

**THE COUNCIL**

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*Minutes of the Proceedings for the*

**STATED MEETING**

*of*

Wednesday, November 10, 2021, 2:42 p.m.

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

Council Members

Corey D. Johnson, *Speaker*

Adrienne E. Adams	Mark Gjonaj	Carlina Rivera
Diana Ayala	Barry S. Grodenchik	Deborah L. Rose
Inez D. Barron	Robert F. Holden	Helen K. Rosenthal
Joseph C. Borelli	Ben Kallos	Rafael Salamanca, Jr
Justin L. Brannan	Peter A. Koo	Mark Treyger
Selvena N. Brooks-Powers	Karen Koslowitz	Paul A. Vallone
Fernando Cabrera	Bradford S. Lander	James G. Van Bramer
Margaret S. Chin	Stephen T. Levin	Kalman Yeger
Robert E. Cornegy, Jr	Mark D. Levine	
Laurie A. Cumbo	Farah N. Louis	
Darma V. Diaz	Alan N. Maisel	
Eric Dinowitz	Steven Matteo	
Daniel Dromm	I. Daneek Miller	
Mathieu Eugene	Francisco P. Moya	
Oswald Feliz	Keith Powers	
James F. Gennaro	Antonio Reynoso	
Vanessa L. Gibson	Kevin C. Riley	

Absent: Council Members Ampry-Samuel, R. Diaz, Menchaca, Perkins, Rodriguez, and Ulrich.

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 in-person 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 43 Council Members marked present at this Stated Meeting held in the Council Chambers at City Hall, New York, N.Y.*

### INVOCATION

The Invocation was delivered by Dr. Krishna P. Dixit, Head Priest, who serves as a spiritual leader at Hindu Center, Inc., located at 45-52 Kissena Boulevard, Flushing, New York 11355.

Good afternoon all Council Members.  
Thank you, Council Member Mr. Peter Koo,  
for inviting me to attend this ceremony.

I will begin reciting the oldest Hindu [prayer] *Shanti Mantra*.

(Text of the Invocation as submitted:)

*Om Dyau Shanti Rantariksha Gwam*  
May harmony transmit there in the entire sky  
just as in the tremendousethereal space all over the place.

*Shanti Prithvi Shanti Rapah Shanti Roshadhayah*  
May harmony rule all over this world,  
in water and in all herbs, trees and creepers.

*Shanti Vanas Patayah Shanti Vishwe Devah Shanti Brahma*  
May harmony stream over the entire universe.  
May harmony be in the Supreme Being Brahman.

*Shanti Sarvag Wam Shanti Shanti Reva Shanti Sa Ma Shanti Redhi*  
Also, may there consistently exist in all harmony and harmony alone.

*Om Shanti Shanti Shanti*  
Aum harmony, harmony, and harmony to us and all creatures!

\* \* \*

God bless America. Thank you to everyone.

Council Member Koo 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 34,647 New Yorkers had lost their lives to COVID-19 as of November 9, 2021. On behalf of the Council, he sent his deepest condolences to the families and friends of those who had passed away. The Speaker (Council Member Johnson) asked for a Moment of Silence for all of those who had died from COVID-19.

At this point, a Moment of Silence was observed in the Chambers.

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**ADOPTION OF MINUTES**

Council Member Holden moved that the Minutes of the Stated Meeting of October 7, 2021 be adopted as printed.

**COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES**

M-345

**Communication from the Comptroller - Submitting the Comprehensive Annual Financial Report of the Comptroller of The City of New York for the Fiscal Years Ended June 30, 2021 and 2020.**

(For text of the report, please see the website of the New York City Comptroller at <https://comptroller.nyc.gov/reports/annual-comprehensive-financial-reports/> ; or refer to the Office of the New York City Comptroller at 1 Centre Street, New York, N.Y. 10007)

Received, Ordered, Printed and Filed.

M-346

**Communication from the Public Advocate - Submitting the name of Leah S. Goodridge to the Council for its advice and consent regarding her appointment to the City Planning Commission, Pursuant to Section 31 and 192(a) of the City Charter.**

November 1, 2021

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

RE: Appointment to the City Planning Commission

Dear Speaker Johnson:

Pursuant to sections 31 and 192(a) of the New York City Charter, I am transmitting for the City Council's consideration the name of **Leah Goodridge** for appointment to the City Planning Commission, for the term that began July 1, 2020.

If you need to contact Ms. Goodridge, she may be reached at [redacted]. For further information, your staff may contact my office through Casie Addison, Legislative Director, at [caddison@advocate.nyc.gov](mailto:caddison@advocate.nyc.gov), and Michael Twomey, Esq., Deputy General Counsel, at [mtwomey@advocate.nyc.gov](mailto:mtwomey@advocate.nyc.gov).

Please have your office inform me of the date and time of the hearing on this appointment once it has been scheduled.

Sincerely,

Jumaane D. Williams  
Public Advocate for the City of New York

cc: Mayor Bill de Blasio  
Council Member Karen Koslowitz, Chair - Committee on Rules, Privileges and Elections  
Anita Laremont, Chair - City Planning Commission  
Leah Goodridge

Referred to the Committee on Rules, Privileges and Elections.

## REPORTS OF THE STANDING COMMITTEES

### Report of the Committee on Consumer Affairs and Business Licensing

Report for Int. No. 2318-A

#### **Report of the Committee on Consumer Affairs and Business Licensing 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 the licensing of construction labor providers.**

The Committee on Consumer Affairs and Business Licensing, to which the annexed proposed amended local law was referred on May 27, 2021 (Minutes, page 1612), respectfully

### REPORTS:

#### I. INTRODUCTION

On November 10, 2021, the Committee on Consumer Affairs and Business Licensing, chaired by Council Member Diana Ayala, held a vote on two pieces of legislation: (1) Proposed Introduction Number 2410-A (Int. 2410-A), in relation to agency actions and licensee disclosures in the event of a breach of security; and (2) Proposed Introduction Number 2318-A (Int. 2138-A), in relation to the licensing of construction labor providers. The Committee previously heard testimony from representatives of the Department of Consumer and Worker Protection (DCWP) and NYC Cyber Command, advocates, nonprofit organizations, Chambers of Commerce, unions, and labor placement businesses. At the vote on November 10, the Committee voted 8 in favor, 0 opposed and 0 abstentions on the bill.

#### II. BACKGROUND

##### a. Data Security

In June 2021, the City's Law Department was hacked. As one of the largest law offices in the country, the hack exposed a trove of sensitive case material and personal information.<sup>1</sup> Aside from exposing this confidential information, the hack also resulted in the whole Law Department network taken offline, which delayed some cases even a month after the hack was first detected.<sup>2</sup> Shortly after the hack was detected, the Law Department's computer system was taken offline, and attorneys could not log into their computers or access electronic versions of their files.<sup>3</sup> The *New York Daily News* quoted one Law Department staffer as saying that, because of the hack, "There is no work that can be done at all."<sup>4</sup>

It was ultimately determined that the hack was made possible when the hacker used a Law Department employee's stolen email password to gain access.<sup>5</sup> According to news reports, despite a City policy to require multifactor authentication, which was created two years before the hack, the Law Department had not

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<sup>1</sup> Michael Gartland, Stephen Rex Brown, Clayton Guse and Shant Shahrigan "Hack of NYC Law Dept. causes problems accessing legal documents, possibly exposed personal employee info", *NY Daily News*, June 7, available at:

<http://www.nydailynews.com/news/politics/new-york-elections-government/ny-nyc-law-department-computer-system-lockout-20210607-oliytonlbvfmfglqblfgygckwi-story.html>.

<sup>2</sup> Benjamin Weiser "Fallout from hack of City Law Department could linger for months", *New York Times*, July 9, 2021, available at: <https://www.nytimes.com/2021/07/09/nyregion/nyc-law-department-hacked.html>.

<sup>3</sup> Michael Gartland, Stephen Rex Brown, Clayton Guse and Shant Shahrigan "Hack of NYC Law Dept. causes problems accessing legal documents, possibly exposed personal employee info", *NY Daily News*, June 7, available at:

<http://www.nydailynews.com/news/politics/new-york-elections-government/ny-nyc-law-department-computer-system-lockout-20210607-oliytonlbvfmfglqblfgygckwi-story.html>.

<sup>4</sup> Source, as quoted by id.

<sup>5</sup> Id.

implemented the safety measure and thus the hacker gained entry into the system relatively easily.<sup>6</sup> Mayor de Blasio assured reporters that “no information was compromised”;<sup>7</sup> however the impact of the hack was ongoing. Electronic access to work product remained stifled for weeks, and with many staffers working from home due to COVID-19 restrictions, this meant that attorneys could not access their case files, which delayed numerous cases.<sup>8</sup>

Data breaches have become ever more frequent, and it is vital to notify individuals whose data has been impacted. In July 2019, the New York State SHIELD Act, was signed into law substantially amending the data breach notification laws for both private and public entities (which amended Section 39-F of the State General Business Law and Section 208 of the State Technology Law). State Technology Law Section 208 (10) requires that the City have a data breach notification policy or local law that is consistent with the State law. Int. 2410-A seeks to ensure that the City’s local data breach notification law is consistent with State law and provides better protection from hacks.

## **b. Labor Placement in Construction and Other Industries**

Labor placement businesses, such as employment agencies and temporary employment agencies, connect job-seekers with work opportunities. These agencies can take many forms. One of the most common types is referred to as an “employment agency,” which connect people to jobs for a fee and are licensed by New York State.<sup>9</sup> This type of agency does not serve as an employer, but helps individuals find employment with other entities.<sup>10</sup>

Another type of employment agency is a temporary employment agency, often called a “temp agency” or “staffing agency”; it serves as the employer for the jobseeker and makes these employees available to businesses through short-term contracts, or indefinite temporary positions.<sup>11</sup>

Temp agencies have expanded in recent years in the United States, and a certain type of worker provision service known as “labor brokers” or “labor contractors” has become more common.<sup>12</sup> Labor brokers, which are common in the construction industry, typically employ workers and assume many of the employment-related responsibilities, like a temp agency, but target unskilled workers for the provision of manual labor. As with temp agencies, the workers are hired to provide labor to other entities.<sup>13</sup> The company that contracts for the use of the laborers will pay the labor broker for the performance of some or the entire project.<sup>14</sup> Temp agencies using the labor broker model have also become common in the timber processing, garment manufacturing, poultry processing, agriculture, janitorial industries, and other industries utilizing day laborers.<sup>15</sup>

Labor brokers in the construction industry are sometimes referred to as “body shops,” and their business model consists of supplying workers to real estate developers. A sample contract between Construction Staffing Solutions LLC (CSS) and their client companies provides an example of this model.<sup>16</sup> The client company “agrees and shall make timely payment to CSS of an agreed hourly rate for each hour worked by each of CSS[’] employees, subject to [a set of] terms. CSS pay[s] all applicable payroll taxes and provide worker’s compensation

<sup>6</sup> Ashley Southall, Benjamin Weiser and Dana Rubinstein “This agency’s computers hold secrets. Hackers got in with one password”, *New York Times*, June 18, 2021, available at: <https://www.nytimes.com/2021/06/18/nyregion/nyc-law-department-hack.html>.

<sup>7</sup> Patrick Adcroft “de Blasio: No info compromised at this time in cyber hack of city law department”, *NY1*, June 8, 2021, available at: <https://www.ny1.com/nyc/all-boroughs/politics/2021/06/08/mondays-with-the-mayor-bill-de-blasio-city-law-department-cyber-hack>.

<sup>8</sup> Benjamin Weiser “Fallout from hack of City Law Department could linger for months”, *New York Times*, July 9, 2021, available at: <https://www.nytimes.com/2021/07/09/nyregion/nyc-law-department-hacked.html>.

<sup>9</sup> N.Y. Gen. Bus. Law Art. 11.

<sup>10</sup> See N.Y. Gen. Bus. Law Art. 11.

<sup>11</sup> Ed Grabianowski, “How Temp Agencies Work”, *HowStuffWorks*, available at: <https://money.howstuffworks.com/business/getting-a-job/temp-agencies.htm>

<sup>12</sup> Catherine Ruckelshaus and Bruce Goldstein, “From Orchards to the Internet: Confronting Contingent Work Abuse”, National Employment Law Project, 2002, available at: [https://www.nlg-laboremploy-comm.org/media/documents/nlg-laboremploy-comm.org\\_24.pdf](https://www.nlg-laboremploy-comm.org/media/documents/nlg-laboremploy-comm.org_24.pdf)

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> “CLIENT MASTER AGREEMENT” Construction Staffing Solutions, LLC, available at: <http://teamcss.com/wp-content/uploads/2014/11/CSS-Client-Master-Agreement.pdf>.

insurance to CSS employees as required by all applicable laws and regulations.”<sup>17</sup> CSS is paid by the client company and, in turn, would pay the wages of their laborers.

The labor broker business model allows for the streamlined production of labor and job placements for otherwise unemployed New Yorkers, but it also compartmentalizes employer responsibilities in a way that can be harmful for workers. Labor brokers like body shops can pay their workers minimum wage and provide scant worker benefits, while assuming very little responsibility for conditions at the worksites to which the workers are assigned. Companies that contract for the use of the body shops’ laborers gain cheap and easy access to labor, without any employer responsibilities and lack knowledge about how the workers are treated outside of the limited bounds of the worksite contract. The Occupational Safety and Health Administration (OSHA) has articulated a number of concerns about the use of subcontracted workers through the a temporary worker model,<sup>18</sup> including: that employers (i.e. the labor brokers/contractors) may use temporary workers as a way to avoid meeting all of their obligations under worker protection laws; that temporary workers are often not given adequate safety and health training by either the temporary staffing agency or the host employer; or that subcontracted workers are more vulnerable to workplace retaliation than are workers directly employed by a company.<sup>19</sup> If any of these worker abuses are in fact the case, the larger client company could claim not to have knowledge of them.

### Licensing of Labor Placement Businesses

Employment agencies operating in New York State are licensed under Article 11 of the New York General Business Law,<sup>20</sup> with DCWP licensing those operating in the City pursuant to a grant of authority from the State.<sup>21</sup> While the State employment agency licensing scheme provides government oversight and accountability over the industry, labor brokers like body shops generally are not subject to it. Labor brokers do not charge fees to employees to find them work with other entities, as employment agencies do;<sup>22</sup> labor brokers instead generate profit by being paid for providing the labor of their own employees. Typically, the amount, per hour, paid to the labor broker is much larger than what the broker then pays to its employees.<sup>23</sup> According to the City, temporary employment agencies that contract out their own employees to do work for other businesses do not require an employment agency license.<sup>24</sup>

While the labor broker industry is currently unlicensed, body shops and other labor brokers are still required to comply with various federal, state, and City laws and regulations. Pursuant to the Occupational Safety and Health Act of 1970 (OSH Act), employers are responsible for providing their employees with safe working conditions.<sup>25</sup> Employers are also required to provide safety trainings for employees in a language that workers understand.<sup>26</sup> Labor brokers operating in the City are required to follow State labor laws. NYS labor protections ensure the right of workers to earn a minimum wage, and protect workers from unpaid wages and against retaliation for reporting labor law violations.<sup>27</sup> At the City level, body shops are required to complete Site Safety Plans on all jobs requiring a Construction Superintendent – projects that involve the construction of new

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<sup>17</sup> *Id.*

<sup>18</sup> “Protecting Temporary Workers”, Occupational Safety and Health Administration, *available at*: <https://www.osha.gov/temporaryworkers>

<sup>19</sup> *Id.*

<sup>20</sup> N.Y. Gen. Bus. Law Art. 11.

<sup>21</sup> N.Y. Gen. Bus. Law § 189.

<sup>22</sup> N.Y. Gen. Bus. Law § 171.

<sup>23</sup> Unpublished research on file with Committee staff; and Mike “Millz” Negron “Opinion: How NYC’s Leaders Can Empower Black Re-Entry Workers Like Me”, *City Limits*, February 12, 2021, *available at*: [https://citylimits.org/2021/02/12/opinion-how-nycs-leaders-can-empower-black-re-entry-workers-like-me/?fbclid=IwAR3KWluAWV9bHJTwcKSuvA65Z9F0WjLU6VhNSP1JF\\_3IB7WjZ0szUkCKJp0](https://citylimits.org/2021/02/12/opinion-how-nycs-leaders-can-empower-black-re-entry-workers-like-me/?fbclid=IwAR3KWluAWV9bHJTwcKSuvA65Z9F0WjLU6VhNSP1JF_3IB7WjZ0szUkCKJp0).

<sup>24</sup> “Employment Agency License” NYC Business, *available at*: <https://www1.nyc.gov/nycbusiness/description/employment-agency-license>

<sup>25</sup> “Employer Responsibilities” United States Department of Labor, *available at*: <https://www.osha.gov/as/opa/worker/employer-responsibility.html>

<sup>26</sup> *Id.*

<sup>27</sup> “Minimum Wage”, Department of Labor, *available at*: <https://dol.ny.gov/minimum-wage-0>; and “Labor Standards” Department of Labor, *available at*: <https://dol.ny.gov/labor-standards-0>

buildings.<sup>28</sup> As part of the Site Safety Plan, body shops must ensure that all workers have successfully completed the necessary OSHA trainings on construction industry safety and health.<sup>29</sup> Local Law 196 of 2017 mandated that workers on all construction sites that have Site Safety Plans complete a minimum of 40 hours of training by September 1, 2020.<sup>30</sup>

### Exploitation of Vulnerable Groups

Unlike employment agencies, which are licensed by the City, there is very little oversight of labor brokers like body shops. This creates an environment ripe for exploitation, and unions and advocacy groups have been sounding the alarm for years about vulnerable populations taken advantage of by unscrupulous labor brokers. Justice-affected workers, whether recently released from prison, on parole, or with a criminal record, are a population that body shops and other labor brokers may seek for the provision of unskilled labor for low wages. Justice-affected workers often have a trying time finding steady work and, if paroled, may require employment as a condition of their parole.<sup>31</sup> Around 35,000 New Yorkers are under parole supervision on any day,<sup>32</sup> and New York State re-incarcerates more New Yorkers on parole<sup>33</sup> or technical rule violations<sup>34</sup> than any other state in the United States.<sup>35</sup> Violating parole rules can lead a paroled New Yorker to be held in jail for several months with no right to bail.<sup>36</sup> In NYC, Black and Latinx residents on parole are 12 and four times more likely, respectively, to be re-incarcerated for technical violations than white residents on parole.<sup>37</sup> The ability for a paroled resident to reject an unsafe or low paid job is therefore undercut by the threat of re-incarceration. This makes them particularly vulnerable to job opportunities that, while keeping them employed, only offer minimal pay, few benefits and poor working conditions. According to researchers, unions and advocates, New York City's multi-billion-dollar real estate development industry relies on the exploited labor of formerly incarcerated individuals to such an extent that,<sup>38</sup> practices akin to what is known as "convict leasing"<sup>39</sup> or "resentencing" in terms of labor, seem likely.<sup>40</sup> Body shops are often the brokers providing this labor.

While labor brokers in the construction industry target justice-affected workers, immigrants, undocumented residents, and guest workers are also highly vulnerable to exploitation by labor brokers. Lacking documentation, as well as enduring language and cultural barriers and a highly competitive labor market, makes immigrants and

<sup>28</sup> New York City Construction Code § 28-110.1; and "Construction Superintendent" NYC Buildings, *available at*: <https://www1.nyc.gov/site/buildings/industry/construction-superintendent.page>

<sup>29</sup> *Id.*

<sup>30</sup> "Occupational Safety and Health (OSHA) Construction Safety Certification Training" *available at*: <https://www1.nyc.gov/assets/brooklyn4/downloads/pdf/news/OSHA-Training-Jan-2019.pdf>

<sup>31</sup> *See, for example*: New York State Department of Corrections and Community Supervision, *Community Supervision Handbook*, p. 15, [https://doccs.ny.gov/system/files/documents/2019/05/Community\\_Supervision\\_Handbook.pdf](https://doccs.ny.gov/system/files/documents/2019/05/Community_Supervision_Handbook.pdf) ("In order to be released to community supervision, the Department (DOCCS) must verify that the inmate has a suitable place to live and employment or other appropriate means of financial support.")

<sup>32</sup> "RE: Hearing Testimony – "Body Shops" Criminalize Workers, Deepen Structural Racism of the Criminal Legal System, and Degrade Workers' Wages, Safety, and Voice", National Employment Law Project, April 19, 2021, Testimony delivered to The New York City Council Committee on Consumer Affairs and Business Licensing. Available at: <https://s27147.pcdn.co/wp-content/uploads/NELP-NYC-Council-Body-Shop-Hearing-Testimony.pdf>

<sup>33</sup> *Id.*

<sup>34</sup> Technical rule violations are not allegations of new criminal offenses, but rather, are violations of parole rules that usually include passing alcohol or drug tests, satisfactory payment of criminal justice debt, completing court-mandated classes, maintaining curfew, and seeking and maintaining employment.

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> *See for example*: Bailey Miller "The Rise of Labor-Leasing Companies and the Exploitation of Formerly Incarcerated Workers in New York City", *CUNY School of Labor and Urban Studies*, *available at*: <https://slublog.org/2019/05/16/union-semester-student-bailey-miller-wins-labor-journalism-contest/#more-13340>; Mike "Millz" Negron "Opinion: How NYC's Leaders Can Empower Black Re-Entry Workers Like Me", *City Limits*, February 12, 2021, *available at*: [https://citylimits.org/2021/02/12/opinion-how-nycs-leaders-can-empower-black-re-entry-workers-like-me/?fbclid=IwAR3KWluAWV9bHJTwcKSuvA65Z9F0WjLU6VhNSP1JF\\_3IB7WjZ0szUkCKJp0](https://citylimits.org/2021/02/12/opinion-how-nycs-leaders-can-empower-black-re-entry-workers-like-me/?fbclid=IwAR3KWluAWV9bHJTwcKSuvA65Z9F0WjLU6VhNSP1JF_3IB7WjZ0szUkCKJp0); and unpublished research on file with Committee staff.

<sup>39</sup> Bailey Miller "The Rise of Labor-Leasing Companies and the Exploitation of Formerly Incarcerated Workers in New York City", *CUNY School of Labor and Urban Studies*, *available at*: <https://slublog.org/2019/05/16/union-semester-student-bailey-miller-wins-labor-journalism-contest/#more-13340>.

<sup>40</sup> Real Re-entry New York, *available at*: <https://www.realreentry.org/#about>.

undocumented residents a plum option for labor brokers.<sup>41</sup> Labor brokers have also begun engaging the rapidly-expanding technology industry that makes use of temporary H-1B visas.<sup>42</sup> According to an in-depth investigation by The Center for Investigative Reporting, between 2000 and 2013 nearly \$30 million was illegally withheld from 4,400 tech workers, brought to the country on H-1B visas.<sup>43</sup>

Although the exploitation of workers by unscrupulous labor brokers cuts across industries and salary brackets, it is predominately people of color who are most negatively impacted. In New York, Black people are the most overrepresented racial and ethnic group in the carceral system, with an incarceration rate per percent of the population at 7.5 times that of White New Yorkers.<sup>44</sup> Hispanic, Native American and Alaskan Natives are also overrepresented and have rates higher than White New Yorkers.<sup>45</sup> Considering immigrants and undocumented residents among this group of exploited laborers, it is clear that abuse by labor brokers goes beyond a worker-rights issue, but potentially presents a race and equity issue. On the international stage, unscrupulous labor brokers are also seen as key players in perpetuating human trafficking.<sup>46</sup> Two justice-affected New Yorkers, Danny Coley and John Simmons, published an op-ed detailing the abuse they experienced working at a body shop: “Body shops use our incarceration histories and parole status to coerce us into dangerous jobs on nonunion construction sites that often condemn us to poverty.” They further stated, the body shop industry is “a system of racial exploitation with a long history of profiting from Black and brown workers. You might not see our chains when you pass a nonunion construction site, but believe us when we tell you they are there.”<sup>47</sup>

### Poor Pay and Conditions

Race can be built into the labor broker payment system. Some workers, employed by body shops in New York, report being segregated from their fellow employees based on race. For example, according to several Black workers employed by a body shop called Trade Off, they were employed by the body shop operating under that name; however, Trade Off established a second labor brokerage company, called Trade Off Plus. The workers at Trade Off, who were predominately Black, were paid \$15 per hour, while their colleagues at Trade Off Plus were paid \$20 per hour.<sup>48</sup>

Underpayment is a common occurrence for those employed by labor brokers. Advocates argue that the whole labor middleman system relies on this gap. As alleged by the National Employment Law Project (NELP), labor brokers “compete for business with low bids that depend on driving labor costs lower and worker productivity higher. Many contractors [labor brokers] do not earn enough money to pay business expenses, take a profit and comply with minimum wage, overtime, workers’ compensation premiums, unemployment compensation, Social Security deductions, and other basic standards. Often the contractor [labor broker] ekes out a profit and ignores its other financial obligations. The larger business benefits by keeping labor costs low at the expense of workers.”<sup>49</sup>

<sup>41</sup> Catherine Ruckelshaus and Bruce Goldstein “From Orchards to the Internet: Confronting Contingent Work Abuse”, *National Employment Law Project*, 2002, available at: [https://www.nlg-laboremploy-comm.org/media/documents/nlg-laboremploy-comm.org\\_24.pdf](https://www.nlg-laboremploy-comm.org/media/documents/nlg-laboremploy-comm.org_24.pdf), p. 5.

<sup>42</sup> *Id.* p. 3; and Matt Smith, Jennifer Gollan and Adithya Sambamurthy “Job brokers steal wages and entrap Indian tech workers in US”, *The Guardian*, October 28, 2014, available at: <https://www.theguardian.com/us-news/2014/oct/28/-sp-jobs-brokers-entrap-indian-tech-workers>.

<sup>43</sup> Matt Smith, Jennifer Gollan and Adithya Sambamurthy “Job brokers steal wages and entrap Indian tech workers in US”, *The Guardian*, October 28, 2014, available at: <https://www.theguardian.com/us-news/2014/oct/28/-sp-jobs-brokers-entrap-indian-tech-workers>.

<sup>44</sup> Prison Policy Initiative “New York profile”, available at: <https://www.prisonpolicy.org/profiles/NY.html>.

<sup>45</sup> *Id.*

<sup>46</sup> Verité “Understanding the Role of Labor Brokers in the Human Trafficking and Forced Labor of Migrant Workers”, 2011, available at: [https://ecommons.cornell.edu/bitstream/handle/1813/101488/V\\_understanding\\_role\\_of\\_labor\\_brokers.pdf?sequence=1](https://ecommons.cornell.edu/bitstream/handle/1813/101488/V_understanding_role_of_labor_brokers.pdf?sequence=1).

<sup>47</sup> Danny Coley and John Simmons, ““Body shops’ exploit former inmates and must be held Accountable” Crain’s New York Business, July 13, 2021, available at: <https://www.craigslist.com/op-ed/body-shops-exploit-former-inmates-and-must-be-held-accountable>

<sup>48</sup> Unpublished research on file with Committee staff.

<sup>49</sup> Catherine Ruckelshaus and Bruce Goldstein “From Orchards to the Internet: Confronting Contingent Work Abuse”, *National Employment Law Project*, 2002, available at: [https://www.nlg-laboremploy-comm.org/media/documents/nlg-laboremploy-comm.org\\_24.pdf](https://www.nlg-laboremploy-comm.org/media/documents/nlg-laboremploy-comm.org_24.pdf), pp. 7 and 9.

The larger contracting companies that pay for labor through brokers will pay the broker significantly more, per hour, than the broker pays the actual worker. At times, the contracting company relies on this salary gap as it works out more cost effective for them in the end, with some research estimating that labor brokers can provide contractors with a savings of about 30 percent.<sup>50</sup> For example, in New York City, workers employed through the labor brokering process report an hourly rate of around \$15.<sup>51</sup> This is despite the fact that the contracting company is paying the labor broker around \$40 an hour for supplying the labor.<sup>52</sup> For the contracting company, this is still a good and profitable deal because, had they used union workers, for example, they could be on the hook for close to \$70 per hour, plus benefits.<sup>53</sup>

Justice-affected New Yorkers working in body shops must therefore live on low wages, as the body shop system is predicated on charging contractors less money than companies employing union workers. According to Danny Coley and John Simmons, “When the best or only option for New Yorkers of color after incarceration is a low-wage job on a dangerous construction site, they are still imprisoned economically.”<sup>54</sup> Numerous New Yorkers formerly employed in body shops testified at the Committee on Consumer Affairs and Business Licensing oversight hearing on “Employment agencies and other labor placement businesses” about the impact of these low wages. Tierra Williams, who performed construction work for the body shop Trade Off, testified that she was paid a poverty wage while employed there, requiring her to rely on public assistance benefits.<sup>55</sup> Kareem Marcus testified that he was unable to survive working 40-hour work weeks at a body shop, so he started: “...working 7 days a week, 10 hour shifts, just to make a living. I couldn't even take my kids to the park in the summer time.”<sup>56</sup> In addition to huge pay disparities, workers employed by labor brokers also report a lack of benefits, safety equipment and/or training, and poor working conditions.<sup>57</sup> In New York City, for example, a number of cleaners employed by a company called LN Pro Services, who won a contract with the MTA, reported that they were not given adequate protective equipment when they were hired to clean the City’s subway cars throughout the COVID-19 pandemic.<sup>58</sup> These workers, many of whom were immigrants or undocumented, also reported that they were given dirty cleaning supplies and paid under the promised \$20 per hour amount.<sup>59</sup>

In the City’s construction industry, stories abound about unsafe working conditions, lack of protective equipment, poor pay and little safety trainings for those employed through labor brokers.<sup>60</sup> In 2017, a worker by

<sup>50</sup> Bailey Miller “The Rise of Labor-Leasing Companies and the Exploitation of Formerly Incarcerated Workers in New York City”, *CUNY School of Labor and Urban Studies*, available at: <https://slublog.org/2019/05/16/union-semester-student-bailey-miller-wins-labor-journalism-contest/#more-13340>.

<sup>51</sup> Mike “Millz” Negron “Opinion: How NYC’s Leaders Can Empower Black Re-Entry Workers Like Me”, *City Limits*, February 12, 2021, available at: [https://citylimits.org/2021/02/12/opinion-how-nycs-leaders-can-empower-black-re-entry-workers-like-me/?fbclid=IwAR3KWluAWV9bHJTwcKSuvA65Z9F0WjLU6VhNSP1JF\\_3IB7WjZ0szUkCKJp0](https://citylimits.org/2021/02/12/opinion-how-nycs-leaders-can-empower-black-re-entry-workers-like-me/?fbclid=IwAR3KWluAWV9bHJTwcKSuvA65Z9F0WjLU6VhNSP1JF_3IB7WjZ0szUkCKJp0).

<sup>52</sup> *Id.*

<sup>53</sup> Alex Traub “An Ex-Convict Got a Construction Job, but Not Everyone Was Happy”, *New York Times*, August 9, 2019, available at: <https://www.nytimes.com/2019/08/09/nyregion/construction-union-hudson-yards.html>.

<sup>54</sup> Danny Coley and John Simmons, “‘Body shops’ exploit former inmates and must be held Accountable” *Crain’s New York Business*, July 13, 2021, available at: <https://www.crainsnewyork.com/op-ed/body-shops-exploit-former-inmates-and-must-be-held-accountable>

<sup>55</sup> Tierra Williams, testimony delivered to The New York City Council Committee on Consumer Affairs and Business Licensing, April 19, 2021, Available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4903086&GUID=50E43D36-DE70-4ABE-8484-1C4ADC7072A5&Options=&Search=#:~:text=Committee%20Report%2C%202.-,Hearing%20Testimony,-%2C%203.%20Hearing%20Transcript>

<sup>56</sup> Kareem Marcus, testimony delivered to The New York City Council Committee on Consumer Affairs and Business Licensing, April 19, 2021, Available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4903086&GUID=50E43D36-DE70-4ABE-8484-1C4ADC7072A5&Options=&Search=#:~:text=Committee%20Report%2C%202.-,Hearing%20Testimony,-%2C%203.%20Hearing%20Transcript>

<sup>57</sup> See for example, Catherine Ruckelshaus and Bruce Goldstein “From Orchards to the Internet: Confronting Contingent Work Abuse”, National Employment Law Project, 2002, available at: [https://www.nlg-laboremploy-comm.org/media/documents/nlg-laboremploy-comm.org\\_24.pdf](https://www.nlg-laboremploy-comm.org/media/documents/nlg-laboremploy-comm.org_24.pdf); unpublished research on file with Committee staff.

<sup>58</sup> Amir Khafagy “Essential Subway Workers Allege Underpayment and Dangerous Conditions”, *Documented*, February 22, 2021, available at: <https://documentedny.com/2021/02/22/essential-subway-workers-allege-underpayment-and-dangerous-conditions/>.

<sup>59</sup> *Id.*

<sup>60</sup> See for example: See for example: Bailey Miller “The Rise of Labor-Leasing Companies and the Exploitation of Formerly Incarcerated Workers in New York City”, *CUNY School of Labor and Urban Studies*, available at: <https://slublog.org/2019/05/16/union-semester-student-bailey-miller-wins-labor-journalism-contest/#more-13340>; Mike “Millz” Negron “Opinion: How NYC’s Leaders Can Empower Black Re-Entry Workers Like Me”, *City Limits*, February 12, 2021, available at: <https://citylimits.org/2021/02/12/opinion-how-nycs-leaders-can-empower-black-re-entry-workers-like->

the name of Juan Chonillo was killed when he fell from a construction site platform, after it had been unhooked, in contravention of the Building Code.<sup>61</sup> The construction company overseeing this worksite has often used labor procured by labor broker Salvador Almonte, who has been indicted on insurance fraud, which he perpetrated to avoid paying workers' compensation.<sup>62</sup> According to the Manhattan District Attorney, more than a dozen of the workers employed by Almonte had been injured while at work; however, they had to wait months and even years to access their compensation, due to stall tactics used by Almonte.<sup>63</sup> Female employees of labor brokers have raised awareness about the additional issue of sexual harassment. Labor broker Trade Off has been accused for years of poor labor practices and exploitation of its workers, who were mostly comprised of formerly incarcerated people.<sup>64</sup> In July 2020, the company settled a sexual harassment suit with the New York Attorney General (AG) after the AG's investigation substantiated claims of severe sexual harassment and retaliation against 18 women, a majority of whom were women of color.<sup>65</sup> The complainants alleged "that supervisors offered to put extra hours on at least five women's timesheets in exchange for sex; that at least one supervisor regularly tried to grope women, and at least two texted them photos of their penises."<sup>66</sup> Furthermore, the investigation found that leadership at Trade Off intervened to protect the accused, and retaliated against at least 12 women, who were fired after making complaints.<sup>67</sup> Trade Off was one of the body shops who was contracted to supply labor to the development of Hudson Yards, the most expensive real estate development in the Country's history.<sup>68</sup> One of the women in this case who Trade Off fired, had experienced sexual harassment by a foreman at the Hudson Yards development.<sup>69</sup>

### Lack of Accountability

Although criminal and civil cases against unscrupulous labor brokers can be pursued, finding adequate restitution for exploited workers is still incredibly difficult. According to research by NELP, "[w]orkers frequently cannot even locate their contractors [labor brokers] to serve them with a summons for a lawsuit".<sup>70</sup> Furthermore, penalties can be paltry and such cases do little to deter or prevent exploitation.<sup>71</sup> Even in jurisdictions where licensing and regulations exist, labor brokers have been known to dissolve and re-establish

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[me/?fbclid=IwAR3KWluAWV9bHJTwcKSuvA65Z9F0WjLU6VhNSP1JF\\_3IB7WjZ0szUkCKJp0](#); and unpublished research on file with Committee staff.

<sup>61</sup> Office of the Manhattan District Attorney "Construction Company Pleads Guilty to Manslaughter, Pays Full Restitution to Workers" July 13, 2018, available at: <https://www.manhattanda.org/construction-company-pleads-guilty-to-manslaughter-pays-full-restitution-to-workers/>.

<sup>62</sup> Office of the Manhattan District Attorney "D.A. Vance, NYC DOI Commissioner, NYS Inspector General Announce Indictment of Unlicensed Labor Broker for Million-Dollar Insurance Fraud", September 5, 2019, available at: <https://www.manhattanda.org/d-a-vance-nyc-doi-commissioner-nys-inspector-general-announce-indictment-of-unlicensed-labor-broker-for-million-dollar-insurance-fraud/>.

<sup>63</sup> *Id.*

<sup>64</sup> Steve Wishnia "Notorious NYC 'Body Shop' Settles Sexual Harassment Suit Involving 18 Female Construction Workers", *Portside*, July 17, 2020, available at: <https://portside.org/2020-07-17/notorious-nyc-body-shop-settles-sexual-harassment-suit-involving-18-female-construction>.

<sup>65</sup> Office of the Attorney General "Attorney General James Delivers \$1.5 Million to Survivors of Sexual Harassment and Retaliation in Construction Industry", July 13, 2020, available at: <https://ag.ny.gov/press-release/2020/attorney-general-james-delivers-15-million-survivors-sexual-harassment-and#:~:text=The%20OAG%27s%20investigation%20found%20that,were%20primarily%20women%20of%20color.&text=%E2%80%9CN%20one%20should%20be%20harassed,trying%20to%20do%20their%20jobs>.

<sup>66</sup> Steve Wishnia "Notorious NYC 'Body Shop' Settles Sexual Harassment Suit Involving 18 Female Construction Workers", *Portside*, July 17, 2020, available at: <https://portside.org/2020-07-17/notorious-nyc-body-shop-settles-sexual-harassment-suit-involving-18-female-construction>.

<sup>67</sup> *Id.*

<sup>68</sup> Jessica Tyler and Aria Bendix "Hudson Yards is the most expensive real-estate development in US history. Here's what it's like inside the \$25 billion neighborhood", *Business Insider*, March 15, 2019, available at: <https://www.businessinsider.com/hudson-yards-tour-of-most-expensive-development-in-us-history-2018-9>.

<sup>69</sup> Steve Wishnia "Notorious NYC 'Body Shop' Settles Sexual Harassment Suit Involving 18 Female Construction Workers", *Portside*, July 17, 2020, available at: <https://portside.org/2020-07-17/notorious-nyc-body-shop-settles-sexual-harassment-suit-involving-18-female-construction>.

<sup>70</sup> Catherine Ruckelshaus and Bruce Goldstein "From Orchards to the Internet: Confronting Contingent Work Abuse", *National Employment Law Project*, 2002, available at: [https://www.nlg-laboremploy-comm.org/media/documents/nlg-laboremploy-comm.org\\_24.pdf](https://www.nlg-laboremploy-comm.org/media/documents/nlg-laboremploy-comm.org_24.pdf), p. 7.

<sup>71</sup> *Id.*

their business under a new operating name or under the name of a family member.<sup>72</sup> Declaring bankruptcy is another way for labor brokers to avoid accountability or pay restitution.<sup>73</sup>

Furthermore, the role of the multi-billion dollar contracting companies may perpetuate both the system of exploitation and the avoidance of accountability. According to NELP, the larger contracting company is typically aware of the poor pay and working conditions of the brokered workers, employed by the labor broker. Furthermore, this distance from the traditional employer/employee relationship may allow a contracting company “to avoid minimum wage, overtime, and other legal responsibilities applicable to ‘employers’, by characterizing the subcontractor [labor broker] as the sole employer.”<sup>74</sup>

### III. LEGISLATIVE ANALYSES

#### a. Int. 2410-A

This bill would ensure that the City’s local data breach notification law is consistent with State law by making several changes to align certain Administrative Code provisions more closely with Section 208 of the State Technology Law.

Section 1 of this bill would amend Section 10-501 of the Administrative Code to make the definitions for the City’s data breach notification law more closely align with the definitions used in the New York State data breach notification law (State Technology Law Section 208).

Section 2 of this bill would make multiple amendments to Section 10-502 of the Administrative Code. Section 10-502 (a) currently requires a City agency that has suffered a security breach involving personal identifying information to immediately disclose that fact to the Police Department. This bill would alter that responsibility such that a City agency that has suffered a breach of security involving private information would be obligated to promptly disclose that fact to the City’s Chief Privacy Officer, the Office of Cyber Command, and the Department of Information Technology and Telecommunications (DoITT). This bill would additionally expand such obligation to situations not just where private information was reasonably believed to have been acquired, but also to situations when it is reasonably believed to have been accessed, disclosed or used by an unauthorized person.

Section 10-502 (b) currently contains an obligation to notify individuals whose personal identifying information was reasonably believed to have been acquired by an unauthorized person. This bill would amend this subdivision so that the notification obligation would be expanded to situations where an individual’s private information is reasonably believed to have been accessed, acquired, disclosed, or used by an unauthorized person. This bill would make another such edit to Section 10-502 (c), expanding the notification obligation for incidents involving private information that the City maintains, but does not own, lease or license, such that the City would notify the owner, lessor or licensor of the data if the private information was accessed, acquired, disclosed or used by an unauthorized person.

Section 2 of this bill would make technical amendments to Section 10-502 (d) of the Administrative Code, and add details to that subdivision about data breach notifications communicated electronically or via telephone. This bill would make technical amendments to Section 10-502 (e) plus add five new subdivisions to Section 10-502. Subdivision f would mandate that if five thousand or more New York residents are to be notified at one time pursuant to Section 10-502, the notifying agency shall also notify consumer reporting agencies as to the timing, content and distribution of the notices, and approximate number of affected individuals. Subdivision g would provide an exception so that notice to affected individuals is not required if the exposure of private information was an inadvertent disclosure by persons authorized to access private information, and the agency reasonably determines that such exposure will not likely result in misuse of such information, or financial, personal or reputational harm to the affected individuals.

Subdivision h would provide an exception so that if a data breach notification were made by another entity pursuant to New York State law, an agency need not send a duplicate data notification to the affected individuals. Subdivision i would mandate that the Office of Cyber Command, in consultation with the Chief Privacy Officer

<sup>72</sup> *Id.*

<sup>73</sup> *Id.*

<sup>74</sup> *Id.* p. iv.

and DoITT, create protocols for agency coordination and recordkeeping for any breach of security and any incident that is not a breach of security but involves the good faith or inadvertent access, acquisition, disclosure, or use of any private information by an employee or agent of an agency for the legitimate purposes of the agency. Subdivision j would reinforce that any incident that triggers agency action pursuant to Section 10-502 may also trigger agency responsibilities pursuant to the City's Identifying Information Law.

Section 3 of this bill would make a technical amendment to Section 10-503 of the Administrative Code. Section 4 of this bill would add a new Section 20-117, which would mandate that any DCWP licensee who is required to make a data breach notification pursuant to State law shall promptly submit a copy of such notification to the Department. Section 5 of this bill would require the same of Department of Health and Mental Hygiene licensees, and Section 6 of this bill would require the same of Taxi & Limousine Commission licensees.

Section 7 of this bill provides that this bill would take effect 120 days after it becomes law.

**b. Int. 2318-A**

This bill would make it unlawful for any person to engage in business as a "construction labor provider," a term that would include body shops, without a license from DCWP. A "construction labor provider" means "a person who employs and supplies a covered construction worker to a third party client for the performance of construction work or manual labor for a construction project of such client on a site within the city, in exchange for compensation from such third party client, provided that the completion of such project is directed by such client or such client's contractor and not such person," with some exclusions (Section 20-564). "Construction" has the same meaning as Section 3302.1 of the NYC Building Code and excludes "minor alterations and ordinary repairs," as defined by Section 28-105.4.2.1; this definition is intended to exclude minimal home improvement work, so that if a business otherwise falls within the scope of the bill, but employs and supplies workers for the performance of smaller home improvement jobs rather than what is defined in Section 3302.1 of the Building Code as "construction" work, that business would not be subject to the requirements of this bill. "Manual labor" has the same meaning as the term "manual worker" in Section 190 of the N.Y. Labor Law, which the State considers to be any "a mechanic, workingman or laborer" engaging in physical labor for at least 25% of their working time. This definition is intended to apply broadly to the employing and supplying of workers not only to perform "construction" work, but also to tasks that may be characterized as manual labor, such as clearing debris from a construction site. However, the term "construction labor provider" does not mean: an employment agency or employee fee paid employment agency, which are already subject to licensing requirements or are otherwise regulated by provisions set forth in Article 11 of the N.Y. General Business Law; a professional employer organization, which is subject to a registration requirement by Article 31 of the N.Y. Labor Law; a bona fide "construction subcontractor", as defined in the bill; or a general contractor, which is defined in Section 28-401.3 of the Administrative Code.

The bill would require the construction labor providers' license term to be no more than two years, with an expiration date set by DCWP, and the application fee would be \$200. When applying for a license, construction labor providers would be required by this bill to provide certain information about their businesses, including signed statements and data about their workers and clients. Signed statements would be required to certify compliance with certain legal requirements imposed by the bill and other laws, rules and regulations; and the possession of certain insurance policies. Upon license renewal, the construction labor providers would be required to submit information about their covered construction workers and the wages and benefits offered to them, and to identify the clients to which they supplied their covered workers. Section 2 of the bill also requires providers operating as of the enactment date of the bill to submit this information about their workers and clients as part of their initial license application, except that the information would cover the period from the enactment date to the date of application instead of the "preceding license term".

DCWP may deny, refuse to renew, suspend or revoke the construction provider's license, under certain conditions. This includes:

- Failure to satisfy fines or civil penalties associated with a violation of the bill's subchapter;
- Failure to answer a summons, notice of violation, request for records or subpoena, appear for a hearing or provide truthful information or documentation to DCWP in connection with license applications or information;

- Committing two or more violations, of the bill's subchapter or Chapters 1 (License Enforcement) or 5 (Unfair Trade Practices) of Title 20;
- In the last two years, liability for 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 business as a construction labor provider; and
- Submitting for inspection those records required by Section 20-564.4.

The bill would require construction labor providers to notify their covered workers about many important aspects of the job. The first is a "Notice of rights" (Section 20-564.2 (a)). The construction labor providers would be required to provide this notice in writing, in English and in the workers' primary language, at the time of hiring. The notice would contain information on various worker protections applicable to such workers, so that the workers are aware of rights available to them under the law. Second, construction labor providers would be required to provide their workers a written "Certification notice," including any legally required certifications, trainings or other designations that the worker must attain as a condition of hire, or to perform any tasks performed by other workers hired for similar roles or which the provider should reasonably anticipate the worker would need if employed with the provider for at least one year. The notice must include the expected costs and whether the cost would be covered by the provider or the worker. Notice would be provided before the worker agrees to work for the construction labor provider and anytime the requirements in the notice change, without undue delay (Section 20-564.2 (b)). Third, the construction labor provider would be required to provide covered workers with a "Notice of assignment" in writing, containing details on their next assignment. This notice would have to be provided to the worker at least 24 hours prior to the requested time of the worker's dispatch. If the client offers the opportunity less than 24 hours prior to the requested time of dispatch, however, the provider must provide it within 72 hours, but if, in that case, the assignment is completed within 72 hours, the provider is not required to provide the notice at all. Additionally, the provider would be required to update the worker in writing within 24 hours each time information on the notice changes. The bill would require the construction labor provider to provide a copy of the Notice of rights and the Notice of assignment to their clients and the owner of the property where their workers would be assigned, no later than seven days after the covered worker was dispatched, and anytime upon request. The third party client must provide written confirmation that they have received this information.

The construction labor provider must make additional notifications if DCWP denies, suspends or revokes their license. The provider would be required to notify its covered workers and clients with whom there is an agreement to work within 24 hours of such action being taken against their license. Similarly, the provider must notify their covered workers and clients of all final violations or penalties issued by OATH for violation of the bill's subchapter, within 90 days of their issuance.

Section 20-564.3 requires the construction labor provider to keep certain records on file for three years: signed statements from their covered workers indicating they read and understood the notices received pursuant to Section 20-564.2; any record necessary to verify the information reported pursuant to Sections 220-564.1 and 20-564.2; and any other records required by DCWP. If requested by DCWP, and in certain circumstances, records would have to be provided electronically.

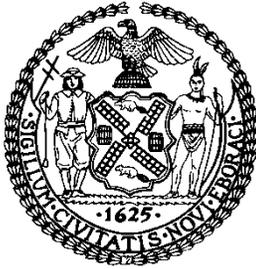
The construction labor providers' clients would also have to comply with provisions in this bill. Section 20-564.4 prohibits these clients from accepting the services of unlicensed construction labor providers if a license would be required to perform those services. However, if any information provided by the construction labor provider or DCWP turns out to inaccurately represent the provider as licensed, the client would be held harmless. Violations of this prohibition would subject these clients to civil penalties of up to \$500 per day.

Section 20-564.5 provides further enforcement mechanisms. Construction labor providers would be subject to civil penalties of \$500 per day for each day during which the provider operates unlicensed in violation of the bill. If the provider fails to communicate the notifications required by Section 20-564.2, the provider would be subject to \$250 for a first violation and \$500 for each subsequent violation within one year of the first. Any actions or proceedings necessary to correct a violation of the bill's subchapter are explicitly permitted by the bill, including actions to secure permanent injunctions or enjoining an act or practice. Section 20-564.6 empowers covered workers to commence a private right of action for violations of the bill's subchapter, and to recover damages for violations of Section 20-564.2. Any person who is a victim of "retaliation," as the term is defined in Section 20-564, would be entitled to any relief necessary to make them whole, including injunctions

and reinstatement. Any person aggrieved either by retaliation or by a violation of Section 20-564.2 would be entitled to special damages in connection with a court action pursuant to this section, including litigation costs and reasonable attorneys’ fees.

Section 1 of the bill would take effect 180 days after becoming law. Section 2 would take effect immediately.

**The following is the text of the Fiscal Impact Statement for Int. No. 2318-A:)**



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

**PROPOSED INTRO. NO: 2318-A**

**COMMITTEE: Consumer Affairs and Business Licensing**

**TITLE:** A local law to amend the administrative code of the city of New York, in relation to the licensing of construction labor providers.

**SPONSOR(S):** Council Member Ayala, Brannan, Moya, Chin, Gibson, Kallos, Rosenthal, Salamanca, Miller, Lander, Menchaca, Rivera, Powers, Riley, Dinowitz, Levine, Koslowitz, Reynoso, Adams, Holden, Levin, Feliz, Cumbo, Louis, Ampry-Samuel, Brooks-Powers, Vallone, Dromm and Van Bramer.

**SUMMARY OF LEGISLATION:** Proposed Int. No. 2318-A would create a licensing scheme for construction labor providers, which are businesses that employ workers and supply their labor to third party clients for the performance of construction work or manual labor on a construction project. When applying for a biennial license, such businesses would be required to provide information about their businesses, including signed statements and information about their workers and clients. Additionally, such businesses would be required to provide covered workers with a notice of their legal rights prepared by the Department of Consumer and Worker Protection (DCWP), and provide them with notice of any legally required certifications, trainings or other designations required to be completed or acquired, and of information about the job to which such workers are assigned.

**EFFECTIVE DATE:** Section 1 of this bill would take effect 180 days after it becomes law. Section 2 would take effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2023

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY22</b>	<b>FY Succeeding Effective FY23</b>	<b>Full Fiscal Impact FY23</b>
<b>Revenues</b>	\$8,000	\$0	\$8,000
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is estimated that this legislation would generate revenue of approximately \$8,000 every other year. Approximately forty construction labor providers would each pay a \$200 application fee every other year.

**IMPACT ON EXPENDITURES:** It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because DCWP would be able to use existing resources.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** New York City Council Finance Division

**ESTIMATE PREPARED BY:** Florentine Kabore, Financial Analyst

**ESTIMATE REVIEWED BY:** John Russell, Unit Head  
Noah Brick, Assistant Counsel  
Nathan Toth, Deputy Director

**LEGISLATIVE HISTORY:** This legislation was introduced by the Council on May 27, 2021 as Int. No. 2318 and was referred to the Committee on Consumer Affairs and Business Licensing (Committee). The Committee heard the legislation on September 15, 2021 and the legislation was laid over. The bill was subsequently amended, and the amended version, Proposed Int. No. 2318-A will be heard by the Committee on November 10, 2021. Upon successful vote by the Committee, the bill will be submitted to the full Council for a vote on November 10, 2021.

**DATE PREPARED:** November 8, 2021.

**(For text of Int. No. 2410-A and its Fiscal Impact Statement, please see the Report of the Committee on Consumer Affairs and Business Licensing for Int. No. 2410-A printed in these Minutes; for text of Int. No. 2318-A, please see below)**

*Accordingly, this Committee recommends the adoption of Int. Nos. 2318-A and 2410-A.*

**(The following is the text of Int. No. 2318-A:)**

Int. No. 2318-A

By Council Members Ayala, Brannan, Moya, Chin, Gibson, Kallos, Rosenthal, Salamanca, Miller, Lander, Menchaca, Rivera, Powers, Riley, Dinowitz, Levine, Koslowitz, Reynoso, Adams, Holden, Levin, Feliz, Cumbo, Louis, Ampry-Samuel, Cornegy, Brooks-Powers, Vallone, Dromm, Van Bramer and Barron.

**A Local Law to amend the administrative code of the city of New York, in relation to the licensing of construction labor 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 37 to read as follows:

*SUBCHAPTER 37  
CONSTRUCTION LABOR PROVIDERS*

*§ 20-564 Definitions. For purposes of this subchapter, the following terms have the following meanings:  
Construction. The term “construction” has the same meaning as defined in section 3302.1 of the New York city building code and does not include minor alterations and ordinary repairs, as defined in section 28-105.4.2.1 of such code.*

*Construction labor provider.* The term "construction labor provider" means a person who employs and supplies a covered construction worker to a third party client for the performance of construction work or manual labor for a construction project of such client on a site in the city, in exchange for compensation from such third party client, provided that the completion of such project is directed by such client or such client's contractor and not such person. The term "construction labor 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 that is responsible for and performs all of the following: (i) performing construction work on a project in accordance with a written contract for a defined scope of construction work at a fixed price; (ii) obtaining necessary licenses to perform construction services under the entity's name; (iii) exclusively controlling the subcontractor's workers, including having hiring and firing authority and direction of methods and means of construction work performed on the construction project; (iv) paying wages and fringe benefits to workers by the subcontractor and not any other person or entity, and maintaining required employment and payroll records by the subcontractor; (v) purchasing the majority of materials, supplies and tools for construction work performed by the subcontractor on the project; and (vi) maintaining workers' compensation and unemployment insurance coverage 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.

*Covered construction worker.* The term "covered construction worker" means a person who is employed by a construction labor provider to perform construction work or manual labor on a construction site.

*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.

*Retaliation.* The term "retaliation" means any adverse employment action taken or threat to take adverse employment action by a construction labor provider against any person, or any action to 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.

*Successor.* The term "successor" means a construction labor 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 construction labor provider;
- b. Shared in the ownership, or otherwise exercised control over, the management of a predecessor construction labor provider;
- c. Employs in a managerial capacity any person who controlled the wages, hours, or working conditions of the affected employees of a predecessor construction labor 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 construction labor provider, or of any person who had a financial interest in the predecessor construction labor provider.

*Third party client.* The term "third party client" means any person who contracts with a construction labor provider to obtain the services of a covered construction worker for construction work or manual labor at a construction site in the city.

§ 20-564.1 License. a. It shall be unlawful for any person to engage in business as a construction labor provider without first having obtained a license from the department pursuant to this subchapter. Licenses issued pursuant to this subchapter shall be valid for no more than two years and expire on a date the commissioner prescribes by rule. A license to operate as a construction labor provider shall be granted in accordance with the provisions of this subchapter and any rules promulgated by the commissioner thereunder.

