

THE COUNCIL

*Minutes of the Proceedings for the
STATED MEETING
of
Thursday, May 27, 2021, 1:39 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	James F. Gennaro	Bill Perkins
Alicka Ampry-Samuel	Vanessa L. Gibson	Keith Powers
Diana Ayala	Mark Gjonaj	Antonio Reynoso
Inez D. Barron	Barry S. Grodenchik	Kevin C. Riley
Joseph C. Borelli	Robert F. Holden	Carlina Rivera
Justin L. Brannan	Ben Kallos	Deborah L. Rose
Selvena N. Brooks-Powers	Peter A. Koo	Helen K. Rosenthal
Fernando Cabrera	Karen Koslowitz	Rafael Salamanca, Jr
Margaret S. Chin	Bradford S. Lander	Mark Treyger
Robert E. Cornegy, Jr	Stephen T. Levin	Eric A. Ulrich
Laurie A. Cumbo	Mark D. Levine	Paul A. Vallone
Darma V. Diaz	Farah N. Louis	James G. Van Bramer
Ruben Diaz, Sr.	Alan N. Maisel	Kalman Yeger
Eric Dinowitz	Steven Matteo	
Daniel Dromm	Carlos Menchaca	
Mathieu Eugene	I. Daneek Miller	
Oswald Feliz	Francisco P. Moya	

Absent: Council Member Rodriguez.

At the time of this Stated Meeting, there were two vacancies in the Council (22nd District, Queens and 48th District, Brooklyn) pending the swearing-in of the respective certified winners of the November 2, 2021 General Election.

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 48 Council Members marked present at this virtual Stated Meeting.

INVOCATION

The Invocation was delivered by Pastor Bayer Lee, spiritual leader at the First Chinese Baptist Church, located at 21 Pell Street, New York, N.Y. 10013.

Thank you. Let us pray.

Father, we thank you
that you are a good shepherd.
As a result, we are not in want.
You make us lie down in green pastures.
You lead us beside quiet waters.
You also call us to be shepherds,
both spiritual as well as leaders of this free city.
We are thankful for [the] men and women of this Council,
who shepherd the flocks under their care.
We pray for continued provisions
of water that is plain, food that is healthy,
and perhaps energy that will be clean, greened.
Restore us our souls, O Lord,
guide us in the path of righteousness
as we seek to reform systems that are unjust.
Even though we walk
through the Valley of the Shadow of Death,
brought to us by COVID,
we will fear no evil.
Not only are you with us,
we are also thankful for the healthcare workers
who risked their lives daily to save us
and now to help us to be vaccinated.
You prepare a table before us
in the presence of our enemies.
You anoint our heads with oils;
our cup overflows.
As the restaurants of our city
prepare tables to be fully open,
keep their enemy, this pandemic, at bay.
Protect your city with your anointed oil of healing.
Bring people back to us for the summer celebration.
Surely goodness and love will follow us
all the days of our lives
and we will dwell in the house of the Lord forever.
Keep our city as a destination
[for] all who are looking for a house and a home.
As we celebrate the contribution
of Asian American Pacific Islanders to the city,

we remember Dr. Mabel Ping-Hua Lee.
She came to the city from China in 1900
when she was only three.
When she was sixteen,
she marched while mounted on a horse
at the Fifth Avenue Suffrage Parade in 1914.
She became the first Chinese woman
to graduate from Columbia with a Ph.D. in 1921.
She organized the First Chinese Baptist Church in 1936,
and served the community and the church
until her passing in 1966.
With the signing of H.R. 4463
the Chinatown Post Office was designated
as the Mabel Lee Memorial Post Office.
We pray that more people from all over the world
will follow Mabel's footsteps
to make New York City a home.
As women and men of this Council gather,
may we renew their strength, the spirit of service.
Grant them wisdom from above
as they take on the challenges
facing our people in this great city.
We pray all this in your great name.
Amen.

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 33,169 as of May 26, 2021. The Speaker (Council Member Johnson) noted that although COVID-19 numbers were falling, more New Yorkers needed to be vaccinated to ensure that the city would be in a position to finally get out from under this pandemic.

The Speaker (Council Member Johnson) acknowledged the deaths of three New Yorkers who died during the course of their employment: 29-year old livery cab driver Gerard Fermin died on May 17, 2021 after he lost control of his vehicle on a Brooklyn street; a 30-year old construction worker was killed on May 19, 2021 due to an elevator accident in a Bronx building; and 32-year old construction worker Diego Lliguicota fell to his death on May 22, 2021 while working on the sixth floor of a building in Queens.

The Speaker (Council Member Johnson) acknowledged the death of a first responder who had recently died from a 9/11-related illness: retired FDNY Firefighter Thomas G. Oelkers passed away on May 16, 2021 at the age of 46.

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

At this point, a Moment of Silence was observed.

* * *

ADOPTION OF MINUTES

Council Member Lander moved the Minutes of the Stated Meeting of April 29, 2021 be adopted as printed.

MESSAGES & PAPERS FROM THE MAYOR

M-312

Communication from the Mayor - Submitting the name of Mr. Roberto Rodriguez for appointment as a member of the Black Car and Livery Task Force, as established by Local Law 92 of 2020.

May 18, 2021

Dear Mr. Rodriguez:

Pursuant to the authority vested in me as Mayor by New York City Local Law 92 of 2020, I am pleased to appoint you to serve as a member of the Black Car and Livery Task Force. Appointees serve at the pleasure of the Mayor.

On behalf of all New Yorkers, thank you for agreeing to share your time and expertise with the Black Car and Livery Task Force.

Sincerely,

Bill de Blasio
Mayor
BDB:ml

cc: Corey Johnson, Speaker, New York City Council
Jumaane Williams, Public Advocate of New York City
Laura Anglin, Deputy Mayor for Operations
Aloysee Heredia Jarmoszuk, Chair, Taxi and Limousine Commission

Received, Ordered, Printed and Filed.

M-313

Communication from the Mayor - Withdrawing the name of Robinson Hernandez (M 309) from consideration at this time for his appointment to the New York City Environmental Control Board.

May 26, 2021

The Honorable Corey Johnson
Council Speaker
City Hall
New York, NY 10007

Dear Speaker Johnson:

Regarding the April 26th letter sent to you for the purpose of recommending Robinson Hernandez for appointment to the New York City Environmental Control Board, I hereby ask the City Council to withdraw his name from consideration at this time.

Thank you for your cooperation.

Sincerely,

Bill de Blasio Mayor
BDB:oh

cc: Robinson Hernandez
Kapil Longani, Counsel to the Mayor, City of New York
Joni Kletter, Commissioner, Office of Administrative Trials and Hearings
Paul Antonio Ochoa, Director, Mayor's Office of City Legislative Affairs

Received, Ordered, Printed and Filed.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-314

Communication from the New York City Banking Commission - Transmitting recommendations of the interest rate to be charged for Fiscal Year 2022 for non-payment of taxes on real estate and for the discount rate to be allowed for early payment of real estate taxes for Fiscal Year 2022, pursuant to the City Charter.

May 13, 2021

Honorable Corey Johnson
Speaker, New York City Council
ATTN: Jonathan Etricks
City Hall
New York, NY 10007

Re: FY2022 Interest Rates Recommendations for:

Early Payment (Discount) of Property Taxes; and
Late-Payment of Property Taxes

Dear Speaker Johnson:

Pursuant to § 11-224.1 of the New York City Administrative Code and § 1519(a) of the New York City Charter, at its meeting on May 13, 2021, the NYC Banking Commission approved resolutions recommending to the City Council the following proposed FY2022 interest rates for the discount rate for early property tax payments and the rates for late payment of property taxes:

- a. One-half of one percent (0.50%) discount per annum for early payment of real estate taxes;
- b. Three point twenty-five percent (3.25%) per annum in the first quarter (July 1, 2021 to September 30, 2021) for late payment of property taxes with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for co-ops;
- c. Four and one-half percent (4.5%) per annum in the second, third, and fourth quarters (October 1, 2021 to June 30, 2022) for late payment of property taxes with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for co-ops;
- d. Twelve percent (12.0%) per annum for late payment of property taxes with an assessed value of more than two hundred fifty thousand dollars (\$250,000), but less than or equal to four hundred fifty thousand dollars (\$450,000), or more than two hundred fifty thousand dollars (\$250,000), but less than or equal to four hundred fifty thousand dollars (\$450,000) per residential unit for co-ops;
- e. Eighteen percent (18.0%) per annum for late payment of property taxes with an assessed value of more than four hundred fifty thousand dollars (\$450,000), or more than four hundred fifty thousand dollars (\$450,000) per residential unit for co-ops.

The Banking Commission also recommends that the Administration and City Council adopt local legislation to repeat the COVID relief program developed last year to provide additional help for those negatively impacted by the pandemic during the first quarter of FY22 whereby property owners impacted by COVID and whose properties have an assessed value of no more than \$250,000 will pay 0% interest and some property owners impacted by COVID and whose properties have an assessed value of greater than \$250,000 will pay 7.5% interest.

The Commission also voted on transferring a Popular Bank \$10 Million Banking Development District (BDD) deposit from its now-closed East Houston Street branch, formerly located at 310 East Houston Street, in the Lower East Side neighborhood in Manhattan, to its Delancey Street branch, located at 134 Delancey Street, also

in the Lower East Side neighborhood of Manhattan, approximately 0.4 miles from the East Houston Street Branch, and within the existing Lower East Side BDD. Lastly, the Commission voted on making a \$10 Million deposit at Popular Bank's East Harlem BDD branch located at 164 East 116th Street in Manhattan. Attached are copies of the Banking Commission resolutions.

Sincerely,

Mary Christine Jackman
Assistant Commissioner and Treasurer
NYC Department of Finance

Attachment

Cc: Honorable Bill de Blasio
Comptroller Scott M. Stringer
Commissioner Sherif Soliman, NYC Department of Finance
Chief Strategy Officer for NYC Deputy Mayor for Operations Julie Bero
Assistant Comptroller for Economic Development Brian Cook

ATTACHMENT: New York City Banking Commission Resolutions Nos. 1 to 6 of 2021

RESOLUTION NO. 1 — FY2022 EARLY PROPERTY TAX PAYMENT DISCOUNT RATE RECOMMENDATION

WHEREAS, the decrease in interest rates due to the COVID-19 pandemic has caused the City to earn less income than it had previously on property taxes paid early. From April 2020 to May 2021, NYC's quarterly average rates on its investments ranged from 0.13% to 0.11%. in comparison to FY2020 from 1.09% - 2.16%, and

WHEREAS, the Banking Commission's impact analysis for FY2022 projects that this return on investments rate will result in \$1.8 Million of interest earned on taxes collected early at 50bps (0.50%) and an additional estimated \$1.3 million in invoicing and administrative costs. This will not offset estimates of forgone tax revenue of (\$10.1 Million) (discount given) plus forgone interest income on forgone taxes of (\$14k), resulting in a net loss in revenue to the City of (\$7 Million), and

WHEREAS, New York City's cash flow projection for June 30th, 2021, the end of FY21 is \$5.4 billion. At the close of FY20 on June 30th, 2020, actual cash on hand at the close of the business day was \$6.8 billion, a difference of \$1.4 billion. The lower cash flow projection for June 30th justifies the retention of a discount rate to encourage the early payment of property taxes in July. However, the Banking Commission does not recommend increasing the discount rate from 50 bps (0.50%) to 100bps (1.0%) as a 1.0% rate most likely would not materially increase the cash flow but would further reduce the City's net income from (\$8.3 Million) to (\$18.5 Million), and

WHEREAS, there is no economic reason for the Banking Commission to change the discount rate of 50 bps (0.50%) in FY2022. The impact of having this discount rate in place translates to a total net loss to the City of (\$7.0 Million). If the Council default rate of 19.5 bps (0.195%) were to be invoked, the City's net loss would decrease to (\$2.0 Million). If the Banking Commission were to increase the discount rate to 100 bps (1.0%), this would result in an even greater net negative of--(\$18.5 Million), now, therefore be it

RESOLVED, the Banking Commission recommends to the City Council that the discount rate for the early payment of real property taxes shall remain at 50 basis points (0.50%) per annum for FY2022, and be it further

RESOLVED, that said discount rate is to be offered only for that portion of the real estate tax that is paid before the due date.

RESOLUTION NO. 2 — FY2022 LATE PROPERTY TAX PAYMENT INTEREST RATE RECOMMENDATION FOR PROPERTIES ASSESSED NO MORE THAN \$250,000

WHEREAS, pursuant to the New York City Administrative Code § 11-224.1, the Banking Commission is required to recommend to the City Council, no later than the thirteenth of May, the proposed interest rate to be charged for late payment of taxes for properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for co-ops, and

WHEREAS, the proposed interest rate shall be at least equal to the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "prime rate"), and

WHEREAS, the Banking Commission notes that as of May 13, 2021 said prime rate stands at three point twenty-five percent (3.25%), as published by the Board of Governors of the Federal Reserve System, and

WHEREAS, it is in the City's best interest to encourage the prompt payment of real estate taxes by all taxpayers, and

WHEREAS, many property tax owners whose properties are assessed at no more than \$250,000 have been adversely affected by the economic consequences of the COVID-19 pandemic and the lowest interest rate that the Banking Commission can recommend for this category of property owners is the current prime rate of 3.25%, and

WHEREAS, decreasing the current penalty rate of 5.0% to 3.25% in the first quarter and 4.5% for the second, third, and fourth quarters in Fiscal Year 2022 for assessed properties valued at no more than \$250,000 is consistent with past years' decreases and the current Federal Reserve position of holding rates at current levels, and

WHEREAS, the property tax balance (amount past due) decreased from \$419.8 million in FY20 to \$389.2 million in FY21, a decrease of 7.3% or —\$30.6 million, and

WHEREAS, the amount past due for quarterly accounts (assessed properties < \$250,000) decreased from 11.9% to 9.0% or a decrease of 24.5%. The City's overall past due rate went from 12.66% in FY20 to 9.89% in FY21, now, therefore, be it

RESOLVED, the Banking Commission recommends to the City Council that the interest rate to be charged for late payment of taxes for all properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for co-ops, be reduced from five per cent (5.0%) per annum to three point twenty-five percent (3.25%) in the first quarter, and four and one-half percent (4.5%) per annum for the second, third, and fourth quarters for tax year 2022, and be it further

RESOLVED, the Banking Commission also requests that the Administration and City Council adopt local legislation to repeat the COVID relief program developed last year to provide additional help for those who have demonstrated continued hardship caused by the COVID-19 pandemic.

RESOLUTION NO. 3 — FY2022 LATE PROPERTY TAX PAYMENT INTEREST RATE RECOMMENDATION FOR PROPERTIES ASSESSED GREATER THAN \$250,000 BUT LESS THAN OR EQUAL TO \$450,000

WHEREAS, pursuant to Local Law 24 of 2021, the Banking Commission is required to recommend to the City Council, no later than the thirteenth of May, the proposed interest rate to be charged for late payment of taxes for properties with an assessed value of more than two hundred fifty thousand dollars (\$250,000) but less than or equal to four hundred fifty thousand dollars (\$450,000), or more than two hundred fifty thousand dollars (\$250,000) but less than or equal to four hundred fifty thousand dollars (\$450,000) per residential unit for co-ops, or where, irrespective of the assessed value, the parcel consists of vacant or unimproved land, and

WHEREAS, said provisions of Local Law 24 require the Banking Commission to propose a rate at least four percentage points (4.0%) per annum greater than the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "prime rate"), and

WHEREAS, the Banking Commission notes for the record that as of May 13, 2021 said prime rate stands at three point twenty-five percent (3.25%), as published by the Board of Governors of the Federal Reserve System, and

WHEREAS, it is in the City's best interest to encourage the prompt payment of real estate taxes by all taxpayers, now, therefore, be it

RESOLVED, the Banking Commission recommends to the City Council that the interest rate to be charged for late payment of real property taxes where the assessed value of a property is more than two hundred fifty thousand dollars (\$250,000), but less than or equal to four hundred fifty thousand dollars (\$450,000), or more than two hundred fifty thousand dollars (\$250,000) but less than or equal to four hundred fifty thousand dollars (\$450,000) per residential unit for co-ops, or where, irrespective of the assessed value, the parcel consists of vacant or unimproved land, be set at twelve per cent (12%) per annum for FY2022.

RESOLUTION NO. 4 — FY2022 LATE PROPERTY TAX PAYMENT INTEREST RATE RECOMMENDATION FOR PROPERTIES ASSESSED GREATER THAN \$450,000

WHEREAS, pursuant to the New York City Administrative Code § 11-224.1, the Banking Commission is required to recommend to the City Council, no later than the thirteenth of May, the proposed interest rate to be charged for late payment of taxes for properties with an assessed value of more than four hundred fifty thousand dollars (\$450,000), or more than four hundred fifty thousand dollars (\$450,000) per residential unit for co-ops, and

WHEREAS, said provisions of the Administrative Code require the Banking Commission to propose a rate at least six percentage points (6.0%) per annum greater than the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "prime rate"), and

WHEREAS, the Banking Commission notes for the record that as of May 13, 2021 said prime rate stands at three point twenty-five percent (3.25%), as published by the Board of Governors of the Federal Reserve System, and

WHEREAS, it is in the City's best interest to encourage the prompt payment of real estate taxes by all taxpayers, and

WHEREAS, the number of semi-annual properties (assessed values >\$250,000) charged interest increased from 8,058 in FY2020 to 9,623 in FY2021 or 19.4%. The Banking Commission does not believe that this increase is attributable to the 18% penalty rate which has not changed in decades, and

WHEREAS, the City's overall delinquency rate (both quarterly and semi-annual property) decreased from 12.66% to 9.89% or 21.88%. There continues to be a positive impact on New York City revenue when considering interest paid for both semi-annual and quarterly accounts of \$49.3 million, offset by the negative (\$1.2 million) of forgone interest/investment revenue, resulting in a positive \$48.1 million in net revenue. There is no compelling reason for the Banking Commission to either raise or lower the penalty rate in FY2022 for semi-annual taxpayers, now, therefore, be it

RESOLVED, the Banking Commission recommends to the City Council that the interest rate to be charged for late payment of real estate taxes where the assessed value of a property is more than four hundred fifty thousand dollars (\$450,000), or more than four hundred fifty thousand dollars (\$450,000) per residential unit for co-ops, or where, irrespective of the assessed value, the parcel consists of vacant or unimproved land, remain at eighteen per cent (18%) per annum for FY2022.

RESOLUTION NO. 5 — POPULAR BANK BDD DEPOSIT TRANSFER

WHEREAS, Popular Bank's East Houston Street branch, located at 310 East Houston Street, in the Lower East Side neighborhood in Manhattan, was closed on January 29, 2021; and

WHEREAS, The East Houston Street branch held a City BDD deposit of \$10 Million; and

WHEREAS, Based on the recommendation of the NYS Department of Financial Services, the Commission recommends that the City's \$10 Million BDD deposit be transferred to the bank's Delancey Street branch, located at 134 Delancey Street, also in the Lower East Side neighborhood of Manhattan, approximately 0.4 miles from the former East Houston Street Branch, and within the existing Lower East Side BDD, therefore, be it

RESOLVED, the Banking Commission approves the transfer of the City's \$10 Million BDD deposit from Popular Bank's now-closed East Houston Street branch to its Delancey Street branch.

RESOLUTION NO. 6 — POPULAR BANK BDD DEPOSIT

WHEREAS, Popular Bank has requested that the City of New York make a \$10 Million deposit at its East Harlem BDD branch located at 164 East 116th Street in Manhattan: therefore, be it

RESOLVED, the Banking Commission approves a \$10 Million City BDD deposit at the Popular Bank East Harlem BDD branch.

Dated May 13, 2021

The NYC Banking Commission unanimously approved Resolutions No. 1 to 6 of 2021.

Referred to the Committee on Finance.

Preconsidered M-315

Communication from the Office of Management & Budget – Transfer City funds between various agencies in Fiscal Year 2021 to implement changes to the City's expense budget, pursuant to Section 107(b) of the New York City Charter (MN-5).

May 21, 2021

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 107(b) of the New York City Charter, I request your approval to transfer City funds between various agencies in fiscal year 2021 to implement changes in the City's expense budget.

This modification (MN-5) will implement expense budget changes which were reflected in the City's Executive Financial Plan. In addition, as requested by the City Council, this modification reflects funding reallocation of City Council initiatives that were included in the FY 2021 Adopted Budget.

Appendix A details State, Federal and other funds impacted by these changes.

Your approval of modification MN-5 is respectfully requested.

Sincerely,

Jacques Jiha, Ph.D.
Director

(For text of the MN-5 and Appendix A numbers, please see the New York City Council website at <https://council.nyc.gov/> for the respective attachments section of [the M-315 & Res. No. 1649 of 2021 files](#))

Referred to the Committee on Finance.

Preconsidered M-316

Communication from the Office of Management & Budget – Appropriation of new City revenues in Fiscal Year 2021, pursuant to Section 107(e) of the New York City Charter (MN-6).

May 21, 2021

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 107(e) of the New York City Charter, I seek your approval to appropriate new City revenues in fiscal year 2021 in the amount of \$1.32 billion.

This modification (MN-6) implements revenue budget changes reflected in the City's Executive Financial Plan. The \$1.32 billion of new revenues will be used to replenish the Retiree Health Benefits Fund in fiscal year 2021.

Your approval of modification MN-6 is respectfully requested.

Sincerely

Jacques Jiha, Ph.D.
Director

(For text of the MN-6 numbers, please see the New York City Council website at <https://council.nyc.gov/> for the respective attachments section of [the M-316 & Res. No. 1650 of 2021 files](#))

Referred to the Committee on Finance.

REPORTS OF THE COMMITTEE ON STANDING COMMITTEES

Report of the Committee on Finance

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 M-315

Report of the Committee on Finance in favor of a Resolution approving a Communication from the Office of Management & Budget in regard to transferring City funds between various agencies in Fiscal Year 2021 to implement changes to the City's expense budget, pursuant to Section 107(b) of the New York City Charter (MN-5).

The Committee on Finance, to which the annexed preconsidered communication was referred on May 27, 2021, and which same communication was coupled with the resolution shown below, respectfully

REPORTS:

Introduction. At a meeting of the Committee on Finance of the City Council of the City of New York (the "City Council") on May 27, the Committee on Finance considered a communication, dated May 21, 2021, from the Office of Management and Budget of the Mayor of The City of New York (the "Mayor"), of a proposed request, attached hereto as Exhibit "1" (the "modification" or "MN-5"), to modify units of appropriation and transfer City funds between various agencies in the amount of \$1,487,108,426 in the Fiscal 2021 expense budget as adopted by the Council on June 30, 2020.

Analysis. 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 30, 2020, the Council adopted the expense budget for Fiscal 2021 (the "Fiscal 2021 Expense Budget"). This Modification reallocates appropriations in the amount of \$1,487,108,426 that were reflected in the Fiscal 2021 Expense Budget to implement changes reflected in the April 2021 Executive Financial Plan and to fund City Council initiatives and other discretionary programs. The net effect of the modification is zero.

Notable expense changes proposed in the Fiscal 2021 Expense Budget that would be effectuated by this Modification include the following:

- \$1.6 billion moved into the Retiree Health Benefits Trust;
- \$270 million used to pre-pay Fiscal 2022 debt service;
- \$56.5 million reduction in the City University of New York's budget to reflect the drop in enrollment;
- \$586.8 million recognized in Medicaid reimbursements and adjustments;
- \$35.2 million increase in City-funded early intervention spending at the Department of Health and Mental Hygiene;
- \$30 million recognized in Department for the Aging underspending and \$13 million at Department of Youth and Community Development;
- \$50.8 million added to agency Personal Services budgets for wage changes across multiple unions and agencies;
- \$154 million shifted into Fiscal 2022 in judgements and claims; and
- \$250 million increased for pupil transportation at the Department of Education.

Procedure. If the Mayor wishes to transfer part or all of any unit of appropriation to another unit of appropriation from one agency to another; or when a transfer from one unit of appropriation to the another, and

such transfer results in any unit of appropriation being increased or decreased by the greater of five percent or \$50,000, section 107(b) of the Charter requires that the Mayor must first notify the Council of the proposed action. Within 30 days after the first stated meeting of the Council following receipt of such notice, the Council may disapprove such proposed action. If the Council fails to approve or disapprove such proposed action within such 30-day period, the proposed action becomes effective and the Mayor has the authority to make such transfer.

Description of Above-captioned Resolution. In the above-captioned resolution, the Council would approve the Modification pursuant to Section 107(b) of the Charter. Such resolution would take effect as of the date of approval.

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

TO: Honorable Corey Johnson
Speaker

Honorable Daniel Dromm
Chair, Finance Committee

FROM: Latonia R. McKinney, Director
Ray Majewski, Deputy Director/Chief Economist
Paul Scimone, Deputy Director
Regina Poreda Ryan, Deputy Director
Nathan Toth, Deputy Director
Rebecca Chasan, Senior Counsel

DATE: May 27, 2021

SUBJECT: A budget modification (MN-5) for Fiscal Year 2021 to implement changes in the City's expense budget.

INITIATION: By letter dated May 21, 2021, the Director of the Office of Management and Budget submitted to the Council, pursuant to section 107(b) of the New York City Charter, a request for approval to transfer funds between various agencies in the amount of \$1,487,108,426 to implement changes in the City's expense budget.

BACKGROUND: MN-5 reallocates appropriations that were reflected in the Fiscal 2021 Adopted Budget to implement expense budget changes which were reflected in the April 2021 Executive Financial Plan and to fund City Council local initiatives as well as other discretionary programs.

FISCAL IMPACT: MN-5 represents the reallocation of appropriations. The net effect of this modification is zero.

Accordingly, this Committee recommends its adoption.

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

Preconsidered Res. No. 1649

RESOLUTION APPROVING THE MODIFICATION (MN-5) OF UNITS OF APPROPRIATION AND THE TRANSFER OF CITY FUNDS BETWEEN AGENCIES PROPOSED BY THE MAYOR PUSUANT TO SECTION 107(b) OF THE NEW YORK CITY CHARTER

By Council Member Dromm.

Whereas, At a meeting of the Committee on Finance of the City Council of the City of New York (the “City Council”) on May 27, 2021, the Committee on Finance considered a communication, dated May 21, 2021, from the Office of Management and Budget of the Mayor of The City of New York (the “Mayor”), of a proposed request, attached hereto as Exhibit 1 (the “Modification”), to modify units of appropriation and transfer city funds in the amount of \$1,487,108,426 in the Fiscal 2021 expense budget as adopted by the Council on June 30, 2020, pursuant to Section 107(b) of the Charter of the City of New York (the “Charter”); and

Whereas, pursuant to Section 107(b) of the Charter, the City Council has thirty (30) days after the first stated meeting of the City Council following such receipt within which to act upon the Modification;

NOW, THEREFORE, The Council of The City of New York hereby resolves as follows:

1. **Approval of Modification.** The City Council hereby approves, pursuant to Section 107(b) of the Charter, the actions proposed by the Mayor as set forth in the Modification.
2. **Effective Date.** This resolution shall take effect as of the date hereof.

ATTACHMENT:

(For text of the MN-5 and Appendix A numbers, please see the New York City Council website at <https://council.nyc.gov/> for the respective attachments section of [the M-315 & Res. No. 1649 of 2021 files](#))

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, ALICKA AMPRY-SAMUEL, DIANA AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, JAMES F. GENNARO, SELVENA N. BROOKS-POWERS, STEVEN MATTEO; Committee on Finance, May 27, 2021 (Remote Hearing).

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 M-316

Report of the Committee on Finance in favor of a Resolution approving a Communication from the Office of Management & Budget in regard to the appropriation of new City revenues in Fiscal Year 2021, pursuant to Section 107(e) of the New York City Charter (MN-6).

The Committee on Finance, to which the annexed preconsidered resolution was referred on May 27, 2021, respectfully

REPORTS:

Introduction. At the meeting of the Committee on Finance of the City Council on May 27, 2021, the Council considered a communication from the Office of Management and Budget of the Mayor, dated May 21, 2021, of a proposed request to modify, pursuant to Section 107(e) of the Charter of the City of New York, the Fiscal 2021 Expense Budget Plan, and the revenue estimate related thereto prepared by the Mayor as of May 21, 2021.

Analysis. The Council annually adopts the City's budget covering expenditures pursuant to Section 254 of the Charter. On June 30, 2020, the Council adopted the expense budget for fiscal year 2021 (the "Fiscal 2021 Expense Budget"). On December 17, 2020, the Council adopted MN-1, modifying the Fiscal 2021 Expense Budget, and MN-2, which appropriated new revenues. On February 25, 2021, the Council adopted MN-3, modifying the Fiscal 2021 Expense Budget, and MN-4, which appropriated new revenues. On May 21, 2021, the Mayor submitted to the Council MN-5, modifying the Fiscal 2021 Expense Budget. On May 21, 2021, the Mayor submitted to the Council a revenue estimate MN-6, related to the Fiscal 2021 Expense Budget.

Circumstances have changed since the Council last amended the Fiscal 2021 Expense Budget.

Section 107(e) provides one mechanism for the Mayor and the Council to amend the Expense Budget and related revenue estimate to reflect changes in circumstances that occur after adoption of a budget. Section 107(e) permits the modification of the budget in order to create new units of appropriation, to appropriate new revenues from any source other than categorical federal, state and private funding, or to use previously unappropriated funds received from any source.

Discussion of Above-captioned Resolution. The above-captioned resolution would authorize the modifications to the Fiscal 2021 Expense Budget and related revenue estimate requested in the communication.

This modification (MN-6) seeks to increase revenues in the net amount of \$1.32 billion compared to the most recent Revenue Budget Modification (MN-4). This represents an increase in City funds of approximately 2 percent.

MN-6 recognizes \$1.32 billion in increased revenues. Tax revenues increased by \$1.37 billion since the January 2021 Financial Plan. The largest contribution to the increase, \$600 million, came from personal income tax collections. Additional tax revenues included \$452 million from the general corporation tax and \$263 million from the real property tax. Offsetting these increases was \$67 million in reduced revenues from the sales tax.

Miscellaneous revenues decreased by \$55.9 million reflected in the April 2021 Executive Financial Plan. This is mostly due to weaker charges for services, especially at the City University of New York where fees are down by \$56.5 million. Additionally, unrestricted intergovernmental aid increased by \$622,112.

This budget modification uses the \$1.32 million in the new revenue described above to replenish the Retiree Health Benefit Fund in fiscal year 2021.

The resolution would also direct the City Clerk to forward a certified copy thereof to the Mayor and the Comptroller so that the Mayor, the Comptroller and the City Clerk may certify the Fiscal 2021 Expense Budget as amended thereby as the budget for the remainder of the fiscal year. The above-captioned resolution would take effect as of the date adopted.

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

TO: Honorable Corey Johnson
Speaker

Honorable Daniel Dromm
Chair, Finance Committee

FROM: Latonia McKinney, Director, Finance Division
Raymond Majewski, Deputy Director/Chief Economist, Finance Division
Rebecca Chasan, Senior Counsel
Nashia Roman, Economist

DATE: May 27, 2021

SUBJECT: A Budget Modification (MN-6) for Fiscal 2021 that will appropriate \$1.32 billion in new revenues.

INITIATION: By letter dated May 21, 2021, the Director of the Office of Management and Budget submitted to the Council, pursuant to section 107(e) of the New York City Charter, a request to appropriate \$1.32 billion in new revenues. These new revenues will be used to replenish the Retiree Health Benefits Fund in fiscal year 2021.

BACKGROUND: This modification (MN-6) seeks to recognize \$1.32 billion in new revenues, implementing changes reflected in the April 2021 Executive Financial Plan. These funds will be used to replenish the Retiree Health Benefits Fund in fiscal year 2021.

FISCAL IMPACT: This modification represents a net increase in the Fiscal 2021 budget of \$1.32 billion.

Accordingly, this Committee recommends its adoption.

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

Preconsidered Res. No.1650

RESOLUTION APPROVING A MODIFICATION (MN-6) PURSUANT TO SECTION 107(e) OF THE CHARTER OF THE CITY OF NEW YORK.

By Council Member Dromm.

Whereas, At a meeting of the Committee on Finance of the City Council of the City of New York (the “City Council”) on May 27, 2021, the Committee on Finance considered a communication, dated May 21, 2021, from the Office of Management and Budget of the Mayor of the City of New York (the “Mayor”), of a proposed request to recognize a net increase in revenue pursuant to Section 107(e) of the Charter of the City of New York (the “Charter”), attached hereto as Exhibit A (the "Request to Appropriate"); and

Whereas, Section 107(e) of the Charter requires the City Council and the Mayor to follow the procedures and required approvals pursuant to Sections 254, 255, and 256 of the Charter, without regard to the dates specified therein, in the case of the proposed appropriation of any new revenues and the creation of new units of appropriation; and

Whereas, Section 107(e) of the Charter requires that any request by the Mayor respecting an amendment of the budget that involves an increase in the budget shall be accompanied by a statement of the source of current revenues or other identifiable and currently available funds required for the payment of such additional amounts, attached hereto as Exhibit B (together with the Request to Appropriate, the "Revenue Modification");

NOW, THEREFORE, The Council of the City of New York hereby resolves as follows:

1. Approval of Modification. The City Council hereby approves the Revenue Modification pursuant to Section 107(e) of the Charter.

2. Further Actions. The City Council directs the City Clerk to forward a certified copy of this resolution to the Mayor and the Comptroller as soon as practicable so that the Mayor, the Comptroller and the City Clerk may certify the Fiscal 2021 Expense Budget as amended by this resolution as the budget for the remainder of the fiscal year.

3. Effective Date. This resolution shall take effect as of the date hereof.

ATTACHMENT:

(For text of the MN-6 numbers, please see the New York City Council website at <https://council.nyc.gov/> for the respective attachments section of [the M-316 & Res. No. 1650 of 2021 files](#))

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, ALICKA AMPRY-SAMUEL, DIANA AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, JAMES F. GENNARO, SELVENA N. BROOKS-POWERS, STEVEN MATTEO; Committee on Finance, May 27, 2021 (Remote Hearing).

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 L.U. No. 793

Report of the Committee on Finance in favor of approving 840-50 St Marks Ave HDFC.HRP.FY22, Block 1228, Lot 37; Brooklyn, Community District No. 8, Council District No. 36.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on May 27, 2021 which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

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

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
Stephanie Ruiz, Assistant Counsel, Finance Division

RE: Finance Committee Agenda of May 27, 2021 – Resolutions approving a tax exemption for four Land Use items (Council Districts 2, 7, 11, 32)

Item 1: Dora Collazo.GHPP.FY21

Dora Collazo is composed of six tax lots and five buildings, containing a total of 41 residential dwelling units. The remaining lot is vacant and is used as recreational space for the neighboring buildings. The units are composed of three studios, 17 one-bedrooms, 18 two-bedrooms (one unit reserved for the superintendent), and three three-bedrooms.

The properties have received partial J-51 exemptions since 2002 that will expire in 2036. The properties fell behind on property taxes, and the arrears were satisfied in November 2020 with the proceeds of an internal loan.

The New York City Department of Housing Preservation and Development (HPD) is requesting that the Council approve a full, 40-year Article XI property tax exemption. Under the proposed project, owner Dora Collazo Plaza Limited Partnership (Partnership) will convey the legal interest in the properties to Dora Collazo Housing Development Fund Company (HDFC). The HDFC and Partnership would enter into a regulatory agreement with HPD that would cap rents at 40% of Area Median Income (AMI) for 26 of the units, including four of the units set aside for formerly homeless families, and 60% AMI for 14 of the units.

Summary:

- Borough – Manhattan
- Block 407, Lot 38, 29, 40, 41, 42, and 43
- Council District – 2
- Council Member – Rivera
- Council Member approval –Yes
- Number of buildings – 5
- Number of units – 41 (including one superintendent unit)
- Type of exemption – Article XI, full, 40 years
- Population – affordable rental housing
- Sponsor – Dora Collazo Plaza Limited Partnership
- Purpose – preservation
- Cost to the city – \$2 million
- Housing Code Violations
 - Class A – 6
 - Class B – 5
 - Class C – 1
- AMI target – 26 units at 40% of AMI, and 14 units at 60% of AMI

Item 2: Light Hall

Light Hall is a five-story rental property located in the Harlem neighborhood of Manhattan. The building consists of 42 single-room-occupancy (SRO) units, inclusive of one superintendent unit.

HPD is requesting that the Council approve a full, 40-year Article XI property tax exemption. Under the proposed project, owner Lantern Organization, Inc. would convey the properties to an LLC, of which Lantern Organization, Inc. would be the sole member, and the LLC would then transfer the legal interest to Light Hall HDFC. The project has had a 420-a benefit in place since 2005, which will terminate upon the proposed transfer. The HDFC and LLC would enter into a regulatory agreement with HPD that would cap rents at 30% of AMI for 14 units, 40% of AMI for 14 units, and 60% of AMI for 13 units.

Summary:

- Borough – Manhattan
- Block 1977, Lot 46
- Council District – 7
- Council Member – Levine
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 42 (including one superintendent unit)
- Type of exemption – Article XI, full, 40 years
- Population – affordable rental housing
- Sponsor – Lantern Organization, Inc.
- Purpose – preservation
- Cost to the city – \$1.1 million
- Housing Code Violations
 - Class A – 9
 - Class B – 17
 - Class C – 8
- AMI target – 14 units at 30% of AMI, 14 units at 40% of AMI, and 13 units at 60% of AMI

Item 3: 3800 Putnam HDFC.HPO.FY21

3800 Putnam is comprised of 44 residential units, which includes 31 one-bedroom units and 13 two-bedroom units. The property currently receives a 421-a property tax exemption, set to expire in 2030, and is encumbered by a regulatory agreement with the New York City Housing Development Corporation (HDC).

Under the proposed project, 3800 Putnam HDFC will acquire the building and Putnam II, LLC (Company) will be the beneficial owner and will operate the building. The HDFC and the Company will finance the acquisition of the building with a loan from HDC.

HPD is requesting that the Council approve a partial, 35-year Article XI property tax exemption, effective five years from closing, to support affordable rental housing at 3800 Putnam for 40 years. The HDFC, the LLC, HPD, and HDC will enter into a regulatory agreement establishing certain controls that would require that 36 units be leased to households with incomes up to 80% of AMI and eight units be leased to households with incomes up to 90% of AMI. The existing HDC regulatory agreement will expire the later of the expiration of the existing exemption or the satisfaction of the HDC mortgage.

Summary:

- Borough – Bronx
- Block 3271, Lot 101
- Council District – 11
- Council Member – Dinowitz
- Council Member approval - Yes
- Number of buildings – 1
- Number of units – 44
- Type of exemption – Article XI partial, 35 years
- Population – affordable rental housing
- Sponsor – 3800 Putnam Housing Development Fund Corporation
- Purpose – preservation
- Cost to the city – \$3.3 million
- Housing Code Violations
 - Class A – 1
 - Class B – 5
- AMI target –36 units at 80% of AMI, and 8 units at 90% of AMI

Item 4: 840-50 St Marks Ave HDFC.HRP.FY22

840-50 St. Marks Avenue is a six-story, 55-unit limited equity cooperative located in the Crown Heights neighborhood of Brooklyn. Fifty-three of the units are shareholder-owned, one is a rental, and one is the superintendent unit. Twenty of the units are one-bedrooms (including the superintendent unit), 28 are two bedrooms, and seven are three-bedrooms.

HPD is requesting that the Council approve a full, 40-year Article XI property tax exemption. The HDFC would enter into a regulatory agreement with HPD that would cap maintenance fees to remain affordable for households earning up to 120% of AMI and would restrict sales to households with incomes up to 120% of AMI. Additionally, to ensure financial stability, the regulatory agreement would require that a co-op monitor is hired prior to closing to ensure compliance with the HPD regulatory agreement, that the HDFC makes monthly deposits of 5% of its effective gross income into a reserve account, and that the HDFC increase maintenance fees by at least 2% each year.

Summary:

- Borough – Brooklyn
- Block 1228, Lot 37
- Council District – 36
- Council Member – Cornegy
- Council Member approval –Yes
- Number of buildings – 1
- Number of units – 5 (including one superintendent unit)
- Type of exemption – Article XI, full, 40 years
- Population – affordable homeownership
- Sponsor – 840-50 St Marks Ave HDF
- Purpose – preservation
- Cost to the city – \$2 million
- Housing Code Violations
 - Class A – 12

- Class B – 24
- Class C – 17
- AMI target – 120% of AMI

(For text of the coupled resolution for L.U. No. 793, please see below; for text of the remaining coupled resolutions, please see, respectively, the Report of the Committee on Finance for L.U. Nos. 794, 795, and 796 printed in these Minutes)

Accordingly, this Committee recommends the adoption of L.U. Nos. 793, 794, 795, and 796.

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

Res. No. 1651

Resolution approving an exemption from real property taxes for property located at (Block 1228, Lot 37) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 793).

By Council Member Dromm.

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated May 21, 2021 that the Council take the following action regarding a housing project located at (Block 1228, Lot 37) Brooklyn (“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. “Effective Date” shall mean the date that HPD and the Owner enter into the Regulatory Agreement.
 - b. “Exemption Area” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 1228, Lot 37 on the Tax Map of the City of New York.
 - c. “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.

- d. "HDFC" shall mean 840-50 St. Marks Avenue Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with prior written consent of HPD.
 - e. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - f. "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - g. "Owner" shall mean the HDFC.
 - h. "Prior Exemption" shall mean any exemption from real property taxation for the Exemption Area pursuant to the Private Housing Finance Law or the General Municipal Law that was in effect prior to the Effective Date.
 - i. "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
2. The Prior Exemption shall terminate with respect to the Exemption Area upon the Effective Date.
 3. 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.
 4. 4. Notwithstanding any provision hereof to the contrary:
 - a. The New 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 New Exemption shall prospectively terminate.
 - b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
 - 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.

- d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked as of the Effective Date.
5. In consideration of the New Exemption, the owner of the Exemption Area shall, for so long as the New 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, ALICKA AMPRY-SAMUEL, DIANA AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, JAMES F. GENNARO, SELVENA N. BROOKS-POWERS, STEVEN MATTEO; Committee on Finance, May 27, 2021 (Remote Hearing).

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 L.U. No. 794

Report of the Committee on Finance in favor of approving Dora Collazo.GHPP.FY21, Block 407, Lots 38, 39, 40, 41, 42, and 43; Manhattan, Community District No. 3, Council District No. 2.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on May 27, 2021 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Finance Memo, please see the Report of the Committee on Finance for L.U. No. 793 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No.1652

Resolution approving an exemption from real property taxes for property located at (Block 407, Lots 38, 39, 40, 41, 42, and 43) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 794).

By Council Member Dromm.

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated May 18, 2021 that the Council take the following action regarding a housing project located at (Block 407, Lots 38, 39, 40, 41, 42, and 43) 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. “Effective Date” shall mean the date of conveyance of the Exemption Area to the HDFC.
 - b. “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - c. “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 407, Lots 38, 39, 40, 41, 42, and 43 on the Tax Map of the City of New York.
 - d. “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.
 - e. “HDFC” shall mean Dora Collazo Plaza II Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - f. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - g. “J-51 Benefits” shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect on the Effective Date.
 - h. “Owner” shall mean, collectively, the HDFC and the Partnership.
 - i. “Partnership” shall mean Dora Collazo Plaza Limited Partnership or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - j. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner that is executed on or after March 1, 2021 and that establishes certain controls upon the operation of the Exemption Area during the term of the Exemption on or after the date of such regulatory agreement is executed.

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 buildings on the Exemption Area that exist on the Effective Date.
 - 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 (a) execute and record the Regulatory Agreement, and (b) 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, (a) 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, and (b) the J-51 Benefits shall remain in effect, but the Exemption shall be reduced by the amount of such J-51 Benefits.

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, ALICKA AMPRY-SAMUEL, DIANA AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, JAMES F. GENNARO, SELVENA N. BROOKS-POWERS, STEVEN MATTEO; Committee on Finance, May 27, 2021 (Remote Hearing).

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 L.U. No. 795

Report of the Committee on Finance in favor of approving Light Hall HDFC.GHPP.FY22, Block 1977, Lot 46; Manhattan, Community District No. 9, Council District No. 7.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on May 27, 2021, and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Finance Memo, please see the Report of the Committee on Finance for L.U. No. 793 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1653

Resolution approving an exemption from real property taxes for property located at (Block 1977, Lot 46) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 795).

By Council Member Dromm.

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated May 10, 2021 that the Council take the following action regarding a housing project located at (Block 1977, Lot 46) 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 Light Hall 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 the date of conveyance of the Exemption Area to the HDFC.

- 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 1977, Lot 46 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 Light Hall Housing Development Fund Corporation 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 regulatory agreement between HPD and the Owner that is executed on or after April 1, 2021 and that establishes certain controls upon the operation of the Exemption Area on or after the date such regulatory agreement is executed.
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 exists on the Effective Date.

- 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 (a) execute and record the Regulatory Agreement, (b) 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, ALICKA AMPRY-SAMUEL, DIANA AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, JAMES F. GENNARO, SELVENA N. BROOKS-POWERS, STEVEN MATTEO; Committee on Finance, May 27, 2021 (Remote Hearing).

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 L.U. No. 796

Report of the Committee on Finance in favor of approving Light Hall HDFC.GHPP.FY22, Block 1977, Lot 46; Manhattan, Community District No. 9, Council District No. 7.

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on May 27, 2021 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Finance Memo, please see the Report of the Committee on Finance for L.U. No. 793 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1654

Resolution approving an exemption from real property taxes for property located at (Block 3271, Lot 101) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 796).

By Council Member Dromm.

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated May 3, 2021 that the Council take the following action regarding a housing project located at (Block 3271, Lot 101) Bronx (“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. “Community Facility Space” shall mean those portions of the Exemption Area which the Regulatory Agreement requires to be devoted solely to community facility uses.
 - b. “Company” shall mean Putnam II, LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - c. “Effective Date” shall mean the later of (i) the date of the conveyance of the Exemption Area to the HDFC, or (ii) the fifth anniversary of the date that either (A) HPD and the Owner, or (B) HPD, HDC and the Owner, enter into the Regulatory Agreement.
 - d. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3271, Lot 101 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 thirty-five (35) 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. “Gross Rent” shall mean the gross potential rents from all residential, commercial, and community facility units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
 - g. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
 - h. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to one percent (1.0%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.

- i. "HDC" shall mean the New York City Housing Development Corporation.
 - j. "HDFC" shall mean 3800 Putnam Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - k. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - l. "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - m. "Owner" shall mean, collectively, the HDFC and the Company.
 - n. "Prior Exemption" shall mean the existing tax exemption of the Exemption Area pursuant to Section 421-a(1-15) of the Real Property Tax Law.
 - o. "Regulatory Agreement" shall mean the regulatory agreement between either (i) HPD and the Owner, or (ii) HPD, HDC and the Owner, that is executed on or after April 1, 2021 and that establishes certain controls upon the operation of the Exemption Area during the term of the New Exemption and provides, *inter alia*, for the termination of the Prior 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 or commercial use other than the Community Facility Space), 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. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.
 4. Notwithstanding any provision hereof to the contrary:
 - a. The New 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 New Exemption shall prospectively terminate.
 - b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.

- 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.
5. In consideration of the New Exemption, the owner of the Exemption Area shall, for so long as the New 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, ALICKA AMPRY-SAMUEL, DIANA AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, JAMES F. GENNARO, SELVENA N. BROOKS-POWERS, STEVEN MATTEO; Committee on Finance, May 27, 2021 (Remote Hearing).

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 General Welfare

Report for Int. No. 146-C

Report of the Committee on General Welfare 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 rental assistance vouchers.

The Committee on General Welfare, to which the annexed proposed amended local law was referred on January 31, 2018 (Minutes, page 306), respectfully

REPORTS:

I. Introduction

On May 26, 2021, the Committee on General Welfare, chaired by Council Member Stephen Levin, will hold a hearing on Proposed Int. 146-C. On September 15, 2020, the Committee previously held a hearing, jointly with the Committee on Civil and Human Rights, chaired by Council Member Mathieu Eugene, on the City's rental assistance program and source of income discrimination. The Committees also heard Int. 146, sponsored by Council Member Levin, as well as several other pieces of legislation. Those who testified included representatives from the New York City Department of Social Services (DSS), the New York City Commission on Human Rights (CCHR), shelter providers, advocacy organizations, community organizations, and members of the public.

II. BACKGROUND¹

CityFHEPS

In 2004, the Bloomberg Administration introduced a City-funded, time-limited rental subsidy program for individuals and families in the Department of Homeless Services (DHS), called Housing Stability Plus.² Housing Stability Plus was a five-year rental subsidy that gradually declined in assistance and included work requirements.³ Citing that Housing Stability Plus was ineffective due to opaque rules, low subsidies, and lack of access to stable housing, the Bloomberg Administration replaced the program in 2007 with Advantage, a two-year subsidy.⁴ The Advantage program initially offered subsidies for people in shelters if they worked 20 hours a week or more and then was expanded to incorporate additional populations.⁵ In 2011, the State pulled funding for Advantage, which covered two-thirds of the total cost, and the City subsequently cut the remaining third of the funding.⁶ About 8,500 families ended up returning to DHS shelters in the years after the program's end.⁷

In 2014 and 2015, the de Blasio Administration re-instituted City rental assistance vouchers for homeless households and those at risk of homelessness, including Living in Communities (LINC);⁸ City Family Eviction Prevention Supplement and City Family Exit Plan Supplement (CityFEPS) programs;⁹ and Special Exit and Prevention Supplement (SEPS)¹⁰ for single adults and adult families.

Having numerous programs with unique criteria confused both landlords and tenants, further exacerbating landlords' hesitancy to accept City rental subsidies, which had already been compromised with the abrupt end of Advantage.¹¹ On October 29, 2018, the de Blasio Administration consolidated the LINC, SEPS, and CityFEPS rental assistance programs into the City Fighting Homelessness and Eviction Prevention Supplement (CityFHEPS) program.¹² The consolidation aimed to streamline services for tenants and landlords.¹³ CityFHEPS assists households in the community who are at risk of homelessness or are referred by the Administration for Children's Services (ACS), the Three Quarter Housing (TQH) Task Force, the Department of Youth and Community Development (DYCD), or the Department of Correction (DOC) to avert Human Resources Administration (HRA) or DHS shelter entry.¹⁴ It also helps households who are experiencing street homelessness or residing in a DHS or HRA shelter to obtain permanent housing.¹⁵ All households must meet an income limit—income no greater than 200% of the federal poverty level—and satisfy public assistance

¹ Portions of this Committee Report are from the NYC Council's Report "Our Homelessness Crisis: The Case for Change." For full report see <https://council.nyc.gov/data/homeless/>.

