. All other committees and appointments thereto shall be recommended by the Committee on Rules, Privileges and Elections, approved by the Council and published in the Calendar. All standing committee chairpersons shall be elected by the Council as a whole. Once elected, a standing committee or subcommittee chairperson may be removed prior to the end of the session without their consent only by the uncoupled vote of 2/3 of all the members. The standing committees of the Council shall bear the following titles and possess the following substantive matter jurisdictions:

AGING - Department for the Aging and all federal, state and municipal programs pertinent to senior citizens.

CIVIL AND HUMAN RIGHTS – Human Rights Commission, Equal Employment Practices Commission and Equal Employment Opportunity.

CIVIL SERVICE AND LABOR - Municipal Officers and Employees, Office of Labor Relations, Office of Collective Bargaining, Office of Labor Services, and Municipal Pension and Retirement Systems.

CONSUMER AFFAIRS AND BUSINESS LICENSING- Department of Consumer Affairs and Office of Nightlife.

CONTRACTS - Procurement Policy Board, review of City procurement policies and procedures, oversight over government contracts, Mayor's Office of Contract Services and collection agency contracts.

CRIMINAL JUSTICE – Department of Correction and Department of Probation.

CULTURAL AFFAIRS, LIBRARIES AND INTERNATIONAL INTERGROUP RELATIONS - Department of Cultural Affairs, libraries, museums, Art Commission, New York City Commission for the United Nations, Consular Corps and Protocol, Mayor's Office of Special Projects and Community Events, and to encourage harmony among the citizens of New York City, to promote the image of New York City and enhance the relationship of its citizens with the international community.

ECONOMIC DEVELOPMENT - Economic Development.

EDUCATION - Department of Education, School Construction Authority, and Charter Schools.

ENVIRONMENTAL PROTECTION - Department of Environmental Protection and Office of Long Term Planning and Sustainability and Office of Recovery and Resiliency.

FINANCE - Executive Budget review and Budget modification, Banking Commission, Comptroller's Office, Department of Design and Construction, Department of Finance, Independent Budget Office and fiscal policy and revenue from any source.

FIRE AND EMERGENCY MANAGEMENT - Fire/EMS (non-health-related issues), and Emergency Management Department (OEM).

GENERAL WELFARE - Human Resources Administration/Department of Social Services, Administration for Children's Services, Department of Homeless Services, [and] charitable institutions, and Division of Youth and Family Justice within the Administration for Children's Services.

GOVERNMENTAL OPERATIONS - Municipal governmental structure and organization, Department of Citywide Administrative Services, Office of Administrative Trials and Hearings, Community Boards, Tax Commission, Board of Standards and Appeals, Campaign Finance Board, Board of Elections, Voter Assistance Commission, Commission on Public Information and Communication, Department of Records and Information Services, Financial Information Services Agency and Law Department.

HEALTH - Department of Health and Mental Hygiene, Office of the Chief Medical Examiner and EMS (health-related issues).

HIGHER EDUCATION - City University of New York.

HOSPITALS - Public and private hospitals, Health and Hospitals Corporation.

HOUSING AND BUILDINGS - Department of Housing Preservation and Development, Department of Buildings and rent regulation.

IMMIGRATION - Mayor's Office of Immigrant Affairs and other matters affecting immigration.

[JUSTICE SYSTEM - Mayor's Office of Criminal Justice, courts, legal services, District Attorneys, the Office of the Special Narcotics Prosecutor and Division of Youth and Family Justice within the Administration for Children's Services.]

LAND USE - City Planning Commission, Department of City Planning, Department of Information Technology and Telecommunications, Landmarks Preservation Commission, land use and landmarks review.

MENTAL HEALTH, DISABILITIES AND ADDICTION - Department of Health and Mental Hygiene (issues of mental health, developmental disability and addiction services) and Mayor's Office for People with Disabilities.

OVERSIGHT AND INVESTIGATIONS - To investigate any matters within the jurisdiction of the Council relating to property, affairs, or government of New York City and the Department of Investigation.

PARKS AND RECREATION - Department of Parks and Recreation.

PUBLIC HOUSING - New York City Housing Authority.

PUBLIC SAFETY - Police Department, [and] Civilian Complaint Review Board, Mayor's Office of Criminal Justice, courts, legal services, District Attorneys, and the Office of the Special Narcotics Prosecutor.

RESILIENCY AND WATERFRONTS - Office of Recovery and Resiliency, the Office of Long Term Planning and Sustainability as it relates to efforts to make New York City more resilient in the face of climate change, and preparing for, responding to, and recovering from emergencies, and matters relating to the waterfront.

RULES, PRIVILEGES AND ELECTIONS - Council structure and organization and appointments.

SANITATION AND SOLID WASTE MANAGEMENT - Department of Sanitation and the Business Integrity Commission.

SMALL BUSINESS - Department of Small Business Services and matters relating to retail business and emerging industries.

STANDARDS AND ETHICS - Conflicts of Interest Board and Council Ethics.

STATE AND FEDERAL LEGISLATION - Federal legislation, State legislation and Home Rule requests.

TECHNOLOGY - Technology in New York City, Department of Information Technology and Telecommunications (non- land use-related issues), Mayor's Office of Media & Entertainment, NYC TV, and dissemination of public information through the use of technology.

TRANSPORTATION - Mass Transportation Agencies and facilities, Taxi and Limousine Commission, Department of Transportation and New York City Transit Authority.

VETERANS - Department of Veterans' Services and other veteran related issues.

WOMEN AND GENDER EQUITY - Issues relating to advancing the economic mobility, social inclusion, leadership and civic participation of women and girls, domestic violence, Office to End Gender-Based Violence and the Commission on Gender Equity.

YOUTH SERVICES - Youth Board, Department of Youth and Community Development, Interagency Coordinating Council on Youth, and youth related programs.

b. Each standing committee shall be composed of no fewer than five members.

c. The Speaker may create such subcommittees or special committees as he or she deems necessary and appropriate.

KAREN KOSLOWITZ, *Chairperson*; MARGARET S. CHIN, DEBORAH L. ROSE, MARK TREYGER, ADRIENNE E. ADAMS, THE MINORITY LEADER (STEVEN MATTEO), THE SPEAKER (COUNCIL MEMBER COREY D. JOHNSON); Committee on Rules, Privileges and Elections, November 19, 2020 (Remote Meeting).

On motion of the Speaker (Council Member Johnson), 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-257

Report of the Committee on Rules, Privileges and Elections approving the re-appointment of RODNEY PEPE-SOUVENIR as the Kings County Democratic Commissioner of Elections.

The Committee on Rules, Privileges and Elections, to which the annexed preconsidered Mayor’s Message was referred on October 29, 2020 (Minutes, page 2227) and which same Mayor’s Message was coupled with the resolution shown below, respectfully

REPORTS:

New York City Board of Elections – (Candidate for re-appointment by the Council)

• **Rodney Pepe-Souvenir [M-257]**

The New York City Board of Elections (“BOE”) consists of ten commissioners, two from each of the City’s five counties, who are directly appointed by the New York City Council. Not more than two commissioners shall be registered voters of the same county. Each commissioner serves a term of four years or until a successor is appointed. Commissioners shall be registered voters from each of the major parties in the county for which they are appointed [*New York State Election Law* § 3-200(3)].

Party recommendations for election commissioner shall be made by the County Committee, or in such fashion as the rules of a party may provide. Each of the major political parties shall be eligible to recommend appointment of an equal number of commissioners [*New York State Election Law* § 3-200(2)]. The BOE and its commissioners are responsible for the maintenance and administration of voting records and elections. The BOE also exercises quasi-judicial powers by conducting hearings to validate nominating petitions of candidates for nomination to elective office. The BOE is required to make an annual report¹ of its affairs and proceedings to the New York City Council once every twelve months and no later than the last day of January in any year. A copy of said annual report shall be filed with the New York State Board of Elections [*New York State Election Law* § 3-212(4)(a)].

At least thirty days before the first day of January of any year on which an elections commissioner is to be appointed, the Chair or Secretary of the appropriate party County Committee shall file a *Certificate of Party Recommendation* with the Clerk of the appropriate local legislative body [*New York State Election Law* § 3-204(1)]. In New York City, the City Clerk serves as the Clerk of the Council. If the Council fails to appoint an individual recommended by a party for appointment as a Commissioner within thirty days after the filing of a

¹ The annual report shall include a detailed description of existing programs designed to enhance voter registration. The report shall also include a voter registration action plan to increase registration opportunities [*New York State Election Law* § 3-212(4)(b)].

Certificate of Party Recommendation with the Council, then members of the Council who are members of the political party that filed the certificate may appoint such person. If none of the persons named in any of the certificates filed by a party are appointed within sixty days of the filing of the designating certificate, then such party may file another certificate within thirty days after the expiration of any such sixty day period recommending a different person for such appointment. If the party fails to file a *Certificate of Party Recommendation* within the time prescribed, the members of the Council who are members of such party may appoint any eligible person to such office [*New York State Election Law* § 3-204(4)].

If at any time a vacancy occurs in the office of any election commissioner other than by expiration of term of office, party recommendations to fill such vacancy shall be made by the county committee in such fashion as the rules of the party may provide.² *Certificates of Party Recommendation* to fill such vacancy shall be filed no later than forty-five days after the creation of a vacancy. Anyone who fills a vacancy shall hold such office during the remainder of the term of the commissioner in whose place he/she shall serve [*New York State Election Law* § 3-204(5)].

BOE elects a President and a Secretary who cannot belong to the same political party [*New York State Election Law* § 3-312(1)]. The commissioners receive a \$300 per-diem for each day's attendance at meetings of the BOE or any of its committees, with a maximum of \$30,000 per year [*New York State Election Law* § 3-208].

A *Certificate of Party Recommendation* referencing Ms. Pepe-Souvenir was filed with the Office of the City Clerk on October 23, 2020 at 11:49am. The Chair of the Kings County Democratic Party signed this document. Ms. Pepe-Souvenir, a registered Democrat from Kings County, is being recommended for re-appointment to serve for the remainder of a four-year term that will begin on January 1, 2021 and ends on December 31, 2024. Copies of Ms. Pepe-Souvenir's résumé and Committee report/resolution are annexed to this briefing paper.

(After interviewing the candidate and reviewing the submitted material, the Committee decided to approve the appointment of the nomine RODNEY PEPE-SOUVENIR [M-257] below:)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to § 3-204 of the *New York State Election Law*, the Committee on Rules, Privileges and Elections, hereby approves the re-appointment by the Council of **Rodney Pepe-Souvenir** as the Kings County Democratic Commissioner of Elections to serve a four-year term that begins January 1, 2021 and expires December 31, 2024.

This matter was referred to the Committee on October 29, 2020.

Accordingly, this Committee recommends its adoption.

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

Res. No. 1492

RESOLUTION APPROVING THE RE-APPOINTMENT BY THE COUNCIL OF RODNEY PEPE-SOUVENIR AS THE KINGS COUNTY DEMOCRATIC COMMISSIONER OF ELECTIONS.

By Council Member Koslowitz.

² According to *New York State Public Officers Law* § 5, every officer except a judicial officer, a notary public, a commissioner of deeds and an officer whose term is fixed by the Constitution, having duly entered on the duties of his office, shall unless the office shall terminate or be abolished, hold over and continue to discharge the duties of his office after the expiration of the term for which he shall have been chosen, until his successor shall be chosen and qualified; but after the expiration of such term, the office shall be deemed vacant for the purpose of choosing his successor.

RESOLVED, that pursuant to § 3-204 of the *New York State Election Law*, the Council does hereby approve the re-appointment of **Rodney Pepe-Souvenir** as the Kings County Democratic Commissioner of Elections to serve a four-year term that begins January 1, 2021 and expires December 31, 2024.

KAREN KOSLOWITZ, *Chairperson*; MARGARET S. CHIN, MARK TREYGER, ADRIENNE E. ADAMS, THE MINORITY LEADER (STEVEN MATTEO), THE SPEAKER (COUNCIL MEMBER COREY D. JOHNSON); Committee on Rules, Privileges and Elections, November 19, 2020 (Remote Meeting).

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

GENERAL ORDER CALENDAR

Report for L.U. No. 689 & Res. No. 1493

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 200103 ZMQ (110-40 Saultell Avenue Rezoning) submitted by Tuchman Associates, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 10b, changing from an R6B District to an R6 District, Borough of Queens, Council District 21, Community District 4.

The Committee on Land Use, to which the annexed Land Use item was referred on October 15, 2020 (Minutes, page 2219) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

QUEENS CB-4 - TWO APPLICATIONS RELATED TO 110-40 SAULTELL AVENUE REZONING

C 200103 ZMQ (Pre. L.U. No. 689)

City Planning Commission decision approving an application submitted by Tuchman Associates, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 10b, by changing from an R6B District to an R6 District property bounded by the southwesterly and southerly boundary line of Flushing Meadow Park, a line 100 feet easterly of Saultell Avenue and its northerly prolongation, a line midway between Corona Avenue and Van Cleef Street, and Saultell Avenue and its northerly centerline prolongation, as shown on a diagram (for illustrative purposes only) dated December 16, 2019, and subject to the conditions of CEQR Declaration E-558.

N 200104 ZRQ (Pre. L.U. No. 690)

City Planning Commission decision approving an application submitted by Tuchman Associates, 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 an amendment to rezone R6B to an R6 by extending the existing R6 over a portion of the Proposed Project Area and amend a zoning text to modify Appendix F to create a new Mandatory Inclusionary Housing (MIH) area utilizing Options 1 and 2 to facilitate the new construction of a new six-story building with affordable residential units and a cellar mixed-use community facility in the Corona neighborhood of Queens, Community District 4.

PUBLIC HEARING

DATE: October 22, 2020

Witnesses in Favor: Three

Witnesses Against: Two

SUBCOMMITTEE RECOMMENDATION

DATE: November 9, 2020

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on Pre. L.U. No. 689 and approve with modifications the decision of the City Planning Commission on Pre. L.U. No. 690.

In Favor:

Moya, Levin, Richards, Reynoso, Grodenchik, Rivera.

Against:

None

Abstain:

None.

COMMITTEE ACTION

DATE: November 10, 2020

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Levin, Miller, Reynoso, Richards, Grodenchik, Adams, Ayala, Diaz, Moya, Rivera.

Against:

None

Abstain:

None.

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The City Planning Commission filed a letter dated November 16, 2020, with the Council on November 18, 2020, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 1493

Resolution approving the decision of the City Planning Commission on ULURP No. C 200103 ZMQ, a Zoning Map amendment (Pre. L.U. No. 689).

By Council Members Salamanca and Moya.