- 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, email address, corporate structure and ownership, the names of each principal and officer, and other information as the commissioner may require, an applicant for a license required by this section or renewal thereof shall furnish the following information:*

*1. If the applicant is a non-resident of the city, the name and address of a registered agent within the city upon whom process or other notifications may be served.*

*2. A signed statement certifying:*

*(a) Compliance with all laws, regulations and rules applicable to doing business as a construction labor provider;*

*(b) That the applicant has 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;*

*(c) That the applicant maintains a commercial general liability insurance policy in the amount of one million dollars per occurrence and two million dollars in the aggregate; and*

*(d) That the applicant maintains workers' compensation coverage, unemployment insurance, and disability insurance for covered construction workers employed by such applicant, in compliance with law;*

*3. For the renewal of such license, the following information on business operations:*

*(a) The total number of covered construction workers employed during the preceding license term;*

*(b) The average hourly rate of wage paid to covered construction workers, as of the date of application, disaggregated by workers' compensation classification code;*

*(c) Types and hourly value of supplemental benefits paid to covered construction workers, as of the date of application, disaggregated by workers' compensation classification code;*

*(d) The name of each third party client during the preceding license term; and*

*(e) The address of each site where covered construction workers worked during the preceding license term, disaggregated by third party client for whom the work was performed.*

*d. Denial, renewal, suspension and revocation of license. In addition to any powers of the commissioner and not in limitation thereof, the commissioner may deny or refuse to renew any license required under this subchapter and may suspend or revoke any such license, after due notice and opportunity to be heard, if it is found 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 chapter one of this title 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 chapter one of this title or any rules promulgated thereunder;*

*3. The applicant failed to answer a summons, notice of violation, request for records, or subpoena, appear for a hearing, or provide truthful information or documentation to the commissioner in connection with the application or other request for information;*

*4. The applicant or an entity to which the applicant is a successor committed two or more violations of any provision of this subchapter, chapter one of this title, chapter five of title twenty of this code, or any rules promulgated thereunder in the preceding two years;*

*5. There has been a final determination of liability against the applicant 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; or*

*6. The applicant failed to submit the records described in section 20-564.4 for inspection by the department.*

*§ 20-564.2 Employee notices. a. Notice of rights. Every construction labor provider shall provide to each covered construction worker, in English and in the language identified by each covered construction worker as the primary language of such worker, at the time of hiring, a written notice of the rights of covered construction workers prepared and provided by the commissioner. Such notice shall include information on minimum wage, overtime, safe and sick leave, health and safety in the workplace, protections against employment discrimination, unemployment insurance, workers' compensation, and the rights to notices and to be free from retaliation under this subchapter.*

*b. Certification notice. Every construction labor provider shall provide to each applicant for employment as a covered construction worker a written notice of any legally required certifications, trainings or other designations required to be completed or acquired by a covered construction worker either:*

- 1. As a condition of hire by such construction labor provider; or*
- 2. As a condition of performing any task performed by other workers hired for roles that are substantially similar to the one for which the covered construction worker was hired by such construction labor provider, or that such construction labor provider should otherwise reasonably anticipate such covered construction worker would be asked to perform if employed by such construction labor provider for at least one year.*

*Such written notice shall be provided: (i) before such covered construction worker is asked to sign any employment contract with such provider or to otherwise agree to work for such provider, and (ii) anytime such requirements change, without undue delay. For any certification, training or other designation included on such notice, the construction labor provider shall disclose the expected cost of acquiring such certification, training or other designation, and whether such cost will be borne by such construction labor provider or such covered construction worker.*

*c. Notice of assignment. 1. For contracts offered by a third party client more than 24 hours prior to the requested time of dispatch, at least 24 hours prior to dispatching a covered construction worker to a worksite for a third party client a construction labor provider shall provide the covered construction worker with a notice in writing 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 construction 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 and protective clothing required for the assignment;*
- (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 construction labor provider, the third party client or another entity;*
- (g) The name of the party responsible for providing workers' compensation coverage for such covered construction worker and the insurance policy number covering such covered construction worker; and*
- (h) Whether a meal or equipment, or both, are provided, either by the construction labor provider or the third party client, and the expected cost to the covered construction worker of the meal and equipment, if any.*

*2. For contracts offered by a third party client less than 24 hours prior to the requested time of dispatch, a construction labor provider shall provide a notice of assignment to a covered construction worker within 72 hours. Where such assignment is completed prior to 72 hours from the requested time of dispatch, no such notice is required.*

*3. If any of the information required to be provided by paragraph one of this subdivision changes, such construction labor provider shall update such covered construction worker in writing within 24 hours of such construction labor provider being informed of the change.*

*d. Every construction labor provider shall provide to the third party client on each project for which covered construction 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 subdivisions a and c of this section, no later than seven days after the day on which such construction labor provider first dispatched a covered construction worker to a worksite for a third party client. Such construction labor provider 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.*

*e. A construction labor provider shall notify, both by telephone and in writing, each covered construction 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.*

*f. A construction labor provider shall notify each covered construction worker it employs and each third party client with whom it has a contract of all final violations or penalties issued against such construction labor provider by the department or the office of administrative trials and hearings for violations of this subchapter, within 90 days of such issuance.*

*§ 20-564.3 Records. Every construction labor 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 construction worker, in the language identified by each covered construction worker as their primary language, indicating that the covered construction worker received, read and understood the notices required to be provided to them pursuant to section 20-564.2 of this subchapter;*

*b. All records necessary to verify the information reported in sections 20-564.1 and 20-564.2 of this subchapter; and*

*c. Such other records as the commissioner may prescribe by rule.*

*All records required by this section or by the commissioner by rule shall be made available to the department electronically upon request, consistent with applicable law and in accordance with rules promulgated hereunder and with appropriate notice.*

*§ 20-564.4 Third party clients. It is unlawful for a third party client to accept the services of a covered construction worker provided by a construction labor provider that is not licensed pursuant to this subchapter, if the provision of such services by such construction labor provider would require such a license. A construction labor provider shall provide each of its third party clients with a copy of their license issued by the department upon such client's request. If a third party client accepts the services of a construction labor provider who is not licensed but demonstrates the receipt of information from the construction labor provider or the department that inaccurately represents such provider as licensed, such client shall be held harmless. Each violation of this section shall subject a third party client to a civil penalty not to exceed \$500. Each day during which a third party client accepts the services of a covered construction worker in violation of this section shall constitute a separate and distinct offense.*

*§ 20-564.5 Enforcement. a. Any person operating as a construction labor provider without a license issued by the commissioner pursuant to this subchapter shall be liable for a civil penalty of \$500 per day for every calendar day during which the unlicensed construction labor provider operated. A construction labor provider that violates section 20-564.2 or any rule promulgated thereunder shall be liable for a civil penalty of \$250 for a first violation, and \$500 for each subsequent violation within one year of the first violation. Each covered construction worker or third party client for whom the construction labor provider did not provide a notification in accordance with such section shall constitute a separate and distinct offense. Such penalties shall be in addition to any other civil or criminal penalties that may be applicable under any other law, rule or regulation.*

*b. 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, seeking civil penalties for violations 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.*

*§ 20-564.6 Private right of action. Any covered construction worker who is aggrieved by a violation of this subchapter may commence an action in a court of competent jurisdiction on their own behalf against a construction labor provider. For each violation of section 20-564.2, the covered construction worker may recover damages of \$500. If such violation of 20-564.2 was committed with intent or recklessness, the covered construction worker may recover damages of \$1,000. Any person who is a victim of retaliation 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 a violation of section 20-564.2 or by retaliation 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. Any applicant for a construction labor provider license pursuant to this local law that is engaging in business as a construction labor provider on the date this local law is enacted shall provide the information required in paragraph 3 of subdivision c of section 20-564.1 as part of their initial application for such license. For information that such paragraph requires to be provided with respect to "the preceding licensing term," such construction labor provider shall instead provide such information for the time period from the date this local law is enacted until the date the application for the initial license is submitted.*

§ 3. Section 1 of this local law takes effect 180 days after it becomes law. Section 2 of this local law takes effect immediately.

DIANA AYALA *Chairperson*; MARGARET S. CHIN, PETER A. KOO, KAREN KOSLOWITZ, BRADFORD S. LANDER, BEN KALLOS, JUSTIN L. BRANNAN, KALMAN YEGER; Committee on Consumer Affairs and Business Licensing, November 10, 2021.

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. 2410-A

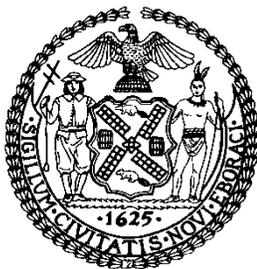
**Report of the Committee on Consumer Affairs and Business Licensing in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to agency actions and licensee disclosures in the event of a breach of security.**

The Committee on Consumer Affairs and Business Licensing, to which the annexed proposed amended local law was referred on October 7, 2021 (Minutes, page 2626), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Consumer Affairs and Business Licensing for Int. No. 2318-A printed above in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 2410-A:*



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

**PROPOSED INTRO. NO: 2410-A**

**COMMITTEE: Consumer Affairs and Business Licensing**

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**TITLE:** A local law to amend the administrative code of the city of New York, in relation to agency actions and licensee disclosures in the event of a breach of security. **SPONSOR(S):** Council Member Brooks-Powers, Yeger and Kallos (by request of the Mayor).

**SUMMARY OF LEGISLATION:** Proposed Int. No. 2410-A would align the City's data breach laws with New York State's SHIELD Act, which imposed new data breach notification requirements on private and public entities. This bill would also codify the roles of the Office of Cyber Command, the Department of Information Technology and Telecommunications, and the Chief Privacy Officer, in responding to data breaches.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2023

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY22</b>	<b>FY Succeeding Effective FY23</b>	<b>Full Fiscal Impact FY23</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that the enactment of this legislation would not generate any revenue.

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

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

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

**ESTIMATE PREPARED BY:** Florentine Kabore, Financial Analyst

**ESTIMATE REVIEWED BY:** John Russell, Unit Head  
Noah Brick, Assistant Counsel  
Nathan Toth, Deputy Director

**LEGISLATIVE HISTORY:** This legislation was introduced by the Council on October 7, 2021 as Int. No. 2410 and was referred to the Committee on Consumer Affairs and Business Licensing (Committee). The Committee heard the legislation on October 22, 2021 and the legislation was laid over. The bill was subsequently amended, and the amended version, Proposed Int. No. 2410-A, will be heard by the Committee on November 10, 2021. Upon successful vote by the Committee, the bill will be submitted to the full Council for a vote on November 10, 2021.

**DATE PREPARED:** November 8, 2021.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 2410-A:)**

Int. No. 2410-A

By Council Members Brooks-Powers, Yeager, Kallos, Louis and Barron (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to agency actions and licensee disclosures in the event of a breach of security**

*Be it enacted by the Council as follows:*

Section 1. Section 10-501 of the administrative code of the city of New York, as added by local law number 45 for the year 2005, is amended to read as follows:

§ 10-501. Definitions. For the purposes of this chapter,

a. The term ["personal identifying information" shall mean any person's date of birth, social security number, driver's license number, non-driver photo identification card number, financial services account number or code, savings account number or code, checking account number or code, brokerage account number or code, credit card account number or code, debit card number or code, automated teller machine number or code, personal identification number, mother's maiden name, computer system password, electronic signature or unique biometric data that is a fingerprint, voice print, retinal image or iris image of another person. This term shall apply to all such data, notwithstanding the method by which such information is maintained.] "*personal information*" shall mean any information concerning an individual that because of a name, number, symbol, mark or other identifier, can be used to identify that individual.

b. The term "*private information*" shall mean either: (i) personal information consisting of any information in combination with any one or more of the following data elements, when either the data element alone or the combination of such information plus the data element is not encrypted, or encrypted with an encryption key that has also been accessed or acquired:

(1) social security number;

(2) driver's license number or non-driver identification card number;

(3) account number, credit or debit card number, in combination with any required security code, access code, password or other information which would permit access to an individual's financial account;

(4) account number, or credit or debit card number, if circumstances exist wherein such number could be used to access an individual's financial account without additional identifying information, security code, access code, or password; or

(5) biometric information, meaning data generated by electronic measurements of an individual's unique physical characteristics, such as a retina or iris scan, fingerprint, voiceprint, or scan of hand or face geometry, any of which is collected, retained, converted, stored or shared to identify an individual; or

(ii) a user name or e-mail address in combination with a password or security question and answer that would permit access to an online account.

"Private information" does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

[b.] c. The term "breach of security" shall mean the unauthorized access, acquisition, disclosure or use [by an employee or agent of an agency, or the unauthorized possession by someone other than an employee or agent of an agency, of personal identifying information] of computerized data that compromises the security, confidentiality or integrity of [such] private information maintained by an agency. Good faith or inadvertent [possession of] access, acquisition, disclosure, or use of any [personal identifying] private information by an employee or agent of an agency for the legitimate purposes of the agency, and good faith or legally mandated disclosure of any [personal identifying] private information by an employee or agent of an agency for the legitimate purposes of the agency shall not constitute a breach of security, but in such instances an agency must comply with the protocols issued pursuant to subdivision i of section 10-502.

d. The term "consumer reporting agency" shall mean any person that, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

§ 2. Section 10-502 of the administrative code of the city of New York, as added by local law number 45 for the year 2005, is amended to read as follows:

§ 10-502. Agency disclosure of a [security breach] breach of security. a. Any city agency that owns [or], leases, or licenses data that includes [personal identifying information and any city agency that maintains but does not own data that includes personal identifying] private information[,] shall [immediately] promptly disclose to the [police department] chief privacy officer, office of cyber command and department of information technology and telecommunications any breach of security following discovery by a supervisor or manager, or following notification to a supervisor or manager, of such breach if such [personal identifying] private information was, or is reasonably believed to have been, accessed, acquired, disclosed, or used by an unauthorized person.

b. Subsequent to compliance with the provisions set forth in subdivision a of this section, any city agency that owns [or], leases, *or licenses* data that includes [personal identifying] *private* information shall disclose, in accordance with the procedures set forth in [subdivision] *subdivisions d, e and f* of this section, any breach of security following discovery by a supervisor or manager, or following notification to a supervisor or manager, of such breach to any [person] *individual* whose [personal identifying] *private* information was, or is reasonably believed to have been, *accessed, acquired, disclosed, or used* by an unauthorized person.

c. [Subsequent to compliance with the provisions set forth in subdivision a of this section, any] Any city agency that maintains but does not own, *lease, or license* data that includes [personal identifying] *private* information shall disclose[, in accordance with the procedures set forth in subdivision d of this section.] any breach of security following discovery by a supervisor or manager, or following notification to a supervisor or manager, of such breach to the owner, lessor or licensor of the data if the [personal identifying] *private* information was, or is reasonably believed to have been, *accessed, acquired, disclosed, or used* by an unauthorized person.

d. The disclosures required by subdivisions b and c of this section shall be made as soon as practicable by a method reasonable under the circumstances[. Provided], *provided* said method is not inconsistent with the legitimate needs of law enforcement or any other investigative or protective measures necessary to restore the [reasonable] integrity of the data system[, disclosures]. *Disclosures required by subdivision b of this section shall be made to each affected individual* by at least one of the following means:

1. Written notice [to the individual at his or her last known address]; or
2. [Verbal notification to the individual by telephonic communication] *Telephonic notification, provided that a log of each such notification is maintained by the agency that notifies the affected individuals; or*
3. Electronic notification [to the individual at his or her last known e-mail address], *provided that the affected individual has expressly consented to receiving such notification in electronic form and a log of each such notification is maintained by the agency that notifies affected individuals in such form; provided further, however, that in no case shall any city agency, individual, or business require an individual to consent to accepting notification in such form as a condition of establishing any relationship or engaging in any transaction.*

e. Should disclosure pursuant to paragraph one, two or three of subdivision d be impracticable or inappropriate given the circumstances of the breach and the identity of the victim, such disclosure shall be made by a mechanism [of the agency's election, provided such mechanism] *that* is reasonably targeted to the individual in a manner that does not further compromise the integrity of the [personal] *private* information.

*f. In the event that five thousand or more New York residents are to be notified at one time pursuant to this section, the agency shall also notify consumer reporting agencies as to the timing, content and distribution of the notices and approximate number of affected individuals. Such notice shall be made without delaying notice to affected New York residents.*

*g. Notice to affected individuals under this section is not required if the exposure of private information was an inadvertent disclosure by persons authorized to access private information, and the agency reasonably determines, in accordance with the protocols established pursuant to subdivision i of this section, that such exposure will not likely result in misuse of such information, or financial, personal, or reputational harm to the affected individuals. Such a determination must be documented in writing and maintained for at least five years.*

*h. If notice of a breach of security is made to affected individuals pursuant to any law or rule of the state of New York, or pursuant to a law described in paragraph b of subdivision 2 of section 208 of the state technology law, nothing in this section shall require any additional notice to those affected individuals, but notice still shall be provided pursuant to subdivision a of this section.*

*i. The office of cyber command, in consultation with the chief privacy officer and the department of information technology and telecommunications, shall issue protocols for agency coordination and recordkeeping for any breach of security and any incident that is not a breach of security but involves the good faith or inadvertent access, acquisition, disclosure, or use of any private information by an employee or agent of an agency for the legitimate purposes of the agency. Such protocols may apply to all agencies or a subset thereof.*

*j. Notifications made pursuant to this section may overlap with notifications required pursuant to chapter 12 of title 23, including the regulations, policies and protocols issued by the chief privacy officer pursuant to*

*such chapter. Nothing in this section or such chapter shall require duplicate notifications, as long as any notice provided meets any applicable requirements of both this law and such chapter.*

§ 3. Section 10-503 of the administrative code of the city of New York, as added by local law number 45 for the year 2005, is amended to read as follows:

§ 10-503 Agency disposal of [personal identifying] *private* information. An agency that discards records containing any individual's [personal identifying] *private* information shall do so in a manner intended to prevent retrieval of the information contained therein or thereon.

§ 4. Chapter 1 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-117 to read as follows:

§ 20-117 *Licensee disclosure of breach of security, notification requirements. Any person who is required to be licensed pursuant to chapter two of this title or pursuant to provisions of state law enforced by the department, and who is also required to make a notification pursuant to subdivision 2 or 3 of section 899-aa of the general business law, shall promptly submit a copy of such notification to the department. Such notice shall be made without delaying notice to any individual whose private information was, or is reasonably believed to have been, accessed, acquired, disclosed, or used by an unauthorized person.*

§ 5. Subchapter 1 of chapter 3 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-302 to read as follows:

§ 17-302 *Licensee disclosure of breach of security, notification requirements. Every recipient of a license issued pursuant to this title who is required to make a notification pursuant to subdivision 2 or 3 of section 899-aa of the general business law shall promptly submit a copy of such notification to the department. Such notice shall be made without delaying notice to any individual whose private information was, or is reasonably believed to have been, acquired by an unauthorized person.*

§ 6. Section 19-546 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

*d. Every recipient of a license obtained pursuant to this chapter who is required to make a notification pursuant to subdivision 2 or 3 of section 899-aa of the general business law shall promptly submit a copy of such notification to the commission. Such notice shall be made without delaying notice to any individual whose private information was, or is reasonably believed to have been, acquired by an unauthorized person.*

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

DIANA AYALA *Chairperson*; MARGARET S. CHIN, PETER A. KOO, KAREN KOSLOWITZ, BRADFORD S. LANDER, BEN KALLOS, JUSTIN L. BRANNAN, KALMAN YEGER; Committee on Consumer Affairs and Business Licensing, November 10, 2021.

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 Education

Report for Int. No. 2426-A

### **Report of the Committee on Education in favor of approving and adopting, as amended, a Local Law in relation to requiring the department of education to report on school attendance, vaccination, testing consent and quarantine data related to COVID-19, and providing for the repeal thereof.**

The Committee on Education, to which the annexed proposed amended local law was referred on October 7, 2021 (Minutes, page 2648), respectfully

#### **REPORTS:**

#### **Introduction**

On Wednesday, November 10, 2021, the Committee on Education, chaired by Council Member Mark Treyger, held a vote on Proposed Introduction Number 2426-A, sponsored by Council Member Treyger and Proposed Introduction Number 2427-A, sponsored by Council Member Treyger. The Committee previously heard testimony<sup>1</sup> on this legislation from the Department of Education (DOE or the Department), Department of Health and Mental Hygiene (DOHMH), New York City Test and Trace Corp., students, parents, educators, unions, advocates, and other interested stakeholders. On November 10, 2021, the Committee passed Proposed Introduction Number 2426-A and Proposed Introduction Number 2427-A by a vote of thirteen in the affirmative, zero in the negative, with zero abstentions.

#### **School Year 2021-2022: COVID Protocols**

##### *Testing and Positive Cases*

As with the 2020-21 school year, regular testing of the DOE school community will continue into the 2021-2022 school year.<sup>2</sup> In the same vein as last year's protocols, DOE announced prior to reopening for the 2021-2022 school year that every school would test 10 percent of individuals who have provided consent for testing, on a biweekly basis.<sup>3</sup>

On September 20, 2021, Mayor de Blasio announced a policy change that testing of students and staff in DOE school would be done on a weekly basis.<sup>4</sup> The policy was effective September 27.<sup>5</sup>

##### *Positive Cases in Schools*

For the 2019-2020 school year, the DOE created a matrix that involved scenario planning for classrooms and full school closures in the event of a positive COVID-19 case appearing in a classroom.<sup>6</sup> To facilitate multi-agency cooperation and response, on September 14, 2020, Mayor de Blasio and then-Chancellor Carranza announced the creation of the DOE COVID-19 Response Situation Room—a multi-agency partnership between

<sup>1</sup> Hearing held on October 6, 2021.

<sup>2</sup> New York City Department of Education, "Health and Safety in Our Schools," accessed at: <https://www.schools.nyc.gov/school-life/health-and-wellness/covid-information/health-and-safety-in-our-schools>.

<sup>3</sup> New York City Department of Education, *Homecoming Health and Safety Guide*, p. 8, September 8, 2021, accessed at <https://www.schools.nyc.gov/docs/default-source/default-document-library/doe-homecoming-health-and-safety-guide---september-8-2021>.

<sup>4</sup> Marsh, J. and Raskin, S., "De Blasio mandates weekly COVID testing of school staff and students," *NY Post*, September 20, 2021, accessed at: <https://nypost.com/2021/09/20/de-blasio-mandates-weekly-covid-testing-of-school-staff-and-students/>.

<sup>5</sup> *Id.*

<sup>6</sup> See Education Committee Report, October 16, 2020, page 20, available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4622803&GUID=E8D357D8-FFFC-4918-8020-55F889886E5B&Options=&Search=>.

DOE, DOHMH and the Test & Trace Corps.<sup>7</sup> “The Situation Room provides a single point-of-contact between schools and agency partners responsible for performing both testing, contact tracing, and ensuring the appropriate interventions are being taken by school communities.”<sup>8</sup> For the 2021-2022 school year, the DOE stated that the Situation Room would continue to respond to a positive COVID-19 case in a NYC public school and outlined the following protocols:

- Elementary schools—In the event there is a positive case in a classroom, all students in the class will be instructed to quarantine for 10 calendar days. Students will continue to receive instruction while they quarantine;
- Middle and high schools—In the event of a positive case in a classroom, students who are:
  - At least 12 years old, vaccinated, and not showing symptoms will continue to attend school in-person. These students will be encouraged to take a COVID-19 test 3 to 5 days after exposure.
  - At least 12 years old, vaccinated, and showing symptoms will be directed to quarantine for 10 calendar days. These students will have access to remote learning while quarantining.
  - Unvaccinated will be directed to quarantine for 10 calendar days. These students will continue their studies remotely. On day 5 of their quarantine, said students may take a COVID-19 test, and with a negative result may return to in-person learning after Day 7.<sup>9</sup>

School-wide closures will be decided when DOHMH determines there is widespread transmission in the school.<sup>10</sup>

On September 20, Mayor de Blasio also announced a change in quarantine protocols in an effort to keep more students learning in school and align to new Centers for Disease Control and Prevention (CDC) guidance.<sup>11</sup> Pursuant to CDC guidance, when a positive COVID-19 case is found in a classroom, that classroom will no longer be quarantined.<sup>12</sup> Instead, the student who tests positive will still be required to quarantine at home for 10 calendar days, but the remaining students in the classroom, known as close contacts,<sup>13</sup> will not be required to quarantine.<sup>14</sup> Said students, both vaccinated and unvaccinated, who are wearing face masks and have remained at least three feet distance from the student who tests positive will be permitted to continue in-person learning.<sup>15</sup> Full closure of individual schools still remains a policy option if DOHMH determines there is widespread transmission in a particular school.<sup>16</sup>

<sup>7</sup> Office of Mayor Bill de Blasio, “City Launches Department of Education COVID-19 Situation Room,” September 14, 2020, accessed at: <https://www1.nyc.gov/office-of-the-mayor/news/647-20/city-launches-department-education-covid-19-situation-room>.

<sup>8</sup> *Id.*

<sup>9</sup> New York City Department of Education, “Homecoming Health and Safety Guide,” p. 8, September 8, 2021 accessed at: <https://www.schools.nyc.gov/docs/default-source/default-document-library/doe-homecoming-health-and-safety-guide---september-8-2021..>

<sup>10</sup> *Id.*

<sup>11</sup> Zimmer, A., Veiga, C., and Zimmerman, A., “Unvaccinated and masked students no longer have to quarantine as COVID testing becomes weekly in NYC schools,” *Chalkbeat*, September 20, 2021, accessed at: <https://ny.chalkbeat.org/2021/9/20/22683906/covid-safety-rules-testing-quarantine-nyc-school>.

<sup>12</sup> New York City Department of Education, “Health and Safety in Our Schools,” accessed at: <https://www.schools.nyc.gov/school-life/health-and-wellness/covid-information/health-and-safety-in-our-schools>.

<sup>13</sup> The CDC defines a close contact as “Someone who was less than 6 feet away from infected person (laboratory-confirmed or a clinical diagnosis) for a cumulative total of 15 minutes or more over a 24-hour period (for example, three individual 5-minute exposures for a total of 15 minutes). An infected person can spread SARS-CoV-2 starting from 2 days before they have any symptoms (or, for asymptomatic patients, 2 days before the positive specimen collection date), until they meet the criteria for ending isolation. The exception to this is in the K–12 indoor classroom setting or a structured outdoor setting where mask use can be observed (i.e., holding class outdoors with educator supervision), the close contact definition excludes students who were between 3 to 6 feet of an infected student (laboratory-confirmed or a clinical diagnosis) if both the infected student and the exposed student(s) correctly and consistently wore well-fitting masks the entire time.” See: <https://www.cdc.gov/coronavirus/2019-ncov/php/contact-tracing/contact-tracing-plan/appendix.html#contact>.

<sup>14</sup> New York City Department of Education, “Health and Safety in Our Schools,” accessed at: <https://www.schools.nyc.gov/school-life/health-and-wellness/covid-information/health-and-safety-in-our-schools>.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

## School Year 2021-2022: Vaccine Mandate

In July 2021, Mayor Bill de Blasio announced that all City workers, including teachers, would be required to be vaccinated by the time school reopens on September 13, or be tested weekly.<sup>17</sup> On Monday, August 23, 2021, the Mayor, Chancellor and DOHMH Commissioner announced a new mandate, that all New York City Department of Education employees would be required to provide proof of a first dose of COVID-19 vaccination by September 27.<sup>18</sup> According to the Administration, the mandate will apply to all 148,000 DOE employees, including school-based and central staff, as well as DOE contractors who work in school-based settings.<sup>19</sup> At the time of the announcement, DOE stated that at least 63 percent of DOE employees had at least one dose.<sup>20</sup>

On the same day that the Mayor announced the vaccination mandate for DOE employees, the Municipal Labor Committee<sup>21</sup> announced their intent to file a lawsuit against the de Blasio Administration to stop the City from implementing its mandate without DOE employee participation, arguing that “the [C]ity is required to collectively bargain the steps to be taken for implementing this policy.”<sup>22</sup> At his daily press briefing on August 24, the Mayor was asked if he has the legal authority to issue such a mandate and the Mayor was clear in responding that New York City as an employer has the right to subject its employees to such a mandate.<sup>23</sup> Said mandate was issued pursuant to an Order of the Commissioner of Health and Mental Hygiene on March 12, 2020.<sup>24</sup> Finally, the Mayor said that impact bargaining, which addresses the actual implementation details of the vaccine mandate, would begin immediately.<sup>25</sup>

Impact bargaining hit an impasse with the United Federation of Teachers (UFT) when it filed a labor grievance against the City with the New York State Labor Board on September 2, 2021.<sup>26</sup> The issue centered around those teachers granted medical or religious exemptions to the vaccine mandate with the City arguing those employees should be placed on unpaid leave.<sup>27</sup> An arbiter was assigned to adjudicate the grievance, and they ruled on Friday, September 10, 2021, that teachers who refuse to be vaccinated without a valid excuse should go on unpaid leave until September 2022, and those who refuse the mandate and receive no exemption have until November 30, 2021, to resign and have their remaining sick leave paid out. Teachers who refuse to get vaccinated will keep their health insurance until summer 2022.<sup>28</sup>

Further complicating efforts were a number of lawsuits filed against the City seeking to prevent any vaccine mandate from going forward. After numerous litigation efforts by unions and individual teachers, ultimately the City teacher vaccine mandate has been allowed to move forward, with all New York City Department of

<sup>17</sup> Veiga, C., “NYC to mandate COVID vaccines or testing for teachers,” *Chalkbeat*, July 26, 2021, accessed at: <https://ny.chalkbeat.org/2021/7/26/22594169/nyc-mandate-covid-vaccine-teachers>.

<sup>18</sup> Office of Mayor Bill de Blasio, “Mayor de Blasio, Chancellor Porter and Commissioner Chokshi Announce Department of Education Employee Vaccine Mandate,” August 23, 2021, accessed at: <https://www1.nyc.gov/office-of-the-mayor/news/578-21/mayor-de-blasio-chancellor-porter-commissioner-chokshi-department-education>.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> The Municipal Labor Committee (MLC), whose stated mission is to facilitate the collective bargaining process with the City of New York, is an association of municipal labor organizations representing some 390,000 active City workers. The MLC was created pursuant to a Memorandum of Understanding dated March 31, 1966, signed by New York City and designated employee organizations and codified in Sections 12-303 and 12-313 of the Administrative Code of the City of New York. The workers represented by the MLC, comprise both uniformed and civilian employees.

<sup>22</sup> Marsh, J. and Campanile, C., “Union leaders taking de Blasio’s vaccine mandate for DOE staffers to court,” *New York Post*, August 23, 2021, accessed at: <https://nypost.com/2021/08/23/union-leaders-taking-de-blasios-doe-vaccine-mandate-to-court/>.

<sup>23</sup> Office of Mayor Bill de Blasio, “Transcript: Mayor de Blasio Holds Media Availability,” August 24, 2021, accessed at: <https://www1.nyc.gov/office-of-the-mayor/news/585-21/transcript-mayor-de-blasio-holds-media-availability>.

<sup>24</sup> Department of Health and Mental Hygiene Commissioner Chokshi issued an Order of the Commissioner of Health and Mental Hygiene pursuant to powers granted by the New York City Charter, Administrative Code and Health Code which grant the Commissioner power to declare a public health emergency and to supervise and adopt prompt and effective measures to prevent the communication of infection diseases. The Order can be accessed here: <https://www1.nyc.gov/assets/doh/downloads/pdf/covid/covid-19-vaccination-requirement-doe.pdf>.

<sup>25</sup> Office of Mayor Bill de Blasio, “Transcript: Mayor de Blasio Holds Media Availability,” August 24, 2021, accessed at: <https://www1.nyc.gov/office-of-the-mayor/news/585-21/transcript-mayor-de-blasio-holds-media-availability>.

<sup>26</sup> Elsen-Rooney, M., “NYC teachers union files labor complaint over bargaining impasse on COVID vaccine mandate,” *New York Daily News*, September 2, 2021, accessed at: <https://www.nydailynews.com/new-york/education/ny-teachers-union-vaccine-mandate-bargaining-20210902-urojdv43pzcyrhnykykrsgzhty-story.html>.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

Education employees required to provide proof of a first dose of COVID-19 vaccination by October 1, 2021 or be placed on unpaid leave.<sup>29</sup> Finally, on Monday, October 4, 2021, DC 37 and the City reached an agreement for approximately 20,000 DOE employees (school aides, cafeteria workers, crossing guards among other titles<sup>30</sup>) who refuse to get vaccinated.<sup>31</sup> Similar to the deal reached with teachers, employees can take leave without pay but retain their health insurance benefits, resign and receive payout of their accumulated paid time off (including sick time) or apply for a medical or religious exemption.<sup>32</sup>

### State lawsuit

Filed in Manhattan Supreme Court on Friday, September 9, 2021, a coalition of New York City unions, through the Municipal Labor Committee and individual unions, sued the City over the vaccine mandate, arguing that it “violates employees’ individual bodily integrity and right to refuse medical treatment by forcing employees to undergo unwanted medical procedures or be precluded from engaging in their chosen professions.”<sup>33</sup> On Tuesday, September 14, 2021, the Court issued a temporary restraining order barring the City from enforcing its vaccine mandate on DOE employees, pending a further hearing on the case.<sup>34</sup> On Wednesday, September 22, 2021, the Court removed the temporary restraining order, allowing the City vaccine mandate to proceed, and in issuing his opinion, the judge doubted whether the unions would ultimately prevail, holding that “[t]he state and federal courts have consistently held that a mandatory vaccine requirement does not violate substantive due process rights and properly fall within the state’s police power.”<sup>35</sup> DC 37, a union litigant in the case, issued a statement following the ruling that they would continue the legal fight to halt the vaccine program.<sup>36</sup> As noted earlier, DC 37 reached an agreement with the City on October 3, 2021.<sup>37</sup>

A group of teachers opposed to the mandate went into state court on Tuesday to seek an emergency restraining order on the DOE vaccine mandate arguing that they are being discriminated against because of their religious beliefs, specifically arguing that the City will deny their religious exemption request “if they [do not] provide a clergy note or belong to an organized religion.”<sup>38</sup> The judge held “they could not prove irreparable harm which an emergency order like this would require, and cited the fact that they’re still getting health insurance while on unpaid leave.”<sup>39</sup>

### Federal lawsuit

On Friday, September 10, 2021, four NYC public school teachers filed an action in US District Court for the Eastern District of New York to halt the DOE’s vaccine mandate.<sup>40</sup> They argue that not only is the mandate an unconstitutional burden on them and all teachers, but it “threatens the education of thousands of children in

<sup>29</sup> Eyewitness News ABC 7, “Coronavirus Update NYC: Mayor de Blasio sets Friday vaccination deadline for city school staff,” September 27, 2021, accessed at: <https://abc7ny.com/vaccine-mandate-nyc-teachers-new-york-public-schools/11051781/>.

<sup>30</sup> See <https://www.local372.org/members-2>.

<sup>31</sup> Brosnan, E., “Unvaxxed staff can take leave of absence until getting COVID shot: DOE, union agreement,” *1010WINS*, accessed on October 5, 2021, at: <https://www.msn.com/en-us/news/us/unvaxxed-staff-can-take-leave-of-absence-until-getting-covid-shot-doe-union-agreement/ar-AAP8kHP>.

<sup>32</sup> Local 372, See <https://www.local372.org/>.

<sup>33</sup> Goldberg, N., and Elsen-Rooney, M., “Municipal unions sue NYC over vaccine mandate,” *New York Daily News*, September 10, 2021, accessed at: <https://www.nydailynews.com/new-york/education/ny-teachers-doe-vaccine-mandate-fire-lawsuit-brooklyn-20210910-pbvmm5u3rfcajok5zpqzzygqxq-story.html>.

<sup>34</sup> Gould, J., “Temporary Restraining Order Issued Against NYC Vaccine Requirements For City Employees,” *Gothamist*, September 15, 2021, accessed at: <https://gothamist.com/news/temporary-restraining-order-issued-against-nyc-vaccine-or-test-requirement-city-employees>.

<sup>35</sup> AP News, “NYC vaccine mandate for teachers, staff to go forward,” September 22, 2021, accessed at: <https://apnews.com/article/business-health-new-york-education-new-york-city-11d2d22f6104e0a371e3b621807fb36c>.

<sup>36</sup> *Id.*

<sup>37</sup> *Supra* note 30.

<sup>38</sup> CBS New York, “Judge Denies Temporary Restraining Order Against COVID Vaccine Mandate At NYC Schools,” accessed on October 5, 2021, at: <https://www.msn.com/en-us/news/us/judge-denies-temporary-restraining-order-against-covid-vaccine-mandate-at-nyc-schools/ar-AAPax3S?ocid=msedgdhp&pc=U531>.

<sup>39</sup> *Id.*

<sup>40</sup> Supreme Court of the United States, Emergency Application for Writ of Injunction, September 30, 2021, accessed at: [https://www.supremecourt.gov/DocketPDF/21/21A50/194220/20210930135258574\\_Maniscalco%20v%20NYC%20Dept%20of%20Education%20-%20Emergency%20Application.pdf](https://www.supremecourt.gov/DocketPDF/21/21A50/194220/20210930135258574_Maniscalco%20v%20NYC%20Dept%20of%20Education%20-%20Emergency%20Application.pdf).

the largest public-school system in the country and violates the substantive due process and equal protection rights afforded to all public-school employees.”<sup>41</sup> On Thursday, September 23, 2021, judgment was entered by the District Court denying the teachers’ request for an injunction against DOE’s mandate.<sup>42</sup>

On Friday, September 24, 2021, the teachers filed an emergency appeal with the United States Court of Appeals for the Second Circuit.<sup>43</sup> The vaccine mandate was due to take effect on Monday, September 27.<sup>44</sup> The evening of September 24, a judge for the Second Circuit issued a temporary restraining order on the City mandate which delayed the City from implementing its mandate.<sup>45</sup> The case was then set to appear before a three judge panel for the Circuit, which agreed to expedite review of the case.<sup>46</sup> A hearing was set for Wednesday, September 29, 2021.<sup>47</sup>

On Monday, September 27, 2021, the three judge panel from the Second Circuit dissolved the September 24 temporary restraining order and offered no explanation.<sup>48</sup> This action cleared the way for the City to implement its vaccine mandate with Mayor de Blasio setting a new requirement to provide proof of a first dose of COVID-19 vaccination by Friday, October 1, 2021 at 5:00 p.m..<sup>49,50</sup>

According to the Mayor, as of Monday, October 6, 2021, 99 percent of principals and 96 percent of teachers had received at least one dose of the COVID-19 vaccine.<sup>51</sup> With 95 percent of school staff having received COVID shots, approximately 7,400 unvaccinated education department employees, including about 3,100 teachers were unvaccinated meaning they are not permitted to report to work and are not receiving their salary.<sup>52</sup> Staffing shortages that were identified over the weekend before the vaccine deadline were handled in real time according to the Mayor and Chancellor, who also announced that the City “has a reserve of roughly 9,000 substitute teachers and another 5,000 substitute paraprofessionals who are vaccinated.”<sup>53</sup>

## Issues and Concerns

Mayor de Blasio announced that the vaccine mandate for all DOE staff went into effect on Friday, October 1, 2021 with the expectation that by Monday, October 4, 100% of educators and staff in DOE buildings will be vaccinated.<sup>54</sup> Although as of October 1, 2021, more than 90 percent of teachers and 98 percent of principals have received at least one dose of a vaccine,<sup>55</sup> there are still about 4,000 teachers and 30 principals who are

<sup>41</sup> *Id.*

<sup>42</sup> *Maniscalco, et al. v. New York City Dept. of Educ., et al.*, No. 1:21-CV-05055. (E.D.N.Y.).

<sup>43</sup> *Maniscalco, et al. v. New York City Dept. of Educ., et al.*, No. 21-2343 (2d Cir.).

<sup>44</sup> Office of Mayor Bill de Blasio, “Mayor de Blasio, Chancellor Porter and Commissioner Chokshi Announce Department of Education Employee Vaccine Mandate,” August 23, 2021, accessed at: <https://www1.nyc.gov/office-of-the-mayor/news/578-21/mayor-de-blasio-chancellor-porter-commissioner-chokshi-department-education>.

<sup>45</sup> Supreme Court of the United States, Emergency Application for Writ of Injunction. September 30, 2021. Accessed at: [https://www.supremecourt.gov/DocketPDF/21/21A50/194220/20210930135258574\\_Maniscalco%20v%20NYC%20Dept%20of%20Education%20-%20Emergency%20Application.pdf](https://www.supremecourt.gov/DocketPDF/21/21A50/194220/20210930135258574_Maniscalco%20v%20NYC%20Dept%20of%20Education%20-%20Emergency%20Application.pdf).

<sup>46</sup> Eyewitness News ABC 7, “Coronavirus NYC: Judge temporarily blocks school vaccine mandate; Hearing set for Wednesday,” September 26, 2021, accessed at: <https://abc7ny.com/covid-vaccine-mandate-nyc-teachers-ny-healthcare-workers-delta-variant/11046746/>.

<sup>47</sup> *Id.*

<sup>48</sup> Supreme Court of the United States, Emergency Application for Writ of Injunction. September 30, 2021. Accessed at: [https://www.supremecourt.gov/DocketPDF/21/21A50/194220/20210930135258574\\_Maniscalco%20v%20NYC%20Dept%20of%20Education%20-%20Emergency%20Application.pdf](https://www.supremecourt.gov/DocketPDF/21/21A50/194220/20210930135258574_Maniscalco%20v%20NYC%20Dept%20of%20Education%20-%20Emergency%20Application.pdf).

<sup>49</sup> Eyewitness News ABC 7, “Coronavirus Update NYC: Mayor de Blasio sets Friday vaccination deadline for city school staff,” September 27, 2021, accessed at: <https://abc7ny.com/vaccine-mandate-nyc-teachers-new-york-public-schools/11051781/>.

<sup>50</sup> Supreme Court Justice Sonia Sotomayor on Friday, October 1, 2021, denied an emergency appeal from the group of teachers effectively ending their case. *See* NPR, accessed on October 4, 2021, at: <https://www.npr.org/2021/10/01/1042600683/sotomayor-nyc-school-vaccine>.

<sup>51</sup> Zimmerman, A., et. al., “As vaccine mandate kicks in, 95% of NYC schools staff have received COVID shots,” *Chalkbeat*, October 4, 2021, accessed at: <https://ny.chalkbeat.org/2021/10/4/22708807/nyc-schools-covid-vaccine-mandate-staff-shortage>.

<sup>52</sup> *Id.*

<sup>53</sup> Shapiro, E., “N.Y.C. Schools’ Vaccine Mandate Is in Place. 96% of Teachers Got a Shot,” *NY Times*, October 4, 2021, accessed at: <https://www.nytimes.com/2021/10/04/nyregion/vaccine-mandate-teachers-nyc.html>.

<sup>54</sup> Office of Mayor Bill de Blasio, “Transcript: Mayor de Blasio Appears on Inside City Hall,” September 28, 2021, accessed at: <https://www1.nyc.gov/office-of-the-mayor/news/654-21/transcript-mayor-de-blasio-appears-inside-city-hall>.

<sup>55</sup> Office of Mayor Bill de Blasio, “Transcript: Mayor de Blasio Appears on the Brian Lehrer Show,” October 1, 2021, accessed at: <https://www1.nyc.gov/office-of-the-mayor/news/664-21/transcript-mayor-de-blasio-appears-the-brian-lehrer-show>.

unvaccinated.<sup>56</sup> This has raised concerns for a potential teacher shortage across City schools. In addition to a teacher shortage, as of October 1, 2021, about 15,000 non-education staff members were unvaccinated.<sup>57</sup> While the City has said it will send vaccinated substitute teachers and central office staff into schools to cover shortages,<sup>58</sup> some advocates believe that replacing so many certified teachers with substitute teachers could have a negative impact on the quality of educational instruction in schools.<sup>59</sup> To date, the City has not revealed any plans regarding substitutes for non-teaching staff, such as school food workers, cleaners and SSAs, whose absence could also negatively impact students.

In addition to DOE staff, the initial vaccine mandate also applied to DOE contractors who work in school-based settings, such as non-profit providers of after school programs or other services inside school buildings.<sup>60</sup> While the initial vaccine mandate did not apply to DOE contractors working off-site, such as pre-K and after-school providers in community-based centers, the Mayor expanded the mandate on September 9 to include those providers.<sup>61</sup> The new vaccine mandate is creating huge problems for many early childhood centers which already operate on slim margins and struggle to find staff, because they can often make more money elsewhere.<sup>62</sup> According to the head of the Day Care Council of New York, while it appears that the majority of center-based staff are vaccinated, when considering the cumulative impact across the 1,200 or so centers, “[t]he staffing implications could be dire.”<sup>63</sup> Some center directors have said that, if forced to exclude all unvaccinated staff they would have to close, potentially leaving thousands of young children without childcare.<sup>64</sup>

In addition to protecting students’ health and safety in the classroom, there are also concerns regarding students who rely on bussing services to commute to school. School bus drivers are in close contact with students, yet the vaccine mandate does not apply to bus drivers or attendants.<sup>65</sup> However, school bus drivers are covered by a New York State Department of Health mandate. This mandate states that school bus drivers must submit for weekly COVID-19 testing or show proof of vaccination.<sup>66</sup>

There are also concerns regarding changes to quarantine protocols, which United Federation of Teachers President Michael Mulgrew calls “ill-advised.”<sup>67</sup> There are fears the change could lead to increased spreading of the virus since, as Mulgrew points out, in the “real world” of schools, not all children wear their masks correctly all day or maintain three feet distance, particularly in the many schools that are overcrowded.<sup>68</sup> Additionally, while the new quarantine protocols are intended to keep more students learning in school, it could also make instruction more difficult for students who are sent home.<sup>69</sup> The DOE’s policy calls for elementary school students to receive live remote instruction when an entire class is quarantined, but when fewer students are sent home, they are only supposed to receive support from teachers in the form of “office hours,” where they

<sup>56</sup> Shapiro E., “18,000 Shots Given to N.Y.C. School Employees Ahead of Vaccine Deadline,” *The New York Times*, October 4, 2021, accessed at: <https://www.nytimes.com/2021/10/04/nyregion/vaccine-mandate-teachers-nyc.html>.

<sup>57</sup> Shapiro E., “18,000 Shots Given to N.Y.C. School Employees Ahead of Vaccine Deadline,” *The New York Times*, October 4, 2021, accessed at: <https://www.nytimes.com/2021/10/04/nyregion/vaccine-mandate-teachers-nyc.html>.

<sup>58</sup> Office of Mayor Bill de Blasio, “Transcript: Mayor de Blasio Appears on Inside City Hall,” September 28, 2021, accessed at: <https://www1.nyc.gov/office-of-the-mayor/news/654-21/transcript-mayor-de-blasio-appears-inside-city-hall>

<sup>59</sup> Eyewitness News, “Coronavirus Update NYC: Mayor de Blasio sets Friday vaccination deadline for city school staff,” *Eyewitness News ABC 7*, September 27, 2021, accessed at: <https://abc7ny.com/vaccine-mandate-nyc-teachers-new-york-public-schools/11051781/>

<sup>60</sup> Office of Mayor de Blasio, “Mayor de Blasio, Chancellor Porter and Commissioner Chokshi Announce Department of Education Employee Vaccine Mandate,” August 23, 2021, accessed at: <https://www1.nyc.gov/office-of-the-mayor/news/578-21/mayor-de-blasio-chancellor-porter-commissioner-chokshi-department-education>.

<sup>61</sup> Veiga, C., “NYC expands COVID vaccine mandate to pre-K teachers, after-school workers,” *Chalkbeat*, September 9, 2021, accessed at: <https://ny.chalkbeat.org/2021/9/9/22665078/covid-vaccine-mandate-prek-teachers-afterschool-nyc>.

<sup>62</sup> *Id.*

<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

<sup>65</sup> Zimmerman, A., “NYC to require vaccines for all education department employees,” *Chalkbeat*, August 23, 2021, accessed at: <https://ny.chalkbeat.org/2021/8/23/22637774/nyc-teacher-vaccine-mandate>.

<sup>66</sup> See New York State Department of Health *Commissioner’s Determination on COVID-19 Testing Pursuant to 10 NYCRR 2.62*, September 2, 2021, accessed at: <https://coronavirus.health.ny.gov/system/files/documents/2021/09/2.62-determination.pdf>.

<sup>67</sup> Zimmer, A., et. al., “Unvaccinated and masked students no longer have to quarantine as COVID testing becomes weekly in NYC schools,” *Chalkbeat*, September 20, 2021, accessed at: <https://ny.chalkbeat.org/2021/9/20/22683906/covid-safety-rules-testing-quarantine-nyc-school>.

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

can log on to ask questions or for more intensive help.<sup>70</sup> Consequently, fewer elementary school children may end up receiving synchronous instruction while they're quarantined.<sup>71</sup>

Further concerns include a lack of disaggregated data and transparency around student enrollment, attendance,<sup>72</sup> COVID-19 testing and consent, vaccination,<sup>73</sup> and confirmed cases of COVID-19 in schools.<sup>74</sup> Without reports of weekly, raw numbers, it is difficult to ascertain an accurate picture of the health and safety of the school community as it relates to COVID-19.<sup>75</sup>

The rise of the Delta variant, coupled with the fact that significant numbers of eligible New Yorkers are still unvaccinated, has led many parents to advocate for a full-time remote option to be made available for the current school year, as it was last year.<sup>76</sup> According to an article by *am New York Metro*, there are a number of reasons families would like a remote option: i) the rise in COVID-19 cases, fueled by the Delta variant, which now accounts for 97 percent of new COVID-19 cases;<sup>77</sup> ii) lack of trust in DOE's handling of past multiple school shutdowns and blended learning; and iii) some students have preferred remote learning and have thrived with it.<sup>78</sup> Throughout the summer the Mayor has made clear in multiple comments at press conferences and in interviews, that there will be no remote option available for students in September.<sup>79</sup> Pressed again at his daily press briefing on August 19 that a growing number of parents were demanding a remote option, the mayor declared "we have one plan," insisting that following CDC and NYSED guidance, students will be kept safe come September."<sup>80</sup>

## Conclusion

Today's hearing will provide an opportunity for students, parents, teachers, medical experts, unions and other educational stakeholders to raise their concerns about DOE's COVID protocols and whether they adequately protect the health and safety of students and school staff.

## Bill Analysis

### Proposed Int. No. 2426-A

#### **A Local Law in relation to requiring the department of education to report on school attendance, vaccination, testing consent and quarantine data related to COVID-19, and providing for the repeal thereof**

This bill would require the Department to publicly post, daily, on their website attendance data aggregated citywide and disaggregated by school for the previous day and previous week. The DOE would also be required to publicly post, every two weeks, in the aggregate and disaggregated by school:

<sup>70</sup> *Id.*

<sup>71</sup> *Id.*

<sup>72</sup> New York City Department of Education, DOE Data at a Glance. 2021, accessed at: <https://www.schools.nyc.gov/about-us/reports/doe-data-at-a-glance>.

<sup>73</sup> New York City Department of Education, Daily Covid Case Map. 2021, accessed at: <https://www.schools.nyc.gov/school-life/health-and-wellness/covid-information/daily-covid-case-map>.

<sup>74</sup> New York State Department of Health, COVID-19 Report Card. 2021, accessed at: <https://schoolcovidreportcard.health.ny.gov/#/home>.

<sup>75</sup> *Id.*

<sup>76</sup> Jorgensen, J., "Some parents won't take 'no remote option' for an answer," *NY1*, September 16, 2021, accessed at: <https://www.ny1.com/nyc/all-boroughs/news/2021/09/16/some-parents-won-t-take--no-remote-option--for-an-answer>.

<sup>77</sup> Millman, J., "Latest NYC Wave Over? Delta Now 97% of COVID Cases But Hospitalizations, Infection Rates Drop," *abcNewYork*, August 28, 2021, accessed at: <https://www.nbcnewyork.com/news/coronavirus/delta-now-97-of-nyc-covid-cases-but-hospitalizations-are-down-as-transmission-rates-drop-for-2nd-straight-week/3243859/>.

<sup>78</sup> O'Connell-Domenech, A., "Some New York City parents still want a fully remote option this fall," *amNewYork Metro*, July 21, 2021, accessed at: <https://www.amny.com/news/some-new-york-city-parents-want-fully-remote-option-this-fall/>.

<sup>79</sup> Raskin, S., "'Our kids are going to come back': de Blasio says NYC public schools won't be remote," *New York Post*, August 19, 2021, accessed at: <https://nypost.com/2021/08/19/bill-de-blasio-says-public-schools-will-not-be-remote/>. See also Office of Mayor Bill de Blasio, "Transcript: Mayor de Blasio Holds Media Availability," August 19, 2021, accessed at: <https://www1.nyc.gov/office-of-the-mayor/news/574-21/transcript-mayor-de-blasio-holds-media-availability>.

<sup>80</sup> *Id.*

- the number of students partially vaccinated for COVID-19 in attendance;
- the number of students fully and partially vaccinated for COVID-19;
- the number of COVID-19 testing consent forms received from families;
- the number of consent forms withdrawn; and
- the number of unvaccinated students required to quarantine because of exposure in school to an individual who tested positive for COVID-19.

The data, to the extent such information is collected, would be disaggregated by grade level, gender, race or ethnicity, individualized education program status, English language learner status, status as a student residing in shelter and status as a student in temporary housing that is not a shelter.

This bill would take effect immediately after it becomes law, with the attendance data reporting beginning 15 days thereafter and the second tranche of information reporting beginning 30 days after the bill becomes law. The law would remain in effect until June 30, 2023, when it would be deemed repealed.

#### **Proposed Int. No. 2427-A**

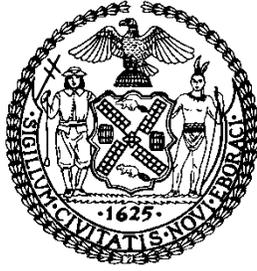
#### **A Local Law in relation to requiring the department of education to report on COVID-19 within city schools, and providing for the repeal thereof**

This bill would require the Department to report on its website, every two weeks, positive COVID-19 cases among administrators, teachers, students and other school staff in every DOE school. The reporting would also include which schools have been closed due to COVID-19 and the number of classrooms that have been closed due to COVID-19. The DOE would also be required to report on the number of administrators, teachers, students and other school staff who have been fully and partially vaccinated for COVID-19. The student reporting metrics would, to the extent such information is collected, is to also reported on a monthly basis in a disaggregated way by grade level, gender, race or ethnicity, individualized education program status, English language learner status, status as a student residing in shelter and status as a student in temporary housing that is not a shelter.

This bill would take effect immediately after becoming law, with the first report due 15 days thereafter and the first report on student disaggregation information is due 30 days after the bill becomes law. The law would remain in effect until June 30, 2023, when it would be deemed repealed.

**UPDATE:** On November 10, 2021, the Committee passed Proposed Introduction Number 2426-A and Proposed Introduction Number 2427-A by a vote of thirteen in the affirmative, zero in the negative, with zero abstentions.

**The following is the text of the Fiscal Impact Statement for Int. No. 2426-A:)**



**THE COUNCIL OF THE CITY OF NEW YORK**  
**FINANCE DIVISION**  
 LATONIA MCKINNEY, DIRECTOR  
**FISCAL IMPACT STATEMENT**  
**PROPOSED INTRO. NO: 2426-A**  
**COMMITTEE: Committee on Education**

**TITLE:** A Local Law in relation to requiring the Department of Education to report on school attendance, vaccination, testing consent, and quarantine data related to COVID-19, and providing for the repeal of such provision upon the expiration thereof.

**SPONSOR(S):** Council Members Treyger and Yeger.

**SUMMARY OF LEGISLATION:** Proposed Introduction 2426-A would require the Department of Education (DOE) to post a weekly report on its website regarding student attendance, COVID-19 student vaccination status, COVID-19 student testing consent forms, and student quarantine due to COVID-19 exposure, for students in grades pre-kindergarten through grade 12 for each public school, including District 75 schools. The report would disaggregate data by gender, race or ethnicity, individualized education program status, English language learner status, status as a student residing in shelter, and status as a student in temporary housing that is not a shelter.

**EFFECTIVE DATE:** This local law would take effect immediately and remain in effect until June 30, 2023.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2023

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY22</b>	<b>FY Succeeding Effective FY23</b>	<b>Full Fiscal Impact FY23</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation as DOE already has existing resources sufficient 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  
 Mayor's Office of City Legislative Affairs

**ESTIMATE PREPARED BY:** Chelsea Baytemur, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Noah Brick, Assistant Counsel  
 Dohini Sompura, Unit Head  
 Regina Poreda Ryan, Deputy Director

**LEGISLATIVE HISTORY:** This legislation was first considered by the Committee on Education (Committee) as Preconsidered Introduction 2426 and laid over on October 6, 2021. The legislation was introduced by the full

Council on October 7, 2021 and referred to the Committee. The legislation was subsequently amended, and the amended version, Proposed Intro. No. 2426-A, will be considered by the Committee on November 10, 2021. On November 10, 2021, the Committee passed Proposed Introduction Number 2426-A and Proposed Introduction Number 2427-A by a vote of thirteen in the affirmative, zero in the negative, with zero abstentions.

**DATE PREPARED:** November 4, 2021.

*Accordingly, this Committee recommends the adoption of Int. Nos. 2426-A and 2427-A.*

**(The following is the text of Int. No. 2426-A:)**

Int. No. 2426-A

By Council Members Treyger, Yeger, Kallos, Gjonaj, Dinowitz, Gibson, Louis, Barron, Grodenchik, Riley and Rosenthal.

**A Local Law in relation to requiring the department of education to report on school attendance, vaccination, testing consent and quarantine data related to COVID-19, and providing for the repeal thereof**

*Be it enacted by the Council as follows:*

Section 1. Report on school attendance, vaccination, testing consent and quarantine data related to COVID-19. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Chancellor. The term “chancellor” means the chancellor of the city school district of the city of New York.  
 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 New York city department of education.

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 pre-kindergarten through grade 12, including district 75 schools.