² Coalition for the Homeless, The Bloomberg Administration's Flawed Homeless Rental Assistance Plan: A Misguided Plan with Opportunities for Effective Change, (Nov. 2004), available at <https://www.coalitionforthehomeless.org/wp-content/uploads/2014/06/Briefing-cityrentplan-11-2004.pdf>.

³ *Id.*

⁴ Joe Lamport, A New Program to Fight Homelessness, The Gotham Gazette, (May 30, 2007), available at <https://www.gothamgazette.com/housing/3574-a-new-program-to-fight-homelessness>.

⁵ *Id.*

⁶ Peter Nasaw and Thomas J. Main, De Blasio and Homelessness: A New Progressive Mayor Wrestles with an Old Social Problem, The Gotham Gazette, (May 1, 2017), available at <http://www.gothamgazette.com/opinion/6902-deblasio-and-homelessness-a-new-progressive-mayor-wrestles-with-an-old-social-problem>.

⁷ Patrick Markee, The Revolving Door Keeps Spinning: New Data Shows that Half of "Advantage" Families Have Returned to the NYC Homeless Shelter System, Coalition for the Homeless, (Dec. 28, 2013), available at <https://www.coalitionforthehomeless.org/wp-content/uploads/2014/06/PolicyBrief-RevolvingDoorKeepsSpinning2013.pdf>.

⁸ R.C.N.Y. Title 68 Chapter 7 LINC Programs

⁹ R.C.N.Y. Title 68 Chapter 8 CITYFEPS Programs; SEPS Program

¹⁰ *Id.*

¹¹ NYC Dept. of Homeless Services, Press Release, City Proposes Single Unified Rental Assistance Program to Streamline and Simplify Rehousing Process, (July 18, 2018), available at <https://www1.nyc.gov/site/dhs/about/press-releases/unified-rental-assistance-press-release.page>.

¹² Joe Anuta, Launch Date Set for Consolidated Rent-Voucher Program, Crain's, (Oct. 2, 2018), available at <https://www.crainnewyork.com/real-estate/launch-date-set-consolidated-rent-voucher-program>.

¹³ NYC Human Resources Administration, Rental Assistance, CityFHEPS, available at <https://www1.nyc.gov/site/hra/help/cityfheps.page>.

¹⁴ R.C.N.Y. Title 68 Chapter 10-03.

¹⁵ R.C.N.Y. Title 68 § 10-01 (e).

requirements.¹⁶ In addition, there are separate eligibility criteria for households at risk of entry to, and currently in, HRA and DHS shelters or experiencing street homelessness.¹⁷ A household that is at risk of entry to an HRA or DHS shelter must be in one of the following groups to qualify for a CityFHEPS voucher to avert shelter entry:

1. Determined by DSS to be at risk of homelessness and include a veteran;
2. Be referred by a CityFHEPS qualifying program—ACS, TQH Task Force, DYCD, or DOC—and DSS determined CityFHEPS was needed to avoid shelter entry; or
3. Be displaced by eviction, foreclosure, or hazardous conditions within the last 12 months and:
 - a. Previously was in a DHS shelter;
 - b. Has an active Adult Protective Services case or is in a designated community guardianship program;¹⁸ or
 - c. Will use CityFHEPS to stay in a rent-controlled apartment.¹⁹

A household may qualify for a CityFHEPS voucher if the head of household is experiencing street homelessness or resides in a DHS shelter identified for imminent closure.²⁰ An individual who is experiencing street homelessness must be living on the street or in a place not meant for human habitation.²¹ The individual also must have received case management services for at least 90 days from a DHS-contracted outreach provider, a DHS-contracted drop-in center, or transitional housing provider.²²

A household in a DHS or HRA shelter may also qualify for CityFHEPS if it belongs to either of the following two groups:

1. First, the household must have a qualifying shelter stay, consisting of being: (i) in a DHS shelter for the last 90 days prior to certification with a gap of no more than 10 days; (ii) in a DHS single adult shelter for 90 of the last 365 days; (iii) in an HRA shelter; or (iv) in a DHS shelter and eligible for HRA shelter. Second, the household must: (i) include an individual under age 18 and the combined household has been working 30 hours per week for the last 30 days; (ii) be an adult only household working any number of hours per week for the last 30 days; (iii) include someone who is age 60 or older; or (iv) include someone who is age 18 or older who is either disabled or is exempt from public assistance work requirements due to caring for a family member with a disability.²³
2. The household is in a DHS or HRA shelter and either: (i) includes a veteran; (ii) has an unexpired LINC certification letter or a SEPS or CITYFEPS shopping letter and would still be eligible for assistance; or (iii) has been referred by ACS, DYCD, the TQH Task Force, or DOC, and DSS determined that CityFHEPS was needed to shorten a shelter stay.²⁴

¹⁶ A household must meet the following requirements with respect to public assistance. The household must apply for any assistance, if it is currently not in receipt of such. In addition, all household members who are eligible for public assistance must be in receipt of it and in compliance with public assistance requirements; R.C.N.Y. Title 68 Chapter 10 City FHEPS

¹⁷ R.C.N.Y. Title 68 Chapter 10 City FHEPS

¹⁸ The Adult Protective Services program provides services for physically and/or mentally impaired adults ages 18 and older, and Community Guardian programs consist of court-appointed legal guardians who manage these adults' domestic and financial affairs. NYC Human Resources Administration, Adult Protective Services, available at <https://www1.nyc.gov/site/hra/help/adult-protective-services.page>.

¹⁹ NYC Department of Social Services, CityFHEPS Frequently Asked Questions For Clients in the Community, (Sept. 18, 2019), available at <https://www1.nyc.gov/assets/hra/downloads/pdf/cityfheps-documents/dss-7r-e.pdf>.

²⁰ R.C.N.Y. Title 68 § 10-04(a)(8).

²¹ R.C.N.Y. Title 68 § 10-01(mm).

²² *Id.*

²³ NYC Department of Social Services, CityFHEPS Frequently Asked Questions For Clients in the Community, (Sept. 18, 2019), available at <https://www1.nyc.gov/assets/hra/downloads/pdf/cityfheps-documents/dss-7r-e.pdf>.

²⁴ R.C.N.Y. Title 68 § 10-04

Furthermore, a household may be eligible for a CityFHEPS rental assistance voucher to prevent entry into a City shelter.²⁵ HRA accepts referrals for CityFHEPS from ACS, DOC, and the TQH Task Force to help those exiting foster care and City jails and those living in three-quarter houses avert shelter entry.²⁶

The CityFHEPS rental assistance voucher is a critical tool in helping individuals and families avoid and exit shelter. However, many advocates and homeless shelter providers argue its maximum rent limits are too low and are not tied to the Fair Market Rent (FMR), in contrast to the country's most successful rental assistance voucher, Section 8.²⁷ The maximum rent allowed under CityFHEPS for a three- or four-person household, for example, is \$1,580 per month,²⁸ much below the fiscal year 2020 FMR for a two-bedroom apartment in New York City (\$1,951 per month).²⁹ This lower rent limits the supply of affordable apartments available to a voucher holder.

According to an analysis by homeless services provider Women in Need (WIN), raising the monthly voucher limit from \$1,580 to \$1,951, for example, would open up about 68,000 two-bedroom recently-available apartments.³⁰ Opening up the universe of apartments that are potentially voucher-eligible means more opportunities to permanently house individuals and families, which could also reduce the length of homelessness or being at risk of homelessness.

On the State level, Senator Liz Krueger and Assembly Member Andrew Hevesi have introduced the Home Stability Support (HSS) program (S.2375/A.1620), a statewide rent supplement for families and individuals who are eligible for public assistance benefits and facing eviction, homelessness, or loss of housing due to domestic violence or hazardous living conditions.³¹ HSS would establish a rent supplement that would replace existing supports such as CityFHEPS and would represent 85% of FMR, with the City having the option to make up the difference so the supplement would reflect 100% of the FMR.³² The City Comptroller has estimated that over a 10-year period, HSS could reduce the City shelter population by 80% for families with children, 60% for adult families, and 40% for single adults.³³ Despite the significant support in the (125 Assembly Members and 35 Senators have signed on as co-sponsors) HSS has not advanced in either house of the state legislature.³⁴ In May 2021, State Senator Brian Kavanagh introduced legislation (S. 6573) to increase the state voucher value in cities with 5 million or more residents, thereby including New York City.³⁵

According to the Center on Budget and Policy Priorities, one rigorous study following voucher recipients found that housing vouchers can lead to future savings.³⁶ Vouchers provided to homeless families with children reduce other shelter costs enough to offset nearly the entire cost of the voucher.³⁷ Rental assistance combined with supportive services for homeless individuals with serious health problems can achieve savings in the health care, corrections, and emergency shelter systems, which may be close to or above the cost of the rental assistance and services.³⁸

²⁵ NYC Department of Social Services, CityFHEPS Frequently Asked Questions For Clients in the Community, (Sept. 18, 2019), available at <https://www1.nyc.gov/assets/hra/downloads/pdf/cityfheps-documents/dss-7r-e.pdf>.

²⁶ R.C.N.Y. Title 68 § 10-01(e).

²⁷ Supportive Housing Network of NY, HUD Section 8 Tenant-Based (a.k.a Housing Choice Vouchers), available at <https://shnny.org/fundingguide/section-8-tenant-based-a.k.a.-housing-choice-vouchers/> (last visited Jan. 10, 2020).

²⁸ Meeting with stakeholder on Dec. 26, 2019.

²⁹ HUD. FY 2020 Fair Market Rent Documentation System. https://www.huduser.gov/portal/datasets/fmr/fmrs/FY2020_code/2020summary.odn

³⁰ Women In Need, Making CityFHEPS a More Effective Tool (Jan. 2020) available at https://winnyc.org/wp-content/uploads/2020/03/Making_CityFHEPS-March.pdf.

³¹ New York State Assembly A01620 / New York State Senate S02375, 2019-2020 Regular Sessions, available at https://assembly.state.ny.us/leg/?default_fld=&bn=A01620&term=2019&Summary=Y&Actions=Y&Text=Y&Committee%26nbspVote%26nbspFloor%26nbspVotes=Y.

³² *Id.*

³³ Nikita Stewart, Amid de Blasio's Modest Goals on Homelessness, State Proposal Gains Support, New York Times (Mar. 2, 2017), available at: <https://www.nytimes.com/2017/03/02/nyregion/homeless-shelters-rent-subsidies.html>.

³⁴ New York State Assembly A01620 / New York State Senate S02375, 2019-2020 Regular Sessions, available at https://assembly.state.ny.us/leg/?default_fld=&bn=A01620&term=2019&Summary=Y&Actions=Y&Text=Y&Committee%26nbspVote%26nbspFloor%26nbspVotes=Y.

³⁵ New York State Senate S6573, available at <https://www.nysenate.gov/legislation/bills/2021/s6573>.

³⁶ The Center on Budget and Policy Priorities, Research Shows Housing Vouchers Reduce Hardship and Provide Platform for Long-Term Gains Among Children (Oct. 7, 2015) <https://www.cbpp.org/research/housing/research-shows-housing-vouchers-reduce-hardship-and-provide-platform-for-long-term>.

³⁷ *Id.*

³⁸ *Id.*

Moreover, research by StreetEasy released in April 2021 found that record-high rent drops and high inventory levels from COVID-19 have more than doubled the number of homes on the market that are deemed affordable for Section 8 voucher participants.³⁹ According to StreetEasy, using all apartments listed from July through December 2020, only 564 units would meet current CityFHEPS standards, whereas 71,934 would meet Section 8 standards.⁴⁰

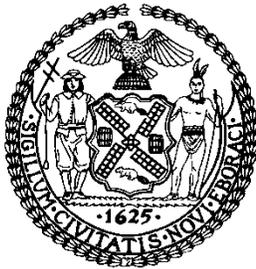
III. Bill Analysis

Proposed Int. 146-C - A Local Law to amend the administrative code of the city of New York, in relation to rental assistance vouchers.

The bill would remove time limits on the amount of time where an otherwise qualifying recipient of rental assistance vouchers established by the Department of Social Services (DSS) would receive the voucher. The bill would also require that the maximum rent toward which rental assistance vouchers may be applied is set at levels equal to those established pursuant to section 982.503 of the Code of Federal Regulations, otherwise referred to as “Section 8.” The requirements set by the bill would be subject to appropriation.

Since introduction, the threshold for the maximum rent toward which rental assistance vouchers may be applied has changed from annually at the same rate as the fair market rents set by the United States Department of Housing Preservation and Development to Section 8 levels.

(The following is the text of the Fiscal Impact Statement for Int. No. 146-C:)



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

PROPOSED INTRO NO. 146-C
COMMITTEE: General Welfare

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to rental assistance vouchers.

SPONSORS: Council Members Levin, Brannan, Salamanca, Maisel, Rivera, Adams, Kallos, Ampry-Samuel, Menchaca, Rosenthal, Perkins, Reynoso, the Public Advocate (Mr. Williams), Rose, Ayala, Powers, Van Bramer, Levine, Chin, Lander, Cornegy, Koslowitz, Dromm, Moya, Rodriguez, Treyger, Grodenchik, R. Diaz, Louis, Koo, Gibson, Eugene, Barron, Cumbo, Holden, Cabrera, D. Diaz, Gennaro and Dinowitz.

SUMMARY OF LEGISLATION: Proposed Int. 146-C would require that City-initiated rental assistance vouchers provided to homeless families and individuals no longer be time-limited to five years and would require the City to continue to provide rental assistance for as long as the recipient household maintains eligibility. The bill would also set the maximum rent toward which rental assistance vouchers may be applied to equal maximum rents established pursuant to section 982.503 of the Code of Federal Regulations, otherwise referred to as “Section 8.” The requirements set by the bill would be subject to appropriation.

³⁹ Street Easy, “Pandemic Rent Drops Double NYC’s Voucher-Accessible Housing.” April 20, 2021. Available at <https://streeteasy.com/blog/voucher-apartments-nyc-double-during-pandemic/>.

⁴⁰ Data provided by Street Easy on record with Committee on General Welfare staff.

EFFECTIVE DATE: This local law would take effect 180 days after it becomes law, except that the Commissioner of Social Services may take such measures necessary for the implementation of this local law, including the promulgation of rules and increasing the maximum rental allowances, before such date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2026

FISCAL IMPACT STATEMENT:

	FY22	FY23	FY24	FY25	FY26
Revenues	\$0	\$0	\$0	\$0	\$0
Expenditures	\$88,359	\$176,718	\$231,147	\$285,576	\$340,005
Savings	(\$13,622)	(\$27,243)	(\$40,865)	(\$54,486)	(\$68,108)
Net	\$74,737	\$149,475	\$190,282	\$231,090	\$271,897

IMPACT ON REVENUES: It is estimated that there would be no impact on revenues as a result of this legislation.

IMPACT ON EXPENDITURES: Proposed Int. 146-C would increase City expenditures by raising the value of rental assistance vouchers provided to homeless families and individuals and by increasing the number of vouchers used to rent apartments in the City. The following estimate on expenditures assumes 1) increasing the value of vouchers offered to eligible individuals and families residing in shelter to Section 8 rates; 2) permanently extending vouchers for all households that currently use a rental voucher and aligning them to Section 8 rates; 3) increasing the number of households that use rental assistance vouchers; and 4) discontinuing the use of State-issued rental assistance vouchers with lower maximum rent rates. The calculations use the cost of providing a two-bedroom unit for a family with three to four members, and an efficiency for a single adult as proxies for the average cost of current and increased voucher rates. The projected increase in the utilization of vouchers is based on historical rates and the greater availability of rental units within the Section 8 rate. Expenditure increases are assumed to grow over time primarily due to the elimination of the five-year time limit. Savings are calculated by estimating the reduction of the shelter census for homeless individuals and families with children.

It is estimated that this legislation would have an impact on expenditures of \$74.7 million in Fiscal 2022 growing to \$271.9 million by Fiscal 2026. The impact on expenditures is the net effect of the expenses associated with the cost of raising voucher rental limits to Section 8 and the savings that will be achieved by housing fewer individuals and families in the shelter system. Savings are compounded over time, starting at \$13.6 million in the first year and growing by this amount each subsequent year because it is expected that each year the same number of individuals and families are able to utilize the voucher and continue to decrease the shelter population.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCES OF INFORMATION: New York City Council Finance Division
Office of Management and Budget

ESTIMATE PREPARED BY: Frank Sarno, Financial Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
Dohini Sompura, Unit Head

LEGISLATIVE HISTORY: This legislation was first introduced to the full Council as Intro. No. 146 on January 31, 2018 and the bill was referred to the Committee on General Welfare. A hearing was held jointly by the Committee on General Welfare and the Committee on Civil and Human Rights on September 15, 2020 and the bill was laid over. The legislation was subsequently amended three times and the most recently amended legislation, Proposed Intro. No. 146-C, will be voted on by the Committee on General Welfare on May 26, 2021. Upon successful vote of the Committee, Proposed Intro. No. 146-C will be submitted to the full Council for a vote on May 27, 2021.

DATE PREPARED: May 25, 2021.

Accordingly, this Committee recommends its adoption, as amended

(The following is the text of Int. No. 146-C:)

Int. No. 146-C

By Council Members Levin, Brannan, Salamanca, Maisel, Rivera, Adams, Kallos, Ampry-Samuel, Menchaca, Rosenthal, Perkins, Reynoso, the Public Advocate (Mr. Williams), Rose, Ayala, Powers, Van Bramer, Levine, Chin, Lander, Cornegy, Koslowitz, Dromm, Moya, Rodriguez, Treyger, Grodenchik, R. Diaz, Louis, Koo, Gibson, Eugene, Barron, Cumbo, Holden, Cabrera, D. Diaz, Gennaro, Dinowitz and Riley.

A Local Law to amend the administrative code of the city of New York, in relation to rental assistance vouchers

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 21 of the administrative code of the City of New York is amended by adding a new section 21-145 to read as follows:

§ 21-145 *Use of rental assistance vouchers. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

Household. The term “household” means an individual or family in receipt of CityFHEPS or any successor program.

Maximum rental allowances. The term “maximum rental allowances” means the maximum rent toward which rental assistance vouchers may be applied.

Rental assistance voucher. The term “rental assistance voucher” means any city-initiated rental housing subsidy for homeless families and individuals.

b. Eligibility. Subject to the appropriation, a household or individual will continue to receive additional annual renewals of their vouchers after their fifth year in the CityFHEPS rental assistance program if they continue to meet the requirements set forth in title 68 chapter 10-08 of the rules of the city of New York.

c. Maximum rental allowances. Subject to appropriation, such maximum rental allowances shall be set in accordance with section 982.503 of title 24 of the code of federal regulations.

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner of social services may take such measures necessary for the implementation of this local law, including the promulgation of rules and increasing the maximum rental allowances, before such date.

STEPHEN T. LEVIN, *Chairperson*; BRADFORD S. LANDER, VANESSA L. GIBSON, ANTONIO REYNOSO, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., DARMA V. DIAZ; *Committee on General Welfare, May 26, 2021 (Remote Hearing). Other Council Members Attending: Council Members Barron and Treyger.*

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 Health

Report for Int. No. 2042-A

Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to posting information about midwives online.

The Committee on Health, to which the annexed proposed amended local law was referred on August 27, 2020 (Minutes, page 1709), respectfully

REPORTS:

I. INTRODUCTION

On May 26, 2021, the Committee on Health, chaired by Council Member Mark Levine, held a vote on legislation relating to midwives: Introduction Number 2042-A (Int. No. 2042-A), sponsored by Council Member Vanessa Gibson, amends the administrative code of the city of New York, in relation to posting information about midwives online. This legislation was originally heard at a hearing of this Committee as well as the Committees Women & Gender Equity and Hospitals on December 7, 2020, during which representatives from the NYC Department of Health and Mental Hygiene (DOHMH), NYC Health + Hospitals (H+H), the Greater New York Hospital Association (GNYHA), advocacy groups and organizations, hospitals, medical training programs, nurse and midwife groups, doula organizations, and other interested stakeholders were invited to testify. On May 26, 2021, the Committee passed this legislation by a vote of eight in the affirmative, zero in the negative, and zero abstentions.

II. BACKGROUND

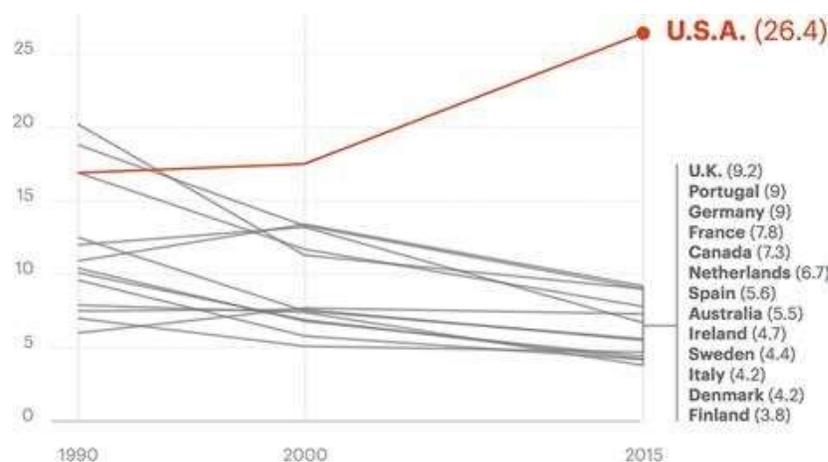
The ability to protect the health of mothers and babies in childbirth is a basic measure of a society's development.¹ Yet, not only are more women in the United States (U.S.) dying of pregnancy-related complications than in any other developed country, but while the number of reported pregnancy-related deaths has been declining in most of the world,² only in the U.S. has the maternal mortality ratio (MMR), or the number of maternal deaths in a population that occur during a given year per 100,000 live births,³ been increasing.⁴

¹ MacDorman MF, Declercq E, Cabral H, Morton C., *Is the United States Maternal Mortality Rate Increasing? Disentangling trends from measurement issues*, *Obstetrics and gynecology* (2016), 447-455, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5001799/pdf/nihms810951.pdf>.

² World Health Organization, *Trends in Maternal Mortality: 1990 to 2015* (2015), available at https://apps.who.int/iris/bitstream/handle/10665/194254/9789241565141_eng.pdf;jsessionid=A5BCC05853070F3E0AAADCC3FB3CB6EB?sequence=1.

³ See Roosa Tikkanen, Munira Z. Gunja, Molly FitzGerald, and Laurie Zephyrin, *Maternal Mortality and Maternity Care in the United States Compared to 10 Other Developed Countries* (Nov. 18, 2020), available at <https://www.commonwealthfund.org/publications/issue-briefs/2020/nov/maternal-mortality-maternity-care-us-compared-10-countries>; World Health Organization, *Maternal mortality ratio (per 100 000 live births)* (last visited Nov. 30, 2020), available at <https://www.who.int/data/gho/indicator-metadata-registry/imr-details/26> (The World Health Organization (WHO) defines maternal death as “the death of a woman while pregnant or within 42 days of termination of pregnancy, irrespective of the duration and site of the pregnancy, from any cause related to or aggravated by the pregnancy or its management but not from accidental or incidental causes”).

⁴ See “Table 2. Estimates of maternal mortality ratio (maternal mortality ratio, deaths per 100 000 live births), number of maternal deaths, and lifetime risk by United Nations MDG regions, 2008;” see also “Annex 3. Comparison of 1990, 1995, 2000, 2005, and 2008 estimates of maternal mortality ratio (maternal mortality ratio, deaths per 100 000 live births) by country,” World Health Organization, et al., *Trends in maternal mortality: 1990 to 2008* (2010), 18, 28-32, available at http://apps.who.int/iris/bitstream/handle/10665/44423/9789241500265_eng.pdf;jsessionid=E07455C2099CB48EE28744F5BAAA2C34?sequence=1.

Figure 1: Maternal Deaths Per 100,000 Live Births⁵

According to the Centers for Disease Control and Prevention (CDC), the MMR in the U.S. has more than doubled since 1987, from 7.2 deaths per 100,000 live births in 1987, to a peak of 17.6 in 2014, and dropping slightly to 16.7 deaths per 100,000 live births in 2016.⁶ Data also shows that this trend has worsened in recent years. From 2000 to 2014, the MMR in the U.S. has increased by an estimated 26.6 percent.⁷ Each year, 700-900 American women die and approximately 65,000 suffer potentially mortal complications from pregnancy or childbirth-related causes.⁸ Furthermore, according to a report from nine different maternal mortality review committees, over 60 percent of these pregnancy-related deaths were preventable.⁹

Additionally, data shows that health inequities significantly impact pregnancy outcomes. According to the Centers for Disease Control and Prevention (CDC), Black women in the U.S. are three to four times more likely to die from complications related to pregnancy than white women.¹⁰ For Black women, the MMR is 42.8 per 100,000 live births, compared with 12.5 for white women and 17.3 for women of all other races.¹¹ Such disparities also affect birth outcomes. Government data suggest that Black infants are more than twice as likely to die as white infants; 11.3 per 1,000 Black babies, compared with 4.9 per 1,000 white babies, a racial disparity that is actually greater than in 1850, 15 years before slavery was abolished in the U.S.¹² Research points to race, rather than educational attainment or income level of the patient, as the cause of such discrepancies.¹³ In fact, a

⁵ Calpurnia Roberts, *Bronx Infant and Maternal Health Summit*, NEIGHBORHOOD HEALTH ACTION CENTERS (June 21, 2018), citing Kassebaum et. al (2016).

⁶ Centers for Disease Control and Prevention, *Pregnancy Mortality Surveillance System* (last visited Dec. 2, 2020), available at <https://www.cdc.gov/reproductivehealth/maternalinfanthealth/pregnancy-mortality-surveillance-system.htm>.

⁷ M. MacDorman, E. Declercq, H. Cabral, C. Morton, *Is the United States Maternal Mortality Rate Increasing? Disentangling Trends from Measurement Issues*, *OBSTETRICS AND GYNECOLOGY* 447-455 (2016), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5001799/pdf/nihms810951.pdf>.

⁸ Nina Martin and Renee Montagne, *Focus On Infants During Childbirth Leaves U.S. Moms In Danger*, NATIONAL PUBLIC RADIO and PROPUBLICA (May 12, 2017), available at <https://www.npr.org/2017/05/12/527806002/focus-on-infants-during-childbirth-leaves-u-s-moms-in-danger>.

⁹ *Building U.S. Capacity to Review and Prevent Maternal Deaths* (2018), available at http://reviewtoaction.org/Report_from_Nine_MMRCs.

¹⁰ Centers for Disease Control and Prevention, *Pregnancy-Related Deaths*, available at <https://www.cdc.gov/reproductivehealth/maternalinfanthealth/pregnancy-relatedmortality.htm>.

¹¹ Centers for Disease Control and Prevention, *Pregnancy Mortality Surveillance System*, available at <https://www.cdc.gov/reproductivehealth/maternalinfanthealth/pmss.html>.

¹² Linda Villarosa, *Why America's Black Mothers Are in a Life-or-Death Crisis*, NEW YORK TIMES (Apr. 11, 2018), available at <https://www.nytimes.com/2018/04/11/magazine/black-mothers-babies-death-maternal-mortality.html>; See also J.D.B. De Bow, *Mortality Statistics of the Seventh Census of the United States 1850* (last visited Nov 25, 2020), available at <https://babel.hathitrust.org/cgi/pt?id=uc2.ark:/13960/t4qj7qt8w;view=1up;seq=40> (showing that the government started to track vital statistics related to mortality, disaggregating info by sex and race, in 1850).

¹³ *Id.* (explicitly making this point and explaining, “by the late 1990s, other researchers were trying to chip away at the mystery of the black-white gap in infant mortality. Poverty on its own had been disproved to explain infant mortality, and a study of more than 1,000

Black woman with an advanced degree is more likely to lose her baby than a white woman with less than an eighth-grade education.¹⁴

Maternal Mortality in New York City

New York City and State have among the highest rates of maternal deaths in the country.¹⁵ Over the past decade alone, New York state has experienced a 60 percent increase in maternal mortality.¹⁶ In the period from 2001-2003, the number of reported maternal deaths in NYS was 15.4 deaths per 100,000 live births; which over time increased to 19.6 deaths per 100,000 live births in 2014-2016,¹⁷ and a reported 20.9 maternal deaths per 100,000 live births by August of 2018.¹⁸ Although the city's MMR is slightly above the national average, NYC, where half the state's births take place,¹⁹ accounts for about 30 of those estimated 700-900 women who die from pregnancy or childbirth-related causes each year nationally.²⁰ According to the New York State Department of Health (DOH), the MMR in NYC was 31 per 100,000 live births in 2015.²¹

Moreover, research has illustrated the impact that racial disparities can have on a person's health outcomes and care in NYC.²² While about 30 women in NYC die each year of a pregnancy-related cause, statistics indicate that approximately 3,000 women "almost die," or experience morbidity, during childbirth.²³ Black, non-Latina

women in New York and Chicago, published in *The American Journal of Public Health* in 1997, found that black women were less likely to drink and smoke during pregnancy, and that even when they had access to prenatal care, their babies were often born small Though it seemed radical 25 years ago, few in the field now dispute that the black-white disparity in the deaths of babies is related not to the genetics of race but to the lived experience of race in this country").

¹⁴ Richard V. Reeves and Dayna Bowen Matthew, *Six Charts Showing Race Gaps Within the American Middle Class*, BROOKINGS (Oct. 21, 2016), available at <https://www.brookings.edu/blog/social-mobility-memos/2016/10/21/6-charts-showing-race-gaps-within-the-american-middle-class/>.

¹⁵ Kirsten Gillibrand, *As Maternal Mortality Rates Continue To Rise Across The Country And New York State, Gillibrand Announces New Legislation To Help Prevent Women From Dying Before, During, And After Childbirth* (Aug. 28, 2018), available at <https://www.gillibrand.senate.gov/news/press/release/as-maternal-mortality-rates-continue-to-rise-across-the-country-and-new-york-state-gillibrand-announces-new-legislation-to-help-prevent-women-from-dying-before-during-and-after-childbirth#:~:text=To%20date%2C%20in%20August%202018,deaths%20per%20100%2C000%20live%20births.>

¹⁶ Kirsten Gillibrand, *As Maternal Mortality Rates Continue To Rise Across The Country And New York State, Gillibrand Announces New Legislation To Help Prevent Women From Dying Before, During, And After Childbirth* (Aug. 28, 2018), available at <https://www.gillibrand.senate.gov/news/press/release/as-maternal-mortality-rates-continue-to-rise-across-the-country-and-new-york-state-gillibrand-announces-new-legislation-to-help-prevent-women-from-dying-before-during-and-after-childbirth#:~:text=To%20date%2C%20in%20August%202018,deaths%20per%20100%2C000%20live%20births.>

¹⁷ The New York State Taskforce on Maternal Mortality and Disparate Racial Outcomes, *Recommendations to the Governor to Reduce Maternal Mortality and Racial Disparities*, 1, 4 (March 2019), available at https://health.ny.gov/community/adults/women/task_force_maternal_mortality/docs/maternal_mortality_report.pdf.

¹⁸ Kirsten Gillibrand, *As Maternal Mortality Rates Continue To Rise Across The Country And New York State, Gillibrand Announces New Legislation To Help Prevent Women From Dying Before, During, And After Childbirth* (Aug. 28, 2018), available at <https://www.gillibrand.senate.gov/news/press/release/as-maternal-mortality-rates-continue-to-rise-across-the-country-and-new-york-state-gillibrand-announces-new-legislation-to-help-prevent-women-from-dying-before-during-and-after-childbirth#:~:text=To%20date%2C%20in%20August%202018,deaths%20per%20100%2C000%20live%20births.>

¹⁹ Kirsten Gillibrand, *As Maternal Mortality Rates Continue To Rise Across The Country And New York State, Gillibrand Announces New Legislation To Help Prevent Women From Dying Before, During, And After Childbirth* (Aug. 28, 2018), available at <https://www.gillibrand.senate.gov/news/press/release/as-maternal-mortality-rates-continue-to-rise-across-the-country-and-new-york-state-gillibrand-announces-new-legislation-to-help-prevent-women-from-dying-before-during-and-after-childbirth#:~:text=To%20date%2C%20in%20August%202018,deaths%20per%20100%2C000%20live%20births.>

²⁰ The top causes of U.S. pregnancy-related deaths in 2011 were cardiovascular disease, 15.1 percent; non-cardiovascular disease, 14.1 percent; infection or sepsis, 14 percent; and hemorrhage, 11.3 percent. See Robin Fields, *New York City Launches Committee to Review Maternal Deaths*, PROPUBLICA (Nov. 15, 2017), available at <https://www.propublica.org/article/new-york-city-launches-committee-to-review-maternal-deaths>; Linda Villarosa, *Why America's Black Mothers and Babies Are in a Life-or-Death Crisis*, NEW YORK TIMES (Apr. 11, 2018), available at <https://www.nytimes.com/2018/04/11/magazine/black-mothers-babies-death-maternal-mortality.html>.

²¹ "New York State Maternal Mortality Rate per 100,000 Live Births." *New York State Department of Health*, Oct. 2017, www.health.ny.gov/statistics/chac/birth/b33_999.htm.

²² See Nancy Krieger, Maureen Benjamins, Alyash A. Sewell, Presentation: *Prioritizing Equity video series: Research and data for health equity*, AMER. MED. ASSOC. (Nov. 20, 2020), available at <https://www.ama-assn.org/delivering-care/health-equity/prioritizing-equity-video-series-research-and-data-health-equity>; Benjamin Retelus, et. al., *Racial Disparities in COVID-19 Hospitalization and In-hospital Mortality at the Height of the New York City Pandemic* 18(1) 1, 1 (Sep. 18, 2020), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7500250/>.

²³ See New York City Department of Health and Mental Hygiene, *Severe Maternal Morbidity in New York City, 2008-2012* (2016), available at <http://www1.nyc.gov/assets/doh/downloads/pdf/data/maternal-morbidity-report-08-12.pdf>.

women are the most likely to experience maternal mortality or maternal morbidity,²⁴ which the World Health Organization (WHO) defines as a spectrum ranging from the near death of a woman who has survived a complication occurring during pregnancy or childbirth (or within 42 days of the termination of pregnancy) to non-life-threatening morbidity.²⁵ Additionally, according to a study in the American Journal of Obstetrics and Gynecology, Black women in NYC are more likely to give birth in hospitals that already have a high rate of severe maternal morbidity or complications than white women.²⁶ Only 23 percent of Black patients gave birth in the safest hospitals, compared 63 percent of white patients.²⁷ At the city level, recent data suggests Black mothers in NYC are 12 times more likely to die from pregnancy-related causes than white mothers.²⁸ The Bronx and Brooklyn in particular carry a disproportionate burden of maternal and infant mortality rates.²⁹ From 2006 to 2010, residents of the Bronx had the highest pregnancy-related mortality ratio with 26.0 deaths per 100,000 live births, followed by Brooklyn with 25.7, Queens with 24.6, Staten Island with 17.4 and Manhattan with 13.9.³⁰

Several factors appear to have a positive influence on outcomes for persons giving birth in NYC.³¹ A recent report reveals that women who had doula support were 39 percent less likely to have a caesarean section (C-section), and 15 percent more likely to give birth without needing drugs or labor-inducing techniques.³² Additionally, a survey regarding doula care in NYC reveals that 72 percent of women reported that their doula helped them communicate their preferences and needs, while 80 percent of those surveyed reported that their doula helped them feel more empowered.³³ Furthermore, 83 percent of the surveyed women reported that having a doula made their labor and birth experience “much better” than if they had not used a doula, and it made them more relaxed before, during, and after birth.³⁴ However, 88 percent of this cohort reported that cost was an issue when opting to work with a doula.³⁵

²⁴ *Id.*

²⁵ See World Health Organization, *Measuring Maternal Health: Focus on Maternal Morbidity* (last visited June 20, 2018), available at <http://www.who.int/bulletin/volumes/91/10/13-117564/en/>.

²⁶ Jamila Taylor, Cristina Novoa, Katie Hamm, and Shilpa Phadke, *Eliminating Racial Disparities in Maternal and Infant Mortality*, CENTER FOR AMERICAN PROGRESS (May 2, 2019), available at <https://www.americanprogress.org/issues/women/reports/2019/05/02/469186/eliminating-racial-disparities-maternal-infant-mortality/>; See March of Dimes, *Nowhere to Go: Maternity Care Deserts Across the U.S.* (2018), available at https://www.marchofdimes.org/materials/Nowhere_to_Go_Final.pdf;

National Partnership for Women and Families, *Black Women's Maternal Health: A Multifaceted Approach to Addressing Persistent and Dire Health Disparities* (April 2018), available at <http://www.nationalpartnership.org/research-library/maternal-health/black-womens-maternal-health-issue-brief.pdf>; See also Elizabeth A. Howell, *Reducing Disparities in Severe Maternal Morbidity and Mortality*, 61(2) Clin Obstet Gynecol. 387, 387 (Jun. 1, 2019), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5915910/>.

²⁷ CNN, *Childbirth is Killing Black Women in the U.S., and Here's Why*, CNN (Nov. 15, 2017), available at <https://www.cnn.com/2017/11/15/health/black-women-maternal-mortality/index.html>; Rates were also high among Puerto Rican and other Latina women compared to White non-Latina women and overall when examining other risk factors. *Pregnancy-Associated Mortality in New York City, 2006-2010* (2015), available at <https://www1.nyc.gov/assets/doh/downloads/pdf/ms/pregnancy-associated-mortality-report.pdf>.

²⁸ ProPublica, *Nothing Protects Black Women From Dying in Pregnancy and Childbirth*, PROPUBLICA (Dec. 7, 2017), available at <https://www.propublica.org/article/nothing-protects-black-women-from-dying-in-pregnancy-and-childbirth>.

²⁹ Calpurnia Roberts, *Bronx Infant and Maternal Health Summit*, NEIGHBORHOOD HEALTH ACTION CENTERS (June 21, 2018), citing Kassebaum et. al (2016).

³⁰ Rates were also high among Puerto Rican and other Latina women compared to White non-Latina women and overall when examining other risk factors. *Pregnancy-Associated Mortality in New York City, 2006-2010* (2015), available at <https://www1.nyc.gov/assets/doh/downloads/pdf/ms/pregnancy-associated-mortality-report.pdf> (providing data based on maternal borough of residence).

³¹ A *doula* is a trained professional who provides continuous physical, emotional and informational support to a pregnant person and the family before, during and shortly after childbirth.

³² Bohren MA, Hofmeyr GJ, Sakala C, Fukuzawa RK and Cuthbert A., *Continuous support for women during childbirth*, 7(1) COCHRANE DATABASE OF SYSTEMATIC REVIEWS (2017).

³³ “Doula Care in New York City: Advancing the Goals of the Affordable Care Act.” *Choices in Childbirth*, 28 Oct. 2014, <https://choicesinchildbirth.org/wp-content/uploads/2014/10/Doula-Report-10.28.14.pdf>.

³⁴ *Id.*

³⁵ *Id.* The average fee for doula services in NYC is \$1200, which includes one prenatal visit, labor support, and a postpartum follow up visit. However, fees can range from \$150 to \$2800 per birth depending on experience.

III. COVID-19 AND MATERNAL HEALTH, MORTALITY, AND MORBIDITY

Since the COVID-19 outbreak began, healthcare organizations and experts have been addressing its potential effects on maternal health, mortality and morbidity. For example, in June, the Centers for Disease Control and Prevention (CDC) recommended that pregnant women and their families take preventive measures to reduce their risk of contracting COVID-19, as pregnant women were significantly more likely to be hospitalized, admitted to the intensive care unit, and receive mechanical ventilation than non-pregnant women.³⁶ In November, the CDC reported in a Morbidity and Mortality Weekly Report that pregnant women are also at increased risk of death compared to non-pregnant women.³⁷ Black women die at a rate three times higher than white women as a result of childbirth and recent data from the CDC demonstrates that COVID-19 mortality rates are substantially higher among Black, Latinx, and Native American people than among white or Asian people.³⁸ The CDC study also suggested that pregnant women who are Hispanic or Black might be disproportionately affected by SARS-CoV-2 infection during pregnancy.³⁹

According to Ana Langer of Harvard T.H. Chan School of Public Health, even before the pandemic, Black women in the U.S. overall had a maternal mortality rate between 2.4 and 3 times higher than their white counterparts.⁴⁰ In New York City, Black women are 8 to 12 times more likely to die.⁴¹ That disparity is driven by socioeconomic factors, such as where people live and work and access to health care.⁴² Data has already shown that COVID-19 magnifies existing health disparities, affecting communities of color much more than white communities, so knowing that maternal mortality is higher among Black women suggests that COVID-19 may increase maternal mortality disparities in the U.S.⁴³

Significant shifts in access to healthcare during the pandemic also significantly impacted the ability of Black, Indigenous, and other patients of color to receive adequate healthcare.⁴⁴ While on one hand, some patients found that telehealth has been a blessing, allowing them to see doctors without the need to travel or find childcare, many patients stated that telemedicine made it more difficult to convince providers that they needed to be seen in person, even when they had serious conditions.⁴⁵ Furthermore, some patients—especially low-income people and those living in rural areas or on reservations—cannot access telehealth at all because of a lack of internet access or appropriate devices.⁴⁶ The pandemic is also exacerbating other inequities Black birthing people face, including the difficulty of even finding a doctor to treat them, as decades of redlining have left cities and towns segregated across America, with communities of color not receiving the same investment as majority-white, suburban neighborhoods.⁴⁷ There is also a significant lack of prenatal care in certain areas, which is associated with an increased risk of maternal mortality and morbidity.⁴⁸ Moreover, as many pregnancy-related deaths

³⁶ Sascha Ellington, et al., *Characteristics of Women of Reproductive Age with Laboratory-Confirmed SARS-CoV-2 Infection by Pregnancy Status — United States, January 22–June 7, 2020*, Morbidity and Mortality Weekly Report, Jun. 26, 2020, https://www.cdc.gov/mmwr/volumes/69/wr/mm6925a1.htm?s_cid=mm6925a1_w.

³⁷ Laura D. Zambrano, et al., *Update: Characteristics of Symptomatic Women of Reproductive Age with Laboratory-Confirmed SARS-CoV-2 Infection by Pregnancy Status — United States, January 22–October 3, 2020*, Morbidity and Mortality Weekly Report, Nov. 2, 2020, https://www.cdc.gov/mmwr/volumes/69/wr/mm6944e3.htm?s_cid=mm6944e3_w.

³⁸ American Hospital Association, *COVID-19: Maternal and Child Health During COVID-19*, Jul. 2020, https://www.aha.org/system/files/media/file/2020/05/COVID-19-Maternal-Guidelines_rev6.pdf.

³⁹ Sascha Ellington, et al., *Characteristics of Women of Reproductive Age with Laboratory-Confirmed SARS-CoV-2 Infection by Pregnancy Status — United States, January 22–June 7, 2020*, Morbidity and Mortality Weekly Report, Jun. 26, 2020, https://www.cdc.gov/mmwr/volumes/69/wr/mm6925a1.htm?s_cid=mm6925a1_w.

⁴⁰ Harvard T.H. Chan School of Public Health, *COVID-19 may increase maternal mortality disparities in U.S.*, <https://www.hsph.harvard.edu/news/hsph-in-the-news/covid-19-may-increase-maternal-mortality-disparities-in-u-s/> (last accessed Dec. 2, 2020).

⁴¹ Emily Bobrow, *She Was Pregnant With Twins During Covid. Why Did Only One Survive?*, New York Times, Aug. 9, 2020, <https://www.nytimes.com/2020/08/06/nyregion/childbirth-Covid-Black-mothers.html>.

⁴² Harvard T.H. Chan School of Public Health, *COVID-19 may increase maternal mortality disparities in U.S.*, <https://www.hsph.harvard.edu/news/hsph-in-the-news/covid-19-may-increase-maternal-mortality-disparities-in-u-s/> (last accessed Dec. 2, 2020).

⁴³ *Id.*

⁴⁴ Anna North, *America is failing Black moms during the pandemic*, Vox, Aug. 10, 2020,

<https://www.vox.com/2020/8/10/21336312/covid-19-pregnancy-birth-black-maternal-mortality>.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

happen in the postpartum period, postpartum follow-up, which was already spotty before the pandemic began, became almost nonexistent.⁴⁹ For example, because of the pandemic, mothers are being discharged so quickly that they do not have proper information about how to care for their wounds, or how to breastfeed properly, and many mothers are showing signs of anxiety and depression as they are experiencing social isolation.⁵⁰

The pandemic has also introduced a new risk factor for pregnant patients: isolation.⁵¹ Several studies have shown that having a doula or other support person during birth can improve outcomes for birthing people and their babies, and doulas are especially important for Black patients and others who experience discrimination during birth.⁵² At the beginning of the COVID-19 pandemic in the U.S., however, many hospitals instituted limits on the number of people who could accompany pregnant people into the delivery room, forcing patients to choose between a partner and a doula.⁵³ In fact, two major systems in New York City—New York-Presbyterian and Mount Sinai—banned support people from delivery rooms, forcing women to be alone while giving birth.⁵⁴ The limits on visitors were intended to conserve personal protective equipment and slow the spread of COVID-19, but when implementing them, hospitals did not consider the disproportionate impact that they could have on Black patients.⁵⁵ While some of these policies have been reversed, many hospitals still only allow one support person.⁵⁶ In New York, however, Governor Andrew Cuomo convened a task force of multidisciplinary experts to address the effect of COVID-19 on pregnancy and examine the best approaches to provide mothers with safe alternatives to hospitalization, when appropriate.⁵⁷ The COVID-19 Maternity Task Force’s recommendations included testing all pregnant women for the virus and designated doulas as an essential member of the care team, among other suggestions.⁵⁸ On April 29, 2020, Governor Cuomo issued an executive order recognizing doulas as essential members of the delivery team, which allows them to be present to support the mother and her family member during labor and delivery.⁵⁹

Director of Merck for Mothers and physician Mary-Ann Etiebet stated that the hospitals that were most overwhelmed by the pandemic were the same hospitals that Black and brown women in New York City were predominantly giving birth in.⁶⁰ However, despite these inequities, the state’s budget bill, signed by Gov. Andrew M. Cuomo in April, includes \$138 million in Medicaid cuts to the city’s public hospitals, which mostly serve Black and Latino residents.⁶¹

Tragically, New York City experienced several maternal deaths in hospitals since the onset of the COVID-19 pandemic. Amber Isaac, a 26-year-old Black woman, died on April 21, 2020, shortly after delivering her son, Elias, at Montefiore Medical Center in The Bronx.⁶² According to reports, Ms. Isaac studied the disproportionate impact of maternal mortality on Black women throughout her pregnancy, and shortly before her death, she tweeted, “Can’t wait to write a tell all about my experience during my last two trimesters dealing with incompetent doctors at Montefiore.”⁶³ Shaasia Washington, also a 26-year-old Black woman, died on July 3,

⁴⁹ *Id.*

⁵⁰ Emily Bobrow, *She Was Pregnant With Twins During Covid. Why Did Only One Survive?*, New York Times, Aug. 9, 2020, <https://www.nytimes.com/2020/08/06/nyregion/childbirth-Covid-Black-mothers.html>.

⁵¹ Anna North, *America is failing Black moms during the pandemic*, Vox, Aug. 10, 2020, <https://www.vox.com/2020/8/10/21336312/covid-19-pregnancy-birth-black-maternal-mortality>.

⁵² *Id.*

⁵³ *Id.*

⁵⁴ Katie Van Syckle & Christina Caron, ‘Women Will Not Be Forced to Be Alone When They Are Giving Birth’, New York Times, Mar. 28, 2020, <https://www.nytimes.com/2020/03/28/parenting/nyc-coronavirus-hospitals-visitors-labor.html>.

⁵⁵ Anna North, *America is failing Black moms during the pandemic*, Vox, Aug. 10, 2020, <https://www.vox.com/2020/8/10/21336312/covid-19-pregnancy-birth-black-maternal-mortality>.

⁵⁶ *Id.*

⁵⁷ American Hospital Association, *COVID-19: Maternal and Child Health During COVID-19*, Jul. 2020, https://www.aha.org/system/files/media/file/2020/05/COVID-19-Maternal-Guidelines_rev6.pdf.

⁵⁸ *Id.*

⁵⁹ New York State Executive Order No. 202.25: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency.

⁶⁰ Emily Bobrow, *She Was Pregnant With Twins During Covid. Why Did Only One Survive?*, New York Times, Aug. 9, 2020, <https://www.nytimes.com/2020/08/06/nyregion/childbirth-Covid-Black-mothers.html>.

⁶¹ *Id.*

⁶² “A Pregnant Woman Tweeted Concerns About a Bronx Hospital. She Died Days Later,” The City, Apr. 27, 2020, available at <https://www.thecity.nyc/health/2020/4/27/21247056/a-pregnant-woman-tweeted-concerns-about-a-bronx-hospital-she-died-days-later>.