WHEREAS, Tuchman Associates, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No.10b, changing from an R6B District to an R6 District, which in conjunction with the related action would facilitate the construction of a six-story mixed-use building at 110-40 Saultell Avenue in the Corona neighborhood of Queens, Community District 4 (ULURP No. C 200103 ZMQ), (the "Application");

WHEREAS, the City Planning Commission filed with the Council on October 9, 2020, its decision dated October 7, 2020 (the "Decision") on the Application;

WHEREAS, the Application is related to application N 200104 ZRQ (Pre. L.U. No. 690), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 22, 2020;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued December 16, 2019 (CEQR No. 20DCP010Q), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-558) (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 (E) Designation (E-558) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 200103 ZMQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 10b, by changing from an R6B District

to an R6 District property bounded by the southwesterly and southerly boundary line of Flushing Meadow Park, a line 100 feet easterly of Saultell Avenue and its northerly prolongation, a line midway between Corona Avenue and Van Cleef Street, and Saultell Avenue and its northerly centerline prolongation, Borough of Queens, Community District 4, as shown on a diagram (for illustrative purposes only) dated December 16, 2019, and subject to the conditions of CEQR Declaration E-558.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, November 10, 2020 (Remote Meeting).

On motion of the Speaker (Council Member Johnson), 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. 690 & Res. No. 1494

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 200104 ZRQ (110-40 Saultell Avenue Rezoning) submitted by Tuchman Associates, 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 Queens, Council District 21, Community District 4.

The Committee on Land Use, to which the annexed Land Use item was referred on October 15, 2020 (Minutes, page 2219) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 689 & Res. No. 1493 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 1494

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 200104 ZRQ, for an amendment of the text of the Zoning Resolution (Pre. L.U. No. 690).

By Council Members Salamanca and Moya.

WHEREAS, Tuchman Associates, LLC, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area utilizing Options 1 and 2, which in conjunction with the related action would facilitate the development of a new building with community facility and residential uses at 110-40 Saultell Avenue in the Corona neighborhood of Queens, Community District 4 (ULURP No. N 200104 ZRQ), (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on October 9, 2020, its decision dated October 7, 2020 (the "Decision") on the Application;

WHEREAS, the Application is related to application C 200103 ZMQ (Pre. L.U. No. 689), a zoning map amendment changing from an R6B District to an R6 District;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 22, 2020;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued December 16, 2019 (CEQR No. 20DCP010Q), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise, and (E-558) (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 (E) Designation (E-558) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 200104 ZRQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

Matter ~~double struck out~~ is old, deleted by the City Council;

Matter double-underlined is new, added by the City Council

* * * indicates where unchanged text appears in the Zoning Resolution.

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

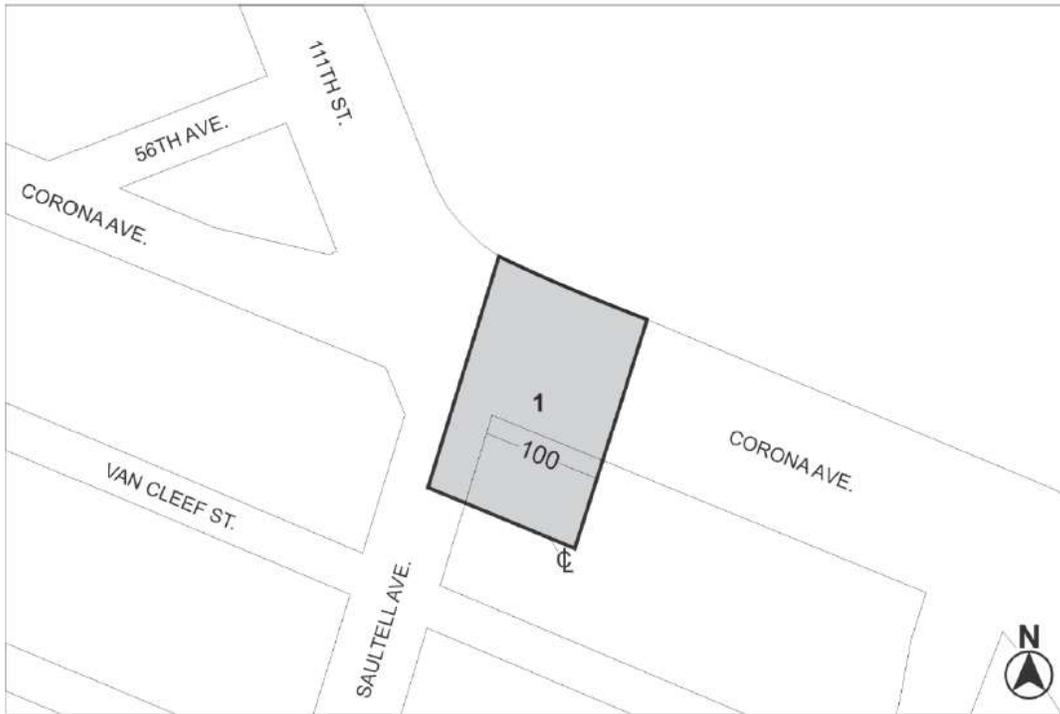
* * *

QUEENS

* * *

Queens Community District 4

Map 1 - [date of adoption]



 Mandatory Inclusionary Housing Area *see Section 23-154(d)(3)*

Area 1 – [date of adoption] – MIH Program Option 1 ~~and Option 2~~

Portion of Community District 4, Queens

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, November 10, 2020 (Remote Meeting).

On motion of the Speaker (Council Member Johnson), 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-257 & Res. 1492 -** Communication from the Kings County Democratic Committee recommending the name of **Rodney L. Pepe-Souvenir** to the Council regarding her appointment to the office of Commissioner of Elections of the Board of Elections.
- (2) **Int. 1684-A -** Requiring the Commission on Human Rights to create an anti-discrimination poster that includes age discrimination, and requiring city agencies to display the poster.
- (3) **Int. 1685-A -** Providing age discrimination training to city agencies.
- (4) **Int. 1693-A -** Recommendations regarding age discrimination and developing the older adult workforce.
- (5) **Int. 1694-A -** A center for older workforce development.
- (6) **Int. 1695-A -** Studying age discrimination in the workplace.
- (7) **Int. 2136 -** Authorizing an increase in the amount to be expended annually in two business improvement districts (Bryant Park BID and Flatbush-Nostrand BID).
- (8) **Res. 1480 -** New designation and changes in the designation of certain organizations to receive funding in the Expense Budget (**Transparency Resolution**).
- (9) **Res. 1481 -** **Changes in Membership** to the Standing Committees of the Council.
- (10) **Res. 1482 -** **Dissolving the Committee on the Justice System** and transferring its jurisdiction to the Standing Committees on Public Safety and General Welfare.
- (11) **L.U. 688 & Res 1491 -** App. **20215006 HAM (505 West 134th Street Cluster)** Borough of Manhattan, Community District 9.

- (12) **L.U. 689 & Res. 1493 -** App. C 200103 ZMQ (110-40 Saultell Avenue Rezoning) Borough of Queens, Council District 21, Community District 4.
- (13) **L.U. 690 & Res. 1494 -** App. N 200104 ZRQ (110-40 Saultell Avenue Rezoning) Borough of Queens, Council District 21, Community District 4.
- (14) **L.U. 692 & Res. 1490 -** 1402 York Avenue, Block 1486, p/o Lot 4 (Tentative Lot 1001); Manhattan, Community District No. 8, Council District 5.

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

Affirmative – Adams, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **45**.

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 vote recorded for **M-257 & Res. No. 1492:**

Affirmative – Adams, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **44**.

Negative – Van Bramer – **1**.

The following was the vote recorded for **Int. No. 2136**:

Affirmative – Adams, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **44**.

Abstention – Yeger – **1**.

*The following Introductions were sent to the Mayor for his consideration and approval:
Int. Nos. 1684-A, 1685-A, 1693-A, 1694-A, 1695-A, and 2136.*

INTRODUCTION AND READING OF BILLS

Int. No. 2147

By Council Members Brannan, Cabrera, Kallos, Rosenthal and Adams.

A Local Law to amend the administrative code of the city of New York, in relation to the right of individuals over the age of 62 residing in multiple dwellings to maintain pets

Be it enacted by the Council as follows:

Section 1. Article 1 of subchapter 2 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2009.3 to read as follows:

§ 27-2009.3 *Right of individuals over the age of 62 to maintain pets in multiple dwellings.*

a. Notwithstanding the provisions of any lease, rental agreement or contract to the contrary, or any other applicable provision of law, no person who is 62 years old or older or who will attain such age during the term of such lease, rental agreement or contract, shall be denied occupancy in a dwelling unit in a multiple dwelling or be subject to eviction from such a dwelling unit solely on the ground that such person owns or maintains a household pet, of a type or species the harboring of which is not prohibited by this code, the multiple dwelling law or any other applicable law, where the keeping of such pet has been recommended for such person by a health care professional such as, but not limited to, a physician, physician assistant, nurse practitioner, mental health practitioner, licensed master social worker or clinical social worker.

b. An owner of a multiple dwelling may require a person who intends to maintain a pet pursuant to this section to furnish a copy of a health care professional's recommendation issued pursuant to subdivision a of this section, provided, however, that failure to furnish such documentation to an owner may not be a ground for eviction or removal of a pet unless such owner has first made a written demand for such documentation and allowed at least 15 days for compliance.

c. The provisions of this section shall not apply where the maintenance of a pet causes damage to the subject premises, creates a nuisance or interferes substantially with the health, safety or welfare of other lawful occupants of the multiple dwelling, provided, however, that before being subject to eviction on any of these grounds, a person who maintains a pet pursuant to this section shall be given an opportunity, within 30 days of a written demand by the owner of the multiple dwelling, to repair such damage or abate such nuisance or interference with the health, safety or welfare of other lawful occupants.

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Res. No. 1479

Resolution calling on the Governor to sign A8142E/S6266D, the Healthy Terminals Act, which would establish prevailing wage requirements for covered airport workers.

By Council Members Brannan, The Public Advocate (Mr. Williams), Rosenthal, Adams, Kallos, Holden and Ayala.

Whereas, New York City area airports, some of the most heavily trafficked globally, rely on an experienced, well-trained, motivated workforce to assist in identifying security issues, emergency response, operating equipment safely, and providing experienced customer service; and

Whereas, According to various reports, high worker turnover at airports resulting in an inexperienced workforce is detrimental to airport safety; and

Whereas, In 2018, the Port Authority reported that more than 30 percent of privately employed workers at Port Authority airports turn over every year, and the turnover rate increased by 50 percent since 2010; and

Whereas, The Occupational Safety and Health Administration and the New York Committee for Occupation Safety and Health have both noted that airport workers face a special set of health risks; and

Whereas, According to airport workers and advocates, employer-provided health care at airports can be unaffordable and cause workers to hesitantly seek medical care, potentially putting themselves and their communities, who have already been disproportionately impacted by the current global health crisis, at greater risk; and

Whereas, Establishing minimum standards for wages and health benefits would provide better protections for airport workers and the traveling public; and

Whereas, A8142E/S6266D, sponsored by Assembly Member Alicia Hyndman and Senator Alessandra Biaggi, known as the Healthy Terminals Act, would extend the state's prevailing wage mandate to workers at John F. Kennedy International Airport, La Guardia International Airport, and New York Stewart Airport by requiring employers to pay wages and fringe benefits at levels set by the state Labor Department for a wide range of positions including janitors, guards, fuel delivery workers and others; and

Whereas, The Healthy Terminals Act could provide access to quality, affordable health insurance for over 25,000 valued, essential workers at New York airports; and

Whereas, The Healthy Terminals Act passed the New York State Legislature in July; now, therefore, be it

Resolved, That the Council of the City of New York calls on the Governor to sign A8142E/S6266D, the Healthy Terminals Act, which would establish prevailing wage requirements for covered airport workers.

Referred to the Committee on Civil Service and Labor.

Int. No. 2148

By Council Members Cabrera, Dromm and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to raising the expenditure threshold for requiring registration of New York city lobbyists

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 3-213 of the administrative code of the city of New York, as amended by local law number 129 for the year 2013, is amended to read as follows:

(a)(1) Every lobbyist shall annually file with the city clerk, on forms prescribed by the city clerk, a statement of registration for each calendar year, provided, however, that the filing of such statement of registration shall not be required of any lobbyist who in any year does not earn or incur an amount in excess of [five thousand dollars or, if the lobbyist is an architect or engineer, or an architecture or engineering firm,] ten thousand dollars[,] of combined reportable compensation and expenses, as provided in paragraph five of subdivision (b) of section 3-216 of this subchapter, for the purposes of lobbying.

(2) Such filing shall be completed on or before January fifteenth by those persons who have been retained, employed or designated as lobbyists on or before December thirty-first of the previous calendar year who reasonably anticipate that in the coming year they will earn or incur combined reportable compensation and expenses in an amount in excess of [five thousand dollars or, if the lobbyist is an architect or engineer, or an architecture or engineering firm,] ten thousand dollars. For those lobbyists retained, employed or designated after December thirty-first, and for those lobbyists who, subsequent to their retainer, employment or designation, reasonably anticipate combined reportable compensation and expenses in excess of such amount, such filing must be completed within fifteen days thereafter.

(3) Before a lobbyist files a statement of registration pursuant to paragraph one of this subdivision, the lobbyist and its client shall enroll in the electronic filing system.

§ 2. Subdivision a of section 3-216 of the administrative code of the city of New York, as amended by local law number 129 for the year 2013, is amended to read as follows:

(a)(1) Any lobbyist[, except a lobbyist described in paragraph two of this subdivision,] required to file a statement of registration pursuant to section 3-213 of this subchapter who in any lobbying year earns or incurs combined reportable compensation and expenses in an amount in excess of [five thousand dollars or, if the lobbyist is an architect or engineer, or an architecture or engineering firm,] ten thousand dollars, as provided in paragraph five of subdivision (b) of this section, for the purpose of lobbying, shall file with the city clerk periodic reports, on forms prescribed by the city clerk, by the fifteenth day next succeeding the end of the reporting period on which the cumulative total for such lobbying year equaled such sum. Such reporting periods shall be the period from January first through the last day of February, March first through April thirtieth, May first through June thirtieth, July first through August thirty-first, September first through October thirty-first, and November first through December thirty-first.

[(2) Any lobbyist that is an organization required to file a statement of registration pursuant to section 3-213 of this subchapter that lobbies solely on its own behalf by utilizing the services of its employees and that, in any lobbying year, earns or incurs combined reportable compensation and expenses in an amount in excess of five thousand dollars, but equal to or less than ten thousand dollars, as provided in paragraph five of subdivision (b) of this section, for the purpose of lobbying, shall file with the city clerk periodic reports, on forms prescribed by the city clerk, by the fifteenth day next succeeding the end of the reporting period on which the cumulative total for such lobbying year equaled such sum. Such reporting periods shall be the period from January first to June thirtieth, and July first to December thirty-first.]

[(3)] (2) Any lobbyist making a report pursuant to paragraph one [or two] of this subdivision shall thereafter file with the city clerk, on forms prescribed by the city clerk, a periodic report for each reporting period that such person earns or incurs combined reportable compensation and expenses in an amount in excess of one thousand dollars for the purposes of lobbying during such reporting period. Such report shall be filed not later than the fifteenth day next succeeding the end of such reporting period and shall include the amounts so earned or incurred during such reporting period and the cumulative total during the lobbying year.