Unvaccinated. The term “unvaccinated” means an individual who has received no dose of vaccine approved or authorized for use by the United States food and drug administration or the world health organization that is intended to stimulate the production of antibodies and provide immunity against COVID-19.

b. No later than 15 days after the effective date of this local law, and daily thereafter, the chancellor shall conspicuously post on the department’s website a report of the percentage of students in attendance, aggregated citywide and disaggregated by school, for the previous day and week. Such reporting shall also include the total student population for each school.

c. To the extent such information is collected, no later than 15 days after the effective date of this local law, and every two weeks thereafter, the chancellor shall conspicuously post on the department’s website a report that includes the following information, aggregated citywide and disaggregated by school, for the previous two weeks:

1. The number and percentage of students partially vaccinated for COVID-19 in attendance;
2. The number and percentage of students partially and fully vaccinated for COVID-19;
3. The number of COVID-19 student testing consent forms received by the department that are deemed valid and unexpired as of the end of the reporting period, and the total number of students who were unvaccinated as of the end of the reporting period;
4. The number of COVID-19 student testing consent forms withdrawn; and
5. The number of unvaccinated students required to quarantine due to exposure in school to an individual who tested positive for COVID-19, further disaggregated by students, teachers, administrators, and other school staff.

d. To the extent such information is collected, the aggregated and disaggregated information required weekly pursuant to subdivision b of this section shall also be further disaggregated by grade level, gender, race or

ethnicity, individualized education program status, English language learner status, status as a student residing in shelter and status as a student in temporary housing that is not a shelter.

e. No later than 30 days after the effective date of this local law, and monthly thereafter, the chancellor shall conspicuously post on the department's website the aggregated and disaggregated information required pursuant to subdivision c of this section, further disaggregated by grade level, gender, race or ethnicity, individualized education program status, English language learner status, status as a student residing in shelter and status as a student in temporary housing that is not a shelter, to the extent such information is collected.

f. The report required pursuant to subdivisions c and d of this section shall include a data dictionary.

g. 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. If a category contains between 1 and 5 students, or contains an amount that would allow another category that contains between 1 and 5 students to be deduced, the number shall be replaced with a symbol. A category that contains 0 shall be reported as 0, unless such reporting would violate any applicable provision of federal, state or local law relating to the privacy of student information.

§ 2. This local law takes effect immediately and remains in effect until June 30, 2023, when it is deemed repealed.

MARK TREYGER, *Chairperson*; DANIEL DROMM, BRADFORD S. LANDER, STEPHEN T. LEVIN, INEZ D. BARRON, ROBERT E. CORNEGY, BEN KALLOS, BARRY S. GRODENCHIK,, JUSTIN L. BRANNAN, FARAH N. LOUIS, KEVIN C. RILEY, JAMES F. GENNARO, JOSEPH C. BORELLI; Committee on Education, November 10, 2021.

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. 2427-A

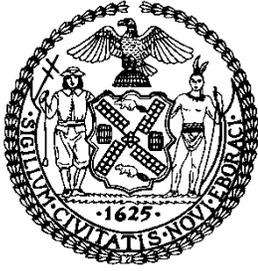
**Report of the Committee on Education in favor of approving and adopting, as amended, a Local Law in relation to requiring the department of education to report on COVID-19 within city schools, and providing for the repeal thereof.**

The Committee on Education, to which the annexed proposed amended local law was referred on October 7,, 2021 (Minutes, page 2649), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Education for Int. No. 2426-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 2427-A:*



**THE COUNCIL OF THE CITY OF NEW YORK**  
**FINANCE DIVISION**  
 LATONIA MCKINNEY, DIRECTOR  
**FISCAL IMPACT STATEMENT**  
**PROPOSED INTRO. NO: 2427-A**  
**COMMITTEE: Committee on Education**

**TITLE:** A Local Law in relation to requiring the Department of Education to report on COVID-19 within city schools, and providing for the repeal thereof. **SPONSOR(S):** Council Members Treyger and Yeger.

**SUMMARY OF LEGISLATION:** This bill would require the Department of Education (DOE) to post a weekly report on its website regarding the spread of the 2019 novel coronavirus (COVID-19) within City schools, including District 75 schools. The report would include the number of COVID cases, disaggregated by student, teacher, staff and administrator for each school and the percentage of vaccinated persons broken out by student, teacher, staff and administrator for each school.

**EFFECTIVE DATE:** This local law takes effect immediately and remains in effect until June 30, 2023.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2023

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY22</b>	<b>FY Succeeding Effective FY23</b>	<b>Full Fiscal Impact FY23</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation as DOE has existing resources sufficient 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  
 Mayor's Office of City Legislative Affairs

**ESTIMATE PREPARED BY:** Chelsea Baytemur, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Noah Brick, Assistant Counsel  
 Dohini Sompura, Unit Head  
 Regina Poreda Ryan, Deputy Director

**LEGISLATIVE HISTORY:** This legislation was first considered by the Committee on Education (Committee) as a Preconsidered Introduction and laid over on October 6, 2021. The legislation was subsequently introduced by the full Council on October 7, 2021 and referred to the Committee. The legislation was subsequently amended and the amended version, Proposed Intro. No. 2427-A, will be considered by the Committee on November 10,

2021. On November 10, 2021, the Committee passed Proposed Introduction Number 2426-A and Proposed Introduction Number 2427-A by a vote of thirteen in the affirmative, zero in the negative, with zero abstentions.

**DATE PREPARED:** November, 4 2021.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 2427-A:)**

Int. No. 2427-A

By Council Members Treyger, Yeger, Kallos, Gjonaj, Dinowitz, Gibson, Louis, Barron, Grodenchik, Riley and Rosenthal.

**A Local Law in relation to requiring the department of education to report on COVID-19 within city schools, and providing for the repeal thereof**

*Be it enacted by the Council as follows:*

Section 1. Report on COVID-19 within city schools. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Chancellor. The term “chancellor” means the chancellor of the city school district of the city of New York.

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 New York city department of education.

Fully vaccinated. The term “fully vaccinated” means an individual who has received a full course of vaccine approved or authorized for use by the United States food and drug administration or the world health organization that is intended to stimulate the production of antibodies and provide immunity against COVID-19.

Partially vaccinated. The term “partially vaccinated” means an individual who has received a partial course of vaccine approved or authorized for use by the United States food and drug administration or the world health organization that is intended to stimulate the production of antibodies and provide immunity against COVID-19.

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 pre-kindergarten through grade 12, including district 75 schools.

b. No later than 15 days after the effective date of this local law, and every two weeks thereafter, the chancellor shall conspicuously post on the department’s website a report that includes the following information, aggregated citywide and disaggregated by school, for the previous two weeks:

1. The total number and percentage of individuals who have either reported to the department that they have tested positive for COVID-19, or who have tested positive for COVID-19 based on testing conducted pursuant to the department’s testing policy, disaggregated by (i) teachers, (ii) administrators, (iii) students and (iv) other school staff;

2. Which schools were closed due to COVID-19 during the relevant reporting period and the period of time such schools were closed. If a school was closed more than once, then the number of closures shall be reported separately;

3. The number of classrooms closed due to COVID-19 during the reporting period and the periods of time such classrooms were closed. If a classroom was closed more than once, then the number of closures shall be reported separately;

4. The number and percentage of teachers fully vaccinated for COVID-19;

5. The number and percentage of teachers partially vaccinated for COVID-19;

6. The number and percentage of administrators fully vaccinated for COVID-19;

7. The number and percentage of administrators partially vaccinated for COVID-19;

8. The number and percentage of other school staff fully vaccinated for COVID-19;

9. The number and percentage of other school staff partially vaccinated for COVID-19;

10. To the extent such information is collected, the number and percentage of students fully vaccinated for COVID-19;

11. To the extent such information is collected, the number and percentage of students partially vaccinated for COVID-19; and

12. The overall percentage of individuals attending or working at each school who have been (i) fully vaccinated, and (ii) partially vaccinated.

c. The information required pursuant to paragraphs 10, 11 and 12 of subdivision b of this section shall, to the extent such information includes students, only include students who are eligible to be fully vaccinated or partially vaccinated, and shall also include the total number of students for which such information was collected by the department.

d. No later than 30 days after the effective date of this local law, and monthly thereafter, the chancellor shall conspicuously post on the department's website the aggregated and disaggregated information relating to students required pursuant to subdivision b of this section, further disaggregated by grade level, gender, race or ethnicity, individualized education program status, English language learner status, status as a student residing in shelter, and status as a student in temporary housing other than students who are residing in shelter, to the extent such information is collected.

e. The report required by subdivision b of this section shall include a data dictionary.

f. 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 information. If a category contains between 1 and 5 persons, or contains an amount that would allow another category that contains between 1 and 5 persons to be deduced, the number shall be replaced with a symbol. A category that contains 0 shall be reported as 0, unless such reporting would violate any applicable provision of federal, state or local law relating to the privacy of information.

§ 2. This local law takes effect immediately and remains in effect until June 30, 2023, when it is deemed repealed.

MARK TREYGER, *Chairperson*; DANIEL DROMM, BRADFORD S. LANDER, STEPHEN T. LEVIN, INEZ D. BARRON, ROBERT E. CORNEGY, BEN KALLOS, BARRY S. GRODENCHIK,, JUSTIN L. BRANNAN, FARAH N. LOUIS, KEVIN C. RILEY, JAMES F. GENNARO, JOSEPH C. BORELLI; Committee on Education, November 10, 2021.

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 Environmental Protection**

Report for Int. No. 2168-A

**Report of the Committee on Environmental Protection 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 creating a water account database.**

The Committee on Environmental Protection to which the annexed proposed amended local law was referred on December 10, 2020 (Minutes, page 2595), respectfully

**REPORTS:**

## I. INTRODUCTION

On November 10, 2021, the Committee on Environmental Protection, chaired by Council Member James F. Gennaro, held a hearing on Int. No. 2168-A, in relation to creating a water account database.

The Committee previously held a hearing on Int. No. 2168 on October 20, 2021 and received testimony from the New York City Department of Environmental Protection (DEP), licensed plumbers, and interested members of the public. More information about this legislation is available with the materials for this hearing, which can be accessed online at <https://on.nyc.gov/3bWIWYs>.

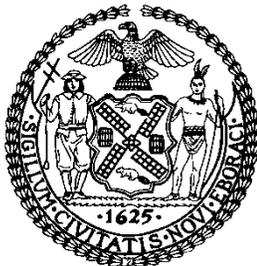
## II. INT. NO. 2168-A

Int. No. 2168-A would require the Commissioner of Environmental Protection to create a searchable online database through which anyone who registers and pays a periodic subscription fee may access information relating to individual water meters, except that for 1 to 3 family homes, such database shall only be accessible to the property owner, or a person authorized by such property owner, and access shall not be subject to a fee. Information on such database would include, but not be limited to, water meter billing data and balances, water usage amounts, and technical information about the water meter. The bill would also require a periodic notice to be sent to 1 to 3 family homes with outstanding water and sewer charges. This legislation would take effect 120 days after it becomes law, except that the Commissioner of Environmental Protection may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

## III. UPDATE

On November 10, 2021, the Committee held a vote on Int. No. 2168-A. The Committee passed Int. No. 2168-A with 4 in the affirmative, 0 in the negative, and 0 abstentions. Thus, the Committee recommends adoption.

(The following is the text of the Fiscal Impact Statement for Int. No. 2168-A:)



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

**PROPOSED INT. NO. 2168-A**

Environmental Protection

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to creating a water account database.

**SPONSORS:** Council Members Brannan, Koslowitz, D. Diaz and Rose.

**SUMMARY OF LEGISLATION:** Proposed Int. No. 2168-A would require the Commissioner of Environmental Protection to create a searchable online database through which anyone who registers and pays a periodic

subscription fee may access information relating to water meters, with the exception of 1-3 family homes. Such information will include, but not be limited to, water meter billing data and balances, consumption usage and technical information about the water meter.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2023

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY22</b>	<b>FY Succeeding Effective FY23</b>	<b>Full Fiscal Impact FY23</b>
<b>Revenues (+)</b>	TBD	TBD	TBD
<b>Expenditures (-)</b>	\$100,000	\$0	\$0
<b>Net</b>	\$100,000	TBD	TBD

**IMPACT ON REVENUES:** It is estimated that there would be some impact to revenues from the periodic subscription fee the Department of Environmental Protection (DEP) would charge customers for accessing information on the database. The fee amount is unknown at the time of drafting this fiscal impact statement.

**IMPACT ON EXPENDITURES:** It is anticipated that this legislation would impact expenditures in the amount of \$100,000 for Fiscal 2022, which is based on the hiring of technology consultants to design, develop and conduct system analysis of the database. Additional support staff may be needed for the upkeep and maintenance of the database, which may result in additional costs in Fiscal 2023 and beyond.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** General Fund

**SOURCES OF INFORMATION:** New York City Council Finance Division  
Mayor's Office of City Legislative Affairs  
Department of Environmental Protection

**ESTIMATE PREPARED BY:** Jonathan Seltzer, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Crilhien Francisco, Unit Head  
Stephanie Ruiz, Assistant Counsel  
Nathan Toth, Deputy Director

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 2168 on December 10, 2020 and was referred to the Committee on Environmental Protection (the Committee). A hearing was held by the Committee jointly with the Committee on Parks and Recreation and the Committee on Resiliency and Waterfronts on October 20, 2021, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 2168-A, will be voted on by the Committee at a hearing on November 10, 2021. Upon a successful vote by the Committee, Proposed Intr. No. 2168-A will be submitted to the full Council for a vote on November 10, 2021.

**DATE PREPARED:** November 10, 2021.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 2168-A:)**

## Int. No. 2168-A

By Council Members Brannan, Koslowitz, Gennaro, D. Diaz, Rose and Levin.

**A Local Law to amend the administrative code of the city of New York, in relation to creating a water account database**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 4 of chapter 3 of title 24 of the administrative code of the city of New York is amended by adding new sections 24-368 and 24-369 to read as follows:

§ 24-368 Database of water accounts. *a. Notwithstanding any contrary provision of chapter 5 of title 23, the commissioner of environmental protection shall create and maintain a searchable online database through which members of the public who register and pay a periodic subscription fee, as established by the department, may access information about a water account in any commercial, residential and industrial property, however such database shall be subject to the exceptions provided in subdivision b. Such database shall be available on or through the city's website, in a non-proprietary format that permits automated processing, have the ability to produce reports by query, be accessible through an application programming interface and include all non-confidential information maintained in connection with such water account, including, but not necessarily limited to, the following:*

- 1. Water meter number, as designated by the 8-digit serial number on such meter;*
- 2. Date and copy of the bill of every bill issued for such water account, including metered billing and flat rate accounts and accounts billed attributed consumption charges, to the extent such bill is available to the customer for such water account on the portal provided to such customer;*
- 3. Reading of such water meter, as recorded by the department, to the extent such reading is available to the department;*
- 4. Total amount of water used pursuant to the reading described in paragraph 3 of this subdivision;*
- 5. Current account balance for such water account, including open late payment charges;*
- 6. Payment history dating back at least 5 years;*
- 7. Date such water meter was installed and date such water meter was sealed, to the extent such dates are available;*
- 8. Size of such water meter, in cubic feet;*
- 9. Cumulative denial-of-access fees; and*
- 10. Cumulative theft-of-service fees.*

*b. Such database shall not provide access to properties in tax class one with three or fewer dwelling units, to any person other than the owner of such property, a party or entity authorized by the property owner, a party appearing on the deed of such property, or any lender with an unpaid mortgage encumbering the property, provided that such property owners shall not be required to pay to register to access information in such database concerning said properties.*

*c. The database shall maintain the information required by subdivision a for any water meter that has been replaced.*

*d. The database shall include the information required by subdivision a starting from January 1, 1996 or the date the water meter was installed, whichever is later.*

§ 24-369 Notice to certain property owners. Notice shall be provided once every three months to an owner of a one, two or three family residential real property in class one with outstanding water and sewer charges.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of environmental protection may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

JAMES F. GENNARO, *Chairperson*; STEPHEN T. LEVIN, DARMA V. DIAZ, ERIC A. ULRICH; Committee on Environmental Protection, November 10, 2021. *Other Council Members Attending: Council Member Brannan.*

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

### **Report of the Committee on Finance**

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

Report for Res. No. 1785

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

The Committee on Finance, to which the annexed preconsidered resolution was referred on November 10, 2021, respectfully

#### **REPORTS:**

Introduction. The Council of the City of New York (the “Council”) annually adopts the City’s budget covering expenditures other than for capital projects (the “expense budget”) pursuant to Section 254 of the Charter. On June 30, 2021, the Council adopted the expense budget for fiscal year 2022 with various programs and initiatives (the “Fiscal 2022 Expense Budget”).

Analysis. In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving funding in accordance with the Fiscal 2022 Expense Budget, and amendments to the description for the Description/Scope of Services of certain organizations receiving funding in accordance with the Fiscal 2022 Expense Budget.

This Resolution, dated November 10, 2021 approves the new designation and the changes in the designation of certain organizations receiving local, youth, and anti-poverty discretionary funding and funding for certain initiatives in accordance with the Fiscal 2022 Expense Budget, and amends the description for the Description/Scope of Services of certain organizations receiving local, youth, and anti-poverty discretionary funding and funding for certain initiatives in accordance with the Fiscal 2022 Expense Budget.

This Resolution sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2022 Expense Budget, as described in Chart 1; sets forth the new designation and the changes in the designation of certain organizations receiving youth discretionary funding pursuant to the Fiscal 2022 Expense Budget, as described in Chart 2; sets forth the new designation and the changes in the designation of certain organizations receiving anti-poverty discretionary funding pursuant to the Fiscal 2022 Expense Budget, as described in Chart 3; sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to certain initiatives pursuant to the Fiscal 2022 Expense Budget, as described in Charts 4-23; amends the description for the Description/Scope of Services of certain organizations receiving local, youth, and anti-poverty discretionary funding and funding for certain initiatives in accordance with the Fiscal 2022 Expense Budget, as described in Chart 24; and sets forth the designation of certain organizations receiving funding pursuant to the Beating Hearts Initiative in accordance with the Fiscal 2022 Expense Budget as described in Chart 51.

Specifically, Chart 1 sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2022 Expense Budget. Several of these designations will be effectuated upon a budget modification.

Chart 2 sets forth the new designation and the changes in the designation of certain organizations receiving youth discretionary funding pursuant to the Fiscal 2022 Expense Budget.

Chart 3 sets forth the new designation and the change in the designation of certain organizations receiving funding pursuant to the Anti-Poverty Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 4 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2022 Expense Budget. Several of these designations will be effectuated upon a budget modification.

Chart 5 sets forth the new designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 6 sets forth the new designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2022 Expense Budget. One of these designations will be effectuated upon a budget modification.

Chart 7 sets forth the new designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2022 Expense Budget. One of these designations will be effectuated upon a budget modification.

Chart 8 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2022 Expense Budget. Several of these designations will be effectuated upon a budget modification.

Chart 9 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant in accordance with the Fiscal 2022 Expense Budget. Several of these designations will be effectuated upon a budget modification.

Chart 10 sets forth the new designation of a certain organization receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 11 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 12 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 13 sets forth the new designation of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 14 sets forth the new designation and the change in the designation of certain organizations receiving funding pursuant to the Art a Catalyst for Change Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 15 sets forth the new designation of certain organizations receiving funding pursuant to the Stabilizing NYC Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 16 sets forth the new designation and the change in the designation of certain organizations receiving funding pursuant to the Court-Involved Youth Mental Health Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 17 sets forth the new designation of certain organizations receiving funding pursuant to the Mental Health Services for Vulnerable Populations Initiative in accordance with the Fiscal 2022 Expense Budget. Several of these designations will be effectuated upon a budget modification.

Chart 18 sets forth the new designation and the change in the designation of certain organizations receiving funding pursuant to the Pandemic Support for Human Service Providers Initiative in accordance with the Fiscal 2022 Expense Budget. All such designations will be effectuated upon a budget modification.

Chart 19 sets forth the new designation of a certain organization receiving funding pursuant to the Autism Awareness Initiative in accordance with the Fiscal 2022 Expense Budget. Such designation will be effectuated upon a budget modification.

Chart 20 sets forth the change in the designation of certain organizations receiving funding pursuant to the Children Under Five Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 21 sets forth the new designation of a certain organization receiving funding pursuant to the Adult Literacy Pilot Project Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 22 sets forth the new designation of a certain organization receiving funding pursuant to the Hate Crime Prevention Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 23 sets forth the new designation of a certain organization receiving funding pursuant to the LGBTQ Inclusive Curriculum Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 24 amends the description for the Description/Scope of Services of certain organizations receiving local, youth, and anti-poverty discretionary funding and funding for certain initiatives in accordance with the Fiscal 2022 Expense Budget. One of the amended designations will be effectuated upon a budget modification.

Chart 25 sets forth the organizations that will receive equipment, specifically an automated external defibrillator, funded by the Beating Hearts Initiative as designated in Schedule C for Fiscal 2022.

It is to be noted that organizations identified in the attached Charts with an asterisk (\*) have not yet completed or began the prequalification process conducted by the Mayor's Office of Contract Services (for organizations to receive more than \$10,000) by the Council (for organizations to receive \$10,000 or less total), or other government agency. Organizations identified without an asterisk have completed the appropriate prequalification review.

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

Description of Above-captioned Resolution. In the above-captioned Resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2022 Expense Budget. Such Resolution would take effect as of the date of adoption.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 1785:)**

Preconsidered Res. No. 1785

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

By Council Member Dromm.

**Whereas**, On June 30, 2021, the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2022 with various programs and initiatives (the “Fiscal 2022 Expense Budget”); and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2022 Expense Budget by approving the new designation and the changes in the designation of certain organizations receiving local, youth, and anti-poverty discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2022 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local, youth, and anti-poverty discretionary funding and funding for certain initiatives; now, therefore, be it

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2022 Expense Budget, as set forth in Chart 1; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving youth discretionary funding pursuant to the Fiscal 2022 Expense Budget, as set forth in Chart 2; and be it further

**Resolved**, That the City Council approves the new designation and the change in the designation of certain organizations receiving anti-poverty discretionary funding pursuant to the Fiscal 2022 Expense Budget, as set forth in Chart 3; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 4; and be it further

**Resolved**, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 5; and be it further

**Resolved**, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 6; and be it further

**Resolved**, That the City Council approves the new designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 7; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 8; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 9; and be it further

**Resolved**, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 10; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 11; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 12; and be it further

**Resolved**, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 13; and be it further

**Resolved,** That the City Council approves the new designation and the change in the designation of certain organizations receiving funding pursuant to the Art a Catalyst for Change Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 14; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Stabilizing NYC Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 15; and be it further

**Resolved,** That the City Council approves the new designation and the change in the designation of certain organizations receiving funding pursuant to the Court-Involved Youth Mental Health Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 16; and be it further

**Resolved,** That the City Council the new designation of certain organizations receiving funding pursuant to the Mental Health Services for Vulnerable Populations Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 17; and be it further

**Resolved,** That the City Council approves the new designation and the change in the designation of certain organizations receiving funding pursuant to the Pandemic Support for Human Service Providers Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 18; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Autism Awareness Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 19; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Children Under Five Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 20; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Adult Literacy Pilot Project Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 21; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Hate Crime Prevention Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 22; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the LGBTQ Inclusive Curriculum Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 23; and be it further

**Resolved,** That the City Council amends the description for the Description/Scope of Services of certain organizations receiving local, youth, and anti-poverty discretionary funding and funding for certain initiatives in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 24; and be it further

**Resolved,** That the City Council sets forth the organizations that will receive equipment, specifically an automated external defibrillator, funded by the Beating Hearts Initiative as designated in Schedule C for Fiscal 2022, as set forth in Chart 25.

**(For text of the Exhibit Charts, please refer to the attachments section of the [Res. No. 1785 of 2021](https://council.nyc.gov) file in the legislation section of the New York City Council website at <https://council.nyc.gov>)**

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, SELVENA N. BROOKS-POWERS, STEVEN MATTEO; Committee on Finance, November 10, 2021.

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. 908

**Report of the Committee on Land Use in favor of approving Culver El Phase I, Block 5295, Lots 4, 104, 105, 106, 107, 108, 111, 112, and 113; Brooklyn, Community District No. 12; Council District No. 39.**

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on November 10, 2021 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

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

November 10, 2021

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 November 10, 2021 – Resolution approving a tax exemption for three Land Use items (Council Districts 8 and 39)

**Item 1: Culver El Phase I**

Culver El Phase I is a new-construction affordable condominium project consisting of 36 units in nine buildings located at the northern edge of Borough Park, Brooklyn. Each building is four stories and contains four units, and all units are either three-bedroom or four-bedroom. There are also approximately nine parking driveways which will be sold and deeded separately. The project had a full Article XI tax exemption from November 25, 2014 to November 25, 2020, which was intended to cover the entirely construction period. Because of multiple construction and administrative delays, the units are only recently being marketed for sale.

The Department of Housing Preservation and Development (HPD) is requesting that the Council extend the expired full Article XI tax exemption an additional three years, through November 25, 2023, to cover the close out and marketing period. The existing regulatory agreement between owner NYC Partnership Housing Development Fund Company, Inc. (HDFC) and HPD would be amended to be extended through November 25, 2023. Under that regulatory agreement, 12 of the units would be available for households making less than 90% of the Area Median Income (AMI), and 24 of the units would be available for households making less than 110% of the AMI.

**Summary:**

- Borough – Brooklyn
- Block 5295, Lots 4, 104, 105, 106, 107, 108, 111, 112, and 113

- Council District – 39
- Council Member – Lander
- Council Member approval – yes
- Number of buildings – 9
- Number of units – 36
- Type of exemption – Article XI, full, 3-year extension
- Population – affordable homeownership
- Sponsor – Culver Housing Developments, LLC; Southern Brooklyn Community Organization, NYC Partnership HDFC
- Purpose – new construction
- Cost to the City – \$1.6M
- AMI targets – 12 units at 90% AMI, 24 units at 110% AMI

### **Item 2: 55 Summit**

55 Summit consists of one building in the borough of Brooklyn, containing one studio and four two-bedroom affordable housing units.

In 2019, SS Dev Partners LLC (LLC) acquired the exemption area, under the Inclusionary Zoning program, and entered into a Mandatory Inclusionary Housing (MIH) Restrictive Declaration with HPD on November 25, 2020. The intent of entering into the MIH Restrictive Declaration was for the LLC to construct a new building containing five affordable cooperative units, next to four market-rate townhomes in Brooklyn. Under the proposed project, The 55 Summit Street HDFC will acquire the building, and the LLC will become the beneficial owner and operate the exemption area.

HPD is requesting that the Council approve a full, 40-year Article XI tax exemption to support the new construction of affordable housing. Under that regulatory agreement, the five units included in the exemption area would be available for households making less than 80% of the AMI, and the remaining four units not within the exemption area would be sold as market-rate single-family units.

### **Summary:**

- Borough – Brooklyn
- Block 352, p/o Lot 49 (Tentative Lot 150)
- Council District – 39
- Council Member – Lander
- Council Member approval – yes
- Number of buildings – 1
- Number of units – 5
- Type of exemption – Article XI, full, 40-year
- Population – affordable homeownership
- Sponsor – The 55 Summit Street Housing Development Fund Company, Inc.; SS Dev Partners LLC
- Purpose – new construction
- Cost to the City – \$196,220
- AMI targets – 5 units at 80% AMI

### **Item 3: Revive 103**

Revive 103 consists of one building in East Harlem, Manhattan, containing 10 studios, 29 one-bedrooms, 11 two-bedrooms (one unit reserved for the superintendent), and 10 three-bedrooms. All units except the

superintendent's unit are currently covered under a Mark-Up-to-Market project-based Housing Assistance Payment (HAP) contract. Revive 103 Associates L.P. is the current owner of the building, and the exemption area currently receives an Article V tax exemption that will expire in 2025.

Under the proposed project, Revive 103 HDFC will acquire the building, and Revive 103 L+M Workforce Holdings LLC (LLC) will operate the exemption area. The HDFC and the LLC will finance the acquisition with a bridge loan from a private lending institution and the rehabilitation of the building with a mortgage insured by the United States Department of Housing and Urban Development (HUD). Upon the expiration of the 20-year HAP contract, the project will be required to renew per requirements in the HPD's regulatory agreement.

HPD is requesting that the Council approve a partial, 40-year Article XI tax exemption to support the preservation of the rental units. The LLC and the HDFC would enter into a 40-year regulatory agreement with HPD which would require that all units within the exemption area be rented to households earning less than 50% of AMI. Additionally, the prior Article V tax exemption would terminate and the current owner, Revive 103 Associates L.P., would voluntarily dissolve.

Summary:

- Borough – Manhattan
- Block 1630, Lot 41
- Council District – 8
- Council Member – Ayala
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 60
- Type of exemption – Article XI, partial, 40 years
- Population – affordable rental
- Sponsor – Revive 103 Housing Development Fund Corporation; Revive 103 L+M Workforce Holdings LLC
- Purpose – preservation
- Cost to the City – \$1.7M
- Housing Code Violations
  - Class A – 4
  - Class B – 31
  - Class C – 8
- AMI targets – 59 units at 50% AMI

**(For text of the coupled resolutions for L.U. Nos. 909 and 910, please see the Report of the Committee on Finance for L.U. Nos. 909 and 910, respectively, printed in these Minutes; for the coupled resolution for L.U. No. 908, please see below:)**

*Accordingly, this Committee recommends the adoption of L.U. Nos. 908, 909, and 910.*

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

## Res. No. 1786

**Resolution approving an amendment to a previously approved real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located at (Block 5295, Lots 4, 104, 105, 106, 107, 108, 111, 112, and 113), Brooklyn (Preconsidered L.U. No. 908).**

By Council Member Dromm.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated October 18, 2021 that the Council amend a previously approved tax exemption for real property located at (Block 5295, Lots 4, 104, 105, 106, 107, 108, 111, 112, and 113), Brooklyn (“Exemption Area”) pursuant to Section 577 of the Private Housing Finance Law;

**WHEREAS**, the HPD’s request for amendments is related to a previously Resolution adopted by City Council on June 7, 2018 (Resolution 393) (the “Prior Resolution”), granting the Exemption Area a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law;

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

**RESOLVED:**

The Council approves the amendments to the Prior Resolution requested by HPD for the Exemption Area pursuant to Section 577 of the Private Housing Finance Law as follows:

Definitions a, e, h, and i of Paragraph 1 of the Prior Resolution are deleted and replaced with the following:

1. a. [Intentionally Omitted]
- e. “Expiration Date” shall mean with respect to any individual tax lot, now existing or hereafter created, within the Exemption Area, the earlier to occur of (i) a date which is nine (9) years from the Effective Date, (ii) the date of the expiration of termination of the Regulatory Agreement, or (iii) the date upon which any such tax lot ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- h. “Owner” shall mean the HDFC.
- i. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner dated February 28, 2019, recorded and filed on March 28, 2019 CRFN No. 2019000099590, that establishes certain controls upon the operation of the Exemption Area during the term of the Exemption and the amendment made to such Regulatory Agreement on or after September 1, 2021.

Except as specifically amended above, all other terms, conditions, provisions and requirements of the Prior Resolution remain in full force and effect.

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, KEITH POWERS,

FARAH N. LOUIS, DARMA V. DIAZ, SELVENA N. BROOKS-POWERS, STEVEN MATTEO; Committee on Finance, November 10, 2021.

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. 909

**Report of the Committee on Land Use in favor of approving 55 Summit, Block 352, p/o Lot 49 (Tentative Lot 150); Brooklyn, Community District No. 6; Council District No. 39.**

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on November 10, 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. 908 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 1787

**Resolution approving an exemption from real property taxes for property located at Block 352, p/o Lot 49 (Tentative Lot 150) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 909).**

By Council Member Dromm.

**WHEREAS**, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated October 19, 2021 that the Council take the following action regarding a housing project located at Block 352, p/o Lot 49 (Tentative Lot 150) 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. “Company” shall mean SS Dev Partners 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 Brooklyn, City and State of New York, identified as Block 352, p/o Lot 49 (Tentative Lot 150) 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 The 55 Summit Street Housing Development Fund Company, Inc. or a housing development fund company that acquires 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 Mandatory Inclusionary Housing Restrictive Declaration between HPD and the Company dated November 25, 2020, recorded and filed on December 4, 2020 CRFN No. 2020000345104, and that establishes certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Notwithstanding any provision hereof to the contrary:
  - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

- b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that has a new permanent certificate of occupancy or a temporary certificate of occupancy for all of the residential areas on or before November 25, 2023, or as such deadline may be extended with the prior written consent of HPD.
  - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
4. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, SELVENA N. BROOKS-POWERS, STEVEN MATTEO; Committee on Finance, November 10, 2021.

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. 910

**Report of the Committee on Land Use in favor of approving Revive 103, Block 1630, Lot 41; Manhattan, Community District No. 11; Council District No. 8.**

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on November 10, 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. 908 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 1788

**Resolution approving a new exemption from real property taxes pursuant to Section 577 of the Private Housing Finance Law (PHFL), the termination of a prior exemption pursuant to PHFL Section 125,**

**and consent to the voluntary dissolution of the prior owner pursuant to PHFL Section 123(4) for property located at Block 1630, Lot 41, Manhattan (Preconsidered L.U. No. 910).**

By Council Member Dromm.

**WHEREAS**, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated November 5, 2021 that the Council take the following action regarding a housing project located at Block 1630, Lot 41, 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”);

Approve the termination of a prior tax exemption for the Exemption Area pursuant to PHFL Section 125 (the “Termination”);

Consent to the voluntary dissolution of the current owner pursuant to PHFL Section 123(4) (the “Dissolution”);

**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; Termination and Dissolution;

**RESOLVED:**

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

1. Approve the exemption from real property taxation pursuant to Section 577 of the Private Housing Finance Law as follows:
  - a. For the purposes hereof, the following terms shall have the following meanings:
    - (1) “Company” shall mean Revive 103 L+M Workforce Holdings LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
    - (2) “Contract 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 Contract Rent Differential Tax for the applicable tax year.
    - (3) “Contract Rent Differential” shall mean the amount by which the total contract rents applicable to the Exemption Area for such tax year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date.
    - (4) “Contract Rent Differential Tax” shall mean the sum of (i) \$170,836, plus (ii) twenty-five percent (25%) of the Contract Rent Differential; provided, however, that the total annual real property tax payment by the New Owner shall not at any time exceed the lesser of (A) seventeen percent (17%) of the contract rents in the applicable tax year, or (B) 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. Notwithstanding the foregoing, if the New Owner fails to provide the contract rents on or before the Contract Rent Deadline, Contract Rent Differential 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.

- (5) “Current Owner” shall mean Revive 103 Associates L.P.
  - (6) “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the New Owner enter into the Regulatory Agreement.
  - (7) “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1630, Lot 41 on the Tax Map of the City of New York.
  - (8) “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.
  - (9) “HDFC” shall mean Revive 103 Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - (10) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - (11) “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
  - (12) “New Owner” shall mean, collectively, the HDFC and the Company.
  - (13) “PHFL” shall mean the Private Housing Finance Law.
  - (14) “Prior Exemption” shall mean the exemption from real property taxation for the Exemption Area pursuant to Section 125 of the PHFL approved by the Board of Estimate on December 30, 1983 (Cal. No. 1).
  - (15) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the New Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
- b. 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.

- c. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the New Owner shall make real property tax payments in the sum of the Contract Rent Differential Tax.
  - d. Notwithstanding any provision hereof to the contrary:
    - (1) 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 New 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.
    - (2) 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.
    - (3) Nothing herein shall entitle the HDFC, the New 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.
  - e. 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.
2. Approve, pursuant to Section 125 of the PHFL, the termination of the Prior Exemption with respect to the Exemption Area, which termination shall become effective one day preceding the conveyance of the Exemption Area from the Current Owner to the New Owner.
  3. Consent, pursuant to Section 123(4) of the PHFL, to the voluntary dissolution of the Current Owner.
  4. If the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur either (i) within one day following the termination of the Prior Exemption, or (ii) on the same day as the voluntary dissolution of the Current Owner, then all of the approvals and consents set forth above shall be null and void, the dissolution of the Current Owner shall be rescinded, and both the obligations of the Current Owner to remain an Article V development company and the Prior Exemption shall be reinstated as though they had never been terminated or interrupted.

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, KEITH POWERS,

FARAH N. LOUIS, DARMA V. DIAZ, SELVENA N. BROOKS-POWERS, STEVEN MATTEO; Committee on Finance, November 10, 2021.

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. 1232-A

#### **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 requiring homeless shelters to post signs and distribute other materials relating to shelter transfers.**

The Committee on General Welfare, to which the annexed proposed local law was referred on November 14, 2018 (Minutes, page 4387), respectfully

#### **REPORTS:**

##### **I. Introduction**

On November 10, 2021, the Committee on General Welfare, chaired by Council Member Stephen Levin, held a hearing on Proposed Int. Nos. 1232-A and 1233-A, both sponsored by Council Member Levin. The Committee previously held a hearing on these bills on December 17, 2018. At that hearing, those who testified included representatives from the Department of Social Services, advocates for the homeless, and other concerned members of the community. At the hearing on November 10, 2021, the Committee voted 6 in favor, 0 opposed and 0 abstentions on Proposed Int. 1232-A and Proposed Int. 1233-A.

##### **II. Background**

###### *Homelessness in New York City*

Average Length of Stay In Shelter (in days)		
	Fiscal Year 2017	Fiscal Year 2021
Single Adults	383	476
Adult Families	559	773
Families With Children	414	520

New York City continues to face record levels of homelessness. The Department of Homeless Services (DHS) data shows that for the night of November 4, 2021 there were a total of 46,188 individuals in the shelter

system, including 8,582 families with children, 1,541 adult families, and 16,813 single adults.<sup>1</sup> As shown in the following chart, the average length of stay in a shelter has increased between Fiscal Year 2017 and Fiscal Year 2021 for all populations.<sup>2</sup> The most significant increase is among adult families.

Source: FY 2021 Mayor's Management Report

### ***The DHS Shelter system***

DHS operates separate shelter systems for single adults,<sup>3</sup> families with children<sup>4</sup> and adult families.<sup>5</sup> While the majority of shelters are operated by not-for-profit providers under contract with DHS,<sup>6</sup> the agency also enters into non-contractual arrangements with private landlords and commercial hotels in order to meet its legal obligation.<sup>7</sup> According to DHS, the system typically operates with a nightly vacancy rate of less than one percent.<sup>8</sup>

After being found eligible for shelter, families with children may be placed in a Tier II facility, a hotel, or a cluster site. According to New York State law, a Tier II facility “provides shelter and services to 10 or more homeless families including, at a minimum, private rooms, access to three nutritional meals a day, supervision, assessment services, permanent housing preparation services, recreational services, information and referral services, health services, and child-care services.”<sup>9</sup> The New York City Administrative Code prohibits the use of Tier I shelters (which do not have private units), and further requires that Tier II shelters provide a bathroom, a refrigerator and cooking facilities and an adequate sleeping area within each unit within the shelter.<sup>10</sup> As previously mentioned, families with children may also be placed in hotels and in cluster site facilities, which are apartments within private buildings where homeless families and lease-holding tenants reside.<sup>11</sup>

Adult families without children under the age of 21 are placed in either a Tier II facility, or what DHS classifies in its reporting data as Non-Tier II facilities, which are primarily hotels. Single adults in the shelter system are primarily divided by gender,<sup>12</sup> and each system includes assessment shelters, general shelters and program shelters.<sup>13</sup> As of October 31, 2018, DHS reported that there were 485 buildings with shelter units, including 153 Tier II facilities, 82 family cluster units and 105 hotels.<sup>14</sup>

<sup>1</sup> Department of Homeless Services, Daily Report: 11/5/21 (Data from Tuesday, November 4, 2021), *available at* <http://www1.nyc.gov/assets/dhs/downloads/pdf/dailyreport.pdf>

<sup>2</sup> Mayor's Management Report, Fiscal Year 2021, (Sept. 2021) *available at* <https://www1.nyc.gov/assets/operations/downloads/pdf/mmr2021/dhs.pdf>

<sup>3</sup> DHS considers a single adult to be any man or woman over the age of 18 who seeks shelter independently, without being accompanied by other adults or minors. See <http://www1.nyc.gov/site/dhs/shelter/singleadults/single-adults.page>.

<sup>4</sup> DHS considers families with children to be the following households: families with children younger than 21 years of age, pregnant women and families with a pregnant woman. See <http://www1.nyc.gov/site/dhs/shelter/families/families-with-children.page>.

<sup>5</sup> DHS considers an adult family to be any family without minor children, including the following household compositions: applicants who are a legally married couple and present a valid original marriage certificate; or applicants who are a domestic partners couple and present a valid original domestic partnership certificate; or adults who provide, as part of their application for Temporary Housing Assistance, proof establishing the medical dependence of one applicant upon another; and two or more adults who can provide birth certificates to prove a parent and child or sibling family relationship or share a "caretaking" (emotionally or physically supportive) relationship. See <http://www1.nyc.gov/site/dhs/shelter/families/adult-families.page>.

<sup>6</sup> LL 19 of 1999 Transitional Inventory Report for 2015 (Oct. 2015)(report on file with Committee staff)(hereinafter LL 19 Report).

<sup>7</sup> *Id.*

<sup>8</sup> Testimony of the Dept. of Homeless Services before the Committees on General Welfare and Education, Oversight: “DOE’s Support for Students who are Homeless or in Temporary Housing” (Feb. 4, 2016).

<sup>9</sup> 18 N.Y.C.R.R. § 900.2(2).

<sup>10</sup> N.Y.C. Admin Code. § 21-124 (b)(1).

<sup>11</sup> Testimony of Seth Diamond, Commissioner, Department of Homeless Services, hearing of the New York City Council General Welfare Committee, (June 10, 2010), p. 19.

<sup>12</sup> There are 4 co-ed shelters with a capacity for 268 single adults. *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> DHS Shelter Repair Scorecard (October 2018) *available at* [https://www1.nyc.gov/assets/dhs/downloads/excel/Shelter-Repair-Scorecard-Archive/scorecard\\_2018\\_oct\\_no\\_formulas\\_building\\_list.xlsx](https://www1.nyc.gov/assets/dhs/downloads/excel/Shelter-Repair-Scorecard-Archive/scorecard_2018_oct_no_formulas_building_list.xlsx)

### III. Bill Analyses

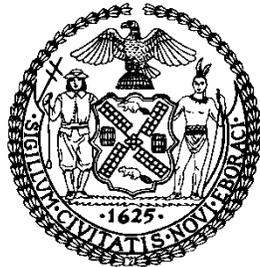
**Int. 1232-A** – A local law to amend the administrative code of the city of New York, in relation to requiring homeless shelters to post signs and distribute other materials relating to the shelter transfers

This bill would require the Department of Homeless Services (DHS) to create a sign and other relevant materials that inform residents of homeless shelters of various rights related to shelter transfers including the right to request an agency conference and a fair hearing to challenge the adequacy of their shelter placement. The bill requires that such signs be displayed conspicuously at all homeless shelters and related facilities and that the signs must also be available on DHS' website in each of the designated citywide languages. Since introduction, this bill has been amended to clarify that notice of various rights related to shelter transfers shall include the right to request an agency conference and a fair hearing to challenge the adequacy of a client's shelter placement. The bill would take effect 90 days after it becomes law.

**Int. 1233-A** – A local law to amend the administrative code of the city of New York, in relation to providing written notice for non-emergency shelter transfers

This bill would require DHS to provide written notification to shelter residents at least 48 hours prior to any non-emergency shelter transfer. The notification would include a detailed summary of reasons for the transfer, the name and address of the shelter the client is being transferred to, and language about how a client can obtain a copy of their case record. The legislation would also require that the same information be provided to clients affected by emergency transfers no later than 48 hours after the emergency transfer. The legislation would require DHS to submit an annual report on the number of emergency transfers and non-emergency transfers, disaggregated by the shelter type and the reason for transfers. Since introduction, this bill has been amended to include the requirement that shelter residents who are being transferred in both non-emergency and emergency transfers be provided additional information such as how they can obtain a copy of their case record. The bill would take effect 180 days after it becomes law.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1232-A):**



**THE COUNCIL OF THE CITY OF NEW YORK**

**FINANCE DIVISION**

**LATONIA MCKINNEY, DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INT. NO. 1232-A**

**COMMITTEE:** General Welfare

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring homeless shelters to post signs and distribute other materials relating to shelter transfers.

**Sponsors:** Council Members Levin, Ampry-Samuel, Gibson, and Menchaca.

**SUMMARY OF LEGISLATION:** Proposed Introduction 1232-A would require the Department of Social Services (DSS) to create, maintain, and update signs, and necessary related materials, related to shelter transfers, services available for shelter transfers, and client rights. Such signage should be conspicuously placed in all shelters and posted on the DSS website. The proposed legislation would require DSS to ensure that the signage and related materials are on their website in English and all the designated citywide languages.

**EFFECTIVE DATE:** This local law would take effect 90 days after it becomes law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2023

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY22</b>	<b>FY Succeeding Effective FY23</b>	<b>Full Fiscal Impact FY23</b>
<b>Revenues (+)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Expenditures (-)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation as DSS can utilize existing resources to fulfill the requirements of this legislation.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** New York City Council Finance Division

**ESTIMATE PREPARED BY:** Julia K. Haramis, Financial Analyst

**ESTIMATE REVIEWED BY:** Stephanie Ruiz, Assistant Counsel  
Dohini Sompura, Unit Head  
Regina Poreda Ryan, Deputy Director

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on November 14, 2018 as Introduction Number 1232 and was referred to the Committee on General Welfare (the Committee). A hearing was held by the Committee on December 17, 2018, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 1232-A, will be voted on by the Committee at a hearing on November 10, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 1232-A will be submitted to the full Council for a vote on November 10, 2021.

**DATE PREPARED:** November 8, 2021.

(For text of Int. No. 1233-A and its Fiscal Impact Statement, please see the Report of the Committee on General Welfare for Int. Nos. 1233-A printed in these Minutes; for text of Int. No. 1232-A, please see below)

*Accordingly, this Committee recommends the adoption of Int. Nos. 1232-A and 1233-A.*

**(The following is the text of Int. No. 1232-A:)**

Int. No. 1232-A

By Council Members Levin, Ampry-Samuel, Gibson, Menchaca, Kallos, Barron, Grodenchik, Rosenthal and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring homeless shelters to post signs and distribute other materials relating to shelter transfers**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 3 of chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-314.2 to read as follows:

§ 21-314.2 *Signage and other materials about shelter transfers. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Adult. The term “adult” means any person who is 18 years of age or older.*

*Adult family. The term “adult family” means a family comprising adults and no minor children.*

*Family with children. The term “family with children” means a family as defined by section 900.2 of title 18 of the New York codes, rules, and regulations.*

*Shelter. The term “shelter” means any temporary emergency housing provided to homeless adults, adult families and families with children by the department or by a provider under contract or similar agreement with the department.*

*b. The commissioner shall create, maintain, and update signs and any other related materials that are deemed necessary, including materials for people who have visual disabilities that include information about the office of disability affairs, related to shelter transfers. Such signage and related materials shall be conspicuously placed in all shelters and shall include, at a minimum:*

*1. A statement that individuals and families have a right to seek shelter and a right to shelter if eligible;*

*2. A statement that clients have a right to request a reasonable accommodation if they have a disabling condition that needs to be accommodated for them to access shelter;*

*3. A statement that the department will consider requests for transfer from clients who have a documented safety risk in a specific neighborhood, borough, or at a specific shelter;*

*4. A statement that clients have a right to request an agency conference or a fair hearing pursuant to part 358 of title 18 of the New York codes, rules and regulations to challenge the adequacy of a shelter placement;*

*5. Information about how to request an agency conference, fair hearing or any opportunity afforded to clients by an agency or staff to review the transfer;*

*6. A plain language summary of the department’s current transfer policy, which shall include examples of why a client may be transferred and the notification process should a transfer be initiated;*

*7. A statement that clients have the right to apply for shelter, even if they have left voluntarily;*

*8. Information about school-related transfers, including a statement that clients may request a transfer to a shelter closer to their child’s school and the process for requesting such a transfer; and*

*9. Contact information, including phone numbers for the 311 customer service center, available free legal assistance, and any appropriate non-profit organizations aimed at helping individuals find shelter.*

*c. The department shall ensure that such signage and related materials are available on the department’s website in English and each of the designated citywide languages as defined in section 23-1101 of the administrative code.*

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

STEPHEN T. LEVIN, *Chairperson*; BRADFORD S. LANDER, VANESSA L. GIBSON, ANTONIO REYNOSO, BARRY S. GRODENCHIK, DARMA V. DIAZ; Committee on General Welfare, November 10, 2021. *Other Council Members Attending: Council Members Louis and Ayala.*

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. 1233-A

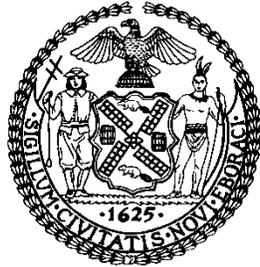
**Report of the Committee on General Welfare in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to providing written notice for shelter transfers.**

The Committee on General Welfare to which the annexed proposed amended local law was referred on November 14, 2018 (Minutes, page 4388), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on General Welfare for Int. No. 1232-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 1233-A:*



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

**PROPOSED INT. NO. 1233-A  
COMMITTEE: General Welfare**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to providing written notice for shelter transfers.

**Sponsors:** Council Members Levin, Ampry-Samuel, Salamanca, Jr., Gibson, Yeger, Rodriguez, Vallone, Maisel, Menchaca, Moya, Adams, Rivera, Reynoso, Dromm, Koo, Ayala, Rose, Holden, Gennaro, Riley, Lander, Rosenthal, Powers, D. Diaz, Treyger, Barron and R. Diaz, Sr.

**SUMMARY OF LEGISLATION:** Proposed Introduction 1233-A would require the Department of Social Services (DSS) to provide notice of a shelter transfer to clients being transferred to another shelter or related facility, including written notification, and where applicable, materials for persons with visual disabilities. By August 15, 2023, and annually thereafter, DSS would be required to submit a report to the speaker of the council and publish on its website indicating the number of each emergency and non-emergency transfers made in the previous fiscal year, disaggregated by shelter type, and the reason for the transfer.

**EFFECTIVE DATE:** This local law would take effect 180 days after it becomes law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2023

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY22</b>	<b>FY Succeeding Effective FY23</b>	<b>Full Fiscal Impact FY23</b>
<b>Revenues (+)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Expenditures (-)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation as DSS can utilize existing resources to fulfill the requirements of this legislation.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** New York City Council Finance Division

**ESTIMATE PREPARED BY:** Julia K. Haramis, Financial Analyst

**ESTIMATE REVIEWED BY:** Stephanie Ruiz, Assistant Counsel  
Dohini Sompura, Unit Head  
Regina Poreda Ryan, Deputy Director

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on November 14, 2018 as Introduction Number 1233 and was referred to the Committee on General Welfare (the Committee). A hearing was held by the Committee on December 17, 2018, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 1233-A, will be voted on by the Committee at a hearing on November 10, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 1233-A will be submitted to the full Council for a vote on November 10, 2021.

**DATE PREPARED:** November 8, 2021.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 1233-A:)**

Int. No. 1233-A

By Council Members Levin, Ampry-Samuel, Salamanca, Gibson, Yeger, Rodriguez, Vallone, Maisel, Menchaca, Moya, Adams, Rivera, Reynoso, Dromm, Koo, Ayala, Rose, Holden, Gennaro, Riley, Lander, Rosenthal, Powers, D. Diaz, Treyger, Barron, R. Diaz Sr., Kallos, Grodenchik and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to providing written notice for shelter transfers**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-325 to read as follows:

§ 21-325 Notification and documentation for shelter transfers. a. Definitions. For the purposes of this section the following terms have the following meanings:

*Adult.* The term “adult” means any person who is 18 years of age or older.

*Adult family.* The term “adult family” means a family comprising adults and no children.

*Emergency transfer.* The term “emergency transfer” means a transfer conducted pursuant to subdivision b of section 491.15 or paragraph 5 of subdivision b of section 900.15 of title 18 of the New York codes, rules, and regulations that the department or a provider under contract or similar agreement with the department determines must be carried out immediately to protect against an imminent risk to the health and safety of clients and staff.

*Family with children.* The term “family with children” means a family as defined by section 900.2 of title 18 of the New York codes, rules, and regulations.

*Non-emergency transfer.* The term “non-emergency transfer” means any transfer conducted pursuant to subdivision b of section 491.15 or paragraph 5 of subdivision b of section 900.15 of title 18 of the New York codes, rules, and regulations that is not an emergency transfer.

*Shelter.* The term “shelter” means temporary housing assistance provided to homeless

*single adults, adult families, and families with children by the department or a provider under contract or similar agreement with the department.*

*b. Not less than 48 hours prior to a non-emergency transfer, other than transfers requested by the client themselves or their representative, clients being transferred to another shelter or related facility must be provided notice of their transfer including written notification and where applicable, materials for persons with visual disabilities. Such notice must be provided during usual business hours and be made available in the client's primary language, provided that such primary language is a covered language defined in section 21-190.*

*c. The notice shall include, at a minimum, the client's name; information on how someone can request a reasonable accommodation; the name and address of the shelter the client is being transferred from; the name and address of the shelter the client is being transferred to; a specific reason or reasons for the transfer; relevant staff contact information at the shelter the client is being transferred from; a statement informing the client that case information including any current or pending housing vouchers they have been deemed eligible for, completed supportive housing applications, apartment referrals to the department of housing preservation and development, and other relevant information as part of their independent living plan and any reasonable accommodations on file shall made available at the shelter they will be transferred to by a shelter case manager. The notice shall additionally include language explaining the right to receive a copy of any documents from the individual's case record and how the client can obtain a copy of such documents and information; information on how the client can apply for mail forwarding services to a new address; information about how the client can access storage for their belongings; and information about how the client can request a fair hearing with the New York state office of temporary and disability assistance if they wish to contest the adequacy of their shelter placement or any other opportunity afforded to clients by an agency or staff to review the transfer.*

*d. For emergency transfers, affected clients must be provided with, at a minimum, written notice of the transfer that includes the client's name, that the transfer is of an emergency nature and that additional documentation regarding the transfer will be provided to the client. Affected clients must also be provided with written documentation of the transfer in compliance with subdivision c of this section, where practicable, no later than 48 hours after the emergency transfer.*

*e. Any requirements set forth in this section shall be implemented in compliance with section 491.15 or section 900.15 of title 18 of the New York codes, rules and regulations or any successive provisions in the New York codes, rules and regulations.*

*f. Reporting. On or before August 15, 2023 and annually thereafter, the department shall submit a report to the speaker of the council and publish on its website the number of emergency transfers made in the previous fiscal year disaggregated by shelter type and the reason for the transfer as documented in the Client Assistance and Rehousing Enterprise System, and the number of non-emergency transfers made in the previous fiscal year disaggregated by shelter type and the reason for the transfer as documented in the Client Assistance and Rehousing Enterprise System.*

*g. Shelter Capacity. The department shall secure and maintain shelter system capacity necessary to comply with subdivision b and subdivision d of this section.*

§ 2. This local law takes effect 180 days after it becomes law.

STEPHEN T. LEVIN, *Chairperson*; BRADFORD S. LANDER, VANESSA L. GIBSON, ANTONIO REYNOSO, BARRY S. GRODENCHIK, DARMA V. DIAZ; Committee on General Welfare, November 10, 2021. *Other Council Members Attending: Council Members Louis and Ayala.*

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. 2262-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 and the New York city building code, in relation to final inspections for temporary construction equipment permits and prohibiting stand-off brackets.**

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on April 22 2021 (Minutes, page 886), respectfully

#### **REPORTS:**

##### **Introduction**

On November 10, 2021, the Committee on Housing and Buildings, chaired by Council Member Robert E. Cornegy, Jr, held a hearing on Int. No. 2262-A, in relation to final inspections for temporary construction equipment permits and stand-off brackets, Int. No. 2263-A, in relation to the definition of major building, Int. No. 2264-A, in relation to cold-formed steel construction, and Int. No. 2276-A, in relation to construction superintendents. These bills were first heard on September 13, 2021. [More information about this bill along with the materials for that hearing can be found at https://on.nyc.gov/3CW6E1z.](https://on.nyc.gov/3CW6E1z)

##### **Background**

##### **INT. NO. 2262-A**

Section one of Int. No. 2262-A adds an exception to the requirement that a final inspection be conducted prior to the issuance of a letter of completion so that final inspection is not required for temporary construction equipment permits. Section two of this bill prohibits the installation and use of stand-off brackets, which DOB has identified as a contributing factor in suspended scaffolding incidents.

Section one of this legislation takes effect 180 days after becoming law, and sections two and three take effect immediately.

##### **INT. NO. 2263-A**

Int. No. 2263-A would amend the definition of “major building” by lowering the threshold for a major building construction site. The definition lowers the number of stories in an existing or proposed building from 10 or more stories to seven or more stories, and the height from 125 feet or more to 75 feet or more. These lowered thresholds trigger additional site safety requirements for more construction sites.