⁶³ *Id.*

2020, during childbirth at Woodhull hospital, an H+H facility in Brooklyn.⁶⁴ According to some reports, Shaasia died while being given an epidural.⁶⁵ Hendel Lezer, a 33-year-old orthodox Jewish woman, died on November 19, 2020 in Maimonides Hospital in Brooklyn from complications related to Covid 19, one day after delivering her fifth child.⁶⁶ According to reports, Mrs. Lezer’s family and doctor pled with the hospital to treat her with available COVID-19 treatments, but the hospital objected, citing protocol that only patients who contracted the virus less than a week ago could receive the treatment.⁶⁷

IV. RESPONSE

A. *New York City and State Response*

There have been a number of government initiatives addressing maternal mortality and morbidity over the past decade. For example, in March 2017, the NYC Council passed the Maternal Mortality Reporting Law, or Local Law 55 of 2017, which requires DOHMH to issue an annual report on maternal mortality, tracking statistics in four areas.⁶⁸ The Council then passed Local Law 188 of 2018, which expanded upon these required reporting criteria.⁶⁹ In December 2017, DOHMH formally launched a city-specific Maternal Mortality and Morbidity Committee (M3-RC, M3RC, or “the Panel”), composed of up to 45 members, including doctors, nurses, the doula community, researchers, first responders, and experts from various facilities and community based organizations.⁷⁰ The M3RC meets every two to three months to conduct a multidisciplinary expert review of every maternal death in the City from both a clinical and a social determinants of health perspective.⁷¹ Additionally, DOHMH and the Fund for Public Health in New York City (FPHNYC) have received two grants from Merck for Mothers to implement severe maternal morbidity projects, with the first resulting in the implementation of the first citywide severe maternal morbidity surveillance system and the second in the launch of the “Reducing Inequities and Disparities in Preventable Severe Maternal Morbidity in New York City Project.”⁷² DOHMH has released reports about instances of severe maternal morbidity in New York City, with the latest released in 2016.⁷³

In 2018, H+H partnered with DOHMH and the Mayor’s Office to begin implementing a comprehensive maternal care program with the focus of identifying and responding to pregnancy-related morbidity and mortality for women of color, including a maternal medical home and simulation-based programs.⁷⁴ Additionally, implicit

⁶⁴ “A 26-year-old woman died during childbirth in a New York City hospital, another loss in a tragic trend affecting women of color,” Insider, Jul. 8, 2020, available at <https://www.insider.com/black-woman-died-during-childbirth-new-york-hospital-shaasia-washington-2020-7>.

⁶⁵ *Id.*

⁶⁶ “Was the Tragic Death of This Young Mother A Result of Bad Hospital Policy?,” The Yeshiva World, Dec. 1, 2020, available at <https://www.theyeshivaworld.com/news/promotions/1925029/was-the-tragic-death-of-this-young-mother-a-result-of-bad-hospital-policy.html>.

⁶⁷ *Id.*

⁶⁸ Local Law 55 of 2017 available at <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2709929&GUID=32D3EE5A-6F06-479D-BA51-F64D29EBAF6B&Options=ID|Text|&Search=55>

⁶⁹ Local Law 188 of 2018 available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3498546&GUID=87504419-6255-4349-B173-F4A9FA5009FE&Options=ID|Text|&Search=188>.

⁷⁰ Robin Fields, *New York City Launches Committee to Review Maternal Deaths*, PROPUBLICA, Nov. 15, 2017, available at <https://www.propublica.org/article/new-york-city-launches-committee-to-review-maternal-deaths>; *See also* Local Law 188 of 2018 available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3498546&GUID=87504419-6255-4349-B173-F4A9FA5009FE&Options=ID|Text|&Search=188> (codifying the M3RC).

⁷¹ Sophie Wheelock, et. al., *Complications of Childbirth: Racial & Ethnic Disparities in Severe Maternal Morbidity in New York State*, The New York State Health Foundation, August 2020, available at <https://nyshealthfoundation.org/wp-content/uploads/2020/08/severe-maternal-morbidity.pdf>

⁷² Sophie Wheelock, et. al., *Complications of Childbirth: Racial & Ethnic Disparities in Severe Maternal Morbidity in New York State*, The New York State Health Foundation, August 2020, available at <https://nyshealthfoundation.org/wp-content/uploads/2020/08/severe-maternal-morbidity.pdf>

⁷³ New York City Department of Health and Mental Hygiene, *Severe Maternal Morbidity in New York City, 2008-2012*, 2016, available at <https://www1.nyc.gov/assets/doh/downloads/pdf/data/maternal-morbidity-report-08-12.pdf>

⁷⁴ Testimony from Dr. Mitchell Katz, found at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4296306&GUID=75241933-0E50-49C2-A17A-A9799F4D64EB&Options=&Search=>

bias training has occurred within relevant private and public health care facilities across the City.⁷⁵ In April 2018, DOHMH published the *Summary of Vital Statistics 2016 The City of New York: Infant Mortality*,⁷⁶ part of the maternal associated mortality reports known as Vital Statistics reports,⁷⁷ which have been issued every five years since 2000.⁷⁸ The NYC Council has held hearings about or related to maternal health outcomes, including mortality and morbidity, in June 2018, September 2019, and January 2020.⁷⁹

The Council also has a long history of using discretionary funding to work towards reducing maternal morbidity. In Fiscal 2002, Council launched the Infant Mortality Reduction Initiative, totaling \$2.5 million. The goal of the initiative was to promote women’s health before, during, and after pregnancy and to work in areas in the City with the highest infant mortality rates.⁸⁰ Starting in Fiscal 2016, the Council began funding the Healthy Women, Healthy Future program initiative, totaling \$300,000, a program that supports an array of doula services.⁸¹ Beginning in Fiscal 2017, the two initiatives were grouped together into the Maternal and Child Health Services Initiative. The Council has continued its commitment to these issues and in Fiscal 2021, the Council has designated \$1.9 million to the Maternal and Child Health Services Initiative which supports 19 organizations across all five boroughs.⁸² In Fiscal 2020, this initiative reached more than 5,408 individuals.⁸³

Additionally, beginning in Fiscal 2017 the Council funded the Nurse Family Partnership Initiative for \$2 million, which is an evidence-based maternal and early childhood health program that fosters long-term success for first-time mothers, their babies and society.⁸⁴ The Council has advocated for expansion of funding for the Nurse Family Partnership and in Fiscal 2019, the Council successfully negotiated \$4 million in baseline funding for the program by the Administration.⁸⁵ The total budget for Nurse Family Partnership in the Department of Health and Mental Hygiene’s budget is \$14 million.⁸⁶

There have also been a number of initiatives taken at the State level. In January 2018, Governor Cuomo announced a proposal to create a State Maternal Mortality Review Board (“Board”) to review of each maternal death.⁸⁷ The New York State Department of Health (DOH) convenes a Board of diverse experts to conduct a confidential review of each maternal death, determining whether death was preventable, and to identify recommendations.⁸⁸ On April 23, 2018, the Governor announced a series of additional new initiatives focused on maternal mortality and disparate racial outcomes, including another taskforce, a pilot to expand Medicaid to

⁷⁵ NYC Health + Hospitals, *De Blasio Administration Launches Comprehensive Plan to Reduce Maternal Deaths and Life-Threatening Complications from Childbirth Among Women of Color*, July 20, 2018, available at

<https://www.nychealthandhospitals.org/pressrelease/comprehensive-plan-takes-maternal-safety-to-the-next-level/>

⁷⁶ Bureau of Vital Statistics, *Summary of Vital Statistics 2016*, available at

<https://www1.nyc.gov/assets/doh/downloads/pdf/vs/2016sum.pdf>

⁷⁷ <https://a816-healthpsi.nyc.gov/epiquery/IMR/index.html>; Section 3.1.3 Infant Mortality of the DOHMH 2016-2018 *Community Health Assessment and Community Health Improvement Plan: Take Care New York 2020* also addresses infant mortality (<https://www1.nyc.gov/assets/doh/downloads/pdf/tcny/community-health-assessment-plan.pdf>).

⁷⁸ See, e.g., <https://www1.nyc.gov/assets/doh/downloads/pdf/data/maternal-morbidity-report-08-12.pdf>

⁷⁹ <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=607470&GUID=4EA45927-1CBC-427A-A16D-2011DF7FA371&Options=info&Search=>; <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=715584&GUID=B80CFE14-2106-4CAA-AD0A-4C2E2841C798&Options=info&Search=>; <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4296306&GUID=75241933-0E50-49C2-A17A-A9799F4D64EB&Options=&Search=>

⁸⁰ <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2015/06/fy2016-skedcf.pdf>

⁸¹ *Ibid.*

⁸² <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2016/05/FY17-Schedule-C.pdf>

⁸³ <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2020/06/Fiscal-2021-Schedule-C-Cover-REPORT-Final.pdf>

⁸⁴ <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2016/05/FY17-Schedule-C.pdf>

⁸⁵ <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2018/06/Fiscal-2019-Schedule-C-Final-Report.pdf>

⁸⁶ New York City Financial Management System

⁸⁷ Note that both the Maternal Mortality Review board and 2010 Maternal Mortality Review initiative are (confusingly) referred to by the acronym “MMR.” <https://www.governor.ny.gov/news/governor-cuomo-announces-efforts-combat-maternal-depression-and-prevent-maternal-mortality> (The governor directed the Department of Financial Services to require that all health insurance policies include coverage for maternal depression screening and that DOH and Office of Mental Health will launch a strategic awareness campaign to address stigma of maternal depression)

⁸⁸ The New York State Taskforce on Maternal Mortality and Disparate Racial Outcomes, *Recommendations to the Governor to Reduce Maternal Mortality and Racial Disparities*, 1, 4 (March 2019), available at https://health.ny.gov/community/adults/women/task_force_maternal_mortality/docs/maternal_mortality_report.pdf.

cover doula services, a best practices summit, and a call for enhanced training for medical students.⁸⁹ The Taskforce on Maternal Mortality and Disparate Racial Outcomes (the Taskforce) met three times between June and December 2018, and members of the Taskforce submitted recommendations to the Governor on ways to reduce racial disparities and preventable maternal mortality and morbidity.⁹⁰ The doula pilot faced implementation issues and failed to get off the ground.⁹¹

In response to issues arising during the COVID-19 pandemic, the State created a COVID-19 Maternity Task Force.⁹² On April 29, 2020, the State announced that the Governor accepted the Task Force's recommendations in full, which included measures to diversify birthing site options and support patient choice; extend the period of time a healthy support person can accompany a mother post-delivery; mandate testing of all pregnant New Yorkers; ensure equity in birthing options; create an educational campaign; and review the impact of COVID-19 on pregnancy and newborns with special emphasis on reducing racial disparities in maternal mortality.⁹³ Included in the final recommendation was a plan for DOH to host weekly statewide interactive webinars addressing the management of maternity care during the pandemic, as needed, as part of a collaboration with the New York State Perinatal Quality Collaborative in partnership with the American College of Obstetrics and Gynecology District II, including a webinar on obstetrical care and implicit bias within the context of the COVID-19.⁹⁴

B. Medical Community Response and Best Practices

The medical community has done a great deal to respond to the maternal mortality crisis, including creating organizations, conducting studies, holding panel discussions, task forces, and seminars, and coming up with best practices and recommendations to improve maternal outcomes⁹⁵. On a national level, the Surgeon General, via the United States Department of Health and Human Services (HHS), issued a list of recommendations for healthcare providers in January 2020, which include⁹⁶:

- **Collect and evaluate your key maternal safety data** for hypertension, hemorrhage, infections, primary C-section rate and opioid addiction. Every hospital should have a systematic approach to reviewing maternal health complications, acting on the data as appropriate and implementing improvement strategies. It is also important to ensure risk-appropriate care is provided to both high- and low-risk patients to decrease unnecessary interventions and improve screening and detection of complications.
- **Examine care disparities in your maternal population.** Break down your data by place, race, ethnicity and other variables appropriate to your organization and community. Analyze the data over a

⁸⁹ *Governor Cuomo Announces Comprehensive Initiative to Target Maternal Mortality and Reduce Racial Disparities in Outcomes*, April 23, 2018, available at <https://www.governor.ny.gov/news/governor-cuomo-announces-comprehensive-initiative-target-maternal-mortality-and-reduce-racial>

⁹⁰ *New York State Taskforce on Maternal Mortality and Disparate Racial Outcomes Recommendations to the Governor to Reduce Maternal Mortality and Racial Disparities*, March 2019, available at https://health.ny.gov/community/adults/women/task_force_maternal_mortality/docs/maternal_mortality_report.pdf

⁹¹ Denis Slattery, *State yet to deliver on Brooklyn doula pilot program expanding Medicaid coverage*, The Daily News, August 12, 2019, available at <https://www.nydailynews.com/news/politics/ny-doula-pilot-program-brooklyn-delayed-medicaid-20190812-nze23w6f6re67n6xepn4c3zdm4-story.html>

⁹² The New York State Taskforce on Maternal Mortality and Disparate Racial Outcomes, *Recommendations to the Governor to Reduce Maternal Mortality and Racial Disparities*, 1, 4 (March 2019), available at https://health.ny.gov/community/adults/women/task_force_maternal_mortality/docs/maternal_mortality_report.pdf.

⁹³ *Secretary to the Governor Melissa DeRosa Issues Report to Governor Cuomo Outlining the COVID-19 Maternity Task Force's Initial Recommendations*, April 29, 2020, available at <https://www.governor.ny.gov/news/secretary-governor-melissa-derosa-issues-report-governor-cuomo-outlining-covid-19-maternity>

⁹⁴ *Id.*

⁹⁵ See Jim Bozen, *How New York City's Public Health Care System Responded to COVID-19* (May 21, 2020), available at <https://knowledge.wharton.upenn.edu/article/new-york-citys-public-health-care-system-responded-covid-19/>; See, e.g., Caribbean Women's Health Association, Inc., Presentation: COVID-19 Response/ Services Available (2020).

⁹⁶ "Achieving Better Health for Mothers and Babies: Taking Action, Saving Lives," Vice Adm. Jerome M. Adams M.D., M.P.H., Surgeon General of the United States and Jay Bhatt, D.O., Senior Vice President and Chief Medical Officer at the American Hospital Association, HHS, Jan. 29, 2020, available at <https://www.hhs.gov/blog/2020/01/29/achieving-better-health-mothers-and-babies.html>.

period of years to help identify disparities and opportunities for improvement in areas, including addressing social determinants of health and maternal health, both prior to and after delivery.

- **Next, engage mothers and their families as advocates for themselves and others.** Empower them to be vocal about their care, and ensure that you have strong referral networks and interventions.
- **Partner with clinicians and stakeholders in your community.** Engage healthcare providers, community and tactical partners, and other stakeholders in these efforts so that together we can improve maternal health and the well-being of babies and families.

The American Medical Association (AMA) supports and recommends similar data-based solutions to improve maternal outcomes:⁹⁷

- State and county health departments must develop a maternal mortality surveillance system, identify barriers and develop strategies to implement evidence-based practices to reduce poor obstetric outcomes in racial and ethnic minorities;
- Establishment of government-funded maternal mortality review committees (MMRCs);
- Expanding access to health care and social services for postpartum women;
- Improving data collection;
- Expanding existing federal grant programs dedicated to scaling best practices to improve maternity care;
- Authorizing states to expand coverage through longer post-partum coverage under Medicaid, the Children’s Health Insurance Program and the Special Supplemental Nutrition Program for Women, Infants and Children.⁹⁸

On a clinical level, the Society for Maternal Fetal Medicine proposes recommendations to improve clinical care for providers, healthcare systems, and medical systems (see chart below).⁹⁹

⁹⁷ “More new moms are dying in U.S. Here’s how to arrest the trend,” AMA, Sep. 24, 2020, available at <https://www.ama-assn.org/delivering-care/population-care/more-new-moms-are-dying-us-here-s-how-arrest-trend>.

⁹⁸ *Id.*

⁹⁹ Joses A. Jain, MD, et al., “SMFM Special Report: Putting the “M” back in MFM: Reducing racial and ethnic disparities in maternal morbidity and mortality: A call to action,” Feb. 2018, available at <https://www.ajog.org/action/showPdf?pii=S0002-9378%2817%2932374-8>.

Recommendations	Rationale	Description
For providers		
Use available preventive therapies for high-risk women.	Prevention strategies in high-risk women can lead to an improvement in healthcare costs and care outcomes. ⁶⁷	Prescribe low-dose aspirin to prevent preeclampsia according to US Preventive Services Task Force guidelines.
Assess baseline end-organ damage among high-risk women.	Black women are more likely to have end-organ damage for any given duration of hypertension. ²⁵	Consider an algorithm for high-risk women who may benefit from a maternal echocardiogram, renal function evaluation, and sleep apnea screening either before or early in pregnancy.
Follow existing clinical guidelines.	Specific societies may have recommendations for the management of medical conditions; only 10–40% of women with hypertension or diabetes mellitus will see a primary care provider within 1 year after delivery. ⁶⁸	Follow existing evidence-based guidelines (American Heart Association guidelines for treatment of hypertension; National Institute for Health and Care Excellence guideline key recommendations for a 6- to 8-week postpartum consultation). ^{29,69}
For healthcare systems		
Provide supportive services that facilitate access to care.	Improved access to care is associated with significant increases in usage, preventive care, healthcare quality, and self-reported health, in addition to reductions in emergency department use. ⁷⁰	Incorporate standardized, culturally appropriate patient education materials that illustrate the link between pregnancy complications and future health.
		Provide transportation vouchers and translation services.
		Provide remote visits and home visits when possible. Consider using community-based initiatives to enhance prenatal and postnatal care.
For hospital systems		
Improve the quality of the care provided.	Black women are more likely to deliver at hospitals that serve a predominately black population and have high rates of morbidity. ²⁶	Incorporate recommended care bundles that are related specifically to hypertension, venous thromboembolism prevention, and postpartum hemorrhage.
		Partner with lower resource hospitals to help improve healthcare quality.
Implement maternal morbidity and mortality reviews.	Mortality reviews can help identify areas of substandard care that need improvement. ⁷¹	Undertake a systematic, multidisciplinary review of all cases of death and severe morbidity. ⁷²
		Establish a mechanism to disseminate knowledge gained from those reviews.

Jain. SMFM special report. Am J Obstet Gynecol 2018.

The American College of Obstetricians and Gynecologists have issued recommendations to specifically address racial and ethnic disparities in obstetrics and gynecology¹⁰⁰:

- Raise awareness of health disparities among colleagues, practice staff, and administrators through grand rounds presentations, office staff meetings, and resident and student lectures.
- Recommend and support quality improvement projects that identify and develop initiatives to target specific disparities within local health care systems.
- Educate staff and colleagues about community resources for women with limited access to health care.
- Work collaboratively with local public health authorities to address disparities in environmental exposures, health education and literacy, and women's health services and outcomes (e.g., breast and cervical cancer screening, maternal and infant mortality).
- Encourage health system leadership to advocate for local, state, and national policies to improve women's health care and reduce disparities.

In New York City, doctors and the medical community have also worked to address maternal health outcomes outside the formal hospital and healthcare setting. For example, Dr. Taraneh Shirazian, an Obstetrician/Gynecologist at NYU Langone founded the non-profit Saving Mothers, which operates around the world and in New York City in underserved areas using low-cost, high-impact programs for women that aim to

¹⁰⁰ "Racial and Ethnic Disparities in Obstetrics and Gynecology," American College of Obstetricians and Gynecologists, Dec. 2015, available at <https://www.acog.org/clinical/clinical-guidance/committee-opinion/articles/2015/12/racial-and-ethnic-disparities-in-obstetrics-and-gynecology>.

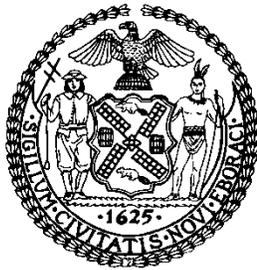
decrease death in pregnancy and delivery.¹⁰¹ This year, Saving Mothers created a program in New York City called “mPOWHER,” which teaches community health workers how to identify high-risk patients in the home, how to talk about complications, teach about medical risk in pregnancy, and teach pregnant women how to communicate with their physicians to help ensure their health is prioritized in the health care system.¹⁰²

V. ANALYSIS OF INT. NO. 2042-A

Int. No. 2042-A would require DOHMH to post information about licensed midwives, including the services they offer and how to find them, on the DOHMH website. Since introduction, the bill hasn’t had any substantial edits.

This legislation would take effect immediately.

(The following is the text of the Fiscal Impact Statement for Int. No. 2042-A:)



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

PROPOSED INTRO. NO: 2042-A

COMMITTEE: Health

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to posting information about midwives online.

SPONSORS: Council Members Gibson, Yeger, Rosenthal, Perkins, Ayala, Chin, Cumbo, Adams, Rose, Louis, Cornegy, Barron, D. Diaz and Riley.

SUMMARY OF LEGISLATION: Proposed Intro. No. 2042-A would require the Department of Health and Mental Hygiene (DOHMH) to post information about licensed midwives, including the services they offer and how to find them, on the DOHMH website.

EFFECTIVE DATE: This local law would take effect immediately.

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 the proposed legislation would have no impact on revenues.

¹⁰¹ See, “This Doctor Is Helping Pregnant NYC Women in the Pandemic With Lessons From Abroad,” May 19, 2020, available at <https://opmed.doximity.com/articles/this-doctor-is-helping-pregnant-nyc-women-in-the-pandemic-with-lessons-from-abroad>; see also, Saving Mothers, available at <https://savingmothers.org/our-vision/>.

¹⁰² *Id.*

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of Proposed Intro No. 2042-A as DOHMH would utilize existing resources to comply with the requirements of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
Department of Health and Mental Hygiene

ESTIMATE PREPARED BY: Lauren Hunt, Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director, NYC Council Finance Division
Crilhien R. Francisco, Unit Head, NYC Council Finance Division
Stephanie Ruiz, Assistant Counsel, NYC Council Finance Division

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on August 27, 2020 and was referred to the Committee on Health (Committee). A hearing was held by the Committee jointly with the Committee on Women and Gender Equity and the Committee on Hospitals on February 7, 2020, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 2042-A, will be considered on May 26, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 2042-A will be submitted to the full Council for a vote on May 27, 2021.

DATE PREPARED: May 24, 2021.

Accordingly, this Committee recommends its adoption, as amended

(The following is the text of Int. No. 2042-A:)

Int. No. 2042-A

By Council Members Gibson, Yeger, Rosenthal, Perkins, Ayala, Chin, Cumbo, Adams, Rose, Louis, Cornegy, Barron, D. Diaz, Riley, Rivera, Ampry-Samuel, Koslowitz and Gennaro.

A Local Law to amend the administrative code of the city of New York, in relation to posting information about midwives online

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding new section 17-199.17 to read as follows:

§ 17-199.17 *Information on midwives. a. Definitions. For the purposes of this section, "midwife" means an individual who is licensed or certified to practice midwifery in New York state.*

b. The department shall make available information on the services offered by midwives and information on how to find a midwife on the department's website, in English and in each of the designated citywide languages as defined in section 23-1101.

§ 2. This local law takes effect immediately.

MARK D. LEVINE, *Chairperson*; MATHIEU EUGENE; INEZ D. BARRON ALICKA AMPRY-SAMUEL, ROBERT F. HOLDEN, KEITH POWERS, DARMA V. DIAZ, SELVENA N. BROOKS-POWERS; Committee on Health, May 26, 2021 (Remote Hearing).

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 Housing and Buildings

Report for Int. No. 1128-A

Report of the Committee on Housing and Buildings 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 fences at stalled construction sites.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on September 26, 2018 (Minutes, page 3757), respectfully

REPORTS:

Introduction

On May 27, 2021, the Committee on Housing and Buildings, chaired by Council Member Robert Cornegy, Jr., held a hearing on Int. No. 1128-A. The original bill was first heard on January 29, 2019. More information about this bill, along with the materials for that hearing, can be found at <https://on.nyc.gov/3hQDIk0>.

Int. No. 1128-A

Section 3307 of the New York City Building Code requires that, in order to protect pedestrians, construction sites be enclosed with a green wooden fence that contains at least one plexiglass viewing panel per side. When the work at a construction site has stopped for an extended period, this wooden fence can subsequently fall into disrepair and become subject to vandalism. A 2011 report issued by the then Manhattan Borough President found that of 129 stalled construction sites in Manhattan, 37% had issues with litter, and 60% had fencing that had been vandalized or had otherwise fallen into disrepair.¹

Int. No. 1128-A would require that the green wooden construction fence be replaced with a chain link fence where work at a construction site has stopped for at least two years. Prior to replacing the fence, a registered design professional would be required to certify that all construction or demolition equipment and any hazardous, or otherwise dangerous, materials have been either removed from the site or secured. When construction work at the site is ready to resume, this bill requires that the chain link fence be replaced with a green wooden fence.

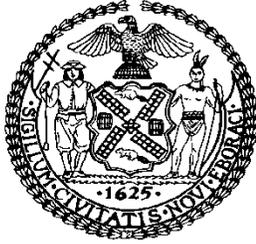
Int. No. 1128-A would take effect 180 days after it becomes law but would only apply to construction sites where work has stopped for two continuous years after the effective date.

Update

On Thursday, May 27, 2021, the Committee adopted Int. No. 1128-A by a vote of nine in the affirmative, zero in the negative, and zero abstentions.

(The following is the text of the Fiscal Impact Statement for Int. No. 1128-A:)

¹ John Del Signore, *Manhattan's Stalled Construction Sites Could Become Urban Oases*, GOTHAMIST, Sep. 26, 2011, <https://gothamist.com/news/manhattans-stalled-construction-sites-could-become-urban-oases>.



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

PROPOSED INT. NO: 1128-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to fences at stalled construction sites. **SPONSORS:** Council Members Holden, Borelli, Ulrich, Yeger, Gjonaj, Dromm, Rodriguez, Koo, and Moya.

SUMMARY OF LEGISLATION: Proposed Int. No. 1128-A would require that the green wooden fences at construction sites where work has been stalled for over two years be replaced with chain link fences.

EFFECTIVE DATE: This local law would take effect 180 days after it becomes law and shall only apply to sites where work has been discontinued for two continuous years after the effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because existing resources would be used to implement the provisions of this local law.

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: Luke Zangerle, Financial Analyst

ESTIMATED REVIEWED BY: Chima Obichere, Unit Head
Stephanie Ruiz, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on September 26, 2018 as Int. 1128 and was referred to the Committee on Housing and Buildings (Committee). A hearing was held by the Committee on January 29, 2019, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 1128-A, will be considered by the Committee on May 27, 2021. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on May 27, 2021.

DATE PREPARED: May 25, 2021.

Accordingly, this Committee recommends its adoption, as amended

(The following is the text of Int. No. 1128-A:)

Int. No. 1128-A

By Council Members Holden, Borelli, Ulrich, Yeger, Gjonaj, Dromm, Rodriquez, Koo, Moya Gennaro and Koslowitz.

A Local Law to amend the administrative code of the city of New York, in relation to fences at stalled construction sites

Be it enacted by the Council as follows:

Section 1. Section 3307.7 of the New York city building code, as amended by local law 141 for the year 2013, is amended to read as follows:

3307.7 Fences. All sites where a new building is being constructed, or a building is being demolished to grade, shall be enclosed with a fence. Fences shall also be installed to fully or partially enclose sites, as necessary, where there exists an open excavation, an unenclosed portion of a building accessible at grade, or other hazard to the public. Such fences shall be at least 8 feet (2438 mm) high, built solid for their entire length out of wood or other suitable material, and shall be returned at the ends to the extent necessary to effectively close off the site.

Exceptions:

1. The commissioner may approve the use of a chain link fence to:

[1.] (i) Secure a site where work has been interrupted or abandoned and discontinued, and a registered design professional has certified that all construction or demolition equipment and material that pose a hazard to the safety of the public and property have been removed from the site or safely secured. Prior to the resumption of work, the chain link fence shall be replaced by a solid fence meeting the requirements of this section.

[2.] (ii) Secure portions of a site where a one- two- or three-family building, or a commercial building 40 feet (12 192 mm) or less in height, is being constructed or demolished and such building is setback at least 15 feet (4572 mm) from sidewalks or spaces accessible to the public and 5 feet (1524 mm) from adjoining buildings or structures.

2. Chain link fence shall be installed and maintained to secure a site where work has been discontinued for not less than two continuous years after a registered design professional has certified that all construction or demolition equipment and material that pose a hazard to the safety of the public and property have been removed from the site or safely secured. Prior to the resumption of work, the chain link fence shall be replaced by a solid fence meeting the requirements of this section.

§ 2. This local law takes effect 180 days after it becomes law and shall only apply to sites where work has been discontinued for two continuous years after such effective date.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, BILL PERKINS, MARK GJONAJ, CARLINA RIVERA, FARAH

N. LOUIS; Committee on Housing and Buildings, May 27, 2020 (Remote Hearing). *Other Council Member Attending: Council Member Holden.*

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. 777

Report of the Committee on Land Use in favor of approving Application number C 210027 ZMX (Arthur Avenue Hotel Rezoning) submitted by 2461 Hughes Associates LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3c, eliminating from within an existing R6 District a C2-4 District, changing from an R6 District to a C6-1 District, and establishing within an existing R6 District a C1-4 District, Borough of the Bronx, Community District 6, Council District 15.

The Committee on Land Use, to which the annexed Land Use item was referred on April 22, 2021 (Minutes, page 956) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BRONX CB-6 - TWO APPLICATIONS RELATED TO ARTHUR AVENUE HOTEL REZONING

C 210027 ZMX (L.U. No. 777)

City Planning Commission decision approving an application submitted by 2461 Hughes Associates, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3c:

1. eliminating from within an existing R6 District a C2-4 District bounded by a line 145 feet northeasterly of East 188th Street, a line midway between Arthur Avenue and Hughes Avenue, East 188th Street, and Arthur Avenue;
2. changing from an R6 District to a C6-1 District property bounded by a line 145 feet northeasterly of East 188th Street, Hughes Avenue, East 188th Street, and Arthur Avenue; and
3. establishing within an existing R6 District a C1-4 District bounded by the southwesterly boundary line of Vincent Ciccarone Playground and its northwesterly and southeasterly prolongations, Hughes Avenue, a line 100 feet northeasterly of East 188th Street, and Arthur Avenue;

as shown on a diagram (for illustrative purposes only) dated January 4, 2021, and subject to the conditions of CEQR Declaration E-599.

N 210028 ZRX (L.U. No. 778)

City Planning Commission decision approving an application submitted by 2461 Hughes 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 the amendment to rezone the project area from R6 and R6/C2-4 to a C6-1 zoning district on Block 3077, Lots 29, 31, 33, p/o 34, 53, 54, 55, 56, 58 ("Rezoning Area 1") and from an R6 to an R6/C1-4 zoning district on Block 3077, Lots p/o 4, p/o 6 ("Rezoning Area 2"); and amend zoning text to designate a Mandatory Inclusionary Housing (MIH) area utilizing Options 2 and 4-Workforce Option to facilitate the development of two new buildings comprised of a seven-story residential building and a 13-story hotel fronting East 188th Street in the Belmont neighborhood of The Bronx, Community District 6.

PUBLIC HEARING

DATE: May 4, 2021

Witnesses in Favor: Nine

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: May 19, 2021

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on L.U. Nos. 777 and 778.

In Favor:

Moya, Levin, Reynoso, Grodenchik, Ayala, Rivera, Borelli.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: May 25, 2021

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Koo, Levin, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, R. Diaz Sr., Moya, Rivera, Riley, Feliz, Borelli.

Against:

Barron

Abstain:

None

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

Res. No. 1655

Resolution approving the decision of the City Planning Commission on ULURP No. C 210027 ZMX, a Zoning Map amendment (L.U. No. 777).

By Council Members Salamanca and Moya.

WHEREAS, 2461 Hughes 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. 3c, eliminating from within an existing R6 District a C2-4 District, changing from an R6 District to a C6-1 District, and establishing within an existing R6 District a C1-4 District, which in conjunction with the related action would facilitate the development of two new buildings comprised of a seven-story residential building and a 13-story hotel fronting East 188th Street in the Belmont neighborhood of The Bronx, Community District 6 (ULURP No. C 210027 ZMX), (the "Application");

WHEREAS, the City Planning Commission filed with the Council on April 16, 2021, its decision dated April 7, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to application N 210028 ZRX (L.U. No. 778), 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 May 4, 2021;

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 January 4th, 2021 (CEQR No. 21DCP079X), which includes an (E) designation to avoid the potential for significant adverse impacts related to air quality and hazardous materials impacts (E-599) (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-599) 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 210027 ZMX, 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. 3c:

1. eliminating from within an existing R6 District a C2-4 District bounded by a line 145 feet northeasterly of East 188th Street, a line midway between Arthur Avenue and Hughes Avenue, East 188th Street, and Arthur Avenue;
2. changing from an R6 District to a C6-1 District property bounded by a line 145 feet northeasterly of East 188th Street, Hughes Avenue, East 188th Street, and Arthur Avenue; and
3. establishing within an existing R6 District a C1-4 District bounded by the southwesterly boundary line of Vincent Ciccarone Playground and its northwesterly and southeasterly prolongations, Hughes Avenue, a line 100 feet northeasterly of East 188th Street, and Arthur Avenue;

as shown on a diagram (for illustrative purposes only) dated January 4, 2021, and subject to the conditions of CEQR Declaration E-599, Borough of the Bronx, Community District 6.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, May 25, 2021 (Remote Hearing).

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. 778

Report of the Committee on Land Use in favor of approving Application number N 210028 ZRX (Arthur Avenue Hotel Rezoning) submitted by 2461 Hughes 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 the Bronx, Community District 6, Council District 15.

The Committee on Land Use, to which the annexed Land Use item was referred on April 22, 2021 (Minutes, page 956) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 777 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1656

Resolution approving the decision of the City Planning Commission on Application No. N 210028 ZRX, for an amendment of the text of the Zoning Resolution (L.U. No. 778).

By Council Members Salamanca and Moya.

WHEREAS, 2461 Hughes 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 Option 2 and Option 4-Workforce Option, which in conjunction with the related action would facilitate the development of two new buildings comprised of a seven-story residential building and a 13-story hotel fronting East 188th Street in the Belmont neighborhood of The Bronx, Community District 6 (Application No. N 210028 ZRX) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on April 16, 2021, its decision dated April 7, 2021 (the “Decision”), on the Application;

WHEREAS, the Application is related to application C 210027 ZMX (L.U. No. 777), a zoning map amendment to change an R6 and R6/C2-4 zoning districts to a C6-1 zoning district and a R6 zoning district to a R6/C1-4 zoning 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 May 4, 2021;

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 January 4th, 2021 (CEQR No. 21DCP079X), which includes an (E) designation to avoid the potential for significant adverse impacts related to air quality and hazardous materials impacts (E-599) (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-599) 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 210028 ZRX, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Matter underlined is new, to be added;

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

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

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

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

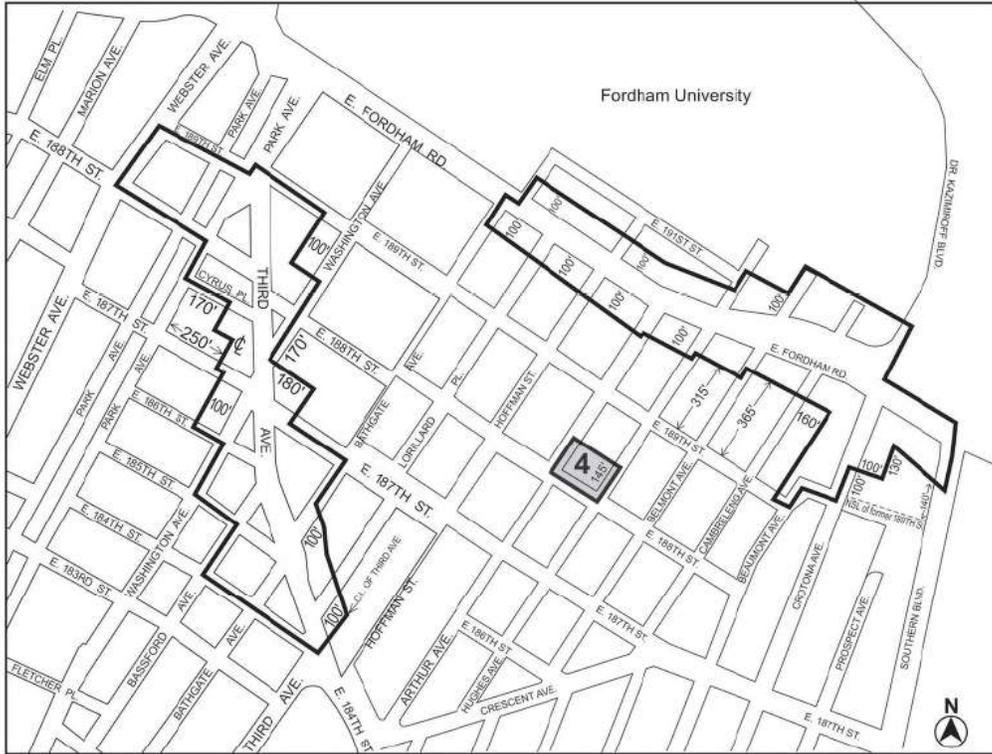
THE BRONX

* * *

The Bronx Community District 6

[PROPOSED]

Map 1 – [Date of adoption]



 Inclusionary Housing designated area

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

Area 4 — [date of adoption] — MIH Program Option 2 and Option 4

Portion of Community District 6, The Bronx

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, May 25, 2021 (Remote Hearing).

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. 779

Report of the Committee on Land Use in favor of approving Application number C 210138 ZMK (Acme Smoked Fish/Gem Street Rezoning) submitted by RP Inlet, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 12c and 13a, changing from an M3-1 District to an M1-5 District property bounded by Meserole Avenue, Banker Street, Wythe Avenue, North 15th Street, and Gem Street, Borough of Brooklyn, Community District 1, Council District 15.

The Committee on Land Use, to which the annexed Land Use item was referred on April 22, 2021 (Minutes, page 957) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****BROOKLYN CB-1 - TWO APPLICATIONS RELATED TO ACME SMOKED FISH/GEM STREET****C 210138 ZMK (L.U. No. 779)**

City Planning Commission decision approving an application submitted by RP Inlet, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 12c and 13a, changing from an M3-1 District to an M1-5 District property bounded by Meserole Avenue, Banker Street, Wythe Avenue, North 15th Street, and Gem Street, Borough of Brooklyn, Community District 1, as shown on a diagram (for illustrative purposes only) dated November 2, 2020, and subject to the conditions of CEQR Declaration E-585.

C 210139 ZSK (L.U. No. 780)

City Planning Commission decision approving an application submitted by RP Inlet, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 74-743 of the Zoning Resolution to modify the height and setback requirements of Section 43-43 (Special provisions for bulk modifications), in connection with a proposed mixed-use development, within a large scale general development, on property bounded by Meserole Avenue, Banker Street, Wythe Avenue, North 15th Street and Gem Street (Block 2615, Lot 1, 6, 19, 21, 25, 50 & 125), in an M1-5 District.

INTENT

To approve the amendment to rezone the project area from an M3-1 district to an M1-5 district and grant an approval of the special permit pursuant to ZR 74-743(a)(2) to permit modification of height and streetwall regulations, allowing front wall heights on Gem Street and Meserole Avenue of 104 feet, in excess of the 85 feet maximum, and penetration of the 2.7: 1 sky exposure plane in the M1-5 zoning district to facilitate the development of a new nine-story, approximately 583,700-square-foot mixed-use commercial and industrial building with 95,299 square feet of manufacturing space for the Acme Smoked Fish Company at 30 Gem Street (Block 2615, Lots 1, 6, 19, 21, 25, 50, and 125) in the Greenpoint neighborhood of Brooklyn, Community District 1.

PUBLIC HEARING

DATE: May 4, 2021

Witnesses in Favor: Ten

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: May 19, 2021

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on L.U. Nos. 779 and 780.

In Favor:

Moya, Levin, Reynoso, Grodenchik, Ayala, Rivera, Borelli.

Against:

None

Abstain:

None.

COMMITTEE ACTION

DATE: May 25, 2021

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Barron, Koo, Levin, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, R. Diaz Sr, Moya, Rivera, Riley, Feliz, Borelli.

Against:

None

Abstain:

None.

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

Res. No. 1657

Resolution approving the decision of the City Planning Commission on ULURP No. C 210138 ZMK, a Zoning Map amendment (L.U. No. 779).

By Council Members Salamanca and Moya.

WHEREAS, RP Inlet, 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 Nos.12c and 13a, changing from an M3-1 District to an M1-5 District, which in conjunction with the related action would facilitate the development of a new nine-story, approximately 583,778 square-foot mixed-use commercial and industrial building with 95,299 square feet of manufacturing space for the Acme Smoked Fish Company within a large-scale general development (LSGD) at 30 Gem Street (Block 2615, Lots 1, 6, 19, 21, 25, 50, and 125), in the Greenpoint neighborhood of Brooklyn, Community District 1 (ULURP No. C 210138 ZMK), (the "Application");

WHEREAS, the City Planning Commission filed with the Council on April 9, 2021, its decision dated April 7, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to application C 210139 ZSK (L.U. No. 780), a special permit to modify bulk regulations pursuant to ZR Section 74-743;

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 May 4, 2021;

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 positive declaration, issued on July 26, 2019 (CEQR No. 20DCP009K) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on March 26, 2021 which significant adverse impacts related to hazardous materials, noise, and air quality would be avoided through the placement of an (E) designation (E-585) on the project sites and the proposed project as analyzed in the FEIS identified significant adverse impacts with respect to construction (vehicular traffic) and transportation (vehicular traffic) and proposed mitigation measures are included in the Restrictive Declaration.

RESOLVED:

Having considered the FEIS with respect to the Decision and Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating, as conditions to the approval, pursuant to the restrictive declaration attached as Exhibit A to City Planning Commission report for C 210139 ZSK, those project components related to environment and mitigation measures that were identified as practicable.

The Decision, together with the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

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 210138 ZMK, 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 Nos 12c and 13a, changing from an M3-1 District to an M1-5 District property bounded by Meserole Avenue, Banker Street, Wythe Avenue, North 15th Street, and Gem Street, Borough of Brooklyn, Community District 1, as shown on a diagram (for illustrative purposes only) dated November 2, 2020, and subject to the conditions of CEQR Declaration E-585.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, May 25, 2021 (Remote Hearing).

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. 780

Report of the Committee on Land Use in favor of approving Application number C 210139 ZSK (Acme Smoked Fish/Gem Street Rezoning) submitted by RP Inlet, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 74-743 of the Zoning Resolution to modify the height and setback requirements of Section 43-43 (Special provisions for bulk modifications), in connection with a proposed mixed-use development, within a large scale general development, on property bounded by Meserole Avenue, Banker Street, Wythe Avenue, North 15th Street and Gem Street (Block 2615, Lot 1, 6, 19, 21, 25, 50 & 125), in an M1-5* District, Borough of Brooklyn, Community District 1, Council District 15.

The Committee on Land Use, to which the annexed Land Use item was referred on April 22, 2021 (Minutes, page 957) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 779 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1658

Resolution approving the decision of the City Planning Commission on ULURP No. C 210139 ZSK, for the grant of a special permit (L.U. No. 780).

By Council Members Salamanca and Moya.

WHEREAS, RP Inlet, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution to modify the height and setback requirements of Section 43-43 (Special provisions for bulk modifications), which in conjunction with the related action would facilitate the development of a new nine-story, approximately 583,700-square-foot mixed-use commercial and industrial building with 95,299 square feet of manufacturing space for the Acme Smoked Fish Company at 30 Gem Street (Block 2615, Lots 1, 6, 19, 21, 25, 50, and 125) in the Greenpoint neighborhood of Brooklyn, Community District 1 (ULURP No. C 210139 ZSK) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on April 9, 2021, its decision dated April 7, 2021 (the “Decision”) on the Application;

WHEREAS, the Application is related to application C 210138 ZMK (L.U. 779), a zoning map amendment to change an M3-1 zoning district to an M1-5 zoning district;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-743(a)(2) of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on May 4, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the positive declaration, issued on July 26, 2019 (CEQR No. 20DCP009K) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on March 26, 2021 which significant adverse impacts related to hazardous materials, noise, and air quality would be avoided through the placement of an (E) designation (E-585) on the project sites and the proposed project as analyzed in the FEIS identified significant adverse impacts with respect to construction (vehicular traffic) and transportation (vehicular traffic) and proposed mitigation measures are included in the Restrictive Declaration.

RESOLVED:

Having considered the FEIS with respect to the Decision and Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;

- (2) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating, as conditions to the approval, pursuant to the restrictive declaration attached as Exhibit A to City Planning Commission report for C 210139 ZSK, those project components related to environment and mitigation measures that were identified as practicable.

The Decision, together with the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

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 210139 ZSK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

- 1. The property that is the subject of this application (C 210139 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specification and zoning computation indicated on the following approved plans, prepared by Gensler and MPFP, filed with this application and incorporated into this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-001.00	Zoning Analysis	10/21/2020
Z-002.00	LSGD Site Plan	10/21/2020
Z-020.00	Zoning Diagram Waiver	10/21/2020
Z-030.00	Zoning Sections	10/21/2020
Z-031.00	Zoning Sections	10/21/2020
Z-070.00	Flood Elevation Plan	10/21/2020
Z-01.00	Zoning Lot Site Plan Plaza Level	10/30/2020
L-100.00	Public Accessible Area Plan	12/07/2020
L-200.00	Furnishing Plan	12/07/2020
L-300.00	Grading and Paving Plan	12/07/2020
L-400.00	Planting and Lighting Plan	12/07/2020
L-401.00	Photometric Plan	12/07/2020
L-500.00	Circulation Plan	12/07/2020
L-600.00	Section	10/21/2020
L-601.00	Section	10/21/2020
L-602.00	Section	10/21/2020
L-603.00	Section	10/21/2020
L-700.00	Paving, Wall, and Step Details	10/21/2020
L-701.00	Precast Plaza Bench Details	10/21/2020
L-702.00	Sculptural Plaza Bench Details	10/21/2020
L-703.00	Planting and Lighting Details	10/30/2020
L-704.00	Details	10/30/2020

- 2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

3. Such development shall conform to all applicable laws and regulation relating to its construction, operation, and maintenance.
4. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached hereto as Exhibit A, with such administrative changes as are acceptable to Counsel to the Department of City Planning, has been executed and recorded in the Office of the City Register, New York County. Such restrictive declaration shall be deemed incorporated herein as a condition to this resolution.
5. The development shall include those mitigation measures listed in the Final Impact Statement (CEQR No. 19DCP220K) issued on March 26th, 2021 and identified as practicable.
6. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee, or occupant.
7. Upon failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreement, terms or conditions of this resolution whose provisions shall be constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.
8. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, May 25, 2021 (Remote Hearing).

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. 781

Report of the Committee on Land Use in favor of approving Application Number C 200286 ZMX (261 Walton Avenue Rezoning) submitted by Mott Haven Gateway LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6a, eliminating a Special Mixed Use District (MX-13), changing from an M1-4/R6A District to an R8A District, and establishing within the proposed R8A District a C2-4 District, Borough of the Bronx, Community District 1, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on April 29, 2021 (Minutes, page 1085) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

**BRONX CB-1 - TWO APPLICATIONS RELATED TO 261 WALTON AVENUE
REZONING**

C 200286 ZMX (L.U. No. 781)

City Planning Commission decision approving an application submitted by Mott Haven Gateway, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6a:

1. eliminating a Special Mixed Use District (MX-13) bounded by a line 200 feet southwesterly of East 140th Street, Walton Avenue, a line 100 feet northeasterly of East 138th Street, and Major Deegan Boulevard;
2. changing from an M1-4/R6A District to an R8A District property bounded by a line 200 feet southwesterly of East 140th Street, Walton Avenue, a line 100 feet northeasterly of East 138th Street, and Major Deegan Boulevard; and
3. establishing within the proposed R8A District a C2-4 District bounded by a line 200 feet southwesterly of East 140th Street, Walton Avenue, a line 100 feet northeasterly of East 138th Street, and Major Deegan Boulevard;

as shown on a diagram (for illustrative purposes only) dated November 16, 2020, and subject to the conditions of CEQR Declaration E-590.

N 200287 ZRX (L.U. No. 782)

City Planning Commission decision approving an application submitted by Mott Haven Gateway, 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 from an M1-4/R6A to an R8A/C2-4 on a portion of Block 2344, p/o Lot 52 and Lot 60 of a Special Mixed-Use District and amend zoning text to designate a Mandatory Inclusionary Housing (MIH) area utilizing Option 1 to facilitate the construction of a 12-story mixed-use development with 190 units of affordable housing, 48 of which would be permanently affordable, at 261 Walton Avenue in the Lower Concourse neighborhood of the Bronx, Community District 1.

PUBLIC HEARING**DATE:** May 4, 2021**Witnesses in Favor:** Four**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** May 19, 2021

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on L.U. Nos. 781 and 782.

In Favor:

Moya, Levin, Reynoso, Grodenchik, Ayala, Rivera, Borelli.

Against:

None

Abstain:

None.

COMMITTEE ACTION**DATE:** May 25, 2021

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Barron, Koo, Levin, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, R. Diaz Sr., Moya, Rivera, Riley, Feliz, Borelli.

Against:

None

Abstain:

None.

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

Res. No. 1659

Resolution approving the decision of the City Planning Commission on ULURP No. C 200286 ZMX, a Zoning Map amendment (L.U. No. 781).

By Council Members Salamanca and Moya.

WHEREAS, Mott Haven Gateway, 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. 6a, eliminating a Special Mixed Use District (MX-13), changing from an M1-4/R6A District to an R8A District, and establishing within the proposed

R8A District a C2-4 District, which in conjunction with the related action would facilitate the construction of a 12-story mixed-use development with 190 units of affordable housing, 48 of which would be permanently affordable, at 261 Walton Avenue in the Lower Concourse neighborhood of the Bronx, Community District 1 (ULURP No. C 200286 ZMX), (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on April 26, 2021, its decision dated April 21, 2021 (the “Decision”) on the Application;

WHEREAS, the Application is related to application N 200287 ZRX (L.U. No. 782), 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 May 4, 2021;

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 November 16th, 2020 (CEQR No. 20DCP156X), which includes an (E) designation to avoid the potential for significant adverse impacts related to air quality and hazardous materials (E-590) (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-590) 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 200286 ZMX, 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. 6a:

1. eliminating a Special Mixed Use District (MX-13) bounded by a line 200 feet southwesterly of East 140th Street, Walton Avenue, a line 100 feet northeasterly of East 138th Street, and Major Deegan Boulevard;
2. changing from an M1-4/R6A District to an R8A District property bounded by a line 200 feet southwesterly of East 140th Street, Walton Avenue, a line 100 feet northeasterly of East 138th Street, and Major Deegan Boulevard; and
3. establishing within the proposed R8A District a C2-4 District bounded by a line 200 feet southwesterly of East 140th Street, Walton Avenue, a line 100 feet northeasterly of East 138th Street, and Major Deegan Boulevard;

as shown on a diagram (for illustrative purposes only) dated November 16, 2020, and subject to the conditions of CEQR Declaration E-590, Borough of the Bronx, Community District 1.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, May 25, 2021 (Remote Hearing).