§ 3. Subdivision a of section 3-217 of the administrative code of the city of New York, as amended by local law number 129 for the year 2013, is amended to read as follows:

(a) Annual reports shall be filed by:

(1) every lobbyist required to file a statement of registration pursuant to section 3-213 of this subchapter; *and*

(2) any client retaining, employing or designating a lobbyist or lobbyists, if during the year such client owed an amount in excess of [five thousand dollars or, if the lobbyist is an architect or engineer, or an architecture or engineering firm,] ten thousand dollars[,], of combined reportable compensation and expenses, as provided in paragraph five of subdivision (c) of this section, for the purposes of lobbying.

§ 3. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Governmental Operations.

Int. No. 2149

By Council Members Constantinides, Treyger, Kallos and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to establishing climate indicators

Be it enacted by the Council as follows:

Section 1. Chapter 8 of title 24 of the New York city administrative code of the city of New York is amended by adding a new section 24-807 to read as follows:

§ 24-807 *Climate change indicators.* a. *Definitions.* For the purposes of this section, the following terms have the following meanings:

Climate change indicators. The term “climate change indicators” means evidences of ecological system level adverse impacts from climate change. Climate change indicators may include heat-related morbidity and mortality, or other adverse heat-related impacts, climate hazard-related mortalities, such as drowning, days per year where air quality exceeds the United States environmental protection agency thresholds for criteria pollutants, heating and cooling degree days per year, brownouts and blackouts, weather related transit outages, weather related communication outages, land inundated by coastal flooding and total economic losses from climate related events annually.

Climate indicator monitoring project. The term “climate indicator monitoring project” means a monitoring project based upon the climate change indicators and metrics, and climate resiliency indicators and metrics that evaluate physical climate change variables, risk exposure, vulnerability impact metrics, and adaptation measures and their effectiveness.

Climate resiliency indicators. The term “climate resiliency indicators” means evidence of an ecological system’s ability to absorb disturbances while retaining the same basic structures, functioning, capacity for self-organization and ability to adapt to stress and change; and be designed to mitigate adverse climate change impacts. Climate resiliency indicators may include yearly changes in vegetation cover between February and June, the number of trees planted, the square footage of white and green roofs installed, surface temperature changes relative to white and green roof locations, households with residential air conditioning, the amount of square footage in the 100-year flood plain that is not flood-proofed, the number of residential units implementing core flood resiliency measures, the percentage of flood-affected areas containing adequate storm drainage, acres of restored coastal wetlands, miles of coastal defenses erected, population growth or decline in the 100-year floodplain, the percentage of transportation assets adapted for climate resiliency, and the annual percentage of total expenditures on resiliency activities.

b. There shall be a climate resiliency indicator and monitoring working group whose members shall integrate data and data sources that are collected on climate change indicators and climate resiliency indicators and provide such data to the mayor’s office of long term planning and sustainability for use in the monitoring projects required by subdivisions c, d and e of this section, in addition to compiling and integrating such data collected from such monitoring projects. The working group shall be composed of 15 members as follows: the director of long-term planning and sustainability, the mayor or the mayor’s designee, the speaker of the council or the speaker’s designee, six additional members appointed by the mayor, and six additional members appointed by the speaker of the council. The chair of the working group shall be the director of long-term planning and sustainability. Members shall include, but not be limited to, climate scientists, hydrologists, geologists, meteorologists or other technical experts from governmental and non-governmental organizations currently collecting weather, climate and other data.

c. The mayor’s office of long-term planning and sustainability, or such office as the mayor may designate, shall develop at least two climate change indicator monitoring projects that seek to gather and measure climate change indicator data, including but not be limited to the consideration of any indicators recommended for monitoring by the climate resiliency indicator and monitor working group.

d. One climate indicator monitoring project must gather data related to local social vulnerability components including but not limited to equity across heat vulnerability, social, race, ethnicity, language, morbidity or mortality, households without air conditioning, percentage of the population with disabilities, social vulnerability related to access to open space and social isolation in flood evacuation zones.

1. Number of heat advisories issued annually including heat related morbidity and excess mortality;
2. Changes in surface and air temperature during July and August;
3. Number of annual extreme precipitation events in excess of 95th percentile values;
4. Number of coastal flood advisories;
5. Trends in mean sea level rise;
6. Trends in peak storm surges;
7. Number of days per year of statistically significant sustained winds or gusts;
8. Number and duration of annual blackouts and brownouts; and
9. Total economic losses from climate related events.

e. One climate indicator monitoring project must create and gather data related to climate resiliency indicators and metrics. Climate resiliency indicators shall include but not be limited to:

1. Changes or increases in vegetation cover including the number of trees planted annually;

2. *Changes or increases in the square footage of green and white roofs, houses with air conditioning;*
3. *Groups engaged in resiliency projects;*
4. *Square footage of space not flood proofed or elevated in the 100-year flood plain;*
5. *Residential units in the 100-year flood plain implementing core flood resiliency measures;*
6. *Miles of dunes replenished and hard defenses;*
7. *Population growth or decline;*
8. *Transportation assets adapted; and*
9. *Annual financial expenditures on resiliency activities.*

f. Where a climate indicator monitoring project has identified an urban climate change impact that is not monitored by existing monitoring projects, the office of long term planning and sustainability shall identify additional ways that climate change mitigation measures may be incorporated going forward and adopt an additional climate change or resiliency indicator to be included in such monitoring project.

g. No later than December 1, 2021, and biennially thereafter, the mayor's office of long-term planning and sustainability, or such office as the mayor may designate, shall submit a report to the mayor and the speaker of the council, and post on the department's website. Such report shall include the starting and supporting data of each climate indicator monitoring project, and recommendations for additional resiliency measures based upon resiliency indicators.

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 2150

By Council Member Cumbo.

A Local Law to amend the administrative code of the city of New York, in relation to out-of-state campaign contributions

Be it enacted by the Council as follows:

Section 1. Chapter 7 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-721 to read as follows:

§ 3-721. *Out-of-state campaign contributions. 1. Definitions. For purposes of this section, the terms "disclosure statement," "election cycle" and "reporting period" have the same meanings as ascribed to such terms in section 1-02 of title 52 of the rules of the city of New York, and a contributor shall be treated as a resident of a jurisdiction if the contributor's address, as reported to the board on the relevant disclosure statement, is located within that jurisdiction.*

2. For each election cycle, the board shall post conspicuously on its website a list of all participating candidates, limited participating candidates and non-participating candidates for whom, based on all the disclosure statements submitted to the board on behalf of such candidate for the relevant election cycle, the dollar value of all contributions made to the candidate and the candidate's authorized committees by contributors who are not residents of the state of New York is greater than the dollar value of all contributions made to the candidate and the candidate's authorized committees by contributors who are residents of the state of New York.

3. The list shall be presented as a table with a separate row for each candidate required to be included pursuant to subdivision 2. Each such row shall include, but need not be limited to, the following information, set forth in separate columns:

(a) The dollar value of all contributions made to the candidate and the candidate's authorized committees during the election cycle;

(b) The dollar value of all contributions made to the candidate and the candidate's authorized committees during the election cycle by contributors who are not residents of the state of New York;

(c) The dollar value of all contributions made to the candidate and the candidate's authorized committees during the election cycle by contributors who are not residents of the city of New York;

(d) If the candidate is a candidate for member of the city council or borough president, the dollar value of all contributions made to the candidate and the candidate's authorized committees during the election cycle by contributors who are not residents of the borough or boroughs represented by the office the candidate is seeking;

(e) The amount in paragraph (b) divided by the amount in paragraph (a), expressed as a percentage;

(f) The amount in paragraph (c) divided by the amount in paragraph (a), expressed as a percentage; and

(g) If the candidate is a candidate for member of the city council or borough president, the amount in paragraph (d) divided by the amount in paragraph (a), expressed as a percentage.

4. For each election cycle, the board shall publish the list following the first reporting period of the election cycle and shall update the list as soon as reasonably practicable following the end of each subsequent reporting period.

§ 2. This local law takes effect on January 12, 2022 and shall apply to election cycles beginning on or after such day

Referred to the Committee on Governmental Operations.

Int. No. 2151

By Council Members Dromm, Cornegy, Kallos, Gjonaj, Brannan, Chin, Rosenthal and the Public Advocate (Mr. Williams).

A Local Law in relation to extending the deadlines for inspection and correction of building gas piping systems in certain community districts

Be it enacted by the Council as follows:

Section 1. Inspection and correction of building gas piping systems in certain community districts. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Certification of correction. The term "certification of correction" means the certification required to be submitted to the department pursuant to subdivision 4 of section 28-318.3.3 of the administrative code of the city of New York and paragraphs (3) or (4) of subdivision (d) of section 103-10 of title 1 of the rules of the city of New York, stating that all conditions identified in the gas piping system inspection report have been corrected.

Department. The term "department" means the department of buildings.

b. Notwithstanding the provisions of any other law or rule, building gas piping systems in community districts 1, 3 and 10 in each borough required to be periodically inspected pursuant to article 318 of title 28 of the administrative code of the city of New York shall be inspected between January 1, 2020 and June 30, 2021, inclusive, and within every fourth calendar year after 2020.

c. Notwithstanding the provisions of any other law or rule, for building gas piping systems in community districts 1, 3 and 10 in each borough required to be periodically inspected pursuant to article 318 of title 28 of the administrative code of the city of New York that are inspected between September 1, 2020 and December 31, 2020, inclusive, such building owners may submit the certification of correction to the department later than 120 days following the building's inspection date or later than 180 days following the building's inspection date, as applicable, but in no event shall the certification of correction be submitted later than June 30, 2021.

d. Failure to submit the certification of correction required by subdivision c of this section shall be classified as a major violation subject to the provisions of chapter 2 of title 28 of the administrative code of the city of New York.

e. Nothing in this section shall affect the requirements to report and correct unsafe or hazardous conditions revealed by a gas piping system inspection as set forth in section 28-318.3.4 of the administrative code of the city of New York.

f. As soon as practicable but no later than March 31, 2021, the department shall conduct targeted outreach and education regarding the provisions of this section, which shall at a minimum include posting notices in community districts 1, 3 and 10 in each borough and posting information on the department's website.

§ 2. This local law takes effect immediately and is retroactive to and deemed to have been in full force and effect as of January 1, 2020.

Referred to the Committee on Housing and Buildings.

Preconsidered Res. No. 1480

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

By Council Member Dromm.

Whereas, On June 30, 2020, the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2021 with various programs and initiatives (the “Fiscal 2021 Expense Budget”); and

Whereas, On June 19, 2019 the Council adopted the expense budget for fiscal year 2020 with various programs and initiatives (the “Fiscal 2020 Expense Budget”); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2021 and Fiscal 2020 Expense Budgets by approving the new designation and changes in the designation for certain organizations receiving local, anti-poverty, and youth discretionary funding, and by approving the new designation and changes in the designation for certain organizations receiving funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2021 and Fiscal 2020 Expense Budgets by approving new Description/Scope of Services for certain organizations receiving local and youth discretionary funding and funding pursuant to certain initiatives; now, therefore, be it

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2021 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of a certain organization receiving anti-poverty discretionary funding in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designation of certain organization receiving funding pursuant to the Support our Seniors Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 12; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the LGBT Community Services Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 13; and be it further

Resolved, That the City Council approves the amendment of the description for the Description/Scope of Services for certain organizations receiving local and youth discretionary funding and funding for a certain initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 14; and be it further

Resolved, That the City Council approves the amendment of the description for the Description/Scope of Services for certain organizations receiving local discretionary funding and funding for a certain initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 15.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for Exhibits, please see the attachment to the resolution following the Report of the Committee on Finance for Res. No. 1480 printed in these Minutes).

Int. No. 2152

By Council Members Eugene, Gibson, Rivera, Louis, Rosenthal, Salamanca, Kallos and Adams.

A Local Law to amend the administrative code of the city of New York, in relation to providing internet access to shelter residents

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-324 to read as follows:

§ 21-324 Internet access. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Broadband. The term "broadband" means any high-speed internet access that is always on.

Internet access. The term "internet access" means the ability to connect to the internet using computers or other devices and to access services such as email or the world wide web.

Wi-fi. The term "wi-fi" means wireless networking technology that enables the user to access or connect to a network using radio waves.

b. Not later than August 1, 2020, the department shall post on its website and submit to the mayor and to the speaker of the council a report on the shelters, as defined in section 21-317, and the temporary shelters, as defined in section 21-118, that provide residents internet access or access to computers. The report shall include, at minimum:

- 1. The total number of shelters and temporary shelters that provide residents access to computers, and of such shelters and temporary shelters, the number of computers available at each shelter and temporary shelter;*
- 2. The total number of shelters and temporary shelters that provide residents internet access via broadband or wi-fi, or its equivalent, a description of the broadband or wi-fi available to such residents and whether there are any limitations or restrictions on such access;*
- 3. The total number of shelters that house families with pre-school aged children or school-aged children;*
- 4. The total number of temporary shelters that house pre-school aged children or school-aged children; and*

5. *The total number of shelters and temporary shelters that do not provide computer or internet access to the residents, and of such shelters and temporary shelters identified in this subdivision, the number of such shelters and temporary shelters that house pre-school aged children or school-aged children.*

c. *Not later than September 1, 2020, the department shall develop a plan to help ensure that all shelters and temporary shelters provide, at no cost to residents, internet access and access to computers with internet access.*

d. *The department shall require that all shelters and temporary shelters provide, at no cost to residents, internet access and access to computers with internet access by no later than September 1, 2021.*

e. *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 information respecting individuals in shelters or temporary shelters.*

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 2153

By Council Member Kallos.

A Local Law to amend the New York city charter, in relation to determining whether an expenditure is independent

Be it enacted by the Council as follows:

Section 1. Subparagraph a of paragraph 15 of subdivision a of section 1052 of the New York city charter, as amended by local law number 15 for the year 2013, is amended to read as follows:

15. (a) For purposes of this paragraph, the following terms shall have the following meanings:

Covered election. The term “covered election” means any primary, run-off primary, special, run-off special or general election for nomination for election, or election, to the office of mayor, public advocate, comptroller, borough president or member of the city council.

Entity. The term “entity” means any corporation, limited liability company, partnership, limited liability partnership, political committee, political party or party committee, employee organization or labor organization, association, club or other organization.