This legislation takes effect three years after becoming law and applies only to permits issued or renewed on or after that date.

##### **INT. NO. 2264-A**

Int. No. 2264-A amends certain existing requirements and establish new requirements for the use of cold-formed steel light-frame construction. This bill amends special inspection requirements for the use of such construction. It also creates new requirements for the installation of cold-formed steel light-frame construction, the installation of decking on cold-formed steel light-frame construction, and the use of such framing and decking during construction and demolition.

This legislation takes effect on the same date as local law number 126 for the year 2021.

**INT. NO. 2276-A**

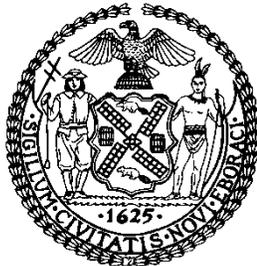
Int. No. 2276-A expands on the requirements of Local Law 196 for the year 2017 by requiring additional site safety supervision at major building construction sites. Such sites would be required to designate a primary construction superintendent, who would be responsible for safety and code compliance, along with overall management of the construction project, in addition to a site safety coordinator or site safety manager.

This legislation takes effect on the same date as local law number 126 for the year 2021.

**UPDATE**

On Tuesday, November 10, 2021, the Committee adopted Int. No. 2262-A by a vote of seven in the affirmative, zero in the negative, and zero abstentions; Int. No. 2263-A by a vote of six in the affirmative, one in the negative, and zero abstentions; Int. No. 2264-A by a vote of seven in the affirmative, zero in the negative, and zero abstentions; and Int. No. 2276-A by a vote of seven in the affirmative, zero in the negative, and zero abstentions.

(The following is the text of the Fiscal Impact Statement for Int. No. 2262-A:)



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
LATONIA MCKINNEY, DIRECTOR  
FISCAL IMPACT STATEMENT  
PROPOSED INTRO. NO: 2262-A  
COMMITTEE: Housing and Buildings**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to final inspection for temporary construction equipment permits and prohibiting stand-off brackets.

**SPONSORS:** Council Members Corney, Kallos and Chin (by request of the Mayor).

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 2262-A would no longer require certain final inspections for temporary construction equipment, to streamline the sign-off process for permits issued in connection with such equipment. It would also prohibit the installation and use of stand-off brackets. Stand-off brackets (suspended scaffold) are rigid members that attach to a cornice hook (c-hook) in order to provide additional outreach from the face of the parapet or wall.

**EFFECTIVE DATE:** Section one of this local law would take effect 180 days after becoming law, and sections two and three of this local law would take effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2023

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY22</b>	<b>FY Succeeding Effective FY23</b>	<b>Full Fiscal Impact FY23</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$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 anticipated that there would be no impact on expenditures resulting from the enactment of this legislation.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

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

**ESTIMATE PREPARED BY:** John Basile, Senior Financial Analyst

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

**LEGISLATIVE HISTORY:** This legislation was first introduced to the full Council as Intro. No. 2262 on April 22, 2021 and referred to the Committee on Housing and Buildings (Committee). A hearing was held by the Committee on September 13, 2021 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 2262-A, will be considered by the Committee on November 10, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 2262-A will be submitted to the full Council for a vote on November 10, 2021.

**DATE PREPARED:** November 4, 2021.

(For text of Int. Nos. 2263-A, 2264-A, and 2276-A and its Fiscal Impact Statements, please see the Report of the Committee on Housing and Buildings for Int. Nos. 2263-A, 2264-A, and 2276-A, respectively, printed in these Minutes; for text of Int. No. 2262-A, please see below)

*Accordingly, this Committee recommends the adoption of Int. Nos. 2263-A, 2264-A, and 2276-A.*

**(The following is the text of Int. No. 2262-A:)**

Int. No. 2262-A

By Council Members Cornegy, Kallos, Chin and Louis (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to final inspections for temporary construction equipment permits and prohibiting stand-off brackets**

*Be it enacted by the Council as follows:*

Section 1. Section 28-116.2.4.2 of the administrative code of the city of New York, as added by local law number 149 for the year 2017, is amended to read as follows:

**§ 28-116.2.4.2 Final inspection prior to letter of completion.** In all cases where the permitted work does not require the issuance of a certificate of occupancy, the final inspection shall be performed by the department or at the option of the owner by an approved agency. Whenever the department performs a final inspection, the department shall charge a fee for such inspection. the applicant shall take all reasonable and necessary steps to ensure that the final inspection is performed within one year after the expiration of the last permit. The inspection shall be performed after all work authorized by the building permit is completed. The approved agency performing the inspection shall report defective work and discrepancies with the approved construction documents to the contractor and, when applicable, to the superintendent of construction, for correction. The approved agency shall report uncorrected discrepancies and defective work to the registered design professional of record and the owner in writing. the approved agency shall report all conditions noted or observed as hazardous to life, safety or health that are not immediately corrected to the immediate attention of the commissioner. All defects noted in such inspection shall be corrected. The final inspection report shall confirm that defects noted have been corrected, that the work is in substantial compliance with the approved construction documents and with this code and other applicable laws and rules and that all required inspections were performed. Final inspection reports shall be filed with and maintained by the department. Records of final inspection made by approved agencies shall be maintained by such persons for a period of six years after sign-off or for such other period as the commissioner shall require and shall be made available to the department upon request.

**[Exception] Exceptions:**

1. Final inspection shall be performed by the department for permitted work in R-2 occupancies if the building is listed on the department of housing preservation and development's website pursuant to paragraph 6 of subdivision m of section 27-2115.
2. *Final inspection shall not be required for temporary construction equipment permits.*

§ 2. Section 3302.1 of chapter 33 of the New York city building code is amended by adding a new definition of "stand-off bracket (suspended scaffold)" in alphabetical order to read as follows:

**STAND-OFF BRACKET (SUSPENDED SCAFFOLD).** *A rigid member that attaches to a cornice hook (c-hook) in order to provide additional outreach from the face of the parapet or wall.*

§ 3. Section 3314.10 of chapter 33 of the New York city building code is amended by adding a new section 3314.10.12 to read as follows:

**3314.10.12 Stand-off brackets prohibited.** *The installation or use of a stand-off bracket is prohibited.*

§ 4. Section one of this this local takes effect 180 days after it becomes law and sections two and three of this local law take effect immediately.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, MARK GJONAJ, FARAH N. LOUIS; Committee on Housing and Buildings, November 10, 2021. *Other Council Members Attending: Council Member Ayala.*

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. 2263-A

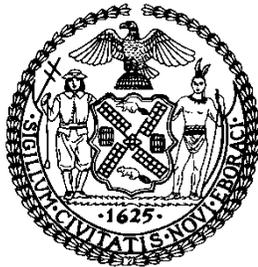
**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the New York city building code, in relation to the definition of major building**

The Committee on Housing and Buildings to which the annexed proposed amended local law was referred on April 22, 2021 (Minutes, page 887), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 2262-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 2263-A:*



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
LATONIA MCKINNEY, DIRECTOR  
FISCAL IMPACT STATEMENT  
PROPOSED INTRO. NO: 2263-A  
COMMITTEE: Housing and Buildings**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the definition of major building.

**SPONSORS:** Council Members Cornegy and Chin (by request of the Mayor).

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 2263-A would lower the threshold for a major building construction site to include construction sites that involve existing or proposed buildings that are seven or more stories or 75 feet or more in height.

**EFFECTIVE DATE:** This local law would take effect three years after it becomes law and would apply to permits issued or renewed on or after such date, provided that the commissioner of buildings may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such effective date.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2026

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY25</b>	<b>FY Succeeding Effective FY26</b>	<b>Full Fiscal Impact FY26</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$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.

**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:** Chima Obichere, Unit Head  
Noah Brick, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was first introduced to the full Council as Intro. No. 2263 on April 22, 2021 and referred to the Committee on Housing and Buildings (Committee). A hearing was held by the Committee on September 13, 2021 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 2263-A, will be considered by the Committee on November 10, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 2263-A will be submitted to the full Council for a vote on November 10, 2021.

**DATE PREPARED:** November 4, 2021.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 2263-A:)**

Int. No. 2263-A

By Council Members Cornegy and Chin (by request of the Mayor).

**A Local Law to amend the New York city building code, in relation to the definition of major building**

*Be it enacted by the Council as follows:*

Section 1. The definition of "major building" in section 202 of chapter 2 of the New York city building code, as amended by a local law for the year 2021, relating to bringing 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 and related provisions of law up to date with the 2015 editions of the international building, mechanical, fuel gas and plumbing codes, is amended to read as follows:

**MAJOR BUILDING.** An existing or proposed building [10] seven or more stories or [125 feet (38 100 mm)] 75 feet (22 860 mm) or more in height, or an existing or proposed building with a building footprint of 100,000 square feet (30 480 m<sup>2</sup>) or more regardless of height, or an existing or proposed building so designated by the commissioner due to unique hazards associated with the construction or demolition of the structure.

§ 2. This local law takes effect three years after it becomes law and shall apply to permits issued or renewed on or after such date, provided that the commissioner of buildings may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such effective date.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, FARAH N. LOUIS; Committee on Housing and Buildings, November 10, 2021. *Other Council Members Attending: Council Member Ayala.*

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. 2264-A

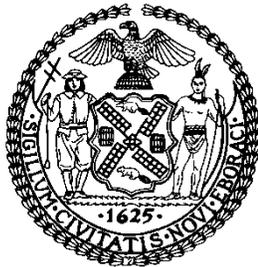
**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the New York city building code, in relation to cold-formed steel construction.**

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on April 22, 2021 (Minutes, page 887), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 2262-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 2264-A:*



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
LATONIA MCKINNEY, DIRECTOR  
FISCAL IMPACT STATEMENT  
PROPOSED INTRO. NO: 2264-A  
COMMITTEE: Housing and Buildings**

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**TITLE:** A Local Law to amend the New York city building code, in relation to cold-formed steel construction. **SPONSORS:** Council Members Cornegy and Chin (by request of the Mayor).

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 2264-A would amend certain existing requirements and establish new requirements for the use of cold-formed steel light-frame construction. In addition, this bill would amend special inspection requirements for the use of such construction and create new requirements for the installation of cold-formed steel light-frame construction, the installation of decking on cold-formed steel light-frame construction, and the use of such framing and decking during construction and demolition.

**EFFECTIVE DATE:** This local law would take effect on the same date as a local law amending 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, relating 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, as proposed in introduction number 2261 for the year 2021, takes effect, and would apply to work related to applications for construction document approval filed on and after such effective date, except that: (i) this local law would apply to all work on major buildings as defined in section BC 202 of the New York city building code, for which a site safety plan is approved by the department of buildings on or after such effective date; and (ii) the commissioner of buildings may promulgate rules or take other actions for the implementation of this local law prior to such effective date.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2024

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY23</b>	<b>FY Succeeding Effective FY24</b>	<b>Full Fiscal Impact FY24</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$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.

**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:** Chima Obichere, Unit Head  
Noah Brick, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was first introduced to the full Council as Intro. No. 2264 on April 22, 2021 and referred to the Committee on Housing and Buildings (Committee). A hearing was held by the Committee on September 13, 2021 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 2264-A, will be considered by the Committee on November 10, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 2264-A will be submitted to the full Council for a vote on November 10, 2021.

**DATE PREPARED:** November 4, 2021.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 2264-A:)**

Int. No. 2264-A

By Council Members Cornegy, Chin, Kallos and Louis (by request of the Mayor).

**A Local Law to amend the New York city building code, in relation to cold-formed steel construction**

*Be it enacted by the Council as follows:*

Section 1. Table 1705.2.6 of chapter 17 of the New York city building code, as amended by a local law for the year 2021, relating to bringing 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 and related provisions of law up to date with the 2015 editions of the international building, mechanical, fuel gas and plumbing codes, is amended to read as follows:

**TABLE 1705.2.6  
REQUIRED SPECIAL INSPECTION OF  
COLD-FORMED STEEL CONSTRUCTION**

<b>TYPE</b>	<b>CONTINUOUS SPECIAL INSPECTION</b>	<b>PERIODIC SPECIAL INSPECTION</b>	<b>REFERENCED STANDARD</b>	<b>BC REFERENCE</b>
<b>1. Material Verification:</b>				
a. Verify that identification markings	X		AISI 240, Section D6.5	

conform to AISI S240 and as specified in the approved construction documents.				
b. Verify that material is clean, straight and undamaged.		X		
<b>2. Inspection of general framing:</b>				
a. Verify that member sizes conform to the approved construction documents.		X	AISI S240 Section C	
b. Verify that member layout conforms to the approved construction documents.		X		
c. Verify that proper bearing lengths are provided in accordance with approved construction documents.		X		
d. Verify that punched holes and sheared or flame cut edges of material in members are clean and free from notches and burred edges.		X		
<b>3. Inspection of framing connections and anchorages:</b>				
a. Verify that screws, bolts, and other fasteners conform to approved construction document requirements for diameter, length, quantity, spacing, edge distance, and location.		X	AISI S240, Section D6.7	
b. Verify that manufactured connectors, such as joist hangers, caps, straps, clips, ties, hold-downs, and anchors conform to approved construction document requirements for manufacturer, type, gauge, and fastener requirements.		X	AISI S240, Section B1.5 and Section C4	

c. Post-installed connections to concrete.	X		AISI S240 Section D6.9	
<b>4. Inspection of welding:</b>				
a. Inspect welds in accordance with S240 Section D6.6.		X	AWS D1.3, AISI S240 Section D6.6	
b. Additional requirements for welds performed as a part of a lateral force-resisting system.	X Note a		AISI S240 Section D6.9	
<b>5. Bracing:</b>				
a. Verify that temporary bracing, shoring, jacks, etc., are installed, <u>modified</u> , and not removed until no longer necessary, in accordance with the approved construction documents and approved erection drawings, <u>as required by Sections 3305.8.6.8 and 3305.8.7.5.</u>		X	AISI S240 E6	
b. Verify that permanent bracing, web stiffeners, bridging, blocking, wind bracing, etc., are installed in accordance with the approved construction documents and approved erection drawings, <u>as required by Sections 3305.8.6.8 and 3305.8.7.5.</u>		X		
c. Where a cold-formed steel truss clear span is 60 feet (18 288 mm) or greater, the special inspector shall verify that the temporary installation restraint/bracing and the permanent individual truss member restraint/bracing are installed in accordance with the approved truss submittal package.		X		2211.1.3.2

<b>6. Pre-installation Document Submittals</b>		X	AISI S240, Section D3	
<b>7. Lateral Force-Resisting System Additional Requirements</b>		X	AISI S240 Section D6.9	

Note a: In accordance with AISI S240 Section D6.9.1, continuous special inspection of weld fit-up in lateral force-resisting systems may be reduced to periodic special inspection upon fulfillment of the conditions of section D6.9.1.

§2. Section BC 3305 of the New York city building code, as amended by a local law for the year 2021, relating to bringing 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 and related provisions of law up to date with the 2015 editions of the international building, mechanical, fuel gas and plumbing codes, is amended by adding a new section 3305.8 to read as follows:

**3305.8 Cold-formed steel light-frame construction.** The installation of cold-formed steel light-frame construction, the installation of decking on cold-formed steel light-frame construction, as well as the use of such framing and decking during construction or demolition operations shall be in accordance with the requirements of AISI S240 and the following sections. The design of cold-formed steel light-frame construction and decking on cold-formed steel light-frame construction shall meet the requirements of Chapter 22.

**3305.8.1 Cutting, notching, and splicing.** Cutting, notching, and splicing of cold-formed steel structural members shall be performed only in accordance with specifications as indicated on drawings, including but not limited to erection drawings, approved by a registered design professional.

**3305.8.2 Uniform bearing surface.** A uniform bearing surface shall be provided under cold-formed steel structural members. In no case shall the gap between the bottom track and the uniform bearing surface exceed ¼ of an inch (6.4 mm). Leveling shall be subject to the approval of a registered design professional and shall be achieved through the use of either load bearing shims or grout.

**3305.8.3 Corrosion protection.** The following precautions shall be taken to prevent corrosion of cold-formed steel structural members:

1. Dissimilar metals shall not be used in direct contact with cold-formed steel framing members unless approved for that application by the registered design professional of record for the cold-formed steel framing system.
2. Cold-formed steel framing members shall not be embedded in concrete unless approved for that application by the registered design professional of record for the cold-formed steel framing system.
3. Fasteners shall have a corrosion-resistant treatment, or be manufactured from material not susceptible to corrosion.
4. Welded connections shall be protected with a treatment, approved by the registered design professional of record for the cold-formed steel framing system, to retain corrosion resistance of the welded area.

**3305.8.4 Screw connections.** Screw fasteners in cold-formed steel structural members shall extend through the steel connection with a minimum of three exposed threads.

**3305.8.4.1 Stripped screws in direct tension prohibited.** Stripped screws in direct tension shall not be permitted.

**3305.8.4.2 Stripped screws in shear connections.** Stripped screws in shear connections shall only be permitted if the number of stripped screw fasteners does not exceed 25% of the total number of fasteners in the connection.

**3305.8.5 In-line framing.** Each joist, rafter, truss, and structural wall stud (above or below) shall be aligned vertically in accordance with the limits depicted in Figure B1.2.3-1 of AISI S240.

**Exception:** The alignment tolerance depicted in Figure B1.2.3-1 of AISI S240 shall not be required to be met when a structural load distribution member is specified in accordance with the approved construction documents.

**3305.8.6 Joists, decking, and shoring and bracing.** Joists, temporary decking, permanent decking, and shoring and bracing for joists and decking shall be installed in accordance with the requirements of Section 3305.8.6.1 through 3305.8.6.9.

**3305.8.6.1 Installed as indicated on drawings.** Joists, temporary decking, permanent decking, and shoring and bracing for joists and decking shall be installed as indicated on drawings, including but not limited to erection drawings, approved by a registered design professional. Such drawings shall be specific to the site and shall, at a minimum, indicate the following details:

1. Joists;
2. Permanent decking material;
3. Allowable temporary decking material;
4. Members and fasteners, including bridging, strapping, stiffeners, and placement of diaphragm;
5. Shoring and bracing, whether permanent or temporary, for joists, trusses, and decking, through all phases of work, including interim sequences;
6. Allowable designated temporary loading areas, or if no designated temporary loading areas are specified, a note that no temporary loading is allowed;
7. Types of materials and maximum loads allowed in each temporary loading area;
8. The permissible live and construction loads of the decking (temporary and permanent) and structure outside of temporary loading areas;
9. The minimum spacing of deck screws required for loading of the deck (temporary and permanent) during construction; and
10. Conditions to be satisfied before temporary shoring and bracing can be removed.

**3305.8.6.2 Lateral bracing of floor joists.** Floor joists shall be laterally braced. Types of bracing to maintain structural integrity include but are not limited to steel straps screwed to top and bottom flanges, bridging between joists, web reinforcement, cross bracing, diagonal strap bracing, wall anchorage or any other details as specified on the approved drawings.

**3305.8.6.3 Ceiling joists and roof trusses.** Ceiling joists and roof trusses shall be installed in accordance with one of the following:

1. With full bearing over the width of the bearing wall beneath;
2. Minimum 1 1/2 inch (38 mm) bearing end condition; or
3. In accordance with design drawings approved by a registered design professional.

**3305.8.6.4 Account for all loads during construction.** Framing and decking, whether temporary or permanent, shall be designed to sustain all anticipated loads to be imposed by construction activity, including construction loads, concentrated loading caused by material delivery and loads generated by the movement of material and equipment.

**3305.8.6.5 Bracing and shoring for temporary loading areas.** Bracing and shoring shall be provided for all temporary loading areas and shall be designed to support the maximum load allowed in the temporary loading area. In no case shall the required shoring be designed for a construction load of less than 100 psf. Bracing and shoring shall ultimately bear upon permanent structure or earth capable of

sustaining the loads transmitted. The design shall also specify the criteria for the removal of any temporary bracing or shoring.

**3305.8.6.6 Floor joists to be braced prior to installation of decking.** No decking or section of decking shall be placed on a joist until the joist has been fully installed and braced in accordance with Sections 3305.8.5 and 3305.8.6.

**3305.8.6.7 Placing loads on cold-formed steel.** Loads shall be placed on cold-formed steel in accordance with section 3305.8.7.

**3305.8.6.8 Removal or modification of temporary shoring and bracing.** No temporary shoring or bracing shall be removed until the cold-formed steel special inspector required by Chapter 17 has verified the shoring or bracing is no longer required in accordance with item number 10 of Section 3305.8.6.1. Modifications to temporary shoring or bracing shall be verified by the special inspector. In addition to the documentation required by Chapter 17, the special inspector shall document the verification in accordance with the checklist required by Section 3305.8.8.

**3305.8.6.9 Deviations.** Deviations from the drawings required by Section 3305.8.6.1 that are not immediately corrected shall be brought to the attention of the registered design professional who prepared the drawings.

**3305.8.7 Placing loads on cold-formed steel.** The placing of loads during construction or demolition work on cold-formed steel framing or on decking on cold-formed steel framing shall be in accordance with the requirements of Sections 3305.8.7.1 through 3305.8.7.6.

**3305.8.7.1 System in place.** No person, material, or equipment shall be permitted on any joist, temporary decking or permanent decking, until all members, fasteners, shoring and bracing have been installed as indicated on the drawings required by Section 3305.8.6.1.

**3305.8.7.2 Maximum loads.** Loading shall not exceed that as indicated on the drawings required by Section 3305.8.6.1.

**3305.8.7.3 Placed as indicated on plans.** Construction loads shall only be placed in areas and to the extent as indicated on the drawings required by Section 3305.8.6.1.

**3305.8.7.4 Marking the temporary loading area.** Temporary loading areas shall be clearly marked on the deck by spray paint or equivalent means. The markings shall indicate the boundaries of the loading area and the maximum loads allowed in the temporary loading area as specified in the drawings required by Section 3305.8.6.1.

**3305.8.7.5 Verification by special inspector.** No construction load shall be placed on a floor or portion of a floor until the temporary or permanent decking for the floor or such portion is in place and the cold-formed steel special inspector required by Chapter 17 has verified compliance with Section 3305.8.6, including but not limited to the drawings required by Section 3305.8.6.1. At a minimum, this special inspection shall be performed at least once for each floor. In addition to the documentation required by Chapter 17, the special inspector shall document the verification in accordance with the checklist required by Section 3305.8.8.

**3305.8.7.6 Verification inspection by a competent person.** Immediately prior to the placement of any person, material or equipment on a section of cold-formed steel framing for the first time, or on a section of decking on cold-formed steel framing for the first time, a competent person designated by the construction superintendent, or where the project does not require a construction superintendent, a competent person designated by the permit holder, shall determine that the structure is ready to receive the person, material or equipment by performing an inspection that:

1. Verifies compliance with applicable drawings, specifications, and regulations, including but not limited to the approved construction documents, the erection drawings, the manufacturer specifications, and the requirements of Section 3305.8;
2. Ascertain the weight of the material or equipment to be placed, and determines it does not exceed that specified in the drawings required by Section 3305.8.6.1;
3. Confirms that any special inspections for the cold-formed steel required by Chapter 17 and Section 3305.8 have been successfully completed; and
4. Verifies compliance with the requirements of Sections 3305.8.7.1 through 3305.8.7.4.

**3305.8.7.6.1 Record of designation of competent person.** The designation of the competent person required by Section 3305.8.7.6 shall be recorded in the construction superintendent's log required by Section 3301.13.13, or where the project does not require a construction superintendent, the designation of the competent person shall be documented in the form of a notarized letter on the letterhead of the permit holder. The record letter shall state the name and contact information of the competent person, the date of designation and shall be signed and dated by the permit holder, the competent person and the person who designated the competent person.

**3305.8.7.6.2 Record of inspection.** The results of the inspection shall be documented in accordance with the checklist required by Section 3305.8.8.

**3305.8.7.6.3 Does not diminish responsibility.** The designation of a competent person does not alter or diminish any obligation imposed upon the construction superintendent or the permit holder to maintain a safe site and ensure compliance with the requirements of this code.

**3305.8.8 Inspection checklist.** The results of the verification inspections required by Sections 3305.8.6.8, 3305.8.7.5 and 3305.8.7.6 shall be documented on a verification inspection checklist signed and dated by the person who performed the inspection. The verification inspection checklist shall be developed by the designer who prepared the drawings required by Section 3305.8.6.1.

§ 3. This local law takes effect on the same date as a local law amending 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, relating 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, as proposed in introduction number 2261 for the year 2021, takes effect, and shall apply to work related to applications for construction document approval filed on and after such effective date, except that:

(i) this local law shall apply to all work on major buildings as defined in section BC 202 of the New York city building code, for which a site safety plan is approved by the department of buildings on or after such effective date; and

(ii) the commissioner of buildings may promulgate rules or take other actions for the implementation of this local law prior to 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, November 10, 2021. *Other Council Members Attending: Council Member Ayala.*

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. 2276-A

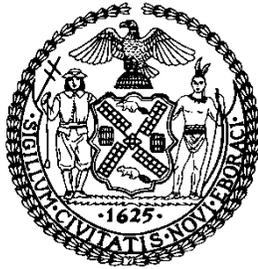
**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the New York city building code, in relation to cold-formed steel construction.**

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on April 22, 2021 (Minutes, page 918), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 2262-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 2263-A:*



**THE COUNCIL OF THE CITY OF NEW YORK**

**FINANCE DIVISION**

**LATONIA MCKINNEY, DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 2276-A**

**COMMITTEE: Housing and Buildings**

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to construction superintendents.

**SPONSORS:** Council Members Moya and Chin (by request of the Mayor).

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 2276-A would require additional site safety supervision at major building construction sites. Such sites would be required to designate a full-time construction superintendent, who would be responsible for safety and code compliance, along with overall management of the construction project, in addition to a site safety coordinator or site safety manager.

**EFFECTIVE DATE:** This local law would take effect on the same date as a local law amending 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, relating 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, as proposed in introduction number 2261 for the year 2021, takes effect, and would apply to work related to applications for construction document approval filed on and after such effective date, except that: (i) this local law would apply to all work on major buildings as defined in section BC 202 of the New York city building code, for which a site safety plan is approved by the department of buildings on or after such effective date; and (ii) the commissioner of buildings may promulgate rules or take other actions for the implementation of this local law prior to such effective date.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2024

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY23</b>	<b>FY Succeeding Effective FY24</b>	<b>Full Fiscal Impact FY24</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$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.

**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:** Chima Obichere, Unit Head  
Noah Brick, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was first introduced to the full Council as Intro. No. 2276 on April 22, 2021 and referred to the Committee on Housing and Buildings (Committee). A hearing was held by the Committee on September 13, 2021 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 2276-A, will be considered by the Committee on November 10, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 2276-A will be submitted to the full Council for a vote on November 10, 2021.

**DATE PREPARED:** November 4, 2021.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 2276-A:)**

Int. No. 2276-A

By Council Members Moya, Chin and Louis (by request of the Mayor)

**A Local Law to amend the New York city building code, in relation to construction superintendents**

*Be it enacted by the Council as follows:*

Section 1. Section 3301.13.1 of the New York city building code, as added by local law number 81 for the year 2017, is amended to read as follows:

**3301.13.1 Site safety plan.** For jobs that require the designation of a primary construction superintendent pursuant to Section 3301.13.3, a site safety plan that meets the applicable requirements of Article 110 of Chapter 1 of Title 28 of the *Administrative Code* shall be kept on site and made available to the department upon request. Prior to the commencement of work, the permit holder must submit a statement to the department attesting that the site safety plan meets the requirements of Article 110 of Chapter 1 of Title 28 of the *Administrative Code* and coordinates with the scope of work intended.

**Exception:** For a major building subject to the provisions of Section 3310, the site safety plan requirements of Section 3310.3 shall apply.

§ 2. The definition of “approved documents” in section 3301.13.2 of the New York city building code, as added by local law number 81 for the year 2017, is amended to read as follows:

**Approved documents.** For the purpose of this section, approved documents include construction documents as defined by this code, and any and all documents that set forth the location and entire nature and extent of the work proposed with sufficient clarity and detail to show that the proposed work conforms to the provisions of this code and other applicable laws and rules. In addition to construction documents, such documents include, but are not limited to, site safety plans, tenant or occupant protection plans, shop drawings, specifications, manufacturer's instructions and standards that have been accepted by the design professional of record or such other design professional retained by the owner for this purpose.

§ 3. Section 3301.13.3 of the New York city building code, as amended by a local law for the year 2021, relating to bringing 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 and related provisions of law up to date with the 2015 editions of the international building, mechanical, fuel gas and plumbing codes, is amended to read as follows:

**3301.13.3 Designation of primary construction superintendent.** The permit holder shall designate a primary construction superintendent who shall carry out all duties and responsibilities assigned to the construction superintendent by this chapter and rules promulgated by the commissioner, and notify the department of such designation prior to the commencement of work, [in a form and manner acceptable to the department,] for the following types of jobs:

1. The construction of a new building;
2. The full demolition of an existing building;
3. An alteration to an existing building that involves one or more of the following:
  - 3.1 A vertical enlargement;
  - 3.2 A horizontal enlargement;
  - 3.3 The alteration or demolition of more than 50 percent of the gross floor area of the building during the course of work over any 12-month period;
  - 3.4 The removal of one or more floors during the course of work over any 12-month period;
  - 3.5 Work that requires a special inspection for underpinning; or
  - 3.6 Work that requires a special inspection for the protection of sides of excavations; or
4. Other jobs that pose an enhanced risk to the public and property, as determined by the commissioner.

**[Exceptions:** Notwithstanding the above, a construction superintendent is not required for:

1. Work listed in Section 3310.1, for which a site safety manager or coordinator must be designated.]
2. Work which solely involves the construction of a new 1-, 2-, or 3-family building.]

**Exception:** A construction superintendent is not required for work that solely involves a 1-, 2-, or 3-family building, or an accessory use to such building, provided the permit holder for such work is registered as a general contractor in accordance with Article 418 of Chapter 4 of Title 28 of the *Administrative Code*.

§ 4. Section 3301.13.6 of the New York city building code, as added by local law number 81 for the year 2017, is amended to read as follows:

**3301.13.6 Limitations on the designation of primary or alternate construction superintendents.** An individual may only be designated as a primary or alternate construction superintendent for that number of jobs for which he or she can adequately perform all required duties. No individual may be designated as the primary construction superintendent on more than ten jobs.

**Exceptions:**

1. If one of the jobs for which the construction superintendent is designated as a primary construction superintendent is on a building that meets the definition of a major building, the individual may only be designated as the primary construction superintendent for that job and may not serve as the primary construction superintendent for any other job.
2. Notwithstanding exception 1, beginning on June 1, 2022, no individual may be designated as the primary construction superintendent for more than five jobs.
3. Notwithstanding exception 1, beginning on January 1, 2024 or a later date established by the department, provided that such date is not later than January 1, 2025, no individual may be designated as the primary construction superintendent for more than three jobs.
4. Notwithstanding exception 1, beginning on January 1, 2026 or a later date established by the department, provided that such date is not later than January 1, 2027, no individual may be designated as the primary construction superintendent for more than one job.
5. A construction superintendent designated as the primary construction superintendent at a job site may serve as a non-primary construction superintendent at another job site, provided there is no work requiring the presence of such individual occurring at the job site for which the individual has been designated as the primary construction superintendent.
6. Subject to the approval of the commissioner, a construction superintendent may serve as the primary construction superintendent for multiple non-major building jobs located on the same lot or on contiguous lots.

§ 5. Section 3301.13.7 of the New York city building code, as amended by a local law for the year 2021, relating to bringing 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 and related provisions of law up to date with the 2015 editions of the international building, mechanical, fuel gas and plumbing codes, is amended to read as follows:

**3301.13.7 Duties of construction superintendents.** The duties of a construction superintendent shall include:

1. Acting in a reasonable and responsible manner to maintain a safe job site and ensure compliance with this chapter and any rules promulgated thereunder at each job site for which the construction superintendent is responsible;
2. To the extent that a registered design professional or special inspection agency is not responsible, the construction superintendent must ensure compliance with the approved documents at each job site for which the construction superintendent is responsible;
3. Fulfilling the duties of a superintendent of construction assigned by Chapter 1 of Title 28 of the Administrative Code at each job site for which the construction superintendent is responsible; and
4. Visiting each job site for which the construction superintendent is responsible each day when active work is occurring[.]; or, beginning January 1, 2026 or a later date established by the department, provided that such date is not later than January 1, 2027, where Section 3301.13.6 requires the construction superintendent to be dedicated to one job, being present at the job site for which the construction superintendent is responsible during all times when active work is occurring.

**Exception:** The construction superintendent is not required to be present at the site during the following activities, provided no other work is in progress:

1. Surveying that does not involve the disturbance of material, structure, or earth;
2. Use of a hoist to transport personnel only;
3. Use of a material hoist that is fully enclosed within the perimeter of the building;
4. Finish trowelling of concrete floors;
5. When personnel are provided for temporary heat, light, or water; [or]
6. Truck deliveries to the site where the sidewalk is closed and the entrance gate is within that closed sidewalk area;
7. Painting; or
8. Landscaping that does not that does not involve the disturbance of material, structure, or earth.

§ 6. Section 3301.13.8 of the New York city building code, as amended by a local law for the year 2021, relating to bringing 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 and related provisions of law up to date with the 2015 editions of the international building, mechanical, fuel gas and plumbing codes, is amended to read as follows:

**3301.13.8 Inspection by the construction superintendent.** Each time the construction superintendent visits a job site for which he or she is responsible, the construction superintendent must inspect all areas and floors where construction or demolition work, and ancillary activity, is occurring, and:

1. Verify work is being conducted in accordance with sound construction/demolition practices;
2. Verify compliance with the approved documents; and
3. Verify compliance with this chapter and any rules promulgated thereunder.

**Exception:** Where a site safety manager or coordinator has been designated for the job in accordance with Section 3310, the construction superintendent does not need to perform the inspections required by this section. Site safety inspections shall be performed by the site safety manager or coordinator in accordance with Section 3310.

§ 7. Section 3301.13.9 of the New York city building code, as amended by a local law for the year 2021, relating to bringing 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 and related provisions of law up to date with the 2015 editions of the international building, mechanical, fuel gas and plumbing codes, is amended to read as follows:

**3301.13.9 Correcting unsafe conditions.** In the event the construction superintendent discovers work or conditions at a job site for which he or she is responsible that [is] are not being conducted in accordance with sound construction/demolition practices, not in compliance with approved documents, or not in

compliance with this chapter and any rules promulgated thereunder, the construction superintendent must take all appropriate action to correct the unsafe work or condition, including but not limited to immediately [notify] notifying the person or persons responsible for creating the unsafe work or condition, [order] and ordering the person or persons to correct the unsafe work or condition, to cease operations, or to leave the job site. [and take all appropriate action to ensure the unsafe condition is corrected.] Where [an] unsafe work or an unsafe condition relates to an item which a registered design professional or special inspection agency is responsible for implementing or verifying, the construction superintendent must also notify the responsible registered design professional or special inspection agency of the unsafe work or condition. All such unsafe conditions, work, notices, orders, and corrective [work] action must be recorded in the log required by Section 3301.13.13.

§ 8. Section 3301.13.10 of the New York city building code, as amended by a local law for the year 2021, relating to bringing 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 and related provisions of law up to date with the 2015 editions of the international building, mechanical, fuel gas and plumbing codes, is amended to read as follows:

**3301.13.10 Notification of conditions to the department.** The construction superintendent must immediately notify the department when he or she discovers, at any job site for which the construction superintendent is responsible, any of the conditions listed in Section 3310.8.2.1. Notification to the department does not relieve the construction superintendent of their obligations under Section 3301.13.9.

**Exception:** Where a site safety manager or coordinator has been designated for the job in accordance with Section 3310, the construction superintendent does not need to provide the notification required by this section. Notifications shall be made by the site safety manager or coordinator in accordance with Section 3310.

§ 9. Section 3301.13.11 of chapter 33 of the New York city building code, as amended by a local law for the year 2021, relating to bringing 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 and related provisions of law up to date with the 2015 editions of the international building, mechanical, fuel gas and plumbing codes, is amended to read as follows:

**3301.13.11 Reporting of incidents and damage to adjoining property.** The construction superintendent must immediately notify the department of any incident at any job site for which the construction superintendent is responsible, or any damage to adjoining property caused by construction or demolition activity at the job site.

**Exception:** Where a site safety manager or coordinator has been designated for the job in accordance with Section 3310, the construction superintendent does not need to provide the notification required by this section. Notifications shall be made by the site safety manager or coordinator in accordance with Section 3310.

§ 10. Section 3301.13.12 of the New York city building code, as amended by a local law for the year 2021, relating to bringing 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 and related provisions of law up to date with the 2015 editions of the international building, mechanical, fuel gas and plumbing codes, is amended to read as follows:

**3301.13.12 Competent person.** The construction superintendent must designate a competent person for each job site for which the construction superintendent is responsible and ensure such competent person is

present at the designated job site at all times active work occurs when the construction superintendent is not at the site. The designation of a competent person does not alter or diminish any obligation imposed upon the construction superintendent. The competent person must carry out orders issued by the construction superintendent; be able to identify unsanitary, hazardous or dangerous conditions; take prompt corrective measures to eliminate such conditions; immediately report to the construction superintendent incidents at the job site or any damage to adjoining property caused by construction or demolition activity at the job site; and be able to effectively communicate workplace instructions and safety directions to all workers at the site.

**Exception:** Beginning January 1, 2026 or a later date established by the department, provided that such date is not later than January 1, 2027, where Section 3301.13.6 requires the construction superintendent to be dedicated to one job, the designation of a competent person is not authorized. In the event the primary construction superintendent cannot be present at the job site while active work is occurring, an alternate construction superintendent shall act on behalf of the primary construction superintendent in accordance with Section 3301.13.5.

§ 11. Section 3301.13.13 of the New York city building code, as amended by a local law for the year 2021, relating to bringing 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 and related provisions of law up to date with the 2015 editions of the international building, mechanical, fuel gas and plumbing codes, is amended to read as follows:

**3301.13.13 Log.** The construction superintendent must maintain a log at each job site for which the construction superintendent is responsible. Such log must be made available to the commissioner upon request. The construction superintendent must complete such log prior to departing the job site [and shall sign and date each day's log entry.], or, where the job occurs on a building that meets the definition of a major building, by the end of the day. Each day's log entry must be signed and dated by the construction superintendent. Such log must contain, at a minimum, the following information:

1. The presence of the construction superintendent at the job site as evidenced by their printed name and signature and a notation indicating the times of arrival at, and departure from the site, which must be recorded immediately after arriving at the site and immediately prior to leaving the site, respectively;
2. The general progress of work at the job site, including a summary of that day's work activity;
3. The construction superintendent's activities at the job site, including areas and floors inspected;
4. Any unsafe condition(s) observed pursuant to Section 3301.13.9, and the time and location of such unsafe condition(s);
5. Orders and notice given by the construction superintendent pursuant to Section 3301.13.9, including the names of individuals issued orders or notices, any refusals to comply with orders or respond to notices given, follow up action taken by the construction superintendent, and where the condition giving rise to the order or notice is corrected, the nature of the correction;
6. Any violations, stop work orders, or summonses issued by the department, including date issued and date listed or dismissed;
7. Any incidents or damage to adjoining property caused by construction or demolition activity at the job site; [and]
8. The name of the competent person designated in accordance with Section 3301.13.12, along with an accompanying signature of the competent person. If the construction superintendent assigns a new competent person, the date and time of this change, along with the name of the new competent person, must be recorded, accompanied by the signature of the new competent person. If the construction superintendent is not at the job site when this occurs, the new competent person must instead make the log entry, which the construction superintendent must sign and date upon his or her next visit to the job site[-];
9. All construction superintendent personnel changes, accompanied by the signature of the new construction superintendent. Construction superintendent personnel changes include, but are not limited

- to: a change to the primary construction superintendent; an alternate construction superintendent acting in the place of the primary construction superintendent; or a new alternate construction superintendent taking over for the previous alternate construction superintendent; and
10. A record of the weekly safety meeting required by Section 3301.13.18, including date and time of meeting, summary of issues discussed, and the names and affiliation of those who attended.

§ 12. Section 3301.13 of the New York city building code, as amended by a local law for the year 2021, relating to bringing 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 and related provisions of law up to date with the 2015 editions of the international building, mechanical, fuel gas and plumbing codes, is amended by adding a new section 3301.13.19 to read as follows:

**3301.13.19 Weekly safety meeting.** The construction superintendent shall, for each job site for which the construction superintendent is responsible, lead a safety meeting with the designated representative of the general contractor, construction manager, and each subcontractor to ascertain that all contractors and subcontractors are complying with the applicable provisions of this chapter, the site safety plan, and the tenant or occupant protection plan. Where a site safety manager or coordinator has been designated for the job in accordance with Section 3310, the site safety manager or coordinator shall also attend the meeting. Such meeting shall occur at least once a week while active work is occurring.

§ 13. Section 3310.5 of the New York city building code, as amended by a local law for the year 2021, relating to bringing 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 and related provisions of law up to date with the 2015 editions of the international building, mechanical, fuel gas and plumbing codes, is amended to read as follows:

**3310.5 Site safety manager or coordinator to be designated.** [One or more] A primary site safety [managers] manager shall be designated[, as necessary, to monitor compliance with the site safety plan and all site safety requirements as specified in this chapter and rules promulgated by the commissioner. Such site safety manager or managers shall be designated] by the owner, agent, construction manager, or general contractor. [All] Where more than one site safety manager is to serve at the site, all such entities shall agree to designate one such site safety manager as the primary site safety manager, or where there is only one site safety manager, such manager shall automatically be designated as the primary site safety manager. [Such] The primary site safety [manager(s)] manager shall carry out all duties and responsibilities assigned to the site safety manager or coordinator by this chapter and rules promulgated by the commissioner, and shall be certified by the department in accordance with Article 402 of Chapter 4 of Title 28 of the *Administrative Code*.

**Exceptions:**

1. [One or more] A site safety [coordinators] coordinator, certified by the department in accordance with the requirements of Article 403 of Chapter 4 of Title 28 of the *Administrative Code*, may be designated in lieu of a site safety manager for the construction, vertical or horizontal enlargement, or full or partial demolition of a major building, provided such building:
  - 1.1 Is less than 15 stories or 200 feet (60 960 mm) in height, whichever is less; and
  - 1.2 Has a building footprint of 100,000 square feet (30 480 m<sup>2</sup>) or less.
2. Façade or roof projects that comply with Section 3310.12.

§ 14. Section 3310.5.2 of the New York city building code, as amended by a local law for the year 2021, relating to bringing 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 and related provisions of law up to date with the 2015 editions of the international building, mechanical, fuel gas and plumbing codes, is amended to read as follows:

**3310.5.2 Presence at the site.** For the construction or alteration of a building, the site safety manager or coordinator shall be present at the site during all times while active work is occurring and through all phases of work, beginning with excavation and continuing until the building is enclosed and the sidewalk shed removed. For the demolition of a building, the site safety manager or coordinator shall be present at the site during all times while active work is occurring and through all phases of work, beginning with the removal of any glass, asbestos, or façade and, for a full demolition, continuing until the site has been backfilled to grade, or for a partial demolition until the building is enclosed and the sidewalk shed removed.

Exceptions:

1. The site safety manager or coordinator is not required to be present at the site during the following activities, provided no other work is in progress;
  - 1.1 Surveying that does not involve the disturbance of material, structure, or earth;
  - 1.2 Use of a hoist exterior to the building to transport personnel only;
  - 1.3 Use of a hoist that is fully enclosed within the perimeter of the building to transport personnel or material;
  - 1.4 Work limited to finish troweling of concrete floors;
  - 1.5 Work limited to providing the site with temporary heat, light, or water; [or]
  - 1.6 Truck deliveries to the site, provided the delivery occurs within the site while the gate is closed and flagpersons are provided to direct traffic while the truck is entering and exiting the site;
  - 1.7 Painting; or
  - 1.8 Landscaping that does not involve the disturbance of material, structure, or earth.
2. Subject to the approval of the commissioner, the requirement for a site safety manager, or where a site safety coordinator is authorized by this code, a site safety coordinator, may be waived entirely, or reduced to a part time basis with such part time basis determined by the commissioner, in accordance with Section 3310.11.

§ 15. Section 3310.8 of the New York city building code, as amended by a local law for the year 2021, relating to bringing 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 and related provisions of law up to date with the 2015 editions of the international building, mechanical, fuel gas and plumbing codes, is amended to read as follows:

**3310.8 Site safety manager's and coordinator's duties.** The site safety manager or coordinator shall monitor compliance with the site safety plan, the tenant or occupant protection plan, and the [safety] requirements of this chapter and any rules promulgated thereunder by performing the duties required by Sections 3310.8.1 through

3310.8.5 and by performing all other safety duties assigned by the owner or general contractor to meet legal requirements.

§ 16. Section 3310.8.1 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

**3310.8.1 Meetings.** [The site safety manager or coordinator shall, at a minimum, meet on a weekly basis with the designated representative of each subcontractor to ascertain that all subcontractors are complying with the applicable provisions of this chapter.] The meeting requirements of Section 3301.13.18 shall apply.

§ 17. Section 3310.8.2 of the New York city building code, as amended by a local law for the year 2021, relating to bringing 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 and related provisions of law up to date with the 2015 editions of the international building, mechanical, fuel gas and plumbing codes, is amended to read as follows:

**3310.8.2 Notification of violations.** In the event the site safety manager or coordinator discovers a violation of this chapter [and] or any rules promulgated thereunder, the site safety plan, or the tenant or occupant protection plan, he or she shall immediately notify the person or persons responsible for creating the violation, whether these persons are employed by the general contractor or by subcontractors. If the site safety manager or coordinator is unable to obtain the cooperation of these persons in correcting the violation, he or she shall immediately inform the direct supervisor of the person or company responsible for creating the violation and request that the supervisor order the necessary corrective action. If such supervisor is not present at the site or is otherwise unavailable, or if informing the direct supervisor does not result in the violation being corrected, the site safety manager or coordinator shall notify the construction superintendent, or if the job does not require a construction superintendent, any other supervisory personnel of the permit holder or any other responsible manager or officer of the permit holder. All such violations and corrective work shall be recorded in the daily log.

§ 18. Section 3310.8.2 of the New York city building code, as amended by a local law for the year 2021, relating to bringing 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 and related provisions of law up to date with the 2015 editions of the international building, mechanical, fuel gas and plumbing codes, is amended by adding a new section 3310.8.2.1.2 to read as follows:

**3310.8.2.1.2 Notification of construction superintendent.** For a job that requires a construction superintendent, upon notification of the above conditions to the department, the site safety manager or coordinator shall notify the construction superintendent of the condition and that notification has been made to the department.

§ 19. Section 3310.8.3.1 of the New York city building code, as added by a local law for the year 2021, relating to bringing 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 and related provisions of law up to date with the 2015 editions of the international building, mechanical, fuel gas and plumbing codes, is amended to read as follows:

**3310.8.3.1 Spot checks.** The site safety manager or coordinator shall personally perform spot checks of the site on a regular basis throughout the day for compliance with the site safety plan, the tenant or occupant protection plan, the requirements of this chapter, and any rules promulgated thereunder.

§ 20. Section 3310.8.4 of the New York city building code, as amended by a local law for the year 2021, relating to bringing 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 and related provisions of law up to date with the 2015 editions of the international building, mechanical, fuel gas and plumbing codes, is amended by adding a new section 3310.8.4.3 to read as follows:

**3310.8.4.3 Review and signature by the construction superintendent.** Prior to the start of the subsequent work day, the previous day's entries in the site safety log shall be reviewed by the construction superintendent, and an entry shall be made in the site safety log, signed and dated by the construction superintendent, that he or she has reviewed all of the previous day's entries.

§ 21. This local law takes effect on the same date as a local law amending 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, as proposed in introduction number 2261-A for the year 2021, and shall apply to work related to applications for construction document approval filed on and after such effective date, except that:

(i) section 3301.13.1 of the New York city building code, as amended by section one of this local law, the definition of “approved documents” in section 3301.13.2 of such code, as amended by section two of this local law, section 3301.13.3 of such code, as amended by section three of this local law, section 3301.13.7 of such code, as amended by section five of this local law, section 3301.13.8 of such code, as amended by section six of this local law, section 3301.13.9 of such code, as amended by section seven of this local law, section 3301.13.10 of such code, as amended by section eight of this local law, section 3301.13.11 of such code, as amended by section nine of this local law, section 3301.13.12 of such code, as amended by section 10 of this local law, section 3301.13.13 of such code, as amended by section 11 of this local law, section 3301.13.19 of such code, as added by section 12 of this local law, section 3310.5 of such code, as amended by section 13 of this local law, section 3310.5.2 of such code, as amended by section 14 of this local law, section 3310.8 of such code, as amended by section 15 of this local law, section 3310.8.1 of such code, as amended by section 16 of this local law, section 3310.8.2 of such code, as amended by section 17 of this local law, section 3310.8.2.1.2, as added by section 18 of this local law, and section 3310.8.3.1 of such code, as amended by section 19 of this local law, shall apply to all work on major buildings as defined in section BC 202 of the New York city building code, for which a site safety plan is approved by the department of buildings on or after such effective date;

(ii) section 3301.13.6 of the New York city building code, as amended by section four of this local law, takes effect on January 1, 2022; and

(iii) the commissioner of buildings may promulgate rules or take other actions for the implementation of this local law prior to such effective date.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, MARK GJONAJ, FARAH N. LOUIS; Committee on Housing and Buildings, November 10, 2021. *Other Council Members Attending: Council Member Ayala.*

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. 847

**Report of the Committee on Land Use in favor of approving Application No. 20225004 HAM (TMN1002-West Harlem Renaissance) submitted by the New York City Department of Housing and Development requesting the waiver of the designation requirements of Section 693 of the General Municipal Law and Sections 197-c and 197-d of the Charter pursuant to Section 694 of the General Municipal Law, approval of an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law, and approval of an exemption from real property taxation pursuant to Article XI of the Private Housing Finance Law for property located at 101 West 141th Street, aka 621-23 Lenox Avenue (Block 2010, Lot 28) and 121-23 West 144th (Block 2013, Lot 20), Borough of Manhattan, Community District 10, Council District 9.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2449) and which same Land Use item was coupled with the resolution shown below, respectfully

### REPORTS:

#### SUBJECT

**MANHATTAN CB - 10**

**20225004 HAM**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law and Section 577 of Article XI of the Private Housing Finance Law for approval of an urban development action area project, waiver of the area designation requirement, waiver of the requirements of Sections 197-c and 197-d of the New York City Charter, and approval of a real property tax exemption for property located at 101 West 141<sup>st</sup> Street, aka 621-23 Lenox Avenue (Block 2010, Lot 28) and 121-23 West 144<sup>th</sup> Street (Block 2013, Lot 20) Council District 9, Community District 10.

#### INTENT

To approve the Project as an Urban Development Action Area Project and a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for the project consisting of the rehabilitation of two (2) multiple dwellings which will provide approximately fifty-one (51) rental dwelling units and two (2) commercial units in the Disposition Area.

#### PUBLIC HEARING

**DATE:** October 13, 2021

**Witnesses in Favor:** Three

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION****DATE:** October 26, 2021

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

**In Favor:**

Riley, Koo, Treyger.

**Against:**

None

**Abstain:**

Barron

**COMMITTEE ACTION****DATE:** November 10, 2021

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

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

**Against:**

None

**Abstain:**

None.

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

Res. No. 1789

**Resolution approving an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law and a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at 101 West 141<sup>st</sup> Street a.k.a. 621-23 Lenox Avenue (Block 2010, Lot 28) and 121-23 West 144<sup>th</sup> Street (Block 2013, Lot 20), Borough of Manhattan; and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, Community District 10, Borough of Manhattan (L.U. No. 847; 20225004 HAM).**

By Council Members Salamanca and Riley.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on September 10, 2021 its request dated September 10, 2021 that the Council take the following actions regarding the proposed Urban Development Action Area Project (the "Project") located at 101 West 141<sup>st</sup> Street a.k.a. 621-23 Lenox Avenue (Block 2010, Lot 28) and 121-23 West 144<sup>th</sup> Street (Block 2013, Lot 20), Community District 10, Borough of Manhattan (the "Disposition Area or Exemption Area"):

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

2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to Section 693 of the General Municipal Law;
3. Waive the requirements of Sections 197-c and 197-d of the Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve an exemption of the Exemption Area from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law.

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on October 13, 2021; and

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

**RESOLVED:**

The Council finds that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council waives the area designation requirement pursuant to Section 693 of the General Municipal Law.

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

The Council approves the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.

The Project shall be developed in a manner consistent with the Project Summary that HPD has submitted to the Council on September 10, 2021, a copy of which is attached hereto.

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

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

housing development fund company or an entity wholly controlled by a housing development fund company (“Expiration Date”).

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

**ATTACHMENT:**

**PROJECT SUMMARY**

- 1. **PROGRAM:** MULTIFAMILY PRESERVATION LOAN PROGRAM
- 2. **PROJECT:** TMN1002-West Harlem Renaissance
- 3. **LOCATION:**
  - a. **BOROUGH:** Manhattan
  - b. **COMMUNITY DISTRICTS:** 10
  - c. **COUNCIL DISTRICTS:** 09
  - d. **DISPOSITION AREA:**

<u>Block</u>	<u>Lot</u>	<u>Address</u>
2010	28	101 West 141 Street aka 621-23 Lenox Avenue
2013	20	121-23 West 144 Street,
- 4. **BASIS OF DISPOSITION PRICE:** Nominal (One dollar (\$1.00) per building).  
 The Sponsor also will deliver a note and mortgage for the remainder of the appraised value (“Land Debt”). For a period of up to seventy-five (75) years, the Land Debt or the City’s capital subsidy may be repayable out of resale or refinancing profits. The remaining balance of the Land Debt, if any, may be forgiven at maturity.

5. **TYPE OF PROJECT:** Rehabilitation
6. **APPROXIMATE NUMBER OF BUILDINGS:** Two (2) Multiple Dwellings
7. **APPROXIMATE NUMBER OF UNITS:** Fifty-one (51) dwelling units
8. **HOUSING TYPE:** Rental
9. **ESTIMATE OF INITIAL RENTS:** Initial rents will be established in compliance with federal regulations, where applicable, and will be affordable to the targeted income groups. All units will be subject to rent stabilization. Eligible tenants may apply for rent subsidies.
10. **INCOME TARGETS:** The Disposition Area contains occupied buildings which will be sold subject to existing tenancies. Vacant units, if any, will be rented in compliance with federal regulations, where applicable. Vacant units not subject to such regulations will be rented to families with annual household incomes up to 165% of the area median.
11. **PROPOSED FACILITIES:** Approximately two (2) commercial spaces
12. **PROPOSED CODES/ORDINANCES:** None
13. **ENVIRONMENTAL STATUS:** Type II
14. **PROPOSED TIME SCHEDULE:** Approximately twenty-four (24) months from closing to completion of construction.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, 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, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro and Eugene.*

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. 848

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210253 ZMK (Glenmore Manor) submitted by New York City Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17c and 17d, changing from an R6 District to an R7A District, changing from an R6 District to an R7D District property, establishing within the proposed R7A District a C2-4 District, and establishing within the proposed R7D District a C2-4 District, for property bounded by Liberty Avenue, Christopher Avenue, Glenmore Avenue, and Mother Gaston Boulevard, Borough of Brooklyn, Community District 16, Council District 37.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2449) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:****SUBJECT****BROOKLYN CB-16 – FOUR APPLICATIONS RELATED TO GLENMORE MANOR****C 210253 ZMK (L.U. No. 848)**

City Planning Commission decision approving an application submitted by the New York City Housing Preservation and Development (HPD), pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17c and 17d:

1. changing from an R6 District to an R7A District property bounded by Liberty Avenue, Christopher Avenue, a line 100 feet northerly of Glenmore Avenue, and a line midway between Mother Gaston Boulevard and Christopher Avenue;
2. changing from an R6 District to an R7D District property bounded by a line 100 feet northerly of Glenmore Avenue, Christopher Avenue, Glenmore Avenue, and Mother Gaston Boulevard;
3. establishing within the proposed R7A District a C2-4 District bounded by Liberty Avenue, Christopher Avenue, a line 100 feet northerly of Glenmore Avenue, and a line midway between Mother Gaston Boulevard and Christopher Avenue; and,
4. establishing within the proposed R7D District a C2-4 District bounded by a line 100 feet northerly of Glenmore Avenue, Christopher Avenue, Glenmore Avenue, and Mother Gaston Boulevard;

as shown on a diagram (for illustrative purposes only) dated April 19, 2021.

**N 210254 ZRK (L.U. No. 849)**

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development (HPD), 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.