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. 782

Report of the Committee on Land Use in favor of approving Application Number N 200287 ZRX (261 Walton Avenue Rezoning) submitted by Mott Haven Gateway 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 in the Borough of Bronx, Community District 1, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on April 29, 2021 (Minutes, page 1085) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 781 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1660

Resolution approving the decision of the City Planning Commission on Application No. N 200287 ZRX, for an amendment of the text of the Zoning Resolution (L.U. No. 782).

By Council Members Salamanca and Moya.

WHEREAS, Mott Haven Gateway, 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 Option 1, which in conjunction with the related action would facilitate the construction of a 12-story mixed-use development, which would include 190 affordable housing units, 48 of which would be permanently affordable, at 261 Walton avenue in the Lower Concourse neighborhood of Bronx, Community District 1 (Application No. N 200287 ZRX) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on April 26, 2021, its decision dated April 21, 2021 (the “Decision”), on the Application;

WHEREAS, the Application is related to application C 200286 ZMX (L.U. No. 781), a zoning map amendment to rezone an M1-4/R6A zoning district to an R8A/C2-4 zoning 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 May 4, 2021;

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 November 16th, 2020 (CEQR No. 20DCP156X), which includes an (E) designation to avoid the potential for significant adverse impacts related to air quality and hazardous materials (E-590) (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-590) 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 200287 ZRX, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Matter underlined is new, to be added;

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

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

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

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

THE BRONX

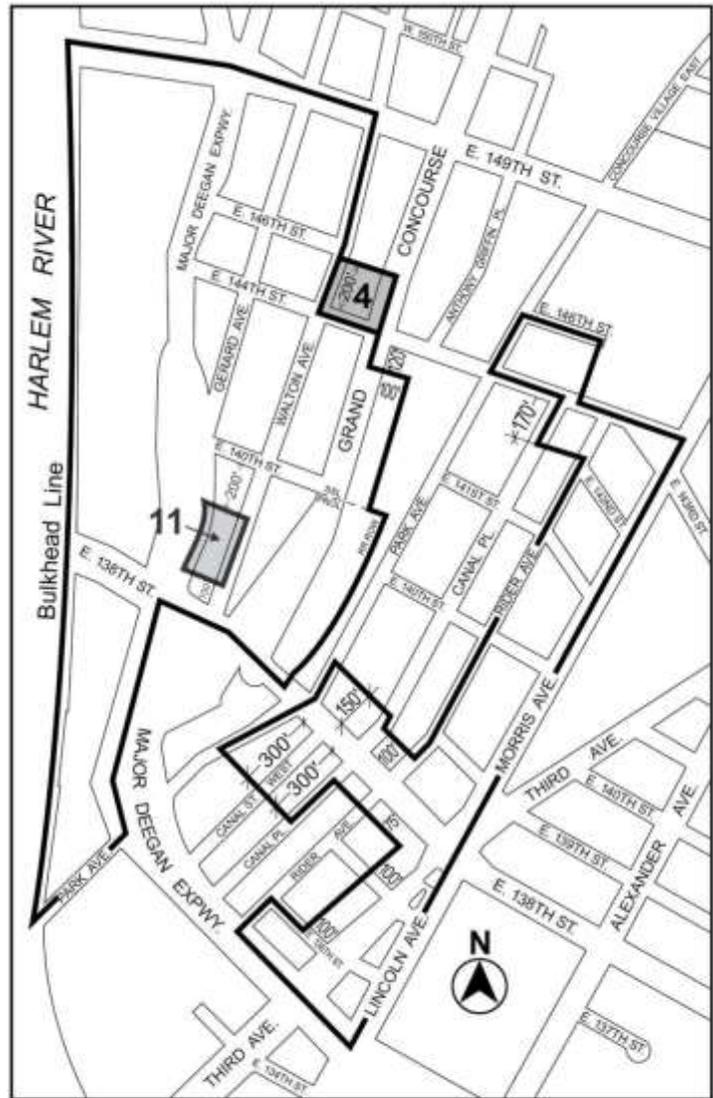
* * *

The Bronx Community District 1

* * *

Map 1- [Date of Adoption]

[PROPOSED MAP]



- Inclusionary Housing designated area
- Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
- Area 4 – 2/14/18 MIH Program Option 1
- Area 11 — [date of adoption] — MIH Program Option 1

Portion of Community District 1, The Bronx

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, May 25, 2021 (Remote Hearing).

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. 783

Report of the Committee on Land Use in favor of approving Application Number C 210033ZMK (Neptune Avenue Rezoning) submitted by McDonald's Corporation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 28d, eliminating from within an existing R6 District a C1-2 District, and establishing within an existing R6 District a C2-4 District, Borough of Brooklyn, Community District 13, Council District 48.

The Committee on Land Use, to which the annexed Land Use item was referred on April 29, 2021 (Minutes, page 1085) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****BROOKLYN CB - 13****C 210033 ZMK**

City Planning Commission decision approving an application submitted by McDonald's Corporation, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 28d:

1. eliminating from within an existing R6 District a C1-2 District bounded by Neptune Avenue, West 6th Street, Sheepshead Bay Road, and a line 150 feet westerly of West 6th Street; and
2. establishing within an existing R6 District a C2-4 District bounded by Neptune Avenue, West 6th Street, Sheepshead Bay Road, and a line 150 feet westerly of West 6th Street;

as shown on a diagram (for illustrative purposes only) dated November 30, 2020.

INTENT

To approve an amendment to rezone from R6/C1-2 to R6/C2-4 commercial overlay within the Special Ocean Parkway District to facilitate the legalization of an existing accessory drive through facility and modification to the Restrictive Declaration in an existing eating and drinking establishment at 606 Neptune Avenue located in the West Brighton neighborhood of Brooklyn, Community District 13.

PUBLIC HEARING**DATE:** May 4, 2021**Witnesses in Favor:** One**Witnesses Against:** None

SUBCOMMITTEE RECOMMENDATION**DATE:** May 19, 2021

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

In Favor:

Moya, Levin, Reynoso, Grodenchik, Ayala, Rivera, Borelli.

Against:

None

Abstain:

None.

COMMITTEE ACTION**DATE:** May 25, 2021

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Barron, Koo, Levin, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, R. Diaz Sr., Moya, Rivera, Riley, Feliz, Borelli.

Against:

None

Abstain:

None.

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

Res. No. 1661

Resolution approving the decision of the City Planning Commission on ULURP No. C 210033 ZMK, a Zoning Map amendment (L.U. No. 783).

By Council Members Salamanca and Moya.

WHEREAS, McDonald's Corporation, 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. 28d, eliminating from within an existing R6 District a C1-2 District and establishing within an existing R6 District a C2-4 District, in Brooklyn, Community District 13 (ULURP No. C 210033 ZMK) (the "Application");

WHEREAS the City Planning Commission filed with the Council on April 26, 2021, its decision dated April 21, 2021 (the "Decision") on the Application;

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 May 4, 2021;

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 November 30th, 2020 (CEQR No. 20DCP115K) (the “Negative Declaration”).

RESOLVED:

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

Pursuant to Section 197-d of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 210033 ZMK, 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. 28d:

1. eliminating from within an existing R6 District a C1-2 District bounded by Neptune Avenue, West 6th Street, Sheepshead Bay Road, and a line 150 feet westerly of West 6th Street; and
2. establishing within an existing R6 District a C2-4 District bounded by Neptune Avenue, West 6th Street, Sheepshead Bay Road, and a line 150 feet westerly of West 6th Street;

as shown on a diagram (for illustrative purposes only) dated November 30, 2020, Borough of Brooklyn, Community District 13.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, May 25, 2021 (Remote Hearing).

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. 784

Report of the Committee on Land Use in favor of approving Application Number C 210049 ZMK (300 Huntington Street) submitted by 300 Huntington Street LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c, changing from an existing M2-1 District to an M2-3 District property bounded by Huntington Street, the centerline of the Gowanus Canal, West 9th Street, and Smith Street, Borough of Brooklyn, Community District 6, Council District 39.

The Committee on Land Use, to which the annexed Land Use item was referred on April 29, 2021 (Minutes, page 1085) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT**BROOKLYN CB - 6 C 210049 ZMK**

City Planning Commission decision approving an application submitted by 300 Huntington Street, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c, changing from an existing M2-1 District to an M2-3 District property bounded by Huntington Street, the centerline of the Gowanus Canal, West 9th Street, and Smith Street.

INTENT

To approve an amendment to rezone an existing M2-1 District to an M2-3 District to facilitate the development of a new six-story manufacturing and commercial building and waterfront public access area at 300 Huntington Street (Block 477, Lot 8) in the Gowanus neighborhood of Brooklyn, Community District 6.

PUBLIC HEARING

DATE: May 4, 2021

Witnesses in Favor: Six

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: May 19, 2021

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

In Favor:

Moya, Levin, Reynoso, Grodenchik, Ayala, Rivera, Borelli.

Against:

None

Abstain:

None.

COMMITTEE ACTION

DATE: May 25, 2021

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Koo, Levin, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, R. Diaz Sr., Moya, Rivera, Riley, Feliz, Borelli.

Against:

Barron

Abstain:

None

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

Res. No. 1662

Resolution approving the decision of the City Planning Commission on ULURP No. C 210049 ZMK, a Zoning Map amendment (L.U. No. 784).

By Council Members Salamanca and Moya.

WHEREAS, 300 Huntington Street, 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. 16c, changing from an existing M2-1 District to an M2-3 District, in Brooklyn, Community District 6 (ULURP No. C 210049 ZMK) (the "Application");

WHEREAS the City Planning Commission filed with the Council on April 26, 2021, its decision dated April 21, 2021 (the "Decision") on the Application;

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 May 4, 2021;

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 November 13th, 2020 (CEQR No. 20DCP080K), which includes an (E) designation to avoid the potential for significant adverse impacts related to air quality, noise, and hazardous materials impacts (E-563) (the "Negative Declaration").

RESOLVED:

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

Pursuant to Sections 197-d and 201 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 210049 ZMK, 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. 16c:

1. changing from an existing M2-1 District to an M2-3 District property bounded by Huntington Street, the centerline of the Gowanus Canal, West 9th Street, and Smith Street

as shown on a diagram (for illustrative purposes only) dated November 16, 2020, Borough of Brooklyn, Community District 6.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, May 25, 2021 (Remote Hearing).

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. 785

Report of the Committee on Land Use in favor of approving, as modified, Application Number C 200282 ZMQ (30-02 Newtown Avenue) submitted by MEDREP Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9a, by changing from an existing C4-4A District to a C4-4D District property bounded by 30th Street, Newtown Avenue, 31st Street, a line 210 feet northeasterly of 30th Avenue, a line 100 feet northwesterly of 31st Street, and a line 285 feet northeasterly of 30th Avenue, Borough of Queens, Community District 1, Council District 22.

The Committee on Land Use, to which the annexed Land Use item was referred on April 29, 2021 (Minutes, page 1086), respectfully

REPORTS:

SUBJECT

QUEENS CB-1 – TWO APPLICATIONS RELATED TO 30-02 NEWTOWN AVENUE

C 200282 ZMQ (L.U. No. 785)

City Planning Commission decision approving an application submitted by MEDREP Associates, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9a, by changing from an existing C4-4A District to a C4-4D District property bounded by 30th Street, Newtown Avenue, 31st Street, a line 210 feet northeasterly of 30th Avenue, a line 100 feet northwesterly of 31st Street, and a line 285 feet northeasterly of 30th Avenue, Borough of Queens, Community District 1, as shown on a diagram (for illustrative purposes only) dated December 14, 2020, and subject to the conditions of CEQR Declaration E-593.

N 200283 ZRQ (L.U. No. 786)

City Planning Commission decision approving an application submitted by MEDREP 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 with MIH Option 1 and Option 2.

INTENT

To approve the amendment to rezone the project area from a C4-4A to a C4-4D zoning district and to approve with modifications the amendment of the zoning text to modify Appendix F and establish the Project Area as a Mandatory Inclusionary Housing (MIH) designated area with MIH Option 1 to facilitate the development of an 11-story mixed-use building containing 104 residential units, ground floor commercial space, and community facility space in the cellar at 30-02 Newtown Avenue in the Astoria neighborhood of Queens, Community District 1.

PUBLIC HEARING

DATE: May 4, 2021

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: May 19, 2021

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on L.U. No. 785 and approve with modifications the decision of the City Planning Commission on L.U. No. 786.

In Favor:

Moya, Levin, Reynoso, Grodenchik, Ayala, Rivera, Borelli.

Against:

None

Abstain:

None.

COMMITTEE ACTION

DATE: May 25, 2021

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Barron, Koo, Levin, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, R. Diaz Sr., Moya, Rivera, Riley, Feliz, Borelli.

Against:

None

Abstain:

None.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, May 25, 2021 (Remote Hearing).

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. 786

Report of the Committee on Land Use in favor of approving, as modified, Application Number N 200283 ZRQ (30-02 Newtown Avenue) submitted by MEDREP 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, Community District 1, Council District 22.

The Committee on Land Use, to which the annexed Land Use item was referred on April 29, 2021 (Minutes, page 1086) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 785 printed in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, May 25, 2021 (Remote Hearing).

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 Public Housing

Report for Int. No. 415-A

Report of the Committee on Public Housing in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department for the aging to report annually on senior centers within public housing developments.

The Committee on Public Housing, to which the annexed proposed amended local law was referred on February 14, 2018 (Minutes, page 640), respectfully

REPORTS:

INTRODUCTION

On May 26, 2021, the Committee on Public Housing, chaired by Council Member Alicka Ampry-Samuel, will hold a hearing on Proposed Int. No. 415-A, in relation to requiring the department for the aging to report annually on senior centers within public housing developments, and Proposed Int. No. 1827-A, in relation to establishing a public housing liaison within the department for the aging. The original bills were first heard on April 7, 2021. More information about these bills, along with the materials for that hearing, can be found at <https://tinyurl.com/Syb7zayz>.

Proposed Int. No. 415-A

The New York City Department for the Aging (DFTA) is the City's lead agency for addressing policy and service concerns regarding the City's older population.¹ DFTA is required by state and federal law to provide various services to seniors, including access to nutrition, benefits counseling, employment opportunities, legal assistance, and in-home services.² One way DFTA provides these services is through DFTA-contracted senior centers. Currently, DFTA has 249 contracted senior centers;³ however, in response to the COVID-10 pandemic, DFTA-contracted senior centers closed for indoor programming in March 2020 and have yet to reopen.⁴ According to DFTA, of those 249 DFTA-contracted senior centers, 74 are located at developments of the New York City Housing Authority (NYCHA).⁵ It has been reported, however, that it is unclear who is responsible for receiving and addressing complaints about DFTA-contracted senior centers at these locations, particularly complaints concerning the facilities rather than merely the programming.

In 2018, the City Council enacted Local Law 140,⁶ requiring DFTA to provide annual reports about senior centers receiving DFTA funding, including but not limited to information on participant attendance, services, budgets, meals, costs, and rates of utilization at senior centers.

Proposed Int. No. 415-A would amend the existing reporting requirements set forth in Local Law 140 so that DFTA must also include in its report whether a senior center is located on NYCHA property, the name of the service provider at each senior center located on NYCHA property, complaints received about those senior center facilities, and steps taken to address those complaints.

This legislation would take effect immediately.

¹ N.Y.C. Department for the Aging Annual Plan Summary, Nov. 2020, *available at* <https://www1.nyc.gov/assets/dfta/downloads/pdf/reports/AnnualPlanSummary111820.pdf> at p. 1.

² *Id.*

³ *Id.* at 12.

⁴ *Id.*

⁵ Committee on Aging Hearing Transcript, Oct. 29, 2018, *available at* <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3685465&GUID=759F4528-850A-45DA-88E6-5DB55F6A29D6&Options=&Search=> at p. 10.

⁶ New York City Council, Local Law 140-2018, *available at* <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3332219&GUID=CC47D9AC-6CDD-4A85-987A-CF42807B07D5&Options=Advanced&Search=>.

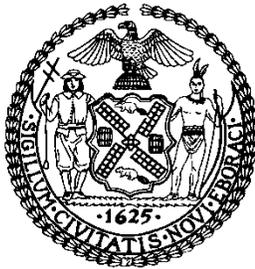
Proposed Int. No. 1827-A

The New York City Housing Authority (NYCHA) has 302 developments across its portfolio, 40 of which are dedicated senior-only developments.⁷ According to NYCHA, approximately 21.8% of its population is age 62 or older.⁸ The 74 senior centers located on NYCHA property are operated by third party providers that contract with DFTA. It has been noted, however, that at these particular senior centers, it is at times unclear which agency or entity is responsible for resolving which issues or complaints.

Proposed Int. No. 1827-A would establish a liaison within DFTA that is responsible for, among other things, coordinating with NYCHA about facilities and other matters impacting older adults in NYCHA, assisting with complaints and grievances regarding senior centers located on NYCHA property, and making recommendations to the Commissioner of DFTA on how to improve programs and facilities for participants of DFTA-contracted senior centers at these locations.

Proposed Int. No. 1827-A would take effect 180 days after enactment.

(The following is the text of the Fiscal Impact Statement for Int. No. 415-A:)



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

PROPOSED INT. NO.: 415-A

COMMITTEE: Public Housing

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the department for the aging to report annually on senior centers within public housing developments

SPONSOR(S): Council Members Chin, Levine, Ampry-Samuel, Cornegy, Riley, and Rivera

SUMMARY OF LEGISLATION: Proposed Int. No. 415-A would amend the reporting requirements established by Local Law Number 140 for the year 2018 to require additional information about senior centers on property owned by the New York City Housing Authority, including the name of the service provider at those locations, complaints received about that center’s facilities, and steps taken to address those complaints.

EFFECTIVE DATE: This legislation would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 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

⁷ See NYCHA 2020 Fact Sheet, available at https://www1.nyc.gov/assets/nycha/downloads/pdf/NYCHA-Fact-Sheet_2020_Final.pdf.

⁸ *Id.*

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because existing resources would be used to implement the provisions of this local law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Luke Zangerle, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Chima Obichere, Unit Head
Stephanie Ruiz, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on February 14, 2018 as Int. 415 and was referred to the Committee on Public Housing (Committee). The Committee held a hearing jointly with the Committee on Aging on April 7, 2021 and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Int. No. 415-A, will be considered by the Committee on May 26, 2021. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on May 27, 2021.

DATE PREPARED: May, 25 2021.

Accordingly, this Committee recommends its adoption, as amended

(The following is the text of Int. No. 415-A:)

Int. No. 415-A

By Council Members Chin, Levine, Ampry-Samuel, Cornegy, Riley, Rivera, Ayala, Barron, Gennaro and Salamanca.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department for the aging to report annually on senior centers within public housing developments

Be it enacted by the Council as follows:

Section 1. Paragraphs 1, 10 and 11 of subdivision c of section 21-208 of the administrative code of the city of New York, as added by local law number 140 for the year 2018, are amended to read as follows:

1. The program name, sponsor name, address, *New York city housing authority development in which such senior center is located if such senior center is located on property owned by the housing authority*, borough, council district, community district, designation as a neighborhood senior center or innovative senior center, and days and hours of operation as well as such information for each affiliated site;

10. The total number of employees, disaggregated by full-time and part-time employees; [and]

11. The total budgeted amount for personnel services[.];

§ 2. Subdivision c of section 21-208 of the administrative code of the city of New York is amended by adding new paragraphs 12, 13 and 14 to read as follows:

12. *For each senior center located on property owned by the New York city housing authority, the name of the entity that operates such senior center;*

13. *To the extent practicable, for each senior center located on property owned by such authority, the number of complaints related to such senior center's facilities; and*

14. To the extent such information is available, any steps taken to address the complaints described in paragraph 13 of this subdivision.

§ 3. This local law takes effect immediately, provided, however, that the amendments to section 21-208 of the administrative code of the city of New York made by sections one and two of this law shall not affect the repeal of such section 21-208 pursuant to local law number 140 for the year 2018.

ALICKA AMPRY-SAMUEL, *Chairperson*; VANESSA L. GIBSON, CARLOS MENCHACA, JAMES VAN BRAMER, RAFAEL SALAMANCA, Jr., DIANA AYALA, RUBEN DIAZ, Sr., MARK GJONAJ, KEVIN C. RILEY; OSWALD FELIZ; Committee on Public Housing, May 26, 2021 (Remote Hearing).

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. 1827-A

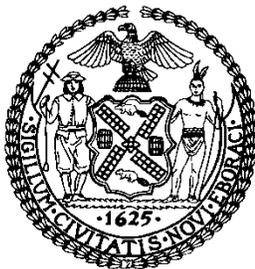
Report of the Committee on Public Housing in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to establishing a public housing liaison within the department for the aging.

The Committee on Public Housing, to which the annexed proposed amended local law was referred on December 19, 2019 (Minutes, page 4864), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Public Housing for Int. No. 415-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1827-A:



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

PROPOSED INT. NO.: 1827-A

COMMITTEE: Public Housing

TITLE: A Local Law to amend the New York city charter, in relation to establishing a public housing liaison within the department for the aging. **SPONSOR(S):** Council Members Ampry-Samuel, Louis, Brannan and Chin.

SUMMARY OF LEGISLATION: Proposed Int. No. 1827-A would create a position within the Department for the Aging (DFTA) to coordinate with the New York City Housing Authority (NYCHA) about matters impacting older adult public housing residents.

EFFECTIVE DATE: This legislation would take effect 180 days after enactment, except that DFTA may take such measures as are necessary for its implementation prior to its effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because existing resources would be used to implement the provisions of this local law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Luke Zangerle, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Chima Obichere, Unit Head
Stephanie Ruiz, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on December 19, 2019 as Intro. 1827 and was referred to the Committee on Public Housing (Committee). The Committee held a hearing jointly with the Committee on Aging on April 7, 2021 and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Int. No. 1827-A, will be considered by the Committee on May 26, 2021. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on May 27, 2021.

DATE PREPARED: May, 25 2021.

Accordingly, this Committee recommends its adoption, as amended

(The following is the text of Int. No. 1827-A:)

Int. No. 1827-A

By Council Members Ampry-Samuel, Louis, Brannan, Chin, Ayala, Riley, Barron, Gennaro and Salamanca.

A Local Law to amend the New York city charter, in relation to establishing a public housing liaison within the department for the aging

Be it enacted by the Council as follows:

Section 1. Chapter 66 of the New York city charter is amended by adding a new section 2404 to read as follows:

§ 2404. *Public housing liaison. There shall be in the department the position of public housing liaison whose duties shall include, but not be limited to the following:*

a. Establishing a system to receive and process complaints regarding senior center facilities located on property owned by the New York city housing authority, including assisting senior center participants with concerns about repairs at such facilities;

b. Conducting outreach to participants of senior centers located on property owned by the New York city housing authority about the existence of such liaison, how to contact such liaison, and about any existing system for filing complaints or grievances about senior centers with the department;

c. Making recommendations to the commissioner with respect to how programs and facilities that receive funding from the department can better serve older adult public housing residents; and

d. Coordinating with the New York city housing authority, as necessary, about facilities and any other matters impacting older adults in public housing.

§ 2. This local law takes effect 180 days after enactment, except that the department may take such measures as are necessary for its implementation prior to its effective date.

ALICKA AMPRY-SAMUEL, *Chairperson*; VANESSA L. GIBSON, CARLOS MENCHACA, JAMES VAN BRAMER, RAFAEL SALAMANCA, Jr., DIANA AYALA, RUBEN DIAZ, Sr., MARK GJONAJ, KEVIN C. RILEY; OSWALD FELIZ; Committee on Public Housing, May 26, 2021 (Remote Hearing).

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 Rules, Privileges and Elections

Report for M-310

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

The Committee on Rules, Privileges and Elections, to which the annexed Mayor's Message was referred on April 29, 2021 (Minutes, page 971) and which same Mayor's Message was coupled with the resolution shown below, respectfully

REPORTS:

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

- **Matthew Schneid [M-310]**

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

Among the provisions of law enforced by ECB are those relating to the cleanliness of city streets; the disposal of wastes; the provision of a pure, wholesome and adequate supply of water; the prevention of air, water and noise pollution; the regulation of street peddling; and the city response to emergencies caused by releases or

threatened releases of hazardous substances. ECB has the authority to make, amend or rescind such rules and regulations to carry out its duties. Also, ECB has concurrent jurisdiction with the Board of Health to enforce those provisions of the health code and the rules and regulations relating thereto that the Board of Health shall designate.

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

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

Mr. Schneid is scheduled to appear before the Committee on Rules, Privileges and Elections on Thursday, May 27, 2021. If Mr. Schneid, a resident of Manhattan, receives the advice and consent of the Council, he will serve for the remainder of a four-year term that will expire on November 21, 2021, as the ECB member with experience in the field of Real Estate. Copies of Mr. Schneid's résumé and report/resolution are attached to this Briefing paper.

(After interviewing the candidate and reviewing the submitted material, the Committee decided to approve the appointment of the nominee Matthew Schneid [M-310]:)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to §§ 31 and 1049-a of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of Matthew Schneid as a member of the New York City Environmental Control Board to serve for the remainder of a four-year term expiring on November 24, 2021.

The matter was referred to the Committee on April 29, 2021.

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

Res. No. 1663

RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR OF MATTHEW SCHNEID AS A MEMBER OF THE NEW YORK CITY ENVIRONMENTAL CONTROL BOARD.

By Council Member Koslowitz.

RESOLVED, That pursuant to §§ 31 and 1049-a of the *New York City Charter*, the Council does hereby approve the appointment by the Mayor of Matthew Schneid as a member of the New York City Environmental Control Board for the remainder of a four-year term expiring on November 24, 2021.

KAREN KOSLOWITZ, *Chairperson*; MARGARET S. CHIN, DEBORAH L. ROSE, MARK TREYGER, PAUL A. VALLONE, ADRIENNE E. ADAMS, KEITH POWERS, THE MINORITY LEADER (STEVEN MATTEO), THE SPEAKER (COUNCIL MEMBER COREY D. JOHNSON); Committee on Rules, Privileges and Elections, May 27, 2021 (Remote Hearing).

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 State and Federal Legislation

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

Report for State Legislation Res. No. 1

Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.6972, and Assembly Member Abbate, A.7817, “AN ACT to amend the administrative code of the city of New York, in relation to certain lung disabilities incurred by members of the New York city transit authority in certain cases”.

The Committee on State and Federal Legislation, to which the annexed preconsidered State Legislation Resolution (SLR) was referred on May 27, 2021, respectfully

REPORTS:

(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly. This Committee is to decide whether this respective State Legislation Resolution [SLR] should be recommended for adoption by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter)

BACKGROUND:

The bill would provide a statutory presumption to Tier 1 and Tier 2 members of the New York City Employees' Retirement System (NYCERS) who are Transit Authority employees, and who become physically incapacitated for performance of duty, or die, due to lung disease. In determining whether qualifying lung disease was caused by employment for the Transit Authority, the diagnosis of lung disease, absent evidence of such condition upon examination at hire, would be presumptive evidence that such disability or death was incurred in the performance and discharge of duty entitling such member, or his or her beneficiary, respectively, to an accident disability retirement or accidental death benefit.

There are eight active Tier 1 and Tier 2 Transit Authority employees who participate in NYCERS as of June 30, 2020 who could potentially benefit from the proposed legislation.

PROPOSED LEGISLATION:

Section one of this bill amends the Administrative Code of the City of New York to add a new Section 13-168.1 to provide a statutory presumption to Tier 1 and Tier 2 members of NYCERS who are Transit Authority employees, and who become physically incapacitated for performance of duty, or die, due to lung disease.

Section two states that the law takes effect immediately.

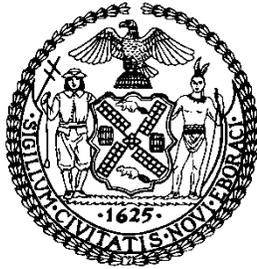
FISCAL IMPLICATIONS:

See Council Finance Division fiscal impact statement.

EFFECTIVE DATE:

Immediately.

(The following is the text of the Fiscal Impact Statement for SLR. No. 1:)



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

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

**PRECONSIDERED SLR 1: A.7817 (Abbate)
S.6972 (Gournardes)**

COMMITTEE: State and Federal Legislation

TITLE: An act to amend the administrative code of the city of New York, in relation to certain lung disabilities incurred by members of the New York city transit authority in certain cases.

SPONSOR: Council Member Maisel.

SUMMARY OF LEGISLATION: This bill would create a statutory presumption of lung disease acquired on the job for transit workers resulting in disability or death in the absence of a pre-existing lung disease condition. Transit workers fulfilling this criteria would have the opportunity to seek benefits or make a claim for labor-induced medical complications of lung disease.

EFFECTIVE DATE: This act would take effect upon immediately.

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 as a result of this legislation.

IMPACT ON EXPENDITURES: This is a very narrow bill, applying to only eight employees. It is estimated that the passage of this legislation would result in a net increase in the Present Value of Future Benefits ranging from

\$32,500 to \$504,600, resulting in an increase in \$24,500 in annual employer contributions. This estimate assumes only one of the eight eligible NYCERS members develops a qualifying lung disease. However, since this legislation affects MTA workers, the passage of this legislation would have no impact on the City's budget.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
New York City Office of Management and Budget
Fiscal Note 2021-26, Chief Actuary
New York City Employees' Retirement System

ESTIMATE PREPARED BY: Andrew Wilber, Economist

ESTIMATE REVIEWED BY: Raymond Majewski, Deputy Director/Chief Economist
Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: This bill will be considered by the Committee on State and Federal Legislation as a Preconsidered SLR on May 27, 2021. Upon successful vote by the Committee, the Preconsidered SLR will be introduced and submitted to the full Council for a vote on June May 27, 2021.

DATE PREPARED: May 26, 2021.

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor's Memorandum-in Support from each house (S.6972; A.7817), please refer, respectively, to the New York State Senate at <https://www.nysenate.gov/legislation> and New York State Assembly at <http://nyassembly.gov/leg/>).

ALAN N. MAISEL, *Chairperson*; KAREN KOSLOWITZ, ROBERT E. CORNEGY, Jr., DANIEL DROMM; MARK TREYGER, DARMA V. DIAZ; Committee on State and Federal Legislation, May 27, 2021 (Remote Hearing). *Other Council Member Attending: Council Member Yeger.*

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 State and Federal Legislation and had been favorably reported for adoption.

Report for State Legislation Res. No. 2

Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.6976, and Assembly Member Abbate, A.7727, "AN ACT to amend the retirement and social security law, in relation to modifying the retirement program for Triborough bridge and tunnel members".

The Committee on State and Federal Legislation, to which the annexed preconsidered State Legislation Resolution (SLR) was referred on May 27, 2021, respectfully

REPORTS:

(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly. This Committee is to decide whether this respective State Legislation Resolution [SLR] should be recommended for adoption by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter)

BACKGROUND:

Currently, members of the Tier 4 and 6 Triborough Bridge and Tunnel Authority (TBTA) 20/50 Plans are eligible to receive a service retirement benefit upon attaining 20 or more years of credited service and age 50. Tier 4 members who leave employment with at least five, but less than 20 years of service, are eligible to receive a vested retirement benefit payable on the date they would have attained 20 or more years of credited service and age 50. Tier 6 members who leave employment with at least 10, but less than 20 years of credited service are eligible to receive a vested retirement benefit payable at age 63.

Under the proposed legislation, affected members of the TBTA 20/50 Plans would be eligible to receive a service retirement benefit upon attaining 20 years of credited service, without regard to age. Tier 4 members who leave employment with at least five, but less than 20 years of credited service, would be eligible to receive a vested retirement benefit payable on the date the member would have completed 20 years of credited service, without regard to age. Tier 6 members who leave employment with at least 10, but less than 20 years of credited service would continue to be eligible to receive a vested retirement benefit payable at age 63.

Under this legislation, younger TBTA employees, who may reach their 20th year of service well before their 50th birthday, would be allowed to retire at an earlier age and will thus lower the payroll obligations for the MTA. Additionally, allowing employees to retire upon their 20th year of service, by which point Tier 4 members are no longer contributing anything to their pensions out of gross wages, also has the potential for long-term cost savings for the NYC Employees' Retirement System. These employees generally retire at lower salaries and thus receive smaller pension benefits than if they had remained employed until reaching age 50.

PROPOSED LEGISLATION:

Section one of this bill amends section 604-c of the Retirement and Social Security Law to eliminate the age 50 qualifier in the 20 Year/Age 50 Retirement Plan for tier 4 and tier 6 members of the Triborough Bridge and Tunnel Authority.

Section two set the effective date.

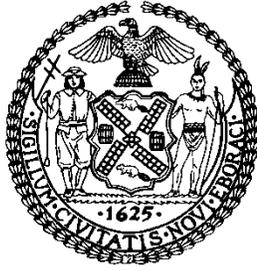
FISCAL IMPLICATIONS:

See Council Finance Division fiscal impact statement.

EFFECTIVE DATE:

Immediately.

(The following is the text of the Fiscal Impact Statement for SLR. No. 2:)



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

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PRECONSIDERED SLR 2: A.7727 (Abbate)
S.6976 (Gounardes)

COMMITTEE: State and Federal Legislation

TITLE: An Act to Modify the retirement program for the Triborough bridge and tunnel members to a twenty-year retirement program regardless of age.

SPONSOR: Council Member Maisel.

SUMMARY OF LEGISLATION: This bill would modify the retirement terms for Tier IV NYCERS members working for the Triborough Bridge and Tunnel Authority in the following roles: tunnel officer, sergeant, or lieutenant in a non-managerial position. The bill would allow eligible members to retire after 20 years of service regardless of whether or not they meet the 50 year age requirement.

EFFECTIVE DATE: This act would take effect upon immediately.

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 as a result of this legislation.

IMPACT ON EXPENDITURES: It is estimated that the passage of this legislation would increase the Present Value of Future Benefits by \$6.1 million, resulting in a \$6.9 million net increase in unfunded accrued liabilities (UAL). The increase in UAL would get amortized over the remaining working lifetime of members impacted by the legislation, which the State estimates to be eight years. The amortized payments toward the UAL, coupled with the increase in the normal cost to fund these plans, would incur an annual cost of \$1.6 million. However, since this legislation effects MTA workers, the passage of this legislation would have no impact on the City's budget.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
Fiscal Note 2021-29, Chief Actuary
New York City Employees' Retirement System

ESTIMATE PREPARED BY: Andrew Wilber, Economist

ESTIMATE REVIEWED BY: Raymond Majewski, Deputy Director/Chief Economist
Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: This bill will be considered by the Committee on State and Federal Legislation as a Preconsidered SLR on May 27, 2021. Upon successful vote by the Committee, the Preconsidered SLR will be introduced and submitted to the full Council for a vote on May 27, 2021.

DATE PREPARED: May 26, 2021.

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor’s Memorandum-in Support from each house (S.6976; A.7727), please refer, respectively, to the New York State Senate at <https://www.nysenate.gov/legislation> and New York State Assembly at <http://nyassembly.gov/leg/>).

ALAN N. MAISEL, *Chairperson*; KAREN KOSLOWITZ, ROBERT E. CORNEGY, Jr., DANIEL DROMM; MARK TREYGER, DARMA V. DIAZ; Committee on State and Federal Legislation, May 27, 2021 (Remote Hearing). *Other Council Member Attending: Council Member Yeger.*

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 State and Federal Legislation and had been favorably reported for adoption.

Report for State Legislation Res. No. 3

Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senators Hoylman, Benjamin, Biaggi, Gounardes, Jackson, Myrie, Rivera, Salazar, Sepulveda, S.524-A, and Assembly Members Gottfried, Carroll, Seawright, Simon, Gonzalez-Rojas, Burdick, Gallagher, Paulin, Dinowitz, Epstein, Glick, Hevesi, McDonough, Davila, A.4655-A, “AN ACT to amend the vehicle and traffic law, in relation to establishing speed limits in cities with populations in excess of one million people”.

The Committee on State and Federal Legislation, to which the annexed preconsidered State Legislation Resolution (SLR) was referred on May 27, 2021, respectfully

REPORTS:

(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly. This Committee is to decide whether this respective State Legislation Resolution [SLR] should be recommended for adoption by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter)

BACKGROUND:

At least 243 New Yorkers died as a result of traffic crashes in 2020, the deadliest year on City streets since the implementation of the Vision Zero campaign in 2014. While speed limit reductions and traffic calming measures are proven policies that save lives, the State’s Vehicle and Traffic Law currently limits the City’s

ability to reduce speed limits. This legislation is an effort to provide New York City with the ability to implement further measures to improve street safety.

Named for a 12 year old from Brooklyn killed by a reckless driver in 2013, “Sammy’s Law” would amend State law to give New York City the authority to reduce speed limits to 20 miles per hour on streets in designated areas or citywide. The bill would also authorize the City to lower speed limits to five miles per hour where physical traffic calming measures – including open streets – are implemented. While the law would give the City the authority to lower speed limits, it would not mandate speed limit reductions, and any proposed speed limit changes would remain subject to existing community notice requirements.

PROPOSED LEGISLATION:

Section one of the legislation declares that the act will be known as “Sammy’s law”.

Section two adds to and amends section 1642 of the vehicle and traffic law to allow for a city to set a speed limit throughout the city of not less than 20 miles per hour. Section two also allows speed limits to be set below 20 miles per hour with traffic calming measures, but no lower than five miles per hour

Section three is the effective date.

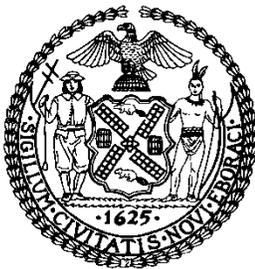
FISCAL IMPLICATIONS:

See Council Finance Division fiscal impact statement.

EFFECTIVE DATE:

Immediately.

(The following is the text of the Fiscal Impact Statement for SLR. No. 3:)



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

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

Preconsidered SLR 3: A.4655-A (Gottfried)
S.524-A (Hoylman)

COMMITTEE: State and Federal Legislation

TITLE: An act to amend the vehicle and traffic law and the public officers law, in relation to establishing speed limits in cities with populations in excess of one million people.

SPONSOR(S): Council Member Maisel.

SUMMARY OF LEGISLATION: This bill, termed “Sammy’s law”, would authorize the City of New York to set a citywide speed limit as low as 20 miles per hour and to set speed limits on specific streets as low as five miles per hour using traffic calming measures. The bill also requires the City to provide written notice and an opportunity for public comment before a community board if the City raises or lowers a speed limit by more than five miles per hour.

EFFECTIVE DATE: This act would take effect immediately.

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 as a result 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

LEGISLATIVE HISTORY: This bill will be considered by the Committee on State and Federal Legislation as a Preconsidered SLR on May 27, 2021. Following a successful vote by the Committee, the Preconsidered SLR will be introduced and submitted to the full Council for a vote on May 27, 2021.

DATE PREPARED: May 27, 2021.

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor’s Memorandum-in Support from each house ([S.524-A](#); [A.4655-A](#)), please refer, respectively, to the New York State Senate at <https://www.nysenate.gov/legislation> and New York State Assembly at <http://nyassembly.gov/leg/>).

ALAN N. MAISEL, *Chairperson*; KAREN KOSLOWITZ, ROBERT E. CORNEGY, Jr., DANIEL DROMM; MARK TREYGER, DARMA V. DIAZ; Committee on State and Federal Legislation, May 27, 2021 (Remote Hearing). *Other Council Member Attending: Council Member Yeger.*

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 State and Federal Legislation and had been favorably reported for adoption.

Report for State Legislation Res. No. 4

Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Kavanagh, S.2740-B, and Assembly Members Simon, Forrest, et al., A.2316-A, “AN ACT to amend the vehicle and traffic law and the public officers law, in relation to establishing a demonstration program on interstate route 278 in Kings county to enforce vehicle weight restriction on such interstate by means of mobile or stationary weigh in motion systems; and providing for the repeal of such provisions upon expiration thereof”.

The Committee on State and Federal Legislation, to which the annexed preconsidered State Legislation Resolution (SLR) was referred on May 27, 2021, respectfully

REPORTS:

(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly. This Committee is to decide whether this respective State Legislation Resolution [SLR] should be recommended for adoption by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter)

BACKGROUND:

The New York City Council and Mayor each issued separate reports in early 2020 finding that the Brooklyn-Queens Expressway (“BQE”) is in dire condition. In particular, a 1.5 mile portion including a triple cantilever structure in Brooklyn Heights is deteriorating rapidly and could be unsafe for driving within five years absent mitigation measures.

Impermissible overweight truck traffic is one factor exacerbating these conditions. If fewer overweight trucks traveled over this stretch of the BQE, the period of safe use could extend further into the future until long-term solutions can be implemented. This legislation seeks to improve enforcement of overweight trucks through a pilot program to weigh trucks while they are in motion (previous weigh-in programs required trucks to stop on a conventional scale, which is impractical on a narrow and crowded highway like the BQE).

PROPOSED LEGISLATION:

Section one of the legislation repeals the prior section 235 and replaces it with a new section 235.

Section two of the bill repeals subdivision 1 of section 236 of the vehicle and traffic law and adds a new subdivision 1 in its place.

Section three of the bill repeals paragraph f of subdivision 1 of section 239 of the vehicle and traffic law and adds a new paragraph f in its place.

Section four of the bill repeals subdivisions 1 and 1-a of section 240 of the vehicle and traffic law and adds two new subdivisions 1 and 1-a in its place.

Section five of the bill repeals paragraphs a and g of subdivision 2 of section 240 of the vehicle and traffic law and adds two new paragraphs a and g in its place.

Section six of the bill repeals subdivisions 1 and 2 of section 241 of the vehicle and traffic law and adds two new subdivisions 1 and 2 in its place.

Section seven of the bill repeals paragraph a of subdivision 5-a of section 401 of the vehicle and traffic law and adds a new paragraph a in its place.

Section eight of the bill amends the opening paragraph and paragraph (c) of subdivision 1 of section 1809 of the vehicle and traffic law.

Section nine of the bill amends section 1809 of the vehicle and traffic law by adding a new subdivision 1-a.

Section ten of the bill repeals paragraph a of subdivision 1 of section 1809e of the vehicle and traffic law and adds a new paragraph a in its place.

Section eleven of the bill amends the general municipal law by adding a new section 371-a.

Section twelve of the bill amends the vehicle and traffic law by adding a new section 385-a.

Section thirteen amends subdivision 2 of section 87 of the public officers law by adding a new paragraph r.

Section fourteen of the bill directs the New York City Department of Transportation to inform the public of the pilot program and issue warnings in lieu of violations for the first ninety days of the program.

Section fifteen of the bill subjects purchases or leases of necessary equipment for the program to section 103 of the general municipal law.

Section sixteen is the effective date and date of expiration.

FISCAL IMPLICATIONS:

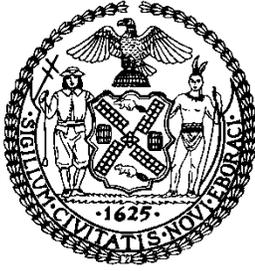
See Council Finance Division fiscal impact statement.

EFFECTIVE DATE:

Immediately, however, sections twelve, thirteen, fourteen and fifteen shall expire and be deemed repealed December 1, 2025. However, any notices of liability issued prior to expiration may be adjudicated after expiration.

The amendments to subdivision 1 of section 1809 of the vehicle and traffic law made by section eight, and sections eight-a through eight-g of this act shall not affect the expiration of such section and shall be deemed to expire therewith, when upon such date those provisions shall take effect.

(The following is the text of the Fiscal Impact Statement for SLR. No. 4:)



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

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

Preconsidered SLR 4: A.2316-A (Simon)
S.2740-B (Kavanagh)

COMMITTEE: State and Federal Legislation

TITLE: An act to amend the vehicle and traffic law and the public officers law, in relation to establishing a demonstration program on interstate route 278 in Kings county to enforce vehicle weight restriction on such interstate by means of mobile or stationary weigh in motion systems; and providing for the repeal of such provisions upon expiration thereof.

SPONSOR(S): Council Member Maisel.

SUMMARY OF LEGISLATION: This bill would authorize the City of New York to establish a demonstration program on interstate route 278 in Kings County to enforce vehicle weight restriction on such interstate by means of mobile or stationary weigh in motion systems.

EFFECTIVE DATE: This act would take effect immediately.

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 as a result 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

LEGISLATIVE HISTORY: This bill will be considered by the Committee on State and Federal Legislation as a Preconsidered SLR on May 27, 2021. Following a successful vote by the Committee, the Preconsidered SLR will be introduced and submitted to the full Council for a vote on May 27, 2021.

DATE PREPARED: May 27, 2021.

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor's Memorandum-in Support from each house (S.2740-B; A.2316-A), please refer, respectively, to the New York State Senate at <https://www.nysenate.gov/legislation> and New York State Assembly at <http://nyassembly.gov/leg/>).

ALAN N. MAISEL, *Chairperson*; KAREN KOSLOWITZ, ROBERT E. CORNEGY, Jr., DANIEL DROMM; MARK TREYGER, DARMA V. DIAZ; Committee on State and Federal Legislation, May 27, 2021 (Remote Hearing). *Other Council Member Attending: Council Member Yeger.*

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 State and Federal Legislation and had been favorably reported for adoption.

Report for State Legislation Res. No. 5

Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Sanders, S.6229-A, and Assembly Member Anderson, A.7084-A, "AN ACT authorizing the city of New York to alienate and discontinue the use of certain portions of parkland".

The Committee on State and Federal Legislation, to which the annexed preconsidered State Legislation Resolution (SLR) was referred on May 27, 2021, respectfully

REPORTS:

(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly. This Committee is to decide whether this respective State Legislation Resolution [SLR] should be recommended for adoption by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter)

BACKGROUND:

This legislation will allow for the Department of Environmental Protection to construct a storm sewer in Idlewild Park in Queens. The portion of the park below the surface will permanently be used as a storm sewer, and the portion above ground will temporarily be discontinued as a park during construction, and then will be restored as a park by the Department of Environmental Protection, in consultation with the City and the local Community Board.

PROPOSED LEGISLATION:

Section one of the legislation allows the City of New York to discontinue the permanent use of certain defined subsurface portions of parkland and transfer the lands to the Department of Environmental Protection for the purpose of constructing a storm sewer.

Section two sets a condition for section one that the City of New York must dedicate at least as much as the value of the parkland being discontinued for the acquisition of new parks or improvements to existing parks in Community Board 13 in Queens.

Section three states the metes and bounds of the parkland being discontinued.

Section four states the metes and bounds of the subsurface parkland being permanently discontinued.

Section five requires that if the City of New York receives any federal funding for the improvements described in this legislation, that the discontinuance of the parkland is not valid until all federal preconditions for the funding are met.

Section six states that after the completion of the construction, the Department of Environmental Protection will restore the surface portion of the land for use as a park, in consultation with the City of New York and the Community Board.

Section seven is the effective date.

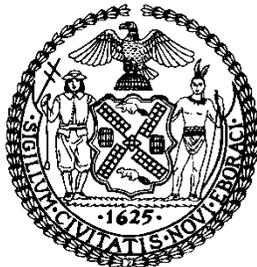
FISCAL IMPLICATIONS:

See Council Finance Division fiscal impact statement.

EFFECTIVE DATE:

Immediately.

(The following is the text of the Fiscal Impact Statement for SLR. No. 5:)



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

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

Preconsidered SLR 5: A.7084-A (Anderson)
S.6229-A (Sanders)

COMMITTEE: State and Federal Legislation

TITLE: An act to authorize the city of New York to alienate and discontinue the use of certain portions of parkland in the county of Queens.

SPONSOR(S): Council Member Maisel.

SUMMARY OF LEGISLATION: This bill would authorize the City of New York to temporarily discontinue the use as parkland some portions of Idlewild park in the borough of Queens to facilitate the construction of a storm sewer and the permanent discontinuance of a subsurface portion of such land as parkland for such storm sewer.

EFFECTIVE DATE: This act would take effect immediately.

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 as a result 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

LEGISLATIVE HISTORY: This bill will be considered by the Committee on State and Federal Legislation as a Preconsidered SLR on May 27, 2021. Following a successful vote by the Committee, the Preconsidered SLR will be introduced and submitted to the full Council for a vote on May 27, 2021.

DATE PREPARED: May 27, 2021.

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor's Memorandum-in Support from each house ([S.6229-A](#); [A.7084-A](#)), please refer, respectively, to the New York State Senate at <https://www.nysenate.gov/legislation> and New York State Assembly at <http://nyassembly.gov/leg/>).

ALAN N. MAISEL, *Chairperson*; KAREN KOSLOWITZ, ROBERT E. CORNEGY, Jr., DANIEL DROMM; MARK TREYGER, DARMA V. DIAZ; Committee on State and Federal Legislation, May 27, 2021 (Remote Hearing). *Other Council Member Attending: Council Member Yeger.*

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 State and Federal Legislation and had been favorably reported for adoption.

Report for State Legislation Res. No. 6

Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.6405, and Assembly Member Abbate, A.7640, “AN ACT to amend the retirement and social security law, in relation to determination of salary base for members of the city of New York fire department pension fund”.

The Committee on State and Federal Legislation, to which the annexed preconsidered State Legislation Resolution (SLR) was referred on May 27, 2021, respectfully

REPORTS:

(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly. This Committee is to decide whether this respective State Legislation Resolution [SLR] should be recommended for adoption by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter)

BACKGROUND:

This legislation will help to eliminate a disparity in the way pensions are calculated for members of the New York City Fire Department in what is called Tier 2 (tiers are based on the date of hire). Tier 2 encompasses hires from July 1, 1973 through June 30, 2009. Currently, pensions for members of Tier 2 are calculated differently depending on whether the member commenced service before July 1, 2000.

For all Tier 1 and Tier 2 members, pensions are equal to 50% of their Final Average Salary (“FAS”) when they retire after a certain number of years of service. For Tier 2 members who started service prior to July 1, 2000, their FAS is calculated either based on their most recent 12 months or a 3-year average from their highest-earning years, whichever is higher, while those who commenced service after July 1, 2000 can only base their FAS on the most recent 12 months of service. This legislation would correct this prior disparity and make the same two options for methods of calculating FAS available to all members of Tier 2.