[i] “Independent expenditure” shall mean] *Independent expenditure. The term “independent expenditure” means a monetary or in-kind expenditure made, or liability incurred, in support of or in opposition to a candidate in a covered election or municipal ballot proposal or referendum, where no candidate, nor any agent or political committee authorized by a candidate, has authorized, requested, suggested, fostered or cooperated in any such activity.*

(i) *Financing the dissemination, distribution or republication of any broadcast, or any written, graphic or other form of campaign materials prepared by a candidate shall be presumed to be a non-independent expenditure unless such candidate can show that the activity was not authorized, requested, suggested, fostered or cooperated in by the candidate, or any agent or political committee authorized by such candidate.*

(ii) *The board may otherwise determine by a preponderance of evidence that an expenditure was not independent upon consideration of any evidence provided by the candidate, or by the individual or entity making the expenditure, and upon consideration of factors including, but not limited to:*

(1) *whether the individual or entity making the expenditure is also an agent of a candidate;*

(2) *whether any individual authorized to accept contributions, loans or any other payment, or make expenditures for the individual or entity making the expenditure is also an agent of a candidate;*

(3) *whether a candidate has authorized, requested, suggested, fostered or cooperated in any way in the formation or operation of the individual or entity making the expenditure;*

(4) *whether an individual or entity making an expenditure has been established, financed, maintained or controlled by any of the same individuals or entities as those that have established, financed, maintained or controlled a political committee authorized by a candidate;*

(5) whether a candidate shares or rents space for a campaign-related purpose with or from an individual or entity making an expenditure;

(6) whether a candidate has solicited or collected funds on behalf of the individual or entity making an expenditure, during the same election cycle in which an expenditure is made;

(7) whether a candidate, or any public or private office held or entity controlled by a candidate, including any governmental agency, division or office, has retained the professional services of an individual making an expenditure or a principal member or professional or managerial employee of an entity making an expenditure, during the same election cycle in which an expenditure is made; and

(8) whether a candidate and an individual or entity making an expenditure have each consulted or otherwise been in communication with the same third party or parties, if such candidate knew or should have known that the candidate's communication or relationship to such third party or parties would inform or result in expenditures to benefit the candidate.

(iii) The term "independent expenditure" shall not include:

(1) the value of services provided without compensation by individuals who volunteer a portion or all of their time,

(2) the use of real or personal property and the cost of invitations, food and beverages voluntarily provided by an individual, to the extent such services do not exceed five hundred dollars in value,

(3) the travel expenses of any individual who on his or her own behalf volunteers his or her personal services, to the extent such expenses are unreimbursed and do not exceed five hundred dollars in value,

(4) any expenditure made, or liability incurred, that is considered to be a contribution to a candidate under any provision of this charter or local law, or under any rule promulgated by the board, and

(5) any communication by a labor or other membership organization aimed at its members, or by a corporation aimed at its stockholders. This exemption does not apply to party committees, constituted committees, political clubs, or other entities organized primarily for the purpose of influencing elections. For purposes of this subparagraph:

(A) "member" shall mean (I) any individual who, pursuant to a specific provision of an organization's articles or bylaws, has the right to vote directly or indirectly for the election of a director or directors or an officer or officers or on a disposition of all or substantially all of the assets of the organization or on a merger or on a dissolution; (II) any individual who is designated in the articles or bylaws as a member and, pursuant to a specific provision of an organization's articles or bylaws, has the right to vote on changes to the articles or bylaws, or pays or has paid membership dues in an amount predetermined by the organization so long as the organization is tax exempt under section 501(c) of the Internal Revenue Code of 1986; or (III) any individual who resides within the same household as a "member" as defined in this paragraph;

(B) members of a local union shall be considered to be members of any national or international union of which the local union is a part and of any federation with which the local, national or international union is affiliated; and

(C) "stockholder" shall mean any individual who has a vested beneficial interest in stock, has the power to direct how that stock shall be voted, if it is voting stock, and has the right to receive dividends, or any individual who resides within the same household as a "stockholder" as defined in this paragraph.

(6) any de minimis, incidental communication by a labor or other membership organization or corporation with non-members or non-stockholders, provided that the labor or other membership organization or corporation uses reasonable efforts to restrict the communication to its members or stockholders.

[(ii) "Entity" shall mean any corporation, limited liability company, partnership, limited liability partnership, political committee, political party or party committee, employee organization or labor organization, association, club, or other organization.

(iii) "Covered election" shall mean any primary, run-off primary, special, run-off special or general election for nomination for election, or election, to the office of mayor, public advocate, comptroller, borough president or member of the city council.]

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 2154

By Council Member Kallos.

A Local Law to amend the New York city charter, in relation to establishing liability for violations and penalties to any agent acting on behalf of an independent spender

Be it enacted by the Council as follows:

Section 1. Subparagraph (d) of paragraph 15 of subdivision a of section 1052 of the New York city charter, as added by vote of the electors on November 2, 2010, is amended to read as follows:

(d) The board may, upon notice and opportunity to be heard, assess civil penalties *against any individual or entity that violates this paragraph, or an agent of any such individual or entity*, in an amount not in excess of ten thousand dollars for each *such* violation [of this paragraph]. The intentional or knowing violation of this paragraph shall be punishable as a misdemeanor in addition to any other penalty provided under law.

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 2155

By Council Members Kallos and Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to requiring a universal mobile application to enable customers to electronically hail taxicabs and street hail livery vehicles

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-555 to read as follows:

§ 19-555 *E-hail mobile application. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

Accessible vehicle. The term “accessible vehicle” means any vehicle approved for use by the commission as a taxicab or HAIL vehicle that meets the specifications and requirements for accessible vehicles pursuant to the Americans with disabilities act of 1990, as amended, and rules promulgated by the commission.

Application program interface. The term “application program interface (API)” means a software intermediary that makes it possible for application programs to interact with each other and share data.

E-hail application. The term “e-hail application” means a software program approved by the commission residing on a computer, smartphone, tablet or other mobile device with wireless internet connectivity which performs one or more of the following functions: (1) allows a passenger to identify the locations of available taxicabs and eligible HAIL vehicles in a given area and allows a driver to identify the location of a passenger who is currently ready to travel; (2) allows a passenger to hail a taxicab or eligible HAIL vehicle via the electronic device; (3) allows a driver to receive a hail request from such a passenger; and (4) allows customers to make electronic payments.

Payment Card Industry (PCI)-certified. The term “Payment Card Industry (PCI)-certified” means compliant with the policies and procedures developed by Visa, Master Card, Discover and American Express and any other relevant credit or debit card companies in order to optimize the security of credit, debit and cash card transactions.

Street hail livery technology system (L-PEP). The term “street hail livery technology system (L-PEP)” means an integrated system of hardware and software that complies with the technical requirements set forth in the rules of the city of New York regarding such system, and provides the following core services in HAIL vehicles: (1) credit, debit and prepaid card payment; (2) text messaging; (3) trip data collection and

transmission; (4) passenger information monitor, screen, or other credit/debit card device; and (5) automatic vehicle location system and location services.

Taxicab technology system (T-PEP). The term “Taxicab technology system (T-PEP)” means an integrated system of hardware and software that complies with the technical requirements set forth in the rules of the city of New York regarding such system and provides the following core services to taxicabs: (1) credit, debit and prepaid card payment; (2) text messaging; (3) trip data collection and transmission; (4) data transmission by means of the passenger information monitor; and (5) automatic vehicle location system and location services.

Third-party e-hail application. The term “third-party e-hail application” means any e-hail application other than an e-hail application developed or caused to be developed by the commission.

b. The commission shall develop or cause to be developed an e-hail application to enable customers to electronically hail taxicab or eligible HAIL vehicles, including the ability to electronically hail an accessible vehicle. Such e-hail application shall be the sole method to electronically hail an accessible vehicle. The T-PEP and L-PEP systems shall be the sole systems authorized by the commission for taxicabs and HAIL vehicles to receive electronic hails. Any e-hail application, provided it meets the following minimum criteria, shall be eligible for an e-hail license:

1. There shall be no charge to a passenger or driver for the use of such e-hail application.
2. The e-hail application shall only dispatch e-hails to HAIL vehicles within the geographic boundaries set by state law for HAIL vehicle pickups.
3. The e-hail application shall allow passengers to provide comments to the commission regarding the ride, including but not limited to, compliments and complaints, as well as allow passengers to rate their drivers.
4. The e-hail application shall display all available taxicabs and HAIL vehicles within a certain radius of the passenger to be determined by the commission and shall be capable of transmitting to the passenger the vehicle number and name of the driver of the first vehicle to accept the hail, the estimated time of arrival as close to real time as feasible, and the location of the vehicle accepting the hail.
5. All payments made through the e-hail application for fares shall be processed through a T-PEP or L-PEP system.
6. The e-hail application shall allow passengers to electronically hail an accessible vehicle.
7. The e-hail application shall be capable of allowing drivers to accept an e-hail while the vehicle is in motion with a single touch or with voice activation. The e-hail application must be locked while the vehicle is in motion.

c. A taxicab or HAIL vehicle driver shall not be required to accept a passenger through the e-hail application provided that once such driver accepts a hail through the e-hail application, such driver must pick up the e-hail passenger. Any driver found in violation of this subdivision shall be subject to penalties pursuant to paragraph b of section 19-507.

d. Upon accepting an e-hail through the e-hail application, the driver of a taxicab or eligible HAIL vehicle shall cause the roof light of such vehicle to indicate that such vehicle is not available for incoming passengers. Such driver shall not begin charging a fare until the passenger has been picked up.

e. A taxicab or eligible HAIL vehicle driver shall only be permitted to charge the passenger picked up through the e-hail application the metered rates provided by law or rule.

f. To use the e-hail application, a passenger must create and manage an account through the e-hail application, as well as on a website approved by the commission. Passengers shall have the option of entering payment information for credit or debit cards or other approved forms of electronic payment. The e-hail application and website shall be capable of offering users the option to save such payment information.

g. The commission may ban passengers who it determines have misused the e-hail application.

h. The commission, or an entity approved by the commission, shall maintain the e-hail application and website, including compiling data on its use. Such data shall include, but need not be limited to, the number of passengers who have hailed a taxicab or HAIL vehicle through the application and the geographic area from which each e-hail originates.

i. The commission shall advertise and promote the e-hail application for no less than 30 seconds during its allotted time for public service announcements on a T-PEP or L-PEP display from 90 days prior to the e-hail application going into service and until, at a minimum, one year after the e-hail application goes into service. The commission may adopt additional promotional methods.

j. The commission shall provide training for all drivers applying for a taxicab driver's license or for-hire vehicle driver's license to drive a HAIL vehicle on the use of the e-hail application mandated under subdivision b of this section. Drivers must also receive the training in order to renew such licenses. The commission shall further provide training for such drivers as necessary.

k. Any tip or gratuity shall, in its entirety, be provided to the driver. A taxicab or HAIL vehicle base must remit to the driver the entirety of any sum designated as a gratuity collected by such base from the passenger on behalf of the driver.

l. The commission shall develop an API that allows third-party e-hail applications approved by the commission based on this section and rules of the commission to submit hail requests for fulfillment by taxicabs and eligible HAIL vehicles through the e-hail application. The API shall be reviewed by the commission, or a commission approved entity when necessary, but no less than once every three months, to update the API if the commissioner determines that such API is not meeting the requirements of third-party applications. The commission shall not adopt any rules regulating the dispatch practices used by such third-party e-hail applications, provided that such methodology does not otherwise violate any rules of the commission. Such third-party e-hail applications:

- 1. May charge a fee for their use;*
- 2. Shall not influence a passenger attempting to e-hail a taxicab or eligible HAIL vehicle to use another class of for-hire vehicle;*
- 3. Shall meet the requirements of subdivisions b through f of this section, but shall be exempt from the requirements of paragraphs 1 and 4 of subdivision b of this section; and*
- 4. Shall be responsible for recruiting drivers and passengers, and marketing such applications.*

m. The API mandated under subdivision l of this section shall, at a minimum, be capable of the following:

- 1. Receiving vehicle location data from T-PEP and L-PEP and transmitting such information to approved third-party applications;*
- 2. Receiving dispatch requests from commission approved third-party e-hail applications and forwarding requests to appropriate taxicabs and eligible HAIL vehicles;*
- 3. Accepting dispatch requests and forwarding an acceptance to the e-hail application; and*
- 4. Securely transmitting fare payment instructions from commission approved third-party e-hail applications to the T-PEP or L-PEP system.*

n. The commission shall create a privacy policy for the use of the API mandated under subdivision k of this section. This privacy policy shall, at a minimum:

- 1. Prohibit third-party applications from obtaining information about taxicab drivers, other than their names, commission drivers' license numbers and vehicle numbers; and*
- 2. Prohibit drivers from obtaining personally identifiable information about their passengers, provided however, a passenger may be given the option of waiving such privacy protection.*

o. The following integration shall be required of T-PEP and L-PEP systems via the API mandated under subdivision l of this section, except that third-party e-hail application developers shall not be required to use the following information:

- 1. Driver/medallion login information;*
- 2. Itemized fare information; and*
- 3. E-payments via a PCI-certified processing in order for such T-PEP and L-PEP systems to be capable of accepting from the application payment information necessary to capture the trip record and to provide a printed receipt.*

p. The commission may by rule establish additional functions of the e-hail application other than those required by and consistent with this section.

§ 2. This local law takes effect 90 days after it becomes law, except that the commission shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Transportation.

Preconsidered Res. No. 1481

Resolution amending Rule 7.00 of the Rules of the Council in relation to changes in membership to the Standing Committees of the Council and the Land Use Subcommittee on Zoning and Franchises.

By Council Member Koslowitz:

RESOLVED, pursuant to Rule 7.00(a) of the Rules of the Council, the Council does hereby consent to the following changes in Membership to certain Standing Committees and the Land Use Subcommittee on Zoning and Franchises.

STANDING COMMITTEES**Criminal Justice**

[Lancman]

Finance

[Lancman]

Land Use

[Lancman]

Oversight and Investigations

[Lancman]

Public Safety

[Lancman]

Rules, Privileges, and Elections

[Lancman]

Technology

[Koo]

LAND USE SUBCOMMITTEES**Zoning and Franchises**

[Lancman]

Adopted by the Council (preconsidered and approved by the Committee on Rules, Privileges and Elections).

Preconsidered Res. No. 1482

Resolution amending Rule 7.00 of the Rules of the Council in relation to dissolving the Committee on the Justice System and transferring its jurisdiction to the Standing Committees on Public Safety and General Welfare.

By Council Member Koslowitz.

RESOLVED, pursuant to Rule 7.00 of the Rules of the Council, the Council does hereby consent to amending the Standing Committees under Rule 7.00(a) by dissolving the Committee on the Justice System and transferring the jurisdiction of the Committee on the Justice System to the Committees on Public Safety and General Welfare.

7.00. Appointment - a. Prior to the establishment of the membership of any other committee, and after the selection of the Speaker, the Council shall elect the membership of the Committee on Rules, Privileges and Elections. All other committees and appointments thereto shall be recommended by the Committee on Rules, Privileges and Elections, approved by the Council and published in the Calendar. All standing committee chairpersons shall be elected by the Council as a whole. Once elected, a standing committee or subcommittee chairperson may be removed prior to the end of the session without their consent only by the uncoupled vote of 2/3 of all the members. The standing committees of the Council shall bear the following titles and possess the following substantive matter jurisdictions:

AGING - Department for the Aging and all federal, state and municipal programs pertinent to senior citizens.

CIVIL AND HUMAN RIGHTS – Human Rights Commission, Equal Employment Practices Commission and Equal Employment Opportunity.

CIVIL SERVICE AND LABOR - Municipal Officers and Employees, Office of Labor Relations, Office of Collective Bargaining, Office of Labor Services, and Municipal Pension and Retirement Systems.

CONSUMER AFFAIRS AND BUSINESS LICENSING- Department of Consumer Affairs and Office of Nightlife.

CONTRACTS - Procurement Policy Board, review of City procurement policies and procedures, oversight over government contracts, Mayor's Office of Contract Services and collection agency contracts.