**C 210255 HAK (L.U. No. 850)**

City Planning Commission decision approving an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 305-313 Mother Gaston Boulevard (Block 3692, Lots 1, 2, 3, and 4), 46-64 Christopher Avenue (Block 3692, Lots 23, 24, 25, 26, 27, 28, 29, 30, 31, and 32), and 109-117 Glenmore Avenue (Block 3692, Lots 34, 35, and 37) as an Urban Development Action Area; and
  - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate the development of an 11-story mixed use development containing approximately 232 affordable housing units, commercial and community facility space.

**C 210256 HUK (L.U. No. 851)**

City Planning Commission decision approving an application 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 third amendment to the Brownsville II Urban Renewal Plan.

**INTENT**

To approve the amendment to rezone the Project Area from an R6 to R7D/C2-4 and R7A/C2-4; amend the zoning text to designate a Mandatory Inclusionary Housing (MIH) area; approve an urban development action area designation, project approval, and disposition of City-owned property located at 305-313 Mother Gaston Boulevard (Block 3692, Lots 1, 2, 3, and 4), 46-64 Christopher Avenue (Block 3692, Lots 23, 24, 25, 26, 27, 28, 29, 30, 31, and 32), and 109-117 Glenmore Avenue (Block 3692, Lots 34, 35, and 37) to a developer selected by HPD; and approve the Third Amended Urban Renewal Plan for the Brownsville II Urban Renewal Plan to facilitate the development of a new approximately 204,000-square-foot mixed-use building with approximately 232 units of affordable housing, and 19,000 square feet of commercial and community facility space within a project area generally bounded by Mother Gaston Boulevard, Glenmore Avenue, Liberty Avenue and Christopher Avenue in Brownsville.

**PUBLIC HEARING**

**DATE:** October 13, 2021

**Witnesses in Favor:** Three

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION****DATE:** October 26, 2021

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission and the HPD requests on L.U. Nos. 848, 850 and 851, and approve with modifications the decision of the City Planning Commission on L.U. No. 849.

**In Favor:**

Riley, Koo, Barron, Treyger.

**Against:**

None

**Abstain:**

None.

**COMMITTEE ACTION****DATE:** November 10, 2021

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

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

**Against:**

None

**Abstain**

None.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, 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, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro and Eugene.*

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. 849

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 210254 ZRK (Glenmore Manor) submitted by the New York City Department of Housing Preservation and Development 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 Brooklyn, Community District 16, Council District 37.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2450) 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. 848 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, 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, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro and Eugene.*

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. 850

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210255 HAK (Glenmore Manor) 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 Urban Development Action Area Project for such area, and pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD, for property located at 305-309 Mother Gaston Boulevard (Block 3692, Lots 1, 2, 3 and 4), 46 – 64 Christopher Avenue (Block 3692, Lots 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32), 111-117 Glenmore Avenue (Block 3692, Lots 34, 35 and 37), Borough of Brooklyn, Community District 16, Council District 37.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2450) 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. 848 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, 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, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro and Eugene.*

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. 851

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210256 HUK (Glenmore Manor) submitted by the Department of Housing Preservation and Development, pursuant to Section 505 of Article 15 of the General Municipal Law of New York State and Section 197-c of the New York City Charter, for the third amendment to the Brownsville II Urban Renewal Plan, Borough of Brooklyn, Community District 16, Council District 37.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2450) 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. 848 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, 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, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeager, Brannan, Rose, Ulrich, Gennaro and Eugene.*

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. 864

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210351 ZMM (New York Blood Center) submitted by New York Blood Center, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8c, changing from an R8B District to a C2-7 District and changing from a C1-9 District to a C2-8 District, for property located between East 66th Street and East 67th Street in the vicinity of Second Avenue, Borough of Manhattan, Community District 8, Council District 5.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2454) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:****SUBJECT**

**MANHATTAN CB-8 – THREE APPLICATIONS RELATED TO NEW YORK BLOOD CENTER  
C 210351 ZMM (L.U. No. 864)**

City Planning Commission decision approving an application submitted by New York Blood Center Inc., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8c:

1. changing from an R8B District to a C2-7 District property bounded by East 67<sup>th</sup> Street, a line 325 feet easterly of Second Avenue, East 66<sup>th</sup> Street and a line 100 feet easterly of Second Avenue; and
2. changing from a C1-9 District to a C2-8 District property bounded by East 67<sup>th</sup> Street, a line 100 feet easterly of Second Avenue, East 66<sup>th</sup> Street, Second Avenue, East 66<sup>th</sup> Street, and a line 100 feet westerly of Second Avenue;

as shown on a diagram (for illustrative purposes only) dated April 19, 2021, and subject to the conditions of CEQR Declaration E-612.

**N 210352 ZRM (L.U. No. 865)**

City Planning Commission decision approving an application submitted by New York Blood Center, Inc. pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article VII, Chapter 4, for the purpose of allowing scientific research facilities in C2-7 Districts and allowing related use and bulk modifications, and modifying APPENDIX F, for the purpose of establishing a Mandatory Inclusionary Housing area.

**C 210353 ZSM (L.U. No. 866)**

City Planning Commission decision approving an application submitted by New York Blood Center, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-48 of the Zoning Resolution as follows:

1. to allow a scientific research and development facility as a commercial use;
2. to allow the floor area ratio regulations, up to the maximum floor area ratio permitted for community facility uses for the District, to apply to the scientific research and development facility use;
3. to modify the height and setback regulations of Section 33-432 (In other Commercial Districts), and the required yard equivalents regulations of Section 33-283 (Required rear yard equivalents); and,
4. to modify the signage regulations of Section 32-641 (Total surface area of signs), Section 32-642 (Non-illuminated signs), Section 32-643 (Illuminated non-flashing signs), Section 32-655 (Permitted Projections or Height of Signs), and Section 32-67 (Special Provisions Applying Along District Boundaries);

to facilitate a proposed 16-story building on property located at 310 East 67th Street (Block 1441, Lot 40), in a C2-7 District.

**INTENT**

To approve the amendment to rezone the Project Area from an R8B District to a C2-7 District and to change a C1-9 District to a C2-8 District; amend zoning text to allow scientific research and development facilities in C2-7 Districts and allow related use and bulk modifications, and to designate a Mandatory Inclusionary Housing (MIH) area; and grant an approval of the special permit pursuant to Section 74-48 of the Zoning Resolution to allow a scientific research and development facility and to allow modification of the height and setback regulations of Section 33-432 to facilitate the development of a new, modern headquarters for the New York Blood Center and a commercial life sciences hub located at 310 East 67th Street (Block 1441, Lot 40) in the Upper East Side of Manhattan, Community District 8.

**PUBLIC HEARING**

**DATE:** October 20, 2021

**Witnesses in Favor:** Twenty-four

**Witnesses Against:** Eighty-one

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** November 10, 2021

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on L.U. Nos. 864 and 865 and approve with modifications the decision of the City Planning Commission on L.U. No. 866.

**In Favor:**

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

**Against:** Grodenchik  
**Abstain:** None

**COMMITTEE ACTION**

**DATE:** November 10, 2021

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

Salamanca, Gibson, Barron, Levin, Miller, Reynoso, Treyger, Adams, Ayala, Moya, Rivera, Riley, Brooks-Powers, Feliz, Borelli.

**Against:** Grodenchik  
R. Diaz Sr.  
**Abstain:** Koo

RAFAEL SALAMANCA, Jr., *Chairperson*; STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro and Eugene.*

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. 865

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 201352 ZRM (New York Blood Center) submitted by New York Blood Center, Inc. pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article VII, Chapter 4, for the purpose of allowing scientific research and development facilities in C2-7 Districts and allowing related use and bulk modifications, and modifying APPENDIX F, for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Manhattan, Community District 8, Council District 5.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2454) 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. 864 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

RAFAEL SALAMANCA, Jr., *Chairperson*; STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro and Eugene.*

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. 866

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 201353 ZSM (New York Blood Center) submitted by New York Blood Center, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-48 of the Zoning Resolution to allow a scientific research and development facility as a commercial use, to allow the floor area ratio regulations, up to the maximum floor area ratio permitted for community facility uses for the District, to apply to the scientific research and development facility use<sup>3</sup>, to modify the height and setback regulations of Section 33-432 (In other Commercial Districts), and the required**

yard equivalents regulations of Section 33-283 (Required rear yard equivalents), and to modify the signage regulations of Section 32-641 (Total surface area of signs), Section 32-642 (Non-illuminated signs), Section 32-643 (Illuminated non-flashing signs), Section 32-655 (Permitted Projections or Height of Signs), and Section 32-67 (Special Provisions Applying Along District Boundaries), to facilitate a proposed 16-story building on property located at 310 East 67th Street (Block 1441, Lot 40), Borough of Manhattan, Community District 8, Council District 5.

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2454) 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. 864 printed in these Minutes)

*Accordingly, this Committee recommends its adoption, as modified.*

RAFAEL SALAMANCA, Jr., *Chairperson*; STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeager, Brannan, Rose, Ulrich, Gennaro and Eugene.*

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. 867

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 20210369 ZSM (343 Madison Avenue – MTA/HQ) submitted by BP 347 Madison Associates, LLC and Metropolitan Transportation Authority pursuant to Sections 197-c and 201 of the New York City Charter for, in conjunction with the grant of a special permit pursuant to 81-633 of the Zoning Resolution (Special permit for Grand Central public realm improvements), the grant of a special permit pursuant to Section 81-634 to modify the street wall requirements of Sections 81-43 (Street Wall Continuity along Designated Streets) and 81-671 (Special Street Wall Requirements); the height and setback requirements of Section 81-27 (Alternative Height and Setback Regulations - Daylight Evaluation); and the mandatory district plan elements of Section 81-42 (Retail Continuity Along Designated Streets), Section 81-45 (Pedestrian Circulation Space), Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), Sections 81-47 (Major Building Entrances), Section 81-674 (Ground floor use provisions), Section 81-44 (Curb Cut Restrictions), and Section 81-675 (Curb cut restrictions and loading berth requirements), in connection with a proposed commercial development, on property located at 343 Madison Avenue (Block 1279, Lots 23, 24, 25 & 48), in a C5-3 District, within the Special Midtown District (Vanderbilt Corridor Subarea), Borough of Manhattan, Community District 5, Council District 4.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2455) and which same Land Use item was coupled with the resolution shown below, respectfully

#### REPORTS:

**SUBJECT****MANHATTAN CB-5 – TWO APPLICATIONS RELATED TO 343 MADISON AVENUE-  
MTA/HQ****C 210369 ZSM (L.U. No. 867)**

City Planning Commission decision approving an application submitted by BP 347 Madison Associates, LLC and Metropolitan Transportation Authority, pursuant to Sections 197-c and 201 of the New York City Charter for, in conjunction with the grant of a special permit pursuant to 81-633 of the Zoning Resolution (Special permit for Grand Central public realm improvements), the grant of a special permit pursuant to Section 81-634 to modify the street wall requirements of Sections 81-43 (Street Wall Continuity along Designated Streets) and 81-671 (Special Street Wall Requirements), the height and setback requirements of Section 81-27 (Alternative Height and Setback Regulations - Daylight Evaluation); and the mandatory district plan elements of Section 81-42 (Retail Continuity Along Designated Streets), Section 81-45 (Pedestrian Circulation Space), Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), Sections 81-47 (Major Building Entrances), Section 81-674 (Ground floor use provisions), Section 81-44 (Curb Cut Restrictions), and Section 81-675 (Curb cut restrictions and loading berth requirements); in connection with a proposed commercial development, on property located at 343 Madison Avenue (Block 1279, Lots 23, 24, 25 & 48), in a C5-3 District, within the Special Midtown District (Vanderbilt Corridor Subarea).

**C 210370 ZSM (L.U. No. 868)**

City Planning Commission decision approving an application submitted by BP 347 Madison Associates, LLC and the Metropolitan Transportation Authority, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-633 of the Zoning Resolution to allow an increase in floor area in excess of the basic maximum floor area ratio established in the Table in Section 81-63 (Special Floor Area Provisions for the Vanderbilt Corridor Subarea) up to a maximum floor area as set forth in such Table, in connection with a proposed commercial development, on property located at 343 Madison Avenue (Block 1279, Lots 23, 24, 25 & 48), in a C5-3 District, within the Special Midtown District (Vanderbilt Corridor Subarea).

**INTENT**

To grant an approval of the special permit pursuant to ZR Section 81-634 to modify certain district plan elements, street wall, height and setback, loading and curb cut regulations and grant an approval of the zoning special permit pursuant to ZR Section 81-633 granting additional floor area for the provisions of public realm improvements to allow for the development of a commercial building on the property at 317-341 Madison Avenue (Block 1279, Lots 23, 24, 25 & 48) in the East Midtown neighborhood of Manhattan Community District 5.

**PUBLIC HEARING**

**DATE:** October 12, 2021

**Witnesses in Favor:** Seven

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION****DATE:** November 10, 2021

The Subcommittee recommends that the Land Use Committee approve with modifications the decisions of the City Planning Commission on L.U. Nos. 867 and 868.

**In Favor:**

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

**Against:**

None

**Abstain:**

None.

**COMMITTEE ACTION****DATE:** November 10, 2021

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

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

**Against:**

None

**Abstain:**

None.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, 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, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro and Eugene.*

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. 868

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 20210370 ZSM (343 Madison Avenue – MTA/HQ) submitted by BP 347 Madison Associates, LLC and Metropolitan Transportation Authority pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-633 of the Zoning Resolution to allow an increase in floor area in excess of the basic maximum floor area ratio established in the Table in Section 81-63 (Special Floor Area Provisions for the Vanderbilt Corridor Subarea) up to a maximum floor area as set forth in such Table, in connection with a proposed commercial development, on property located at 343 Madison Avenue (Block 1279, Lots 23, 24, 25 & 48), in a C5-3 District, within the Special Midtown District (Vanderbilt Corridor Subarea), Borough of Manhattan, Community District 5, Council District 4.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2455) 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. 867 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, 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, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeager, Brannan, Rose, Ulrich, Gennaro and Eugene.*

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. 869

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210177 ZMK (Gowanus Neighborhood Plan) submitted by the New York City Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 16c and 16d eliminating from within an existing R8A District a C2-4 District, eliminating a Special Enhanced Commercial District (EC-1), changing from an R6B District to an R6A District, changing from an R6 District to an R6B District, changing from an R8A District to a C4-4D District, changing from an C8-2 District to a C4-4D District, changing from an M1-2 District to a C4-4D District, changing from an C8-2 District to an M1-4 District, changing from an M1-1 District to an M1-4 District, changing from an M2-1 District to an M1-4 District, changing from an M3-1 District to an M1-4 District, changing from an R6 District to an M1-4/R6A District, changing from an M1-1 District to an M1-4/R6A District, changing from an M1-2 District to a M1-4/R6A District, changing from an M2-1 District to an M1-4/R6A District, changing from an C8-2 District to an M1-4/R6B District, changing from an M1-1 District to an M1-4/R6B District, changing from an M1-2 District to an M1-4/R6B District, changing from an M2-1 District to an M1-4/R6B District, changing from an M2-1 District to an M1-4/R7-2 District, changing from an M3-1 District to an M1-4/R7-2 District, changing from an M1-2 District to an M1-4/R7A District, changing from an R6 District to an M1-4/R7X District, changing from an C8-2 District to an M1-4/R7X District, changing from an M1-2 District to an M1-4/R7X District, and establishing a Special Gowanus Mixed Use District (G), for property located in the Borough of Brooklyn, Community Districts 2 and 6, Council Districts 33 and 39.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2455) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT****BROOKLYN CBs-2 and 6 – SEVEN APPLICATIONS RELATED TO GOWANUS  
NEIGHBORHOOD PLAN****C 210177 ZMK (L.U. No. 869)**

City Planning Commission decision approving an application submitted by the New York City Department of City Planning (DCP) pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 16c and 16d:

1. eliminating from within an existing R8A District a C2-4 District bounded by:
  - a. Pacific Street, a line 100 feet southeasterly of 4<sup>th</sup> Avenue, President Street, a line 150 feet southeasterly of 4<sup>th</sup> Avenue, 3<sup>rd</sup> Street, 4<sup>th</sup> Avenue, Douglass Street, and a line 100 feet northwesterly of 4<sup>th</sup> Avenue; and
  - b. a line 210 feet northeasterly of 5<sup>th</sup> Street, a line 100 feet southeasterly of 4<sup>th</sup> Avenue, 7<sup>th</sup> Street, 4<sup>th</sup> Avenue, 9<sup>th</sup> Street, a line 100 feet southeasterly of 4<sup>th</sup> Avenue, 13<sup>th</sup> Street, 4<sup>th</sup> Avenue, 14<sup>th</sup> Street, a line 100 feet southeasterly of 4<sup>th</sup> Avenue, 15<sup>th</sup> Street, a line 100 feet northwesterly of 4<sup>th</sup> Avenue, 6<sup>th</sup> Street, and 4<sup>th</sup> Avenue;
2. eliminating a Special Enhanced Commercial District (EC-1) bounded by Pacific Street, a line 100 feet southeasterly of 4<sup>th</sup> Avenue, President Street, a line 150 feet southeasterly of 4<sup>th</sup> Avenue, 3<sup>rd</sup> Street, a line 100 feet southeasterly of 4<sup>th</sup> Avenue, 15<sup>th</sup> Street, a line 100 feet northwesterly of 4<sup>th</sup> Avenue, 6<sup>th</sup> Street, 4<sup>th</sup> Avenue, Douglass Street, and a line 100 feet northwesterly of 4<sup>th</sup> Avenue;
3. changing from an R6B District to an R6A District property bounded by Carroll Street, Bond Street, 1<sup>st</sup> Street, and a line 350 feet southeasterly of Hoyt Street;
4. changing from an R6 District to an R6B District property bounded by Warren Street, Nevins Street, a line midway between Warren Street and Baltic Street, and a line 100 feet southeasterly of Bond Street;
5. changing from an R8A District to a C4-4D District property bounded by Pacific Street, a line 100 feet southeasterly of 4<sup>th</sup> Avenue, President Street, a line 150 feet southeasterly of 4<sup>th</sup> Avenue, 3<sup>rd</sup> Street, a line 100 feet southeasterly of 4<sup>th</sup> Avenue, 15<sup>th</sup> Street, a line 100 feet northwesterly of 4<sup>th</sup> Avenue, 6<sup>th</sup> Street, 4<sup>th</sup> Avenue, Douglass Street, and a line 100 feet northwesterly of 4<sup>th</sup> Avenue;
6. changing from an C8-2 District to a C4-4D District property bounded by 3<sup>rd</sup> Street, 4<sup>th</sup> Avenue, 6<sup>th</sup> Street, and a line 100 feet northwesterly of 4<sup>th</sup> Avenue;
7. changing from an M1-2 District to a C4-4D District property bounded by Douglass Street, 4<sup>th</sup> Avenue, 1<sup>st</sup> Street, a line 100 feet northwesterly of 4<sup>th</sup> Avenue;
8. changing from an C8-2 District to an M1-4 District property bounded by 3<sup>rd</sup> Street, a line 100 feet northwesterly of 4<sup>th</sup> Avenue, a line midway between 6<sup>th</sup> Street and 7<sup>th</sup> Street, a line 100 feet southeasterly of 3<sup>rd</sup> Avenue, 7<sup>th</sup> Street, 3<sup>rd</sup> Avenue, a line 305 feet southwesterly of 3<sup>rd</sup> Street, and a line 285 feet southeasterly of 3<sup>rd</sup> Avenue;
9. changing from an M1-1 District to an M1-4 District property bounded by:
  - a. a line midway between 4<sup>th</sup> Street and 5<sup>th</sup> Street, a line perpendicular to the northeasterly street line of 5<sup>th</sup> Street distant 220 feet northwesterly (as measured along the street line) from the point

of intersection of the northeasterly street line of 5<sup>th</sup> Street and the northwesterly street line of Hoyt Street, 5<sup>th</sup> Street, and a line perpendicular to the northeasterly street line of 5<sup>th</sup> Street distant 390 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 5<sup>th</sup> Street and the northwesterly street line of Hoyt Street; and

- b. 3rd Street, Bond Street, 4<sup>th</sup> Street, and Hoyt Street;
10. changing from an M1-2 District to an M1-4 District property bounded by:
    - a. a line midway between Baltic Street and Butler Street, Nevins Street, Butler Street and a line 360 feet northwesterly of Nevins Street;
    - b. a line midway between Baltic Street and Butler Street, a line 100 feet northwesterly of 4<sup>th</sup> Avenue, a line midway between Sackett Street and Union Street, a line 100 feet southeasterly of 3<sup>rd</sup> Avenue, Degraw Street, a line 200 feet southeasterly of 3<sup>rd</sup> Avenue, Douglass Street, and a line 100 feet southeasterly of 3<sup>rd</sup> Avenue; and
    - c. a line midway between Union Street and President Street, a line 180 feet northwesterly of 4<sup>th</sup> Avenue, President Street, a line 250 feet northwesterly of 4<sup>th</sup> Avenue, Carroll Street, and a line 100 feet southeasterly of 3<sup>rd</sup> Avenue;
  11. changing from an M2-1 District to an M1-4 District property bounded by 3<sup>rd</sup> Street, a line 270 feet southeasterly of Bond Street, the centerline of the Gowanus Canal, and Bond Street and its southwesterly centerline prolongation;
  12. changing from an M3-1 District to an M1-4 District property bounded by 4<sup>th</sup> Street, Bond Street and its southwesterly centerline prolongation, the centerline of the Gowanus Canal, a line 160 feet northwesterly of Bond Street and its southwesterly prolongation, a line 120 feet southwesterly of 4<sup>th</sup> Street, Hoyt Street, 5<sup>th</sup> Street, and a line perpendicular to the northeasterly street line of 5<sup>th</sup> Street distant 220 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 5<sup>th</sup> Street and the northwesterly street line of Hoyt Street;
  13. changing from an R6 District to an M1-4/R6A District property bounded by Warren Street, a line 100 feet southeasterly of Bond Street, Baltic Street and Bond Street;
  14. changing from an M1-1 District to an M1-4/R6A District property bounded by a line midway between 3<sup>rd</sup> Street and 4<sup>th</sup> Street, Hoyt Street, 4<sup>th</sup> Street, and a line perpendicular to the northeasterly street line of 4<sup>th</sup> Street distant 365 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 4<sup>th</sup> Street and the northwesterly street line of Hoyt Street;
  15. changing from an M1-2 District to a M1-4/R6A District property bounded by:
    - a. a line midway between Warren Street and Baltic Street, a line 100 feet northwesterly of Nevins Street, a line midway between Baltic Street and Butler Street, a line 100 feet southeasterly of Bond Street, Douglass Street, Bond Street, Baltic Street, and a line 100 feet southeasterly of Bond Street;
    - b. a line midway between Baltic Street and Butler Street, a line 100 feet northwesterly of 3<sup>rd</sup> Avenue, a line midway between Butler Street and Douglass Street, a line 100 feet southeasterly of Nevins Street, Butler Street, a line 325 feet northwesterly of 3<sup>rd</sup> Avenue;
    - c. Baltic Street, a line 100 feet northwesterly of 4<sup>th</sup> Avenue, a line midway between Baltic Street and Butler Street, and a line 100 feet southeasterly of 3<sup>rd</sup> Avenue;

- d. a line midway between Degraw Street and Sackett Street, a line 100 feet northwesterly of 3<sup>rd</sup> Avenue, a line midway between Sackett Street and Union Street, a line 100 feet southeasterly of Nevins Street, a line midway between Union Street and President Street, a line 190 feet northwesterly of 3<sup>rd</sup> Avenue, President Street, a line 100 feet southeasterly of Nevins Street, Carroll Street, Nevins Street, Sackett Street, and a line 100 feet southeasterly of Nevins Street; and
  - e. Union Street, a line 270 feet southeasterly of 3<sup>rd</sup> Avenue, a line midway between Union Street and President Street, and a line 170 feet northwesterly of 3<sup>rd</sup> Avenue;
16. changing from an M2-1 District to an M1-4/R6A District property bounded by a line midway between Butler Street and Douglass Street, a line 200 feet southeasterly of Bond Street, Douglass Street, and a line 100 feet southeasterly of Bond Street;
  17. changing from an C8-2 District to an M1-4/R6B District property bounded by a line midway between 6<sup>th</sup> Street and 7<sup>th</sup> Street, a line 360 feet southeasterly of 3<sup>rd</sup> Avenue, 7<sup>th</sup> Street, and a line 100 feet southeasterly of 3<sup>rd</sup> Avenue;
  18. changing from an M1-1 District to an M1-4/R6B District property bounded by a line midway between 4<sup>th</sup> Street and 5<sup>th</sup> Street, a line perpendicular to the northeasterly street line of 5<sup>th</sup> Street distant 390 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 5<sup>th</sup> Street and the northwesterly street line of Hoyt Street, 5<sup>th</sup> Street, and Smith Street;
  19. changing from an M1-2 District to an M1-4/R6B District property bounded by:
    - a. a line midway between Baltic Street and Butler Street, a line 360 feet northwesterly of Nevins Street, Butler Street, and a line 100 feet southeasterly of Bond Street; and
    - b. a line midway between Union Street and President Street, a line 100 feet southeasterly of 3<sup>rd</sup> Avenue, Carroll Street, a line 250 feet northwesterly of 4<sup>th</sup> Avenue, President Street, a line 100 feet northwesterly of 4<sup>th</sup> Avenue, 1<sup>st</sup> Street, 3<sup>rd</sup> Avenue, Carroll Street, a line 100 feet southeasterly of Nevins Street, President Street, and a line 190 feet northwesterly of 3<sup>rd</sup> Avenue;
  20. changing from an M2-1 District to an M1-4/R6B District property bounded by:
    - a. Butler Street, a line 200 feet southeasterly of Bond Street, a line midway between Butler Street and Douglass Street, and a line 100 feet southeasterly of Bond Street; and
    - b. Carroll Street, 3<sup>rd</sup> Avenue, a line perpendicular to the northwesterly street line of 3<sup>rd</sup> Avenue distant 160 feet southwesterly (as measured along the street line) from the point of intersection of the northwesterly street line of 3<sup>rd</sup> Avenue and the southwesterly street line of Carroll Street, a line 100 feet northwesterly of 3<sup>rd</sup> Avenue, the northwesterly centerline prolongation of 1<sup>st</sup> Street, and a line perpendicular to the southwesterly street line of Carroll Street distant 425 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Carroll Street and the northwesterly street line of 3<sup>rd</sup> Avenue;
  21. changing from an M2-1 District to an M1-4/R7-2 District property bounded by:
    - a. Douglass Street and its southeasterly centerline prolongation, the centerline of the Gowanus Canal, Degraw Street and its northwesterly centerline prolongation, Nevins Street, Carroll Street, a line perpendicular to the southwesterly street line of Carroll Street distant 425 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Carroll Street and the northwesterly street line of 3<sup>rd</sup> Avenue, the

northwesterly centerline prolongation of 1<sup>st</sup> Street, the centerline of the Gowanus Canal, Carroll Street and its southeasterly centerline prolongation, and Bond Street; and

- b. 2<sup>nd</sup> Street, a line 210 feet northwesterly of 3<sup>rd</sup> Avenue, 3<sup>rd</sup> Street and its northwesterly centerline prolongation, the centerline of the Gowanus Canal, a line 270 feet southeasterly of Bond Street and its southwesterly prolongation, 3<sup>rd</sup> Street, and Bond Street;
22. changing from an M3-1 District to an M1-4/R7-2 District property bounded by 5<sup>th</sup> Street, Hoyt Street, a line 120 feet southwesterly of 4<sup>th</sup> Street, a line 160 feet northwesterly of Bond Street and its southwesterly prolongation, the centerline of the Gowanus Canal, Huntington Street and its southeasterly prolongation, and Smith Street;
23. changing from an M1-2 District to an M1-4/R7A District property bounded by Sackett Street, a line 100 feet southeasterly of 3<sup>rd</sup> Avenue, a line midway between Sackett Street and Union Street, a line 100 feet northwesterly of 4<sup>th</sup> Avenue, President Street, a line 180 feet northwesterly of 4<sup>th</sup> Avenue, a line midway between Union Street and President Street, a line 270 feet southeasterly of 3<sup>rd</sup> Avenue, Union Street, a line 170 feet northwesterly of 3<sup>rd</sup> Avenue, a line midway between Union Street and President Street, a line 100 feet southeasterly of Nevins Street, a line midway between Sackett Street and Union Street, and a line 100 feet northwesterly of 3<sup>rd</sup> Avenue;
24. changing from an R6 District to an M1-4/R7X District property bounded by a line midway between Warren Street and Baltic Street, Nevins Street, Baltic Street, and a line 75 feet northwesterly of Nevins Street;
25. changing from an C8-2 District to an M1-4/R7X District property bounded 3<sup>rd</sup> Street, a line 285 feet southeasterly of 3<sup>rd</sup> Avenue, a line 305 feet southwesterly of 3<sup>rd</sup> Street, and 3<sup>rd</sup> Avenue;
26. changing from an M1-2 District to an M1-4/R7X District property bounded by:
  - a. a line midway between Warren Street and Baltic Street, a line 75 feet northwesterly of Nevins Street, Baltic Street, Nevins Street, a line midway between Baltic Street and Butler Street, and a line 100 feet northwesterly of Nevins Street;
  - b. Baltic Street, a line 100 feet southeasterly of 3<sup>rd</sup> Avenue, Douglass Street, a line 200 feet southeasterly of 3<sup>rd</sup> Avenue, Degraw Street, a line 100 feet southeasterly of 3<sup>rd</sup> Avenue, Sackett Street, a line 100 feet northwesterly of 3<sup>rd</sup> Avenue, a line midway between Degraw Street and Sackett Street, a line 100 feet southeasterly of Nevins Street, Sackett Street, Nevins Street, Butler Street, a line 100 feet southeasterly of Nevins Street, a line midway between Butler Street and Douglass Street, a line 100 feet northwesterly of 3<sup>rd</sup> Avenue, a line midway between Baltic Street and Butler Street, and a line 325 feet northwesterly of 3<sup>rd</sup> Avenue;
27. changing from an M2-1 District to an M1-4/R7X District property bounded by a line perpendicular to the northwesterly street line of 3<sup>rd</sup> Avenue distant 160 feet southwesterly (as measured along the street line) from the point of intersection of the northwesterly street line of 3<sup>rd</sup> Avenue and the southwesterly street line of Carroll Street, 3<sup>rd</sup> Avenue, 3<sup>rd</sup> Street, a line 210 feet northwesterly of 3<sup>rd</sup> Avenue, the northwesterly centerline prolongation of 1<sup>st</sup> Street, and a line 100 feet northwesterly of 3<sup>rd</sup> Avenue, and
28. establishing a Special Gowanus Mixed Use District (G) bounded by Pacific Street, a line 100 feet southeasterly of 4<sup>th</sup> Avenue, President Street, a line 150 feet southeasterly of 4<sup>th</sup> Avenue, 3<sup>rd</sup> Street, a line 100 feet southeasterly of 4<sup>th</sup> Avenue, 15<sup>th</sup> Street, a line 100 feet northwesterly of 4<sup>th</sup> Avenue, a line midway between 6<sup>th</sup> Street and 7<sup>th</sup> Street, a line 360 feet southeasterly of 3<sup>rd</sup> Avenue, 7<sup>th</sup> Street, 3<sup>rd</sup> Avenue, 3<sup>rd</sup> Street and its northwesterly centerline prolongation, the centerline of the Gowanus Canal, Huntington Street and its southeasterly centerline prolongation, Smith Street, a line midway between

4<sup>th</sup> Street and 5<sup>th</sup> Street, a line perpendicular to the northeasterly street line of 5<sup>th</sup> Street distant 220 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 5<sup>th</sup> Street and the northwesterly street line of Hoyt Street, 4<sup>th</sup> Street, a line perpendicular to the northeasterly street line of 4<sup>th</sup> Street distant 365 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 4<sup>th</sup> Street and the northwesterly street line of Hoyt Street, a line midway between 3<sup>rd</sup> Street and 4<sup>th</sup> Street, Hoyt Street, 3<sup>rd</sup> Street, Bond Street, Warren Street, a line 100 feet southeasterly of Bond Street, a line midway between Warren Street and Baltic Street, Nevins Street, Butler Street, a line 325 feet northwesterly of 3<sup>rd</sup> Avenue, Baltic Street, and a line 100 feet northwesterly of 4<sup>th</sup> Avenue; and excluding the areas bounded by:

- i. Butler Street, Nevins Street, Degraw Street and its northwesterly centerline prolongation, the center line of the Gowanus Canal, Douglass Street and its southeasterly centerline prolongation, and a line 200 feet southeasterly of Bond Street; and
- ii. 1<sup>st</sup> Street, 4<sup>th</sup> Avenue, 3<sup>rd</sup> Street, and 3<sup>rd</sup> Avenue;

as shown on a diagram (for illustrative purposes only) dated April 19, 2021, and subject to the conditions of CEQR Declaration E-601.

**N 210178 ZRK (L.U. No. 870)**

City Planning Commission decision approving an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York establishing the Special Gowanus Mixed Use District (Article XIII, Chapter 9) and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area and modifying related Sections.

**C 210179 MMK (L.U. No. 871)**

City Planning Commission decision approving an application submitted by The New York City Department of City Planning pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving:

- 1) the establishment of Hoyt Street between 5<sup>th</sup> Street and Nelson Street;
- 2) the establishment of Luquer Street and Nelson Street between Smith Street and the Gowanus Canal;
- 3) the elimination, of a 7<sup>th</sup> Street between Smith Street and The Gowanus Canal;
- 4) the elimination of Public Place;
- 5) the establishment of legal grades;
- 6) the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. X-2754 dated December 7, 2020 and signed by the Borough President.

**C 210180 MMK (L.U. No. 872)**

City Planning Commission decision approving an application submitted by the New York City Department of City Planning and the New York City Department of Parks and Recreation pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving:

- 1) the establishment of Park within the area bounded by Huntington Street, Smith Street, Nelson Street, Hoyt Street, 4<sup>th</sup> Street, Bond Street and The Gowanus Canal;
- 2) the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map Nos. X-2755 and X-2756 dated December 7, 2020 and signed by the Borough President.

**C 210053 PPK (L.U. No. 873)**

City Planning Commission decision approving an application submitted by the New York City Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the disposition of city-owned property, located at 276 4th Avenue (Block 456, Lot 29), pursuant to zoning.

**C 210052 HAK (L.U. No. 874)**

City Planning Commission decision approving an application submitted by The Department of Housing Preservation and Development (HPD)

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a. the designation of property located at 5th Street and 431 Hoyt Street (Block 471, Lots 1 and 100) as an Urban Development Action Area; and
  - b. Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate an affordable mixed-use development with approximately 950 housing units, community facility and commercial space.

**20225005 HAK (L.U. No. 888)**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 694 of the General Municipal Law requesting approval of an amendment to an Urban Development Action Areas Project previously approved by the Council by Resolution No. 510 for the year 2002, Borough of Brooklyn, Community District 6, Council District 39.

**INTENT**

To approve the amendment to rezone the Project Area from an R6, R6B, R8A, R8A/C2-4, C8-2, M1-1, M1-2, M2-1, and M3-1 districts to R6B, R6A, M1-4/R6B, M1-4/R6A, M1-4/R7A, M1-4/R7-2, M1-4/R7X, C4-4D, and M1-4 districts, eliminate commercial overlays, establish the Special Gowanus Mixed Use District, and replace a Special Enhanced Commercial District (EC-1); amend zoning text to establish the Special Gowanus Mixed-Use District, Gowanus Waterfront Access Plan, establish a Mandatory Inclusionary Housing (MIH) area, and replace the EC-1 within the rezoning area; amend the City Map and included acquisition or disposition to facilitate the establishment of streets, the elimination of street segments, and removal of a “Public Place” designation; amend the City Map and included acquisition or disposition involving the mapping of parkland; approve the disposition of the City-owned property; approve the urban development action area project designation; and amend to an urban development action areas project previously approved by the Council by Resolution No. 510 for the year 2002 to facilitate land use changes for 82 full or partial blocks in the Gowanus neighborhood of Brooklyn, Community Districts 2 and 6.

**PUBLIC HEARING**

**DATE:** October 12, 2021

**Witnesses in Favor:** Thirty-nine

**Witnesses Against:** Forty-six

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** November 10, 2021

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on L.U. Nos. 869, 871 through 874, and 888 and approve with modifications the decision of the City Planning Commission on L.U. No. 870.

**In Favor:**

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

**Against:**

None

**Abstain:**

None.

**COMMITTEE ACTION**

**DATE:** November 10, 2021

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

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

**Against:**

None

**Abstain:**

None.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, 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, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro and Eugene.*

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. 870

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 210178 ZRK (Gowanus Neighborhood Plan) submitted by the New York City Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York establishing the Special Gowanus Mixed Use District (Article XIII, Chapter 9) and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, and modifying related Sections, for property located in the Borough of Brooklyn, Community Districts 2 and 6, Council Districts 33 and 39.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2456) 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. 869 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, 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, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro and Eugene.*

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. 871

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210179 MMK (Gowanus Neighborhood Plan) submitted by the New York City Department of City Planning pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving the establishment of Hoyt Street between 5th Street and Nelson Street, the establishment of Luquer Street and Nelson Street between Smith Street and the Gowanus Canal, the elimination of a 7th Street between Smith Street and The Gowanus Canal, the elimination of Public Place, the establishment of legal grades, and the adjustment of grades and block dimensions necessitated**

**thereby, including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. X-2754 dated December 7, 2020 and signed by the Borough President, Borough of Brooklyn, Community District 6, Council Districts 33 and 39.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2456) 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. 869 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, 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, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeager, Brannan, Rose, Ulrich, Gennaro and Eugene.*

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. 872

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210180 MMK (Gowanus Neighborhood Plan) submitted by the New York City Department of City Planning and the New York City Department of Parks and Recreation pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving the establishment of Park within the area bounded by Huntington Street, Smith Street, Nelson Street, Hoyt Street, 4th Street, Bond Street and The Gowanus Canal, the adjustment of grades and block dimensions necessitated thereby, including authorization for any acquisition or disposition of real property related thereto, in accordance with Map Nos. X-2755 and X-2756 dated December 7, 2020 and signed by the Borough President, Borough of Brooklyn, Community District 6, Council Districts 33 and 39.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2457) 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. 869 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, 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, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council*

*Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro and Eugene.*

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. 873

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210053 PPK (Gowanus Neighborhood Plan) submitted by the New York City Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the disposition pursuant to zoning of city-owned property, located at 276 4th Avenue (Block 456, Lot 29), Borough of Brooklyn, Community District 6, Council Districts 33 and 39.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2457) 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. 869 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, 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, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro and Eugene.*

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. 874

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210052 HAK (Gowanus Neighborhood Plan) submitted by the Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law of New York State for the designation of an Urban Development Action Area and an Urban Development Action Area Project for such area, and pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD to facilitate an affordable mixed-use development with approximately 950 units, on property located at 5th Street and 431 Hoyt Street (Block 471, Lots 1 and 100), Borough of Brooklyn, Community District 6, Council Districts 33 and 39.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2457) 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. 869 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, 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, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro and Eugene.*

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. 882

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210192 ZMQ (185-17 Hillside Avenue Rezoning) submitted by 18517 Hillside LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 15b: changing from an R3X District to an R7A District; changing from an R6A District to an R7A District; establishing within a proposed R7A District a C2-4 District; and establishing a Special Downtown Jamaica District (DJ) bounded by a line 140 feet northerly of Hillside Avenue, a line 100 feet westerly of Chelsea Street, a line 100 feet northerly of Hillside Avenue, and Dalny Road, Borough of Queens, Council District 24, Community District 8.**

The Committee on Land Use, to which the annexed Land Use item was referred on October 7, 2021 (Minutes, page 2653) and which same Land Use item was coupled with the resolution shown below, respectfully

#### **REPORTS:**

#### **SUBJECT**

**QUEENS CB-8 – TWO APPLICATIONS RELATED TO 185-17 HILLSIDE AVENUE REZONING**

**C 210192 ZMQ (L.U. No. 882)**

City Planning Commission decision approving an application submitted by 18517 Hillside LLC, application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 15b:

1. changing from an R3X District to an R7A District property bounded by a line 140 feet northerly of Hillside Avenue, a line 100 feet westerly of Chelsea Street, a line 100 feet northerly of Hillside Avenue, and Dalny Road;
2. changing from an R6A District to an R7A District property bounded by a line 100 feet northerly of Hillside Avenue, Chelsea Street, Hillside Avenue, and Dalny Road;

3. establishing within a proposed R7A District a C2-4 District bounded by a line 140 feet northerly of Hillside Avenue, a line 100 feet westerly of Chelsea Street, a line 100 feet northerly of Hillside Avenue, and Dalny Road; and
4. establishing a Special Downtown Jamaica District (DJ) bounded by a line 140 feet northerly of Hillside Avenue, a line 100 feet westerly of Chelsea Street, a line 100 feet northerly of Hillside Avenue, and Dalny Road;

as shown on a diagram (for illustrative purposes only) dated May 3, 2021, and subject to the conditions of CEQR Declaration E-591, Community District 8, Borough of Queens.

### **N 210193 ZRQ (L.U. No. 883)**

City Planning Commission decision approving an application submitted by 18517 Hillside LLC for an amendment of the text of the Zoning Resolution of the City of New York modifying Article XI, Chapter 5 (Special Downtown Jamaica District) and related Sections, and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area in the Jamaica Estates section of Queens, Community District 8.

### **INTENT**

To approve the amendment to rezone the project area to change R3X and R6A/C2-4/DJ zoning districts to an R7A/C2-4/DJ zoning district and to approve the text amendment to modify Article XI, Chapter 5 (Special Downtown Jamaica District) and related Sections, and modify APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, which would facilitate the development of a nine-story mixed-use building with residential and commercial uses located at 185-17 Hillside Avenue in the Jamaica Estates neighborhood of Queens, Community District 8.

### **PUBLIC HEARING**

**DATE:** October 20, 2021

**Witnesses in Favor:** One

**Witnesses Against:** None

### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** November 9, 2021

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on L.U. No. 882 and approve with modifications the decision of the City Planning Commission on L.U. No. 883.

#### **In Favor:**

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

#### **Against:**

None

#### **Abstain:**

None.

**COMMITTEE ACTION****DATE:** November 10, 2021

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

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

**Against:**

None

**Abstain:**

None.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, 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, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro and Eugene.*

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. 883

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 210193 ZRQ (185-17 Hillside Avenue Rezoning) submitted by 18517 Hillside 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 XI, Chapter 5 (Special Downtown Jamaica District) and related Sections, and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Council District 24, Community District 8.**

The Committee on Land Use, to which the annexed Land Use item was referred on October 7, 2021 (Minutes, page 2653) 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. 882 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, 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, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro and Eugene.*

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. 884

**Report of the Committee on Land Use in favor of approving Application No. C 180039 MMK (Gowanus Canal CSO Facility) submitted by the New York City Department of Environmental Protection pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving the elimination of Douglass Street between Nevins Street and the Gowanus Canal, the adjustment of grades and block dimensions necessitated thereby, including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. N-2752 dated July 2, 2019 and signed by the Borough President, Borough of Brooklyn, Council District 33, Community District 6.**

The Committee on Land Use, to which the annexed Land Use item was referred on October 7, 2021 (Minutes, page 2653) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:****SUBJECT****BROOKLYN CB - 6****C 180039 MMK**

City Planning Commission decision approving an application submitted by the New York City Department of Environmental Protection and The New York City Department of Citywide Administrative Services, pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving:

- 1) the elimination of Douglass Street between Nevins Street and the Gowanus Canal;
- 2) the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. N-2752 dated July 2, 2019 and signed by the Borough President.

**INTENT**

To approve the amendment to the City Map and included acquisition or disposition to facilitate the construction of combined sewer overflow (CSO) control facilities and the onsite relocation of a DSNY salt and equipment storage facility in the Gowanus neighborhood of Brooklyn, Community District 6.

**PUBLIC HEARING****DATE:** October 12, 2021**Witnesses in Favor:** Thirty-nine**Witnesses Against:** Forty-six

**SUBCOMMITTEE RECOMMENDATION****DATE:** November 10, 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:** November 10, 2021

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

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

**Against:**

None

**Abstain:**

None.

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

Res. No. 1790

**Resolution approving the decision of the City Planning Commission on ULURP No. C 180039 MMK, an amendment to the City Map (L.U. No. 884).**

By Council Members Salamanca and Moya.

**WHEREAS**, the New York City Department of Environmental Protection and The New York City Department of Citywide Administrative Services, filed an application pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving:

1. the elimination of Douglass Street between Nevins Street and the Gowanus Canal;
2. the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. N-2752 dated July 2, 2019 and signed by the Borough President, which would facilitate the construction of combined sewer overflow (CSO) control facilities in the Gowanus neighborhood of Brooklyn, Community District 6 (ULURP No. C 180039 MMK) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on October 8, 2021 its decision dated October 6, 2021 (the "Decision"), on the Application;

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on October 12, 2021;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the positive declaration issued on March 31, 2017 (CEQR No. 17DEP040K), (the "Positive Declaration") and the Technical Memorandum issued on April 23, 2021 in connection with this application (C 180039 MMK ) and the related applications for a site selection and acquisition (C 200319 PCK), site selection (C 200321 PSK) and city map amendment (C 200320 MMK), which concludes that this application would not result in any significant adverse impacts that were not already identified in the Final Environmental Impact Study (FEIS) issued on February 1, 2018.

**RESOLVED:**

Having considered the FEIS and Technical Memorandum 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) From among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- 3) The adverse environmental impacts revealed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigation measures that were identified as practicable.

The Decision, together with the FEIS and Technical Memorandum 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 199 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 180039 MMK, incorporated by reference herein, and the record before the Council, the Council approves the Decision for an amendment to the City Map involving:

1. the elimination of Douglass Street between Nevins Street and the Gowanus Canal;
2. the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. N-2752 dated July 2, 2019 and signed by the Borough President, is approved.

All such approvals being subject to the following conditions:

- a. The subject amendment to the City Map shall take effect on the day following the day on

which certified counterparts of Map No. N-2752 dated July 2, 2019 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, 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, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro and Eugene.*

Laid Over by the Council.

Report for L.U. No. 885

**Report of the Committee on Land Use in favor of approving Application No. C 200319 PCK (Gowanus Canal CSO Facility) submitted by the New York City Department of Sanitation, the New York City Department of Environmental Protection and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 110 5th Street (Block 990, Lot 21), 122 5th Street (Block 990, Lot 16), 22 2nd Avenue (Block 990, Lot 1), 5th Street (Block 977, p/o Lot 1) and 2 2nd Avenue (Block 977, p/o Lot 3) for Department of Sanitation salt and equipment storage, environmental education activities and additional space as needed for the combined sewer overflow (CSO) control facility, Borough of Brooklyn, Council District 39, Community District 6.**

The Committee on Land Use, to which the annexed Land Use item was referred on October 7, 2021 (Minutes, page 2654) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB-6 – THREE APPLICATIONS RELATED TO GOWANUS CANAL  
CSO FACILITY**

**C 200319 PCK (L.U. No. 885)**

City Planning Commission decision approving an application submitted by the Department of Sanitation, the Department of Environmental Protection and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 110 5<sup>th</sup> Street (Block 990, Lot 21), 122 5<sup>th</sup> Street (Block 990, Lot 16), 22 2<sup>nd</sup> Avenue (Block 990, Lot 1), 5<sup>th</sup> Street (Block 977 p/o Lot 1) and 2 2<sup>nd</sup> Avenue (Block 977, p/o Lot 3) for Department of Sanitation salt and equipment storage, environmental education activities and additional space as needed for the combined sewer overflow (CSO) control facility, Borough of Brooklyn, Community District 6.

**C 200320 MMK (L.U. No. 886)**

City Planning Commission decision approving an application submitted by the New York City Department of Sanitation, the New York City Department of Environmental Protection and The New York City Department of Citywide Administrative Services, pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving:

- 1) the elimination of 5<sup>th</sup> Street between 2<sup>nd</sup> Avenue and the Gowanus Canal;
- 2) the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. X-2758 dated May 3, 2021 and signed by the Borough President.

**C 200321 PSK (L.U. No. 887)**

City Planning Commission decision approving an application submitted by the New York City Department Environmental Protection, the Department of Sanitation and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection of property located at 2 2nd Avenue (Block 977, Lot 3) for use as a combined sewer overflow (CSO) control facility.

**INTENT**

To approve the site selection and acquisition of real property by the City for salt and equipment storage, environmental education activities and additional space as needed for the CSO control facility; amend the City Map and included acquisition or disposition for the elimination of Fifth Street between Second Avenue and the Gowanus Canal; and approve the site selection of real property by the City to facilitate new CSO infrastructure.

**PUBLIC HEARING**

**DATE:** October 12, 2021

**Witnesses in Favor:** Thirty-nine

**Witnesses Against:** Forty-six

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** November 10, 2021

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on L.U. Nos. 885 through 887.

**In Favor:**

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

**Against:**

None

**Abstain:**

None.

**COMMITTEE ACTION**

**DATE:** November 10, 2021

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

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

**Against:**

None

**Abstain:**

None.

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

Res. No. 1791

**Resolution approving the decision of the City Planning Commission on ULURP No. C 200319 PCK (L.U. No. 885), a site selection and acquisition of property located at 110 5<sup>th</sup> Street (Block 990, Lot 21), 122 5<sup>th</sup> Street (Block 990, Lot 16), 22 2<sup>nd</sup> Avenue (Block 990, Lot 1), 5<sup>th</sup> Street (Block 977 p/o Lot 1) and 2 2<sup>nd</sup> Avenue (Block 977, p/o Lot 3), for Department of Sanitation salt and equipment storage, environmental education activities and additional space as needed for the combined sewer overflow (CSO) control facility, Borough of Brooklyn, Community District 6.**

By Council Members Salamanca and Moya.

**WHEREAS**, Department of Sanitation, the Department of Environmental Protection (DEP) and the Department of Citywide Administrative Services (DCAS), filed an application pursuant to Section 197-c of the New York City Charter for the site selection and acquisition of property located at 110 5<sup>th</sup> Street (Block 990, Lot 21), 122 5<sup>th</sup> Street (Block 990, Lot 16), 22 2<sup>nd</sup> Avenue (Block 990, Lot 1), 5<sup>th</sup> Street (Block 977 p/o Lot 1) and 2 2<sup>nd</sup> Avenue (Block 977, p/o Lot 3), for Department of Sanitation salt and equipment storage, environmental education activities and additional space as needed for the combined sewer overflow (CSO) control facility, which in conjunction with the related action would facilitate the construction of CSO control facilities and the onsite relocation of a DSNY salt and equipment storage facility in the Gowanus neighborhood of Brooklyn, Community District 6 (ULURP No. C 200319 PCK) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on October 8, 2021 its decision dated October 6, 2021 (the "Decision") on the Application;

**WHEREAS**, the Application is related to applications C 200320 MMK (L.U. No. 886), a city map amendment for the elimination of Fifth Street between Second Avenue and the Gowanus Canal, C 200321 PSK (L.U. No. 887), a site selection of real property by the City to facilitate new CSO infrastructure, and C180039 MMK, a city map amendment;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on October 12, 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 March 1<sup>st</sup>, 2017 (CEQR No. 17DEP040K) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on February 1, 2018, which identified significant adverse impacts with respect to historic and cultural resources (architectural and archeological) and potential temporary significant adverse noise impacts during the construction period. The impacts to historic and cultural resources would be mitigated to the maximum extent practicable through additional analyses, archaeological monitoring, or an alternative method developed in consultation with the New York State Historic Preservation Office (SHPO) and the New York City Landmarks Preservation Commission (LPC). The Council also considered the Technical Memorandum dated April 23, 2021 (the “Technical Memorandum”) which concludes that the application would not result in any significant adverse impacts that were not already identified in the FEIS.

**RESOLVED:**

Having considered the FEIS and Technical Memorandum 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 those project components related to the environment and mitigation measures that were identified as practicable.

The Decision, together with the FEIS and Technical Memorandum 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 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 200319 PCK, incorporated by reference herein, and the record before the Council, the Council approves the Decision for the site selection and acquisition of the Site for Department of Sanitation salt and equipment storage, environmental education activities and additional space as needed for the combined sewer overflow (CSO) control facility.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, 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, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro and Eugene.*

Laid Over by the Council.

## Report for L.U. No. 886

**Report of the Committee on Land Use in favor of approving Application No. C 200320 MMK (Gowanus Canal CSO Facility) submitted by the New York City Department of Environmental Protection pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving: the elimination of 5th Street between 2nd Avenue and the Gowanus Canal; the adjustment of grades and block dimensions necessitated thereby; including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. X-2758 dated May 3, 2021 and signed by the Borough President, Borough of Brooklyn, Council District 39, Community District 6.**

The Committee on Land Use, to which the annexed Land Use item was referred on October 7, 2021 (Minutes, page 2654) 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. 885 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 1792

**Resolution approving the decision of the City Planning Commission on ULURP No. C 200320 MMK, an amendment to the City Map (L.U. No. 886).**

By Council Members Salamanca and Moya.

**WHEREAS**, New York City Department of City Planning, filed an application pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving:

- 1) the elimination of 5<sup>th</sup> Street between 2<sup>nd</sup> Avenue and the Gowanus Canal;
- 2) the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. X-2758 dated May 3, 2021 and signed by the Borough President, which in conjunction with the related actions would facilitate the construction of combined sewer overflow (CSO) control facilities and the onsite relocation of a DSNY salt and equipment storage facility in the Gowanus neighborhood of Brooklyn, Community District 6 (ULURP No. C 200320 MMK) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on October 8, 2021 its decision dated October 6, 2021 (the "Decision"), on the Application;

**WHEREAS**, the Application is related to applications C 200319 PCK (L.U. No. 885), a site selection and acquisition of real property by the City for salt and equipment storage, environmental education activities and additional space as needed for the CSO control facility; C 200321 PSK (L.U. No. 887), a site selection of real property by the City to facilitate new CSO infrastructure and C190039 MMK (L.U. No. 844), a city map amendment;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on October 12, 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 March 1<sup>st</sup>, 2017 (CEQR No. 17DEP040K) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on February 1, 2018, which identified significant adverse impacts with respect to historic and cultural resources (architectural and archeological) and potential temporary significant adverse noise impacts during the construction period. The impacts to historic and cultural resources would be mitigated to the maximum extent practicable through additional analyses, archaeological monitoring, or an alternative method developed in consultation with the New York State Historic Preservation Office (SHPO) and the New York City Landmarks Preservation Commission (LPC). The Council also considered the Technical Memorandum dated April 23, 2021 (the “Technical Memorandum”) which concludes that the application would not result in any significant adverse impacts that were not already identified in the FEIS.

**RESOLVED:**

Having considered the FEIS and Technical Memorandum 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 those project components related to the environment and mitigation measures that were identified as practicable.

The Decision, together with the FEIS and Technical Memorandum 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 199 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 200320 MMK, incorporated by reference herein, and the record before the Council, the Council approves the Decision for an amendment to the City Map involving:

- 1) the elimination of 5<sup>th</sup> Street between 2<sup>nd</sup> Avenue and the Gowanus Canal;
- 2) the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. X-2758 dated May 3, 2021 and signed by the Borough President.

All such approvals being subject to the following conditions:

- b. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. X-2758 dated May 3, 2021 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, 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, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro and Eugene.*

Laid Over by the Council.

Report for L.U. No. 887

**Report of the Committee on Land Use in favor of approving Application No. C 200321 PSK (Gowanus Canal CSO Facility) submitted by the New York City Department of Environmental Protection, the New York City Department of Sanitation and the New York City Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection of property located at 2 2nd Avenue (Block 977, Lot 3) for use as a combined sewer overflow (CSO) control facility, Borough of Brooklyn, Council District 39, Community District 6.**

The Committee on Land Use, to which the annexed Land Use item was referred on October 7, 2021 (Minutes, page 2654) 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. 885 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 1793

**Resolution approving the decision of the City Planning Commission on ULURP No. C 200321 PSK (L.U. No. 887), for the site selection of property located at 2 2nd Avenue (Block 977, Lot 3) for use as a combined sewer overflow (CSO) control facility, Borough of Brooklyn, Community District 6.**

By Council Members Salamanca and Moya.