PROPOSED LEGISLATION:

Section one of the legislation amends section 443 of the retirement and social security law by addition a new subdivision h to provide that the salary base for members of the New York City fire department pension fund hired on or after July 1, 2000 covered under this section shall be calculated in the same manner as those members hired prior to July 1, 2000.

Section two is the effective date

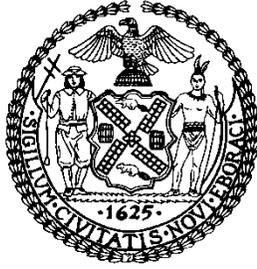
FISCAL IMPLICATIONS:

See Council Finance Division fiscal impact statement.

EFFECTIVE DATE:

Immediately.

(The following is the text of the Fiscal Impact Statement for SLR. No. 6:)



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

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PRECONSIDERED SLR 6: A.7640 (Abbate)
S.6405 (Gourardes)

COMMITTEE: State and Federal Legislation

TITLE: An Act to amend the retirement and social security law, in relation to determination of salary base for members of the city of New York fire department pension fund.

SPONSOR: Council Member Maisel.

SUMMARY OF LEGISLATION: This bill would create a consistent salary base for Tier 2 members of the New York City Fire Department Pension Fund (the Fund) between those hired after and prior to July 1, 2000. The Fund determines member benefits based on the retirees Final Average Salary (FAS). For members hired prior to July 1, 2000, the FAS reflects the higher of either the members salary over the most recent 12 months or a three-year average of their highest earning years, including overtime. The FAS for members hired after July 1, 2000 only reflects the member’s salary over the most recent 12 months. Since the amount of overtime worked typically declines as firefighters approach retirement, the small discrepancy in the FAS creates a significant impact in benefits paid to members hired after the cutoff.

EFFECTIVE DATE: This act would take effect upon immediately.

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	\$650,000	\$650,000
Net	\$0	\$650,000	\$650,000

IMPACT ON REVENUES: It is anticipated that there would be no impact on revenues as a result of this legislation.

IMPACT ON EXPENDITURES: It is estimated that the passage of this legislation would increase the Present Value of Future Benefits and Present Value of future employer contributions by \$5 million, resulting in a \$1.5 million increase in unfunded accrued liabilities (UAL). The increase in UAL would get amortized over the remaining working lifetime of members impacted by the legislation, which the Chief Actuary of the New York City Fire Pension Fund estimates to be 12 years. The amortized payments toward the UAL, coupled with the increase in the normal cost to fund these plans, would incur an annual cost of \$650,000.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council Finance Division
Fiscal Note 2021-24,
Chief Actuary New York City Fire Pension Fund

ESTIMATE PREPARED BY: Andrew Wilber, Economist

ESTIMATE REVIEWED BY: Raymond Majewski, Deputy Director/Chief Economist
Noah Brick, Senior Counsel

LEGISLATIVE HISTORY: This bill will be considered by the Committee on State and Federal Legislation as a Preconsidered SLR on May 27, 2021. Upon successful vote by the Committee, the Preconsidered SLR will be introduced and submitted to the full Council for a vote on May 27, 2021.

DATE PREPARED: May 26, 2021.

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor's Memorandum-in Support from each house (S.6405; A.7640), please refer, respectively, to the New York State Senate at <https://www.nysenate.gov/legislation> and New York State Assembly at <http://nyassembly.gov/leg/>).

ALAN N. MAISEL, *Chairperson*; KAREN KOSLOWITZ, ROBERT E. CORNEGY, Jr., DANIEL DROMM; MARK TREYGER, DARMA V. DIAZ; Committee on State and Federal Legislation, May 27, 2021 (Remote Hearing). *Other Council Member Attending: Council Member Yeger.*

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 State and Federal Legislation and had been favorably reported for adoption.

Report for State Legislation Res. No. 7

Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senators Comrie and Liu, S.3258, and Assembly Members Richardson, Reyes and Sayegh, A.7148, "AN ACT to amend the vehicle and traffic law, in relation to a fine for parked or unattended semitrailers or trailers on streets of a city with a population of one million or more".

The Committee on State and Federal Legislation, to which the annexed preconsidered State Legislation Resolution (SLR) was referred on June 13, 2019, respectfully

REPORTS:

BACKGROUND:

Currently, the owners or operators of illegally parked tractor-trailers or semitrailers are not fined. The owners can retrieve their vehicles by simply paying a \$160 towing fee. For many tractor-trailer owners or operators, this \$160 is a small price to pay compared to what it can cost to legally park a tractor-trailer in a city. The unfortunate result is that residents of many city neighborhoods who must endure crowded, exhaust filled streets are penalized

while tractor trailer owners or operators - undeterred by a relatively small towing fee – flagrantly violate the law. A \$1,000 fine for tractor-trailers that are illegally parked overnight would help to encourage the legal parking of these vehicles and help maintain the quality of life in our city neighborhoods.

PROPOSED LEGISLATION:

Section one of this bill amends the State Vehicle and Traffic Law to establish a fine of \$1,000 in cities with populations over 1 million for the illegal parking of a semitrailer or trailer on community streets or boulevards.

Section two states that the law takes effect immediately.

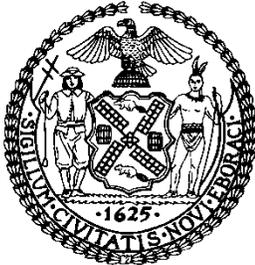
FISCAL IMPLICATIONS:

See Council Finance Division fiscal impact statement.

EFFECTIVE DATE:

Immediately.

(The following is the text of the Fiscal Impact Statement for SLR. No. 7:)



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

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

**Preconsidered SLR 7: A.7148 (Richardson)
S.3258 (Liu)**

COMMITTEE: State and Federal Legislation

TITLE: An act to amend the vehicle and traffic law, in relation to a fine for parked or unattended semitrailers or trailers on streets of a city with a population of one million or more.

SPONSOR(S): Council Member Maisel.

SUMMARY OF LEGISLATION: This bill establishes a fine of \$1,000 in cities with populations over 1 million for the illegal parking of a semitrailer or trailer on community streets or boulevards.

EFFECTIVE DATE: This act would take effect immediately.

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 estimated that there would be no impact on revenues resulting from the enactment of this legislation. While the legislation authorizes the imposition of civil penalties, this estimate assumes there would be full compliant with the provisions 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

LEGISLATIVE HISTORY: This bill will be considered by the Committee on State and Federal Legislation as a Preconsidered SLR on May 27, 2021. Following a successful vote by the Committee, the Preconsidered SLR will be introduced and submitted to the full Council for a vote on May 27, 2021.

DATE PREPARED: May 27, 2021.

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor's Memorandum-in Support from each house ([S.3258](#); [A.7148](#)), please refer, respectively, to the New York State Senate at <https://www.nysenate.gov/legislation> and New York State Assembly at <http://nyassembly.gov/leg/>).

ALAN N. MAISEL, *Chairperson*; KAREN KOSLOWITZ, ROBERT E. CORNEGY, Jr., DANIEL DROMM; MARK TREYGER, DARMA V. DIAZ; Committee on State and Federal Legislation, May 27, 2021 (Remote Hearing). *Other Council Member Attending: Council Member Yeger.*

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 Transportation

Report for Int. No. 176-A

Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law in relation to creating an interagency task force on removing certain vehicles from public streets.

The Committee on Transportation, to which the annexed proposed amended local law was referred on January 31, 2018 (Minutes, page 352), respectfully

REPORTS:

INTRODUCTION

On May 26, 2021, the Committee on Transportation, chaired by Council Member Ydanis Rodriguez, convened to conduct a vote on Int. No. 176-A, a Local Law in relation to creating an interagency task force on removing certain vehicles from public streets. This was the second hearing that the committee has had on this legislative item. The first hearing on Int. No. 176 was held on April 29, 2019. At that hearing, the committee heard testimony from the New York City (NYC) Department of Transportation, the NYC Department of Finance, transportation advocates and other interested parties.

On May 26, 2021, the Committee on Transportation passed Int. No. 176-A by a vote of 12 in the affirmative, zero in the negative, with zero abstentions.

BACKGROUND

Abandoned and Unregistered Vehicles

Curb space is in high demand in the City, especially in certain residential and commercial areas. Residents of the Bronx have frequently complained about vehicles being parked without license plates for long periods of time. Auto body repair shops are reportedly removing license plates from motor vehicles and parking these motor vehicles in the street.¹ This problem is not limited to the Bronx, as residents in Sheepshead Bay, Brooklyn have also complained about cars without license plates parked for extended periods of time in the street, taking up valuable street parking.² Additionally, Staten Island and Queens residents have had similar complaints.³ Several months after the initial hearing on Int. No. 176, it was reported that there had been a surge in abandoned vehicles in several eastern Brooklyn neighborhoods, including Canarsie, East New York, and Brownsville.⁴

Under state law, a motor vehicle cannot be operated without being registered by the state, or parked without proof of registration.⁵ Registration is evidenced by a registration sticker. Motor vehicles are also required to have license plates with numbers that match the motor vehicle's registration number.⁶ The registration sticker must

¹ Arnold Diaz, *Auto Body Shops Take up Street Parking in the Bronx*, PIX 11, May 16, 2018, <https://pix11.com/2018/05/16/auto-body-shops-take-up-street-parking-in-the-bronx>.

² Eric Jankiewicz, *How To Make Hell For Auto Dealers Who Illegally Use Street Parking*, BKLYNER., Jan. 7, 2014, <https://bklyner.com/how-to-make-hell-for-car-dealers-sheepshead-bay>.

³ Jessica Borg, *Staten Island Residents Fed Up With Abandoned Mystery Vehicles*, CBS LOCAL, June 2, 2017, <https://newyork.cbslocal.com/2017/06/02/staten-island-mystery-vehicles> and

Christopher Barca, *Illegally parked cars towed from auto shop*, QUEENS CHRON., June 11, 2015, http://www.qchron.com/editions/central/illegally-parked-cars-towed-from-auto-shop/article_c1c9af26-2984-5e89-8da4-5ad41ad5fba6.html.

⁴ Jose Martinez, *East Brooklyn Drives Surge in Abandoned Vehicle Complaints*, The City, September 5, 2019, <https://www.thecity.nyc/government/2019/9/5/21210843/east-brooklyn-drives-surge-in-abandoned-vehicle-complaints>

⁵ See VEH. & TRAF. LAW §§401(1)(a), 401(4).

⁶ See VEH. & TRAF. LAW §402(1)(a).

also have the motor vehicle's vehicle identification number.⁷ By parking motor vehicles with neither a registration sticker nor a license plate, it is difficult for NYPD to identify the owners of, and therefore ticket, these motor vehicles.⁸

A vehicle with either one or two license plates can be reported as abandoned if it is left on public property for at least 48 hours.⁹ An individual can call the local police precinct or file a complaint with 311 to have the vehicle towed.¹⁰ The vehicle's owner is responsible for towing and storage fees. If a vehicle is reported on City property without license plates, the NYC Department of Sanitation (DSNY) will investigate the complaint to determine whether or not the vehicle is so dilapidated that it should be disposed of.¹¹ If DSNY determines it is in fact derelict, they will tag the vehicle and the vehicle will be picked up within three business days.¹² If DSNY does not view the vehicle as derelict, they will tag the vehicle and refer it to the local police precinct.¹³ Despite residents' complaints, they often find nothing is done to remove these vehicles.¹⁴

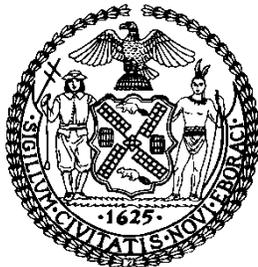
ANALYSIS OF INT. NO. 176-A

Int. No. 176-A would create an interagency task force to study the City's existing system of removing from public streets vehicles that have been abandoned or parked without license plates or proper registration. The task force would develop recommendations to improve existing removal practices, particularly in response to complaints from local residents. The task force would include the Commissioner of Transportation, the Commissioner of Sanitation, and the Police Commissioner, or their respective designee, as well as two additional members appointed by the Mayor. The task force would also invite representatives from the New York State Department of Motor Vehicles, the New York State Department of Transportation, and representatives of any other relevant state agency, as identified by the task force, to participate. The task force would meet at least five times, convene at least one public hearing in each of the five boroughs, and submit a report of its findings and recommendations to the Mayor and Speaker of the City Council. The task force would end upon the submission of the required report.

UPDATE

On May 26, 2021, the Committee on Transportation passed Int. No. 176-A by a vote of 12 in the affirmative, zero in the negative, with zero abstentions.

(The following is the text of the Fiscal Impact Statement for Int. No. 176-A:)



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 176-A
COMMITTEE: Transportation**

⁷ <https://dmv.ny.gov/registration/sample-registration-documents-0>

⁸ Cars that lack a registration sticker or license plate may still be ticketed. See VEH. & TRAF. §238(2-a.)(a)

⁹ Abandoned Vehicle, <https://portal.311.nyc.gov/article/?kanumber=KA-02130> (last accessed May 24, 2021).

¹⁰ *Id.*; Admin Code §16-128.

¹¹ Abandoned Vehicle, <https://portal.311.nyc.gov/article/?kanumber=KA-02130> (last accessed May 24, 2021).

¹² *Id.*

¹³ *Id.*

¹⁴ Jessica Borg, *Staten Island Residents Fed Up With Abandoned Mystery Vehicles*, CBS LOCAL, June 2, 2017, <https://newyork.cbslocal.com/2017/06/02/staten-island-mystery-vehicles>

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to creating an interagency task force on removing certain vehicles from public streets.

SPONSORS: Council Members Maisel, Holden, Chin, Adams, Kallos, Miller, and Ulrich.

SUMMARY OF LEGISLATION: Proposed Intro. No. 176-A would create an interagency task force to study the City's existing system of removing from public streets vehicles that have been abandoned or parked without license plates or proper registration. The task force would collect information about the effectiveness of current practices and evaluate potential solutions to this problem in a final report, due no later than one year after the local law would take effect. The task force would consist of the Commissioner of Transportation, the Commissioner of Sanitation, and the Police Commissioner, or the respective designee of each such commissioner, and two additional members appointed by the Mayor. After submission of the required report, the task force would disband.

EFFECTIVE DATE: This local law would take effect immediately.

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 estimated that there would be no impact on revenues resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures because the agencies responsible for implementing the requirements of the legislation would use existing resources to comply with the provisions of the local law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: John Basile, Senior Financial Analyst

ESTIMATE REVIEWED BY: Nathaniel Toth, Deputy Director
Chima Obichere, Unit Head
Stephanie Ruiz, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was first introduced to the Council as Intro. No. 176 on January 31, 2018 and referred to the Committee on Transportation (Committee). A hearing was held by the Committee jointly with the Committee on Finance and the Committee on Governmental Operations on April 29, 2019 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 176-A, will be considered by the Committee on May 26, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 176-A will be submitted to the full Council for a vote on May 27, 2021.

DATE PREPARED: May 24, 2021.

Accordingly, this Committee recommends its adoption, as amended

(The following is the text of Int. No. 176-A:)

Int. No. 176-A

By Council Members Maisel, Holden, Chin, Adams, Kallos, Miller, Ayala, Rose, Rodriguez, Yeger, Gennaro, Koslowitz and Ulrich.

A Local Law in relation to creating an interagency task force on removing certain vehicles from public streets

Be it enacted by the Council as follows:

Section 1. Vehicle removal task force. a. There shall be an interagency task force to examine existing procedures or requirements for removing from city streets vehicles that are abandoned or parked without a license plate or valid registration. Such task force shall develop recommendations to improve existing removal practices in response to complaints from local residents, including, but not limited to, recommendations for rules or legislation regarding removing such vehicles from public streets.

b. The task force shall consist of the commissioner of transportation, the commissioner of sanitation, and the police commissioner, or the respective designee of each such commissioner, and two additional members appointed by the mayor. The mayor shall designate one member to serve as the chair of the task force. Any vacancy on the task force shall be filled in the same manner as the original appointment. All members of the task force shall serve without compensation, except that each member shall be allowed actual and necessary expenses, to be audited in the same manner as other city expenses.

c. The task force shall invite representatives from the New York state department of motor vehicles, the New York state department of transportation or any other relevant state agency identified by the task force, to participate in at least one task force meeting or to review the report required by subdivision e of this section.

d. The task force shall meet at least five times and shall convene at least one public hearing in each of the five boroughs. The chair of the task force shall convene the first meeting no later than 90 days after the date this local law takes effect.

e. No later than one year after the date this local law takes effect, the task force shall submit a report to the mayor and the speaker of the council setting forth its recommendations as described in subdivision a of this section.

f. The task force shall terminate upon the submission of the report required by subdivision e of this section.

§ 2. This local law takes effect immediately.

YDANIS A. RODRIGUEZ, *Chairperson*; FERNANDO CABRERA, PETER A. KOO, STEPHEN T. LEVIN, DEBORAH L. ROSE, MARK D. LEVINE, CARLOS MENCHACA, I. DANEEK MILLER, ANTONIO REYNOSO, RUBEN DIAZ, Sr., ROBERT HOLDEN, SELVENA N. BROOKS-POWERS; Committee on Transportation, May 26, 2021 (Remote Hearing). *Other Council Member Attending: Council Member Maisel.*

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. 753 & Res. No. 1664

Report of the Committee on Land Use in favor of approving, as modified, Application Number C 200326 ZSK (Suydam Street Rezoning) submitted by Suydam, Inc. and 3210 Willoughby 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 waive all required accessory off-street parking spaces for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed residential building, on property located at 1250 Willoughby Avenue (Block 3210, Lots 16, 17, 18, 19, 20, and 21), in a M1-5/R7D District, Borough of Brooklyn, Community District 4, Council District 34.

The Committee on Land Use, to which the annexed Land Use item was referred on March 25, 2021 (Minutes, page 784) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on May 12, 2021 (Minutes, page 1137), respectfully

REPORTS:**SUBJECT****BROOKLYN CB-4 - THREE APPLICATIONS RELATED TO SUYDAM STREET
REZONING****C 200326 ZSK (L.U. No. 753)**

City Planning Commission decision approving an application submitted by Suydam, Inc. and 3210 Willoughby, 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 waive all required accessory off-street parking spaces for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed residential building, on property located at 1250 Willoughby Avenue (Block 3210, Lots 16, 17, 18, 19, 20, and 21), in an M1-5/R7D District, Borough of Brooklyn, Community District 4.

C 200344 ZMK (L.U. No. 754)

City Planning Commission decision approving an application submitted by Suydam, Inc. and 3210 Willoughby, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13b:

1. changing from an M1-1 District to an R6 District property bounded by Willoughby Avenue; a line 225 feet northeasterly of Irving Avenue, Suydam Street, and a line 200 feet northeasterly of Irving Avenue;
2. changing from an M1-1 District to an M1-5 District property bounded by a line midway between Willoughby Avenue and Suydam Street, a line 400 feet northeasterly of Irving Avenue, Suydam Street and a line 225 feet northeasterly of Irving Avenue;

3. changing from an M1-1 District to an M1-5/R7D District property bounded by Willoughby Avenue, a line 400 feet northeasterly of Irving Avenue, a line midway between Willoughby and Suydam Street, and a line 225 feet northeasterly of Irving Street; and
4. establishing a Special Mixed Use District (MX-21) bounded by Willoughby Avenue, a line 400 feet northeasterly of Irving Avenue, a line midway between Willoughby and Suydam Street, and a line 225 feet northeasterly of Irving Street;

as shown on a diagram (for illustrative purposes only) dated November 2, 2020, and subject to the conditions of CEQR Declaration E-583.

N 200343 ZRK (Pre. L.U. No. 763)

City Planning Commission decision approving an application submitted by Suydam, Inc. and 3210 Willoughby, 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 Article XII, Chapter 3 (Special Mixed Use District) for the purpose of establishing a new Special Mixed Use District and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

INTENT

To grant an approval of the special permit pursuant to ZR 74-533 to waive all required accessory off-street parking spaces to facilitate affordable housing within the Transit Zone; to rezone the Project Area to change the existing M1-1 zoning district to an M1-5 district within a portion of the Project Area consisting of Block 3210, Lots 48 and 51, an MX (R7D/M1-5) District within a portion of the Project Area consisting of Block 3210, Lots 15, 16, 17, 18, 19, 20, and 21; and an R6 zoning district within a portion of the Project Area consisting of Block 3210, part of Lot 1; and amend zoning text to modify Article XII, Chapter 3 to establish a new Special Mixed-Use (“MX-21”) and establish a new Mandatory Inclusionary Housing area within Appendix F to facilitate the development of a nine-story, 81,720-square-foot residential building with 95 affordable dwelling units at 1250 Willoughby Avenue and a 14,052-square-foot enlargement of an existing four-story industrial building at 349 Suydam Street in the Bushwick neighborhood of Brooklyn Community District 4.

PUBLIC HEARING

DATE: April 5, 2021

Witnesses in Favor: Five

Witnesses Against: One

SUBCOMMITTEE RECOMMENDATION

DATE: May 11, 2021

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on L.U. Nos. 753, 754 and approve with modifications the decision of the City Planning Commission on Pre. L.U. No. 763.

In Favor:

Moya, Levin, Reynoso, Grodenchik, Ayala, Borelli.

Against:

None

Abstain:

None.

COMMITTEE ACTION

DATE: May 11, 2021

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Barron, Koo, Levin, Reynoso, Treyger, Grodenchik, Adams, Ayala, R. Diaz Sr., Moya, Riley, Brooks-Powers, Feliz, Borelli.

Against:

None

Abstain:

None.

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSIONS

The City Planning Commission filed a letter dated May 19, 2021, with the Council on May 26, 2021, 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. 1664

Resolution approving the decision of the City Planning Commission on ULURP No C 200326 ZSK, for the grant of a special permit (L.U. No. 753).

By Council Members Salamanca and Moya.

WHEREAS, Suydam, Inc. and 3210 Willoughby, LLC, filed an application 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 waive all required accessory off-street parking spaces for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed residential building, on property located at 1250 Willoughby Avenue (Block 3210, Lots 16, 17, 18, 19, 20, and 21), in an M1-5/R7D District, which in conjunction with the related actions would facilitate the development of a nine-story, 81,720-square-foot residential building with 95 affordable dwelling units at 1250 Willoughby Avenue and a 14,052-square-foot enlargement of an existing four-story industrial building at 349 Suydam Street in the Bushwick neighborhood of Brooklyn Community District 4 (ULURP No. C 200326 ZSK) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on April 2, 2021, its decision dated March 17, 2021 (the “Decision”) on the Application;

WHEREAS, the Application is related to applications N 200343 ZRK (Pre. L.U. No. 763), a zoning text amendment to establish a Special Mixed-Use District (MX-21) and designate a Mandatory Inclusionary Housing (MIH) Area; and C 200344 ZMK (L.U. No. 754), a zoning map amendment to change an M1-1 zoning district to R7D/M1-5, M1-5, and R6 zoning districts and to map a Special Mixed Use District (MX-21);

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-533 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on April 5, 2021;

WHEREAS, the Council has considered the land use and environmental 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 November 2nd, 2020 (CEQR No. 18DCP177K) (the “Negative Declaration”).

RESOLVED:

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

Pursuant to 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 200326 ZSK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

1. The property that is the subject of this application (C 200326 ZSK) shall be developed substantially in accordance with the specifications and zoning computations indicated on the following approved plans prepared by OCV Architects, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-001.00	Parking Special Permit Site Plan / Zoning	May 19, 2020

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to their construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.

5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency or government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation, or amendment of the special permit hereby granted.
6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, May 11, 2021 (Remote Hearing).

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. 754 & Res. No. 1665

Report of the Committee on Land Use in favor of approving, as modified, Application Number C 200344 ZMK (Suydam Street Rezoning) submitted by Suydam, Inc. and 3210 Willoughby LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13b changing from an M1-1 District to an R6 District; changing from an M1-1 District to an M1-5 District; changing from an M1-1 District to an M1-5/R7D District; and establishing a Special Mixed Use District (MX-21) bounded by Willoughby Avenue, a line 400 feet northeasterly of Irving Avenue, a line midway between Willoughby and Suydam Street, and a line 225 feet northeasterly of Irving Street, Borough of Brooklyn, Community District 4, Council District 34.

The Committee on Land Use, to which the annexed Land Use item was referred on March 25, 2021 (Minutes, page 785) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on May 12, 2021 (Minutes, page 1139), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 753 & Res. No. 1664 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. 1665

Resolution approving the decision of the City Planning Commission on ULURP No. C 200344 ZMK, a Zoning Map amendment (L.U. No. 754).

By Council Members Salamanca and Moya.

WHEREAS, Suydam, Inc. and 3210 Willoughby, 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. 13b, changing from an M1-1 District to an R6 District, changing from an M1-1 District to an M1-5 District, changing from an M1-1 District to an M1-5/R7D District, and establishing a Special Mixed Use District (MX-21), which in conjunction with the related actions would facilitate the development of a nine-story, 81,720-square-foot residential building with 95 affordable dwelling units at 1250 Willoughby Avenue and a 14,052-square-foot enlargement of an existing four-story industrial building at 349 Suydam Street in the Bushwick neighborhood of Brooklyn, Community District 4 (ULURP No. C 200344 ZMK) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on April 2, 2021, its decision dated March 17, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to applications N 200343 ZRK (Pre. L.U. No. 763), a zoning text amendment to establish a Special Mixed-Use District (MX-21) and designate a Mandatory Inclusionary Housing (MIH) Area; and C 200326 ZSK (L.U. No. 753), a special permit pursuant to Zoning Resolution (ZR) Section 74-533 to reduce parking to facilitate affordable housing;

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 April 5, 2021;

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 November 2nd, 2020 (CEQR No. 18DCP177K) (the "Negative Declaration").

RESOLVED:

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

Pursuant to 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 200344 ZMK, 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. 13b:

1. changing from an M1-1 District to an R6 District property bounded by Willoughby Avenue; a line 225 feet northeasterly of Irving Avenue, Suydam Street, and a line 200 feet northeasterly of Irving Avenue;
2. changing from an M1-1 District to an M1-5 District property bounded by a line midway between Willoughby Avenue and Suydam Street, a line 400 feet northeasterly of Irving Avenue, Suydam Street and a line 225 feet northeasterly of Irving Avenue;
3. changing from an M1-1 District to an M1-5/R7D District property bounded by Willoughby Avenue, a line 400 feet northeasterly of Irving Avenue, a line midway between Willoughby and Suydam Street, and a line 225 feet northeasterly of Irving Street; and
4. establishing a Special Mixed Use District (MX-21) bounded by Willoughby Avenue, a line 400 feet northeasterly of Irving Avenue, a line midway between Willoughby and Suydam Street, and a line 225 feet northeasterly of Irving Street;

as shown on a diagram (for illustrative purposes only) dated November 2, 2020, and subject to the conditions of CEQR Declaration E-583, Borough of Brooklyn, Community District 4.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, May 11, 2021 (Remote Hearing).

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. 763 & Res. No. 1666

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 200343 ZRK (Suydam Street Rezoning) submitted by Suydam, Inc. and 3210 Willoughby 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 Article XII, Chapter 3 (Special Mixed Use District) for the purpose of establishing a new Special Mixed Use District and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 4, Council District 34.

The Committee on Land Use, to which the annexed Land Use item was referred on April 22, 2021 (Minutes, page 956) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on May 12, 2021 (Minutes, page 1153), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 753 & Res. No. 1664 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. 1666

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 200343 ZRK, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 763).

By Council Members Salamanca and Moya.

WHEREAS, Suydam, Inc. and 3210 Willoughby, 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 Article XII, Chapter 3 (Special Mixed Use District) for the purpose of establishing a new Special Mixed Use District and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related action would facilitate the development of a nine-story, 81,720-square-foot residential building with 95 affordable dwelling units at 1250 Willoughby Avenue and a 14,052-square-foot enlargement of an existing four-story industrial building at 349 Suydam Street in the Bushwick neighborhood of Brooklyn Community District 4 (Application No. N 200343 ZRK) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on April 2, 2021, its decision dated March 17, 2021 (the “Decision”), on the Application;

WHEREAS, the Application is related to applications C 200326 ZSK (L.U. No. 753), a special permit pursuant to Zoning Resolution (ZR) Section 74-533 to reduce parking to facilitate affordable housing and C 200344 ZMK (L.U. No. 754), a zoning map amendment to change an M1-1 zoning district to R7D/M1-5, M1-5, and R6 zoning districts and to map a Special Mixed Use District (MX-21);

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 April 5, 2021;

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 November 2nd, 2020 (CEQR No. 18DCP177K) (the “Negative Declaration”).

RESOLVED:

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

Pursuant to 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 200343 ZRK, 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 ~~double struck out~~ is old, deleted by the City Council;

Matter double-underlined is new, added by the City Council
 Matter within # # is defined in Section 12-10;
 * * * indicates where unchanged text appears in the Zoning Resolution

**ARTICLE XII
 SPECIAL PURPOSE DISTRICTS**

**Chapter 3
 Special Mixed Use District**

* * *

**123-60
 SPECIAL BULK REGULATIONS**

* * *

**123-63
 Maximum Floor Area Ratio and Lot Coverage Requirements for Zoning Lots Containing Only
 Residential Buildings in R6, R7, R8 and R9 Districts**

* * *

#Special Mixed Use District#	Designated #Residence District#
MX-1 – Community District 1, The Bronx	R6A R7D
MX 2 - Community District 2, Brooklyn	R7A R8A R8X
MX 4 – Community District 3, Brooklyn	R6A
MX 8 - Community District 1, Brooklyn	R6 R6A R6B R7A
MX 11 - Community District 6, Brooklyn	R7-2
MX 13 – Community District 1, The Bronx	R6A R7A R7X R8A
MX 14 - Community District 6, The Bronx	R7A R7X
MX 16 - Community Districts 5 and 16, Brooklyn	R6A R7A R7D R8A
MX 18 - Community District 1, The Bronx	R7X
MX 20 - Community District 8, Brooklyn	R7A
MX 21 - Community District 4, Brooklyn	R7D

* * *

**123-90
 SPECIAL MIXED USE DISTRICTS SPECIFIED**

The #Special Mixed Use District# is mapped in the following areas:

* * *

#Special Mixed Use District# - 20: (5/8/19)
 Crown Heights West, Brooklyn

The #Special Mixed Use District# - 20 is established in Crown Heights West in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 21: [date of adoption]

Bushwick, Brooklyn

The #Special Mixed Use District# - 21 is established in Bushwick in Brooklyn as indicated on the #zoning maps#.

* * *

APPENDIX F

INCLUSIONARY HOUSING DESIGNATED AREAS AND MANDATORY INCLUSIONARY HOUSING AREAS

* * *

BROOKLYN

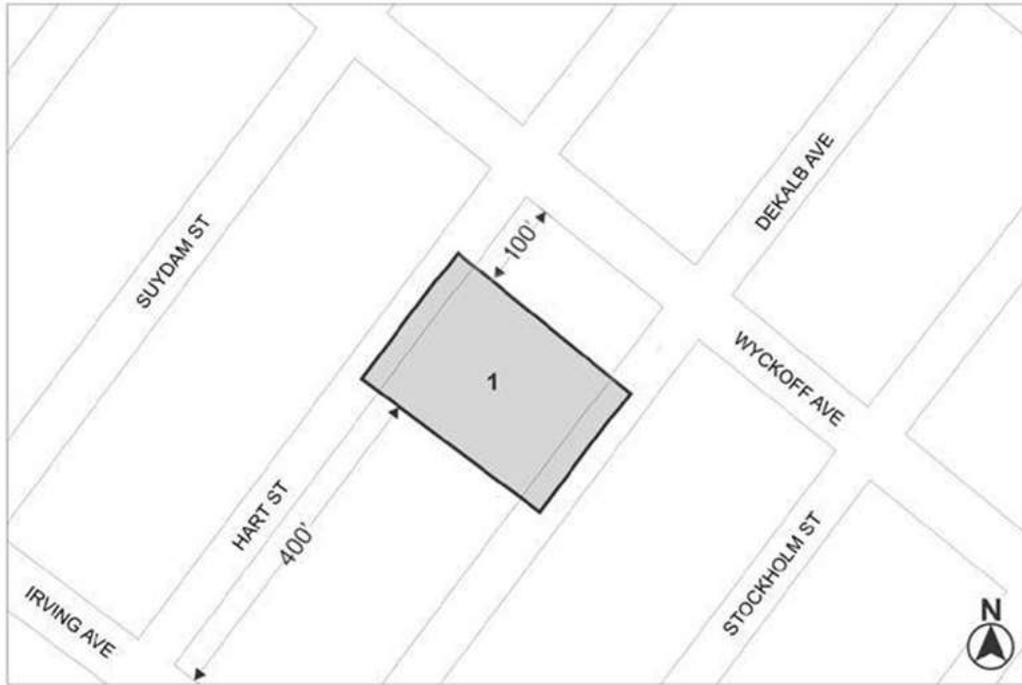
* * *

Brooklyn Community District 4

* * *

Map 1 – ~~(9/12/18)~~ [date of adoption]

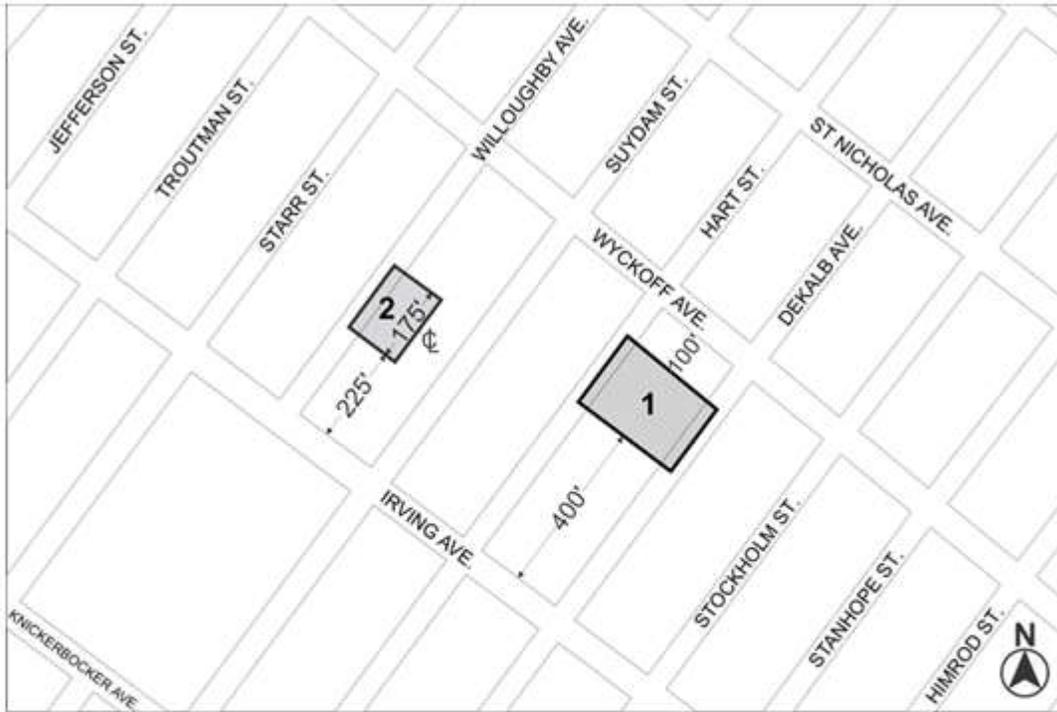
[EXISTING]



■ Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area 1 — 9/12/18 MIH Program Option 1 and Deep Affordability Option

* * *

[PROPOSED]



- Mandatory Inclusionary Housing Area *see Section 23-154(d)(3)*
- Area 1 — 9/12/18 — MIH Program Option 1 and Deep Affordability Option
- Area 2 — [date of adoption] — MIH Program Option 1 and ~~Option 2~~ Deep Affordability Option

Portion of Community District 4, Brooklyn

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, May 11, 2021 (Remote Hearing).

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. 770 & Res. No. 1667

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 210126 ZRM (Governors Island Rezoning) submitted by Governors Island Corporation d/b/a The Trust for Governors Island, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to modify Article XIII, Chapter 4, expanding the Special Governors Island District, and to amend related Sections, Borough of Manhattan, Community District 1, Council District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on April 22, 2021 (Minutes, page 954) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on May 12, 2021 (Minutes, page 1153), respectfully

REPORTS:

SUBJECT

MANHATTAN CB-1 - TWO APPLICATIONS RELATED TO GOVERNORS ISLAND REZONING

N 210126 ZRM (Pre. L.U. No. 770)

City Planning Commission decision approving an application submitted by Governors Island Corporation d/b/a The Trust for Governors Island, and NYC Small Business Services, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to modify Article XIII, Chapter 4, expanding the Special Governors Island District, and to amend related Sections.

C 210127 ZMM (Pre. L.U. No. 771)

City Planning Commission decision approving an application submitted by Governors Island Corporation d/b/a The Trust for Governors Island and NYC Small Business Services, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16a:

1. changing from an R3-2 District to a C4-1 District property bounded by a line at angle 92.2 degrees and 2,691 feet northeasterly from the southwesterly point of Governors Island as measured along to said line and bisecting the angle formed by the southwesterly boundary lines of Governors Island, and the southeasterly, southwesterly, westerly, and northwesterly boundary lines of Governors Island; and
2. establishing a Special Governors Island District bounded by a line 2,675 feet northeasterly from the southwesterly point of Governors Island as measured along a line perpendicular to said line and bisecting the angle formed by the southwesterly boundary lines of Governors Island, and the southeasterly, southwesterly, westerly, and northwesterly boundary lines of Governors Island, and including the areas of existing Piers;

as shown on a diagram (for illustrative purposes only) dated October 19, 2020.

INTENT

To approve zoning text amendment of the project area to modify Article XIII, Chapter 4 and other related Sections of Special Governors Island District, and to establish three subareas within the Southern Subdistrict: the Western Subarea, the Eastern Subarea and Open Space Subarea would include bulk controls for lot coverage, height and setback controls, distance between buildings, building lengths, building placement, width and orientation; and amend zoning map to change from an R3-2 District to a C4-1 District and establish a Special Governors Island District bounded by a line 2,675 feet northeasterly from the southwesterly point of Governors Island to facilitate up to 4,275,000 square feet of commercial, educational and community facility development across 34 acres on Governors Island, Manhattan, Community District 1.

PUBLIC HEARING

DATE: April 5, 2021

Witnesses in Favor: Twenty-eight

Witnesses Against: Fifty-seven

SUBCOMMITTEE RECOMMENDATION

DATE: May 11, 2021

The Subcommittee recommends that the Land Use Committee approve with modifications the decisions of the City Planning Commission on Pre. L.U. No. 770 and approve Pre. L.U. No. 771.

In Favor:

Moya, Levin, Reynoso, Grodenchik, Ayala, Borelli.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: May 11, 2021

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Koo, Levin, Reynoso, Treyger, Grodenchik, Adams, Ayala, R. Diaz Sr., Moya, Riley, Brooks-Powers, Feliz, Borelli.

Against:

Barron

Abstain:

None.

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSIONS

The City Planning Commission filed a letter dated May 19, 2021, with the Council on May 26, 2021, 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. 1667

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 210126 ZRM, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 770).

By Council Members Salamanca and Moya.

WHEREAS, Governors Island Corporation d/b/a The Trust for Governors Island, and NYC Small Business Services, 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, to modify Article XIII, Chapter 4, expanding the Special Governors Island District, and to amend related Sections, which in conjunction with the related action would facilitate up to 4,275,000 square feet of commercial, educational and community facility development across 34 acres on Governors Island, Manhattan, Community District 1, (Application No. N 210126 ZRM) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on March 26, 2021, its decision dated March 17, 2021 (the “Decision”), on the Application;

WHEREAS, the Application is related to application C 210127 ZMM (Pre. L.U. No. 771), a zoning map amendment to extend the Special Governors Island District and rezone the R3-2 zoning district to a C4-1 zoning 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 April 5, 2021;

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 positive declaration, issued on August 23, 2018 (CEQR No. 11DME007M) and a Final Second Supplemental Generic Environmental Impact Statement (FSSGEIS) for which a Notice of Completion was issued on March 5, 2020 which identified significant adverse impacts with respect to transportation (traffic, transit, and pedestrians) and the identified significant adverse impacts and proposed mitigation measures under the proposed actions are included in Commitment Letters between the Trust and the Office of the Deputy Mayor of Housing and Economic Development (DME) and New York City Transit (NYCT).

RESOLVED:

Having considered the FEIS with respect to the Decision and Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;

- (2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, adopted herein is one which minimizes or avoids environmental impacts to the maximum extent practicable;
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the greatest extent practicable, memorialized in Commitment Letters between The Trust and DME, and The Trust and NYCT, attached to this report.

The Decision, together with the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 201 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 210126 ZRM, 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 ~~double struck out~~ is old, deleted by the City Council;

Matter double-underlined is new, added by the City Council
 Matter within # # is defined in Section 12-10;
 * * * indicates where unchanged text appears in the Zoning Resolution.

* * *

**ARTICLE XIII
 SPECIAL PURPOSE DISTRICTS**

**Chapter 4
 Special Governors Island District**

**134-00
 GENERAL PURPOSES**

The “Special Governors Island District” established in this Resolution is designed to promote and protect public health, safety and general welfare. These goals include, among others, the following specific purposes:

- (a) to promote public use and enjoyment of the Island as a recreational destination that draws upon its location in New York Harbor with singular views and natural beauty;
- (b) to encourage educational and cultural uses such as the arts, music and dance which bring the public to the Island to enjoy cultural events in a unique setting of historic buildings and green spaces;
- (c) to promote public use of the Island for water-related recreational and educational activities that benefit from the unique Island setting;
- (d) to preserve historic buildings in the historic district and encourage their renovation and redevelopment for appropriate educational, cultural and commercial uses;
- (e) to facilitate commercial uses including, but not limited to, hotels, restaurants, retail, arts and crafts

galleries and related uses that are compatible with the educational, cultural and recreational uses of the Island and with the primary use of the Island by the public as a recreational resource; ~~and~~

- (f) to provide additional opportunities for new development in defined areas of the southern part of the Island with connections to and an appropriate relationship with publicly accessible open spaces and the Governors Island Historic District;
- (g) to provide flexibility of architectural design within limits established to preserve views and activate buildings along publicly accessible open spaces;
- (h) to create a network of publicly accessible open spaces that provides pedestrian connections and view corridors and provides a community amenity that takes advantage of the unique geography of the Island; and
- ~~(i)~~ to promote the most desirable use of land and thus conserve the value of land and buildings, and thereby protect the City's tax revenues.

134-01 General Provisions

~~For the purposes of this Chapter, the area within the boundaries of the #Special Governors Island District# shall be considered a single #zoning lot#.~~

~~Development rights may not be transferred across the boundary of the #Special Governors Island District#.~~

The provisions of this Chapter shall apply within the #Special Governors Island District#. Except as modified by the express provisions of the #Special Governors Island District#, the regulations of the underlying zoning districts shall remain in effect. In the event of a conflict between the provisions of this Chapter and the other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

134-02 Applicability of Parking and Loading Regulations

[provisions moved to Section 134-50]

~~The off street parking and loading regulations of the underlying zoning district and Article I, Chapter 3 (Comprehensive Off street Parking and Loading Regulations in the Manhattan Core), shall not apply. In lieu thereof, off street parking and loading berths #accessory# to any #use# permitted within the #Special Governors Island District# shall be allowed.~~

District Plan and Maps

The regulations of this Chapter are designed to implement the #Special Governors Island District# Plan.

The District Plan includes the following maps in the Appendix to this Chapter:

Map 1. Special Governors Island District, Subdistricts and Subareas

Map 2. Building Parcels, Primary Connections and Esplanade

Map 3. Secondary Connections

Map 4. Maximum Base Heights and Setbacks

The maps are hereby incorporated and made part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements set forth in the text of this Chapter apply.

134-03

Applicability of Special Regulations Applying in the Waterfront Area Subdistricts and Subareas

~~The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall not apply, except as set forth in Section 134-22 (Special Height and Setback Regulations).~~

In order to carry out the provisions of this Chapter, two subdistricts are established, as follows:

Northern Subdistrict

Southern Subdistrict

In each of these Subdistricts, certain special regulations apply which do not apply within the remainder of the #Special Governors Island District#. Within the Southern Subdistrict, three subareas are established, as follows:

Eastern Subarea

Containing #building parcels# E-1 through E-4

Western Subarea

Containing #building parcel# W-1

Open Space Subarea

The location and boundaries of the subdistricts, subareas, and #building parcels# are shown on Maps 1 and 2 in the Appendix to this Chapter.

134-04

Definitions

Definitions specifically applicable to this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section 12-10 (Definitions).

Building parcel

A “building parcel” is a portion of the #zoning lot# located within the Eastern Subarea or Western Subarea that is bounded on each side by #primary connections#, subarea boundaries or #Yankee Pier Plaza#. For the purposes of applying the regulations of this Resolution, other than #floor area ratio#, the boundary of any #building parcel# shall be considered a #street line# and a wall or portion of a wall of a #building# facing such #street line# shall be considered a #street wall#.

Esplanade

The “esplanade” is that portion of the Open Space Subarea identified on Map 2 in the Appendix to this Chapter, that includes the public way existing as of [date of adoption].

Primary connection

A “primary connection” is a public way within one of the primary connection locations shown on Map 2 in the Appendix to this Chapter, that complies with the requirements of Section 134-41 (Primary Connections).

Secondary connection

A “secondary connection” is a public way within one of the secondary connection locations shown on Map 3 in the Appendix to this Chapter, that complies with the requirements of Section 134-42 (Secondary Connections).

Yankee Pier Plaza

“Yankee Pier Plaza” is the portion of the Eastern Subarea designated to contain a publicly accessible open space, as shown on Map 2, that complies with the requirements of Section 134-43 (Yankee Pier Plaza).

134-05

Applicability of Article VI, Chapter 2

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall not apply within the #Special Governors Island District#.

134-06

Applicability of Article VII, Chapter 6

The provisions of Section 76-145 (Boundary line coinciding with parks, cemeteries or navigable waters) shall be modified so that where the zoning district boundaries shown on the applicable zoning map coincide with the #shoreline#, such zoning district boundaries shall be deemed to extend beyond the #shoreline# to also include any piers contained within the #Special Governors Island District#.

134-10

SPECIAL USE REGULATIONS

The #use# regulations of the underlying districts are hereby superseded, modified or supplemented as set forth in this Section, inclusive.

134-11

Commercial Permitted Uses

[provisions moved to Section 134-111]

The following #commercial uses# shall be allowed

From Use Group 5:

All #uses#.

From Use Groups 6A, 6B, 6D, 6E and 6F:

All #uses#

From Use Group 6C:

All #uses#, except automobile supply stores, drive-in banks, carpet, rug, linoleum or other floor covering stores, furniture stores, loan offices, medical or orthopedic appliance stores, paint stores, sewing machine stores or typewriter stores.

From Use Groups 7A and 7E:

All #uses#.

From Use Group 7B:

Bicycle rental or repair shops, Sailmaking establishments, sign painting shops, limited to 2,500 square feet of #floor area# per establishment.

From Use Groups 8A and 8E:

All #uses#.

From Use Group 9A:

All #uses#, except for automobile, motorcycle, #trailer# or boat showrooms or sales, with no repair services and with no preparation of vehicles or boats for delivery, blueprinting or photostating establishments, musical instrument repair shops, plumbing, heating or ventilating equipment showrooms, without repair facilities, typewriter or other small business machine sales, rental or repairs, or umbrella repair shops.

From Use Group 9C:

All #uses#.

From Use Group 10A:

Docks for ferries, other than #gambling vessels#, with no restriction on passenger load

Eating or drinking places, without restrictions on entertainment or dancing, but limited to location in hotels

Photographic or motion picture production studios Radio or television studios.

From Use Group 10C:

All #uses#.

From Use Group 11A and 11C:

~~All #uses#, except for medical, dental, drafting instruments, optical goods, or similar precision instruments, or orthopedic or medical appliances, or custom manufacturing.~~

From Use Group 12A:

~~All #uses#, except for eating or drinking establishments with entertainment and a capacity of more than 200 persons, or establishments of any capacity with dancing, stadiums or trade expositions.~~

From Use Groups 12B, 12C and 12E:

~~All #uses#.~~

From Use Group 13:

~~All #uses#.~~

From Use Group 14:

~~All #uses#.~~

From Use Group 15:

~~Merry go rounds.~~

[provisions moved to Section 134-14]

~~Any #commercial use# or #physical culture or health establishment# larger than 7,500 square feet in #floor area# shall be permitted provided that, prior to the establishment of such #use#, the applicant shall submit a written description of such #use# to the local community board, together with information to demonstrate that such #use# will promote the goals of the #Special Governors Island District#, complement existing #uses# within the special district, and be compatible with the nature, scale and character of other #uses# within the special district.~~

~~The local community board shall have the opportunity to respond to such submission with written comments within forty five (45) days of receipt and the applicant shall thereafter provide the local community board with a written response to such comments, including a description of any modifications to the proposal or, if a recommendation of the local community board has not been adopted, the reasons such modification has not been made.~~

~~No building permit shall be issued with respect to a #commercial use# or #physical culture or health establishment# larger than 7,500 square feet unless the Chairperson of the City Planning Commission shall have certified to the Department of Buildings that the applicant has complied with the provisions of this Section.~~

~~The provisions of this Section shall not apply to #commercial uses# permitted pursuant to Section 134-12 (Authorization for Certain Commercial Uses).~~

**134-111
Permitted uses in subdistricts**

[provisions moved from Section 134-11]

In the Northern Subdistrict and the Southern Subdistrict, the following #uses# shall be permitted, except as otherwise specified in Section 134-112 (Permitted uses in the Open Space Subarea). In addition, in the Northern Subdistrict, the provisions of Section 134-14 (Certification for Large Commercial Establishments) shall apply to any #commercial use# exceeding 7,500 square feet of #floor area#.

From Use Groups 1 through 4, as set forth in Sections 22-11 through 22-14:

All #uses#.

From Use Group 5, as set forth in Section 32-14:

All #uses#.