CRIMINAL JUSTICE – Department of Correction and Department of Probation.

CULTURAL AFFAIRS, LIBRARIES AND INTERNATIONAL INTERGROUP RELATIONS - Department of Cultural Affairs, libraries, museums, Art Commission, New York City Commission for the United Nations, Consular Corps and Protocol, Mayor's Office of Special Projects and Community Events, and to encourage harmony among the citizens of New York City, to promote the image of New York City and enhance the relationship of its citizens with the international community.

ECONOMIC DEVELOPMENT - Economic Development.

EDUCATION - Department of Education, School Construction Authority, and Charter Schools.

ENVIRONMENTAL PROTECTION - Department of Environmental Protection and Office of Long Term Planning and Sustainability and Office of Recovery and Resiliency.

FINANCE - Executive Budget review and Budget modification, Banking Commission, Comptroller's Office, Department of Design and Construction, Department of Finance, Independent Budget Office and fiscal policy and revenue from any source.

FIRE AND EMERGENCY MANAGEMENT - Fire/EMS (non-health-related issues), and Emergency Management Department (OEM).

GENERAL WELFARE - Human Resources Administration/Department of Social Services, Administration for Children's Services, Department of Homeless Services, [and] charitable institutions, and Division of Youth and Family Justice within the Administration for Children's Services.

GOVERNMENTAL OPERATIONS - Municipal governmental structure and organization, Department of Citywide Administrative Services, Office of Administrative Trials and Hearings, Community Boards, Tax Commission, Board of Standards and Appeals, Campaign Finance Board, Board of Elections, Voter Assistance Commission, Commission on Public Information and Communication, Department of Records and Information Services, Financial Information Services Agency and Law Department.

HEALTH - Department of Health and Mental Hygiene, Office of the Chief Medical Examiner and EMS (health-related issues).

HIGHER EDUCATION - City University of New York.

HOSPITALS - Public and private hospitals, Health and Hospitals Corporation.

HOUSING AND BUILDINGS - Department of Housing Preservation and Development, Department of Buildings and rent regulation.

IMMIGRATION - Mayor's Office of Immigrant Affairs and other matters affecting immigration.

[**JUSTICE SYSTEM** - Mayor's Office of Criminal Justice, courts, legal services, District Attorneys, the Office of the Special Narcotics Prosecutor and Division of Youth and Family Justice within the Administration for Children's Services.]

LAND USE - City Planning Commission, Department of City Planning, Department of Information Technology and Telecommunications, Landmarks Preservation Commission, land use and landmarks review.

MENTAL HEALTH, DISABILITIES AND ADDICTION - Department of Health and Mental Hygiene (issues of mental health, developmental disability and addiction services) and Mayor's Office for People with Disabilities.

OVERSIGHT AND INVESTIGATIONS - To investigate any matters within the jurisdiction of the Council relating to property, affairs, or government of New York City and the Department of Investigation.

PARKS AND RECREATION - Department of Parks and Recreation.

PUBLIC HOUSING - New York City Housing Authority.

PUBLIC SAFETY - Police Department, [and] Civilian Complaint Review Board, Mayor's Office of Criminal Justice, courts, legal services, District Attorneys, and the Office of the Special Narcotics Prosecutor.

RESILIENCY AND WATERFRONTS - Office of Recovery and Resiliency, the Office of Long Term Planning and Sustainability as it relates to efforts to make New York City more resilient in the face of climate change, and preparing for, responding to, and recovering from emergencies, and matters relating to the waterfront.

RULES, PRIVILEGES AND ELECTIONS - Council structure and organization and appointments.

SANITATION AND SOLID WASTE MANAGEMENT - Department of Sanitation and the Business Integrity Commission.

SMALL BUSINESS - Department of Small Business Services and matters relating to retail business and emerging industries.

STANDARDS AND ETHICS - Conflicts of Interest Board and Council Ethics.

STATE AND FEDERAL LEGISLATION - Federal legislation, State legislation and Home Rule requests.

TECHNOLOGY - Technology in New York City, Department of Information Technology and Telecommunications (non- land use-related issues), Mayor's Office of Media & Entertainment, NYC TV, and dissemination of public information through the use of technology.

TRANSPORTATION - Mass Transportation Agencies and facilities, Taxi and Limousine Commission, Department of Transportation and New York City Transit Authority.

VETERANS - Department of Veterans' Services and other veteran related issues.

WOMEN AND GENDER EQUITY - Issues relating to advancing the economic mobility, social inclusion, leadership and civic participation of women and girls, domestic violence, Office to End Gender-Based Violence and the Commission on Gender Equity.

YOUTH SERVICES - Youth Board, Department of Youth and Community Development, Interagency Coordinating Council on Youth, and youth related programs.

b. Each standing committee shall be composed of no fewer than five members.

c. The Speaker may create such subcommittees or special committees as he or she deems necessary and appropriate.

Adopted by the Council (preconsidered and approved by the Committee on Rules, Privileges and Elections).

Int. No. 2156

By Council Members Levin, Kallos and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to the establishment of a parking permit 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 19-175.8 to read as follows:

§ 19-175.8 Parking permit enforcement unit. a. The department shall establish a parking permit enforcement unit, which shall consist of enforcement agents who are specially trained in local laws and rules related to improper use of city-issued parking permits. Such unit shall have the power and duty to:

- 1. Enforce all local laws and rules related to improper use of a parking permit;*
- 2. Investigate complaints alleging improper use of a parking permit submitted to the 311 citizen center; and*
- 3. Engage in such other activities related to enforcement of local laws and rules related to improper use of a parking permit, or related to improving compliance with such laws and rules.*

b. The parking permit enforcement unit shall be fully operational on or before the date six months following the effective date of the local law that added this section and shall commence enforcement activities on or before such date. The department may promulgate such rules as it deems necessary to implement the provisions of this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 2157

By Council Members Levin and Kallos.

A Local Law in relation to creating temporary outdoor space for retail establishments

Be it enacted by the Council as follows:

Section 1. Temporary outdoor space for retail establishments. a. Definitions. For the purposes of this section, the following terms have the following meanings:

General vendor. The term “general vendor” has the same meaning as in section 20-452 of the administrative code of the city of New York.

Open space. The term “open space” means any location of roadway retail or sidewalk retail, or any other public outdoor location, including but not limited to a sidewalk, pedestrian plaza, roadway, or public parking lot, that may be used by a retail establishment for temporary retail and that has been approved for such use by the department of transportation.

Pedestrian plaza. The term “pedestrian plaza” has the same meaning as in section 19-157 of the administrative code of the city of New York.

Retail establishment. The term “retail establishment” means 1) an establishment wherein goods are sold or offered for sale to consumers that operates in the interior of a building, or 2) a general vendor.

Roadway retail. The term “roadway retail” means retail activity located in the roadway adjacent to the curb in front of the business frontage of a retail establishment in accordance with guidelines established by the department of transportation.

Sidewalk retail. The term “sidewalk retail” means retail activity located outside the business frontage of a retail establishment in accordance with guidelines established by the department of transportation.

Temporary outdoor retail area. The term “temporary outdoor retail area” means a portion of any retail establishment that is located in an open space.

b. Open retail program. 1. The city shall establish an open retail program pursuant to which a retail establishment may operate a temporary outdoor retail area.

2. Under the open retail program, a retail establishment wherein goods are sold or offered for sale to consumers that operates in the interior of a building shall be permitted to operate roadway retail or sidewalk retail, as appropriate, after the completion of an online self-certification application, which shall be in a form and manner as determined by the department of transportation. The department of transportation may establish a process to allow for the use of other types of open space as temporary outdoor retail areas.

3. A retail establishment shall not be required to pay a fee for participation in such program.

c. Vendors. Notwithstanding section 20-465 of the administrative code of the city of New York, as part of the open retail program, the department of transportation, in consultation with any other agency as designated by the mayor, may designate a sidewalk, pedestrian plaza, roadway, or public parking lot as an area in which a general vendor may vend.

d. Compliance with other laws. Nothing in this local law shall relieve a retail establishment from the obligation to adhere to all emergency executive orders issued pursuant to section 24 or 29-a of the executive law, and to all local, state, and federal requirements relating to health and safety, except as modified by any such emergency executive order or this local law. Any retail establishment participating in the open retail program shall adhere to all applicable guidance issued by the department of transportation, the department of consumer and worker protection, the department of health and mental hygiene and any other agency designated by the mayor.

e. Validity of a self-certification. A self-certification submitted pursuant to the temporary outdoor retail program shall remain valid until terminated or suspended by the department of transportation. The department may terminate or suspend a self-certification for non-compliance with the requirements of such program or as necessary to protect health or safety.

f. Expiration. The temporary outdoor retail program shall remain in effect until December 31, 2020 or until such later date as the department of transportation shall determine; provided however that such program shall

not remain in effect after December 31, 2021. The department of transportation shall provide the speaker of the council with written notice at least 14 days prior to the termination of such program.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 2158

By Council Members Levin, Holden and Kallos (by request of the Manhattan Borough President).

A Local Law to amend the New York city charter, in relation to designating a geospatial information officer

Be it enacted by the Council as follows:

Section 1. Section 1071 of the New York city charter is amended to read as follows:

§ 1071. Deputies. The commissioner [may] *shall* appoint [four] *five* deputies, one of whom may be designated the first deputy commissioner, *and one of whom shall be designated the chief geospatial information officer.*

§ 2. Subdivisions g and h of section 1072 of the New York city charter are amended to read as follows:

g. to participate in developing, maintaining and implementing a long-range computer systems *strategy*, [and] data communications strategy, *spatial data interoperability strategy* for the city of New York *and strategic plan for the use of geospatial information systems by city agencies;*

h. to assist in providing interagency coordination on matters related to data communications activities and interfacing of computers, *including convening, under the direction of the chief geospatial information officer, annual interagency meetings of agency personnel responsible for supervising the collection, management or use of geospatial data and, when appropriate, other geospatial experts, to enable citywide coordination and collaboration in areas including application development, data sharing and data interoperability;*

§ 3. This local law takes effect immediately.

Referred to the Committee on Technology.

Int. No. 2159

By Council Members Levin, the Speaker (Council Member Johnson), Rosenthal, Constantinides, Rivera, and Van Bramer.

A Local Law to amend the administrative code of the city of New York, in relation to hazardous obstruction by vehicles and civilian complaints to the department of transportation for hazardous obstruction violations

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 new sections 19-175.8 and 19-175.9 to read as follows:

§ 19-175.8 Hazardous obstruction. a. *Except as otherwise permitted by law, no person shall park, stop or stand a vehicle within a radial distance of 1320 feet of a school building, entrance or exit in a manner that obstructs a bicycle lane, bus lane when bus lane restrictions are in effect, sidewalk, crosswalk or fire hydrant.*

b. *As an alternative to any other means of enforcement authorized by law, a violation of subdivision a of this section shall be punishable by a civil penalty of \$175. Such civil penalties shall be recoverable in a proceeding before the office of administrative trials and hearings.*

§ 19-175.9 Civilian complaint of hazardous obstruction. a. Any natural person, excluding personnel of the department and other employees of the city authorized to serve summonses for violations of section 19-175.8, may serve upon the department a complaint, in a form prescribed by the commissioner, alleging that a person has violated section 19-175.8.

b. The department shall publish on its website information on filing civilian complaints pursuant to this section. Such information shall include but need not be limited to instructions for filing such complaints and for gathering supporting documentation.

c. The department shall provide a tracking number to each person who submits a civilian complaint pursuant to subdivision a of this section which shall allow such person to track the status of such complaint from initiation to disposition. The department shall provide an initial status update for any such civilian complaint within three days of the submission of such complaint.

d. In any proceeding brought by the department based on a complaint submitted pursuant to subdivision a of this section, the office of administrative trials and hearings shall award the complainant 25 percent of any sums collected as a result of such proceeding.

e. No later than one year after the effective date of the local law that added this section, and annually thereafter, the commissioner shall submit to the speaker of the council and post on the department's website a report including the number of complaints submitted pursuant to subdivision a of this section and the dispositions of such complaints.

f. The commissioner shall promulgate such rules as are necessary to implement the provisions of this section.

§ 2. This local law takes effect 120 days after becoming law, except that the commissioner of transportation shall take any actions necessary to implement this law, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Transportation.

Res. No. 1483

Resolution calling on Congress to pass, and the President to sign, legislation that would prohibit property owners and loan service agencies from negatively impacting credit scores of businesses, property owners or renters for nonpayment due to the COVID-19 pandemic.

By Council Members Louis and Rosenthal.

Whereas, Credit scores are based on an individual's credit history and are used to evaluate the creditworthiness of a person; and

Whereas, The three major credit bureaus in the United States are Equifax, Experian, and TransUnion, which are regulated by the Consumer Financial Protection Bureau, the federal agency responsible for consumer protections in the financial sector; and

Whereas, Credit scores may be used by landlords to determine whether they should rent an apartment, or by banks to determine whether they should approve an applicant loan, or by insurance companies to determine how much to charge for insurance premiums; and

Whereas, During the COVID-19 pandemic, many New Yorkers have lost their job, had their work hours cut or have been furloughed; and

Whereas, According to New York State Department of Labor, the City's unemployment rate increased from 3.4 percent in February 2020 to 19.8 percent in June 2020; and

Whereas, Congress should pass a bill into a law that would not allow property owners, and loan servicers to negatively impact the credit score for businesses, homeowners, and renters by reporting nonpayment to credit reporting agencies during the COVID-19 pandemic; and

Whereas, Limiting access to loans or large purchases due to poor credit scores as a result of the COVID-19 pandemic will delay the economic recovery; now, therefore, be it

Resolved, That the Council of the City of New York calls on Congress to pass, and the President to sign, legislation that would prohibit property owners and loan service agencies from negatively impacting credit scores of businesses, property owners or renters due to the COVID-19 pandemic.

Referred to the Committee on Economic Development.

Res. No. 1484

Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation that would add, at minimum, a six month extension to the back end of a lease or mortgage that would not penalize or create a balloon payment to the arrears that were accumulated during the COVID-19 pandemic.

By Council Members Louis and Rosenthal.

Whereas, Many New Yorkers are facing financial hardship during the COVID-19 pandemic; and

Whereas, The New York Times reported in an article titled, “*One Third of New York Small Businesses May be Gone Forever*” on August 3, 2020, that more than 2,800 businesses in New York City have permanently closed and many other businesses have already used their financial assistance from federal and local government program; and

Whereas, According to New York State Department of Labor, the City’s unemployment rate increased from 3.4 percent in February 2020 to 19.8 percent in June 2020; and

Whereas, Many New Yorkers may not be able to pay their bills or support local businesses due to their job loss; and

Whereas, The credit score of New Yorkers could be impacted if certain bills are not paid in a timely manner and it could impact them if they seek to rent a property, request a loan, apply for insurance or purchase a vehicle; and

Whereas, Due to the financial hardship during the COVID-19 pandemic, homeowners, renters, and businesses need additional relief from New York State due to the financial hardship that is being caused by the COVID-19 pandemic; and

Whereas, New York State should pass a bill into law that would add, at minimum, a six month extension to the back end of a commercial or residential lease and homeowner mortgage without penalty or balloon payment to the arrears that were accumulated during the COVID-19 pandemic

Whereas, The six month extension would allow New Yorkers who were impacted by the COVID-19 pandemic to delay or reduce their monthly payments and provide additional time to earn more income and find new employment; 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 that would add, at minimum, a six month extension to the back end of a lease or mortgage that would not penalize or create a balloon payment to the arrears that were accumulated during the COVID-19 pandemic.