**WHEREAS**, New York City Department Environmental Protection, Department of Sanitation and Department of Citywide Administrative Services, filed an application pursuant to Section 197-c of the New York City Charter for the site selection of property located at 2 2nd Avenue (Block 977, Lot 3) for use as a combined sewer overflow (CSO) control facility, which in conjunction with the related actions would facilitate the construction of a combined sewer overflow (CSO) control facility in the Gowanus neighborhood of Brooklyn, Community District 6 (ULURP No. C 200321 PSK) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on October 8, 2021 its decision dated October 6, 2021 (the "Decision") on the Application;

**WHEREAS**, the Application is related to applications C 200319 PCK (L.U. No. 885), a site selection and acquisition of real property by the City for salt and equipment storage, environmental education activities and additional space as needed for the CSO control facility; C C 180039 MMK (L.U. No. 884), a city map

amendment, and C 200320 MMK (L.U. No. 886), a city map amendment for the elimination of Fifth Street between Second Avenue and the Gowanus Canal;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on October 12, 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 March 1<sup>st</sup>, 2017 (CEQR No. 17DEP040K) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on February 1, 2018, which identified significant adverse impacts with respect to historic and cultural resources (architectural and archeological) and potential temporary significant adverse noise impacts during the construction period. The impacts to historic and cultural resources would be mitigated to the maximum extent practicable through additional analyses, archaeological monitoring, or an alternative method developed in consultation with the New York State Historic Preservation Office (SHPO) and the New York City Landmarks Preservation Commission (LPC) and the Technical Memorandum dated April 23, 2021 (the “Technical Memorandum”).

**RESOLVED:**

Having considered the FEIS and Technical Memorandum 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 those project components related to the environment and mitigation measures that were identified as practicable.

The Decision, together with the FEIS and Technical Memorandum 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 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 200321 PCK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission, approving the application by the New York City Department of Sanitation and the Department of Citywide Administrative Services for the site selection of property located at 2<sup>nd</sup> Avenue (Block 977, Lot 3), Borough of Brooklyn, for use as a combined sewer overflow (CSO) control facility.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, 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, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C.

BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro and Eugene.*

Laid Over by the Council.

Report for L.U. No. 888

**Report of the Committee on Land Use in favor of approving Application No. 20225005 HAK (Gowanus Mercy Home UDAAP Amendment) submitted by the New York City Department of Housing Preservation and Development pursuant to Section 694 of the General Municipal Law requesting approval of an amendment to an Urban Development Action Areas Project previously approved by the Council by Resolution No. 510 for the year 2002, Borough of Brooklyn, Council District 39, Community District 6.**

V

The Committee on Land Use, to which the annexed Land Use item was referred on October 7, 2021 (Minutes, page 2655) 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. 869 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 1794

**Resolution approving an Amended Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law, for property located at 485-487 4<sup>th</sup> Avenue (Block 1028, Lot 7), Borough of Brooklyn, Community District 6 (L.U. No. 888; 20225005 HAK).**

By Council Members Salamanca and Moya.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council September 21, 2021 its request dated September 21, 2021, pursuant to Section 694 of the General Municipal Law, that the Council approve an Amended Project as an Urban Development Area Project (the "Amended Project") for property located at 485-487 4<sup>th</sup> Avenue (Block 1028, Lot 7), Community District 6, Borough of Brooklyn (the "Disposition Area");

**WHEREAS**, the request made by the New York City Department of Housing and Development is related to a previously approved City Council Resolution No.510 (L.U. No. 271) dated September 25, 2002 (the "Original Resolution");

**WHEREAS**, upon due notice, the Council held a public hearing on the Amended Project on October 12, 2021; and

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

**RESOLVED:**

The Council approves the Amended Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.

The Amended Project shall be developed upon the terms and conditions in the Amended Project Summary that HPD has submitted to the Council on September 21, 2021, a copy of which is attached hereto.

**ATTACHMENT:**  
**PROJECT SUMMARY**

- 1. **PROGRAM:** NEIGHBORHOOD CONSTRUCTION PROGRAM
- 2. **PROJECT:** Mercy Home
- 3. **LOCATION:**
  - a. **BOROUGH:** Brooklyn
  - b. **COMMUNITY DISTRICT:** 6
  - c. **COUNCIL DISTRICT:** 39
  - d. **DISPOSITION AREA:**

<u>BLOCK</u>	<u>LOT</u>	<u>ADDRESS</u>
1028	7	485-487 4 <sup>th</sup> Avenue
- 4. **BASIS OF DISPOSITION PRICE:** Nominal. Sponsor will pay one dollar per lot and deliver a note and mortgage for the remainder of the appraised value (“Land Debt”). For a period of at least thirty (30) years following completion of construction, the Land Debt or the City’s capital subsidy may be repayable out of resale or refinancing profits. The remaining balance, if any, may be forgiven at the end of the term.
- 5. **TYPE OF PROJECT:** New Construction
- 6. **APPROXIMATE NUMBER OF BUILDINGS:** 1
- 7. **APPROXIMATE NUMBER OF UNITS:** 43 dwelling units, plus one super’s unit
- 8. **HOUSING TYPE:** Rental
- 9. **ESTIMATE OF INITIAL RENTS** Rents will be affordable to families with incomes between 37% and 80% of area median income (AMI). Formerly homeless tenants referred by DHS and other City agencies will pay up to 30% of their income as rent. All units will be subject to rent stabilization.
- 10. **INCOME TARGETS** Up to 80% of AMI

- 11. PROPOSED FACILITIES:** Approximately 2,154 square feet of commercial space
- 12. PROPOSED CODES/ORDINANCES:** None
- 13. ENVIRONMENTAL STATUS:** Environmental Impact Statement
- 14. PROPOSED TIME SCHEDULE:** Approximately 24 months from closing to completion of construction

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, 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, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro and Eugene.*

Laid Over by the Council.

Report for L.U. No. 889

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210480 ZMK (Cooper Park Commons) submitted by Maspeth Manager, LLC and the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 13a and 13b, changing from an R6 District to an R7-2 District and establishing within the proposed R7-2 District a C2-4 District, Borough of Brooklyn, Council District 34, Community District 1.**

The Committee on Land Use, to which the annexed Land Use item was referred on October 7, 2021 (Minutes, page 2655), respectfully

#### **REPORTS:**

#### **SUBJECT**

**BROOKLYN CB-1 – FIVE APPLICATIONS RELATED TO COOPER PARK COMMONS  
C 210480 ZMK (L.U. No. 889)**

City Planning Commission decision approving an application submitted by Maspeth Manager, LLC and the New York City Department of Housing Preservation and Development (HPD), pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 13a and 13b:

1. changing from an R6 District to an R7-2 District property bounded by Jackson Street, Debevoise Avenue, Maspeth Avenue, and Kingsland Avenue; and
2. establishing within the proposed R7-2 District a C2-4 District bounded by a line 150 feet northerly of

Maspeth Avenue, Debevoise Avenue, Maspeth Avenue, and Kingsland Avenue.

as shown on a diagram (for illustrative purposes only) dated June 21, 2021 and subject to the terms of CEQR Declaration E-629.

**C 210481 ZSK (L.U. No. 890)**

City Planning Commission decision approving an application submitted by Maspeth Manager, LLC and the New York City Department of Housing Preservation and Development (HPD), 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(a)(2) of the Zoning Resolution to modify the requirements of Section 23-66 (Height and Setback Requirements for Quality Housing Buildings) and Section 23-711 (Standard minimum distance between buildings), in connection the development of two new buildings and the enlargement and conversion of two existing buildings, within a large-scale general development generally bounded by Jackson Avenue, Debevoise Avenue, Maspeth Avenue and Kingsland Avenue (Block 2885, Lots 1, 20, 23, 28 and 32), in R7-2 and R7-2/C2-4 Districts.

**N 210482 ZRK (L.U. No. 891)**

City Planning Commission decision approving an application submitted by Maspeth Manager, LLC and the New York City Department of Housing Preservation and Development (HPD), 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.

**C 210483 HAK (L.U. No. 892)**

City Planning Commission decision approving an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a. the designation of property located at 288 Jackson Avenue (Block 2885, Lot 1) as an Urban Development Action Area; and
  - b. an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD; to facilitate the enlargement of two existing buildings and the construction of two new buildings containing 556 affordable and senior housing units, a 200-bed homeless shelter, community facility and commercial space.

**C 210484 PPK (L.U. No. 893)**

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Section 197-c of the New York City Charter, to modify the restriction limiting use of property located at 20 Kingsland Avenue (Block 2885, Lot 10) from a health care facility use to a general community facility use.

**INTENT**

To approve the amendment to rezone the Project Area from an R6 zoning district to R7-2 and R7-2/C2-4 zoning districts; grant an approval of the special permit pursuant to ZR Section 74-74 and 74-743(a)(2) to establish a Large-Scale General Development (LSGD); amend the zoning text to establish the Project Area as a Mandatory Inclusionary Housing (MIH) area; approval of an Urban Development Action Area (UDAA) designation, Urban Development Action Area Project (UDAAP) approval, and disposition of City-owned Development Site (Block 2885, Lot 1); and disposition approval on Block 2885, Lot 10 (formerly p/o of Lot 1), to change use restriction from a health care facility to a general community facility use to facilitate a mixed-use development comprised of two new residential buildings and of two renovated existing buildings containing a total of 556 units of affordable housing and replacement of the existing 200-bed homeless shelter, community facility, and commercial space in the East Williamsburg neighborhood of Brooklyn, Community District 1.

**PUBLIC HEARING**

**DATE:** October 13, 2021

**Witnesses in Favor:** Nine

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** October 26, 2021

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on L.U. Nos 889, 892, and 893, and approve with modifications the decisions of the City Planning Commission on L.U. Nos. 890 and 891.

**In Favor:**

Riley, Koo, Barron, Treyger.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** November 10, 2021

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

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

**Against:**

None

**Abstain:**

None.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, 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, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro and Eugene.*

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. 890

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210481 ZSK (Cooper Park Commons) submitted by Maspeth Manager, LLC and the New York City Department of Housing Preservation and Development 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(a)(2) of the Zoning Resolution to modify the requirements of Section 23-66 (Height and Setback Requirements for Quality Housing Buildings) and Section 23-711 (Standard minimum distance between buildings), in connection the development of two new buildings and the enlargement and conversion of two existing buildings, within a large-scale general development generally bounded by Jackson Street, Debevoise Avenue, Maspeth Avenue, and Kingsland Avenue/Grandparents Avenue (Block 2885, Lots 1, 20, 23, 28, and 32), in proposed R7-2\* and R7-2/C2-4\* Districts, Borough of Brooklyn, Council District 34, Community District 1.**

The Committee on Land Use, to which the annexed Land Use item was referred on October 7, 2021 (Minutes, page 2655), respectfully

#### REPORTS:

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 889 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, 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, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro and Eugene.*

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. 891

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 210482 ZRK (Cooper Park Commons) submitted by Maspeth Manager, LLC and the New York City Department of Housing Preservation and Development, 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 Brooklyn, Council District 34, Community District 1.**

The Committee on Land Use, to which the annexed Land Use item was referred on October 7, 2021 (Minutes, page 2656), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 889 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, 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, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro and Eugene.*

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. 892

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210483 HAK (Cooper Park Commons) submitted by the New York City Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law of New York State and Section 197-c of the New York City Charter for the designation of property located at 288 Jackson Avenue (Block 2885, Lot 1) as an Urban Development Action Area, approval of an Urban Development Action Area Project for such area, and the disposition of such property to a developer to be selected by HPD, Borough of Brooklyn, Council District 34, Community District 1.**

The Committee on Land Use, to which the annexed Land Use item was referred on October 7, 2021 (Minutes, page 2656) 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. 889 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, 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, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro and Eugene.*

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. 893

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210484 PPK (Cooper Park Commons) submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Sections 197-c of the New York City Charter, to modify the restriction limiting use of property located at 20 Kingsland Avenue (Block 2885, Lot 10) from a health care facility use to general community facility uses, Borough of Brooklyn, Council District 34, Community District 1.**

The Committee on Land Use, to which the annexed Land Use item was referred on October 7, 2021 (Minutes, page 2656) 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. 889 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, 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, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro and Eugene.*

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. 894

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 200314 ZMK (824 Metropolitan Avenue) submitted by 824 Metropolitan Avenue Owner 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 R6B District to an R7A District; changing from a C8-2 District to an R7A District; and establishing within the proposed R7A District a C2-4 District, Borough of Brooklyn, Community District 1, Council District 34.**

The Committee on Land Use, to which the annexed Land Use item was referred on October 21, 2021 (Minutes, page 2841), respectfully

**REPORTS:****SUBJECT****BROOKLYN CB-1 – TWO APPLICATIONS RELATED TO 824 METROPOLITAN AVENUE REZONING****C 200314 ZMK (L.U. No. 894)**

City Planning Commission decision approving an application submitted by 824 Metropolitan Avenue Owner LLC, application 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 R6B District to an R7A District property bounded by Metropolitan Avenue, a line perpendicular to the southerly street line of Metropolitan Avenue of distant 215 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of Metropolitan Avenue and the northeasterly street line of Bushwick Avenue, a line midway between Metropolitan Avenue and Devoe Street, and a line 150 feet northeasterly of Bushwick Avenue;
2. changing from a C8-2 District to an R7A District property bounded by Metropolitan Avenue, a line 150 feet northeasterly of Bushwick Avenue, a line midway between Metropolitan Avenue and Devoe Street, and Bushwick Avenue; and
3. establishing within the proposed R7A District a C2-4 District bounded by Metropolitan Avenue, a line 150 feet northeasterly of Bushwick Avenue, a line midway between Metropolitan Avenue and Devoe Street, and Bushwick Avenue;

Borough of Brooklyn, Community District 1, as shown on a diagram (for illustrative purposes only) dated May 17, 2021, and subject to the conditions of CEQR Declaration of E-618, Community District 1 Borough of Brooklyn.

**N 200315 ZRK (L.U. No. 895)**

City Planning Commission decision approving an application submitted by 824 Metropolitan Avenue Owner LLC 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 in the East Williamsburg section of Brooklyn, Community District 1.

**INTENT**

To approve the amendment to rezone the project area, changing from an R6B District to an R7A District, changing from a C8-2 District to an R7A District, and establishing within the proposed R7A District a C2-4 District and amending the zoning text to establish a Mandatory Inclusionary Housing area to facilitate the construction of an eight-story mixed-use building with 36 dwelling units, of which 11 units would be permanently affordable under MIH Options 1 and 2, at 824 Metropolitan Avenue (Block 2916, Lots 14 and 16), in the East Williamsburg section of Brooklyn, Community District 1.

**PUBLIC HEARING****DATE:** October 12, 2021**Witnesses in Favor:** Two**Witnesses Against:** One**SUBCOMMITTEE RECOMMENDATION****DATE:** November 9, 2021

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on L.U. No. 894 and approve with modifications the decision of the City Planning Commission on L.U. No. 895.

**In Favor:**

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

**Against:**

None

**Abstain:**

None.

**COMMITTEE ACTION****DATE:** November 10, 2021

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

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

**Against:**

None

**Abstain:**

None.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, 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, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro and Eugene.*

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. 895

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 200315 ZRK (824 Metropolitan Avenue) submitted by 824 Metropolitan Avenue Owner, 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 Brooklyn, Community District 1, Council District 34.**

The Committee on Land Use, to which the annexed Land Use item was referred on October 21, 2021 (Minutes, page 2841) 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. 894 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, 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, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeager, Brannan, Rose, Ulrich, Gennaro and Eugene.*

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. 896

**Report of the Committee on Land Use in favor of approving Application No. C 210339 ZMX (624 Morris Avenue Rezoning) submitted by 624 Morris B, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6a by establishing within an existing R7-1 District a C1-4 District bounded by Morris Avenue, a line 175 feet northerly of East 151st Street, a line 70 feet easterly of Morris Avenue, and East 151st Street, Borough of the Bronx, Community District 1, Council District 17.**

The Committee on Land Use, to which the annexed Land Use item was referred on October 21, 2021 (Minutes, page 2841) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:****SUBJECT****BRONX CB - 1****C 210339 ZMX**

City Planning Commission decision approving an application submitted by 624 Morris B, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6a by establishing within an existing R7-1 District a C1-4 District bounded by Morris Avenue, a line 175 feet northerly of East 151st Street, a line 70 feet easterly of Morris Avenue, and East 151st Street.

**INTENT**

To approve the amendment to rezone the Project Area to establish within an existing R7-1 District a C1-4 District to legalize an existing use on the ground-floor of 624 Morris Avenue that has existed since at least 1973 in the Melrose neighborhood of the Bronx, Community District 1.

**PUBLIC HEARING**

**DATE:** October 20, 2021

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** November 9, 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:** November 10, 2021

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

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

**Against:**

None

**Abstain:**

None.

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

Res. No. 1795

**Resolution approving the decision of the City Planning Commission on ULURP No. C 210339 ZMX, a Zoning Map amendment (L.U. No. 896).**

By Council Members Salamanca, Jr. and Moya.

**WHEREAS**, 624 Morris B, 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, establishing within an existing R7-1 District a C1-4 District, in the Melrose neighborhood of the Bronx, Community District 1 (ULURP No. C 210339 ZMX) (the "Application");

**WHEREAS** the City Planning Commission filed with the Council on October 8, 2021 its decision dated October 6, 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 October 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 (CEQR No. 21DCP089X).

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment.

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 210339 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, by establishing within an existing R7-1 District a C1-4 District bounded by Morris Avenue, a line 175 feet northerly of East 151st Street, a line 70 feet easterly of Morris Avenue, and East 151st Street.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, 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, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro and Eugene.*

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 Land Use and had been favorably reported for adoption.

Report for L.U. No. 912

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210276 ZMK (1045 Atlantic Avenue) submitted by Atlantic Brooklyn, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, for an amendment of the Zoning Map, Section Nos. 16c & 17a, by changing property from an M1-1 District to a C6-3A District property; to facilitate a development at 1045 Atlantic Avenue in the Borough of Brooklyn, Community District 3, Council District 36.**

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on November 10, 2021, respectfully

### **REPORTS:**

#### **SUBJECT**

**BROOKLYN CB-3 – TWO APPLICATIONS RELATED TO 1045 ATLANTIC AVENUE  
REZONING**

#### **C 210276 ZMK (Pre. L.U. No. 912)**

City Planning Commission decision approving an application submitted by Atlantic Brooklyn LLC, application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c and 17a by changing from an M1-1 District to a C6-3A District property bounded by a line midway between Lefferts Place and Atlantic Avenue, a line perpendicular to the northeasterly street line of Atlantic Avenue distant 180 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Atlantic Avenue and the westerly street line of Franklin Avenue, the northeasterly boundary line of the Long Island Rail Road right-of-way (Atlantic Division), and a line perpendicular to the northeasterly street line of Atlantic Avenue distant 210 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Atlantic Avenue and the easterly street line of Classon Avenue, as shown on a diagram (for illustrative purposes only) dated June 21, 2021, and subject to the conditions of CEQR Declaration E-631, Borough of Brooklyn, Community District 3.

#### **N 210277 ZRK (Pre. L.U. No. 913)**

City Planning Commission decision approving an application submitted by Atlantic Brooklyn LLC 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 and to amend ZR Section 35-663 related to street wall regulations in the Borough of Brooklyn, Community District 3.

#### **INTENT**

To approve the amendment to rezone the project area to change from an M1-1 District to a C6-3A District and approve the zoning text amendment modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area and to amend ZR Section 35-663 related to street wall regulations, which would facilitate the development of a 17-story mixed-use building with 426 dwelling units, and approximately

69,287 square feet of commercial space at 1045 Atlantic Avenue in the Bedford-Stuyvesant neighborhood of Brooklyn, Community District 3.

### **PUBLIC HEARING**

**DATE:** October 25, 2021

**Witnesses in Favor:** Ten

**Witnesses Against:** None

### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** November 9, 2021

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on Pre. L.U. No. C 210276 ZMK and approve with modifications the decision of the City Planning Commission on Pre. L.U. No. N 210277 ZRK.

**In Favor:**

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

**Against:**

None

**Abstain:**

None.

### **COMMITTEE ACTION**

**DATE:** November 10, 2021

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

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

**Against:**

None

**Abstain:**

None.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, 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, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro and Eugene.*

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

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

Report for L.U. No. 913

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 210277 ZRK (1045 Atlantic Avenue) submitted by Atlantic Brooklyn, 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 III Chapter 5 for the purpose of amending street wall location regulations and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area on property including property at 1045 Atlantic Avenue in Borough of Brooklyn, Community District 3, Council District 36.**

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on November 10, 2021, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 912 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, 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, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 10, 2021. *Other Council Members Attending: Council Members Kallos, Lander, Dinowitz, Holden, Rosenthal, Cornegy, Yeger, Brannan, Rose, Ulrich, Gennaro and Eugene.*

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 Parks and Recreation**

Report for Int. No. 957-A

**Report of the Committee on Parks and Recreation 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 the replacement of city-owned trees that have been lawfully removed.**

The Committee on Parks and Recreation, to which the annexed proposed amended local law was referred on June 7, 2018 (Minutes, page 2120), respectfully

**REPORTS:**

## INTRODUCTION

On November 10, 2021, the Committee on Parks and Recreation, chaired by Council Member Peter Koo, held a hearing to vote on Int. No. 957-A, sponsored by Council Member Borelli, A Local Law to amend the administrative code of the city of New York, in relation to the replacement of city-owned trees that have been lawfully removed. At this hearing, the Committee voted 13 in favor, 0 opposed and 0 abstentions on the bill. This legislation was originally heard at a hearing held on September 27, 2021, during which the Committee received testimony from the Department of Parks and Recreation (DPR), advocates and other interested parties. More information about this bill, along with the materials for that hearing, can be accessed [here](#).

## LEGISLATION

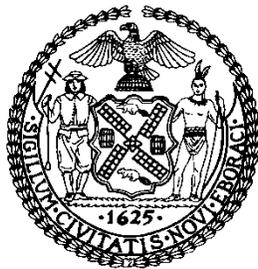
Below is a brief summary of the legislation being considered today by this Committee. This summary is intended for informational purposes only and does not substitute for legal counsel. For more detailed information, you should review the full text of the bill, which is attached below.

### **Int. No. 957-A, A Local Law to amend the administrative code of the city of New York, in relation to the replacement of city-owned trees that have been lawfully removed**

This bill would limit the number of replacement trees that are required to be planted by DPR, by individuals and by entities that lawfully remove trees during construction projects in certain lower density residential districts. Specifically, the bill would require that the number of caliper inches of replacement trees be no greater than two times the number of caliper inches removed in R1, R2 and R3 zoning districts.

This local law would take effect 180 days after it becomes law.

**(The following is the text of the Fiscal Impact Statement for Int. No. 957-A:)**



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

**LATONIA MCKINNEY, DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INT. NO: 957-A**

**COMMITTEE: Parks and Recreation**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the replacement of city-owned trees that have been lawfully removed.

**SPONSOR(S):** By Council Members Borelli, Yeger, Rose, Moya, Brannan, Powers, and Salamanca.

**SUMMARY OF LEGISLATION:** Proposed Int. No. 957-A would limit the number of replacement trees that are required by the Department of Parks and Recreation (DPR) to be planted, by individuals and/or entities that lawfully remove trees during construction projects in certain lower density residential districts.

**EFFECTIVE DATE:** This local law would take effect 180 days after it becomes law, except that the commissioner of parks and recreation may promulgate rules or take other actions for the implementation of this local law prior to such effective date.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2023.

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY22</b>	<b>FY Succeeding Effective FY23</b>	<b>Full Fiscal Impact FY23</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$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 anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because DPR would utilize existing resources 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:** Monika Bujak Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Chima Obichere, Unit Head  
Nathan Toth, Deputy Director  
Stephanie Ruiz, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on June 7, 2018 as Intro. No. 957 and was referred to the Committee on Parks and Recreation (the Committee). A hearing was held by the Committee on September 27, 2021 and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Int. No. 957-A, will be considered by the Committee on November 10, 2021. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on November 10, 2021.

**DATE PREPARED:** November 5, 2021.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 957-A:)**

Int. No. 957-A

By Council Members Borelli, Yeger, Rose, Moya, Brannan, Powers, Salamanca, Kallos, Gjonaj and Miller.

**A Local Law to amend the administrative code of the city of New York, in relation to the replacement of city-owned trees that have been lawfully removed**

*Be it enacted by the Council as follows:*

Section 1. Subdivision e of section 18-107 of the administrative code of the city of New York is amended to read as follows:

e. The department shall promulgate such rules as may be necessary to implement the provisions of this section, including but not limited to rules governing the fee to be paid to the department and any method used to calculate the number and size of the replacement trees required to be planted, provided that: [such]

1. *Such* replacement trees shall, at a minimum, equal one caliper inch of replacement tree for each caliper inch of tree removed;

2. *The number of caliper inches of replacement trees to be required in zoning districts R1, R2 and R3 shall be no greater than twice the number of caliper inches removed; and*

3. In promulgating such rules, the department shall [substantially] comply with guidelines set forth [by the international society of arboriculture] *in the most recent version of the guide for plant appraisal, published by the council of tree and landscape appraisers on or before December 31, 2017, provided that the department shall review each update to such standards and guide to determine whether any new rules should be promulgated consistent with such updated standards and guide.*

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner of parks and recreation may promulgate rules or take other actions for the implementation of this local law prior to such effective date.

PETER A. KOO, *Chairperson*; FRANCISCO CABRERA, JAMES G. VAN BRAMER JUSTIN L. BRANNAN, MARK GJONAJ, FRANCISCO P. MOYA, ROBERT HOLDEN, DARMA V. DIAZ, KEVIN C. RILEY, JAMES F. GENNARO, SELVENA N. BROOKS-POWERS, ERIC A. ULRICH, JOSEPH C. BORELLI; Committee on Parks and Recreation, November 10, 2021. *Other Council Members Attending: Council Member Kallos.*

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 Technology**

Report for Int. No. 1894-A

**Report of the Committee on Technology 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 automated employment decision tools.**

The Committee on Technology, to which the annexed proposed amended local law was referred on February 27, 2020 (Minutes, page 662), respectfully

### **REPORTS:**

#### **I. Introduction**

On November 10, 2021 the Committee on Technology, chaired by Council Member Robert Holden, held a hearing to consider Int. No. 1894-A, in relation to automated employment decision tools. The Committee previously heard the original version of the bill, Int. No. 1894, on November 13, 2020. More information on this legislation and materials from the previous hearing can be accessed online at <https://go.usa.gov/xebhN>.

## II. The Use of Artificial Intelligence and Automated Decision Systems in Hiring

Automated Decision Systems (“ADS”) and Artificial Intelligence (“AI”) are being used more to assist with evaluating their financial, physical, and mental well-being, as well as to assist employers with recruiting.<sup>1</sup> In fact, it is not uncommon for large companies to utilize technology in the recruiting and hiring process.<sup>2</sup> For example, Ideal, a Toronto-based startup, helped various large retailers with hiring by screening resumés, gathering information from applicants regarding their shift availability and skills via chatbot, and recommending qualified candidates.<sup>3</sup> Some fast food franchisees use a centralized candidate screening system that the company hired a contractor to develop, which makes some algorithmic assessments of workers before their applications are ever reviewed by a manager.<sup>4</sup>

This artificial intelligence technology can be used in a variety of ways, from scanning a candidate’s online presence to analyzing video interviews for the purpose of evaluating a candidate’s behaviors and mannerisms, using the technology to evaluate whether a candidate is suited for the position.<sup>5</sup> This technology can also be used to quickly evaluate resumes, scanning them for key words and pulling the most qualified candidates based on various metrics like work experience and education.<sup>6</sup> Although there are flaws with the AI systems, such as potentially recommending an unqualified candidate, the AI tools are appealing because they can review applications more quickly than humans, and given the nature of AI, these tools can “learn” from their mistakes and improve their functions.<sup>7</sup>

A number of companies producing AI recruitment and screening technology claim that their products are capable of reliably extrapolating personality traits and predicting social outcomes such as job performance.<sup>8</sup> However, their methods of “analysis” often involve questionable assessments of observable physical factors.<sup>9</sup> Such algorithmic hiring products merit skepticism in any application, and recent studies suggest that they might systematically disadvantage applicants with disabilities because they present differently than the majority of a company’s applicants or employees.<sup>10</sup>

The promise of AI in hiring is for faster and better matches of candidates to positions. The other hope and promise is that companies can use this technology to help limit implicit bias in the hiring process.<sup>11</sup> While “some suggest that the use of ADS could remove human bias from the hiring equation, while others raise concerns regarding the potential for bias within the algorithms used by this technology.”<sup>12</sup>

<sup>1</sup> 26 No. 18 Quinlan, HR Compliance Law Bulletin NL 7.

<sup>2</sup> The AI revolution is starting to impact the workplace, 2020 WL 1224050.

<sup>3</sup> Brishen Rogers, *The Law and Political Economy of Workplace Technological Change*, 55 HARV. C.R.-C.L. L. REV. 531, 564 (2020) (citing Charging Parties' Post-Hearing Brief in Opposition to Proposed Settlement Agreements at 15-16, *McDonald's USA LLC et al. and Fast Food Workers Committee and SEIU et al.*, National Labor Relations Board Cases 02-CA-093893 et al., & 04-CA-125567 et al. (Apr. 27, 2018)).

<sup>4</sup> Brishen Rogers, *The Law and Political Economy of Workplace Technological Change*, 55 HARV. C.R.-C.L. L. REV. 531, 564 (2020) (citing Charging Parties' Post-Hearing Brief in Opposition to Proposed Settlement Agreements at 15-16, *McDonald's USA LLC et al. and Fast Food Workers Committee and SEIU et al.*, National Labor Relations Board Cases 02-CA-093893 et al., & 04-CA-125567 et al. (Apr. 27, 2018)).

<sup>5</sup> The AI revolution is starting to impact the workplace, 2020 WL 1224050.

<sup>6</sup> Natalie A. Pierce, Tiana R. Harding, *The Implications and Use of Artificial Intelligence in Recruitment and Hiring*, ORANGE COUNTY LAW., FEBRUARY 2020, AT 36, 37.

<sup>7</sup> Natalie A. Pierce, Tiana R. Harding, *The Implications and Use of Artificial Intelligence in Recruitment and Hiring*, ORANGE COUNTY LAW., FEBRUARY 2020, AT 36, 37.

<sup>8</sup> Rebecca Heilweil, *Artificial Intelligence Will Help Determine If You Get Your Next Job*, RECODE, Dec. 12, 2019, <https://www.vox.com/recode/2019/12/12/20993665/artificial-intelligence-ai-job-screen>.

<sup>9</sup> See Arvind Narayanan, Presentation: How to Recognize AI Snake Oil, <https://www.cs.princeton.edu/~arvindn/talks/MIT-STS-AIsnakeoil.pdf>

<sup>10</sup> Remarks of Commissioner Rebecca Kelly Slaughter Algorithms and Economic Justice UCLA School of Law January 24, 2020, [https://www.ftc.gov/system/files/documents/public\\_statements/1564883/remarks\\_of\\_commissioner\\_rebecca\\_kelly\\_slaughter\\_on\\_algorithmic\\_and\\_economic\\_justice\\_01-24-2020.pdf](https://www.ftc.gov/system/files/documents/public_statements/1564883/remarks_of_commissioner_rebecca_kelly_slaughter_on_algorithmic_and_economic_justice_01-24-2020.pdf). (citing see Anhong Guo et al., “Toward Fairness in AI For People With Disabilities: A Research Roadmap,” 4 (arXiv: 1907.02227, 2019), <https://arxiv.org/abs/1907.02227>; Jim Fruchterman & Joan Mellile, Expanding Employment Success for People with Disabilities 3 (2018), <https://benetech.org/wp-content/uploads/2018/11/Tech-and-DisabilityEmployment-Report-November-2018.pdf>).

<sup>11</sup> Natalie A. Pierce, Tiana R. Harding, *The Implications and Use of Artificial Intelligence in Recruitment and Hiring*, ORANGE COUNTY LAW., FEBRUARY 2020.

<sup>12</sup> The AI revolution is starting to impact the workplace, 2020 WL 1224050.

Additionally, automated searches are only as good as their underlying data and programming, with past scholars documenting how this setup can and has reproduced various forms of bias within labor markets. For instance, an algorithm that sees workers tending to stay in jobs longer if they live near a worksite may use this information to exclude ethnic or minority workers at a disproportionate rate based on housing segregation patterns.<sup>13</sup>

Therefore, while these technologies introduce valuable efficiencies, there are still concerns regarding how these technologies contribute to incidents of discrimination and harm.

### III. Legislative Analysis of Int. No. 1894-A

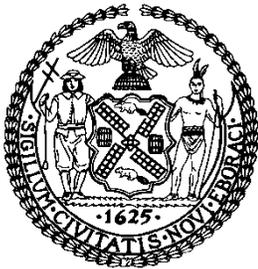
This bill would require that an employer or an employment agency conduct a bias audit on an automated employment decision tool no more than one year prior to any use of such tool for an employment decision. A summary of the results of such bias audit would be required to be made publicly available on the website of the employer, or employment agency, prior to such use. The bill would also require that candidates or employees that reside in the city be notified no less than 10 days in advance about the use of such tool in any forthcoming assessment or evaluation for hire or promotion, as well as, be notified about the job qualifications and characteristics that will be used by the automated employment decision tool. Such candidates or employees would also be permitted to request certain additional information about such tool. Any person that violates the provisions of the bill would be subject to a civil penalty.

The bill would take effect on January 1, 2023.

### VI. Update

On Wednesday, November 10, 2021, the Committee adopted Int. No. 1894-A by a vote of four in the affirmative, one in the negative, and zero abstentions.

(The following is the text of the Fiscal Impact Statement for Int. No. 1894-A:)



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

**PROPOSED INTRO. NO:** 1894-A  
**COMMITTEE:** Technology

**TITLE:** A local law to amend the administrative code of the city of New York, in relation to automated employment decision tools

**SPONSOR(S):** Council Member Cumbo, Ampry-Samuel, Rosenthal, Cornegy, Kallos, Adams, Louis, Chin, Cabrera, Rose, Gibson, Brannan, Rivera, Levine, Ayala, Miller and Levin.

**SUMMARY OF LEGISLATION:** Proposed Int. No. 1894-A would require that a bias audit be conducted on an automated employment decision tool prior to the sale or offer for sale of said tool. The bill would also require

<sup>13</sup> Brishen Rogers, *The Law and Political Economy of Workplace Technological Change*, 55 HARV. C.R.-C.L. L. REV. 531, 564-65 (2020).

that candidates or employees that reside in the City be notified about the use of such tools in the assessment or evaluation for hire or promotion, as well as, be notified about the job qualifications and characteristics that will be used by the automated employment decision tool. Violations of the provisions of this bill would be subject to a civil penalty.

**EFFECTIVE DATE:** This local law would take effect on January 1, 2023.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2024

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY23</b>	<b>FY Succeeding Effective FY24</b>	<b>Full Fiscal Impact FY24</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is estimated that there would be no impact on revenues resulting from the enactment of this legislation because full compliance with the legislation is anticipated.

**IMPACT ON EXPENDITURES:** It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because the Department of Consumer Affairs and Worker Protection, responsible for implementing this legislation, would be able to use existing resources.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** New York City Council Finance Division

**ESTIMATE PREPARED BY:** Florentine Kabore, Financial Analyst

**ESTIMATE REVIEWED BY:** John Russell, Unit Head  
Noah Brick, Assistant Counsel  
Nathan Toth, Deputy Director

**LEGISLATIVE HISTORY:** This legislation was introduced by the Council on February 27, 2020 as Int. No. 1894 and was referred to the Committee on Civil and Human Rights. The legislation was then re-referred to the Committee on Technology (Committee) on May 11, 2020. The Committee heard the legislation on November 13, 2020 and the legislation was laid over. The bill was subsequently amended, and the amended version, Proposed Int. No. 1894-A, will be heard by the Committee on November 10, 2021. Upon successful vote by the Committee, the bill will be submitted to the full Council for a vote on November 10, 2021.

**DATE PREPARED:** November 8, 2021.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 1894-A:)**

Int. No. 1894-A

By Council Members Cumbo, Ampry-Samuel, Rosenthal, Cornegy, Kallos, Adams, Louis, Chin, Cabrera, Rose, Gibson, Brannan, Rivera, Levine, Ayala, Miller, Levin and Barron.

**A Local Law to amend the administrative code of the city of New York, in relation to automated employment decision tools**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 25 to read as follows:

*Subchapter 25  
Automated Employment Decision Tools*

*§ 20-870 Definitions. For the purposes of this subchapter, the following terms have the following meanings:*

*Automated employment decision tool. The term “automated employment decision tool” means any computational process, derived from machine learning, statistical modeling, data analytics, or artificial intelligence, that issues simplified output, including a score, classification, or recommendation, that is used to substantially assist or replace discretionary decision making for making employment decisions that impact natural persons. The term “automated employment decision tool” does not include a tool that does not automate, support, substantially assist or replace discretionary decision-making processes and that does not materially impact natural persons, including, but not limited to, a junk email filter, firewall, antivirus software, calculator, spreadsheet, database, data set, or other compilation of data.*

*Bias audit. The term “bias audit” means an impartial evaluation by an independent auditor. Such bias audit shall include but not be limited to the testing of an automated employment decision tool to assess the tool’s disparate impact on persons of any component 1 category required to be reported by employers pursuant to subsection (c) of section 2000e-8 of title 42 of the United States code as specified in part 1602.7 of title 29 of the code of federal regulations.*

*Employment decision. The term “employment decision” means to screen candidates for employment or employees for promotion within the city.*

*§ 20-871 Requirements for automated employment decision tools. a. In the city, it shall be unlawful for an employer or an employment agency to use an automated employment decision tool to screen a candidate or employee for an employment decision unless:*

*1. Such tool has been the subject of a bias audit conducted no more than one year prior to the use of such tool; and*

*2. A summary of the results of the most recent bias audit of such tool as well as the distribution date of the tool to which such audit applies has been made publicly available on the website of the employer or employment agency prior to the use of such tool.*

*b. Notices required. In the city, any employer or employment agency that uses an automated employment decision tool to screen an employee or a candidate who has applied for a position for an employment decision shall notify each such employee or candidate who resides in the city of the following:*

*1. That an automated employment decision tool will be used in connection with the assessment or evaluation of such employee or candidate that resides in the city. Such notice shall be made no less than ten business days before such use and allow a candidate to request an alternative selection process or accommodation;*

*2. The job qualifications and characteristics that such automated employment decision tool will use in the assessment of such candidate or employee. Such notice shall be made no less than 10 business days before such use; and*

*3. If not disclosed on the employer or employment agency’s website, information about the type of data collected for the automated employment decision tool, the source of such data and the employer or employment agency’s data retention policy shall be available upon written request by a candidate or employee. Such information shall be provided within 30 days of the written request. Information pursuant to this section shall not be disclosed where such disclosure would violate local, state, or federal law, or interfere with a law enforcement investigation.*

*§ 20-872 Penalties. a. Any person that violates any provision of this subchapter or any rule promulgated pursuant to this subchapter is liable for a civil penalty of not more than \$500 for a first violation and each*

*additional violation occurring on the same day as the first violation, and not less than \$500 nor more than \$1,500 for each subsequent violation.*

*b. Each day on which an automated employment decision tool is used in violation of this section shall give rise to a separate violation of subdivision a of section 20-871.*

*c. Failure to provide any notice to a candidate or an employee in violation of paragraphs 1, 2 or 3 of subdivision b of section 20-871 shall constitute a separate violation.*

*d. A proceeding to recover any civil penalty authorized by this subchapter is returnable to any tribunal established within the office of administrative trials and hearings or within any agency of the city designated to conduct such proceedings.*

*§ 20-873 Enforcement. The corporation counsel or such other persons designated by the corporation counsel on behalf of the department may initiate in any court of competent jurisdiction any action or proceeding that may be appropriate or necessary for correction of any violation issued pursuant this subchapter, including mandating compliance with the provisions of this chapter or such other relief as may be appropriate.*

*§ 20-874 Construction. The provisions of this subchapter shall not be construed to limit any right of any candidate or employee for an employment decision to bring a civil action in any court of competent jurisdiction, or to limit the authority of the commission on human rights to enforce the provisions of title 8, in accordance with law.*

§ 2. This local law takes effect on January 1, 2023.

ROBERT F. HOLDEN, *Chairperson*; BRADFORD S. LANDER, PAUL A. VALLONE, ERIC A. ULRICH;  
Committee on Technology, November 10, 2021.

**(The following is the text of a Message of Necessity from the Mayor for the Immediate Passage of Preconsidered Int. No. 1894-A:)**

THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, N.Y. 10007

Pursuant to authority invested in me by section twenty of the Municipal Home Rule and by section thirty-six of the New York City Charter, I hereby certify to the necessity for the immediate passage of a local law; entitled:

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to automated employment decision tools**

Given under my hand and seal this 9<sup>th</sup> day of  
November, 2021 at City Hall in the City of New York.

---

Bill de Blasio  
Mayor

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. 842 & Res. No. 1796

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210289 ZMR (River North) submitted by Richmond SI Owner LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 21c, eliminating from an existing R6 District a C2-2 District bounded by Richmond Terrace, Hamilton Avenue, a line 100 feet westerly of Stuyvesant Place, a line 100 feet southwesterly of Richmond Terrace, and Nicholas Street; eliminating a Special Hillside Preservation District (HS) bounded by Richmond Terrace, Stuyvesant Place, Hamilton Avenue, a line 185 feet westerly of Stuyvesant Place, a line 185 feet southwesterly of Richmond Terrace, and Nicholas Street; changing from an R6 District to an R7-3 District property bounded by Richmond Terrace, Stuyvesant Place, Hamilton Avenue, a line 185 feet westerly of Stuyvesant Place, a line 185 feet southwesterly of Richmond Terrace, and Nicholas Street; establishing within an existing R6 District a C2-4 District bounded by Richmond Terrace, Hamilton Avenue, and Stuyvesant Place; establishing within a proposed R7-3 District a C2-4 District bounded by Richmond Terrace, Stuyvesant Place, Hamilton Avenue, a line 185 feet westerly of Stuyvesant Place, a line 185 feet southwesterly of Richmond Terrace, and Nicholas Street; and establishing a Special St. George District (SG) bounded by Richmond Terrace, Hamilton Avenue, a line 185 feet westerly of Stuyvesant Place, a line 185 feet southwesterly of Richmond Terrace, and Nicholas Street; Borough of Staten Island, Community District 1, Council District 49, as shown on a diagram (for illustrative purposes only) dated May 3, 2021, and subject to the conditions of CEQR Declaration E-614.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 9, 2021 (Minutes, page 2299) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on October 21, 2021 (Minutes, page 2734), respectfully

**REPORTS:**

**SUBJECT**

**STATEN ISLAND CB-1 - THREE APPLICATIONS RELATED TO RIVER  
NORTH-LIBERTY TOWERS**

**C 210289 ZMR (L.U. No. 842)**

City Planning Commission decision approving an application submitted by Richmond SI Owner, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 21c:

1. eliminating from an existing R6 District a C2-2 District bounded by Richmond Terrace, Hamilton Avenue, a line 100 feet westerly of Stuyvesant Place, a line 100 feet southwesterly of Richmond Terrace, and Nicholas Street;
2. eliminating a Special Hillside Preservation District (HS) bounded by Richmond Terrace, Stuyvesant Place, Hamilton Avenue, a line 185 feet westerly of Stuyvesant Place, a line 185 feet southwesterly of Richmond Terrace, and Nicholas Street;

3. changing from an R6 District to an R7-3 District property bounded by Richmond Terrace, Stuyvesant Place, Hamilton Avenue, a line 185 feet westerly of Stuyvesant Place, a line 185 feet southwesterly of Richmond Terrace, and Nicholas Street;
4. establishing within an existing R6 District a C2-4 District bounded by Richmond Terrace, Hamilton Avenue, and Stuyvesant Place;
5. establishing within a proposed R7-3 District a C2-4 District bounded by Richmond Terrace, Stuyvesant Place, Hamilton Avenue, a line 185 feet westerly of Stuyvesant Place, a line 185 feet southwesterly of Richmond Terrace, and Nicholas Street; and
6. establishing a Special St. George District (SG) bounded by Richmond Terrace, Hamilton Avenue, a line 185 feet westerly of Stuyvesant Place, a line 185 feet southwesterly of Richmond Terrace, and Nicholas Street;

as shown on a diagram (for illustrative purposes only) dated May 3, 2021, and subject to the conditions of CEQR Declaration E-614.

**N 210290 ZRR (L.U. No. 843)**

City Planning Commission decision approving an application submitted by Richmond SI Owner, 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 8 (Special St. George District) and related Sections, and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

**C 210291 ZSR (L.U. NO. 844)**

City Planning Commission decision approving an application submitted by Richmond SI Owner, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 128-62 of the Zoning Resolution as follows:

1. to modify the rear yard requirements of Section 23-47 (Minimum Required rear yard);
2. to modify the permitted obstruction requirements of Section 128-31 (Rooftop Regulations) and Section 33-42 (Permitted Obstructions);
3. to modify the height and setback requirements of Section 128-33\* (Maximum Base Height) and Section 128-34\* (Maximum Building Height); and
4. to modify the planting requirements of Section 128-42 (Planting Areas);

in connection with a proposed mixed-use development, on property located at 24 Stuyvesant Place (Block 13, Lots 82, 92, 100 and p/o Lot 8), in an R7-3/C2-4 District, within the Special St. George District (SG).

**INTENT**

To approve the amendment to rezone the Project Area from an R6 district with a C2-2 commercial overlay at a depth of 100 feet located within the Special Hillside Preservation District (“SHPD”) to an R7-3 district with a C2-4 commercial overlay at a depth of 185 feet within the Special St. George District (“SSGD”), and rezoning an area from an R6/C2-2 overlay to an R6/C2-4 overlay and to be located within the SSGD; amend zoning text to establish bulk regulations for R7 zoning districts, a new special permit to modify bulk and other requirements and establish the Project Area as a Mandatory Inclusionary Housing (“MIH”) area utilizing Options 1 and 2; and grant an approval of the special permit to modify bulk requirements within R7 districts and mandatory improvements of the SSGD to facilitate the development of a 592,014-square-foot mixed-use development with three mixed-use buildings, comprised of approximately 750 housing units, including 225 permanently affordable units, and 18,800 square feet of non-residential uses located on the ground floor and cellar in the St. George neighborhood of Staten Island, Community District 1.

**PUBLIC HEARING**

**DATE:** September 24, 2021

**Witnesses in Favor:** Seventeen

**Witnesses Against:** Eleven

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** October 20, 2021

The Subcommittee recommends that the Land Use Committee approve with modifications the decisions of the City Planning Commission on L.U. Nos. 842, 843, and 844.

**In Favor:**

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

**Against:**

Borelli

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** October 21, 2021

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

Salamanca, Gibson, Koo, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Moya, Rivera, Riley, Brooks-Powers.

**Against:**

Barron  
Borelli

**Abstain:**

None.

**FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION**

The City Planning Commission filed a letter dated November 1, 2021, with the Council on November 9, 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. 1796

**Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 210289 ZMR, a Zoning Map amendment (L.U. No. 842).**

By Council Members Salamanca and Moya.

**WHEREAS**, Richmond SI Owner, 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. 21c, eliminating from an existing R6 District a C2-2 District, eliminating a Special Hillside Preservation District (HS), changing from an R6 District to an R7-3 District, establishing within an existing R6 District a C2-4 District, establishing within a proposed R7-3 District a C2-4 District, establishing a Special St. George District (SG), which in conjunction with the related actions would facilitate the development of a 592,014-square-foot mixed-use development with three mixed-use buildings, comprised of approximately 750 housing units, including 225 permanently affordable units, and 18,800 square feet of non-residential uses located on the ground floor and cellar in the St. George neighborhood of Staten Island, Community District 1 (ULURP No. C 210289 ZMR) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on September 10, 2021 its decision dated September 1, 2021 (the "Decision") on the Application;

**WHEREAS**, the Application is related to applications N 210290 ZRR (L.U. No. 843), a zoning text amendment to the Special St. George District (SSGD) to establish bulk regulations for R7 zoning districts, a new special permit to modify bulk and other requirements, and establish a Mandatory Inclusionary Housing Area; and C 210291 ZSR (L.U. 844), a special permit to modify bulk requirements within R7 districts and mandatory improvements of the SSGD;

**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 September 24, 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 October 16<sup>th</sup>, 2020 (CEQR No. 20DCP140R) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on August 20, 2021, which identified significant adverse impacts related to hazardous materials, noise, and air quality would be avoided through the placement of (E) designations (E-614) on the project sites. The proposed project, as analyzed in the FEIS, also identified significant adverse impacts with respect to open space (active), transportation (vehicular traffic), and construction (vehicular traffic, noise) and 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 210291 ZSR, 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 210289 ZMR, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission, with the following modifications.

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. 21c:

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

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

1. eliminating from an existing R6 District a C2-2 District bounded by Richmond Terrace, Hamilton Avenue, a line 100 feet westerly of Stuyvesant Place, a line 100 feet southwesterly of Richmond Terrace, and ~~Nicholas Street~~ a line perpendicular to the southwesterly streetline of Richmond Terrace, distant 260 feet southeasterly (as measured along the streetline), from the point of intersection of the southwesterly streetline of Richmond Terrace and the southeasterly streetline of Nicholas Street;
2. eliminating a Special Hillside Preservation District (HS) bounded by Richmond Terrace, Stuyvesant Place, Hamilton Avenue, a line 185 feet westerly of Stuyvesant Place, a line 185 feet southwesterly of Richmond Terrace, and ~~Nicholas Street~~ a line perpendicular to the southwesterly streetline of Richmond Terrace, distant 260 feet southeasterly (as measured along the streetline), from the point of intersection of the southwesterly streetline of Richmond Terrace and the southeasterly streetline of Nicholas Street;
3. changing from an R6 District to an R7-3 District property bounded by Richmond Terrace, Stuyvesant Place, Hamilton Avenue, a line 185 feet westerly of Stuyvesant Place, a line 185 feet southwesterly of Richmond Terrace, and ~~Nicholas Street~~ a line perpendicular to the southwesterly streetline of Richmond Terrace, distant 260 feet southeasterly (as measured along the streetline), from the point of intersection of the southwesterly streetline of Richmond Terrace and the southeasterly streetline of Nicholas Street;
4. establishing within an existing R6 District a C2-4 District bounded by Richmond Terrace, Hamilton Avenue, and Stuyvesant Place;

5. establishing within a proposed R7-3 District a C2-4 District bounded by Richmond Terrace, Stuyvesant Place, Hamilton Avenue, a line 185 feet westerly of Stuyvesant Place, a line 185 feet southwesterly of Richmond Terrace, and ~~Nicholas Street~~ a line perpendicular to the southwesterly streetline of Richmond Terrace, distant 260 feet southeasterly (as measured along the streetline), from the point of intersection of the southwesterly streetline of Richmond Terrace and the southeasterly streetline of Nicholas Street; and
6. establishing a Special St. George District (SG) bounded by Richmond Terrace, Hamilton Avenue, a line 185 feet westerly of Stuyvesant Place, a line 185 feet southwesterly of Richmond Terrace, and ~~Nicholas Street~~ a line perpendicular to the southwesterly streetline of Richmond Terrace, distant 260 feet southeasterly (as measured along the streetline), from the point of intersection of the southwesterly streetline of Richmond Terrace and the southeasterly streetline of Nicholas Street;

as shown on a diagram (for illustrative purposes only) dated May 3, 2021, and subject to the conditions of CEQR Declaration E-614, Borough of Staten Island, Community District 1.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS; Committee on Land Use, October 21, 2021.

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. 843 & Res. No. 1797

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 210290 ZRR (River North) submitted by Richmond SI Owner 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 8 (Special St. George District) and related Sections, and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area; Borough of Staten Island, Community District 1, Council District 49.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 9, 2021 (Minutes, page 2299) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on October 21, 2021 (Minutes, page 2737), respectfully

#### REPORTS:

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 842 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

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

Res. No. 1797

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 210290 ZRR, for an amendment of the text of the Zoning Resolution (L.U. No. 843).**

By Council Members Salamanca and Moya.

**WHEREAS**, Richmond SI Owner, 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 8 (Special St. George District) and related Sections, and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related actions would facilitate the development of a 592,014-square-foot mixed-use development with three mixed-use buildings, comprised of approximately 750 housing units, including 225 permanently affordable units, and 18,800 square feet of non-residential uses located on the ground floor and cellar in the St. George neighborhood of Staten Island, Community District 1 (ULURP No. N 210290 ZRR), (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on September 10, 2021, its decision dated September 1, 2021 (the "Decision") on the Application;

**WHEREAS**, the Application is related to applications C 210289 ZMR (L.U. No. 842), a zoning map amendment (a) rezoning a R6 zoning district with a C2-2 overlay at a depth 100 feet within the SHPD to an R7-3 zoning district with a C2-4 commercial overlay at a depth of 185 feet and to be located within the SSGD; and (b) rezoning a R6 zoning district with a C2-2 overlay to a R6 zoning district with a C2-4 overlay and to be located within the SSGD; and C 210291 ZSR (L.U. No. 844), a special permit to modify bulk requirements within R7 districts and mandatory improvements of the SG;

**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 September 24, 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 October 16<sup>th</sup>, 2020 (CEQR No. 20DCP140R) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on August 20, 2021, which identified significant adverse impacts related to hazardous materials, noise, and air quality would be avoided through the placement of (E) designations (E-614) on the project sites. The proposed project, as analyzed in the FEIS, also identified significant adverse impacts with respect to open space (active), transportation (vehicular traffic), and construction (vehicular traffic, noise) and 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 210291 ZSR, 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, N 210290 ZRR, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

- Matter underlined is new, to be added;
- Matter ~~struck out~~ is to be deleted;
- Matter within # # is defined in Section 12-10;
- \* \* \* indicates where unchanged text appears in the Zoning Resolution.
- Matter ~~double struck out~~ is old, deleted by the City Council;
- Matter double-underlined is new, added by the City Council.

\* \* \*

**ARTICLE II**  
**RESIDENCE DISTRICT REGULATIONS**

**Chapter 1**  
**Statement of Legislative Intent**

\* \* \*

**21-10**  
**PURPOSES OF SPECIFIC RESIDENCE DISTRICTS**

\* \* \*

**21-15**  
**R3-2, R4, R4B, R5, R6, R7, R8, R9 and R10 — General Residence Districts**

These districts are designed to provide for all types of residential buildings, in order to permit a broad range of housing types, with appropriate standards for each district on density, open space, and spacing of buildings. However, R4B Districts are limited to single- or two-family dwellings, and zero lot line buildings are not permitted in R3-2, R4 (except R4-1 and R4B), and R5 (except R5B) Districts. The various districts are mapped

in relation to a desirable future residential density pattern, with emphasis on accessibility to transportation facilities and to various community facilities, and upon the character of existing development. These districts also include community facilities and open uses which serve the residents of these districts or benefit from a residential environment.

R7-3 and R9-1 Districts may be mapped only as specified in this paragraph. Such districts may be mapped within the waterfront area and in the #Special Mixed Use District#. In addition, R7-3 Districts may be mapped in the #Special Long Island City Mixed Use District# and #Special St. George District#, and R9-1 Districts may be mapped in #Mandatory Inclusionary Housing areas#.

\* \* \*

**Chapter 3  
Residential Bulk Regulations in Residence Districts**

**23-00  
APPLICABILITY AND GENERAL PURPOSES**

**23-01  
Applicability of This Chapter**

\* \* \*

**23-011  
Quality Housing Program**

\* \* \*

R6 R7 R8 R9 R10

(c) In the districts indicated without a letter suffix, the optional Quality Housing #bulk# regulations permitted as an alternative pursuant to paragraph (b) of this Section, shall not apply to:

- (1) Article VII, Chapter 8 (Special Regulations applying to Large Scale Residential Developments), except that they may be permitted as an alternative to apply within #Large Scale Residential Developments# located:

(i) in C2-5 Districts mapped within R9-1 Districts in Community District 3 in the Borough of Manhattan.

(2) Special Purpose Districts

However, such optional Quality Housing #bulk# regulations are permitted as an alternative to apply in the following Special Purpose Districts:

\* \* \*

Special Ocean Parkway District;

Special St. George District;

Special Transit Land Use District; or

Special Tribeca Mixed Use District.

\* \* \*

**ARTICLE XII**

**SPECIAL PURPOSE DISTRICTS**

**Chapter 8**

**Special St. George District**

**128-00**

**GENERAL PURPOSES**

The “Special St. George District” established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include among others, the following specific purposes:

- (a) to build upon St. George’s existing strengths as a civic center, neighborhood and transit hub by providing rules that will bolster a thriving, pedestrian-friendly business and residence district;
- (b) to establish zoning regulations that facilitate continuous ground floor retail and the critical mass needed to attract and sustain a broader mix of uses;

- (c) to require a tall, slender building form that capitalizes on St. George’s hillside topography and maintains waterfront vistas;
- (d) to encourage the reuse and reinvestment of vacant office buildings;
- (e) to accommodate an appropriate level of off-street parking while reducing its visual impact; ~~and~~
- (f) to enhance neighborhood economic diversity by broadening the range of housing choices for residents at varied incomes; and
- (g) to promote the most desirable use of land and building development in accordance with the District Plan for St. George and thus conserve the value of land and buildings and thereby protect the City’s tax revenues.