From Use Group 6, as set forth in Section 32-15:

All #uses#, except automobile supply stores, drive-in banks, carpet, rug, linoleum or other floor covering stores, furniture stores, loan offices, medical or orthopedic appliance stores, paint stores, sewing machine stores or typewriter stores.

From Use Group 7, as set forth in Section 32-16:

In the Northern Subdistrict, from Use Group 7A: ~~All #uses# in Use Group 7A.~~

In the Northern Subdistrict and the Southern Subdistrict, ~~From~~ from Use Group 7B: bicycle rental or repair shops, sailmaking establishments, and sign painting shops, limited to 2,500 square feet of #floor area# per establishment.

From Use Group 8A, as set forth in Section 32-17:

All #uses#.

From Use Group 9A, as set forth in Section 32-18:

All #uses, except automobile, motorcycle, #trailer# or boat showrooms or sales, with no repair services and with no preparation of vehicles or boats for delivery, blueprinting or photostatting establishments, musical instrument repair shops, plumbing, heating or ventilating equipment showrooms, without repair facilities, typewriter or other small business machine sales, rental or repairs, or umbrella repair shops.

From Use Group 10A, as set forth in Section 32-19:

Docks for ferries, other than #gambling vessels#, with no restriction on passenger load; eating or drinking places, without restrictions on entertainment or dancing, but limited to location in hotels; photographic or motion picture production studios; and radio or television studios.

Additionally, in the Southern Subdistrict only, carpet, rug, linoleum or other floor covering stores, with no limitation on #floor area# per establishment; and furniture stores, with no limitation on #floor area# per establishment.

From Use Group 11A, as set forth in Section 32-20:

In the Northern Subdistrict: all #uses#, except for medical, dental, drafting instruments, optical goods, or similar precision instruments; or orthopedic or medical appliances custom manufacturing.

In the Southern Subdistrict: all #uses#.

From Use Group 12, as set forth in Section 32-21:

In the Northern Subdistrict, from Use Group 12A: all #uses#, except for eating or drinking establishments with entertainment and a capacity of more than 200 persons, or of any capacity with dancing; stadiums or trade expositions.

In the Southern Subdistrict, from Use Group 12A: all #uses#, except stadiums.

In the Northern Subdistrict and Southern Subdistrict, from Use Groups 12B and 12C: all #uses#.

From Use Groups 13 and 14, as set forth in Sections 32-22 and 32-23:

All #uses#.

From Use Group 15, as set forth in Section 32-24:

Merry-go-rounds.

From Use Group 16, as set forth in Section 32-25:

In the Southern Subdistrict, from Use Group 16A: carpentry, custom woodworking or custom furniture making shops.

In the Southern Subdistrict, from Use Group 16D: warehouses.

From Use Group 17, as set forth in Section 42-14:

In the Southern Subdistrict, from Use Group 17B: research, experimental or testing laboratories; furniture manufacture; manufacture of pharmaceutical products, chemical compounding or packaging; manufacture of non-alcoholic beverages; food product manufacture (except slaughtering of meat or preparation of fish for packing); building and repair of boats of less than 200 feet in length.

In the Southern Subdistrict, from Use Group 17C: electric utility substations, enclosed, with no limitation as to size; and docks for vessels, other than passenger ocean vessels or gambling vessels.

From Use Group 18, as set forth in Section 42-15:

In the Southern Subdistrict, from Use Group 18A: the manufacture of alcoholic beverages and breweries; sewage disposal plants.

In the Southern Subdistrict, from Use Group 18B: marine transfer stations.

Transit facilities, open or enclosed.

#Accessory uses#, open or enclosed.

134-112

Permitted uses in the Open Space Subarea

In the Open Space Subarea of the Southern Subdistrict, the following #uses# shall be permitted.

- (a) In locations of the Open Space Subarea other than piers, #uses# shall be limited to:

From Use Group 4, as set forth in Section 22-14:

#Public parks# or playgrounds or private parks.

From Use Group 6A, as set forth in Section 32-15:

Eating or drinking establishments with entertainment but not dancing, with a capacity of 200 persons or fewer.

From Use Group 13, as set forth in Section 32-22:

All open #uses# in Use Group 13A.

Transit facilities, open or enclosed.

#Accessory uses#, open or enclosed.

#Uses# otherwise permitted in the Southern Subdistrict pursuant to Sections 134-111 (Permitted uses in all subdistricts) may be located in #cellars# within the Open Space Subarea.

- (b) On any pier in the Open Space Subarea, #uses# shall be limited to the following:

From Use Group 4, as set forth in Section 22-14:

Clubs, limited to non-profit private beach clubs and non-profit private boat clubs.

From Use Group 6, as set forth in Section 32-15:

Docks for water taxis, with a vessel capacity of up to 99 passengers.

From Use Group 7, as set forth in Section 32-16:

#Boatels#.

From Use Group 9, as set forth in Section 32-18:

Docks for sightseeing, excursion or sport fishing vessels, other than gambling vessels.

From Use Group 10, as set forth in Section 32-19:

Docks for ferries, other than #gambling vessels#, with no restriction on passenger load.

From Use Group 14, as set forth in Section 32-23:

Boat launching facilities for non-commercial pleasure boats; boat rental establishments, open or enclosed; boat storage, repair, or painting establishments.

From Use Group 16, as set forth in Section 32-25:

Warehouses.

From Use Group 18, as set forth in Section 42-15:

Sewage disposal plants; marine transfer stations.

#Accessory uses#, open or enclosed.

134-12

Authorization for Certain Commercial Uses Applicability of Performance Standards

[provisions moved to Section 134-15]

~~The City Planning Commission may authorize any #commercial use# not allowed pursuant to Section 134-11 to locate within the #Special Governors Island District#, provided that such #commercial use#:~~

- ~~(a) will promote the goals of the #Special Governors Island District#;~~
- ~~(b) will complement existing #uses# within the special district; and~~
- ~~(c) is compatible with the nature, scale and character of other #uses# within the special district.~~

In all districts, any #use# listed in Use Group 16, 17, or 18 shall conform to the performance standards for M1 Districts as set forth in Sections 42-20 and 42-28, inclusive, except that the provisions of Section 42-27 (Performance Standards Regulating Fire and Explosive Hazards) shall not apply to the manufacture of alcoholic beverages and breweries.

134-13

Physical Culture or Health Establishments

In all districts, #Physical culture or health establishments# shall be permitted as-of-right and shall be considered a Use Group 9A #use#. ~~in the #Special Governors Island District#, subject to the requirements of Section 134-11. The special permit provisions of Section 73-36 shall not apply.~~

134-14

Signs Certification for Large Commercial Establishments

[provisions moved to Section 134-17]

~~For #commercial uses# and #physical culture or health establishments#, the #sign# regulations of a C1 District mapped within an R3-2 District shall apply.~~

[provisions moved from Section 134-11]

In the Northern Subdistrict, any #commercial use# larger than 7,500 square feet in #floor area# shall be permitted provided that, prior to the establishment of such #use#, the applicant shall submit a written description of such use to the local Community Board, together with information to demonstrate that such #use# will

promote the goals of the #Special Governors Island District#, complement existing #uses# within the special district, and be compatible with the nature, scale and character of other #uses# within the special district.

The local Community Board shall have the opportunity to respond to such submission with written comments within forty-five (45) days of receipt and the applicant shall thereafter provide the local Community Board with a written response to such comments, including a description of any modifications to the proposal or, if a recommendation of the local Community Board has not been adopted, the reasons such modification has not been made.

In the Northern Subdistrict, no building permit shall be issued with respect to a #commercial use# larger than 7,500 square feet of #floor area# unless the Chairperson of the City Planning Commission shall have certified to the Department of Buildings that the applicant has complied with the provisions of this Section.

The provisions of this Section shall not apply to #commercial uses# permitted pursuant to Section 134-15 (Authorization for Certain Commercial Uses).

134-15 Authorization for Certain Commercial Uses

[provisions moved from Section 134-12]

The City Planning Commission may authorize any #commercial use# not allowed pursuant to Section 134-11, inclusive, to locate within the Northern Subdistrict, Eastern Subarea or the Western Subarea of the #Special Governors Island District#, provided that such #commercial use#:

- (a) will promote the goals of the #Special Governors Island District#;
- (b) will complement existing #uses# within the special district; and
- (c) is compatible with the nature, scale and character of other #uses# within its subdistrict.

Any application to authorize a #commercial use# in the ~~Southern Subdistrict~~ Eastern Subarea or Western Subarea pursuant to this Section shall be referred to the local Community Board. The City Planning Commission shall not grant such authorization prior to forty-five (45) days after the referral.

134-16 Special Supplemental Use Regulations

In the Southern Subdistrict, special supplemental #use# regulations# shall apply to all #buildings# as set forth in this Section, inclusive.

134-161 Location of uses

- (a) Buildings containing #commercial# and #residential uses#

In any #mixed building#, the provisions of Section 32-422 (Location of floors occupied by commercial uses) shall apply, except that #dwelling units# shall be permitted on the same story as a #commercial

use# provided no access exists between such #uses# at any level containing #dwelling units# and provided no #commercial uses# are located directly over any #dwelling units#.

However, #commercial uses# may be located on a higher #story# than any #dwelling units#, including over #dwelling units# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from #commercial uses# exists within the #building#. Any application to authorize such a modification shall be referred to the local Community Board. The Commission shall not grant such authorization prior to forty-five (45) days following the referral.

- (b) Buildings containing certain #commercial# or industrial #uses#

No #dwelling units# shall be permitted within any #building# which also contains a #use# listed in Use Groups 16, 17, or 18.

- (c) Limitation on access to #dwelling units#

In any #building# containing #residential uses#, no direct access shall be provided from the exterior of the #building# to an individual #dwelling unit#. However, access to #dwelling units# shall be permitted through shared entrances, lobbies or #courts#.

134-162

Enclosure of uses

In the #Special Governors Island District#, the underlying supplemental #use# regulations of Section 32-412 (In other Commercial Districts) shall be modified to also apply to any permitted #manufacturing uses#.

134-17

Special Signage Regulations

[provisions for the Northern Subdistrict moved from Section 134-14]

In the #Special Governors Island District#, the #sign# regulations shall apply as follows:

- (a) In the Northern Subdistrict, the #sign# regulations of a C1 District mapped within an R3-2 District shall apply.
- (b) In the Southern Subdistrict, the #sign# regulations of a C4 District shall apply, except that no #flashing signs# shall be permitted.
- (c) No #signs# shall be permitted on any pier within the Southern Subdistrict. However, such restriction shall not apply to informational or wayfinding signs not exceeding 25 square feet each, or to signage identifying “Governors Island” or a pier from the waterway.

134-20

SPECIAL BULK REGULATIONS

[provisions moved from Section 134-21]

In the Northern Subdistrict, the underlying #bulk# regulations shall apply, as superseded, modified, or supplemented by this Section, inclusive. The #bulk# regulations of a C1 District mapped within an R3-2 District shall apply to all #commercial uses#.

In the Southern Subdistrict, the underlying #bulk# regulations shall not apply. In lieu thereof, the provisions of this Section, inclusive, shall apply. All heights within the Southern Subdistrict shall be measured from the #base plane#, except as otherwise provided for by the provisions of Article VI, Chapter 4 (Regulations Applying in Special Flood Hazard Areas).

For the purposes of applying the regulations of this Section, inclusive, to the #esplanade#, the open area required by paragraph (d) of Section 134-44 shall be considered part of the #esplanade#.

134-21

Special Regulations for Commercial Uses Floor Area Regulations

[provisions moved to Section 134-20]

For #commercial uses# and #physical culture or health establishments#, the #floor area# regulations of a C1 District mapped within an R3-2 District shall apply.

134-211

Floor Area Regulations in the Northern Subdistrict

For the purposes of determining the permitted #floor area ratio# pursuant to this Section, the Northern Subdistrict shall be considered a single #zoning lot#.

Within the Northern Subdistrict, the underlying #floor area ratios# shall apply to all permitted #uses#.

134-212

Floor Area Regulations in the Southern Subdistrict

For the purposes of determining the permitted #floor area ratio# pursuant to this Section, the Eastern and Western Subarea of the Southern Subdistrict shall, in combination, be considered a single #zoning lot#. No #floor area# shall be generated from the Open Space Subarea.

Within the Southern Subdistrict, the maximum #floor area ratios# permitted for #residential# and non-#residential uses# on a #zoning lot#, along with the total #floor area ratio# permitted on a #zoning lot#, shall be as set forth in the following table:

MAXIMUM FLOOR AREA RATIO IN SOUTHERN SUBDISTRICT

#residential uses#	0.50
Non-#residential uses#	2.98
<u>Use Group 3 & 4 (exclusive of ambulatory diagnostic or treatment health care facilities)</u>	<u>2.63</u>

<u>All other #uses#</u>	<u>2.0</u>
<u>#residential uses#</u>	<u>0.5</u>
<u>Use Group 5</u>	<u>0.313</u>
<u>total maximum FAR</u>	<u>2.98 2.63</u>

In addition, the following provisions shall apply:

- (a) the aggregate #lot area# of the Eastern and Western Subareas, shall be considered to be 1,436,930 square feet. #Floor area# shall be permitted to be located anywhere within such subareas without regard to the #lot area# of a subarea or the separation of the subareas by the Open Space Subarea;
- (b) no #floor area# shall be generated within the Open Space Subarea, ~~and but the #floor area# contained in any #buildings or other structures# permitted as obstructions within the Open Space Subarea pursuant to paragraph (b)(5) of Section 134-24 (Height and Setback Regulations) shall be exempt from the definition of #floor area#;~~ included in the calculation of aggregate #floor area# for purposes of paragraph (c) of this Section; and
- (c) in no event shall the aggregate #floor area# in the Southern Subdistrict exceed ~~4,275,000~~ 3,775,000 square feet.

**134-22
Special Height and Setback Regulations Lot Coverage**

[provisions moved to paragraph (a) of Section 134-24]

The provisions of Section ~~62-341 (Developments on land and platforms)~~ shall apply to all #buildings# in the #Special Governors Island District#.

For the purposes of determining the permitted #lot coverage# pursuant to this Section, each #building parcel# shall be considered a separate #zoning lot#. Within the Eastern and Western Subareas, the maximum #lot coverage# shall be as set forth in the following table:

MAXIMUM LOT COVERAGE

<u>height above #base plane# (in feet)</u>	<u>#lot coverage# (in percent)</u>
<u>Below 60 75</u>	<u>80</u>
<u>60 75 to 125</u>	<u>50</u>
<u>above 125</u>	<u>30</u>

In the Open Space Subarea, no #lot coverage# regulations shall apply.

134-23 Yard Regulations

Within the Southern Subdistrict, no #yard# regulations shall apply.

134-24 Height and Setback Regulations

(a) Northern Subdistrict

[The provisions of 62-341, which applied by cross-reference, are now included here directly.]

The underlying district height and setback regulations of Article II (Residence District Regulations) are applicable or modified as follows:

- (1) For #buildings# containing #residences#, the underlying height and setback regulations for #buildings# containing #residences# shall apply, except for in #buildings# in which 75 percent or more of the #floor area# is #community facility floor area#.
- (2) For #buildings# in which 75 percent or more of the #floor area# is #community facility floor area#, the underlying height and setback regulations shall not apply. In lieu thereof, any portion of a such #building# that exceeds a height of 35 feet shall be set back at least 25 feet from a #front yard line# or #street line#, where applicable, and no portion of such #building# shall exceed a height of 60 feet.
- (3) For #buildings# containing #commercial uses#, the underlying height and setback regulations for #commercial uses# are modified as follows: no #building# containing #commercial uses# shall exceed a height of 30 feet, except for #buildings# subject to paragraphs (a)(1) or (a)(2) of this Section.
- (4) All structures other than #buildings# shall be limited to a height of 35 feet.

(b) Southern Subdistrict

Within the Southern Subdistrict, the following height and setback regulations shall apply. Where heights are measured from the #base plane#, the #base plane# shall be established at 12.348 feet above Manhattan Datum.

(1) #Street wall# location

On #building parcel# E-2, where any portion of a #building# is located within 60 feet of #Yankee Pier Plaza#:

- (i) at least 65 percent of the #street wall# facing #Yankee Pier Plaza# shall be located within 15 feet of the #street line# adjoining #Yankee Pier Plaza#, and shall rise to a minimum base height of 30 feet; and
- (ii) where any portion of such #building# exceeds 125 feet in height, at least 50 percent of the #street wall# facing the #esplanade# shall rise to a minimum base height of 30 feet and be located within 30 feet of the #esplanade#.

On all other #building parcels# and for the #street lines# on #building parcel# E-2 other than the #street lines# facing #Yankee Pier Plaza# and the #esplanade#, no #street wall# location requirements shall apply.

(2) Maximum base height and required setback

Within 15 feet of the #street line#, or as otherwise specified in Map 4 of the Appendix to this Chapter, the height of a #building# shall not exceed the maximum base heights set forth in Map 4 for the applicable frontage of a #building parcel#.

(3) Maximum #building# height

The maximum height of a #building or other structure# shall not exceed the height set forth in the following table for the applicable #building parcel#:

MAXIMUM HEIGHT

<u>#Building parcel#</u>	<u>Height above #base plane# (in feet)</u>
<u>E-1</u>	<u>230 125</u>
<u>E-2</u>	<u>250 225</u>
<u>E-3</u>	<u>200 175</u>
<u>E-4</u>	<u>200 125</u>
<u>W-1</u>	<u>250 200</u>

In addition, the following shall apply:

- (i) In the Eastern Subarea, no portion of a #building or other structure# may exceed the maximum base height set forth in paragraph (b)(2) of this Section within 150 feet of the boundary of the Northern Subdistrict.
- (ii) In the Eastern Subarea, no portion of a #building or other structure# may be located in the open area required by paragraph (d) of Section 134-44 (Other Open Areas).
- (iii) In the Western Subarea, no portion of a #building or other structure# may exceed the maximum base height set forth in paragraph (b)(2) of this Section within:
 - (a) 100 feet of the #esplanade#;
 - (b) 150 feet of the boundary of the Northern Subdistrict; or
 - (c) 100 feet of the southern end of #building parcel# W-1.

For the purposes of this Section, the southern end of #building parcel# W-1 shall be measured from a line drawn perpendicular to the #esplanade# and intersecting #building parcel# W-1.

- (iv) In the Open Space Subarea, no portion of a #building or other structure# shall be permitted above the #base plane#, except as provided in paragraph (b)(5) of this Section.

(4) Permitted obstructions in the Eastern Subarea and Western Subarea

In the Eastern Subarea and Western Subarea, the provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings#, modified as follows:

- (i) the obstructions permitted by paragraph (f) of Section 33-42 may exceed the maximum #building# height by 40 feet with no restriction on area; and
- (ii) no such obstructions shall be permitted within the setback required by paragraph (b)(2) of this Section.

(5) Permitted obstructions in the Open Space Subarea

In the Open Space Subarea, permitted obstructions shall include:

- (i) #buildings or other structures# containing permitted #uses#, up to a height of not more than 25 feet;
- (ii) #buildings or other structures# containing permitted theater #uses#, up to a height of not more than 35 feet; and
- (iii) equipment and appurtenances associated with public parks and playgrounds, including, but not limited to, sculptures, works of art and other amenities referenced in Section 37-726 (Permitted obstructions).

Permitted obstructions set forth in provisions (i) and (ii) of this paragraph (5) shall occupy no more than 20 percent of the Open Space Subarea.

134-25

Maximum Floor Plate Size

Within the Southern Subdistrict, the maximum area and length of any #story# shall be as specified in this Section, as applicable.

Within the Eastern Subarea, the maximum length of a #building# at any height shall be 400 feet, as measured parallel to the #street line#. For the purposes of this Section, #abutting buildings# shall be considered a single #building#. However, #buildings# that only #abut# via an enclosed bridge that is located at least 30 feet above the adjoining grade, and that has a width of not more than 30 feet, length of not more than 60 feet and a height not exceeding 15 feet, shall not be considered a single #building#.

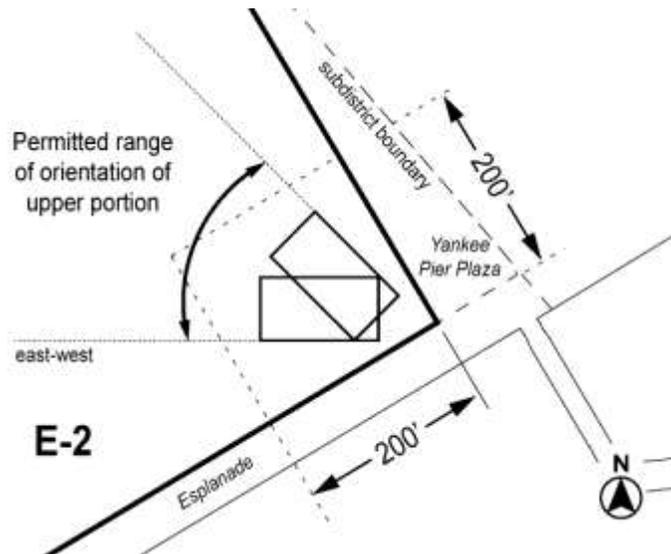
For any #story# fully above a height of 125 feet, the following provisions shall apply. Where a #building# has multiple portions above such height, the maximum size requirements shall apply to each portion separately.

- (a) In the Eastern Subarea, no #story# shall be permitted to have a gross area in excess of 30,000 square feet.
- (b) In the Western Subarea, no #story# shall be permitted to have a gross area in excess of 27,000 square feet.

134-26

Orientation and Maximum Width of Upper Portions of Buildings

On #building parcel# E-2, within 200 feet of #Yankee Pier Plaza# and 200 feet of the #esplanade#, the longest side of any portion of a #building# located within this area, and above a height of 125 feet, shall be oriented parallel to the boundary of the Northern Subdistrict, true East-West, or anywhere between these two directions.

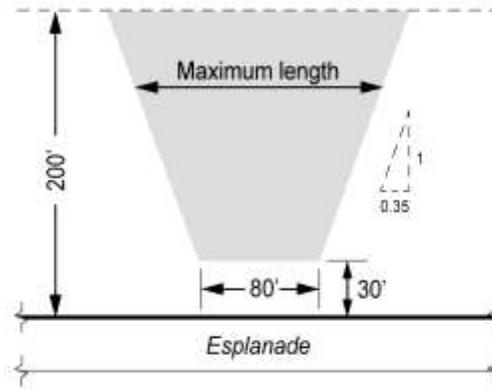


[new diagram to be added]

On the portion of #building parcel# E-2 that is beyond 200 feet of #Yankee Pier Plaza#, and on #building parcels# E-3 and E-4, for portions of #buildings# above a height of 125 feet, the provisions of paragraph (a) of this Section shall apply where no #story# within such portion has a gross area greater than or equal to 20,000 square feet, and the provisions of paragraph (b) shall apply where any #story# within such portion has a gross area greater than 20,000 square feet.

- (a) For floor plates less than 20,000 square feet

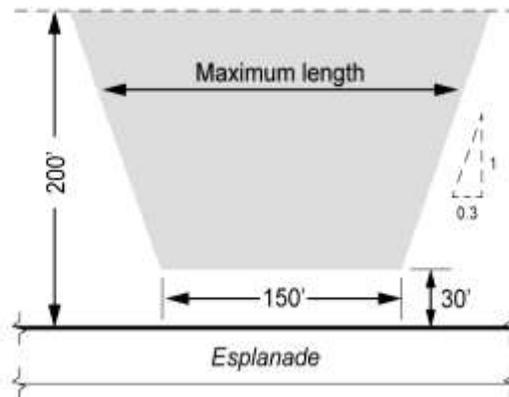
Within 200 feet of the #esplanade#, the maximum length of any #street walls# facing the #esplanade# shall be 80 feet along a line running 30 feet from and parallel to the #esplanade# and the maximum length shall increase on each side by 0.35 feet for every one foot of additional distance beyond the line running 30 feet from and parallel to the #esplanade#.



[new diagram to be added]

- (b) For floor plates equal to or greater than 20,000 square feet

Within 200 feet of the #esplanade#, the maximum length of any #street walls# facing the #esplanade# shall be 150 feet along a line running 30 feet from and parallel to the #esplanade# and the maximum length shall increase on each side by 0.3 feet for every one foot of additional distance beyond the line running 30 feet from and parallel to the #esplanade#.



[new diagram to be added]

134-27

Minimum Distance Between Buildings

Within the Southern Subdistrict, the requirements of this Section shall apply to all #buildings#.

- (a) No separation shall be required between portions of #buildings# that are less than or equal to a height of 75 feet, except as set forth in paragraph (d) of this Section.

However, in the Eastern Subarea, where the total #street wall# width of all #buildings# along a single #street line# exceeds 400 feet along such #street line#, such #buildings# shall be at least 30 feet apart.

- (b) Portions of #buildings# located above a height of 75 feet and below 125 feet shall at no point be located less than 60 feet apart.

(c) Portions of #buildings# located at or above a height of 125 feet shall at no point be located less than 90 feet apart.

(d) The regulations of Sections 23-70 (MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT) and 23-80 (COURT REGULATIONS, MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES AND OPEN AREA REQUIREMENTS) shall apply to any portion of a #building# containing #residences# or #community facility uses# containing living accommodations with required windows, except where more stringent requirements apply pursuant to paragraphs (a) through (c) of this Section.

134-28

Building Articulation

Within the Southern Subdistrict, any portion of a #building# that is located at or below a height of 75 feet, and has a #street wall# width greater than 200 feet, as measured parallel to the #street line#, shall provide recesses in accordance with the following requirements:

- (a) recesses shall be required to extend along at least 25 percent of the #street wall# width that is in excess of 200 feet. No required recess shall have a width of less than 10 feet;
- (b) such recesses shall have an average depth of at least 10 feet;
- (c) such recesses may be of varying dimensions and heights, provided that the requirements of this Section are met at each level of the #building#.

No articulation shall be required where frontage requirements apply pursuant to paragraph (b)(1) of Section 134-24 (Height and Setback Regulations).

134-29

Authorization for Bulk Modifications in the Southern Subdistrict

The City Planning Commission may authorize modification of the provisions of Sections 134-25 through 134-28, provided that the Commission finds that such modification:

- (a) will promote the goals of the #Special Governors Island District#; and
- (b) will result in a superior urban design relationship with surrounding ways, #buildings# and public open areas or provide an equivalent or better distribution of #bulk# on the #building parcel#.

Any application pursuant to this Section shall be referred to the local Community Board. The Commission shall not grant such authorization prior to forty-five (45) days following the referral.

134-30

SPECIAL GROUND FLOOR AND STREETScape REQUIREMENTS

In the Southern Subdistrict, the ground floor and streetscape requirements of this Section, inclusive, shall apply to all #buildings#.

134-31 Transparency Requirements

(a) Facing #Yankee Pier Plaza#

On #building parcel# E-2, the ground floor level #street wall# facing #Yankee Pier Plaza# shall comply with the requirements of Section 37-34 (Minimum Transparency Requirements). For the purpose of applying these requirements, such ground floor level #street wall# shall be considered a #primary street frontage#, as that term is defined in Section 37-311 (Definitions).

(b) Enclosed #secondary connections#

For any entrance to a #secondary connection# that is enclosed at the point of entry, 50 percent of the surface area of the #street wall# of such #secondary connection# between a height of two feet and the height of the #secondary connection# at the point of entry shall be glazed with transparent materials.

134-32 Mechanical Screening Requirements

Mechanical equipment located on top of #buildings#, and below the maximum base height or maximum #building# height, shall be screened with plantings, solid walls, or fences from the Open Space Subarea, as well as from any connections and open spaces required pursuant to Section 134-40 (REQUIREMENTS FOR CONNECTIONS AND OPEN SPACES), inclusive.

134-40 **REQUIREMENTS FOR CONNECTIONS AND OPEN AREAS**

In the Southern Subdistrict, connections and open areas shall be provided as set forth in this Section, inclusive.

- (a) No building permit shall be issued by the Department of Buildings for a #development# or #enlargement# on a #building parcel# until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that a site plan designating the location of any connection or open area required within or adjacent to such #building parcel# by Sections 134-41 through 134-44, has been approved by the Chairperson.

Notwithstanding the foregoing, the Chairperson shall allow for the phased development of such connections or open area within each #building parcel#, or portion thereof, upon certification to the Commissioner of Buildings that a site plan has been submitted that provides for the location of any connection or open area required by Sections 134-41 through 134-44, in association with the #development# or #enlargement# of a #building# or #buildings# within each phase.

- (b) An application under this Section shall be filed with the Chairperson of the City Planning Commission and such application shall include a site plan indicating the area and dimensions of the connections and open area, or portions thereof, in the phase that is subject to the application, which shall demonstrate that:

- (1) any partial connections and open areas are of sufficient length and width to provide adequate site access for the benefit of residents and workers in the phase to which they relate, as well as for the general public;

- (2) the site plan is consistent with, and appropriate in relation to, any previously approved plan for other phases; and
- (3) the site plan is consistent with the requirements set forth in this Section, inclusive.
- (c) No temporary certificate of occupancy from the Department of Buildings may be issued for any portion of a #development# or #enlargement# within a phase until the connections and open areas, or portions thereof associated with such phase, are substantially complete in accordance with the site plan, and are useable by the public.
- (d) No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# or #enlargement# within a phase until the connections and open areas, or portions thereof associated with such phase, are fully complete in accordance with the site plan.

134-41

Primary Connections

The Eastern Subarea shall be subdivided by #primary connections# within the flexible locations identified on Map 2 (Building Parcels, Primary Connection Locations and Esplanade) in the Appendix to this Chapter.

#Primary connections# shall comply with the following requirements:

- (a) A #primary connection# shall have a minimum width of 60 feet;
- (b) A #primary connection# shall be open to the sky for its full length and width, except that awnings or canopies of less than 250 square feet per awning or canopy shall be permitted at #building# entrances. Awnings and canopies, and associated structural supports extending from the #street wall#, shall extend no farther than 15 feet, and shall be located not less than 15 feet above grade and no vertical supports shall be permitted;
- (c) An unobstructed path having a width of at least 24 feet shall be provided for the full length of each #primary connection#. Such clear path shall be designed for pedestrian use, and may additionally be designed for, and crossed by, pathways for bicycles or vehicular access. Trees, planters, bike racks, seating and other pedestrian amenities shall be permitted outside of the clear path; and
- (d) #Primary connections# shall be open to the public at all times that the Southern Subdistrict is open to the public.

134-42

Secondary Connections

#Secondary connections# shall be provided within the flexible locations identified on Map 3 (Secondary Connection Locations) in the Appendix to this Chapter. #Secondary connections# shall comply with the following requirements:

- (a) One #secondary connection# shall be provided within each of the #building parcels# W-1 and E-2;
- (b) One #secondary connection# shall be provided within #building parcel# E-3, except that where the #primary connections# abutting #building parcel# E-3 are less than 500 feet apart, the #secondary connection# may instead be provided within #building parcel# E-4;

- (c) A #secondary connection# may be open, covered, enclosed, or some combination thereof;
- (d) A #secondary connection# shall have a minimum width of 30 feet;
- (e) Any portion of a #secondary connection# that is enclosed or covered shall have a minimum clear height of 30 feet;
- (f) An unobstructed path having a width of at least 12 feet shall be provided for the full length of each #secondary connection#. Such clear path shall permit pedestrian use, and may additionally permit bicycles or vehicular access. Trees, planters, bike racks, seating and other pedestrian amenities shall be permitted outside of the clear path;
- (g) Open or covered #secondary connections# shall be open to the public at all times that the Southern Subdistrict is open to the public. Enclosed #secondary connections# shall be open to the public at all times that the Open Space Subarea (other than the #esplanade#) is open to the public; and
- (h) Signage shall be located at each point of entry to a #secondary connection# and shall state that the #secondary connection# is “OPEN TO THE PUBLIC,” list its hours of operation, and include a public space symbol exactly matching the symbol provided in the Required Signage Symbols file on the Department of City Planning website.

134-43

Yankee Pier Plaza

The Eastern Subarea shall include a public open area, within the location designated as #Yankee Pier Plaza# on Map 2 (Building Parcels, Primary Connection Locations and Esplanade) in the Appendix to this Chapter.

Such plaza:

- (a) shall have a minimum area of 25,000 square feet;
- (b) shall provide connections between Yankee Pier, the Northern Subdistrict and portions of the Open Space Subarea north of the Eastern Subarea;
- (c) shall be open to the public at all times that the Southern Subdistrict is open to the public;
- (d) may have areas designed and designated for vehicular and pedestrian access; and
- (e) may include stairs, ramps, planted areas, open or enclosed facilities for ferry passengers, kiosks containing no more than 250 square feet of #floor area#, ticket machines, information booths, temporary structures not exceeding one story, bicycle parking, #cellars#, and other amenities not containing #floor area#, as permitted obstructions.

134-44

Other Open Areas

- (a) Adjacent to #Yankee Pier Plaza#

Open areas between #Yankee Pier Plaza# and any wall of a #building# or open #commercial use# that is within 60 feet of #Yankee Pier Plaza# shall be provided as publicly accessible open area and subject to the requirements of paragraphs (c) through (e) of Section 134-43 (Yankee Pier Plaza).

(b) Adjacent to #primary connections#

Open areas between a #primary connection# and any wall of a #building# or open #commercial use# that is within 50 feet of such #primary connection# shall be provided as publicly accessible open areas, and shall be open to the public at all times that such adjoining #primary connection# is open to the public. In addition, open areas beyond 50 feet from a #primary connection# may be provided as publicly accessible open areas. All such open areas may be improved with pathways for access to #building# entrances, trees, planters, seating, bike racks and other public amenities.

(c) Adjacent to portions of the Open Space Subarea

Open areas located between a #building# or open #commercial use#, and the Open Space Subarea or an open area required by paragraph (d) of this Section, shall be provided as publicly accessible open areas, and shall be open to the public at all times that the adjoining portion of the Open Space Subarea is open to the public.

Where portions of such open areas are located beyond 50 feet from the Open Space Subarea or an open area required by paragraph (d), such portions may be provided as publicly accessible open areas.

All such open areas may be improved with pathways for access to #building# entrances, trees, planters, seating, bike racks and other public amenities.

(d) Adjacent to the eastern #esplanade#

Within the Eastern Subarea, on all #building parcels#, an open area with a depth of 20 feet shall be provided along the entire portion of the #esplanade# which #abuts# the #building parcel#. This open area shall be provided as a publicly accessible widening of the #esplanade#, and shall be open to the public at all times that the Open Space Subarea is open to the public.

134-45 Fences

Fences, where provided, shall be considered permitted obstructions within any of the connections or open spaces required by Section 134-40, inclusive, provided they comply with the requirements of this Section:

- (a) no fence shall be permitted within any clear circulation path required by this Section 134-40, inclusive;
- (b) within any required connection or open space, fences shall only be permitted:
 - (1) at the perimeter of recreation spaces, such as any playgrounds, tot lots, or dog runs, provided within such connection or open space; and
 - (2) along the boundary of an adjoining open #commercial use# or other private area;
- (c) a fence shall have a maximum height of 48 inches measured from the adjoining grade level, and must be at least 70 percent open; and
- (d) chain link fencing or barbed or razor wire fencing shall not be permitted.

The City Planning Commission may authorize modification of the provisions of paragraphs (a) and (b) of this Section, upon a finding that such modification is necessary to facilitate site safety and operations, and does not

adversely impact access to the required connection or open space during operable hours. Fences which are permitted pursuant to this authorization may rise to a maximum height of 60 inches measured from the adjoining grade.

Any application to authorize modification of the provisions of paragraphs (a) and (b) of this Section shall be referred to the local Community Board. The Commission shall not grant such authorization prior to forty-five (45) days following the referral.

134-50 OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

[provisions moved from Section 134-02]

The off-street parking and loading regulations of the underlying districts shall not apply, exclusive of bicycle parking, in the #Special Governors Island District#. In lieu thereof, the provisions of this Section 134-50, inclusive, shall apply.

No accessory off-street parking facilities or loading berths shall be required for any #development# or #enlargement# within the #Special Governors Island District#.

#Accessory# off-street parking spaces may be provided for all permitted #uses#. Within the Southern Subdistrict a maximum of 200 such spaces shall be permitted.

#Accessory# off-street loading berths may be provided for all permitted #uses#. All loading berths within the Southern Subdistrict shall either be enclosed or screened from the Open Space Subarea, as well as any connections and open spaces required pursuant to Section 134-40 (REQUIREMENTS FOR CONNECTIONS AND OPEN SPACES), inclusive, with planting, solid walls or fences, except that screening may be interrupted by vehicular and pedestrian entrances.

No more than two entrances to enclosed facilities containing off-street parking spaces, loading berths, or a combination thereof shall be permitted on #street walls# facing the Open Space Subarea, per #building parcel#. Such limitation shall not apply to #street walls# facing a #primary connection# or #secondary connection#.

The underlying bicycle parking regulations of Section 25-80, inclusive, and Section 36-70, inclusive, shall apply in the #Special Governors Island District#. For any #use# permitted in the Southern Subdistrict where the number of required bicycle parking spaces is not provided in the tables in Sections 25-811 or 36-711, the required number of bicycle parking spaces for such #use# shall be one per 10,000 square feet of #floor area#.

134-51 Certification for Additional Access to Accessory Off-Street Parking Spaces and Loading Berths

In the Southern Subdistrict, if access to #accessory# off-street parking spaces or loading berths is necessary beyond the number of entrances to loading berths permitted pursuant to Section 134-50 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), an additional entrance may be allowed if the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that:

- (a) such #accessory# off-street parking spaces or loading berths cannot be practically accessed from existing entrances along the #esplanade#;
- (b) the proposed entrance location will not hazardous to pedestrian safety;

- (c) the proposed entrance will be located not less than 50 feet from the intersection of a #primary connection# or #Yankee Pier Plaza#;
- (d) the proposed entrance will be screened, constructed and maintained so as to have a minimal effect on the streetscape; and
- (e) the entrance, if allowed, shall be no greater than 20 feet in width.

APPENDIX

Special Governors Island District Plan

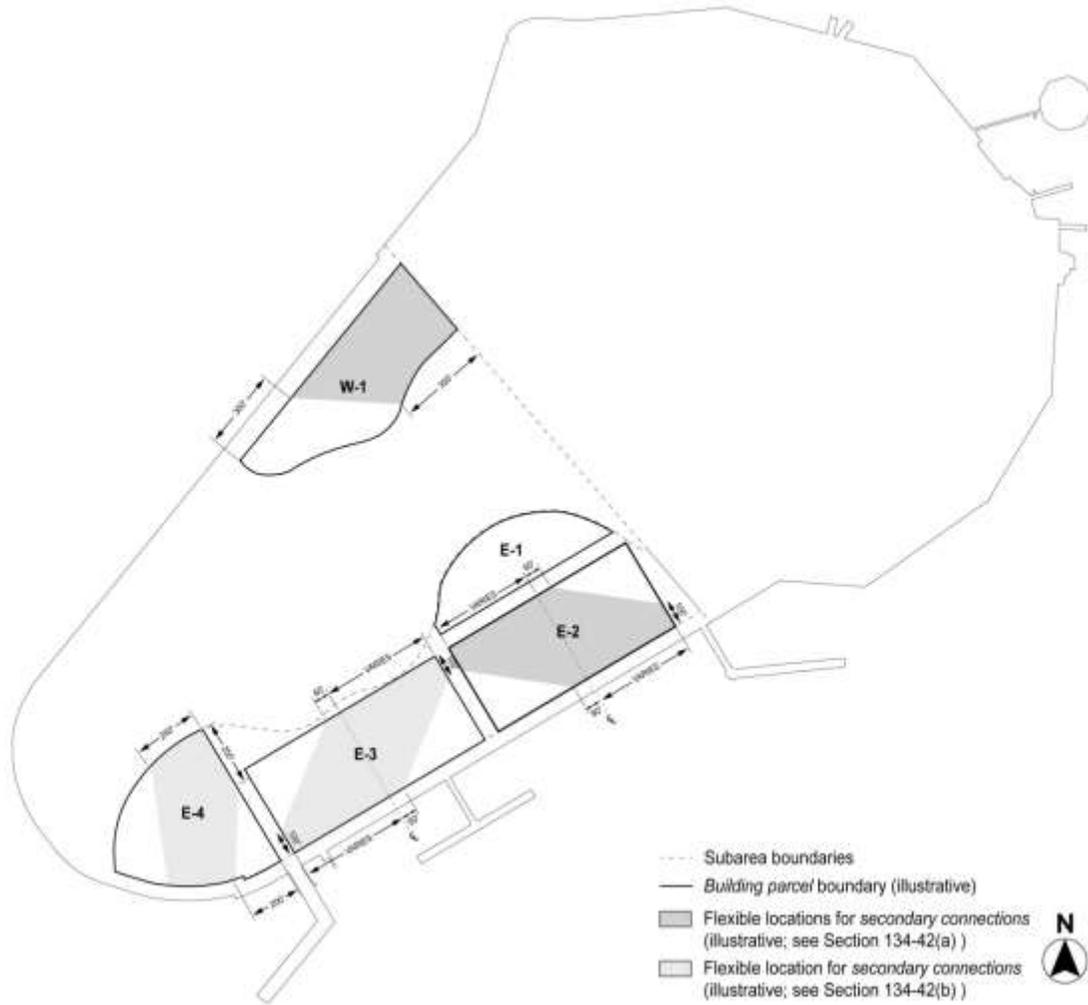
Map 1 - Special Governors Island District, Subdistricts, and Subareas



[new map to be added]

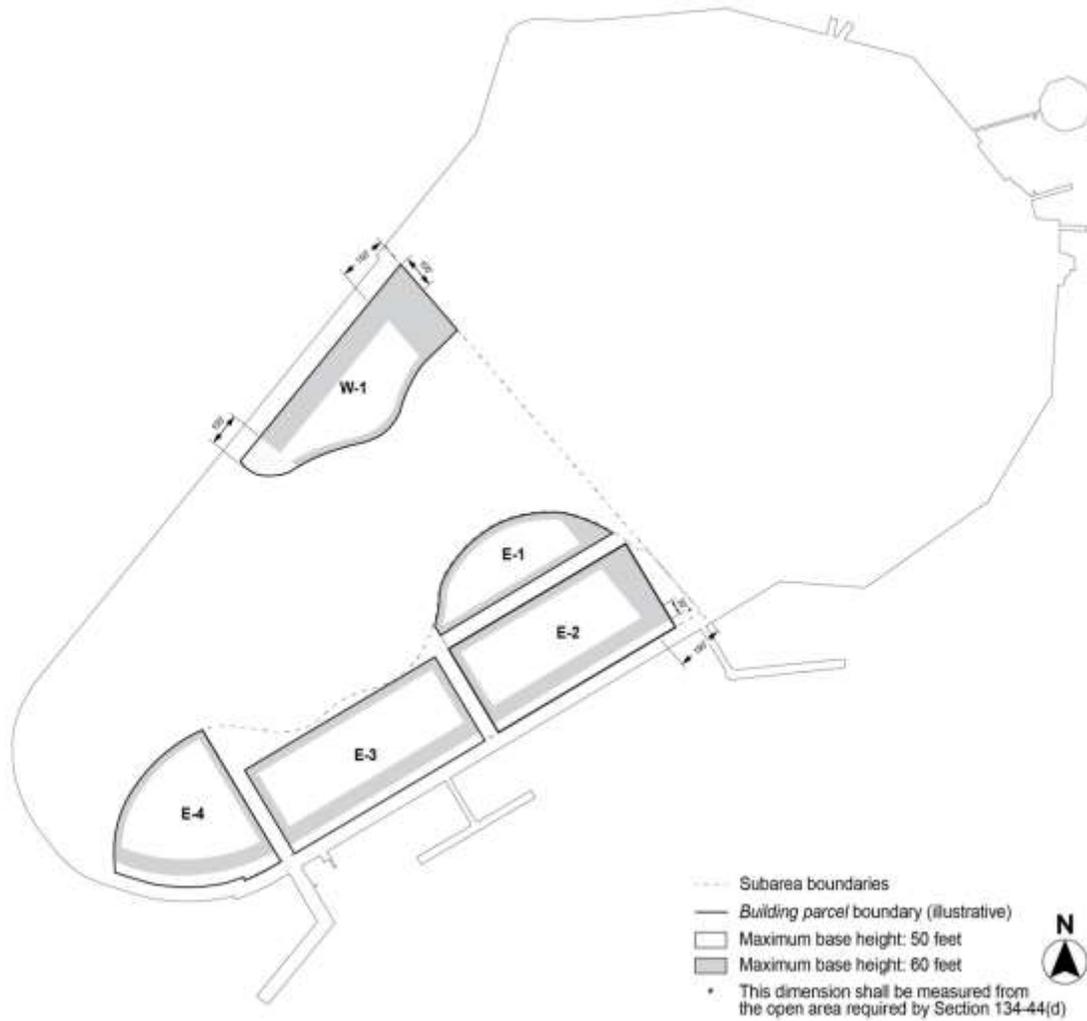
For the purpose of dimensioning the subareas illustrated above, the dimensions shall be as shown on the surveys dated April 17, 2020, available on the Department of City Planning website.

Map 3 - Secondary Connections



[new map to be added]

Map 4 – Maximum Base Heights and Setbacks



[new map to be added]

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, May 11, 2021 (Remote Hearing).

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. 771 & Res. No. 1668

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210127 ZMM (Governors Island Rezoning) submitted by Governors Island Corporation d/b/a The Trust for Governors Island and NYC Small Business Services pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16a, changing from an R3-2 District to a C4-1 District and establishing a Special Governors Island District, Borough of Manhattan, Community District 1, Council District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on April 22, 2021 (Minutes, page 955) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on May 12, 2021 (Minutes, page 1155), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 770 & Res. No. 1667 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. 1668

Resolution approving the decision of the City Planning Commission on ULURP No. C 210127 ZMM, a Zoning Map amendment (Preconsidered L.U. No. 771).

By Council Members Salamanca and Moya.

WHEREAS, Governors Island Corporation d/b/a The Trust for Governors Island and NYC Small Business Services, 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. 16a changing from an R3-2 District to a C4-1 District and establishing a Special Governors Island District, which in conjunction with the related action would facilitate up to 4,275,000 square feet of commercial, educational and community facility development across 34 acres on Governors Island, Manhattan, Community District 1 (ULURP No. C 210127 ZMM), (the "Application");

WHEREAS, the City Planning Commission filed with the Council on March 26, 2021, its decision dated March 17, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to application N 210126 ZMM (Pre. L.U. No. 770), a zoning text amendment to modify Zoning Resolution (ZR) Article XIII, Chapter 4, the Special Governors Island 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 April 5, 2021;

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 positive declaration, issued on August 23, 2018 (CEQR No. 11DME007M) and a Final Second Supplemental Generic

Environmental Impact Statement (FSSGEIS) for which a Notice of Completion was issued on March 5, 2020 which identified significant adverse impacts with respect to transportation (traffic, transit, and pedestrians) and the identified significant adverse impacts and proposed mitigation measures under the proposed actions are included in Commitment Letters between the Trust and the Office of the Deputy Mayor of Housing and Economic Development (DME) and New York City Transit (NYCT).

RESOLVED:

Having considered the FEIS with respect to the Decision and Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, adopted herein is one which minimizes or avoids environmental impacts to the maximum extent practicable;
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the greatest extent practicable, memorialized in Commitment Letters between The Trust and DME, and The Trust and NYCT, attached to the Decision.

The Decision, together with the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

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 210127 ZMM, 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. 16a:

1. changing from an R3-2 District to a C4-1 District property bounded by a line at angle 92.2 degrees and 2,691 feet northeasterly from the southwesterly point of Governors Island as measured along to said line and bisecting the angle formed by the southwesterly boundary lines of Governors Island, and the southeasterly, southwesterly, westerly, and northwesterly boundary lines of Governors Island; and
2. establishing a Special Governors Island District bounded by a line 2,675 feet northeasterly from the southwesterly point of Governors Island as measured along a line perpendicular to said line and bisecting the angle formed by the southwesterly boundary lines of Governors Island, and the southeasterly, southwesterly, westerly, and northwesterly boundary lines of Governors Island, and including the areas of existing Piers;

as shown on a diagram (for illustrative purposes only) dated October 19, 2020.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, May 11, 2021 (Remote Hearing).

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. 775 & Res. No. 1669

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 200274 ZMX (431 Concord Avenue Rezoning) submitted by Concord Realty, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6c, by changing from an existing M1-2 District to an R7D District, Borough of the Bronx, Community District 1, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on April 22, 2021 (Minutes, page 956) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on May 12, 2021 (Minutes, page 1169), respectfully

REPORTS:

SUBJECT

**BRONX CB-1 - TWO APPLICATIONS RELATED TO 431 CONCORD AVENUE
REZONING**

C 200274 ZMX (Pre. L.U. No. 775)

City Planning Commission decision approving an application submitted by Concord Realty LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6c, by changing from an existing M1-2 District to an R7D District property bounded by East 145th Street, Concord Avenue, a line 150 feet southerly of East 145th Street, and a line midway between Jackson Avenue and Concord Avenue, Borough of The Bronx, Community District 1, as shown on a diagram (for illustrative purposes only) dated November 2, 2020, and subject to the conditions of CEQR Declaration E-588.

N 200275 (Pre. L.U. No. 776)

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

INTENT

To approve the amendment to rezone the project area from an M1-2 District to an R7D District and amend zoning text to designate a Mandatory Inclusionary Housing (MIH) area to facilitate the construction of an 11-story residential development with 88 dwelling units, 22 of which would be permanently affordable, at 431 Concord Avenue in the Mott Haven neighborhood of Bronx, Community District 1.

PUBLIC HEARING

DATE: April 20, 2021

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION**DATE:** May 4, 2021

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on Pre. L.U. No. 775 and approve with modifications the decision of the City Planning Commission on Pre. L.U. No. 776.

In Favor:

Moya, Levin, Reynoso, Grodenchik, Ayala, Rivera, Borelli.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** May 11, 2021

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Barron, Koo, Levin, Reynoso, Treyger, Grodenchik, Adams, Ayala, R. Diaz Sr., Moya Riley, Brooks-Powers, Feliz, Borelli.

Against:

None

Abstain:

None.