Referred to the Committee on Housing and Buildings.

Res. No. 1485

Resolution calling on the Governor to create a State funded grant program to support undocumented business owners devastated by the COVID-19 pandemic.

By Council Members Louis and Rosenthal.

Whereas, The outbreak and spread of COVID-19 in the United States has caused governors across the Country to implement mandatory stay-at-home-orders; and

Whereas, In New York, Governor Cuomo signed the New York State (NYS) on PAUSE executive order on March 20th, which mandated the closure of all non-essential businesses statewide; and

Whereas, Essential businesses that were permitted to remain open were required to comply with strict social distancing rules; and

Whereas, As New Yorkers sheltered in place to stop the spread of the virus, businesses in New York City (NYC) experienced massive declines in revenue; and

Whereas, According to Governor Cuomo, over 100,000 small businesses have closed permanently across NYS due to their inability to continue to pay fixed costs throughout the pandemic, including rent and employee payrolls; and

Whereas, Businesses owned by undocumented immigrants have been especially vulnerable to the economic devastation caused by the COVID-19 pandemic; and

Whereas, According to a July 2020 study by researchers at the National Bureau of Economic Research (NBER) on COVID-19's impact on small business owners, over one million immigrant-owned businesses closed across the country from February to April; and

Whereas, The Business Center for New Americans, which services NYC businesses owned by immigrants and refugees reported that 80 percent of the businesses they work with have closed due to the pandemic; and

Whereas, Federal, State, and City relief programs were developed to support struggling small businesses, however, these programs were generally inaccessible to undocumented business owners; and

Whereas, The Small Business Administration (SBA) launched the Economic Injury Disaster Loan program and Paycheck Protection Program to provide small businesses with emergency loans; and

Whereas, The SBA initially stated these programs would exclude undocumented business owners, as the SBA's pre-CARES Act guidance specified that immigrant business owners can only apply if they are "lawfully in the U.S. and have an appropriate work visa"; and

Whereas, After the Paycheck Protection Program was launched, the SBA did not explicitly state if there were immigration-based limitations to apply, which left undocumented immigrants uncertain whether they could qualify for a loan; and

Whereas, NYC's Department of Small Business Services (SBS) administered the Small Business Continuity Loan Fund and Employee Retention Grant program to provide financial relief to struggling businesses; and

Whereas, According to the Association for Neighborhood and Housing Development, SBS's programs were inaccessible to many immigrant business owners, as the application forms were initially only released in English; and

Whereas, On May 22, 2020, Governor Cuomo announced the creation of the New York Forward Loan Fund, which was intended to specifically provide minority and women owned small businesses with low interest loans; and

Whereas, While nearly 90% of the loan recipients have been minority and women-owned businesses, two months after the loan program was launched it had only distributed \$2.3 million in loans out of the \$100 million allocated to the program; and

Whereas, Businesses applying to the New York Forward Loan Fund are required to participate in an in-depth review and underwriting process, which may prevent undocumented business owners who do not possess all necessary formal documentation from applying; and

Whereas, Without access to government-sponsored relief efforts, undocumented businesses will likely continue to close across NYC; and

Whereas, According to the study by researchers at the NBER, the closure of immigrant-owned businesses "could be problematic for broader racial inequality because of the importance of small businesses for local job creation, economic advancement, and longer-term wealth inequality"; and

Whereas, Accordingly, a June 2020 report by the Center for an Urban Future on COVID-19's impact on immigrant communities recommends that the City and State "act quickly to shore up the finances of immigrant-owned small businesses left out of the PPP program and other relief efforts"; and

Whereas, Immigrant-owned businesses contribute significantly to the City's economy, as immigrant New Yorkers own half of the City's businesses; and

Whereas, As the survival of the City's small business economy is necessary for the City to have a strong economic recovery from the COVID-19 pandemic, NYS must ensure businesses owned by undocumented immigrants are able to access financial relief; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Governor to create a State funded grant program to support undocumented business owners devastated by the COVID-19 pandemic.

Referred to the Committee on Small Business.

Int. No. 2160

By Council Members Matteo, Borelli and Rose.

A Local Law to amend the administrative code of the city of New York, in relation to recycled paper facilities

Be it enacted by the Council as follows:

Section 1. Section 28-320.1, as amended by local law number 147 for the year 2019, is amended by amending the definition of "covered building" to read as follows:

COVERED BUILDING. The term "covered building" means, as it appears in the records of the department of finance, (i) a building that exceeds 25,000 gross square feet (2322.5 m²) or (ii) two or more buildings on the same tax lot that together exceed 50,000 gross square feet (4645 m²), or (iii) two or more buildings held in the condominium form of ownership that are governed by the same board of managers and that together exceed 50,000 gross square feet (4645 m²).

Exceptions:

1. An industrial facility primarily used for the generation of electric power or steam.
2. Real property, not more than three stories, consisting of a series of attached, detached or semi-detached dwellings, for which ownership and the responsibility for maintenance of the HVAC systems and hot water heating systems is held by each individual dwelling unit owner, and with no HVAC system or hot water heating system in the series serving more than 25,000 gross square feet (2322.5 m²), as certified by a registered design professional to the department.
3. A city building.
4. A housing development or building on land owned by the New York city housing authority.
5. A rent regulated accommodation.
6. A building whose main use or dominant occupancy is classified as occupancy group A-3 religious house of worship.
7. Real property owned by a housing development fund company organized pursuant to the business corporation law and article eleven of the private housing finance law.
8. A building that participates in a project-based federal housing program.

9. An industrial facility that produces 100 percent recycled paper products from 100 percent recycled paper.

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

Res. No. 1486

Resolution condemning the Trump Administration’s designation of New York City as an “anarchist jurisdiction,” and calling for a rescission of this designation.

By Council Members Menchaca, Cabrera, Kallos and Rosenthal.

Whereas, Beginning in late May 2020, prompted by the news of several murders of Black people by police around the country, including George Floyd in Minneapolis, Breonna Taylor in Louisville, and Tony McDade in Tallahassee, many cities experienced unrest and massive protests against police brutality and systemic racism; and

Whereas, Elected leadership in several cities, including New York City, responded to overwhelming calls for police reform by shifting some budgetary resources away from police departments and toward other social services that promote public safety in different ways; and

Whereas, In response to perceived lawlessness and violence in New York City, Seattle, Washington D.C., and Portland, Oregon, President Trump issued a memorandum on September 2, 2020 to the Director of the Office of Management and Budget (OMB) and U.S. Attorney General, ordering them to analyze federal funds provided to those four cities and identify so-called “anarchist jurisdictions,” or “State and local jurisdictions that have permitted violence and destruction of property to persist and have refused to undertake reasonable measures to counteract these criminal activities;” and

Whereas, The memo’s stated intent is to deny federal funding to cities the Trump Administration deems to have deteriorated into “lawless zones;” and

Whereas, On September 21, 2020, the U.S. Department of Justice designated the cities of New York, Seattle, and Portland, Oregon “anarchist jurisdictions;” and

Whereas, On the same day, OMB issued guidance to federal agencies, directing them to submit detailed spending reports identifying all federal funding that flowed to the “anarchist jurisdiction” cities and Washington, D.C. for fiscal years 2018, 2019, and 2020; and

Whereas, On October 8, 2020, the Federal Transit Administration (FTA) announced that it would consider applications for a COVID-19 public transportation research grant, a grant for which the Metropolitan Transportation Authority would otherwise be eligible, in accordance with Trump’s memo; and

Whereas, On October 16, the U.S. Department of Health and Human Services, with input from at least 12 agencies it oversees, submitted its analysis of federal funding that the four cities received, finding that more than 1,500 funding awards from 185 different programs went to the four cities since 2018, including funding for medical research, universal hearing screenings for newborns, housing, nutrition programs, mental health counseling, and more; and

Whereas, On October 22, 2020, the cities of New York, Seattle, and Portland, Oregon filed a complaint in federal court seeking to vacate Trump’s memo and forbid the FTA from considering the memo in issuing its COVID-19 public transportation research grant; and

Whereas, Trump’s memo and ensuing attempt to disqualify “anarchist jurisdictions” from receiving federal funds is patently illegal, unconstitutional, and immoral; and

Whereas, Trump’s memo fails to include a single legal citation, and in the words of the plaintiffs, “anarchist jurisdiction” is “an oxymoronic designation without precedent in American jurisprudence;” and

Whereas, Trump’s memo violates the Administrative Procedure Act; the principle of separation of powers between Congress and the Executive Branch; the Spending Clause, which governs what conditions Congress may impose on spending; the Tenth Amendment of the Constitution, which grants police powers exclusively to the states; and the Fifth Amendment of the Constitution, which provides cities with due process rights; and

Whereas, It is illegal, abnormal, and dangerous for the federal government to intimidate cities into acting the way it wants by arbitrarily withholding vital federal funds; and

Whereas, New York City was extremely hard-hit by the COVID-19 pandemic and faces a forecasted loss of \$9 billion in tax revenue, necessitating severe cuts to city services and possible layoffs of thousands of city government employees; and

Whereas, According to its June 2020 Financial Plan, New York City expects to receive over \$12 billion in federal granting funding, representing nearly 13 percent of the City's fiscal year 2020 projected revenues, the majority of which would fund social services, housing, education, and emergency relief; and

Whereas, New York City has been granted \$2.65 billion in COVID-19-related relief from the Federal Emergency Management Agency (FEMA), but has only received \$199.6 million, and now faces uncertainty around how Trump's memo will affect the disbursement of the remainder of these funds; and

Whereas, The potential loss of federal funding will have a severely detrimental impact on residents of New York City who benefit from federally-funded social services, housing, education, and emergency relief, especially vulnerable Black, brown, and immigrant communities who face economic disadvantages and have been hardest hit by the COVID-19 pandemic; and

Whereas, The federal government must disburse funding in a fair, just, and orderly manner and abide by the rule of law; now, therefore, be it

Resolved, That the Council of the City of New York condemns the Trump Administration's designation of New York City as an "anarchist jurisdiction," and calls for a rescission of this designation.

Referred to the Committee on Governmental Operations.

Int. No. 2161

By Council Members Miller, Rosenthal and Louis.

A Local Law in relation to establishing a board to review workplace health and safety guidance during the COVID-19 pandemic

Be it enacted by the Council as follows:

Section 1. Definitions. For the purposes of this local law, the following terms have the following meanings:

Agency. The term "agency" has the meaning ascribed to such term in section 1150 of the New York city charter.

Board. The term "board" means the workplace health and safety guidance review board.

City. The term "city" means the city of New York.

Guidance. The term "guidance" means the workplace health and safety guidance that agencies issued to municipal officers and employees and that private employers issued to private employees during the pendency of the novel coronavirus, COVID-19, pandemic.

Private employee. The term "private employee" means a person who is employed by a private employer and works:

1. Remotely during the COVID-19 pandemic; or

2. At or for an essential business, as defined by the New York state department of economic development in accordance with executive order number 202.6 as issued by the governor on March 18, 2020 and extended or amended thereafter.

Private employer. The term "private employer" means any person, company, corporation, labor organization or association that employs 10 or more persons.

§ 2. Workplace health and safety guidance review board. a. There shall be a workplace health and safety guidance review board. The board shall, as practicable, do the following:

1. Review the content of the guidance that agencies issued to municipal officers and employees and that private employers issued to private employees to assess the COVID-19 pandemic health and safety protocols and the gaps

in such protocols;

2. Assess the efforts that agencies and private employers made to distribute the guidance and alert employees to the COVID-19 pandemic health and safety protocols; and

3. Make recommendations on the guidance's content and distribution to inform health and safety protocols during future public health emergencies.

b. The board shall consist of the following 9 members, each of whom shall have demonstrated expertise relevant to the purpose and duties of the board:

1. The commissioners of health and mental hygiene, citywide administrative services, consumer and worker protection, and labor relations, or the designees thereof;

2. Two members appointed by the mayor;

3. Two members appointed by the speaker of the council; and

4. One member appointed by the public advocate.

c. The board may invite relevant experts and stakeholders, including, but not limited to, those representing uniformed and non-uniformed municipal employees and the construction and trade, human services, nonprofit, healthcare, hospitality, services and retail industries, to attend its meetings and to otherwise provide testimony and information relevant to its duties.

d. All members shall be appointed no later than 30 days after the effective date of this local law. Vacancies in membership shall be filled in the same manner as original appointment. A person filling such vacancy shall serve for the unexpired portion of the term of the succeeded member.

e. Each member of the board shall serve at the pleasure of the officer who appointed the member. In the event of a vacancy, a successor shall be appointed in the same manner as the original appointment for the remainder of the unexpired term. All members shall serve without compensation.

f. The first meeting of the board shall be convened no later than 60 days after the effective date of this local law. At such meeting, the board shall, at a minimum, select a chairperson and a vice chairperson from among its members by majority vote and determine the guidance that each member shall review.

g. The board shall meet monthly to discuss the reviewed guidance until it submits the final report required by subdivision i of this section and shall meet quarterly thereafter. Such meetings shall be open to the public. The board shall keep a record of its deliberations and determine its rules of procedure.

h. By December 31, 2020, the board shall submit a preliminary report to the mayor and the speaker of the council to prepare the city for the possibility of a resurgence of COVID-19. Such report shall include, but need not be limited to, the following:

1. A summary of the content of the reviewed guidance;

2. A summary of agencies' and private employers' efforts to disseminate such guidance;

3. An assessment of the guidance's content and dissemination; and

4. Recommendations on health and safety protocols for future public health emergencies.

i. After the preliminary report required by subdivision h, the board shall continue to review the guidance and submit a final report with its updated findings and recommendations to the mayor and the speaker of the council, no later than 20 months after the effective date of this local law. The board shall continue to make recommendations after such final report.

j. No more than 30 days after each report required by subdivisions h or i is submitted to the mayor and the speaker of the council, the commissioners of citywide administrative services and consumer and worker protection shall respond, in writing, to such report and post such report and response on the respective department websites.

k. The board shall terminate 180 days after the date on which it submits its final report, as required by subdivision i.

§ 3. This local law takes effect immediately.

Referred to the Committee on Civil Service and Labor.

Int. No. 2162

By Council Members Miller, Ampry-Samuel, Kallos, Rosenthal Adams and Louis.

A Local Law to amend the administrative code of the city of New York, in relation to the dissemination of occupational safety and health information to city employees during a public health emergency

Be it enacted by the Council as follows:

Section 1. Section 12-208 of the administrative code of the city of New York, as added by local law number 18 for the year 2019, is renumbered section 12-209.