## **128-01**

### **Definitions**

Definitions specifically applicable to this Chapter are set forth in this Section and may modify definitions set forth in Section 12-10 (DEFINITIONS). Where matter in italics is defined both in Section 12-10 and in this Chapter, the definitions in this Chapter shall govern.

Commercial street

A “commercial street” shall be a *#street#*, or portion thereof, where special regulations pertaining to ground floor *#uses#* on *#commercial streets#*, pursuant to Section 128-11, apply to *#zoning lots#* fronting upon such *#streets#*. *#Commercial streets#* are designated on Map 2 in the Appendix to this Chapter.

\* \* \*

## **128-056**

### **Applicability of the Quality Housing Program**

In C4-2 Districts, the optional Quality Housing #bulk# regulations permitted as an alternative pursuant to Section 23-011 (Quality Housing Program) shall not apply. In lieu thereof, the #bulk# regulations of this Chapter shall apply. However, where any of the Quality Housing Program elements set forth Article II, Chapter 8 (Quality Housing Program) are provided, the associated #floor area# exemption shall apply.

In C2-4 Districts mapped within R6 Districts, the optional Quality Housing #bulk# regulations permitted as an alternative pursuant to Section 23-011 shall apply.

In R7-3 Districts, the Quality Housing Program shall apply. For the purposes of applying such regulations, #buildings# constructed pursuant to the #bulk# regulations of this Chapter shall be considered #Quality Housing buildings#, and any #building# containing #residences# shall also comply with the requirements of Article II, Chapter 8.

For the purposes of applying the Quality Housing Program elements set forth in Article II, Chapter 8 to C2-4 Districts mapped within R6 Districts and to R7-3 Districts, the elements set forth in Sections 28-23 (Planting Areas) and 28-40 (Parking for Quality Housing) shall be superseded by the planting and parking location provisions of this Chapter.

\* \* \*

**128-20**

**FLOOR AREA, LOT COVERAGE AND YARD REGULATIONS**

**128-21**

**Maximum Floor Area Ratio**

In C4-2 Districts within the Upland Subdistrict, the underlying #floor area ratio# and #open space# regulations shall not apply. In lieu thereof, the maximum #floor area ratio# for any #use#, separately or in combination, shall be 3.4, and no #floor area# bonuses shall apply, except that for #zoning lots# with less than 10,000 square feet of #lot area# without frontage on a #commercial street#, the maximum #floor area ratio# for any #use#, separately or in combination, shall be 2.2, and no #floor area# bonuses shall apply.

In R7-3 Districts, the maximum #floor area ratio# for any #use# within a #Mandatory Inclusionary Housing area# shall be 6.0.

**128-22**

**Maximum Lot Coverage**

In C4-2 Districts within the Upland Subdistrict and in R7-3 Districts, the underlying #open space ratio# provisions shall not apply. In lieu thereof, the maximum permitted #lot coverage# for a #residential building#, or portion thereof, shall be 70 percent for an #interior# or #through lot# and 100 percent for a #corner lot#.

\* \* \*

### **128-30**

#### **HEIGHT AND SETBACK REGULATIONS**

The provisions of this Section, inclusive, shall apply to all #buildings or other structures# within the Upland Subdistrict, except in C2-4 Districts mapped within R6 Districts, where the underlying height and setback regulations shall apply.

In C1-2 Districts mapped within R3-2 Districts, all #buildings or other structures# shall comply with the height and setback regulations of R4 Districts, except that the maximum perimeter wall height shall be 26 feet, and the #street wall# location provisions of Section 128-32 (Street Wall Location) shall apply.

The underlying height and setback regulations of C4-2 Districts within the Upland Subdistrict shall not apply. In lieu thereof, the height and setback regulations of this Section, inclusive, shall apply.

In R7-3 Districts, all #buildings or other structures# shall comply with the height and setback regulations of this Section, inclusive.

In the South and North Waterfront Subdistricts, the underlying height and setback regulations of Section 62-34 (Height and Setback Regulations on Waterfront Blocks) shall apply, except that:

- (a) in the South Waterfront Subdistrict, rooftop regulations shall be as modified in Section 128-31 (Rooftop Regulations); and
- (b) in the North Waterfront Subdistrict, #developments#, #enlargements#, alterations and changes of #use# permitted pursuant to Section 128-61 (Special Permit for North Waterfront Sites) shall instead be subject to the Proposed Plans, as set forth in Section 128-61, as approved pursuant to such special permit.

All heights shall be measured from the #base plane#, except that wherever a minimum or maximum base height is specified for #zoning lots# with multiple #street frontages#, such heights shall be determined separately for each #street# frontage, with each height measured from the final grade of the sidewalk fronting such #street wall#.

\* \* \*

**128-32**

**Street Wall Location**

The following #street wall# regulations shall apply in C1-2 Districts mapped within R3-2 Districts and in C4-2 Districts within the Upland Subdistrict. In R7-3 Districts, no #street wall# location provisions shall apply.

- (a) #Street walls# along #commercial streets#

\* \* \*

**128-33**

**Maximum Base Height**

In C4-2 Districts within the Upland Subdistrict, the ~~The~~ maximum height of a #building or other structure# before setback shall be as specified on Map 3 (Minimum and Maximum Base Heights) in the Appendix to this Chapter. Where a maximum base height of 65 feet applies as shown on Map 3, such maximum base height shall be reduced to 40 feet for #zoning lots developed# or #enlarged# pursuant to the tower provisions of Section 128-35. When a #building# fronts on two intersecting #streets# for which different maximum base heights apply, the higher base height may wrap around to the #street# with the lower base height for a distance of up to 100 feet.

In R7-3 Districts, the maximum base height shall be 75 feet.

In C4-2 Districts within the Upland Subdistrict and in R7-3 Districts, all ~~All~~ portions of #buildings or other structures# above such maximum base heights shall provide a setback at least 10 feet in depth measured from any #street wall# facing a #wide street# and 15 feet in depth from any #street wall# facing a #narrow street#.

In C4-2 Districts within the Upland Subdistrict and in R7-3 Districts, dormers may exceed the maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts). However, on any #zoning lot# that includes a tower #developed# or #enlarged# pursuant to Section 128-35, dormers shall not be permitted.

**128-34**

**Maximum Building Height**

In C4-2 Districts within the Upland Subdistrict, for #buildings# that are not #developed# or #enlarged# pursuant to the tower provisions of Section 128-35 (Towers), the maximum height of a #building or other structure# and the maximum number of #stories#, as applicable, shall be as set forth in Section 23-662 (Maximum height of buildings and setback regulations) for a residential equivalent of an R6 District. Separate maximum #building# heights are set forth within such Section for #developments# or #enlargements# with #qualifying ground floors# and for those with #non-qualifying ground floors#. However, on Bay Street where there is a maximum base height of 85 feet, the maximum height of a #building or other structure# also shall be 85 feet.

In C4-2 Districts within the Upland Subdistrict for #buildings# that are #developed# or #enlarged# pursuant to the tower provisions of Section 128-35, the maximum height of the tower portion of a #building# shall be 200 feet, and the height of all other portions of the #building# shall not exceed the applicable maximum base height. Where a maximum base height of 65 feet applies as shown on Map 3 in the Appendix to this Chapter, such maximum base height shall be reduced to 40 feet for #zoning lots developed# or #enlarged# pursuant to the tower provisions of Section 128-35.

In R7-3 Districts, the maximum height of a #building or other structure# shall be 185 feet or 18 #stories#, whichever is lower. The tower provisions of Section 128-35 shall not apply.

\* \* \*

**128-50**

**PARKING REGULATIONS**

\* \* \*

**128-51**

**Required Off-street Parking and Loading**

In the #Special St. George District#, the following parking and loading regulations shall apply:

(a) In C4-2 Districts, the following special regulations shall apply:

~~(a)~~(1) #Residential uses#

One off-street parking space shall be provided for each #dwelling unit# created after October 23, 2008, including any #dwelling units# within #buildings# converted pursuant to Article I, Chapter 5 (Residential Conversion Within Existing Buildings), except that the provisions of Section 25-25 (Modification of Requirements for Income-restricted Housing Units, Affordable Independent Residences for Seniors or Other Government-assisted Dwelling Units) shall apply to #income-restricted housing units#. However, where the total number of required spaces is five or fewer or, for #conversions#, where the total number of required spaces is 20 or fewer, no parking shall be required, except that such waiver provision shall not apply to any #zoning lot# subdivided after October 28, 2008. The provisions of Section 73-46 (Waiver of Requirements for Conversions) shall apply to #conversions# where more than 20 parking spaces are required.

~~(b)~~(2) #Commercial# #uses#

For #commercial# #uses#, the off-street parking and loading requirements of a C4-3 District shall apply, except that food stores with 2,000 or more square feet of #floor area# per establishment shall require one parking space per 400 square feet of #floor area# and, for places of assembly and hotels, the off-street parking and loading requirements of a C4-2 District shall apply.

~~(c)~~(3) #Community facility use#

For ambulatory diagnostic or treatment health care facilities listed in Use Group 4, the off-street parking requirements of a C4-3 District shall apply.

(b) In R7-3 Districts, the parking and loading regulations of an R7-2 District shall apply, except as modified by Sections 128-52 (Special Floor Area Regulations) through 128-56 (Curb Cuts on Commercial Streets).

(c) In C2-4 Districts mapped within R6 Districts, the underlying regulations shall apply, except as modified by Sections 128-52 through 128-56.

\* \* \*

**128-60****SPECIAL APPROVALS**

The special permit for North Waterfront sites set forth in Section 128-61 is established in order to guide and encourage appropriate #use# and #development# in a unique location within the #Special St. George District# that serves as a gateway between Staten Island and Manhattan for both visitors and daily commuters. Redevelopment of the North Waterfront sites pursuant to this special permit provides an appropriate means to address the special characteristics of these sites, while accommodating their continuing transportation function, as part of their transformation into a regional destination that will contribute to the revitalization of the #Special St. George District# and surrounding area.

The special permit for #buildings# in R7-3 Districts set forth in Section 128-62 is established to allow modification of #bulk# regulations and mandatory improvements, except #floor area ratio# provisions, in order to encourage better site planning, and streetscapes that are consistent with the goals of the Special District.

\* \* \*

**128-62****Special Permit for Buildings in R7-3 Districts**

For any #zoning lot# in an R7-3 District, the City Planning Commission may permit modification of #bulk# regulations, except #floor area ratio# provisions, and modification of mandatory improvements, provided the Commission shall find that such modifications:

- (a) will aid in achieving the general purposes and intent of the Special District;
- (b) will enhance the distribution of #bulk# on the #zoning lot#;
- (c) will not unduly obstruct access to light and air from surrounding #streets# and properties; and
- (d) will result in a better site plan and urban design relationship with adjacent #streets#, open areas, and the surrounding neighborhood.

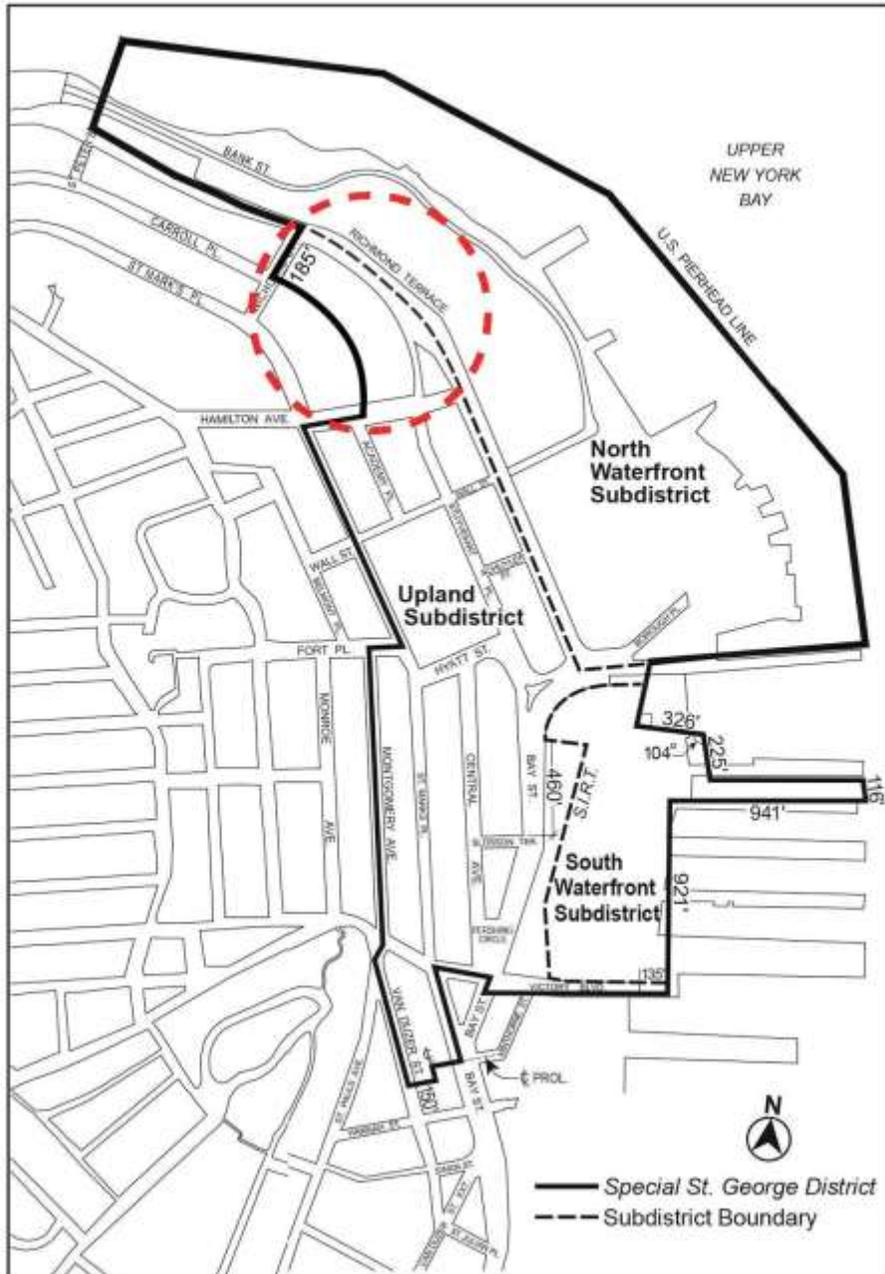
The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

**Appendix – Special St. George District Plan**

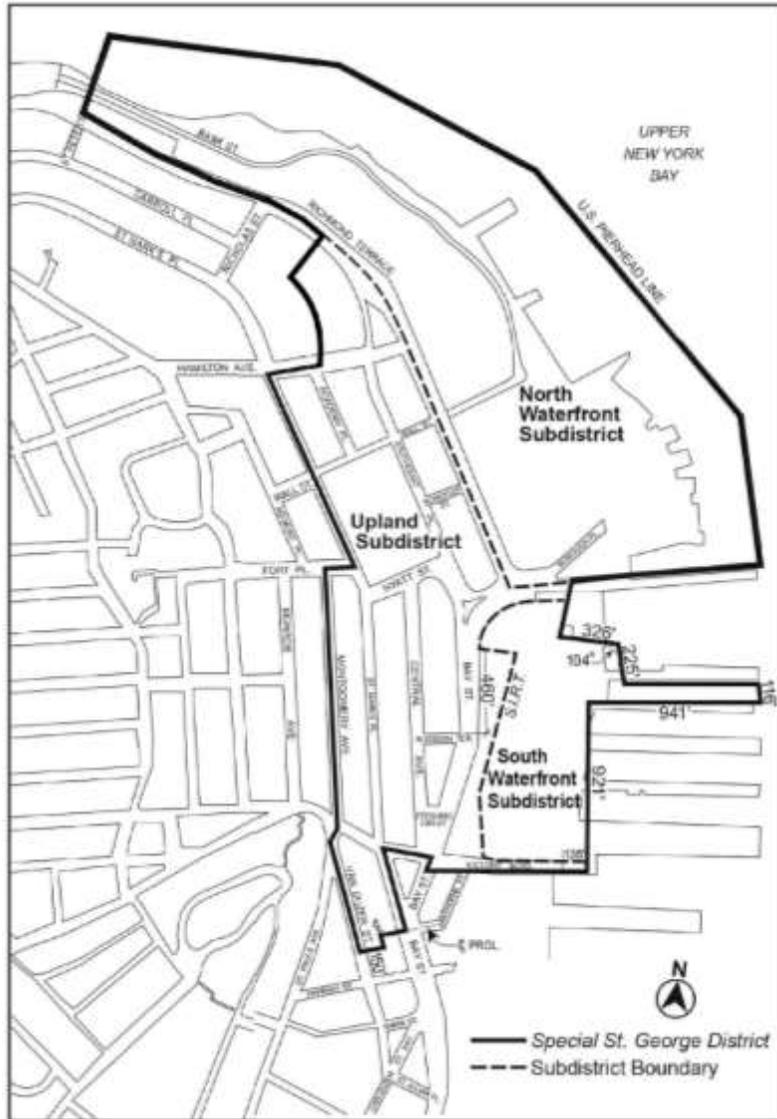
**[ALL PROPOSED MAPS BELOW TO BE REPLACED  
BY COUNCIL-MODIFIED MAPS]**



~~[PROPOSED MAP]~~



[Council Modified Map]



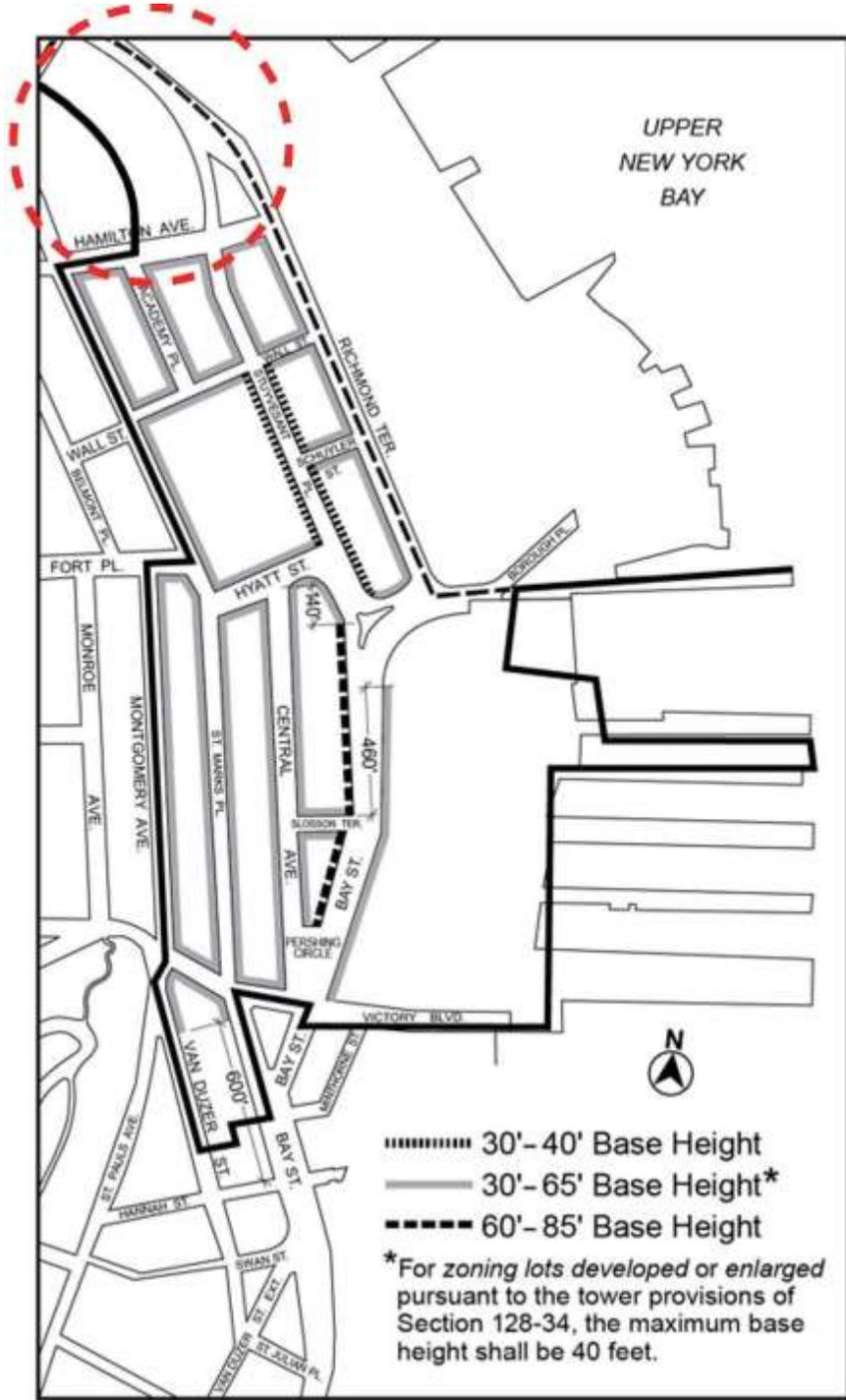








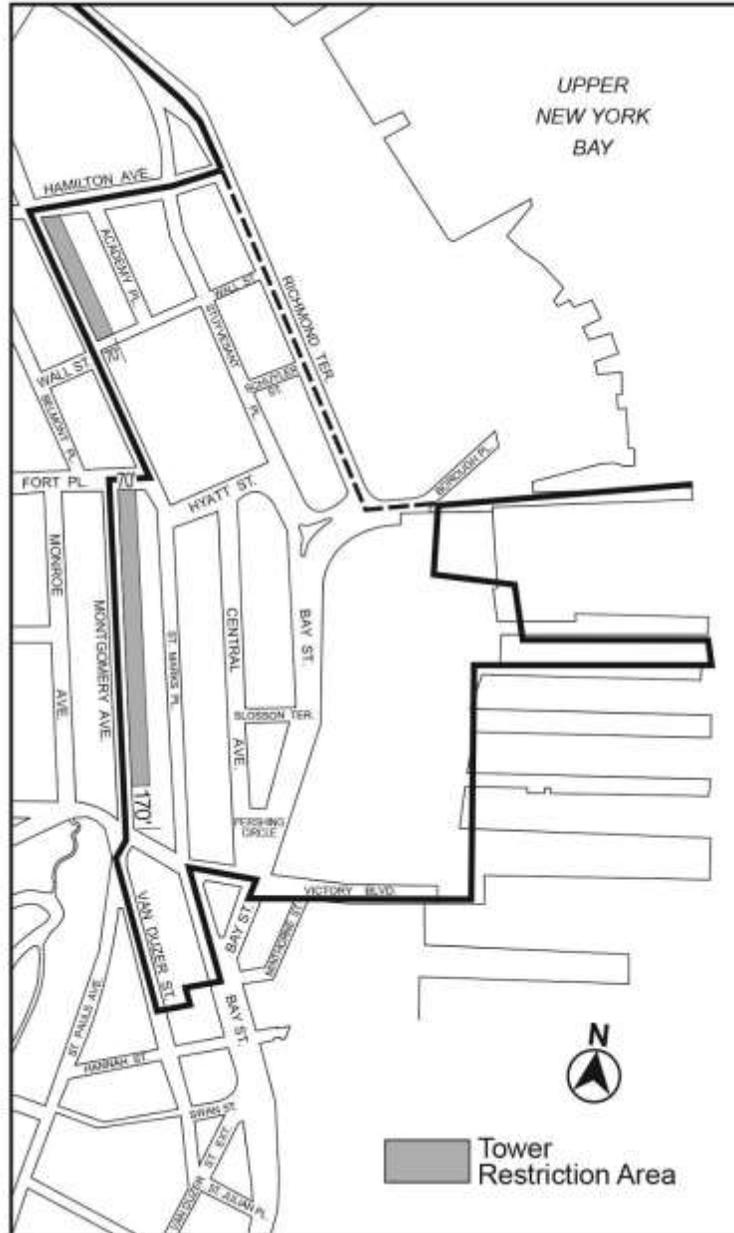
~~PROPOSED MAP~~





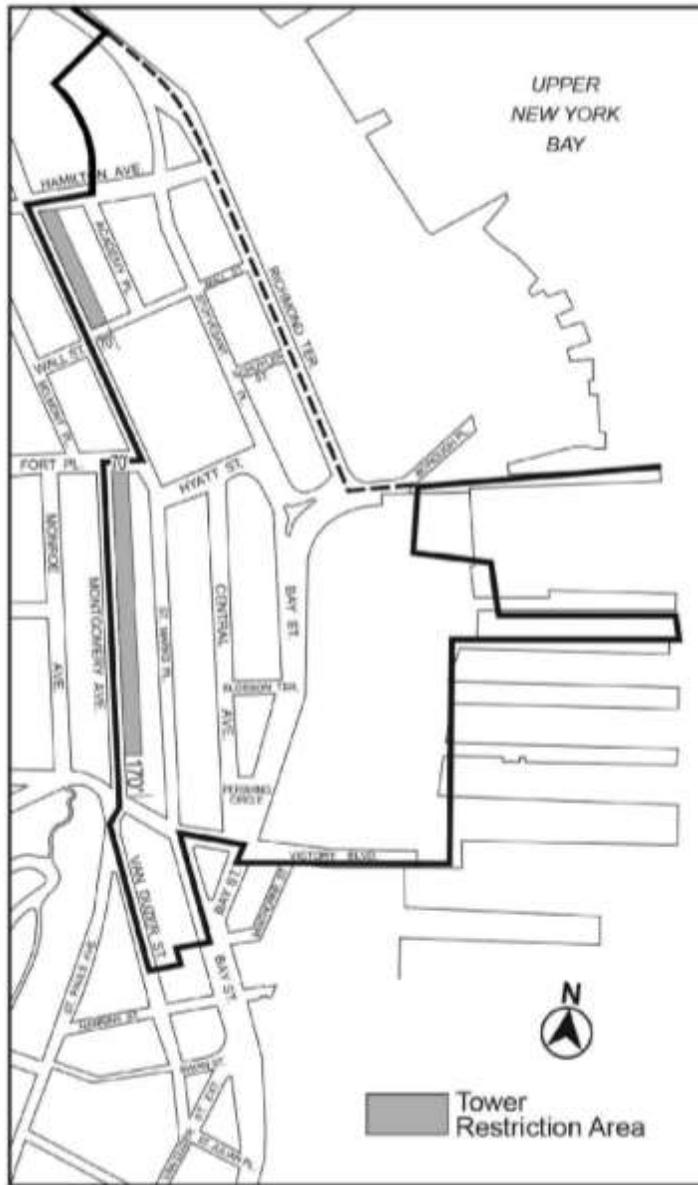
Map 4 – Tower Restriction Areas [date of adoption]

[EXISTING MAP]



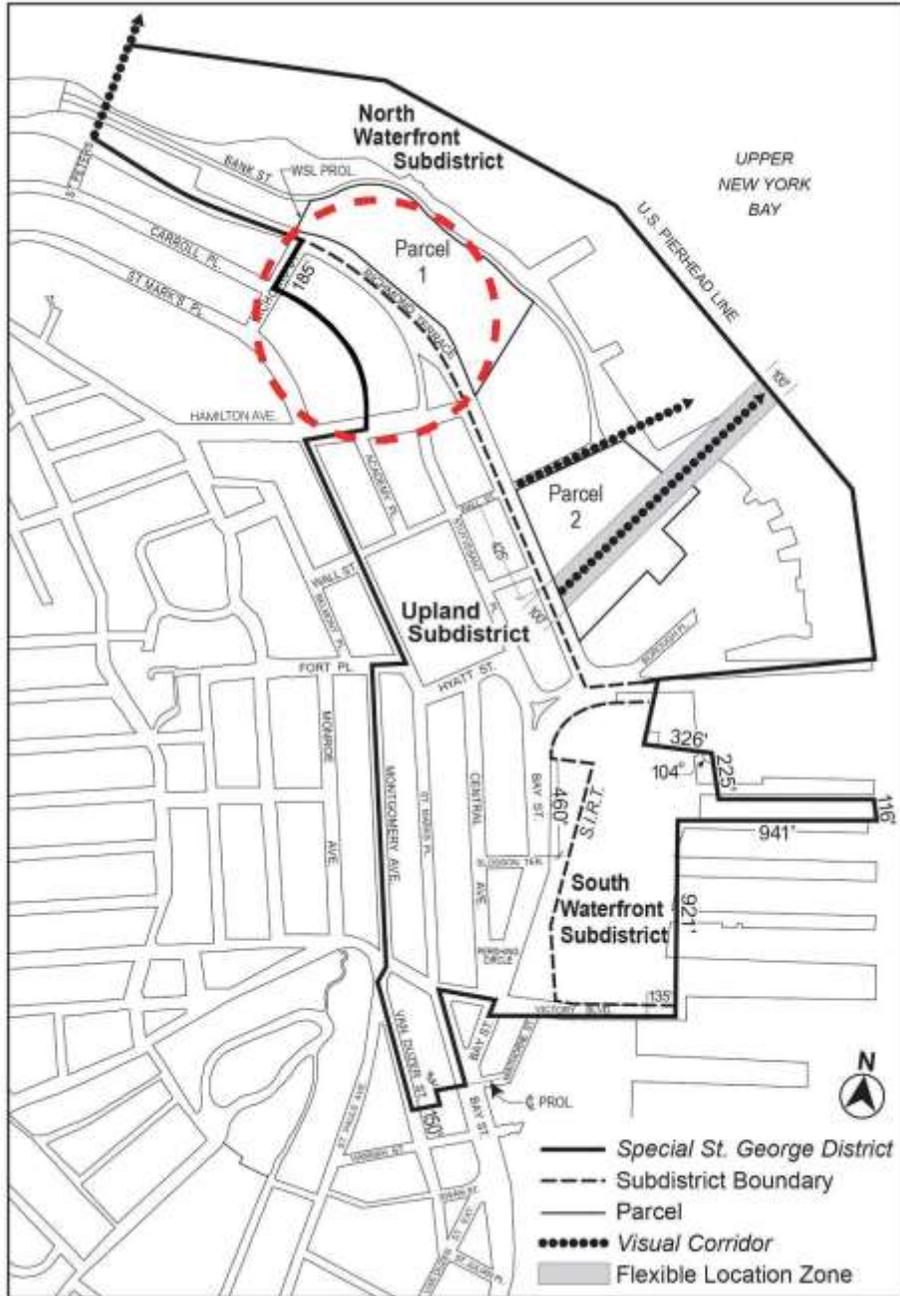


[Council Modified Map]

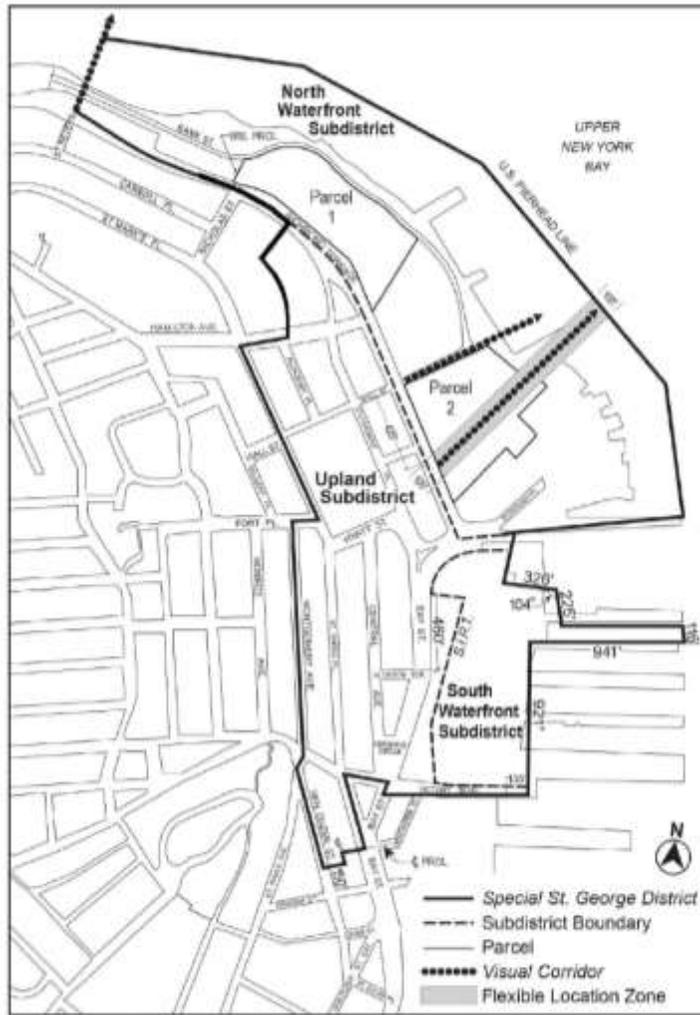




~~PROPOSED MAP~~



[Council Modified Map]



\* \* \*

**APPENDIX F**

**Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

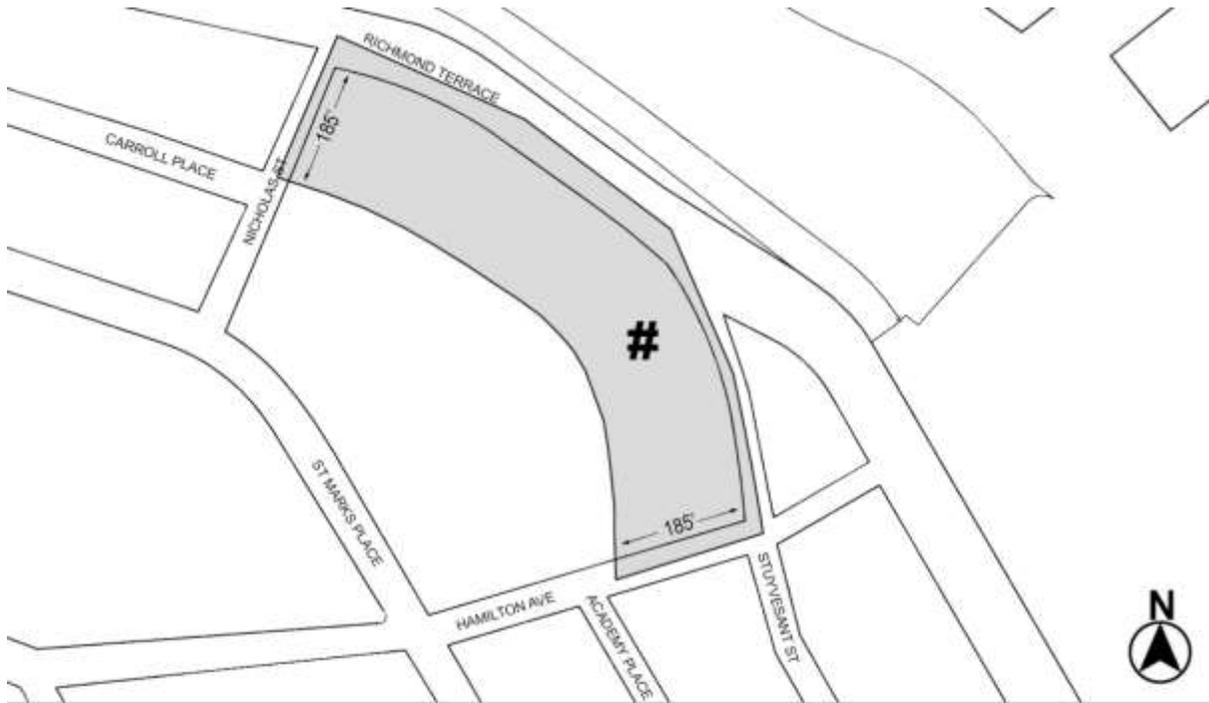
**STATEN ISLAND**

**Staten Island Community District 1**

\* \* \*

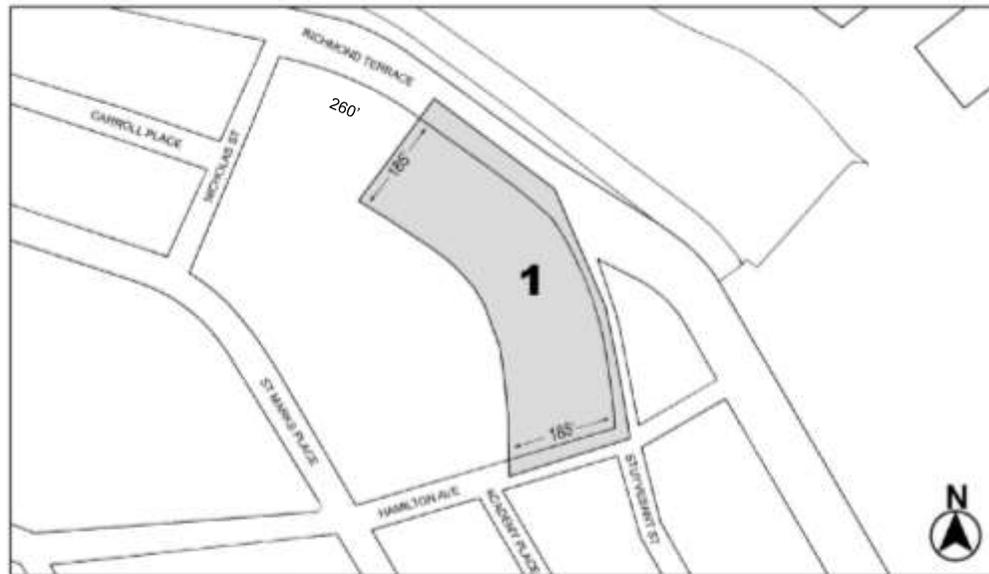
Map 3 – [date of adoption]

~~PROPOSED MAP~~



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

Area # - [date of adoption] MIH Program Option 1 and Option 2

[Council Modified Map]

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

Area 1 — 10/20/21 MIH Program Option 1 and Option 2

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS; Committee on Land Use, October 21, 2021.

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. 844 & Res. No. 1798

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 200291 ZSR (River North) submitted by Richmond SI Owner LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 128-62\* of the Zoning Resolution, to modify the rear yard requirements of Section 23-47 (Minimum Required rear yard); the permitted obstruction requirements of Section 128-31 (Rooftop Regulations) and Section 33-42 (Permitted Obstructions); the height and setback requirements of Section 128-33\* (Maximum Base Height) and Section 128-34\* (Maximum Building Height); and the planting requirements of Section**

**128-42 (Planting Areas); in connection with a proposed mixed-use development, on property located at 24 Stuyvesant Place (Block 13, Lots 82, 92, 100 and p/o Lot 8), in an R7-3/C2-4\*\* District, within the Special St. George District (SG)\*\*, Borough of Staten Island, Community District 1, Council District 49. \*Note that Sections 128-33, 128-34 & 128-62 are proposed to be change under a concurrent related application for a Zoning Text change (N 210290 ZRR). \*\*Note that this site is proposed to be rezoned by changing R6(HS) & R6/C2-2(HS) Districts to an R7-3/C2-4(SG) District under a concurrent related application for a Zoning Map change (C 210289 ZMR).**

The Committee on Land Use, to which the annexed Land Use item was referred on September 9, 2021 (Minutes, page 2300) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on October 21, 2021 (Minutes, page 2738), respectfully

#### REPORTS:

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 842 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

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

Res. No. 1798

**Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 210291 ZSR, for the grant of a special permit (L.U. No. 844).**

By Council Members Salamanca and Moya.

**WHEREAS**, Richmond SI Owner, 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 128-62 of the Zoning Resolution to modify the rear yard requirements of Section 23-47 (Minimum Required Rear Yard); the permitted obstruction requirements of Section 128-31 (Rooftop Regulations) and Section 33-42 (Permitted Obstructions); the height and setback requirements of Section 128-33\* (Maximum Base Height) and Section 128-34\* (Maximum Building Height); and the planting requirements of Section 128-42 (Planting Areas), in connection with a proposed mixed-use development, on property located at 24 Stuyvesant Place (Block 13, Lots 82, 92, 100 and p/o Lot 8), in an R7-3/C2-4 District, which in conjunction with the related actions would facilitate the development of a 592,014-square-foot mixed-use development with three mixed-use buildings, comprised of approximately 750 housing units, including 225 permanently affordable units, and 18,800 square feet of non-residential uses located on the ground floor and cellar in the St. George neighborhood of Staten Island, Community District 1 (ULURP No. C 210291 ZSR) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on September 10, 2021, its decision dated September 1, 2021 (the "Decision") on the Application;

**WHEREAS**, the Application is related to applications C 210289 ZMR (L.U. No. 842), a zoning map amendment to (a) rezoning a R6 zoning district with a C2-2 overlay at a depth 100 feet within the SHPD to an R7-3 zoning district with a C2-4 commercial overlay at a depth of 185 feet and to be located within the SSGD; and (b) rezoning a R6 zoning district with a C2-2 overlay to a R6 zoning district with a C2-4 overlay and to be located within the SSGD; and N 210290 ZRR (L.U. No. 843), a zoning text amendment to the Special St. George District (SSGD) to establish bulk regulations for R7 zoning districts, a new special permit to modify bulk and other requirements, and establish a Mandatory Inclusionary Housing Area;

**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 128-62 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 September 24, 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 October 16<sup>th</sup>, 2020 (CEQR No. 20DCP140R) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on August 20, 2021, which identified significant adverse impacts related to hazardous materials, noise, and air quality would be avoided through the placement of (E) designations (E-614) on the project sites. The proposed project, as analyzed in the FEIS, also identified significant adverse impacts with respect to open space (active), transportation (vehicular traffic), and construction (vehicular traffic, noise) and 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 210291 ZSR, 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 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 210291 ZSR, 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 ~~double struck out~~ is old, deleted by the City Council;  
Matter double-underlined is new, added by the City Council.

1. The property that is the subject of this application (C 210291 ZSR) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by FXCollaborative Architects LLP, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
<del>Z-002</del>	<del>ZONING ANALYSIS</del>	<del>04/01/2021</del>
<del>Z-003</del>	<del>ZONING ANALYSIS</del>	<del>04/01/2021</del>
<del>Z-004</del>	<del>ZONING SITE PLAN</del>	<del>08/27/2021</del>
<del>Z-110</del>	<del>WAIVER PLAN</del>	<del>08/27/2021</del>
<del>Z-200</del>	<del>WAIVER SECTIONS</del>	<del>08/27/2021</del>
<del>Z-201</del>	<del>WAIVER SECTIONS</del>	<del>04/01/2021</del>
<del>Z-202</del>	<del>WAIVER SECTIONS</del>	<del>04/01/2021</del>
<del>Z-203</del>	<del>WAIVER SECTIONS</del>	<del>04/01/2021</del>
<del>Z-500</del>	<del>PUBLIC OPEN SPACE PLAN</del>	<del>04/01/2021</del>
<del>Z-501</del>	<del>MATERIAL PLAN, SEATING AND LIGHTING</del>	<del>04/01/2021</del>
<del>Z-502</del>	<del>PLANTING AND GRADING PLAN</del>	<del>04/01/2021</del>
<del>Z-503</del>	<del>PLAZA DETAILS</del>	<del>08/27/2021</del>
<del>Z-504</del>	<del>PUBLIC OPEN SPACE SECTIONS</del>	<del>04/01/2021</del>
<del>Z-505</del>	<del>PUBLIC OPEN SPACE SECTIONS</del>	<del>04/01/2021</del>
<del>Z-506</del>	<del>PUBLIC OPEN SPACE SECTIONS</del>	<del>04/01/2021</del>
<del>Z-507<sup>a</sup></del>	<del>ACTIVE PUBLIC OPEN SPACE PLAN</del>	<del>08/27/2021</del>
<del>Z-508</del>	<del>ACTIVE PUBLIC OPEN SPACE MATERIAL, SEATING AND LIGHTING PLAN</del>	<del>08/27/2021</del>
<del>Z-509</del>	<del>ACTIVE PUBLIC OPEN SPACE PLANTING AND GRADING PLAN</del>	<del>08/27/2021</del>
<del>Z-510</del>	<del>ACTIVE PUBLIC OPEN SPACE DETAILS</del>	<del>08/27/2021</del>
<del>Z-511</del>	<del>ACTIVE PUBLIC OPEN SPACE SECTIONS</del>	<del>08/27/2021</del>
<del><sup>a</sup> Drawing Z-503 has been updated to reflect the correct date of revision.</del>		
<del><sup>a</sup> Drawings Z-507, Z-508, Z-509, Z-510 and Z-511 have been updated to reflect the correct titles.</del>		
<u>Z-002</u>	<u>ZONING ANALYSIS</u>	<u> / /2021</u>
<u>Z-003</u>	<u>ZONING ANALYSIS</u>	<u> / /2021</u>
<u>Z-004</u>	<u>ZONING SITE PLAN</u>	<u> / /2021</u>
<u>Z-110</u>	<u>WAIVER PLAN</u>	<u> / /2021</u>
<u>Z-200</u>	<u>WAIVER SECTIONS</u>	<u> / /2021</u>

<u>Z-201</u>	<u>WAIVER SECTIONS</u>	<u>/ /2021</u>
<u>Z-202</u>	<u>WAIVER SECTIONS</u>	<u>/ /2021</u>
<u>Z-203</u>	<u>WAIVER SECTIONS</u>	<u>/ /2021</u>
<u>Z-500</u>	<u>PUBLIC OPEN SPACE PLAN</u>	<u>/ /2021</u>
<u>Z-501</u>	<u>MATERIAL PLAN, SEATING AND LIGHTING</u>	<u>/ /2021</u>
<u>Z-502</u>	<u>PLANTING AND GRADING PLAN</u>	<u>/ /2021</u>
<u>Z-503</u>	<u>PLAZA DETAILS</u>	<u>/ /2021</u>
<u>Z-504</u>	<u>PUBLIC OPEN SPACE SECTIONS</u>	<u>/ /2021</u>
<u>Z-505</u>	<u>PUBLIC OPEN SPACE SECTIONS</u>	<u>/ /2021</u>
<u>Z-506</u>	<u>PUBLIC OPEN SPACE SECTIONS</u>	<u>/ /2021</u>
<u>Z-507</u>	<u>ACTIVE PUBLIC OPEN SPACE PLAN</u>	<u>/ /2021</u>
<u>Z-508</u>	<u>ACTIVE PUBLIC OPEN SPACE MATERIAL, SEATING AND LIGHTING</u> <u>PLAN</u>	<u>/ /2021</u>
<u>Z-509</u>	<u>ACTIVE PUBLIC OPEN SPACE PLANTING AND GRADING PLAN</u>	<u>/ /2021</u>
<u>Z-510</u>	<u>ACTIVE PUBLIC OPEN SPACE DETAILS</u>	<u>/ /2021</u>
<u>Z-511</u>	<u>ACTIVE PUBLIC OPEN SPACE SECTIONS</u>	<u>/ /2021</u>

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 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 Register, Richmond County. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.
5. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution and any subsequent modifications to either document shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
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 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 and the attached restrictive declaration whose provisions shall 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 or breach of any of the conditions as stated above, may constitute grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, renewal or extension of the special permit hereby granted or of the attached restrictive declaration.
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, VANESSA L. GIBSON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS; Committee on Land Use, October 21, 2021.

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. 859 & Res. No. 1799

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 20210151 ZMK (270 Nostrand Avenue) submitted by BRP East Brooklyn Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17a changing from an R7A District to an R8A District and establishing within the proposed R8A District a C2-4 District, for property located in the Borough of Brooklyn, Community District 3, Council District 36.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2453) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on October 21, 2021 (Minutes, page 2781), respectfully

#### **REPORTS:**

#### **SUBJECT**

**BROOKLYN CB-3 - TWO APPLICATIONS RELATED TO 270 NOSTRAND AVENUE**

**REZONING**

**C 210151 ZMK (L.U. No. 859)**

City Planning Commission decision approving with modifications an application submitted by BRP East Brooklyn Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17a:

1. changing from an existing R7A District to an R8A District property bounded by a line midway between DeKalb Avenue and Kosciuszko Street, a line 100 feet westerly of Nostrand Avenue, Kosciuszko Street, and a line 240 feet westerly of Nostrand Avenue; and
2. establishing within a proposed R8A District a C2-4 District bounded by DeKalb Avenue, Nostrand Avenue, Kosciuszko Street, a line 100 feet westerly of Nostrand Avenue, a line midway between DeKalb Avenue and Kosciuszko Street, and a line 240 feet westerly of Nostrand Avenue;

as shown on a diagram (for illustrative purposes only) dated April 5, 2021, and subject to the conditions of City Environmental Quality Review (CEQR) Declaration E-606.

**N 210152 ZRK (L.U. No. 860)**

City Planning Commission decision approving an application submitted by BRP East Brooklyn Development, 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**

The application requested a zoning map amendment to change an R7A district to an R8A district and establish a C2-4 overlay; and amendment of the zoning text to designate a Mandatory Inclusionary Housing (MIH) area to facilitate the development of a new 14-story mixed-use building with approximately 487 dwelling units, 144 of which would be permanently affordable, along with ground floor commercial and community facility uses at 270 Nostrand Avenue (Block 1788, Lots 55 and p/o 49) in the Bedford-Stuyvesant neighborhood of Brooklyn, Community District 3. The City Planning Commission modified the application as shown on a diagram (for illustrative purposes only) dated September 1, 2021.

**PUBLIC HEARING**

**DATE:** September 24, 2021

**Witnesses in Favor:** Three

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION****DATE:** October 20, 2021

The Subcommittee recommends that the Land Use Committee approve with modifications the decisions of the City Planning Commission on L.U. Nos. 859 and 860.

**In Favor:**

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

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** October 21, 2021

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

Salamanca, Gibson, Koo, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Moya, Rivera, Riley, Brooks-Powers, Borelli.

**Against:**

Barron

**Abstain:**

None

**FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION**

The City Planning Commission filed a letter dated November 1, 2021, with the Council on November 9, 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. 1799

**Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 210151 ZMK, a Zoning Map amendment (L.U. No. 859).**

By Council Members Salamanca and Moya.

**WHEREAS**, BRP East Brooklyn Development, 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. 17a, changing from an existing R7A District to an R8A District and establishing within a proposed R8A District a C2-4 District, which in conjunction with the related action would facilitate the development of a new 14-story mixed-use building with approximately 487 dwelling units, 144 of which would be permanently affordable, along with ground floor commercial and community facility uses at 270 Nostrand Avenue (Block 1788, Lots 55 and p/o 49) in the Bedford-Stuyvesant neighborhood of Brooklyn, Community District 3 (ULURP No. C 210151 ZMK) (the "Application");

**WHEREAS** the City Planning Commission filed with the Council on September 10, 2021 its decision dated September 1, 2021 (the "Decision") on the Application;

**WHEREAS**, the Application is related to application N 210152 ZRK (L.U. No. 860), 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 September 24, 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 Revised Negative Declaration issued August 27<sup>th</sup>, 2021, which supersedes the Negative Declaration issued April 5<sup>th</sup>, 2021, and Revised Environmental Assessment Statement issued August 27<sup>th</sup>, 2021 (CEQR No. 21DCP043K) which include an (E) designation to avoid the potential for significant adverse impacts related to air quality and noise (E-606) (the "Revised 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-606) and Revised 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 210151 ZMK, 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 ~~double struck out~~ is old, deleted by the City Council;  
Matter double-underlined is new, added by the City Council

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. 17a:

1. ~~changing from an R7A District to an R7D District property bounded by a line midway between DeKalb Avenue and Kosciuszko Street, a line 100 feet westerly of Nostrand Avenue, Kosciuszko Street, and a line 240 feet westerly of Nostrand Avenue;~~
2. ~~changing from an R7A District to an R7X District property bounded by DeKalb Avenue, Nostrand Avenue, Kosciuszko Street, a line 100 feet westerly of Nostrand Avenue, a line midway between DeKalb Avenue and Kosciuszko Street, and a line 240 feet westerly of Nostrand Avenue; and~~
3. ~~establishing within the proposed R7X District a C2-4 District bounded by DeKalb Avenue, Nostrand Avenue, Kosciuszko Street, a line 100 feet westerly of Nostrand Avenue, a line midway between DeKalb Avenue and Kosciuszko Street, and a line 240 feet westerly of Nostrand Avenue;~~
1. changing from an R7A District to an R8A District property bounded by Dekalb Avenue, Nostrand Avenue, Kosciuszko Street, and a line 240 feet westerly of Nostrand Avenue; and

2. establishing within the proposed R8A District a C2-4 District bounded by Dekalb Avenue, Nostrand Avenue, Kosciuszko Street, a line 100 feet westerly of Nostrand Avenue, a line midway between Dekalb Avenue and Kosciuszko Street, and a line 240 feet westerly of Nostrand Avenue;

as shown on a diagram (for illustrative purposes only) dated April 5, 2021, and subject to the conditions of City Environmental Quality Review (CEQR) Declaration E-606, Borough of Brooklyn, Community District 3.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, JOSEPH C. BORELLI; Committee on Land Use, October 21, 2021.

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. 860 & Res. No. 1800

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 20210152 ZRK (270 Nostrand Avenue) submitted by BRP East Brooklyn Development 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, for property located in the Borough of Brooklyn, Community District 3, Council District 36.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2453) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on October 21, 2021 (Minutes, page 2783), respectfully

#### REPORTS:

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 859 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

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

Res. No. 1800

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 210152 ZRK, for an amendment of the text of the Zoning Resolution (L.U. No. 860).**

By Council Members Salamanca and Moya.

**WHEREAS**, BRP East Brooklyn Development, 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 development of a new 14-story mixed-use building with approximately 487 dwelling units, 144 of which would be permanently affordable, along with ground floor commercial and community facility uses at 270 Nostrand Avenue (Block 1788, Lots 55 and p/o 49) in

the Bedford- Stuyvesant neighborhood of Brooklyn, Community District 3 (ULURP No. N 210152 ZRK) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on September 10, 2021, its decision dated September 1, 2021 (the “Decision”), on the Application;

**WHEREAS**, the Application is related to application C 210151 ZMK (L.U. No. 859), a zoning map amendment to change an R7A district to an R8A district and establish a C2-4 overlay;

**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 September 24, 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 Revised Negative Declaration issued August 27<sup>th</sup>, 2021, which supersedes the Negative Declaration issued April 5<sup>th</sup>, 2021, and Revised Environmental Assessment Statement issued August 27<sup>th</sup>, 2021 (CEQR No. 21DCP043K) which include an (E) designation to avoid the potential for significant adverse impacts related to air quality and noise (E-606) (the “Revised 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-606) and Revised 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 210152 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

\* \* \*

**APPENDIX F**

**Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

**BROOKLYN**

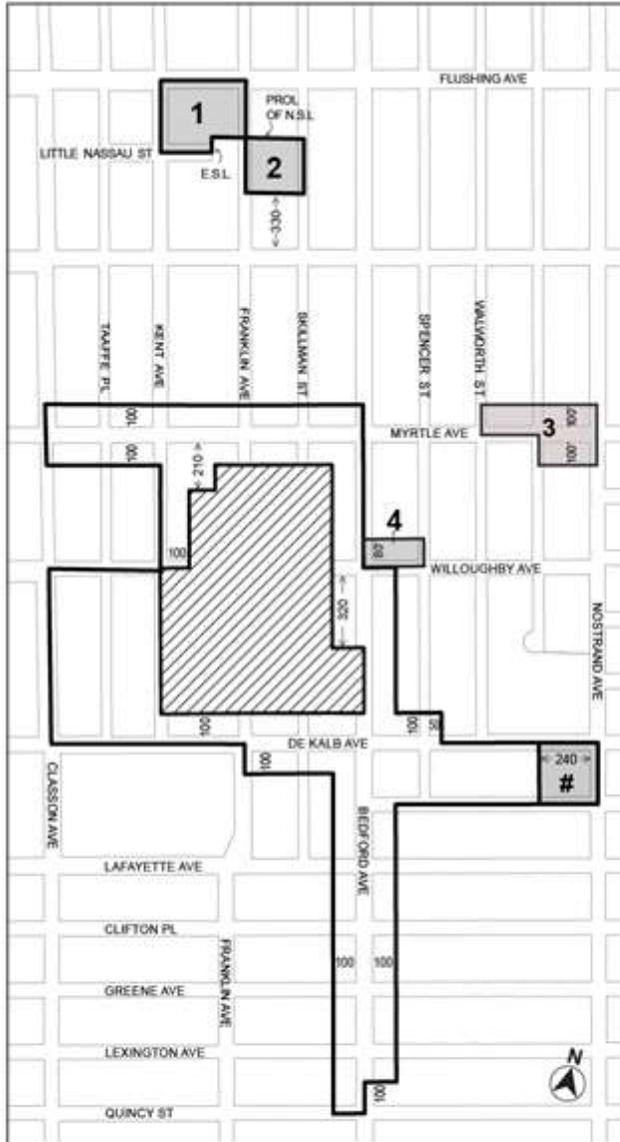
\* \* \*

**Brooklyn Community District 3**

\* \* \*

Map 3 – [date of adoption]

[PROPOSED MAP]



-  *Inclusionary Housing designated area*
-  **Mandatory Inclusionary Housing Program Area** *see Section 23-154(d)(3)*
  - Area 1 – 5/10/17 MIH Program Option 1, Option 2 and Workforce Option
  - Area 2 – 5/10/17 MIH Program Option 1 and Option 2
  - Area 3 – 11/30/17 MIH Program Option 1
  - Area 4 – 2/13/19 MIH Program Option 1 and Option 2
  - Area # - [date of adoption] MIH Program Option 2 ~~and Workforce Option~~
-  **Excluded Area**

Portion of Community District 3, Brooklyn

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, JOSEPH C. BORELLI; Committee on Land Use, October 21, 2021.