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSIONS

The City Planning Commission filed a letter dated May 17, 2021, with the Council on May 26, 2021, 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. 1669

Resolution approving the decision of the City Planning Commission on ULURP No. C 200274 ZMX, a Zoning Map amendment (Preconsidered L.U. No. 775).

By Council Members Salamanca and Moya.

WHEREAS, Concord Realty, 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. 6c, changing from an existing M1-2 District to an R7D District, which in conjunction with the related action would facilitate the construction of an 11-story residential development with 88 dwelling units, 22 of which would be permanently affordable, at 431 Concord

Avenue in the Mott Haven neighborhood of Bronx, Community District 1 (ULURP No. C 200274 ZMX), (the "Application");

WHEREAS, the City Planning Commission filed with the Council on April 9, 2021, its decision dated April 7, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to application N 200275 ZRX (Pre. L.U. No. 776), 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 April 20, 2021;

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 November 2nd, 2020 (CEQR No. 21DCP007X), which includes an (E) designation to avoid the potential for significant adverse impacts related to air quality and hazardous materials (E-588) (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-588) 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 200274 ZMX, 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. 6c, by changing from an existing M1-2 District to an R7D District property bounded by East 145th Street, Concord Avenue, a line 150 feet southerly of East 145th Street, and a line midway between Jackson Avenue and Concord Avenue, Borough of The Bronx, Community District 1, as shown on a diagram (for illustrative purposes only) dated November 2, 2020, and subject to the conditions of CEQR Declaration E-588.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, May 11, 2021 (Remote Hearing).

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. 776 & Res. No. 1670

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 200275 ZRX (431 Concord Avenue Rezoning) submitted by Concord Realty, 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 the Bronx, Community District 1, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on April 22, 2021 (Minutes, page 956) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on May 12, 2021 (Minutes, page 1170), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 775 & Res. No. 1669 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. 1670

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 200275 ZRX, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 776).

By Council Members Salamanca and Moya.

WHEREAS, Concord Realty, 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, which in conjunction with the related action would facilitate the construction of an 11-story residential development with 88 dwelling units, 22 of which would be permanently affordable, at 431 Concord Avenue in the Mott Haven neighborhood of Bronx, Community District 1 (Application No. N 200275 ZRX) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on April 9, 2021, its decision dated April 7, 2021 (the “Decision”), on the Application;

WHEREAS, the Application is related to applications C 200274 ZMX (Pre. L.U. No. 775), a zoning map amendment to rezone an M1-2 district to an R7D 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 April 20, 2021;

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 November 2nd, 2020 (CEQR No. 21DCP007X), which includes an (E) designation to avoid the potential for significant adverse impacts related to air quality and hazardous materials (E-588) (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-588) 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 200275 ZRX, 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 ~~double struck out~~ is old, deleted by the City Council;
- Matter double-underlined is new, added by the City Council
- Matter within # # is defined in Section 12-10;
- * * * indicates where unchanged text appears in the Zoning Resolution.

* * *

APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

THE BRONX

* * *

Bronx Community District 1

* * *

Map 9 - [date of adoption]



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

Area 10 — [date of adoption] — MIH Program Option 1 ~~and Option 2~~

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, May 11, 2021 (Remote Hearing).

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-310 & Res 1663 -** Submitting the name of **Matthew Schneider** to the Council for its advice and consent regarding his appointment to the Environmental Control Board (“Real Estate”).
- (2) **M-315 & Res 1649 -** Transfer City funds between various agencies in Fiscal Year 2021 to implement changes to the City's expense budget (**MN-5**).
- (3) **M-316 & Res 1650 -** Appropriation of new City revenues in Fiscal Year 2021, (**MN-6**).
- (4) **Int 146-C -** Rental assistance vouchers.
- (5) **Int 176-A -** Creating an interagency task force on removing certain vehicles from public streets.
- (6) **Int 415-A -** Requiring the Department for the Aging to report annually on senior centers within public housing developments.
- (7) **Int 1128-A -** Fences at stalled construction sites.
- (8) **Int 1827-A -** Establishing a public housing liaison within the Department for the Aging.
- (9) **Int 2042-A -** To posting information about midwives online.
- (10) **SLR 1 -** **S.6972/A.7817**, “Lung disabilities incurred by members of the New York city transit authority in certain cases” (**Home Rule SLR item introduced by the Council requiring two-thirds affirmative vote for passage**).
- (11) **SLR 2 -** **S.6976/A.7727**, “Retirement and social security law, in relation to modifying the retirement program for Triborough bridge and tunnel members” (**Home Rule SLR item introduced by the Council**

- requiring two-thirds affirmative vote for passage).**
- (12) **SLR 3 -** **S.524-A/A.4655-A**, “Establishing speed limits in cities with populations in excess of one million people” **(Home Rule SLR item introduced by the Council requiring two-thirds affirmative vote for passage).**
- (13) **SLR 4 -** **S.2740-B/A.2316-A**, “Demonstration program on interstate route 278 in Kings county to enforce vehicle weight restriction on such interstate by means of mobile or stationary weigh in motion systems; and providing for the” **(Home Rule SLR item introduced by the Council requiring two-thirds affirmative vote for passage).**
- (14) **SLR 5 -** **S.6229-AA.7084-A**, “Alienate and discontinue the use of certain portions of parkland” **(Home Rule SLR item introduced by the Council requiring two-thirds affirmative vote for passage).**
- (15) **SLR 6 -** **S.6405/A.7640**, “Determination of salary base for members of the city of New York fire department pension fund” **(Home Rule SLR item introduced by the Council requiring two-thirds affirmative vote for passage).**
- (16) **SLR 7 -** **S.3258/A.7148**, “Fine for parked or unattended semitrailers or trailers on streets of a city with a population of one million or more” **(Home Rule SLR item introduced by the Council requiring two-thirds affirmative vote for passage).**
- (17) **L.U. 753 & Res 1664 –** **App. C 200326 ZSK (Suydam Street Rezoning)** Borough of Brooklyn, Community District 4, Council District 34.
- (18) **L.U. 754 & Res 1665 -** **App. C 200344 ZMK (Suydam Street Rezoning)** Borough of

- Brooklyn, Community District 4,
Council District 34.
- (19) **L.U. 763 & Res 1666 -** App N **200343 ZRK (Suydam Street Rezoning)**. Borough of Brooklyn, Community District 4, Council District 34.
- (20) **L.U. 770 & Res 1667 -** App. N **210126 ZRM (Governors Island Rezoning)** Borough of Manhattan, Community District 1, Council District 1.
- (21) **L.U. 771 & Res 1668 -** App. C **210127 ZMM (Governors Island Rezoning)** Borough of Manhattan, Community District 1, Council District 1.
- (22) **L.U. 775 & Res 1669 -** App. C **200274 ZMX (431 Concord Avenue Rezoning)** Borough of the Bronx, Community District 1, Council District 8.
- (23) **L.U. 776 & Res 1670 -** App. N **200275 ZRX (431 Concord Avenue Rezoning)** Borough of the Bronx, Community District 1, Council District 8.
- (24) **L.U. 777 & Res 1655 -** App. C **210027 ZMX (Arthur Avenue Hotel Rezoning)** Borough of the Bronx, Community District 6, Council District 15.
- (25) **L.U. 778 & Res 1656 -** App. N **210028 ZRX (Arthur Avenue Hotel Rezoning)** Borough of the Bronx, Community District 6, Council District 15.
- (26) **L.U. 779 & Res 1657 -** App. C **210138 ZMK (Acme Smoked Fish/Gem Street Rezoning)** Borough of Brooklyn, Community District 1, Council District 15.
- (27) **L.U. 780 & Res 1658 -** App. C **210139 ZSK (Acme Smoked Fish/Gem Street Rezoning)** Borough of Brooklyn, Community District 1, Council District 15.
- (28) **L.U. 781 & Res 1659 -** App. C **200286 ZMX (261 Walton Avenue Rezoning)** Borough of the

- Bronx, Community District 1,
Council District 8.
- (29) L.U. 782 & Res 1660 - App. N 200287 ZRX (261 Walton Avenue Rezoning) Borough of Bronx, Community District 1, Council District 8.
- (30) L.U. 783 & Res 1661 - App. C 210033ZMK (Neptune Avenue Rezoning) Borough of Brooklyn, Community District 13, Council District 48.
- (31) L.U. 784 & Res 1662 - App. C 210049 ZMK (300 Huntington Street) Borough of Brooklyn, Community District 6, Council District 39.
- (32) L.U. 793 & Res 1651 - 840-50 St Marks Ave Brooklyn, Community District No. 8, Council District No. 36.
- (33) L.U. 794 & Res 1652 - Dora Collazo.GHPP.FY21, Manhattan, Community District No. 3, Council District No. 2.
- (34) L.U. 795 & Res 1653 - Light Hall Manhattan, Community District No. 9, Council District No. 7.
- (35) L.U. 796 & Res 1654 - 3800 Putnam Bronx, Community District No. 8, Council District No. 11.

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, Ampy-Samuel, Ayala, Barron, Borelli, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Riley, Rivera, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **48**.

The General Order vote recorded for this Stated Meeting was 48-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **Preconsidered M-315 & Res. No. 1649**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Riley, Rivera, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **47**.

Negative – Yeger – **1**.

The following was the vote recorded for **Int. No. 146-C**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Riley, Rivera, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **46**.

Negative – Borelli and the Minority Leader (Council Member Matteo) – **2**.

The following was the vote recorded for **Preconsidered SLR No. 3**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Moya, Perkins, Powers, Reynoso, Riley, Rivera, Rose, Rosenthal, Salamanca, Treyger, Vallone, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **42**.

Negative – Borelli, Gjonaj, Miller, Ulrich, Yeger, and the Minority Leader (Council Member Matteo) – **6**.

The following was the vote recorded for **Preconsidered SLR No. 4**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Riley, Rivera, Rose, Rosenthal, Salamanca, Treyger, Vallone, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **44**.

Negative – Borelli, Ulrich, Yeger, and the Minority Leader (Council Member Matteo) – **4**.

The following was the vote recorded for **Preconsidered SLR No. 5**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Riley, Rivera, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **47**.

Abstention – Yeger – **1**

The following was the vote recorded for **L.U. No. 770 & Res. No. 1667**:

Affirmative – Adams, Ampry-Samuel, Ayala, Borelli, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Riley, Rivera, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **45**.

Negative – Barron and Lander – **2**

Abstention – Yeger – **1**.

The following was the vote recorded for **L.U. No. 771 & Res. No. 1668**:

Affirmative – Adams, Ampry-Samuel, Ayala, Borelli, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Riley, Rivera, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **44**.

Negative – Barron, Brannan, and Lander – **3**.

Abstention – Yeger – **1**.

The following was the vote recorded for **L.U. No. 753 & Res. No. 1664, L.U. No. 754 & Res. No. 1665, L.U. No. 763 & Res. No. 1666, L.U. No. 777 & Res. No. 1655, and L.U. No. 778 & Res. No. 1656**:

Affirmative – Adams, Ampry-Samuel, Ayala, Borelli, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Riley, Rivera, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **47**.

Negative – Barron – **1**.

*The following Introductions were sent to the Mayor for his consideration and approval:
Int. Nos. 146-C, 176-A, 415-A, 1128-A, 1827-A, and 2042-A.*

RESOLUTIONS

presented for voice-vote

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

Report for voice-vote item Res. No. 920-A

Report of the Committee on Women and Gender Equity in favor of approving, as amended, a Resolution urging the United States Congress and the New York State Legislature to support a woman's right to abortion, and to oppose a ban on sex-selective abortions, which perpetuate racial stereotypes and undermine access to care.

The Committee on Women and Gender Equity, to which the annexed amended resolution was referred on June 13, 2019 (Minutes, page 2201), respectfully

REPORTS:

I. INTRODUCTION

On May 27, 2021, the Committee on Women and Gender Equity, chaired by Council Member Darma Diaz, will hold a vote on Proposed Res. No. 920-A, sponsored by Council Member Margaret Chin, urging the United States Congress and the New York State Legislature to support a woman's right to abortion, and to oppose a ban on sex-selective abortions, which perpetuate racial stereotypes and undermine access to care. The Committee, then-chaired by Council Member Helen Rosenthal, and the Committee on Health, chaired by Council Member Mark Levine, originally heard this resolution on October 28, 2020, during which the Committees received testimony from the New York City (NYC) Department of Health and Mental Hygiene (DOHMH), advocacy groups, health professionals and other interested parties.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 920-A:)

Res. No. 920-A

Resolution urging the United States Congress and the New York State Legislature to support a woman's right to abortion, and to oppose a ban on sex-selective abortions, which perpetuate racial stereotypes and undermine access to care.

By Council Members Chin, Rivera, Rosenthal, Adams, Ayala, Koslowitz, Cumbo, Gibson, Ampry-Samuel, Kallos, Menchaca, Levin, Louis, Rose, Lander, Barron, Levine and D. Diaz.

Whereas, Most abortions (88 percent) occur during the first trimester of pregnancy, and over half of all abortions are obtained within the first eight weeks, per the United States (U.S.) Centers for Disease Control; and

Whereas, While therapeutic abortions arise from a medical problem in which allowing the pregnancy to continue to birth would endanger the pregnant person's health, selective abortions, which comprise a small fraction of all abortions, occur in those cases where a particular fetus is perceived as having undesirable characteristics, or when it is determined there are too many fetuses in pregnancy; and

Whereas, A sex-selective abortion is the practice of terminating a pregnancy based upon the determined sex of the fetus; and

Whereas, Sex-selective abortion bans, also known as “Prenatal Nondiscrimination Acts” (“PRENDA”), make it illegal for a doctor to provide abortion care if they suspect a pregnant person could be seeking an abortion due to a preference for the sex of the fetus; and

Whereas, Sex-selective abortion bans are discriminatory; they target people of color, Asian American, Native Hawaiian, Pacific Islander (AANHPI) women, trans, and gender non-conforming people, in particular, and seek to stigmatize their abortion decisions, ultimately restricting access to abortion care; and

Whereas, In 2013, sex-selective abortion bans were the second-most proposed abortion ban in the U.S., and continued to gain momentum in 2014 and 2015; and

Whereas, PRENDA legislation has been introduced in 26 states, including 13 of the 15 states with the largest foreign-born Asian American populations, and enacted in 11 states; and

Whereas, PRENDA legislation has been put up for a vote six times in the New York State Legislature; and

Whereas, Lawmakers across the country who advocate for PRENDA perpetuate false and harmful racial stereotypes about people of color, especially AANHPI women, trans, and gender non-conforming people, including xenophobic claims that AANHPI communities do not value the lives of women; and

Whereas, Sex-selective abortion bans encourage racial profiling by medical providers, harm the doctor-patient relationship, potentially lead to the arbitrary delay or denial of reproductive health services, and further the stigmatization of women, trans, and gender nonconforming people, particularly those of AANHPI descent; and

Whereas, Some versions of sex-selective abortion bans also include a race-selective ban that would ban abortions performed on the basis of race, allowing abortion providers to act on false and racist agendas; and

Whereas, PRENDA is a restriction that scrutinizes an individual’s reasons for making the decision to terminate a pregnancy, thus opening the door to additional abortion bans that restrict reproductive autonomy under false pretenses; and

Whereas, New York City is home to the second-largest AANHPI community in the U.S. and they, along with reproductive health and justice advocates, have called for an end to such bans, condemning the deeply offensive, discriminatory rhetoric perpetuated by anti-choice advocates who support them; and

Whereas, With 70 percent of AANHPI immigrants in the U.S. having limited English proficiency and facing a high insurance and public benefits enrollment gap, AANHPI women, trans, and gender non-conforming people should not have to face more barriers to reproductive health care; and

Whereas, The U.S. Supreme Court’s 1973 decision in *Roe v. Wade* established a constitutional right to abortion in many situations and struck down restrictions in dozens of states; and

Whereas, The Supreme Court recently announced that it will hear *Dobbs v. Jackson Women’s Health Organization*, a case from Mississippi concerning a state law that seeks to ban abortions after 15 weeks of pregnancy, which advocates fear could undermine *Roe v. Wade*; and

Whereas, In recent polls by Gallup and Pew, 60 to 70 percent of Americans say they do not want the Supreme Court to overturn *Roe v. Wade* and, according to Pew, nearly 60 percent of Americans also say they favor abortion access in either all or most circumstances; and

Whereas, Access to safe abortions is necessary to ensure that pregnant individuals can plan their lives and families without risking their health in a way that makes most sense for themselves and their families; and

Whereas, When an AANHPI woman, trans or gender non-conforming person seeks an abortion, they deserve access to affordable, timely and safe abortion care in their community; now, therefore be it

Resolved, That the Council of the City of New York urges the United States Congress and the New York State Legislature to support a woman’s right to abortion, and to oppose a ban on sex-selective abortions, which perpetuate racial stereotypes and undermine access to care.

Pursuant to Rule 8.50 of the Council, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) called for a voice vote. Hearing those in favor, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) declared the Resolution to be adopted.

The following 5 Council Members formally noted their intention to vote negative on this item:
Council Members Borelli, Gennaro, Holden, Ulrich, and the Minority Leader (Council Member Matteo).

The following Council Member formally noted his intention to abstain from voting on this item:
Council Member Yeger.

Adopted by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Int. No. 2317

By Council Members Ampry-Samuel, Rivera, the Public Advocate (Mr. Williams), Van Bramer, Reynoso, Lander, Rosenthal, Kallos, Levin, Dromm, D. Diaz and Ayala.

A Local Law to amend the administrative code of the city of New York, in relation to the use of substances with certain emissions profiles

Be it enacted by the Council as follows:

Section 1. Subchapter 8 of chapter 1 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-177.1 to read as follows:

§ 24-177.1 Prohibited emissions a. Where required by article 506 of title 28, no person shall permit the combustion of any substance that emits 50 kilograms or more of carbon dioxide per million British thermal units of energy within a building within the city as determined by the United States energy information administration.

b. Notwithstanding the prohibition in subdivision a, combustion of a substance that emits 50 kilograms of carbon dioxide per million British thermal units of energy or more shall be permitted for use within a building:

1. Where required for emergency standby power;

2. Where the owner of such building can demonstrate to the commissioner of buildings that complying with subdivision a would create an undue hardship;

3. Where the combustion of such substance is required for manufacturing, or for the operation of a laboratory, a laundromat, a hospital or a commercial kitchen; or

4. Where the combustion of such substance occurs in connection with a device that contains no connection to a building's gas supply line and is used on an intermittent basis.

c. The department, in conjunction with the department of buildings, shall enforce this section of the code.

§ 2. Chapter 5 of title 28 of the administrative code of the city of New York is amended by adding a new article 506 to read as follows:

ARTICLE 506 EMISSION PROFILE

§ 28-506.1 General. Buildings covered by this code must comply with section 24-177.1.

§ 3. This local law takes effect two years after it becomes law, except that this local law shall not apply to construction work related applications for construction document approval filed prior to such effective date.

Referred to the Committee on Environmental Protection.

Int. No. 2318

By Council Members Ayala, Brannan, Moya, Chin, Gibson, Kallos, Rosenthal, Salamanca and Miller.

A Local Law to amend the administrative code of the city of New York, in relation to the licensing of labor service providers

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 36 to read as follows:

*SUBCHAPTER 36
LABOR SERVICE PROVIDERS*

§ 20-563 Definitions. For purposes of this subchapter, the following terms have the following meanings:

Covered worker. The term "covered worker" means a "manual worker," as defined in article 190 of the labor law and the rules and regulations adopted thereunder, who is employed by a labor service provider.

Labor service provider. The term "labor service provider" means a person that engages in the business of employing and supplying covered workers to third party clients for the performance of manual labor on projects of such third party clients, the completion of which is directed by such third party client or such third party client's contractor and not such person, in exchange for compensation from such third party client. The term "labor service provider" does not mean:

1. An employment agency or an employee fee paid employment agency, as defined by article 11 of the general business law;

2. A professional employer organization, as defined by article 31 of the labor law;

3. A construction subcontractor, as evidenced by meeting all of the following criteria: (i) an obligation to perform construction work on a project in accordance with a written contract for a defined scope of construction work at a fixed price; (ii) the obtaining of necessary licenses to perform construction services under the entity's name; (iii) exclusive control of the subcontractor's workers, including hiring and firing authority and direction of methods and means of construction work performed on the construction project; (iv) the payment of wages and fringe benefits to workers by the subcontractor and not any other person or entity, and maintenance of required employment and payroll records by the subcontractor; (v) the purchase of the majority of materials, supplies and tools for construction work performed by the subcontractor on the project; and (vi) the maintenance of separate workers' compensation and unemployment insurance coverage by the subcontractor for periods preceding, during and succeeding the term of the construction project for the type and scope of construction work performed by the subcontractor on the project. The commissioner may promulgate rules requiring additional documentation to establish that an applicant is a construction subcontractor; or

4. A general contractor, as defined in section 28-401.3.

Manual labor. The term "manual labor" means the type of physical work the performance of which classifies a natural person as a "manual worker" in accordance with section 190 of the labor law and the rules and regulations adopted thereunder.

Successor. The term "successor" means a labor service provider that does or has done two or more of the following:

a. Uses the same facility, facilities or workforce to offer substantially the same services as a predecessor labor service provider;

b. Shared in the ownership, or otherwise exercised control over, the management of a predecessor labor service provider;

c. Employs in a managerial capacity any person who controlled the wages, hours, or working conditions of the affected employees of a predecessor labor service provider; or

d. Is an immediate family member, including a parent, step-parent, child, or step, foster or adopted child, of any owner, partner, officer, or director of a predecessor labor service provider, or of any person who had a financial interest in the predecessor labor service provider.

Third party client. The term "third party client" means any person who contracts with a labor service provider to obtain the services of a covered worker.

Unemployment insurance experience rating. The term "unemployment insurance experience rating" means unemployment insurance contribution rates for employers determined based upon the employer's prior employment and unemployment experience, in accordance with state law.

Work opportunity tax credit. The term "work opportunity tax credit" means the credit against tax set forth in sections 51 and 52 of title 26 of the United States code.

Workers' compensation experience modification rate. The term "workers' compensation experience modification rate" means a metric by which insurance companies calculate an employer's workers'

compensation premiums, which is based at least in part on such employer's past workers' compensation claims and workers' compensation costs.

§ 20-563.1 License. a. It shall be unlawful for any person to engage in business as a labor service provider without first having obtained a license from the department pursuant to this subchapter.

b. There shall be a fee of \$200 to apply for or renew a license issued under this subchapter.

c. In addition to an applicant's name, address, corporate structure and ownership, and other information as the commissioner may require, an applicant for a license required by this section shall furnish the following information:

1. A signed statement certifying compliance with all laws, regulations and rules applicable to doing business as a labor service provider;

2. A signed certification by the applicant that there are no outstanding final judgments or warrants against the applicant in any action arising out of a violation of this subchapter or any rules promulgated thereunder;

3. Certificates of insurance for workers' compensation, unemployment insurance and disability insurance coverage;

4. Original or true copies of liability insurance policies or certificates of insurance for liability insurance carried by the applicant; and

5. If required by the commissioner, written proof of compliance with any bond requirement.

d. In addition to any of the powers that may be exercised by the commissioner pursuant to this subchapter or chapter one of this title or any rules promulgated thereunder, the commissioner may deny issuance or renewal of a license upon a finding that:

1. The applicant has failed to satisfy any fine or civil penalty ordered against such applicant in a judicial or administrative proceeding arising out of a violation of this subchapter or any rules promulgated thereunder;

2. An entity to which the applicant is a successor has failed to satisfy any fine or civil penalty ordered against such entity in a judicial or administrative proceeding arising out of a violation of this subchapter or any rules promulgated thereunder; or

3. The applicant lacks good moral character. In making such determination, the commissioner may consider, but is not limited to, any of the following factors:

(a) Failure by such applicant to provide truthful information or documentation in connection with the application or other request for information;

(b) Final determinations of liability in a civil, criminal or administrative action involving egregious or repeated nonpayment or underpayment of wages or other illegal acts or omissions bearing a direct relationship to the fitness of the applicant to conduct the business for which the license is sought; except that the commissioner shall take into account mitigating factors including: (1) the passage of time since such findings of liability or other illegal acts or omissions at issue; (2) the severity of such findings of liability or other illegal acts or omissions; (3) whether any such findings or other illegal acts or omissions were resolved or are still pending; and (4) any change in circumstance that might reduce the likelihood of such findings or other illegal acts or omissions recurring during the period of licensure, including the fact that such findings or other illegal acts or omissions at issue took place prior to the effective date of this subchapter;

(c) Prior revocation by the commissioner of a labor service provider license held by the applicant or licensee; or

(d) A finding that within the last ten years an entity to which the applicant is a successor has been denied the issuance or renewal of a license pursuant to this subdivision or has had a license revoked pursuant to section 20-563.7 of this subchapter.

§ 20-563.2 Employee notices. a. Statement of rights and obligations. Every labor service provider shall provide to each applicant for employment as a covered worker, before commencing employment, a written statement indicating the rights of covered workers and the obligations of labor service providers under city, state and federal law. Such statement of rights and obligations shall summarize in plain language provisions of city, state and federal laws that pertain to covered workers in their capacity generally as workers and specifically as covered workers. Such statement of rights and obligations shall include, but not be limited to, laws regarding minimum wage, overtime and hours of work, sick time, safety training requirements, record keeping, social security payments, unemployment insurance coverage, disability insurance coverage, workers' compensation, and any protections afforded by this subchapter. Such statement of rights and obligations shall be prepared and made available to labor service providers by the commissioner.

b. Notice of assignment. 1. At least 24 hours prior to dispatching a covered worker to a worksite for a third party client, a labor service provider shall provide the covered worker with a notice containing the following information in a form and manner approved by the commissioner:

(a) The name and business address of the third party client and any other entity responsible for supervising such covered worker's work during the assignment;

(b) The address of the worksite;

(c) The nature of the work to be performed and the types of equipment, protective clothing, and training required for the tasks;

(d) The anticipated number of hours of work, per week, or if less than a week, by day;

(e) The anticipated duration of the assignment;

(f) The wages offered, including whether prevailing wages would be owed for work performed, and whether supplemental benefits, including but not limited to health insurance, retirement funds and insurance premiums, would be paid for by the labor service provider, the third party client or another entity;

(g) The name of the party responsible for providing workers' compensation coverage for such covered worker and the insurance policy number covering such covered worker; and

(h) Whether a meal or equipment, or both, are provided, either by the labor service provider or the third party client, and the cost to the covered worker of the meal and equipment, if any.

2. If a covered worker is tasked with the same assignment for more than one day, the labor service provider shall provide the notice required in this subdivision only on the first day of the assignment and on any day that any of the terms listed on such notice have changed.

c. Every labor service provider shall provide to the third party client on each project for which covered workers have been contracted to work, and the owner of the property where work is being performed, as applicable, a copy of the information required by this section, and shall additionally furnish such information upon such third party client's request at any time for the duration of the project. The third party client shall provide written acknowledgment of receipt of such information.

§ 20-563.3 Semi-annual disclosure. a. On or before January 31 and July 31 each year, each labor service provider shall submit a disclosure to the commissioner regarding the covered workers it employed during the preceding six calendar months, which shall be the reporting period. Such disclosure shall, in a form prescribed by the commissioner, provide the following information:

1. The total number of covered workers employed;

2. The race, ethnicity and gender of each covered worker;

3. The length of employment for each covered worker, in work days, as of the last day of the reporting period;

4. The hourly rate of wage and hourly value of any supplemental benefits paid to each covered worker, with information on any increases to wages paid for each covered worker;

5. Types of supplemental benefits paid to each covered worker;

6. Classifications of work for each covered worker, as reported to such labor service provider's workers' compensation insurance carrier;

7. The name of each third party client for whom each such covered worker provided labor;

8. The address of each site where each such covered worker worked;

9. The names of each principal and officer of such labor service provider;

10. Any pending civil or criminal investigations of such labor service provider by any government entity;

11. Any pending litigation matters against the labor service provider involving alleged violations of articles 6 or 9 of the labor law, the fair labor standards act of 1938, or any local, state or federal anti-discrimination or harassment laws, rules, or regulations;

12. The total value of any work opportunity tax credits received by such labor service provider;

13. The value of any work opportunity tax credits claimed by such labor service provider;

14. Such labor service provider's workers' compensation experience modification rate as of the last day of the reporting period;

15. Such labor service provider's unemployment insurance experience rating as of the last day of the reporting period;

16. The number of workers' compensation claims filed against such labor service provider during the reporting period; and

17. Any local, state, or federal wage laws, including but not limited to article 8 or 9 of the labor law and section 421-a of the real property tax law, applicable to such covered workers during the reporting period.

b. On or before February 28 each year, the commissioner shall submit to the mayor and the speaker of the council, and shall publish on the department's website, a report containing the information received for the previous calendar year in accordance with subdivision a of this section. For publication on the department's website, the commissioner shall anonymize any data that could be used to identify individual covered workers.

§ 20-563.4 Records. Every labor service provider shall keep on file in its principal place of business for a period of three years the following records:

a. Statements signed by each covered worker, indicating that the covered worker received, read and understood the notices required to be provided to them pursuant to section 20-563.2 of this subchapter; and

b. All documents necessary to verify the information reported in section 20-563.3 of this subchapter.

All such documents shall be made available for inspection during normal business hours to the commissioner or the commissioner's duly authorized representatives.

§ 20-563.5 Third party clients. It is unlawful for a third party client to enter into a contract with any labor service provider not licensed under this subchapter. A third party client shall have a duty to verify a labor service provider's status with the department before entering into a contract with such a service, and on March 1 and September 1 of each year. A labor service provider shall provide each of its third party clients with a copy of their license issued by the department at the time of entering into a contract. A labor service provider shall be required to notify, both by telephone and in writing, each covered worker it employs and each third party client with whom it has a contract within 24 hours of any denial, suspension, or revocation of its license by the department. All contracts between any labor service provider and any third party client shall be considered null and void from the date any such denial, suspension, or revocation of such employer's license becomes effective and until such time as the labor service provider becomes licensed and considered in good standing by the department as provided in section 20-563.1 of this subchapter. A third party client may rely on information provided by the department, and shall be held harmless if such information maintained or provided by the department was inaccurate. Any third party client that violates this section shall be subject to a civil penalty not to exceed \$500. Each day during which a third party client contracts with a labor service provider agency not licensed pursuant to this subchapter shall constitute a separate and distinct offense.

§ 20-563.6 Unlawful retaliation. It shall be unlawful for any labor service provider to take or threaten to take an adverse employment action against any person, or directly or indirectly intimidate, threaten, coerce, command or influence or attempt to intimidate, threaten, coerce, command or influence any person because such person has taken an action to enforce, inquire about or inform others about the requirements of this subchapter.

§ 20-563.7 Enforcement. a. In addition to any of the powers that may be exercised by the commissioner pursuant to this subchapter or chapter one of this title or any rules promulgated thereunder, the commissioner, after due notice and an opportunity to be heard, may suspend or revoke a license issued pursuant to this subchapter upon the occurrence of any one or more of the following conditions:

1. Fraud, misrepresentation or false statements contained in the application for the license or in any information required to be provided in accordance with this subchapter;

2. A final determination of liability concerning a violation of any of the provisions of this subchapter;

3. A final determination of liability in a civil, criminal or administrative action involving egregious or repeated nonpayment or underpayment of wages or other illegal acts or omissions bearing a direct relationship to the fitness of the applicant to conduct the business for which the license is sought; except that the commissioner shall take into account mitigating factors including: (a) the passage of time since such findings of liability or other illegal acts or omissions at issue, (b) the severity of such findings of liability or other illegal acts or omissions, (c) whether any such findings or other illegal acts or omissions were resolved or are still pending, and (d) any change in circumstance that might reduce the likelihood of such findings or other illegal acts or omissions recurring during the period of licensure, including the fact that such findings or other illegal acts or omissions at issue took place prior to the effective date of this subchapter;

4. Failure to answer a summons, notice of violation or subpoena, appear for a hearing, or satisfy a fine or civil penalty ordered against such entity in a judicial or administrative proceeding arising out of a violation of this subchapter or any rules promulgated thereunder; or

5. Failure to submit the records described in section 20-563.4 for inspection by the department.

b. Any person operating as a labor service provider without a valid license issued by the commissioner shall be liable for a civil penalty of \$200 per day for every calendar day during which the unlicensed labor service provider operated.

c. Any person who violates any of the provisions of this subchapter shall be liable for a civil penalty of not more than \$2,000, unless otherwise specified in this subchapter, in addition to any other civil or criminal penalties that may be applicable under this code or any other law, rule or regulation.

d. A labor service provider shall notify every covered worker and every third party client with whom it has a contract of all final violations or penalties issued against such labor service provider by the commissioner pursuant to this subchapter, within 90 days of such issuance.

e. Any action or proceeding that may be appropriate or necessary for the correction of any violation issued pursuant to this subchapter, including, but not limited to, actions to secure permanent injunctions, enjoining any acts or practices which constitute such violation, mandating compliance with the provisions of this subchapter or such other relief as may be appropriate, may be initiated in any court of competent jurisdiction by the corporation counsel or such other persons designated by the corporation counsel on behalf of the commissioner.

§ 20-563.8 Private right of action. A person who is aggrieved by a violation of this subchapter may commence an action in a court of competent jurisdiction on his or her own behalf against a labor service provider. For each negligent violation of section 20-563.2, the prevailing party may recover damages of \$500. For each intentional or reckless violation of section 20-563.2, the prevailing party may recover damages of \$1,000. A person who is a victim of retaliation in violation of section 20-563.6 shall be entitled to all relief necessary to make such person whole, including, but not limited to: (i) an injunction to restrain any adverse or retaliatory action; (ii) reinstatement to the position such officer or employee would have had but for such action, or to an equivalent position; and (iii) reinstatement of full benefits and seniority rights including payment of any missed back pay, plus interest. Persons aggrieved by violations of either section 20-563.2 or section 20-563.6 shall be entitled to compensation for any special damages sustained as a result of an action commenced pursuant to this section, including litigation costs and reasonable attorneys' fees; and to relief other than set forth in this section as the court may deem appropriate.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner 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.

Int. No. 2319

By Council Members Brannan and Gennaro.

A Local Law to amend the administrative code of the city of New York, in relation to requiring notice of electronic monitoring of employees

Be it enacted by the Council as follows:

Section 1. Title 20 of the administrative code of the city of New York is amended by adding a new chapter 11 to read as follows:

CHAPTER 11
ELECTRONIC MONITORING OF EMPLOYEES

§ 20-1101 Definitions. For purposes of this chapter, the following terms have the following meanings:

Electronic monitoring. The term "electronic monitoring" means the collection of information concerning employee activities or communications through the use of an electronic device or system, including but not limited to, a computer, computer software or program, telephone, wire, radio, camera, or electromagnetic, photoelectronic or photo-optical system.

Employee. The term “employee” means any individual employed for hire within the city by an employer in any occupation.

Employer. The term “employer” means any person or entity covered by the definition of “employer” set forth in subdivision 6 of section 651 of the labor law.

§ 20-1102 *Notice of electronic monitoring of employees.* a. Any employer who engages in any form of electronic monitoring shall provide written notice to each employee who may be subject to electronic monitoring. Such notice shall include, at a minimum, the following:

1. All forms and methods of electronic monitoring that the employee may be subject to; and
2. The types of information obtained by each form or method of electronic monitoring.

b. The notice required by subdivision a of this section shall be provided to each employee who may be subject to electronic monitoring either in writing or through electronic means and shall be acknowledged by each employee either in writing or electronically.

c. The notice required by subdivision a of this section shall be provided to each employee who may be subject to electronic monitoring upon hiring. For employees who were already employed prior to the effective date of the local law that added this chapter, such notice shall be provided within 30 days of the effective date of the local law that added this chapter.

d. Each employer who is subject to the requirements of subdivision a of this section shall post the notice required by subdivision a of this section in a conspicuous place at the workplace that is readily accessible and visible to all employees who may be subject to electronic monitoring.

e. The provisions of this section do not apply with respect to law enforcement investigations.

§ 20-1103 *Rules.* The commissioner shall promulgate such rules as are necessary to carry out the provisions of this chapter, including but not limited to, rules related to the form and manner of the notice of workplace monitoring required by section 20-1102.

§ 20-1104 *Penalties.* Any employer that violates any provision of this chapter or any rule promulgated pursuant to this chapter is subject to a civil penalty of \$500 for the first offense, and for subsequent violations that occur within two years of any previous violation of this chapter, a civil penalty up to \$1,000 for the second violation and up to \$3,000 for each succeeding violation. A proceeding to recover any civil penalty authorized pursuant to this chapter may be brought in any tribunal established within the office of administrative trials and hearings or within any agency of the city designated to conduct such proceedings.

§ 2. This local law takes effect 180 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 Civil Service and Labor.

Int. No. 2320

By Council Members Chin, Yeger, Gennaro, Dinowitz, Rivera, Dromm, Vallone and Levine.

A Local Law in relation to a senior center reopening plan

Be it enacted by the Council as follows:

Section 1. Senior center reopening plan. a. Definitions. For purposes of this local law, the following terms have the following meanings:

COVID-19. The term “COVID-19” means the disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

Department. The term “department” means the department for the aging.

Senior center. The term “senior center” means facilities operated by the city of New York or operated by an entity that has contracted with the department to provide services to senior citizens on a regular basis including, but not limited to meals, recreation and counseling.

b. No later than 30 days after the effective date of this local law, the commissioner for the aging, in consultation with the commissioner of health and mental hygiene and any other relevant office or agency, shall submit to the mayor and speaker of the council, and post on the department's website, a plan describing the timeline for reopening senior centers. Such plan shall include, at a minimum:

1. Guidance on safety measures, including but not limited to social distancing, advanced registration and availability of and requirement for personal protective equipment, that senior centers should implement;
2. A description of the services that will be provided at senior centers, which shall include, but not be limited to, congregate meals, grab and go meals, individual case work, counseling services, outdoor group activities and programs and indoor group activities and programs, provided that the services described in this paragraph may be offered on a phase reopening schedule;
3. Maximum occupancy based on size of the senior center and other relevant criteria as determined by the department;
4. A description of how the department, or any other relevant office or agency, will provide public communications, written or otherwise, in the designated citywide languages, as defined in section 23-1101 of the administrative code of the city of New York, and whether communications in any additional languages are needed based on the demographics of current or anticipated vulnerable populations; and
5. Any other relevant matters, including those related to accommodating individuals at higher risk for developing serious health complications as a result of a COVID-19 infection.

c. Prior to finalizing the plan required pursuant to subdivision b of this section, the department shall solicit and incorporate input from senior center operators and providers and nonprofit organizations with expertise in senior issues.

§ 2. This local law takes effect immediately.

Referred to the Committee on Aging.

Res. No. 1642

Resolution calling upon the New York State Assembly to pass, and the Governor to sign, S.14/A.613, the Jose Webster Untraceable Firearms Act.

By Council Members Chin, Yeger and Gennaro.

Whereas, S.14/A.613, also known as the Jose Webster Untraceable Firearms Act, sponsored by Senator Brad Hoylman and Assembly Member Linda Rosenthal respectively, and named for a 16-year-old from the South Bronx who died from gun violence in 2011, was passed by the New York State Senate in February 2021; and

Whereas, S.14/A.613 aim to address the growing threat in New York State, posed by the manufacture, possession, and sale of guns and gun components that do not have serial numbers and are untraceable — collectively referred to as “ghost guns”; and

Whereas, Ghost guns are typically assembled by individuals from parts or kits that are sold 80% complete and include one unfinished piece of a weapon, which the purchaser is required to drill to make the gun fully functional; and

Whereas, Because of loopholes in federal gun regulations, such firearms do not need serial numbers, and nearly complete kits or individual gun components can be sold without background checks; and

Whereas, In July 2020, 17 firearm manufacturers ended sales of assault weapons and assault weapon components in New York after receiving cease and desist orders from New York State Attorney General Letitia James's Office; and

Whereas, Under current municipal law, possession of a ghost gun is illegal and a misdemeanor in New York City; however, firearm manufacturers are still able to sell nearly complete parts and kits for handguns, shotguns, and rifles under State law, creating an urgent need for stronger legislation to prevent ghost guns throughout New York; and

Whereas, Approximately 10,000 ghost guns were recovered across the country in 2019, according to the United States Bureau of Alcohol, Tobacco, Firearms and Explosives, with 220 recovered by law enforcement in New York State during 2020 (including 109 reported in New York City), compared to 72 in 2019 and only 38 in 2018, representing a 479% statewide increase over the three year period, according the Rockefeller Institute; and

Whereas, The Jose Webster Untraceable Firearms Act, would, if passed, help to reduce the prevalence of ghost guns in New York by: prohibiting their possession by anyone other than a licensed gunsmith, prohibiting their sale entirely, requiring anyone manufacturing or assembling a firearm in New York to serialize finished and unfinished firearms and be a licensed gunsmith, and creating classes of felonies for the violation of such rules; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Assembly to pass, and the Governor to sign, the S.14/A.613, the Jose Webster Untraceable Firearms Act

Referred to the Committee on Public Safety.

Int. No. 2321

By Council Members Cornegy, Yeger and Gennaro.

A Local Law to amend the administrative code of the city of New York, in relation to creating a hardship program for inspection and correction of building gas piping systems

Be it enacted by the Council as follows:

Section 1. Article 318 of section of chapter 3 of title 28 of the administrative code of the city of New York, as added by local law 152 for the year 2016, is amended by adding a new section 28-318.6 as follows:

§ 28-318.6 *Hardship program. a. The commissioner shall create a hardship program for buildings that cannot be inspected prior to the due date for an inspection required by this article. No later than 30 days after the enactment of the local law that created this section, the commissioner shall solicit input from community boards and civic associations for the design of such program, including the standard for hardship and requirements for acceptance into the program. The owner of a building that cannot be inspected prior to the due date for an inspection for such building may apply to the commissioner for acceptance into such program by completing a form created by the commissioner and affirming under penalty of perjury that the building owner is unable to complete the inspection prior to the due date for an inspection for such building and that requiring the property owner to complete the inspection prior to such due date for an inspection would cause the property owner to suffer a hardship. The standard for hardship may be determined by rule of the commissioner.. Upon acceptance into the program, the owner of such building will receive a deferral of the due date for such inspection together with a deferral of all associated due dates and penalties of 90 days. If the property owner fails to comply with the requirements of this article by any such deferred due date, the property owner will be subject to the penalties provided by this article and the rules of the commissioner. Applications to this hardship program shall be accepted not less than 90 days before the inspection deadline.*

b. Six months before the inspection of a building's gas piping system is to be conducted at the periodic interval set forth by rule of the commissioner, the commissioner shall conduct outreach to all owners of buildings with gas piping systems that must be inspected at that periodic interval to notify them of the pending deadline and the existence of the hardship program.

§ 2. This local law takes effect 120 days after becoming law.

Referred to the Committee on Housing and Buildings.

Res. No. 1643

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation suspending or limiting the accrual of monetary damages against essential businesses in connection with eviction or removal actions during a state of emergency, and for such legislation to be retroactive to March 7, 2020.

By Council Member Cumbo.

Whereas, On March 7, 2020, Governor Andrew M. Cuomo issued Executive Order Number 202, declaring a disaster emergency for the State of New York in response to the outbreak of COVID-19; and

Whereas, To help reduce the spread of COVID-19, the Governor used his powers under Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify several provisions of law and regulations on the grounds they would “prevent, hinder, or delay action necessary to cope with the disaster,” and to issue other directives necessary to cope with the disaster during the state of emergency; and

Whereas, On March 20, 2020, Governor Cuomo signed the “New York State (NYS) on PAUSE” executive order, which allowed businesses that were deemed essential to continue in-person operations with strict social distancing rules and other health and safety protocols in place; and

Whereas, Since March 2020, executive orders and legislation have suspended evictions of commercial tenants statewide, culminating most recently in the New York Legislature’s renewal of the COVID-19 Emergency Protect Our Small Businesses Act of 2021 (“the 2021 Act”), to suspend evictions of commercial tenants that have fewer than 50 employees and that demonstrate financial hardship through August 31, 2021; and

Whereas, Despite the suspension of commercial evictions, some landlords are nevertheless demanding that their commercial tenants pay monetary damages allegedly caused by their continued occupancy of leased premises; and

Whereas, Some tenants affected by such demands are businesses that have provided essential services to the residents of the City of New York throughout the state of emergency; and

Whereas, The New York Times has reported that the financial impact of accumulated rent and debt can lead to permanent closure of small businesses, damaged credit scores and job losses; and

Whereas, Such closures damage not only the private interests of such businesses and their employees, but also public access to essential businesses during the state of emergency and the public interest in a rapid and robust economic recovery after the termination of the state of emergency; and

Whereas, The 2021 Act does not prevent the continuation of eviction actions that were commenced prior to or during the state of emergency, does not protect essential business that have not demonstrated financial hardship, and does not suspend the accrual of monetary damages in connection with an eviction or removal action; and

Whereas, The 2021 Act does not protect essential businesses that are holdover tenants from consequential damages that have accrued during the state of emergency; and

Whereas, Small, essential business owners in the City of New York require protection from the accrual of monetary damages, including but not limited to compensatory, incidental, consequential, nominal, liquidated and punitive damages, in connection with eviction or removal efforts; and

Whereas, Small, essential businesses that are holdover tenants require protection from accruing monetary damages in connection with such holdover during the state of emergency; and

Whereas, Protecting small, essential businesses by suspending the accrual of devastating monetary damages during the present state of emergency is in the broad interest of the people of the State of New York because it would enable such businesses to continue to provide essential services and would further support the State’s economic recovery; 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 suspending or limiting the accrual of monetary damages against essential businesses in connection with eviction or removal actions during a state of emergency, and for such legislation to be retroactive to March 7, 2020.

Referred to the Committee on Small Business.

Int. No. 2322

By Council Member Dromm.

A Local Law to amend the administrative code of the City of New York, in relation to eliminating the NYPD vice squad.

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York is amended by adding a new section 14-191 to read as follows:

§ 14-191 *Vice Squad Prohibited. With respect to the enforcement of offenses described in article 230 of the penal law, the department shall not:*

- a. maintain any bureau, unit, squad or any other dedicated group of officers whose primary responsibility is the enforcement of such offenses;*
- b. conduct planned undercover operations with the primary goal of identifying such offenses; and,*
- c. regularly allocate departmental resources, including personnel, for the purpose of identifying individuals committing such offenses.*

§ 2. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Public Safety.

Int. No. 2323

By Council Members Kallos and Gennaro.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to expand reports on school applications

Be it enacted by the Council as follows:

Section 1. Section 21-978 of the administrative code of the city of New York, as added by local law 72 for the year 2018, is amended to read as follows:

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

School. The term "school" means a school of the city school district of the city of New York that contains any combination of grades from and including 3K [, pre-kindergarten] through grade twelve, including early education centers with which the department contracts to provide 3K and pre-kindergarten programs.

Student. The term "student" means any pupil under the age of twenty-one as of September first of the school year being reported, who does not have a high school diploma and who is enrolled in a school as defined in this section, excluding any child who is less than three [four] years of age on or before December thirty-first of the school year being reported.

b. The department shall submit to the speaker of the council, and post conspicuously on the department's website, *in a format that permits automated processing, a report containing the following information* [reports regarding application, offer, available seat and enrollment information]:

1. Not later than May 15, 2018, and annually thereafter on or before May 15, a report including, but not limited to (a) for each community school district, the total number of individuals who (1) applied for admission to grades ~~3-K~~, pre-kindergarten, kindergarten or six in a school located in such community school district for the following school year; and (2) received an offer of admission to grades 3-K, pre-kindergarten, kindergarten or

six in a school located in such community school district for the following school year; and (b) for each school, the total number of individuals who (1) applied for admission to grades 3K, pre-kindergarten, kindergarten, six or nine in such school, as applicable, for the following school year; and (2) received an offer of admission to grades 3K, pre-kindergarten, kindergarten, six or nine in such school, as applicable, for the following school year;

2. Not later than March 15, 2019, and annually thereafter on or before March 15, a report including, but not limited to (a) for each community school district, the total number of students who enrolled in grades 3-K, pre-kindergarten, kindergarten or six in a school located in such community school district in the current school year; and (b) for each school, the total number of students who enrolled in grades 3-K, pre-kindergarten, kindergarten, six or nine in such school, as applicable, in the current school year.

The data required to be reported pursuant to this subdivision b shall be disaggregated by (i) community school district of residence of individuals or students, as applicable; (ii) zip code of residence of individuals or students, as applicable; (iii) primary home language of individuals or students, as applicable [and]; (iv) grade level; *and*, (v) *race/ethnicity*.

c. Not later than May 15, 2018, and annually thereafter on or before May 15, the department shall submit to the speaker of the council and post conspicuously on the department's website a report that shall include, but not be limited to, for each school, the total number of seats anticipated to be available in the following school year.

d. *Not later than May 15, 2021, and updated daily, the department shall submit to the speaker of the council, and post conspicuously on the department's website, in a format that permits automated processing, a report including but not limited to:*

1. *The following anonymized information:*

(a) *The ranked choice of schools for each student applying for admission for the upcoming school year and such student's current class rank or other metric of relative academic standing, disaggregated by community school district; and*

(b) *The ranked choice of schools for each student admitted to a particular school.*

2. *The data required to be reported pursuant to paragraph 1 of this subdivision shall be disaggregated by the maximum number of the following factors that maintain the most data points identifying groups of at least six individuals:*

(a) *Race/ethnicity;*

(b) *Gender;*

(c) *Primary home language;*

(d) *Housing status;*

(e) *Household income; and*

(f) *Grade level.*

3. *Any data points identifying groups of fewer than six individuals shall be redacted. A category that contains zero shall be reported as zero, unless such reporting would violate any applicable provision of federal, state or local law relating to the privacy of student information. In the event that more than one combination of factors can formulate the maximum number of data point groups as described in paragraph 2 of this subdivision, all such possible combinations of factors shall be reported.*

e. 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 student information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If a category contains between 1 and 5 students, or contains an amount that would allow the amount of another category that is five or less to be deduced, the number shall be replaced with a symbol.

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.

Res. No. 1644

Resolution calling upon the New York State Legislature to pass and the Governor to sign S.6359/A.7260, to require public elementary and high schools to provide instruction in Asian American history and civic impact.