§ 2. Chapter 2 of title 12 of the administrative code of the city of New York is amended by adding a new section 12-210 to read as follows:

§ 12-210 *Dissemination of occupational safety and health information during a public health emergency. a. Definitions. For purposes of this section, the following terms have the following meanings:*

Occupational safety and health agency. The term “occupation safety and health agency” means any federal, state or city agency or office that issues guidance related to occupational safety and health, including the federal occupational safety and health administration, the public employee safety and health bureau, the federal centers for disease control and prevention, the national institute for occupational safety and health and the department of health and mental hygiene.

Public health emergency. The term “public health emergency” means any time during which, due to a threat to public health, a state of emergency has been declared by the governor pursuant to section 28 of the executive law or by the mayor pursuant to section 24 of the executive law or a public health emergency has been declared by the commissioner of health and mental hygiene pursuant to subdivision d of section 3.01 of the New York city health code.

Safety and health coordinator. The term “safety and health coordinator” means the person at a city agency who is primarily responsible for occupational safety and health within the agency.

b. During any public health emergency, the citywide office of occupational safety and health shall monitor all occupational safety and health agencies for the issuance of guidance regarding occupational safety and health related to the public health emergency, including, without limitation, any guidance on hazard assessment, hygiene, social distancing, identification and isolation of sick employees, return to work after illness or exposure, physical and administrative controls, workplace flexibility, training, and anti-retaliation practices. Within 24 hours of the issuance of any such guidance, the citywide office of occupational safety and health shall deliver such guidance by electronic mail to the safety and health coordinator at each city agency.

c. Within 24 hours of receipt of occupational safety and health guidance from the citywide office of occupational safety and health during a public health emergency, each safety and health coordinator shall:

- 1. Post such guidance in the workplace next to the poster required pursuant to section 801.47 of title 12 of the compilation of codes, rules and regulations of the state of New York;*
- 2. Deliver such guidance by electronic mail to each employee of the agency; and*
- 3. Prepare and deliver by electronic mail a summary of the guidance to each employee of the agency. Such summary shall be tailored so as to highlight the guidance that is most relevant to employees holding a particular position, or a category of positions, within the agency.*

§ 3. This local law takes effect 60 days after it becomes law.

Referred to the Committee on Civil Service and Labor.

Res. No. 1487

Resolution recognizing November 20th annually as Transgender Day of Remembrance and March 31st annually as Transgender Day of Visibility in the City of New York.

By the Public Advocate (Mr. Williams) and Council Members Kallos and Rosenthal.

Whereas, Transgender (“trans”) and gender nonconforming people face stigma, often rooted in ignorance and politically-motivated attacks on gender identity and expression, on a daily basis; and

Whereas, This stigma erects barriers in nearly every facet of life, denying trans and gender nonconforming people the equal opportunity to succeed and be accepted as their true selves; and

Whereas, Not only does anti-trans stigma have a long-term impact on mental health and economic and housing stability of trans and gender nonconforming people—especially if they experience familial rejection and isolation from social support systems—but it has also fueled an epidemic of anti-trans fatal violence that disproportionately impacts trans women of color, who comprise approximately four in five of all anti-trans homicide victims; and

Whereas, In 1999, trans advocate Gwendolyn Ann Smith held a vigil to honor the memory of Rita Hester, a well-known Black trans woman in Boston’s trans and Black LGBTQ+ communities, who was brutally murdered on November 28, 1998, two days before her 35th birthday, and whose murder remains unsolved; and

Whereas, Now, the Transgender Day of Remembrance is observed annually on November 20th, to honor the memory of trans and gender nonconforming people whose lives were lost in acts of anti-trans violence; and

Whereas, On March 31, 2009, in response to the lack of positive recognition of trans people by the cisgender lesbian, gay and bisexual community, trans activist Rachel Crandall started the International Transgender Day of Visibility to bring trans and gender nonconforming people together and celebrate their contributions to society, as well as raise awareness of discrimination faced by trans and gender non-conforming people; and

Whereas, Now celebrated internationally, the International Transgender Day of Visibility is very meaningful to the trans and gender nonconforming community, acknowledging the courage it takes to live openly and authentically, and validating their experiences; and

Whereas, Trans and gender nonconforming people face significant cultural, economic and legal challenges; according to the 2015 United States Transgender Survey (USTS), the largest survey examining the experiences of trans people in the U.S., 18 percent of respondents in New York State were unemployed and 37 percent were living in poverty; and

Whereas, The USTS also found rampant employment, workplace, education, housing, and health care-related discrimination, including harassment and violence, among respondents in New York State, as well as mistreatment, assault and harassment by police; inequitable treatment and harassment in places of public accommodation; homelessness and issues with obtaining identity documents, accessing shelters and using public restrooms; and

Whereas, According to the Human Rights Campaign, at least 34 trans or gender nonconforming people, the majority of whom were Black and Latinx, have been murdered in 2020, which is the highest number of deaths as of November 2020; and

Whereas, Black and Latinx drag queens and trans people played significant roles in many of the early milestones of the gay rights movement; and

Whereas, The Stonewall riots, a series of demonstrations against gay oppression following the June 27, 1969 police raid of the Stonewall Inn, a Greenwich Village gay bar and dance club, have become the defining origin story of the modern global LGBTQ+ rights movement; and

Whereas, While it is still disputed who first pushed back against the police, sparking the Stonewall riots, there is widespread consensus that trans rights activists, Marsha P. Johnson and Zazu Nova Queen of Sex, both Black trans women, along with Jackie Hormona, a gay youth experiencing homelessness, were among the first; and

Whereas, On June 14, 2020, an estimated 15,000 people, all dressed in white, gathered at the Brooklyn Museum and silently marched down Eastern Parkway to Fort Greene Park, to demand justice for Riah Milton and Dominique “Rem’mie” Fells, two recent victims of anti-Black, anti-trans violence, in the largest ever trans rights demonstration, now known as the Brooklyn Liberation March; and

Whereas, Inspired by the 1917 NAACP-organized Silent March, drag queens West Dakota and Merrie Cherry conceived the Brooklyn Liberation March as a safe space for Black trans people who felt that attending the police killing of George Floyd-sparked demonstrations against police brutality would put them in danger; and

Whereas, New York State is home to more than 50,000 trans people, per a June 2016 Williams Institute report, who deserve to no longer live in fear or feel invisible; now, therefore, be it

Resolved, That the Council of the City of New York recognizes November 20th annually as Transgender Day of Remembrance and March 31st annually as Transgender Day of Visibility in the City of New York.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Int. No. 2163

By Council Members Reynoso, Lander, Van Bramer, Adams, Kallos, Menchaca, Cohen and the Public Advocate (Mr. Williams).

A Local Law to amend the administrative code of the city of New York, in relation to allowing a food service establishment surcharge, and to repeal local law number 100 for the year 2020, relating to a COVID-19 recovery charge.

Be it enacted by the Council as follows:

Section 1. Local law number 100 for the year 2020 is REPEALED.

§ 2. Chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 24 to read as follows:

**SUBCHAPTER 24
FOOD SERVICE ESTABLISHMENT SURCHARGES**

§ 20-855 *Definitions. For purposes of this subchapter, the following terms have the following meanings:*

Food service establishment. The term “food service establishment” has the same meaning as set forth in subdivision (s) of section 81.03 of the New York city health code, except that such term does not include pushcarts, stands, vehicles or a food service establishment that is part of a chain with 15 or more locations nationally doing business under the same name and offering for sale substantially the same menu items.

Stated price. The term “stated price” means the amount that a consumer owes for an individual listed item. The term “stated price” does not include any additional charge that was not included in the pricing of an individual listed item.

Surcharge. The term “surcharge” means a charge imposed in addition to the stated price of individual listed items. The term “surcharge” does not include tax, gratuity, tip or a charge for the administration of a banquet, special function or package deal pursuant to section 146-2.19 of title 12 of the New York codes, rules and regulations.

Tipped worker. The term “tipped worker” means a service employee or food service worker, as such terms are defined in sections 146-3.3 and 146-3.4 of title 12 of the New York codes, rules and regulations, respectively.

§ 20-856 *Food service establishment surcharge. a. A food service establishment may impose a surcharge of no more than 15 percent of a consumer’s total bill, to be known as the “Food Service Establishment Surcharge.”*

b. The food service establishment surcharge shall be imposed for on-premises dining only. Such surcharge shall be imposed for indoor or outdoor dining but shall not be imposed for takeout or delivery orders.

c. A food service establishment shall not impose the food service establishment surcharge unless each tipped worker employed at such food service establishment is paid an hourly cash wage that is not less than the city’s minimum wage in effect pursuant to paragraph (a) of subdivision 1 of section 652 of the labor law. Tips received by tipped workers employed at a food service establishment that imposes the food service establishment surcharge pursuant to this subchapter shall not be credited towards the hourly cash wage.

d. A food service establishment shall not impose the food service establishment surcharge in addition to a charge for the administration of a banquet, special function or package deal pursuant to section 146-2.19 of title 12 of the New York codes, rules and regulations.

§ 20-857 *Disclosure. a. A food service establishment that imposes the food service establishment surcharge shall conspicuously disclose the amount of such surcharge to a prospective consumer before any item is ordered by placing it at the bottom of each menu page supplied to the consumer. If no menus are used, the disclosure shall be placed wherever food and beverage choices are listed. The disclosure must be:*

1. *Written;*
 2. *Explicit that the additional charge is a surcharge and not a gratuity;*
 3. *Clear and conspicuous;*
 4. *On each page of any document, whether in paper or electronic format, that lists prices for the consumer, including but not limited to, any paper or electronic menu;*
 5. *In plain English, or in the same language as the rest of the menu, if applicable; and*
 6. *In a font size similar to surrounding text.*
- b. A consumer's final bill and receipt, if a receipt is provided, shall disclose the food service establishment surcharge and the total dollar amount attributable to such surcharge.*
- c. A food service establishment shall not give the food service establishment surcharge any other name, and shall reference such charge as the "Food Service Establishment Surcharge" on all disclosures required by this section, except that such charge may be referred to as the "FSE Surcharge" on any final consumer bill or receipt.*

§ 20-858 Rules. The department shall promulgate such rules as are necessary to carry out the provisions of this subchapter, including but not limited to, rules related to the form and manner of disclosures related to the food service establishment surcharge.

§ 20-859 Enforcement. Any food service establishment that violates any provision of this subchapter or any rule promulgated pursuant to this subchapter is subject to a civil penalty of not less than \$50 nor more than \$350 for each violation. A proceeding to recover any civil penalty authorized pursuant to this subchapter is returnable to any tribunal established within the office of administrative trials and hearings or within any agency of the city designated to conduct such proceedings.

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of consumer and worker protection shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Consumer Affairs and Business Licensing.

Res. No. 1488

Resolution calling for Congress to pass, and the President to sign, legislation increasing reimbursements in Medicaid's Federal Medical Assistance Percentage program for Puerto Rico and the other territories of the United States.

By Council Members Rivera and Rosenthal.

Whereas, Under the Medicaid program, the federal government matches state spending with federal funds to help people with limited income and resources pay for medical costs; and

Whereas, Puerto Rico and the other U.S. territories are not eligible to receive the maximum amount of matching funds available to the 50 U.S. states under the Federal Medical Assistance Percentage (FMAP); and

Whereas, According to the U.S. Census Bureau, the median household incomes of the five inhabited U.S. territories, which include Puerto Rico, Guam, the U.S. Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands, are often the lowest in the country, and residents of these territories often experience greater exposure to health risks and decreased access to health services; and

Whereas, In 2017, the U.S. Census Bureau's American Community Survey reported Puerto Rico was one of the poorest parts of the United States, with a median house-hold income of \$19,343, lower than any other U.S. state, and representing the highest amount of income inequality in the nation; and

Whereas, Reimbursement for Medicaid spending under the FMAP is based on the average per capita income; and

Whereas, Under the FMAP, U.S. states receive 83 percent reimbursement for every dollar spent on medical assistance and U.S. territories, including Puerto Rico, only receive a set rate of 55 percent in reimbursement for every dollar the territories spend on Medicaid; and

Whereas, In 2019, the Senate’s Natural Resources Committee held a hearing entitled “The Insular Areas Medicaid Cliff,” which indicated that the disparate treatment under Medicaid, in comparison to the other U.S. states, has created a shortage of available service providers, medical coverage, eligibility, benefits, and reimbursement rates in the U.S. territories; and

Whereas, According to the Center on Budget and Policy Priorities, 44 percent of residents in Puerto Rico live below the poverty line, with inadequate Medicaid funding adding further economic pressure to the Island; and

Whereas, Most of the federal funding programs in Puerto Rico are set to expire in 2019, causing Puerto Rico’s governor to testify before the Senate Energy and Natural Resources Committee that a congressional failure to act would threaten health care for hundreds of thousands of children, seniors, people with disabilities, and pregnant women; and

Whereas, According to the City University of New York’s Center for Puerto Rican Studies based at Hunter College, natural disasters in the Caribbean have further diminished access to medical care on the Island, causing individuals from Puerto Rico to migrate to the U.S. mainland with New York being one of the largest arrival destinations of Puerto Rican evacuees; and

Whereas, According to the Center on Budget and Policy Priorities, Congressional funding for disaster relief has not included critical Medicaid funds for the Pacific island territories of Guam, American Samoa, and the Northern Mariana Islands to provide health care for their residents; and

Whereas, The Territories Health Care Improvement Act, H.R.3631, aims to extend full Medicaid coverage to all U.S. territories by amending the Social Security Act in order to provide a temporary increase to the limit on Medicaid payments and the FMAP for U.S. territories between the fiscal years of 2020 and 2025; and

Whereas, The Puerto Rico Health Care Fairness, Accountability, and Beneficiary Access Act of 2019, H.R.3371, which was introduced to the House of Representatives by New York’s Congressional Representative Nydia M. Velazquez, would amend the current law so the Island would receive an 85 percent reimbursement rate, providing Puerto Rico with an additional \$15.1 billion in federal funding; and

Whereas, Rep. Velazquez’s bill would also institute a 10-year transition period to stabilize the Medicaid program in Puerto Rico, after which the Island would receive the same financial treatment as state Medicaid programs; and

Whereas, There are no justifications for the Medicaid reimbursement rate and federal funding share to be lower in U.S. territories compared to the 50 states, and this disparate treatment amongst U.S. citizens is causing the territorial islands’ economy, healthcare, and people to suffer; now, therefore, be it

Resolved, That the Council of the City of New York calls upon Congress to pass, and the President to sign, legislation increasing reimbursements in Medicaid’s Federal Medical Assistance Percentage program for Puerto Rico and the other territories of the United States.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Int. No. 2164

By Council Members Rosenthal and Kallos.

A Local Law to amend the New York city charter, in relation to providing notice of public meetings conducted by the banking commission

Be it enacted by the Council as follows:

Section 1. Subdivision 1 of section 1524 of the New York city charter, as amended by local law 38 for the year 2012, is amended to read as follows:

1. The banking commission which consists of the mayor, the commissioner and the comptroller shall, by majority vote, by written notice to the commissioner, designate the banks or trust companies in which all moneys

of the city shall be deposited, and may by like notice in writing from time to time change the banks and trust companies thus designated. The banking commission shall notify the council within thirty days of receiving an application for designation or redesignation, and shall also notify the council within thirty days of approving or denying such application and, if designation or redesignation was denied, the basis for denial. *Any meeting that is held by the banking commission that is open to the public shall be noticed no less than thirty days prior to the date set for the public meeting. Notice of public meetings shall be published in the City Record and posted on the banking commission's website, and shall be electronically transmitted to the office of the speaker of the council, each council member, and the chairs of all community boards, upon publication.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Finance.

Res. No. 1489

Resolution calling on the Governor to sign S. 8450-C/A. 10500-C, providing for the confidentiality of contact tracing information from the identification of individuals who have come in contact with an individual with a confirmed or probable diagnosis of novel coronavirus, COVID-19.

By Council Members Rosenthal and Menchaca.

Whereas, According to the Centers for Disease Control and Prevention (CDC), contact tracing involves public health staff working with an individual with a confirmed or suspected infectious disease to help them recall everyone with whom they have had close contact during the timeframe while they may have been infectious; and

Whereas, According to the CDC, contact tracing is an important part of the fight against the novel coronavirus, COVID-19, because it helps public health staff warn identified individuals, or contacts, of their potential exposure as rapidly and sensitively as possible while keeping the identity of the infected individual private, and it provides contacts with information and guidance to understand their level of risk, what to do if they are feeling unwell, and how they can best isolate themselves to prevent further spread of the virus; and

Whereas, According to the New York City Department of Health and Mental Hygiene, data show that COVID-19 has disproportionately impacted lower income communities and New Yorkers who are Black and Latinx are two times more likely to die from COVID-19 than their white counterparts; and

Whereas, According to both the American and New York City Civil Liberties Unions, contact tracing during the COVID-19 pandemic has raised concern among these communities and their advocates that confidentiality lapses and the potential for law or immigration authority involvement in contact tracing activities and results may jeopardize these communities' willingness to participate in contact tracing for fear of adverse enforcement or other action; and

Whereas, A. 10500-C, introduced by New York State Assembly Member Richard Gottfried, and companion bill S. 8450-C, introduced by New York State Senator Gustavo Rivera, provide for the confidentiality of contact tracing information while prohibiting law enforcement and immigration authorities from participating in contact tracing activities except when acting as the principal individual or contact individual and, further, prohibit contact tracers and entities from providing contact tracing information to law enforcement or immigration authorities except for these permitted purposes; and

Whereas, A. 10500-C unanimously passed the New York State Senate on July 23, 2020 and companion bill S. 8450-C unanimously passed the New York State Assembly on July 21, 2020; now, therefore, be it

Resolved, That the Council of the City of New York calls on the Governor to sign into law A. 10500-C/S. 8450-C, providing for the confidentiality of contact tracing information from the identification of individuals who have come in contact with an individual with a confirmed or probable diagnosis of novel coronavirus, COVID-19.

Referred to the Committee on Health.

Int. No. 2165

By Council Members Salamanca and Rosenthal.

A Local Law in relation to authorizing the use of temporary outdoor heaters by healthcare facilities

Be it enacted by the Council as follows:

Section 1. a. For the purpose of this section, the following terms have the following meanings:

Healthcare facility. The term “healthcare facility” has the same meaning as the term “hospital” as defined in section 2801 of the public health law.

Temporary outdoor heater. The term “temporary outdoor heater” means a freestanding or ceiling- or wall-mounted electric radiant heater, portable radiant heater fueled by piped natural gas, or portable heater fueled by propane liquefied petroleum gas (“LPG”), provided any such heaters must comply with fire department guidance established pursuant to this local law.

b. For the duration of the declared state of emergency pursuant to mayoral executive order number 98, dated March 12, 2020, as amended by subsequent orders, any healthcare facility may operate temporary outdoor heaters to provide comfort to individuals in an outdoor setting who are receiving medical services or waiting to enter a healthcare facility.

c. Use of any temporary outdoor heater as authorized pursuant to this local law shall comply with guidance issued by the fire department and department of transportation. Such guidance shall include but not be limited to the following elements:

1. Safety regulations to mitigate the risk of fire, personal injury or damage to property caused by operation of a temporary outdoor heater;
2. The use of roadways, pedestrian plazas or other public outdoor locations to provide healthcare facilities with meaningful access to outdoor locations for the treatment or queueing of patients; and
3. Accessibility for people with disabilities in compliance with applicable federal, state and local law.

d. As applied to any entity operating a temporary outdoor heater pursuant to authorization of this local law, the following provisions of the New York City Fire Code are suspended:

- (1) Section 3805.3(12);
- (2) Section FC A01.1(3) of Appendix A;
- (3) Section FC A03.1(41) of Appendix A;
- (4) Section FC A03.1(46) of Appendix A;
- (5) Section FC A03.1(51) of Appendix A; and
- (6) Section FC A03.1(52) of Appendix A.

e. The fire department and the department of transportation shall post guidance on its respective website for the use of temporary outdoor heaters as authorized by this local law.

§2. This local law takes effect immediately.

Referred to the Committee on Hospitals.

Preconsidered L.U. No. 692

By Council Member Dromm:

**1402 York Avenue, Block 1486, p/o Lot 4 (Tentative Lot 1001); Manhattan, Community District No. 8,
Council District 5**

Referred to the Committee on Finance.

Preconsidered L.U. No. 693

By Council Member Salamanca:

Application No. C 200155 HAK (DeKalb Commons) submitted by the Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law of New York State for the designation of an Urban Development Action Area and an Urban Development Action Area Project for such area; and pursuant to Section 197-c of the New York City Charter for the disposition of city-owned property to a developer to be selected by HPD, for property located at 633-639 DeKalb Avenue (Block 1774, Lots 74, 75, 76 and 77), 648-654 DeKalb Avenue (Block 1779, Lots 22, 24 and 26), 1187 Fulton Street (Block 2000, Lots 43), Borough of Brooklyn, Community District 3, Council District 36.

Referred to the Committee on 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 Disposition).

Preconsidered L.U. No. 694

By Council Member Salamanca:

Application No. C 200033 ZMQ (Special Flushing Waterfront District) submitted by FWRA LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 10a and 10b: changing from a C4-2 District to an M1-2/R7-1 District, changing from an M3-1 District to an M1-2/R7-1 District, and establishing a Special Flushing Waterfront District (FW), Borough of Queens, Community District 7, Council District 20.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 695

By Council Member Salamanca:

Application No. N 200034 ZRQ (Special Flushing Waterfront District) submitted by FWRA LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, establishing the Special Flushing Waterfront District (creating Article XII, Chapter 7) and modifying related Sections, including APPENDIX F (Inclusionary Housing designated areas and Mandatory Inclusionary Housing areas) in the Borough of Queens, Community District 7, Council District 20.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 696

By Council Member Salamanca:

Application No. C 200092 ZMK (312 Coney Island Avenue) submitted by 312 Coney Island Avenue, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 16d.: changing from a C8-2 District to an R8A District and establishing within the proposed R8A District a C2-4 District in the East Windsor Terrace neighborhood of the Borough of Brooklyn, Community District 7, Council District 39.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 697

By Council Member Salamanca:

Application No. N 200093 ZRK (312 Coney Island Avenue) submitted by 312 Coney Island Avenue 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 bulk regulations for a portion of the Special Ocean Parkway District and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 7, Council District 39.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

L.U. No. 698

By Council Member Salamanca:

Application No. C 200094 ZSK (312 Coney Island Avenue) submitted by 312 Coney Island Avenue, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to modify the requirements of Section 25-23 (Requirements Where Group Parking Facilities Are Provided) to waive all required accessory parking, in connection with a proposed mixed-use development on property located at 312 Coney Island Avenue (Block 5322, Lots 10 & 20), in Borough of Brooklyn, Community District 7, Council District 39.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

Preconsidered L.U. No. 699

By Council Member Salamanca:

Application No. C 200158 ZMK (Bedford Avenue Overlay Extension) submitted by 223 Troutman LLC pursuant to Sections 197- c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 12d, by establishing within an existing R6B District a C2-4 District bounded by North 1st Street, Bedford Avenue, a line 100 feet northeasterly of Grand Street, and a line 100 feet northwesterly of Bedford Avenue, Borough of Brooklyn, Community District 1, Council District 34.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 700

By Council Member Salamanca:

Application No. N 200057 ZRK (803 Rockaway Avenue) submitted by Bridge Rockaway Housing Development Fund Company, Inc. pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article XII Chapter 3 for the purpose of amending restrictions for certain uses in MX-19 and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 16, Council District 42.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 701

By Council Member Salamanca:

Application No. C 200056 ZMK (803 Rockaway Avenue) submitted by Bridge Rockaway Housing Development Fund Company, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17d changing from an M1-1 District to an M1-4/R6A District, changing from an M1-1 District to an M1-4/R7A District, and establishing a Special Mixed Use District (MX-19) to facilitate the development of a new seven-story, approximately 183,000-square-foot, mixed-use building with 174 units of supportive and affordable housing and ground floor light manufacturing and community facility space at 803 Rockaway Avenue in the Brownsville neighborhood of Brooklyn, Community District 16, Council District 42.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 702

By Council Member Salamanca:

Application No. N 200078 ZRM (Mansion Restaurant Sidewalk Cafe Text Amendment) submitted by Mansion Restaurant Inc, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article I, Chapter 4 (Sidewalk Cafe Regulations) to allow the Mansion Restaurant to apply for a revocable consent and license to operate an unenclosed sidewalk café adjacent to the restaurant's East 86th Street frontage, at 1634 York Avenue in the Yorkville neighborhood of Manhattan, Community District 8, Council District 5.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

NEW YORK CITY COUNCIL

A N N O U N C E M E N T S

Friday, November 20, 2020

Committee on Civil Service and Labor

I. Daneek Miller, Chairperson

Oversight - Workplace Safety in the COVID-19 Era.

Int 1797 - By Council Members Levine, Louis, Kallos, Chin, Powers, Rosenthal, Ayala, Reynoso, Torres, Holden, Cabrera, Lander, Dromm, Moya, Rivera, Rodriguez, Brannan, Richards, Van Bramer, Adams, Maisel, Levin, Menchaca, Koslowitz, Ampry-Samuel, Cohen, Rose and Miller (by request of the Manhattan Borough President) - **A Local Law** to amend the administrative code of the city of New York, in relation to creating an informational campaign concerning workers’ rights under the earned safe and sick time act.

Int 2161 - By Council Member Miller - **A Local Law** in relation to establishing a board to review workplace health and safety guidance during the COVID-19 pandemic.

Int 2162 - By Council Members Miller and Ampry-Samuel - **A Local Law** to amend the administrative code of the city of New York, in relation to the dissemination of occupational safety and health information to city employees during a public health emergency.

Res 1479 - By Council Member Brannan and The Public Advocate (Mr. Williams) - **Resolution** calling on the Governor to sign A8142E/S6266D, the Healthy Terminals Act, which would establish prevailing wage requirements for covered airport workers.

Remote Hearing (Virtual Room 2).....10:00 a.m.

Committee on Economic Development

Paul Vallone, Chairperson

Oversight - Brooklyn Navy Yard

Int 1839 - By Council Members Vallone and Louis - **A Local Law** to amend the administrative code of the city of New York, in relation to an annual report on the progress of the Brooklyn Navy Yard master plan

Remote Hearing (Virtual Room 3).....10:00 a.m.

Committee on Education

Mark Treyger, Chairperson

Oversight - Examining Social-Emotional Learning and Support Staff in Schools.

Remote Hearing (Virtual Room 1).....10:00 a.m.

Monday, November 23, 2020

Committee on Small Business

Mark Gjonaj, Chairperson

Oversight - Preventing Further Business loss During a COVID-19 Second Wave.

Remote Hearing (Virtual Room 3).....10:00 a.m.

Committee on Land Use

Rafael Salamanca, Jr., Chairperson

All items reported out of the Subcommittees

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Remote Hearing (Virtual Room 1).....11:00 a.m.

Committee on Immigration jointly with the
Committee on Governmental Operations

Carlos Menchaca, Chairperson
Fernando Cabrera, Chairperson

Oversight - Language Access and Emergency Preparedness.

Int 63 - By Council Member Cornegy (by request of the Manhattan 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 requiring written communications regarding the results of inspections from the departments of consumer affairs and health and mental hygiene to be in the receiving business owner’s language of choice.

[Committee on Immigration](#) jointly with the
[Committee on Governmental Operations \(Cont.\)](#)

Int 1868 - By Council Members Torres, Ayala, Cabrera, Lander, Gjonaj and Chin - **A Local Law** to amend the New York city charter, in relation to establishing an office of Puerto Rico-New York City affairs.

Remote Hearing (Virtual Room 2).....1:00 p.m.

Tuesday, November 24, 2020

[Committee on General Welfare](#)

Stephen Levin, Chairperson

Oversight - Foster Care Task Force Progress.

Int 148 - By Council Members Levin, Brannan, Maisel and Ayala - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring that the department of homeless services recognize time spent in foster care as homelessness for the purpose of meeting rental voucher eligibility requirements.

Remote Hearing (Virtual Room 1).....10:00 a.m.

[Committee on Environmental Protection](#)

Costa Constantinides, Chairperson

Oversight - Offshore Wind Power

Remote Hearing (Virtual Room 2).....11:00 a.m.

Wednesday, November 25, 2020

[Committee on Contracts](#)

Ben Kallos, Chairperson

Oversight - Reviewing the City's Indirect Cost Rate Funding Initiative During the COVID-19 Pandemic.

Remote Hearing (Virtual Room 1).....10:00 a.m.

Monday, November 30, 2020

[Committee on Transportation](#)

Ydanis Rodriguez, Chairperson

Oversight - Accessibility of Streets.

Remote Hearing (Virtual Room 1).....1:00 p.m.

During the Communication from the Speaker segment of the meeting, the Speaker (Council Member Johnson) congratulated Council Member Antonio Reynoso on the birth of his second son Andreas. He also offered a big congratulations to his wife Eliana, older son Alejandro, and to the entire Reynoso family on this happy news.

Whereupon on motion of the Speaker (Council Member Johnson), the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) adjourned these virtual proceedings to meet again for the Stated Meeting on Thursday, December 10, 2020.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Note: Council Member Lancman resigned his office as of November 4, 2020 (please see M-260 of 2020 printed in the Petitions and Communications section of these Minutes). His name was removed, therefore, from any pending legislation in the Council where he was listed as a sponsor.

Editor's Local Law Note: Int. Nos. 1584-A, 1608-A, 1610-A, 2030, 2093, 2127-A, and 1339-A, all adopted at the October 15, 2020 Stated Meeting, were returned unsigned by the Mayor on November 16, 2020. These items had become law on November 15, 2020 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Laws Nos. 109 to 115 of 2020, respectively,

Editor's Local Law Note: Int. Nos. 1947-A, 2072-A, 2080-A, and 2082-A, all adopted by the Council at the October 29, 2020 Stated Meeting, were signed into law by the Mayor on November 17, 2020 as, respectively, Local Law Nos. 116 to 119 of 2020.