By Council Members Koo, Treyger, Chin, Kallos, Yeger and Gennaro.

Whereas, There has been a significant increase in anti-Asian hate crimes in the past year across major cities in the United States, according to an analysis of police department statistics released by the Center for the Study of Hate and Extremism (CSHE) at California State University; and

Whereas, The CSHE analysis found that hate crimes in 16 of America's largest cities in 2020 decreased overall by 7 percent, while hate crimes targeting Asian people rose by nearly 150 percent; and

Whereas, Further, anti-Asian hate incident reports nearly doubled in March 2021 in comparison to March 2020 according to a national report released by Stop AAPI Hate; and

Whereas, NBC News and other media outlets attribute the recent increase in anti-Asian hate incidents to negative stereotyping of Asians and rhetoric linking the coronavirus pandemic to Asians; and

Whereas, Many advocates, including the NYC Coalition for Educational Justice, contend that schools can play a significant role in helping to reduce racial prejudice and diminish implicit bias in our society; and

Whereas, Research shows that use of culturally responsive teaching and curricula that reflects the diversity, identities, and experiences of students of all races and ethnicities benefits all students by helping them to understand different perspectives, appreciate others' strengths, build empathy and reduce implicit bias, according to the NYU Metropolitan Center for Research on Equity and the Transformation of Schools; and

Whereas, The curriculum in New York schools is often devoid of content related to the impact of Asian Americans on the history and culture of the state and the country at large, and the discrimination they have historically faced; and

Whereas, A lack of understanding and knowledge of Asian Americans has contributed to the recent increase in violence and hate crimes against people of Asian descent, particularly in the wake of the COVID-19 pandemic, according to Stop AAPI Hate, leading the US Congress to pass the Covid-19 Hate Crimes Act in May 2021; and

Whereas, S.6359, sponsored by Senator Liu, and its companion bill A.7260, sponsored by Assemblymember Kim, would require public elementary and high schools in New York to provide instruction in Asian American history and civic impact; and

Whereas, This legislation directs the Board of Regents to develop a course of study in the events of Asian American history and directs the Commissioner of Education to provide technical assistance in the development of curricula on Asian American history and civic impact and to provide suitable course materials; and

Whereas, The required instruction would include, at minimum, the history of Asian Americans in New York and the Northeast; the contributions of Asian Americans toward advancing civil rights from the nineteenth century onward; the contributions made by individual Asian Americans in government and the arts, humanities and sciences; and the contributions of Asian American communities to the economic, cultural, social and political development of the United States; and

Whereas, Companion bills S.6359 and A.7260 would ensure that students in New York State schools are taught about the historical contributions of Asian Americans, which will help foster respect and understanding of Asian American history, and allow Asian American students to see themselves reflected as an important part of the history and culture of New York and the United States; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign S.6359/A.7260, to require public elementary and high schools to provide instruction in Asian American history and civic impact.

Referred to the Committee on Education

Int. No. 2324

By Council Members Lander and Yeager.

A Local Law to amend the administrative code of the city of New York, in relation to specifying the sources and uses of federal funding required to be included in the database to track expenditure of COVID-19 funds

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 6-144 of the administrative code of the city of New York, is amended to read as follows:

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

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

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

COVID-19 funds. The term “COVID-19 funds” means any federal, state or local funds allocated to or expended by any city agency to provide assistance for responding to COVID-19, including, but not limited to, preventing the spread among the population, containing or treating COVID-19 or mitigating the direct or indirect medical, *physical or economic* effects of COVID-19. *In the case of federal COVID-19 funds, these shall include, but not be limited to, funds appropriated by the Coronavirus Aid, Relief, and Economic Security Act, also known as the CARES Act, the Coronavirus Response and Relief Supplemental Appropriations Act, 2021, also known as CRRSA, The American Rescue Plan Act of 2021, also known as ARPA, or any subsequent federal legislation that allocates funds in response to COVID-19.*

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

§2. Paragraph 1 of subdivision b of section 6-144 of the administrative code of the city of New York, is amended to read as follows:

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

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

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

(c) For each executed city procurement contract funded in whole or in part by COVID-19 funds, the awarding agency, the unit of appropriation, the budget code, the name and address of the contractor and, if known, subcontractors, the contract identification number, the purpose of the contract, the original contract value in dollars and any applicable contract modification value in dollars, the contract award method, the contract type, the contract start and end date and any revised contract end date, the original contract registration date and the registration date of any applicable contract modification, the status of any contractor and, if known,

subcontractor, as a minority and women-owned business enterprise, the contract status, to the extent practicable the amount spent to date on the contract and, if known, subcontracts, and information on the value of the contract and, if known, subcontracts, eligible for reimbursement from a COVID-19 funds award; and

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

§ 3. This local law shall take effect immediately, provided, however, that this local law shall expire and be deemed repealed 5 years after local law number 76 for the year 2020 became law.

Referred to the Committee on Finance.

Preconsidered State Legislation Resolution No. 1

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.6972, and Assembly Member Abbate, A.7817, "AN ACT to amend the administrative code of the city of New York, in relation to certain lung disabilities incurred by members of the New York city transit authority in certain cases".

By Council Member Maisel.

Whereas, Bills has been introduced in the New York State Legislature by Senator Gounardes, S.6972, and Assembly Member Abbate, A.7817, "AN ACT to amend the administrative code of the city of New York, in relation to certain lung disabilities incurred by members of the New York city transit authority in certain cases"; *and*

Whereas, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

Resolved, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

Preconsidered State Legislation Resolution No. 2

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.6976, and Assembly Member Abbate, A.7727, "AN ACT to amend the retirement and social security law, in relation to modifying the retirement program for Triborough bridge and tunnel members".

By Council Member Maisel.

Whereas, Bills has been introduced in the New York State Legislature to pass bills introduced by Senator Gounardes, S.6976, and Assembly Member Abbate, A.7727, "AN ACT to amend the retirement and social security law, in relation to modifying the retirement program for Triborough bridge and tunnel members"; *and*

Whereas, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

Resolved, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

Preconsidered State Legislation Resolution No. 3

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senators Hoylman, Benjamin, Biaggi, Gounardes, Jackson, Myrie, Rivera, Salazar, Sepulveda, S.524-A, and Assembly Members Gottfried, Carroll, Seawright, Simon, Gonzalez-Rojas, Burdick, Gallagher, Paulin, Dinowitz, Epstein, Glick, Hevesi, McDonough, Davila, A.4655-A, “AN ACT to amend the vehicle and traffic law, in relation to establishing speed limits in cities with populations in excess of one million people”.

By Council Member Maisel.

Whereas, Bills has been introduced in the New York State Legislature by Senators Hoylman, Benjamin, Biaggi, Gounardes, Jackson, Myrie, Rivera, Salazar, Sepulveda, S.524-A, and Assembly Members Gottfried, Carroll, Seawright, Simon, Gonzalez-Rojas, Burdick, Gallagher, Paulin, Dinowitz, Epstein, Glick, Hevesi, McDonough, Davila, A.4655-A, “AN ACT to amend the vehicle and traffic law, in relation to establishing speed limits in cities with populations in excess of one million people”; *and*

Whereas, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

Resolved, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

Preconsidered State Legislation Resolution No. 4

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Kavanagh, S.2740-B, and Assembly Members Simon, Forrest, *et al.*, A.2316-A, “AN ACT to amend the vehicle and traffic law and the public officers law, in relation to establishing a demonstration program on interstate route 278 in Kings county to enforce vehicle weight restriction on such interstate by means of mobile or stationary weigh in motion systems; and providing for the repeal of such provisions upon expiration thereof”.

By Council Member Maisel.

Whereas, Bills has been introduced in the New York State Legislature by Senator Kavanagh, S.2740-B, and Assembly Members Simon, Forrest, *et al.*, A.2316-A, “AN ACT to amend the vehicle and traffic law and the public officers law, in relation to establishing a demonstration program on interstate route 278 in Kings county to enforce vehicle weight restriction on such interstate by means of mobile or stationary weigh in motion systems; and providing for the repeal of such provisions upon expiration thereof”; *and*

Whereas, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

Resolved, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

Preconsidered State Legislation Resolution No. 5

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Sanders, S.6229-A, and Assembly Member Anderson, A.7084-A, “AN ACT authorizing the city of New York to alienate and discontinue the use of certain portions of parkland”.

By Council Member Maisel.

Whereas, Bills has been introduced in the New York State Legislature by Senator Sanders, S.6229-A, and Assembly Member Anderson, A.7084-A, “AN ACT authorizing the city of New York to alienate and discontinue the use of certain portions of parkland”; *and*

Whereas, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

Resolved, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

Preconsidered State Legislation Resolution No. 6

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.6405, and Assembly Member Abbate, A.7640, “AN ACT to amend the retirement and social security law, in relation to determination of salary base for members of the city of New York fire department pension fund”.

By Council Member Maisel.

Whereas, Bills has been introduced in the New York State Legislature by Senator Gouardes, S.6405, and Assembly Member Abbate, A.7640, “AN ACT to amend the retirement and social security law, in relation to determination of salary base for members of the city of New York fire department pension fund”; *and*

Whereas, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

Resolved, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

Preconsidered State Legislation Resolution No. 7

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senators Comrie and Liu, S.3258, and Assembly Members Richardson, Reyes and Sayegh, A.7148, “AN ACT to amend the vehicle and traffic law, in relation to a fine for parked or unattended semitrailers or trailers on streets of a city with a population of one million or more”.

By Council Member Maisel.

Whereas, Bills has been introduced in the New York State Legislature by Senators Comrie and Liu, S.3258, and Assembly Members Richardson, Reyes and Sayegh, A.7148, “AN ACT to amend the vehicle and traffic law, in relation to a fine for parked or unattended semitrailers or trailers on streets of a city with a population of one million or more; *and*

Whereas, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

Resolved, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

Res. No. 1645

Resolution calling on the New York State legislature to pass and the Governor to sign A.1866/S.1603, in relation to enacting the NYCHA Utility Accountability Act.

By Council Members Menchaca, Ampry-Samuel, Yeger, Gennaro and Louis.

Whereas, The New York City Housing Authority (NYCHA) is a public housing authority with 302 developments, 2252 residential buildings and 169,820 units, making it the largest public housing provider in the United States (U.S.); and

Whereas, Currently, 162,721 families and 356,506 residents call the New York City Housing Authority their home; and

Whereas, For the past decade, there have been numerous articles that have reported on the frequent service interruptions to heat and hot water, and to gas services at NYCHA developments; and

Whereas, On January 2019, federal and city officials agreed to the appointment of a federal monitor to help address the history of maintenance issues that have created health and safety hazards at NYCHA; and

Whereas, The federal monitor has been charged with approving action plans that require NYCHA to meet certain benchmarks to promptly resolve outages; and

Whereas, However, according to media reports, tenants are still struggling with damages that occurred from Superstorm Sandy back in 2012, as well as, reoccurring utility outages throughout the NYCHA portfolio; and

Whereas, NYCHA needs to be held accountable when it fails to make repairs; and

Whereas, A.1866, sponsored by Assembly Member Khaleel Anderson in the New York State Assembly and companion bill S.1603, sponsored by State Senator Michael Gianaris in the New York State Senate, would require NYCHA to give a prorated rent reduction to tenants who suffer interruptions to their utility services; and

Whereas, NYCHA has a legal and moral obligation to keep the utility systems functioning properly, the passage of A.1866/S.1603 would hold NYCHA accountable when it fails to deliver on its commitments; 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 A.1866/S.1603, in relation to enacting the NYCHA Utility Accountability Act.

Referred to the Committee on Public Housing.

Int. No. 2325

By Council Members Miller and Kallos (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to protections for restaurant, food service and airport workers displaced due to the COVID-19 disaster emergency

Be it enacted by the Council as follows:

Section 1. Title 20 of the administrative code of the city of New York is amended by adding a new chapter 14 to read as follows:

CHAPTER 14
DISPLACED RESTAURANT, FOOD SERVICE AND AIRPORT WORKERS

§ 20-1401 *Short title.* This chapter shall be known and may be cited as the “Displaced Food Service and Airport Worker Right to Recall Law.”

§ 20-1402 *Definitions.* As used in this chapter, the following terms have the following meanings:

Airport. The term “airport” means John F. Kennedy International Airport and LaGuardia Airport.

Airport hospitality operation. The term “airport hospitality operation” means a business that provides food or beverage service, passenger lounge service, retail or other consumer goods or services to members of the public at an airport.

Airport service provider. The term “airport service provider” means any person that performs, under contract with a certificated passenger air carrier: (i) food service, including for in-flight food or beverage service; or (ii) functions on the property of an airport that are directly related to the air transportation of

persons, property or mail, including the loading or unloading of property on aircraft, assistance to passengers under part 382 of title 14 of the code of federal regulations, security, airport ticketing or check-in functions, ground-handling of aircraft or aircraft cleaning, sanitization functions or waste removal.

Covered employer. The term “covered employer” means an airport hospitality operation, airport service provider, food service contractor, or a private entity whose employees or contractors are regularly scheduled to work at an event center, that meets the definition of “employer” set forth in section 20-912. The term “covered employer” does not include the port authority of New York and New Jersey and air carriers certificated by the federal aviation administration.

Department. The term “department” means the department of consumer and worker protection.

Employee. The term “employee” means a person who meets or met the definition of “employee” set forth in section 20-912 and is or was employed by a covered employer.

Event center. The term “event center” means a publicly or privately owned structure with a seating capacity of 10,000 or more, or 50,000 or more square feet of meeting or exhibition space, that is used for public performances, sporting events, business meetings or similar events, including a concert hall, stadium, sports arena, racetrack, coliseum or convention center. The term “event center” includes any contracted, leased or sublet premises connected to or operated in conjunction with the purpose of such a structure, including food preparation facilities, concessions, retail stores, restaurants, bars and structured parking facilities.

Food service. The term “food service” means the on-site preparation, service or cleanup of food or beverages.

Food service contract. The term “food service contract” means a contract for the provision of food service, for a term of at least one year, that requires the food service contractor to provide all food service workers providing such food service.

Food service contractor. The term “food service contractor” means any person who, directly or through subcontracting, enters into a food service contract to provide food service to or on behalf of another person.

Laid-off employee. The term “laid-off employee” means any employee who was employed by a covered employer for six months or more between January 31, 2019 and January 31, 2020, and whose most recent separation from employment (i) was initiated by such covered employer, (ii) occurred after January 31, 2020 and before January 1, 2022 and (iii) was due to a government order, layoff, lack of business, reduction in force or other economic, non-disciplinary reason.

Seniority. The term “seniority” means a ranking of employees based on length of service, computed from the first date of work, including any probationary period, unless such service has been interrupted by more than six months, in which case length of service shall be computed from the date that service resumed. An absence shall not be deemed an interruption of service if such absence was the result of military service, illness, educational leave, leave protected or afforded by law or any discharge due to a government order, layoff, lack of business, reduction in force or other economic, non-disciplinary reason, or that is in violation of any local, state or federal law, including this chapter.

§ 20-1403 Right to recall. a. 1. Until and including December 31, 2024, before hiring a new employee, a covered employer shall, pursuant to this section, offer any positions that become available after the effective date of the local law that added this chapter to its laid-off employees who are qualified for such position.

2. A covered employer’s obligation to offer such positions to a laid-off employee shall be extinguished if (i) the covered employer has offered such a position to the laid-off employee pursuant to this section, and the laid-off employee has accepted such offer; (ii) the covered employer has made three or more comparable offers to the laid-off employee pursuant to this section; or (iii) the laid-off employee has informed the covered employer in writing that such employee does not intend to return to work for such covered employer. For purposes of this paragraph, a comparable offer means an offer of a position for which the laid-off employee is qualified pursuant to paragraph 4 of this subdivision, at a work schedule totaling at least 85 percent of the hours that the laid-off employee worked for the covered employer pursuant to the laid-off employee’s regular work schedule or weekly work schedule when the laid-off employee was laid off.

3. Covered employers shall make such offers in writing by registered mail, by email or by text message to the laid-off employee’s last known contact information, except that for any layoff occurring after the effective date of the local law that added this chapter, the covered employer shall use the method and contact information chosen and provided by the laid-off employee when such employee is laid off.

4. A laid-off employee is qualified for a position, without regard to title, if the laid-off employee (i) was employed in the same or a similar position by the covered employer when the laid-off employee was laid off or (ii) can perform the requirements of the position or would be able to perform the requirements of the position with the same training that would be provided to a new employee hired for the position.

5. A covered employer shall offer such positions to laid-off employees in the order of priority corresponding to items (i) and (ii) of paragraph 4 of this subdivision. If multiple laid-off employees in the same priority category are qualified for such a position, the covered employer shall offer the position to the laid-off employee with the greatest seniority for the covered employer.

b. A laid-off employee offered a position pursuant to this section shall be given no fewer than ten days from the date of receipt of the written offer to accept or decline the offer. A covered employer may make simultaneous conditional offers of employment to laid-off employees, with a final offer of employment conditioned on application of the priority system set forth in paragraph 5 of subdivision a of this section.

c. A covered employer that does not offer such a position to a laid-off employee on the grounds of lack of qualifications, and instead recalls another laid-off employee with less priority or hires someone other than a laid-off employee, shall provide the laid-off employee determined to be unqualified a written notice of non-qualification within thirty days identifying all reasons for such determination.

d. The requirements of this chapter also apply if:

1. The ownership of the covered employer changed after a laid-off employee's separation from employment, and the covered employer is conducting the same or similar operations as were conducted before January 31, 2020;

2. The form of organization of the covered employer changed after January 31, 2020, and the covered employer is conducting the same or similar operations as before such change;

3. Substantially all of the covered employer's assets were acquired by another person that conducts the same or similar operations using substantially the same assets; or

4. The covered employer relocated the operations at which a laid-off employee was employed before January 31, 2020 to a different location within the city.

§ 20-1404 Layoff procedures and requirements. a. Written notice of layoff. A covered employer shall provide a laid-off employee with written notice of the layoff, either in person or in writing to the employee's last-known address, or to the employee's phone number or email address if authorized by the employee. Such notice shall be provided at the time of layoff or within 60 days of the effective date of the local law that added this chapter if the layoff took place before such date. A covered employer shall provide notice to each laid-off employee in a language understood by such employee. The written notice shall include:

1. A notice of the layoff and the layoff's effective date;

2. The laid off-employee's seniority at the time of layoff; and

3. A summary of the rights provided by this chapter, including the right to recall and to receive and accept job offers made based on seniority, the right to be free from retaliation and the right to enforce one's rights in court.

b. The department shall make publicly available on its website, in a downloadable format in each designated citywide language as defined in section 23-1101, a notice containing the information that a covered employer must provide to a laid-off employee pursuant to paragraph 3 of subdivision a of this section.

c. When laying off an employee, a covered employer shall request the employee's preferred mailing address, phone number or email address for purposes of receiving offers of open positions pursuant to section 20-1403.

d. Recordkeeping. Covered employers shall retain the following records for each laid-off employee, for at least two years from the date the written notice of layoff was required to be provided to such laid-off employee pursuant to subdivision a of this section: name; job classification at the time of separation from employment; date of hire; last known address; last known email address and phone number, if applicable; a copy of the written notice of layoff provided to the laid-off employee; proof of any offers of available positions to the laid-off employee; and proof of any notices of non-qualification provided to the laid-off employee.

§ 20-1405 Retaliatory action prohibited. No person shall refuse to employ, terminate, reduce in compensation or otherwise take any adverse action against any employee for seeking information or to enforce their rights under this chapter, for participating in any proceeding related to this chapter, for opposing or reporting any practice proscribed by this chapter or for otherwise asserting any right under this chapter. This section shall apply to any employee who mistakenly, but in good faith, alleges a violation of this chapter.

§ 20-1406 Enforcement. a. This chapter may be enforced in a civil action in any court of competent jurisdiction brought by one or more employees on their own behalf or on behalf of themselves and other similarly situated employees. An employee may designate an agent or representative to maintain such an action.

b. If a court finds that a covered employer violated this chapter, it may enjoin the covered employer from engaging in such violation and may award any other appropriate affirmative relief, including compensatory damages, back pay and reinstatement or hiring of employees with or without back pay including fringe benefits. Interim earnings or amounts earnable with reasonable diligence by employees prevailing in such action shall operate to reduce any back pay otherwise allowable. Before such interim earnings are deducted from such back pay, the court shall deduct from such interim earnings any reasonable amounts expended by such employees in searching for, obtaining or relocating to new employment. A court may also order punitive damages if it finds that a covered employer violated this chapter with malice or with reckless indifference to the requirements of this chapter. If a court finds that a covered employer terminated an employee in violation of section 20-1405, the court may award, in addition to reinstatement, three times the amount of back pay and compensatory damages awarded.

c. If a covered employer takes an adverse action against an employee within 60 days of such employee's exercise of rights pursuant to, or any other activity protected by, this chapter, there shall be a rebuttable presumption that such adverse action was taken in violation of section 20-1405.

d. If an employee prevails in a civil action brought under this section, the court shall award reasonable attorney's fees and costs and expert witness fees incurred in bringing such action.

§ 20-1407 Expiration. This chapter expires on December 31, 2031.

§ 2. This local law takes effect immediately and remains in effect until December 31, 2031, when it is deemed repealed, provided that all actions and proceedings arising from events that occurred prior to such date may be prosecuted and defended to final effect in the same manner as they might if this local law were not so repealed.

Referred to the Committee on Civil Service and Labor.

Int. No. 2326

By Council Members Miller, Adams, Cumbo, Yeger and Holden.

A Local Law to amend the New York city charter, in relation to the repeal of section 1057-g of such charter relating to voting, and other incidental technical amendments

Be it enacted by the Council as follows:

Section 1. Paragraph 10 of subdivision c of section 10 of the New York city charter, as amended by local law number 215 for the year 2019, is amended to read as follows:

10. If an election is held pursuant to this subdivision for which nominations were made by independent nominating petitions, [and if such election has not utilized ranked choice voting as provided in section 1057-g,] and if at such election, no candidate receives forty percent or more of the vote, the two candidates receiving the most votes shall advance to a runoff election which shall be held on the second Tuesday next succeeding the date on which such election was held.

§ 2. Section 1057-g of the New York city charter is REPEALED.

§ 3. This local law takes effect immediately after it is submitted for the approval of the qualified electors of the city at the next general election held after its enactment and is approved by a majority of such electors voting thereon.

Referred to the Committee on Governmental Operations.

Res. No. 1646

Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation authorizing the City of New York to establish a Community Hiring program, to create job opportunities for low-income people, residents of low-income neighborhoods, and residents of New York City Housing Authority buildings

By Council Members Moya, Chin, Cornegy, Rose, Rodriguez, Cumbo, Feliz, Louis, Gibson, Rivera, Brooks-Powers, Ampry-Samuel, Riley and Koo.

Whereas, both within the city of New York and across the United States, over the past several decades, income inequality has expanded and that poverty is frequently concentrated in economically disadvantaged regions; and

Whereas, economic disparities across individuals and across communities have further expanded due to the economic and health effects of the virus known as COVID-19; and

Whereas, low-wage workers are, according to a number of economic analyses, disproportionately likely to have suffered job losses; and

Whereas, the City of New York has proposed legislation which would leverage the economic power of the billions of dollars that the City of New York and its affiliated agencies spend each year on construction, supplies, consultants, software and services to remediate those economic disparities by providing middle-class job opportunities to low-income individuals and communities; and

Whereas, this legislation will authorize the City to establish a robust and ambitious employment goals program which, according to projections, would create 200,000 job opportunities in the first five years for low-income people, New York City Housing Authority residents and residents of low-income communities based on its effect on City procurement contracts alone; and

Whereas, this legislation will authorize the City to create goals for construction contractors and building services labor to employ people from low-income communities and residents of New York City Housing Authority buildings; and

Whereas, this legislation will authorize the City to create goals for contractors on work other than construction and building services labor to employ low income individuals; and

Whereas, this legislation would also allow a city with a population of one million or more inhabitants or a school district or public benefit corporation operating primarily within such a city to require a minimum ratio of apprentices to journey-level workers in certain procurement contracts; and

Whereas, this legislation would allow the City and its affiliated agencies to establish a network of referral sources to assist entities in sourcing qualified talent in order to meet these employment goals by establishing a network of referral sources by engaging workforce development programs that typically train NYCHA residents, veterans, people with disabilities, justice-involved individuals, graduates of the City School District, City University of New York graduates, cash assistance recipients and new immigrants; and

Whereas, we must ensure that our economic recovery is equitable and reaches those communities most impacted by COVID-19; 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 allowing the City of New York to establish a Community Hiring program.

Referred to the Committee on Civil Service and Labor.

Res. No. 1647

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.2766/A.3350, providing that a construction contractor shall assume liability for any unpaid wages or debt resulting from making a wage claim.

By Council Members Moya, Cabrera and Miller.

Whereas, Wage theft is defined as an employer or contractor's failure to pay workers the full wages to which they are legally entitled; and

Whereas, In a 2015 report, the Center for Popular Democracy estimated that 2.1 million workers in New York State are victims of wage theft annually, with a total amount of approximately \$3.2 billion in stolen wages and benefits; and

Whereas, The United States Department of Labor estimates that approximately \$1 billion in wages are stolen each year in New York City; and

Whereas, An April 2021 report by the Catholic Labor Network, focusing on private construction projects in the District of Columbia, found that wage theft is particularly rampant in the construction industry, as 10% of workers surveyed were paid less than the minimum wage, and 37% of workers surveyed were not paid required overtime rates; and

Whereas, The report by the Catholic Labor Network also found that nearly half of respondents were paid in cash or in a check without required payroll tax deductions; and

Whereas, An exhaustive 2017 study of minimum wage violations by the Economic Policy Institute found that in New York State, construction was the industry with the highest average underpayment to workers; and

Whereas, These numbers may underestimate the full extent of wage theft, as many workers fail to report wage violations for fear of being blacklisted by employers; and

Whereas, While workers can bring private lawsuits against their direct employer to collect unpaid wages and benefits, unscrupulous employers have numerous means at their disposal to make themselves judgment-proof from a wage theft action; and

Whereas, The Center for Popular Democracy's 2015 report documented that employers in violation of wage laws have changed the name of their business, hidden or fraudulently transferred assets, or falsified other records to avoid paying their workers the wages they are owed; and

Whereas, The report from the Center for Popular Democracy further found that undocumented immigrants frequently face an additional burden in attaining unpaid wages, as employers can threaten to alert immigration authorities about their status;

Whereas, The current lack of oversight has created a system where employers fail to pay overtime, pay less than the minimum wage, illegally deduct work-related costs from paychecks, instruct employees to work off the clock, and, in some cases, fail to pay workers at all; and

Whereas, S.2766, introduced by State Senator Jessica Ramos, and its companion bill A.3350, introduced by Assembly Member Latoya Joyner, would provide that a construction contractor would assume liability for any unpaid wages, benefits, damages, or attorneys' fees related to a wage claim against any subcontractor; and

Whereas, A new remedy to hold the primary contractor liable for wage theft that it chooses to utilize on a job site could significantly help exploited construction workers collect unpaid wages; and

Whereas, Holding primary contractors liable for debts would also create an incentive for contractors to better self-police itself and prevent subcontractors or labor brokers from treating their workers unjustly; and

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, S.2766/A.3350, providing that a construction contractor shall assume liability for any unpaid wages or debt resulting from making a wage claim.

Referred to the Committee on Civil Service and Labor.

Int. No. 2327

By Council Members Powers and Yeger.

A Local Law in relation to extending scheduled vehicle retirement dates for taxicabs during the COVID-19 state disaster emergency and the repeal thereof

Be it enacted by the Council as follows:

Section 1. a. Definitions. As used in this section, the following terms have the following meanings:

Accessible taxicab. The term “accessible taxicab” means a taxicab that is licensed by the commission and that meets the specifications of the americans with disabilities act as described in section 67-05.2 of title 35 of the rules of the city of New York.

Commission. The term “commission” means the taxi and limousine commission.

COVID-19 state disaster emergency. The term “COVID-19 state disaster emergency” means the state disaster emergency declared by the governor of New York in executive order number 202 issued on March 7, 2020 or any executive order renewing or extending such emergency.

Medallion. The term “medallion” means the metal plate issued by the commission for displaying the license number of a licensed taxicab on the outside of the vehicle.

Scheduled vehicle retirement date. The term “scheduled vehicle retirement date” means the date by which a taxicab is scheduled to be retired from service, as determined pursuant to title 35 of the rules of the city of New York or by local law.

Taxicab. The term “taxicab” means a motor vehicle, yellow in color, bearing a medallion indicating that it is licensed by the commission to carry up to five passengers for hire and authorized to accept street hails.

Vehicle retirement extension. The term “vehicle retirement extension” means an extension from the scheduled vehicle retirement date for a taxicab.

b. Any owner of a taxicab that is affiliated with a medallion that is not scheduled to be converted to an accessible taxicab at the next scheduled vehicle retirement date in accordance with section 58-50 of title 35 of the rules of the city of New York, that applies in writing to the commission for a vehicle retirement extension during the COVID-19 state disaster emergency, shall be granted an extension of 12 months from the scheduled vehicle retirement date, provided that such taxicab continues to meet all safety and emission requirements throughout the duration of such extension.

c. Any owner of a taxicab that is affiliated with a medallion that is scheduled to be converted to an accessible taxicab at the next scheduled vehicle retirement date in accordance with section 58-50 of title 35 of the rules of the city of New York, that applies in writing to the commission for a vehicle retirement extension during the COVID-19 state disaster emergency, shall be granted an extension of 6 months from the scheduled vehicle retirement date, provided that such taxicab continues to meet all safety and emission requirements throughout the duration of such extension.

d. The commission shall withdraw any extension granted pursuant to subdivisions b and c whenever such taxicab is determined by the commission to be unsafe for operation.

e. Any owner of a taxicab that received a vehicle retirement extension pursuant to subdivision b may apply for up to an additional 12 month extension if such owner continues to meet the requirements of subdivision b at the time such owner applies for the extension and the owner can demonstrate an economic or other personal hardship that the commission determines would create an undue burden upon the owner if the extension were not granted.

f. The chairperson of the taxi and limousine commission shall post conspicuously on the commission’s website, information on the vehicle retirement extensions provided for by this local law.

g. Nothing in this local law is intended to interfere or conflict with any court order, or is intended to supersede section 67-19 of title 35 of the rules of the city of New York.

§ 2. This local law takes effect immediately and expires and is deemed repealed on January 1, 2023.

Referred to the Committee on Transportation.

Res. No. 1648

Resolution calling on the New York State Legislature to pass, and the Governor to sign, the New York for All Act (A.2328 / S.3076), which would prohibit and regulate the discovery and disclosure of immigration status by New York state and local government entities.

By the Public Advocate (Mr. Williams) and Council Members Menchaca and Rosenthal.

Whereas, Immigrants make up almost a quarter of New York state's population and account for 37 percent of New York City's population; and

Whereas, Immigrant New Yorkers are valuable members of our communities, contributing over \$61 billion in federal and state taxes in 2019; and

Whereas, Immigrants in New York City make up more than 50 percent of all individuals working on COVID-19 frontlines since the very first outbreak in 2020; and

Whereas, In recent years, New York State has made strides to be more inclusive to its foreign born residents, passing laws that extended driver's license eligibility to residents, regardless of immigration status, provided tuition assistance for undocumented New Yorkers, and investing in deportation defense programs such as the Liberty Defense Fund, mirroring similar programs in New York City; and

Whereas, State and municipal policies throughout New York that require and retain immigration status information can, however, unnecessarily expose immigrant New Yorkers to federal immigration enforcement; and

Whereas, Entanglement between federal immigration enforcement and local and state entities erodes trust between immigrant communities and local authorities, which can decrease willingness to report crimes witnessed, cooperate in investigations and access critical government services; and

Whereas, Research from the Center for American Progress published in 2017 showed that counties that restrict local interactions with ICE had lower crimes rates while experiencing higher median household incomes, lower unemployment and lower poverty rates; and

Whereas, A 2020 comparative study from the Stanford University Department of Political Science found that counties that disentangled local authorities from federal immigration enforcement; experienced decreased deportations without increases in crime and

Whereas, In 2021, New York State Assemblymember Karines Reyes and Senator Julia Salazar introduced the New York for All Act (A.2328 / S.3076), which prohibits the discovery and disclosure of immigration status by state entities, including law enforcement; and

Whereas, The Act additionally directs municipalities throughout the state to prohibit the discovery and disclosure of such information; and

Whereas, The Act requires reporting to the State Attorney General's office, to be made publicly available, of every communication between federal immigration enforcement and state and local government entities; and

Whereas, The Act would require ICE to present a judicial warrant in order to access non-public areas of government property and require local jails to inform detained individuals of their rights related to ICE, including the right to decline an interview with ICE and to seek counsel; and

Whereas, In 2014 and 2017, New York City Council passed two packages of legislation that restricted the discovery and disclosure of immigration status information and the coordination with federal immigration enforcement, in an effort to end unchecked entanglement between federal immigration enforcement and local law enforcement; and

Whereas, Immigrant New Yorkers necessarily interact with State agencies and state law enforcement as residents of New York City, and deserve to be treated with dignity and respect; and

Whereas, Immigrant New Yorkers should not be held to different standards depending on the city or state agency with which they interact, regardless of immigration status; and

Whereas, Passage of the New York for All Act would distinguish New York State, joining ranks with other such states as California and Washington, in protecting all immigrant residents; 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, the New York for All Act (A.2328 / S.3076), which would prohibit and regulate the discovery and disclosure of immigration status by New York state and local government entities.

Referred to the Committee on Immigration.

Int. No. 2328

By Council Members Rosenthal and Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to requiring reporting on design-build contracts

Be it enacted by the Council as follows:

Section 1. Section 1. Chapter 1 of title 6 of the administrative code of the city of New York is amended by adding a new section 6-145 to read as follows:

§ 6-145 Reporting on design-build. a. *Definitions. For the purposes of this section, the term “design-build contract” means a contract for the design and construction of a public work with a single entity, which may be a team comprised of separate entities.*

b. *At the same time as the publication of each periodic report required pursuant to paragraph 1 of subdivision d of section 219 of the New York city charter, the director of management and budget shall prepare and submit to the speaker of the council a report on the use of design-build contracts. Such report shall include, at a minimum:*

1. *The projects for which design-build contracts have been awarded;*
2. *The project identification number for each such project;*
3. *Which agencies are involved in such projects;*
4. *How such projects are overseen;*
5. *The progress of such projects; and*
6. *An estimate of how much time and money has been saved by the use of design-build for such projects.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Contracts.

Int. No. 2329

By Council Members Rosenthal, Kallos and Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to information about the maternal mortality and morbidity review committee

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 17-199.3.1 of the administrative code of the city of New York is amended to read as follows:

c. *No later than August 1, 2021, and no later than August 1 annually thereafter, [The] the department shall post and update as necessary on its website a list of the disciplines represented on the committee established pursuant to this section, the names and titles of the individuals who serve on such committee and a summary of such committee’s activities over the prior year.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Health.

Preconsidered L.U. No. 793

By Council Member Dromm:

840-50 St Marks Ave HDFC.HRP.FY22, Block 1228, Lot 37; Brooklyn, Community District No. 8, Council District No. 36.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 794

By Council Member Dromm:

Dora Collazo.GHPP.FY21, Block 407, Lots 38, 39, 40, 41, 42, and 43; Manhattan, Community District No. 3, Council District No. 2.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 795

By Council Member Dromm:

Light Hall HDFC.GHPP.FY22, Block 1977, Lot 46; Manhattan, Community District No. 9, Council District No. 7.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 796

By Council Member Dromm:

3800 Putnam HDFC.HPO.FY21, Block 3271, Lot 101; Bronx, Community District No. 8, Council District No. 11.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 797

By Council Member Salamanca:

Application No. C 210149 ZMX (Crab Shanty Restaurant – 361 City Island Avenue Rezoning) submitted by SHAR-JO Rest. Inc., d/b/a/ Crab Shanty, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 4d, by establishing within an existing R3A District a C1-2 District, Borough of the Bronx, Community District 10, Council District 13).

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

L.U. No. 798

By Council Member Salamanca:

Application number 20215024 HAX (Melrose Open Door) submitted by the Department of Housing Preservation and Development requesting approval of an exemption from real property taxation pursuant to Article XI of the Private Housing Finance Law, for properties located at 881 Brook Ave. (Block 2365, Lot 23), 672 St. Ann's Ave. (Block 2617, Lot 20), 675 Eagle Ave. (Block 2617, Lot 70), 901 Eagle Ave. (Block 2620, Lot 46), 667 Cauldwell Ave. (Block 2624, Lot 73), 1175 Tinton Ave (Block 2662, Lot 27), 840-842 Tinton Ave. (Block 2667, Lots 1 and 2), 1109 Intervale Ave. (Block 2692, Lot 73), 1048 Faile Ave. (Block 2748, Lot 24), 959 Home St. (Block 2979, Lot 1), 1298 Hoe Ave. (Block 2987, Lot 14), 1013 Home St. (Block 2993, Lot 33), Borough of the Bronx, Community Districts 1, 2, and 3, Council District 17.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings & Dispositions.

L.U. No. 799

By Council Member Salamanca:

Application number 20215025 HAX (Melrose Open Door) submitted by the Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law requesting the waiver of the area designation requirement of Section 693 of the General Municipal and the requirements of Sections 197-c and 197-d of the Charter, and approval of a project as an Urban Development Action Area Project for property located at 1048 Faile Street (Block 2748, Lot 24), Borough of the Bronx, Community District 2, Council District 17.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings & Dispositions.

L.U. No. 800

By Council Member Salamanca:

Application number 20210155 HUX (Melrose Open Door) submitted by the Department of Housing Preservation and Development (HPD), pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter, for the first amendment to the Mott Haven North Urban Renewal Plan, Borough of the Bronx, Community District 1, Council District 17.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings & Dispositions.

L.U. No. 801

By Council Member Salamanca:

Application number C 20210154 HAX (Melrose Open Door) submitted by the Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for approval of the designation of an Urban Development Action Area and approval of an Urban Development Action Area Project, and pursuant to Section 197-c of the New York City Charter for approval of the disposition of the City-owned property located at 672 St. Ann's Avenue (Block 2617, Lot 20), 675 Eagle Avenue (Block 2617, Lot 70), 667 Cauldwell Avenue (Block 2624, Lot 73), 840-842 Tinton Avenue (Block 2667, Lots 1 & 2), Borough of the Bronx, Community District No. 1, Council District 17.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings & Dispositions.

L.U. No. 802

By Council Member Salamanca:

Application number 20210156 HAX (Melrose Open Door) submitted by the Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for approval of the designation of an Urban Development Action Area and approval of an Urban Development Action Area Project, and pursuant to Section 197-c of the New York City Charter for approval of the disposition of the City-owned property located at 881 Brook Avenue (Block 2365, Lot 23), 901 Eagle Avenue (Block 2620, Lot 46), 959 Home Street (Block 2979, Lot 1), 1298 Hoe Avenue (Block 2987, Lot 14), 1013 Home Street (Block 2993, Lot 33), Borough of the Bronx, Community District 3, Council District 17.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings & Dispositions

L.U. No. 803

By Council Member Salamanca:

Application number C 20210173 HAK (Bed Stuy Central and North Phase II) 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 approval of 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 selected by HPD, for properties located at 187 and 187R Chauncey Street (Block 1687, Lots 76 and 176), 772 Myrtle Avenue (Block 1754, Lot 16), 890 Myrtle Avenue (Block 1755, Lot 40), and 119-125 Vernon Avenue (Block 1755, Lots 54, 55, 56, and 57), Borough of Brooklyn, Community District 3, Council District 36.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings & Dispositions.

L.U. No. 804

By Council Member Salamanca:

Application number 20215026 HAK (Bed Stuy Central and North Phase II) submitted by the Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law requesting approval of an exemption from real property taxation for properties located at 187 and 187R Chauncey Street (Block 1687, Lots 76 and 176), 772 Myrtle Avenue (Block 1754, Lot 16), 890 Myrtle Avenue (Block 1755, Lot 40), and 119-125 Vernon Avenue (Block 1755, Lots 54, 55, 56, and 57), Borough of Brooklyn, Community District 3, Council District 36.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings & Dispositions.

L.U. No. 805

By Council Member Salamanca:

Application number 20185028 PAR (72-H Transfer of Block 3930, Lot 50) submitted by the Department of Citywide Administrative Services pursuant to Section 72-H of the General Municipal Law for the transfer of City-owned property to the United States of America, acting by and through the National Park Service, for property located at Bock 3930, Lot 50, Borough of Staten Island, Community District 2, Council District 50.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings & Dispositions.

L.U. No. 806

By Council Member Salamanca:

Application number C 210063 ZMX (St. Joseph's-1949 Bathgate Avenue) submitted by St. Joseph Apartments LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3d, by changing from an R6A District to an R7D District property bounded by East 178th Street, Bathgate Avenue, a line 220 feet southerly of East 178th Street, and Washington Avenue, Borough of the Bronx, Community District 6, Council District 15.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 807

By Council Member Salamanca:

Application number N 210062 ZRX (St. Joseph's-1949 Bathgate Avenue) submitted by St Joseph Apartments 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 the Bronx, Community District 6, Council District 15.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

NEW YORK CITY COUNCIL

A N N O U N C E M E N T S

**DUE TO THE EXIGENCIES OF THE BUDGET ADOPTION,
 THE STATED MEETING OF THE COUNCIL IS RECESSED
 AND SUBJECT TO CALL AND THE MEETINGS OF ANY UPCOMING
 FINANCE AND STATE AND FEDERAL LEGISLATION COMMITTEES MAY
 BE RECESSED AND SUBJECT TO CALL AS WELL.
 WE WILL KEEP YOU ADVISED ACCORDINGLY**

Tuesday, June 1, 2021

Subcommittee on Zoning & Franchises

Francisco Moya, Chairperson

See Land Use Calendar

Remote Hearing (Virtual Room 1).....10:00 a.m.

Wednesday, June 2, 2021

Subcommittee on Landmarks, Public Sitings and Dispositions

Kevin C. Riley, Chairperson

See Land Use Calendar

Remote Hearing (Virtual Room 1).....2:00 p.m.

Thursday, June 3, 2021

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.

Wednesday, June 9, 2021

Committee on Public Housing

Alicka Ampry-Samuel, Chairperson

Oversight - NYCHA Waste Management Issues and Pest Problems.

Remote Hearing (Virtual Room 1)..... 10:00 a.m.

Monday, June 14, 2021

[Committee on Housing and Buildings](#)

Robert Cornegy, Jr., Chairperson

Int 2261 - By Council Member Cornegy (by request of the Mayor) - **A Local Law** to amend the administrative code of the city of New York, the New York city plumbing code, the New York city building code, the New York city mechanical code and the New York city fuel gas code, in relation to bringing such codes and related provisions of law up to date with the 2015 editions of the international building, mechanical, fuel gas and plumbing codes, with differences that reflect the unique character of the city, clarifying and updating administration and enforcement of such codes and the 1968 code and repealing chapters 2 and 35, appendices K and M, section N102 of appendix N, appendices P and Q, and section R103.3 figures 1A and 1B of appendix R of the New York city building code, chapter 15 and appendix A of the New York city mechanical code and chapter 8 of the New York city fuel gas code in relation thereto.

Remote Hearing (Virtual Room 1)..... 10:00 a.m.

Tuesday, June 15, 2021

[Subcommittee on Zoning & Franchises](#)

Francisco Moya, Chairperson

See Land Use Calendar

Remote Hearing (Virtual Room 1)..... 10:00 a.m.

Wednesday, June 16, 2021

[Subcommittee on Landmarks, Public Sitings and Dispositions](#)

Kevin C. Riley, Chairperson

See Land Use Calendar

Remote Hearing (Virtual Room 1).....2:00 p.m.

Thursday, June 17, 2021

[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.

Wednesday, June 23, 2021

[Committee on Higher Education](#)

Inez Barron, Chairperson

Oversight - Returning to CUNY Campuses in the Wake of COVID-19.

Remote Hearing (Virtual Room 2)..... 10:00 a.m.

The following comments were among the remarks made by the Speaker (Council Member Johnson) during the Communication from the Speaker segment of this meeting:

The Speaker (Council Member Johnson) acknowledged the approaching Memorial Day weekend when the veterans who died defending the nation are remembered. He expressed everyone's gratitude for these women and men who lost their lives for their country and asked that they always be remembered.

The Speaker (Council Member Johnson) acknowledged the one year May 25th anniversary of the death of George Floyd. He noted that Mr. Floyd's death marked a critical point in the nation's history in regard to police reform and racial justice -- a nationwide protest movement was sparked that called for change. He added that Mr. Floyd's death would not be in vain. The Speaker (Council Member Johnson) emphasized that the work of the city and the nation in changing how we police must continue forward.

The Speaker (Council Member Johnson) acknowledged the spike in hate crimes in the New York City that included a string of anti-Semitic and anti-Asian attacks. He noted that, according to the NYPD, hate crimes were up 70% as of May 16, 2021 when compared to the same period the previous year. The Speaker (Council Member Johnson) emphasized that this was unacceptable and was not the direction the city should be going. He urged that everyone continue to work together to end hate in the city.

The Speaker (Council Member Johnson) acknowledged that Monica Pepple and Carl Michael Wilson were leaving the Council. Ms. Pepple served in the Finance Division for over two years and covered the budgets of various agencies and several critical Council initiatives. He wished her the best of luck in her next professional endeavor. Mr. Wilson served in the District Office of the Speaker (Council Member Johnson) for the last three and a half years. He praised Mr. Wilson for his work in helping many constituents and community leaders. The Speaker (Council Member Johnson) thanked Mr. Wilson and expressed gratitude for his service.

Whereupon on motion of the Speaker (Council Member Johnson), the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) recessed the meeting subject to call.

THE COUNCIL

Minutes of the Proceedings for the

RECESSED MEETING

of

Thursday, May 27, 2021

held on

Thursday, June 17, 2021, 1:40 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	Robert F. Holden	Helen K. Rosenthal
Alicka Ampry-Samuel	Ben Kallos	Rafael Salamanca, Jr
Diana Ayala	Peter A. Koo	Mark Treyger
Inez D. Barron	Karen Koslowitz	Paul A. Vallone
Joseph C. Borelli	Bradford S. Lander	James G. Van Bramer
Justin L. Brannan	Mark D. Levine	Kalman Yeger
Selvena N. Brooks-Powers	Farah N. Louis	
Margaret S. Chin	Alan N. Maisel	
Laurie A. Cumbo	Steven Matteo	
Darma V. Diaz	Carlos Menchaca	
Ruben Diaz, Sr.	I. Daneek Miller	
Eric Dinowitz	Francisco P. Moya	
Daniel Dromm	Keith Powers	
Oswald Feliz	Antonio Reynoso	
James F. Gennaro	Kevin C. Riley	
Mark Gjonaj	Carlina Rivera	
Barry S. Grodenchik	Deborah L. Rose	

Absent for the Roll Call of this Recessed Meeting held on June 17, 2021 (the Council Members who did not answer the Roll Call for these brief proceedings): Council Members Cabrera, Cornegy, Eugene, Gibson, Levin, Perkins, Rodriguez, and Ulrich.

At the time of this Recessed Meeting, there were two vacancies in the Council (22nd District, Queens and 48th District, Brooklyn) pending the swearing-in of the respective certified winners of the November 2, 2021 General Election.

The Majority Leader (Council Member Cumbo) assumed the chair as the Acting President Pro Tempore and Presiding Officer for these virtual proceedings. Following the opening of the Recessed Meeting, the Roll Call for Attendance above 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 41 Council Members marked present for this virtual Recessed Meeting held on June 17, 2021 (**but see Editor's Note: re: Attendance below).*

***Editor's Note re: Attendance for the Stated Meeting held on May 27, 2021 and the brief Recessed Meeting held on June 17, 2021: This Recessed Meeting held on June 17, 2021 is considered to be the continuation and conclusion of the Stated Meeting that opened on May 27, 2021. For attendance purposes, therefore, any Council Member who was present at any one of these two Meetings will be considered present for all of the proceedings known collectively as the Stated Meeting of May 27, 2021. In this case, Council Members Cabrera, Cornegy, Eugene, Gibson, Levin, Perkins, and Ulrich did not answer the Roll Call for this Recessed Meeting held on June 17, 2021. These same Council Members, however, are considered "present, not voting" for these brief June 17th proceedings due to their presence at the earlier Stated Meeting held on May 27, 2021. Council Member Rodriguez, who also did not answer the Roll Call for these brief proceedings, still remains absent since he was not marked present for the earlier Stated Meeting held on May 27, 2021.*

(On a separate note: although not listed as present in the above Roll Call, it should be acknowledged that the following Council Members were marked present for the subsequent Stated Meeting of June 17, 2021 which opened immediately following the adjournment of these brief proceedings: Council Members Cabrera, Cornegy, Eugene, Gibson, Levin, Rodriguez, and Ulrich. Council Member Perkins, however, was not present at the subsequent Stated Meeting held on June 17, 2021 and was marked as absent)

Whereupon on motion of the Speaker (Council Member Johnson), the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) adjourned these brief virtual proceedings to meet immediately again for the Stated Meeting of June 17, 2021.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

*Editor's Local Law Note: Int. No. 1933-A, adopted by the Council at the April 29, 2021 Stated Meeting, was **signed into law by the Mayor** on May 13, 2021 as Local Law No. 55 of 2021.*

*Int. Nos. 1524-A, 1673-A, 1675-B, 1680-A, 1748-A, 1888-A, and 1959-A, all adopted at the April 22, 2021 Stated Meeting, were **returned unsigned** by the Mayor on May 24, 2021. These items had become law on May*

23, 2021 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Laws Nos. 56 to 62 of 2021, respectively.

Int. No. 1760-A, adopted at the April 29, 2021 Stated Meeting, was **returned unsigned** by the Mayor on June 1, 2021. This item had become law on May 30, 2021 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. This bill was assigned subsequently as Local Law No. 63 of 2021.

Int. Nos. 936-A, 1681-A, 1755-A, 2061-A, 2108-A, 2267, and 2268, all adopted at the May 12, 2021 Stated Meeting, were **returned unsigned** by the Mayor on June 14, 2021. These items had become law on June 12, 2021 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Laws Nos. 64 to 70 of 2021, respectively.