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. 861 & Res. No. 1801

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 20200296 ZMK (1776 48th Street Rezoning) submitted by Mr. Yitzchok Stern pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22c changing from an R5 District to an R6B District and establishing within the proposed R6B District a C2-4 District, for property located in the Borough of Brooklyn, Community District 12, Council District 44.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2453) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on October 21, 2021 (Minutes, page 2783), respectfully

#### **REPORTS:**

#### **SUBJECT**

#### **BROOKLYN CB-12 - TWO APPLICATIONS RELATED TO 1776 48<sup>th</sup> STREET REZONING**

#### **C 200296 ZMK (L.U. No. 861)**

City Planning Commission decision approving an application submitted by Mr. Yitzchok Stern, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22c:

1. changing from an R5 District to an R6B District property bounded by 48th Street, 18<sup>th</sup> Avenue, 49th Street and a line 100 northwesterly of 18th Avenue; and
2. establishing within the proposed R6B District a C2-4 District bounded by 48th Street, 18th Avenue, 49th Street and a line 35 feet northwesterly of 18th Avenue;

as shown on a diagram (for illustrative purposes only) dated April 5, 2021, and subject to the conditions of CEQR Declaration E-609.

**N 200297 ZRK (L.U. No. 862)**

City Planning Commission decision approving an application submitted by Mr. Yitzchok Stern, pursuant to Section 201 of the New York City Charter modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

**INTENT**

To approve an amendment to rezone the Project Area from an R5 District to an R6B District and establish within the proposed R6B District a C2-4 District and amend zoning text to establish the Project Area as a Mandatory Inclusionary Housing (“MIH”) area to facilitate a new three-story, mixed-use, building with residential and commercial uses at 1776 48th Street located in the Borough Park neighborhood of Brooklyn, Community District 12.

**PUBLIC HEARING**

**DATE:** September 24, 2021

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** October 20, 2021

The Subcommittee recommends that the Land Use Committee approve with modifications the decisions of the City Planning Commission on L.U. No. 861 and L.U. No. 862.

**In Favor:**

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

**Against:**

None

**Abstain:**

None.

**COMMITTEE ACTION**

**DATE:** October 21, 2021

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

Salamanca, Gibson, Koo, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Moya, Rivera, Riley, Brooks-Powers, Borelli.

**Against:**

Barron

**Abstain:**

None.

**FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION**

The City Planning Commission filed a letter dated November 1, 2021, with the Council on November 9, 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. 1801

**Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 200296 ZMK, a Zoning Map amendment (L.U. No. 861).**

By Council Members Salamanca, Jr. and Moya.

**WHEREAS**, Mr. Yitzchok Stern, 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. 22c, changing from an R5 District to an R6B District and establishing within the proposed R6B District a C2-4 District, which in conjunction with the related action would facilitate the development of a new three-story, mixed-use, residential and commercial building located at 1776 48th Street located in the Borough Park neighborhood of Brooklyn, Community District 12 (ULURP No. C 200296 ZMK) (the "Application");

**WHEREAS** the City Planning Commission filed with the Council on September 10, 2021, its decision dated September 1, 2021 (the "Decision") on the Application;

**WHEREAS**, the Application is related to application N 200297 ZRK (L.U. No. 862), 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 September 24, 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 April 5, 2021 (CEQR No. 20DCP108K), which includes an (E) designation to avoid the potential for significant adverse impacts related to air quality and noise (E-609) (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-609) 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 200296 ZMK 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 ~~double struck out~~ is old, deleted by the City Council;

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

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. 22c:

3. changing from an R5 District to an R6B District property bounded by 48th Street, 18<sup>th</sup> Avenue, 49th Street and a line ~~400~~ 65 feet northwesterly of 18th Avenue; and
4. establishing within the proposed R6B District a C2-4 District bounded by 48th Street, 18th Avenue, 49th Street and a line 35 feet northwesterly of 18th Avenue;

as shown on a diagram (for illustrative purposes only) dated April 5, 2021, and subject to the conditions of CEQR Declaration E-609, Borough of Brooklyn, Community District 12.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, JOSEPH C. BORELLI; Committee on Land Use, October 21, 2021.

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. 862 & Res. No. 1802

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 20200297 ZRK (1776 48th Street Rezoning) submitted by Mr. Yitzchok Stern, 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, for property located in the Borough of Brooklyn, Community District 12, Council District 44.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2453) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on October 21, 2021 (Minutes, page 2785), respectfully

#### REPORTS:

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 861 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption, as modified.*

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

Res. No. 1802

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 200297 ZRK, for an amendment of the text of the Zoning Resolution (L.U. No. 862).**

By Council Members Salamanca and Moya.

**WHEREAS**, Mr. Yitzchok Stern, 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, 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, which in conjunction with the related action would facilitate the development of a new three-story, mixed-use, residential and commercial building located at 1776 48th Street located in the Borough Park neighborhood of Brooklyn, Community District 12, (Application No. N 200297 ZRK) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on September 10, 2021, its decision dated September 1, 2021 (the “Decision”), on the Application;

**WHEREAS**, the Application is related to application C 200296 ZMK (L.U. No. 861), a zoning map amendment changing from an R5 District to an R6B District and establishing within the proposed R6B District a C2-4 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 September 24, 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 April 5, 2021 (CEQR No. 20DCP108K), which includes an (E) designation to avoid the potential for significant adverse impacts related to air quality and noise (E-609) (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-609) 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 200297 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 within # # is defined in Section 12-10;

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

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

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

\* \* \*

**APPENDIX F**

**Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

**Brooklyn**

\* \* \*

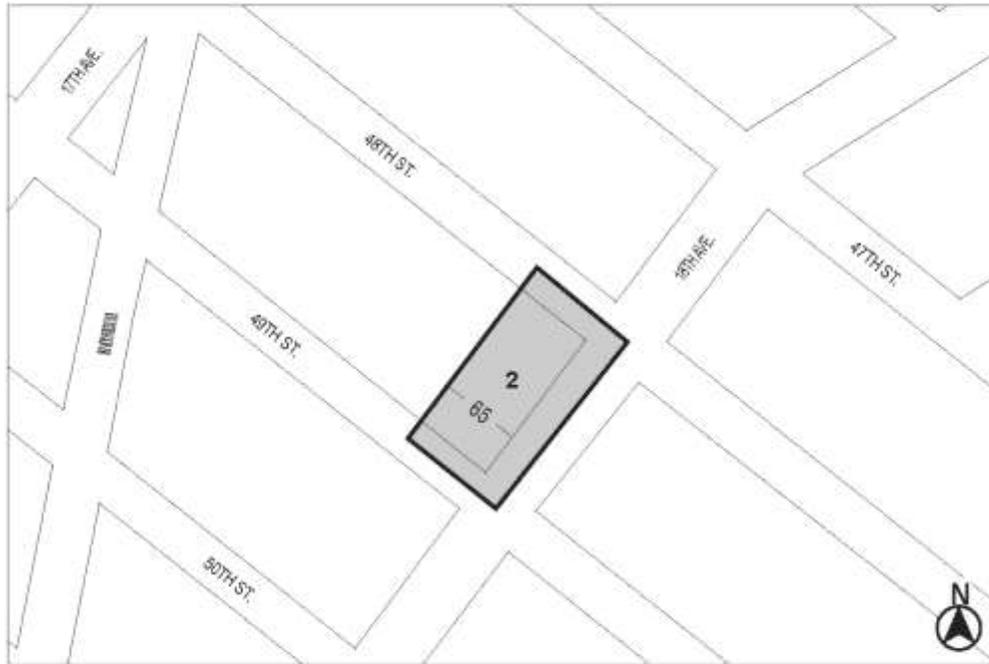
**Brooklyn Community District 12**

~~Map 4 – [date of adoption]~~

~~[PROPOSED MAP]~~

[CITY COUNCIL-MODIFIED MAP]

Map 4 – [date of adoption]



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

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

Portion of Community District 12, Brooklyn

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, JOSEPH C. BORELLI; Committee on Land Use, October 21, 2021.

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)  | <b>Int 957-A -</b>  | Replacement of city-owned trees that have been lawfully removed.   |
| (2)  | <b>Int 1232-A -</b> | Homeless shelters to post signs and distribute other materials relating to shelter transfers.  |
| (3)  | <b>Int 1233-A -</b> | Providing written notice for shelter transfers.  |
| (4)  | <b>Int 1894-A -</b> | AutomatGVed employment decision tools <b>(with a Message of Necessity from the Mayor requiring an affirmative vote of at least two-thirds of the Council for passage).</b> |
| (5)  | <b>Int 2168-A -</b> | Creating a water account database.   |
| (6)  | <b>Int 2262-A -</b> | Final inspections for temporary construction equipment permits and prohibiting stand-off brackets.   |
| (7)  | <b>Int 2263-A -</b> | Definition of major building.  |
| (8)  | <b>Int 2264-A -</b> | Cold-formed steel construction.  |
| (9)  | <b>Int 2276-A -</b> | Construction superintendents.  |
| (10) | <b>Int 2318-A</b>   | The licensing of construction labor providers.   |
| (11) | <b>Int 2410-A -</b> | Agency actions and licensee disclosures in the event of a breach of security.  |
| (12) | <b>Int 2426-A -</b> | Department of Education to report on school attendance, vaccination, testing consent and quarantine data related to COVID-19.  |
| (13) | <b>Int 2427-A -</b> | Department of Education to report on COVID-19 within city schools.   |
| (14) | <b>Res 1785 -</b>   | New designation and changes in the designation of certain organizations to receive funding in the Expense Budget <b>(Transparency Resolution).</b>                         |

- (15) **L.U. 842 & Res 1796 -** **App. C 210289 ZMR (River North)**  
Borough of Staten Island,  
Community District 1, Council  
District 49.
- (16) **L.U. 843 & Res 1797 -** **App. N 210290 ZRR (River North)**  
Borough of Staten Island,  
Community District 1, Council  
District 49.
- (17) **L.U. 844 & Res 1798 -** **App. C 200291 ZSR (River North)**  
Borough of Staten Island,  
Community District 1, Council  
District 49.
- (18) **L.U. 847 & Res 1789 -** **App. 20225004 HAM (TMN1002-  
West Harlem Renaissance)**  
Borough of Manhattan, Community  
District 10, Council District 9.
- (19) **L.U. 859 & Res 1799 -** **App. C 20210151 ZMK (270  
Nostrand Avenue)** Borough of  
Brooklyn, Community District 3,  
Council District 36.
- (20) **L.U. 860 & Res 1800 -** **App. N 20210152 ZRK (270  
Nostrand Avenue)** Borough of  
Brooklyn, Community District 3,  
Council District 36.
- (21) **L.U. 861 & Res 1801 -** **App. C 20200296 ZMK (1776 48th  
Street Rezoning)** Borough of  
Brooklyn, Community District 12,  
Council District 44.
- (22) **L.U. 862 & Res 1802 -** **App. N 20200297 ZRK (1776 48th  
Street Rezoning)** Borough of  
Brooklyn, Community District 12,  
Council District 44.
- (23) **L.U. 896 & Res 1795 -** **App. C 210339 ZMX (624 Morris  
Avenue Rezoning)** Bronx,  
Community District 1, Council  
District 17.
- (24) **L.U. 908 & Res 1786 -** Culver El Phase I, Brooklyn,  
Community District No. 12; Council  
District No. 39.
- (25) **L.U. 909 & Res 1787 -** 55 Summit, Brooklyn, Community  
District No. 6; Council District No.  
39.

(26) **L.U. 910 & Res 1788 -** Revive 103, Manhattan, Community District No. 11; Council District No. 8.

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

**Affirmative** – Adams, Ayala, Barron, Borelli, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Miller, Moya, Powers, Riley, Rivera, Rose, Rosenthal, Salamanca, Treyger, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **42**

*Present, Not Voting* – Reynoso.

**The General Order vote recorded for this Stated Meeting was 42-0-0 as shown above with the exception of the votes for the following legislative items (with Council Member Reynoso considered Present, Not Voting as well):**

The following was the vote recorded for **Int. No. 957-A**:

**Affirmative** – Adams, Ayala, Barron, Borelli, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, Dinowitz, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Levin, Levine, Louis, Maisel, Miller, Moya, Powers, Riley, Rivera, Rose, Rosenthal, Salamanca, Treyger, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **40**.

**Negative** – Dromm – **1**.

**Abstention** – Lander – **1**.

The following was the vote recorded for **Int. No. 1894-A with Message of Necessity**:

**Affirmative** – Adams, Ayala, Barron, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Miller, Moya, Powers, Riley, Rivera, Rose, Rosenthal, Salamanca, Treyger, Vallone, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **38**.

**Negative** – Borelli, Gjonaj, Yeger, and the Minority Leader (Council Member Matteo) – **4**.

The following was the vote recorded for **Int. No. 2318-A**:

**Affirmative** – Adams, Ayala, Barron, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Miller, Moya, Powers, Riley, Rivera, Rose, Rosenthal, Salamanca, Treyger, Vallone, Van Bramer, Yeger, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **40**

**Negative** – Borelli and the Minority Leader (Council Member Matteo) – **2**.

The following was the vote recorded for **Int. No. 2263-A**:

**Affirmative** – Adams, Ayala, Barron, Borelli, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Miller, Moya, Powers, Riley, Rivera, Rose, Rosenthal, Salamanca, Treyger, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **41**.

**Negative** – Gjonaj – **1**.

The following was the vote recorded for **L.U. No. 842 & Res. No. 1796; L.U. No. 843 & Res. No. 1797; and L.U. No. 844 & Res. No. 1798**;

**Affirmative** – Adams, Ayala, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Miller, Moya, Powers, Riley, Rivera, Rose, Rosenthal, Salamanca, Treyger, Vallone, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **37**.

**Negative** – Barron, Borelli, Holden, and the Minority Leader (Council Member Matteo) - **4**.

**Abstention** – Yeger – **1**.

The following was the vote recorded for **L.U. No. 859 & Res. No. 1799; L.U. No. 860 & Res. No. 1800; L.U. No. 861 & Res. No. 1801; and L.U. No. 862 & Res. No. 1802**:

**Affirmative** – Adams, Ayala, Borelli, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Miller, Moya, Powers, Riley, Rivera, Rose, Rosenthal, Salamanca, Treyger, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **41**.

**Negative** – Barron - **1**.

*The following Introductions were sent to the Mayor for his consideration and approval:*

*Int. Nos. 957-A, 1232-A, 1233-A, 1894-A (Passed under a Message of Necessity), 2168-A, 2262-A, 2263-A, 2264-A, 2276-A, 2318-A, 2410-A, 2426-A, and 2427-A.*

## INTRODUCTION AND READING OF BILLS

Int. No. 2440

By Council Members Adams, Louis, Cumbo, Dinowitz Rose, Rosenthal, Brooks-Powers and Kallos (by request of the Mayor).

### **A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to authorizing the civilian complaint review board to initiate complaints**

*Be it enacted by the Council as follows:*

Section 1. Paragraphs 1, 2 and 5 of subdivision c of section 440 of the New York city charter, paragraph 1 as amended by a local law for the year 2021 amending the New York city charter and the administrative code of the city of New York, relating to the investigatory powers of the New York city civilian complaint review board and requiring the police department to engage an external consultant to review certain past work done by the police department's equal employment opportunity division, as proposed in introduction number 2212, and paragraphs 2 and 5 as amended by a vote of the electors on November 5, 2019, are amended to read as follows:

1. The board shall have the power to receive, investigate, hear, make findings and recommend action upon complaints by members of the public *or complaints initiated by the board* against members of the police department that allege misconduct involving excessive use of force, abuse of authority including bias-based policing and racial profiling, discourtesy, or use of offensive language, including, but not limited to, slurs relating to race, ethnicity, religion, gender, sexual orientation and disability. The board shall also have the power to investigate, hear, make findings and recommend action regarding the truthfulness of any material official statement made by a member of the police department who is the subject of a complaint received *or initiated* by the board, if such statement was made during the course of and in relation to the board's resolution of such complaint. The findings and recommendations of the board, and the basis therefor, shall be submitted to the police commissioner. No finding or recommendation shall be based solely upon an unsworn complaint or statement, nor shall prior unsubstantiated, unfounded or withdrawn complaints be the basis for any such finding or recommendation.

2. The board shall promulgate rules of procedure in accordance with the city administrative procedure act, including rules that prescribe the manner in which investigations are to be conducted and recommendations made and the manner by which, [a] *when a member of the public is the complainant, such* member of the public is to be informed of the status of his or her complaint. Such rules may provide for the establishment of panels, which shall consist of not less than three members of the board, which shall be empowered to supervise the investigation of matters within the board's jurisdiction pursuant to this section, and to hear, make findings and recommend action on such matters. No such panel shall consist exclusively of members appointed by the council, or designated by the police commissioner, or appointed by the mayor.

5. The board is authorized, within appropriations available therefor, to appoint such employees as are necessary to exercise its powers, *including but not limited to the power to initiate complaints in accordance with paragraph 1 of this subdivision*, and fulfill its duties. The board shall employ civilian investigators to investigate all matters within its jurisdiction.

§ 2. Paragraph ii of subdivision a of section 14-190 of the administrative code of the city of New York, as amended by a local law for the year 2021 amending the New York city charter and the administrative code of the city of New York, relating to the investigatory powers of the New York city civilian complaint review board and requiring the police department to engage an external consultant to review certain past work done by the police department's equal employment opportunity division, as proposed in introduction number 2212, is amended to read as follows:

(ii) complaints received *and initiated by*, and results of investigations based on such complaints conducted by, the civilian complaint review board pursuant to section 440 of the charter;

§ 3. This local law takes effect immediately.

Referred to the Committee on Public Safety.

## Res. No. 1782

**Resolution calling on the State Legislature to pass, and the Governor to sign, A7284/S6489, known as the Wandering Officers Act, to prohibit the appointment of a person as a police officer if such person has previously been fired as a police officer from any jurisdiction.**

By Council Members Adams, Louis and Cumbo.

**Whereas**, A 2020 article published in the Yale Law Journal by Ben Grunwald and John Rappaport entitled “The Wandering Officer,” details how law enforcement officers fired by one department, sometimes for serious misconduct, often find work at another law enforcement agency; and

**Whereas**, Grunwald and Rappaport conducted a systemic investigation of wandering officers and found such individuals were more likely than other officers to be fired from their next job or to receive a complaint for a “moral character violation;” and

**Whereas**, Grunwald and Rappaport suggest that wandering officers pose serious risks to the public, particularly given how unusual it is for a police officer to be fired for misconduct; and

**Whereas**, As an example of the prevalence of this issue, Grunwald and Rappaport found as many as 3 percent of the personnel employed by Florida law enforcement agencies are wandering officers; and

**Whereas**, New York Attorney General Letitia James has recommended the creation of a decertification process for police officers in New York who have been found guilty of misconduct to ensure such individuals cannot be rehired by another law enforcement agency in the state; and

**Whereas**, According to the New York Times, police killings in the United States have been undercounted by more than half over the past four decades, further underscoring the need to enhance police accountability; and

**Whereas**, On May 3, 2020, Assemblymember Ramos and then-Senator Brian Benjamin introduced A7284/S6489, known as the Wandering Officer Act, to prohibit appointing a person as a police officer if such person has previously been fired as a police officer from any jurisdiction within or outside of the state; and

**Whereas**, A7284/S6489, the Wandering Officer Act, would also ban the hiring of a police officer who resigned while being the subject of a disciplinary action that could result in termination; and

**Whereas**, New Jersey, Connecticut and Pennsylvania have already approved similar measures to prohibit the hiring of wandering officers; and

**Whereas**, According to Patrick Lynch, President of the Police Benevolent Association of the City of New York, “NYPD officers aren't interested in serving alongside a cop whose conduct got him fired someplace else,” reflecting the across the board concern for the need to protect the public from police misconduct; and

**Whereas**, Officers who have engaged in misconduct so significant as to be fired pose a threat to public safety and this legislation would reinforce disciplinary actions for police by preventing these officers from entering new jurisdictions and continuing to threaten the safety of our communities; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the State Legislature to pass, and the Governor to sign, A7284/S6489, known as the Wandering Officers Act, to prohibit the appointment of a person as a police officer if such person has previously been fired as a police officer from any jurisdiction.

Referred to the Committee on Public Safety.

## Int. No. 2441

By Council Members Ayala and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the sale of guinea pigs as pets, and clarifying the definition of the term “pet shop” to address inconsistent use of such term in the code**

*Be it enacted by the Council as follows:*

Section 1. Subdivision c of section 17-1702 of the administrative code of the city of New York, as amended by local law number 53 for the year 2015, is amended to read as follows:

c. It shall be unlawful for any pet shop to display, offer for sale, deliver, barter, auction, give away, transfer or sell any rabbit *or guinea pig*.

§ 2. Section 17-371 of the administrative code of the city of New York, as amended by local law number 53 for the year 2015, is amended to read as follows:

§ 17-371 Definitions. For the purposes of this subchapter, the following terms have the following meanings:

[a. "Arm's] *Arm's length transaction*. The term "arm's length transaction" means a sale of a business for consideration that reflects the fair market value of such business or its assets, between two informed and willing parties, that is not made, wholly or in part, for the purpose of enabling the seller to avoid liability for violations issued by the department. A sale shall be presumed not to be an arm's length transaction if it is:

1. A sale to an individual, or to a corporation or other business that is owned by the spouse, domestic partner, parent, grandparent, child or stepchild of any of any of the sellers, or is the direct descendent of a grandparent, the spouse or domestic partner of any of the sellers;

2. A sale to an individual or entity that has a business or financial interest in the seller; or

3. A sale to an entity in which any of the sellers has a business or financial relationship.

[b. "Permit"] *Permit*. The term "permit" means a written license and authorization to carry on specified activities as regulated by this subchapter or other applicable law enforced by the department.

[c. "Permittee"] *Permittee*. The term "permittee" means a natural person or other entity who holds a valid permit issued by the commissioner pursuant to this subchapter or other applicable law enforced by the department.

[d. "Person"] *Person*. The term "person" means any individual, corporation, partnership, association, municipality, or other legal entity.

[e. "Pet] *Pet shop*. The term "pet shop" means [a facility other than an animal shelter where] *any person who sells, exchanges, barter, or offers for sale* live animals [are sold, exchanged, bartered, or offered for sale] as pet animals to the general public at retail for profit. Such definition shall not include breeders who sell or offer to sell directly to consumers fewer than twenty-five dogs or cats per year that are born and raised on the breeder's residential premises. Such definition shall not include duly incorporated humane societies dedicated to the care of unwanted animals that make such animals available for adoption, whether or not a fee for such adoption is charged. A person who allows an animal shelter or animal rescue group, as such terms are defined in section 17-802 of chapter eight of this title, to use such person's *commercial or residential* premises for the purpose of making animals available for adoption shall not be deemed a pet shop as a result of such activity so long as such person does not have an ownership interest in any of the animals being made available for adoption, and does not derive a fee for providing such adoption services.

*Pet shop permit*. The term "pet shop permit" means a permit to carry on any of the activities of a pet shop.

§ 3. Subdivision a of section 17-372 of the administrative code of the city of New York, as added by local law number 5 for the year 2015, is amended to read as follows:

a. No person shall [operate a pet shop] *sell, exchange, barter, or offer for sale live animals as pet animals to the general public at retail for profit* without a *pet shop* permit issued by the commissioner pursuant to this subchapter.

§ 4. Subdivision c of section 17-374 of the administrative code of the city of New York, as added by local law number 5 for the year 2015, is amended to read as follows:

c. The fees provided for [herein] *in this section* shall be reduced by the amount of any fee paid for a [permit to operate a] pet shop *permit* pursuant to the New York city health code within the same fee period.

§ 5. Subdivision b of section 17-378 of the administrative code of the city of New York, as added by local law number 5 for the year 2015, is amended to read as follows:

b. Notwithstanding subdivision a of this section, if the commissioner determines that exigent circumstances exist such that the continued operation of [a permittee's pet shop] *any activity authorized pursuant to a pet shop permit* would pose a danger to the public or the health and welfare of the animals in the permittee's custody, the commissioner may suspend such permittee's *pet shop* permit subject to a prompt post-suspension hearing before

the environmental control board or any tribunal established within the office of administrative trials and hearings as designated by the commissioner.

§ 6. Section 17-380 of the administrative code of the city of New York, as amended by local law number 53 for the year 2015, is amended to read as follows:

§ 17-380 Forfeiture and seizure. a. The commissioner or [his or her] *the commissioner's* designee may seize any animal [in a] *on the premises of a* pet shop operating without a permit required pursuant to section 17-372 of this subchapter.

b. Any animal [in a] *on the premises of a* pet shop operating without a permit required pursuant to section 17-372 of this subchapter or seized pursuant to subdivision a of this section shall be subject to forfeiture upon notice and hearing.

c. The commissioner shall provide for the appropriate disposition of each animal seized pursuant to this section. Such disposition may include impoundment at an animal shelter or animal rescue group as such terms are defined in section 17-802 of chapter eight of this title.

d. The commissioner may impose upon [the owner of] a pet shop from which an animal is seized pursuant to this section a fee representing expenses incurred in connection with impounding such animal.

§ 7. Section 17-1708 of the administrative code of the city of New York, as amended by local law number 53 for the year 2015, is amended to read as follows:

§ 17-1708 Forfeiture and seizure. a. The commissioner or [his or her] *the commissioner's* designee may seize any animal offered for sale [in] *by* a pet shop where the sale of such animal is prohibited by section 17-1702 of this chapter.

b. Any animal offered for sale in violation of section 17-1702 of this chapter or seized pursuant to subdivision a of this section shall be subject to forfeiture upon notice and hearing.

c. The commissioner shall provide for the appropriate disposition of each animal seized pursuant to this section. Such disposition may include impoundment at an animal shelter or animal rescue group.

d. The commissioner may impose upon [the owner of] a pet shop from which an animal is seized pursuant to this section a fee representing expenses incurred in connection with the cost of impounding such animal.

§ 8. Section 17-1709 of the administrative code of the city of New York, as added by local law number 5 for the year 2015, is amended to read as follows:

§ 17-1709 Rules. The commissioner may promulgate such rules as are necessary to carry out the provisions of this chapter and to ensure the health and safety of any animal [in a] *on* pet shop *premises*.

§ 9. This local law takes effect immediately.

Referred to the Committee on Health.

Int. No. 2442

By Council Member Ayala (by request of the Mayor).

**A Local Law to amend the New York city charter, in relation to establishing an office of community mental health**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of the New York city charter is amended by adding a new section 20-m to read as follows:

§ 20-m *Office of community mental health and mental health council. a. Definition. For the purposes of this section, the term "director" means the director of the office of community mental health.*

*b. Office of community mental health. The mayor shall establish an office of community mental health. Such office may be established within the executive office of the mayor or as a separate office or within any other agency or office headed by a mayoral appointee as the mayor may determine. Such office shall be headed by a director, who shall be appointed by the mayor or by the head of such other agency or office.*

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

1. Request and receive the assistance of any other agency or office the director deems necessary to further efforts to:

- (a) Reduce substance misuse and promote access to services for substance use disorder;
- (b) Promote access to treatment for New Yorkers with mental health needs;
- (c) Promote equity in access to treatment;
- (d) Reduce any racial and ethnic disparity in reported mental health emergencies in the city; and
- (e) Reduce the incidence of mental health emergencies occurring in the city and address individual's mental health needs before they become crises.

2. Develop and support the implementation of strategies to close gaps in mental health care identified by the office by:

- (a) Monitoring the implementation of such proposals; and
- (b) Providing data and budgetary information of such programs on the office's website.

3. Develop interagency policies and practices to promote mental health. Such policies and practices shall include coordination with other agencies to:

(a) Effectively and equitably promote mental health crisis prevention, intervention and stabilization practices;

- (b) Promote mental health screening;
- (c) Facilitate referrals to mental health care;
- (d) Offer training; and
- (e) Implement other strategies to promote mental health.

4. Decrease any barriers to mental health care that may prevent access among groups identified as being under-served by such care by:

(a) Developing and implementing strategic partnerships with other agencies and entities to increase access to mental health care; and

(b) Disseminating resources to enhance mental health literacy, promote access to mental health care, and promote equity in access to treatment.

5. Perform such other relevant duties as the mayor may assign.

d. Interagency coordination. In performing their duties, the director shall coordinate with the commissioner of health and mental hygiene, or their designee; and any other agency or office the director deems necessary to further the duties of the office.

e. Mental health council. 1. There shall be established a mental health council to advise the office of community mental health on issues relating to mental health and mental health care and facilitate coordination and cooperation among city agencies. Such council may:

(a) Recommend initiatives and methods to promote mental wellbeing and increase access to high quality mental health care, and address structural determinants of mental health;

(b) Identify methods for advocating for New Yorkers with mental health needs and recommend support programs to remove barriers to mental health treatment and ensure stable and productive lives;

(c) Recommend legislative or regulatory action to improve the lives of people suffering from mental illness and to promote mental health;

(d) Identify methods for such office to support other stakeholders working to provide effective, high quality mental health and care; and

(e) Recommend strategies for such office to educate the public about mental health and available resources.

2. The mental health council shall be convened by the director at least twice each year, and at any other time the director determines.

3. The mental health council shall consist of delegates of any office or agency the director determines the participation of which would aid the office's efforts.

f. Scope. Nothing in this section shall be construed to affect the powers and duties of the department of health and mental hygiene and the mental hygiene advisory board pursuant to chapter 22 of the charter, article 41 of the mental hygiene law or other applicable law. Powers and duties conferred by this section on the office of community mental health or the mental health council that are within the scope of the powers and duties of such department or board shall be exercised in coordination with such department or board.

g. Reporting. No later than January 31 of each year, the office of community mental health shall submit to the mayor and speaker of the council, and post to the office's website, a report identifying critical gaps in mental

*health care that are preventing New Yorkers with mental health needs from accessing and staying connected to care. To identify such gaps, the office may review existing data and research, conduct research as needed, and interview agency staff, community partners, mental health providers and other relevant experts.*

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

Referred to the Committee on Mental Health, Disabilities and Addiction.

Preconsidered Int. No. 2443

By Council Member Chin.

**A Local Law to amend the administrative code of the city of New York, in relation to increasing penalties related to using joint living work quarters for artists contrary to zoning.**

*Be it enacted by the Council as follows:*

Section 1. Section 28-201.2.2 of the administrative code is amended by adding a new item 8, to read as follows:

*8. A violation of a requirement, established pursuant to the zoning resolution, related to a use contrary to the definition of joint living work quarters for artists, as defined by section 12-10 of the zoning resolution.*

§ 2. Section 28-202.1 of the administrative code of the city of New York is amended by adding a new exception 12, to read as follows:

*12. A violation of a requirement, established pursuant to the zoning resolution, related to a use contrary to the definition of joint living work quarters for artists, as defined by section 12-10 of the zoning resolution, shall be subject to a civil penalty of not less than \$15,000 for the first offense and not less than*

*\$25,000 for each subsequent offense. In addition to such civil penalties, a separate monthly penalty may be imposed of \$1,000 for each month that the violation is not corrected.*

§ 3. This local law takes effect immediately.

Referred to the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

Res. No. 1783

**Resolution calling upon the New York State Senate to pass S.598B and for the Governor to sign S.598B/A.3922A, which would enact the "reimagining long-term care task force act" to create a task force to study the state of long-term care services in New York.**

By Council Members Chin and Louis.

**Whereas**, As reported by the National Institute on Aging, long-term care includes a variety of services developed to meet an individual's health or personal care needs, and these services can be provided in different settings including in facilities, such as nursing homes or adult day care centers, as well as within an individual's home; and

**Whereas**, On March 1, 2020, the first case of COVID-19 was reported in New York State (NYS), and within weeks of the first reported case, long-term care facilities became an epicenter of the outbreak; and

**Whereas**, On July 23, 2020, the New York Times reported that NYS ranked second in the nation among states with the highest number of known deaths in long-term care facilities and about 21 percent of all statewide COVID-19 related deaths occurred in a nursing home or long-term care facility; and

**Whereas**, While nursing home residents' older age and compromised health make them more at risk to contract serious cases of COVID-19, many advocates contend that certain governmental policies such as a former

NYS health directive which required nursing homes to accept patients with COVID-19 from the hospital, contributed to massive COVID-19 outbreaks in these facilities; and

**Whereas,** While the spread of the virus has been contained with the state having a COVID-19 infection rate below one percent for over one month, as reported by the Office of the Governor, there were a significant number of COVID-19 related deaths in NYS nursing homes, and as of September 17, 2020 there were 1,410 COVID-19 confirmed deaths in NYC nursing homes, according to the New York State Department of Health; and

**Whereas,** The significant loss of nursing home residents was just one of many challenges nursing home residents endured throughout this pandemic, as a New York Times Article reported that some nursing home facilities were evicting vulnerable patients to enroll more “profitable” patients with coronavirus; and

**Whereas,** While nursing homes are now able to accept visitations if the facility is free from COVID-19 for at least 14 days, during the onset of the pandemic, many residents went months without seeing their loved ones despite massive pleading from their families; and

**Whereas,** Nursing homes represent a small number of older adults receiving long-term care, and the American Association of Retired Persons reports that 90 percent of individuals receiving long-term care services live at home or in a community environment; and

**Whereas,** Home care workers also faced a plethora of issues throughout the pandemic, and according to a Home Care Association of New York State (HCA-NYS) survey, most home-based providers didn’t have access to sufficient personal protective equipment during the pandemic; and

**Whereas,** Almost 50 percent of the agencies participating in HCA-NYS survey indicated that they experienced patients or family members not allowing home care personnel to enter their homes during the pandemic; and

**Whereas,** A survey conducted by Accent Care Services, which employs home health aides in New York State, reveals that more than 2,700 home health aides had to quarantine due to possible exposure to COVID-19, more than 780 home health aides contracted COVID-19, and 33 home health aides experienced COVID-19 related deaths, as reported by AMNY; and

**Whereas,** The issues in NYS’s long-term care services is not unique to the pandemic or the state, and in fact, the World Health Organization (WHO) reports that before the COVID-19 pandemic there were longstanding problems in long-term care systems throughout the world including underfunding, a lack of accountability and an undervalued workforce; and

**Whereas,** In New York State, for example, home health aides average hourly wage is \$12.62, according to May 2018 data released by the United States Bureau of Labor Statistics, and the Brookings Institution, reports that nursing assistants, phlebotomists, home health aides, housekeepers, medical assistants, cooks and many other long-term care personnel median wage is \$12.48 per hour; and

**Whereas,** the WHO reports that the response for long-term care will be one of the most essential and imperative steps in addressing the impact of COVID-19 in many nations; and

**Whereas,** While the WHO, and many other organizations developed recommendations to make long-term care services more effective, NYS would benefit from state specific policy recommendations on how it could improve long-term care services; and

**Whereas,** On February 22, 2021, the Senate passed S.958A, sponsored by Senator Rachel May, which would create a task force to examine the state of long-term care and the limitations that negatively affect the quality of care of these services, and this taskforce would be charged with examining COVID-19 specific challenges and long-standing issues that made long-term care systems vulnerable to outbreaks during the pandemic; and

**Whereas,** on March 3, 2021, the New York State Assembly amended and passed A3922A, sponsored by Assembly member Catalina Cruz, but S.598B, has not been passed by the Senate; and

**Whereas,** The adoption of S.598B and A.3922A, which includes amendments to provide culturally and linguistically relevant healthcare, would help improve long-term care services provided to some of the most vulnerable residents across New York State and would serve as an initial step to protecting them from future outbreaks; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York State Senate to pass S.598B and for the Governor to sign S.598B/A.3922A, which would enact the "reimagining long-term care task force act" to create a task force to study the state of long-term care services in New York

Referred to the Committee on Aging.

Res. No. 1784

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.3145-A/S.359, requiring non-sequential split shifts for care workers.**

By Council Member Chin.

**Whereas**, Care workers such as home health aides, personal care aides, and nursing assistants are a vital part of our society and have been recognized as essential front-line workers by New York Governor Andrew M. Cuomo; and

**Whereas**, As the United States population grows older, the U.S. Census Bureau projects that by 2030 people ages 65 and older will outnumber youth under the age of 18, increasing the important role that care workers play in our society; and

**Whereas**, The World Health Organization’s World Report on Aging and Health acknowledged care workers as “the most valuable resource for health,” as they are often undervalued workers who have the vital responsibility of helping those who can’t help themselves, such as young children, the elderly, the sick, or persons with disabilities; and

**Whereas**, There is a substantial shortage of care workers in the state of New York, as 17 percent of home care positions are currently left unfilled, according to the City University of New York and the Association on Aging in New York; and

**Whereas**, According to the Center for American Progress Action Fund, essential care workers have often been treated as disposable, experiencing low pay, long hours, inadequate breaks, and insufficient personal protective equipment; and

**Whereas**, According to the Paraprofessional Healthcare Institute’s U.S. Home Care Workers Report, low wages and inconsistent schedules have caused a quarter of home care workers—many of whom are women and people of immigrant backgrounds—to live below the federal poverty line; and

**Whereas**, These working conditions may deter potential care workers from entering the field, thereby contributing to the shortage of workers in this state; and

**Whereas**, New York labor law, as interpreted by the New York Department of Labor, entitles care workers to eight hours of sleep and three hours for meals during a 24-hour shift under the “13-hour rule,” and yet many workers have reported that they do not always receive these rights according to the Labor Press Union; and

**Whereas**, In January, 2021, New York State Assembly Member Harvey Epstein and New York State Senator Roxanne Persaud introduced A.3145-A/S.359, which would mandate that care workers who are required to work 24-hour shifts take non-sequential split shifts of 12 hours each; and

**Whereas**, A.3145-A/S.359 would help ensure that care workers are paid for hours worked and are not mandated to work unduly long shifts, ensuring that care recipients receive the best and safest care possible; and

**Whereas**, Improving these working conditions could help reduce the shortage of care workers in New York by removing disincentives that may deter job seekers from entering into the fields of home and personal care; 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.3145-A/S.359, requiring non-sequential split shifts for care workers.

Referred to the Committee on Aging.

## Preconsidered Int. No. 2444

By Council Member Cornegy.

**A Local Law to amend the administrative code of the city of New York, in relation to the transfer of distressed properties to third parties and to repeal chapter four of title eleven of the administrative code of the city of New York**

*Be it enacted by the Council as follows:*

Section 1. Chapter four of title eleven of the administrative code of the city of New York is REPEALED, and a new chapter four is added to read as follows:

*CHAPTER 4  
TAX LIEN FORECLOSURE BY ACTION IN REM*

- § 11-401 Definitions.*
- § 11-401.1 Procedures for distressed property.*
- § 11-402 Applicability of procedure of foreclosure in rem.*
- § 11-403 Jurisdiction.*
- § 11-404 Foreclosure by action in rem.*
- § 11-405 Preparation and filing of lists of delinquent taxes.*
- § 11-406 Public notice of foreclosure.*
- § 11-407 Redemption.*
- § 11-408 Filing of affidavits.*
- § 11-409 Severance and trial of issues where answer is interposed; payment plan agreements authorized after action commenced.*
- § 11-410 Preference over other actions.*
- § 11-411 Presumption of validity.*
- § 11-412 Final judgment.*
- § 11-412.1 Special procedures relating to final judgment and release of class one and class two real property.*
- § 11-412.2 Council review of conveyance to a third party.*
- § 11-413 Withdrawal of parcels from foreclosure.*
- § 11-414 Right of redemption not diminished.*
- § 11-415 Priority of liens.*
- § 11-416 Owner's registration; mailing tax bills and notices to registered owners or their designees.*
- § 11-417 In rem registration; mailing notices to other interested persons.*
- § 11-418 Writ of assistance.*
- § 11-419 Consolidation of actions.*
- § 11-420 Lands held for public use; right of sale.*
- § 11-421 Certificate of sale as evidence.*
- § 11-422 Deed in lieu of foreclosure.*
- § 11-423 Sales and foreclosures of tax liens.*
- § 11-424 Application to the city for release of property acquired by in rem tax foreclosure.*
- § 11-424.1 In rem foreclosure release board.*
- § 11-425 Disposition of proceeds of sales of properties acquired by city through tax enforcement foreclosure proceedings.*
- § 11-426 Corrective action plans.*
- § 11-427 Defaults.*

*§ 11-401 Definitions. Whenever used in this chapter, the following terms shall mean:*

*Class.* The term “class” means any class of real property defined in subdivision one of section 1802 of the real property tax law, and any subclassification of class two real property where such subclassification is established by rule of the commissioner of finance promulgated pursuant to this subdivision.

*Court.* The term “court” means the supreme court of the state of New York.

*Distressed property.* 1. The term “distressed property” means:

(a) any parcel of class one or class two real property that is identified for participation in the alternative enforcement program pursuant to subdivisions a, b and c of section 27-2153 of the code, that has been identified for participation in such program pursuant to subdivision d of section 27-2153, and that has not been released from such program pursuant to subdivision i of section 27-2153 of the code;

(b) any parcel of class one or class two real property that was discharged from the alternative enforcement program after an order to correct was issued but that was subsequently selected for inclusion in the alternative enforcement program during a subsequent round, and that has not been subsequently released from such program pursuant to subdivision i of section 27-2153 of the code; or

(c) any parcel of class one or class two real property that has greater than the eightieth percentile of normalized violations pursuant to paragraph 2 of this definition

2. The eightieth percentile of normalized violations, as described in subparagraph (c) of paragraph 1 of this definition, shall initially be defined as follows: a property with five or fewer units exceeds the eightieth percentile if it has 13 or more open hazardous and immediately hazardous violations; a property with more than five units but fewer than 15 units exceeds the eightieth percentile if it has 17 or more open hazardous and immediately hazardous violations; and a property with 15 or more units exceeds the eightieth percentile if it has 17 or more open hazardous and immediately hazardous violations. Not later than December 31, 2025, and every fifth year thereafter, the commissioner of housing preservation and development shall determine the eightieth percentile of normalized violations for buildings with each such number of units; adjust by rule the number of violations applicable under this definition according to such determination; and publish such adjustments in the city record and on the website of the department of housing preservation and development.

*Exempt property.* The term “exempt property” means real property classified as class 1 or a dwelling unit in a condominium that is the primary residence of an owner of such property; real property receiving an exemption from taxation pursuant to section 11-245.3 or 11-245.3, or residential real property where such owner is receiving benefits in accordance with department of finance memorandum 05-3, or any successor memorandum thereto, relating to active duty military personnel, or has been allowed a credit pursuant to subsection (e) of section six hundred six of the tax law for the calendar year in which the date of the first lien sale occurs or for the calendar year immediately preceding such date; or real property classified as class 2 that is a residential cooperative owned by a company organized pursuant to article xi of the private housing finance law provided that such real property has not been eligible to benefit from an amnesty program for outstanding taxes, assessments, sewer rents, sewer surcharges, water rents or other municipal charges, the authority for which has been provided by the state, on or after December 31, 2020.

*Extenuating Circumstances.* The term “extenuating circumstances” means (i) the death of a party to a payment plan agreement; (ii) a loss of income to a party to the payment plan agreement due to his or her involuntary absence from the property for any consecutive period of six months or more for treatment of an illness, for military service, or pursuant to a court order, that results in a default of the payment plan agreement or inability to cure the default; or (iii) a loss of income to the signatory to the party to the payment plan agreement due to his or her unemployment for any consecutive period of six months or more that results in a default of the payment plan agreement or inability to cure the default

*Monitor.* The term “monitor” shall mean an organization approved by the department of housing preservation and development and retained and paid by the property owner to oversee compliance with a corrective action plan pursuant to section 11-426.

*Tax lien.* The term “tax lien” means a lien arising as a result of the nonpayment of taxes, assessments, sewer rents, sewer surcharges, water rents, or any other charges that are made a lien subject to the provisions of this chapter or chapter three of this title, interest and penalties thereon, and the right of the city to receive such amounts.

§ 11-401.1 Procedures for distressed property. a. The commissioner of finance shall, not less than 90 days preceding the date of the sale of a tax lien or tax liens, submit to the commissioner of housing preservation and development a description by block and lot, or by such other identification as the commissioner of finance may

*deem appropriate, of any parcel of class one or class two real property on which there is a tax lien that may be foreclosed by the city. The commissioner of housing preservation and development shall determine, and direct the commissioner of finance, not less than 30 days preceding the date of the sale of a tax lien or tax liens, whether any such parcel is a distressed property as defined in section 11-401 of this chapter. Any tax lien on a parcel so determined to be a distressed property shall not be included in such sale. In connection with a subsequent sale of a tax lien or tax liens, the commissioner of finance may, not less than 90 days preceding the date of the sale, resubmit to the commissioner of housing preservation and development a description by block and lot, or by such other identification as the commissioner of finance may deem appropriate, of any parcel of class one or class two real property that was previously determined to be a distressed property pursuant to this subdivision and on which there is a tax lien that may be included in such sale. The commissioner of housing preservation and development shall determine, and direct the commissioner of finance, not less than 30 days preceding the date of the sale, whether such parcel remains a distressed property. If the commissioner of housing preservation and development determines that the parcel is not a distressed property, then the tax lien on the parcel may be included in the sale.*

*b. The commissioner of housing preservation and development may periodically review whether a parcel of class one or class two real property that is subject to subdivision c of this section or paragraph 10 of section 11-412.1 of this chapter remains a distressed property. If the commissioner determines that the parcel is not a distressed property as defined in section 11-401 of this chapter, then the parcel shall not be subject to such subdivisions.*

*c. Any parcel so determined to be a distressed property may be subject to an in rem foreclosure action, unless it is an exempt property, or in the case where the commissioner of finance does not commence such action the commissioner of housing preservation and development shall evaluate such parcel and take such action as he or she deems appropriate under the programs, existing at the time of such evaluation, that are designed to encourage the rehabilitation and preservation of existing housing, and shall monitor or cause to be monitored the status of the property. The commissioner of housing preservation and development, in his or her discretion, shall cause an inspection to be conducted on any parcel so determined to be a distressed property. The commissioner of housing preservation shall ensure that the owner of each property that has been determined to be a distressed property is contacted in person and notified that such property is distressed and that it has a tax lien that may be foreclosed upon by the city. Each occupant of a distressed property must also be notified that the property has been determined to be distressed and that it has a tax lien that may be foreclosed upon by the city. In addition, the commissioner of housing preservation and development shall submit to the council a list of all parcels so determined to be a distressed property within 30 days from the date such parcels are identified as a distressed property.*

*d. The commissioner of finance, the commissioner of housing preservation and development and the commissioner of environmental protection shall collectively appoint a single ombudsperson who will be tasked with responding to inquiries from owners of distressed class one and two real property on which there is a tax lien that may be foreclosed by the city. This ombudsperson shall have a dedicated phone number and email address and may also be contacted through 311.*

*e. Every time a hazardous and immediately hazardous violation is assessed against a property, the commissioner of housing preservation and development will send a notice to the property owner with the following, in language to be determined by commissioner: (i) that the property owner has a hazardous or immediately hazardous violation assessed against them; (ii) that, if the property owner has a tax lien that may be foreclosed by the city together with this violation the owner may fall within the definition of distressed for the purpose of section 11-412.2 of the code; (iii) that if the property owner does not cure these violations and pay any outstanding debts to the city they may have their property taken under 11-412.2 of the code; and (iv) if they have any questions they can reach the ombudsperson appointed under subdivision d of this section.*

*§ 11-402 Applicability of procedure of foreclosure in rem. a. The provisions of this chapter shall be applicable only to tax liens owned by the city.*

*b. The provisions of this chapter shall not affect any existing remedy or procedure for the enforcement or foreclosure of tax liens provided for in this code or any other law, but the remedy provided herein for foreclosure by action in rem shall be in addition to any other remedies or procedures provided by any general, special or local law.*

*c. The provisions of this chapter shall not affect pending actions or proceedings, provided, however, that*

*any pending action or proceeding for the enforcement or foreclosure of tax liens may be discontinued, and a new action may be instituted pursuant to the provisions of this chapter, in respect to any such tax lien.*

*In accordance with section 6 of chapter 602 of the laws of 1993 and subdivision 2 of section 1104 of the real property tax law, it is hereby provided that the collection of delinquent taxes shall continue to be enforced pursuant to chapters 3 and 4 of title 11 of the administrative code and other related provisions of the charter and administrative code as such chapters three and four and such related provisions may from time to time be amended and that article xi of the real property tax law shall not be applicable to the city.*

*§ 11-403 Jurisdiction. The supreme court shall have jurisdiction of actions authorized by this chapter.*

*§ 11-404 Foreclosure by action in rem. Whenever a tax lien or tax liens on a class one or class two property that is not an exempt property as defined in section 11-401 is eligible to be sold by the city under the criteria set forth in section 11-319(a), (a-2), (a-4), or (a-6) of the code such tax lien or tax liens may be summarily foreclosed in the manner provided in this chapter, notwithstanding the provisions of any general, special or local law and notwithstanding any omission to hold a sale of a tax lien or tax liens prior to such foreclosure. A bill of arrears or any other instrument evidencing such tax lien or tax liens shall be evidence of the fact that the tax lien or tax liens represented thereby has not or have not been paid to, or sold by, the city.*

*§ 11-405 Preparation and filing of lists of delinquent taxes. a. The commissioner of finance, together with the commissioner of environmental protection, may from time to time shall prepare a list, to be known as a "list of delinquent taxes", of all parcels, or all parcels within a particular class or classes, that are within a particular borough or section of a tax map or portion of a section of a tax map of the city and on which there are tax liens subject to foreclosure pursuant to this chapter. Every such list shall bear a caption containing the in rem action number of the city's tax foreclosure proceeding, the borough or the section of a tax map or portion of a section of a tax map, and where the action covers less than all parcels in an entire borough or section of a tax map or portion of a section of a tax map, the particular class or classes, and shall contain a statement of the rate or rates at which interest and penalties will be computed for the various liens it includes.*

*b. Every such list shall set forth the parcels it includes separately and number them serially. For each parcel it shall contain:*

*1. A brief description sufficient to identify the parcel, including section, block and lot numbers, and the street and street number, if any, or in the absence of such information the parcel or tract identification number shown on a tax map or on a map filed in the county clerk's or register's office;*

*2. A statement of the amounts and dates of all unpaid tax liens which are subject to foreclosure under this chapter and of those which have accrued thereafter; and*

*3. If the property is a distressed property as defined in section 11-401, a description of how the property qualifies as distressed.*

*c. 1. The commissioner of finance may exclude or thereafter remove from such list any parcels (i) as to which questions such commissioner deems meritorious have been raised regarding the validity of the liens (ii) as to which all the taxes and other charges which rendered said parcels eligible for inclusion in said list have been paid in full; or (iii) as to which an agreement has been duly made, executed and filed with such commissioner for the payment of the delinquent taxes, assessments or other legal charges, interest and penalties in installments.*

*(a) Pursuant to a payment plan agreement with the department of finance and, if applicable, with the department of environmental protection in accordance with the rules prescribed by the New York city water board, the property owner shall be required to remit a payment equal to 20 percent of such delinquent taxes, assessments or other legal charges, interest and penalties together with a sworn statement, in a form to be determined by the commissioner of finance, that the property owner has the financial ability to (i) remediate all open hazardous or immediately hazardous violations of record of the housing maintenance code; (ii) continue to maintain the property so as to prevent the existence of further hazardous or immediately hazardous violations; and (iii) comply with the terms of the payment plan agreement. The remaining installments, which shall be twice the number of unpaid quarters of real estate taxes or the equivalent thereof but which shall in no event exceed 120 in number, shall be payable quarterly on the first day of July, October, January and April.*

*(b) Pursuant to a payment plan agreement, if the property owner is unable to remit a payment equal to 20 percent of such delinquent taxes, the applicant shall submit a corrective action plan agreement pursuant to section 11-426 and agree to the appointment of a monitor as defined in section 11-401.*

*2. A parcel for which any such payment plan agreement or agreements have been filed with the*

*commissioner shall be excluded or removed from the list of delinquent taxes before the commencement of the in rem action based upon such list only if the amounts paid pursuant to such agreement exceed the amount required to pay all taxes and charges which render said parcel eligible for inclusion in the in rem action and there has been no default in such agreement prior to the commencement of said action as to either quarterly installments or current taxes, assessments or other legal charges.*

*3. As a condition to entering into any agreement under this section or section 11-409, the commissioner shall have received from the applicant, an affidavit stating that each occupant residing in the parcel has been notified by certified mail that an application for a payment plan agreement will be made and that a copy of a standard agreement form has been included with such notification. Any false statement in such affidavit shall not be grounds to cancel the agreement or affect its validity in any way.*

*4. The commissioner of finance, with assistance from the commissioner of housing preservation and development, may exclude or thereafter remove from such list any property that is distressed as defined in section 11-401, but where all of the hazardous or immediately hazardous violations of record of the housing maintenance code have been cleared.*

*d. Not less than 120 days preceding the filing of the list of delinquent taxes with the office of the clerk of the county in which the parcels listed herein are situated, the commissioner of finance shall post a notice online, and send via first class mail return receipt requested and first class mail to any person who has registered their mailing address or electronic mail address with the department of finance. The department of finance shall mail one copy to each dwelling unit of each property and post one copy in the common area of such property. Such notice shall include, to the extent such information is available, the borough, block and lot of any property to be included in such a list. Such notice shall include a conspicuous statement that the owner of the property may enter into a payment plan agreement for exclusion from the list of delinquent taxes to be filed. The department of finance and the department of environmental protection shall then, to the extent practicable, contact by telephone or electronic mail any person who (i) has registered their telephone number or electronic mail address with such departments and (ii) has been sent the 120 day notice described in this paragraph.*

*e. Two duplicate originals thereof, verified by the commissioner of finance or a subordinate designated by the commissioner, shall be filed in the office of the clerk of the county in which the parcels listed therein are situated. Such filing shall constitute and have the same force and effect as the filing and recording in such office of an individual and separate notice of pendency of action and as the filing in the supreme court in such county of an individual and separate complaint by the city as to each parcel described in said list, to enforce the payment of the delinquent taxes, assessments or other lawful charges which have accumulated and become liens against such parcels.*

*f. Each county clerk with whom such a list of delinquent taxes is filed shall, on the date of said filing, docket the parcels contained in the list of delinquent taxes in the block index of notices of pendency of action, which shall constitute due filing, recording and indexing of the separate notices constituting said list of delinquent taxes in lieu of any other requirement under rule 6511 of the civil practice law and rules or otherwise.*

*g. The commissioner of finance shall file a copy of each list of delinquent taxes, certified as such copy by him or her or a subordinate designated by the commissioner, in the borough office of department of finance in the borough in which the parcels listed therein are situated and in the office of the corporation counsel.*

*§ 11-406 Public notice of foreclosure. a. Upon the filing of a list of delinquent taxes in the office of the county clerk, the commissioner of finance forthwith shall cause a notice of foreclosure to be published at least once a week for six successive weeks in the City Record and, subject to section 91 of the judiciary law, in two newspapers, one of which may be a law journal, to be designated by the commissioner of finance, which are published in and are circulated throughout the county in which the affected property is located. The commissioner of finance shall also cause a notice of foreclosure to be published on the department of finance website and sent to the council member in whose district the affected property is located.*

*b. Such notice shall clearly indicate that it is a notice of foreclosure of tax liens; the borough or the section of a tax map or portion of a section of a tax map in which the property subject to foreclosure is located, where and when the list of delinquent taxes was filed; the general nature of the information contained in the list; the amount of any tax liens, including all taxes, assessments, sewer rents, sewer surcharges, water rents, any other charges that are made a lien subject to the provisions of chapter three of this title that the filing of the list constitutes commencement of a foreclosure action by the city in the supreme court for the particular county and a notice of pendency of action against each parcel listed; that such action is against the property only and no*

*personal judgment will be entered; that the list will be available for inspection at the department of finance's central office and at the borough office of the department of finance in the borough in which said property is located until a specified date at least ten weeks after the date of first publication; that until such date a parcel may be redeemed by paying all taxes and charges contained in said list of delinquent taxes together with interest thereon or entering into a payment plan agreement in accordance with section 11-407; that during said period of redemption and for an additional period of 20 days after said last date for redemption any person having any interest in or lien upon a parcel on the list may file with the appropriate county clerk and serve upon the corporation counsel a verified answer setting forth in detail the full name of said answering party, the nature and amount of his or her interest or lien and any legal defense against foreclosure; that in the absence of redemption or answer a judgement of foreclosure may be taken by default; and if the property is a distressed property as set forth in section 11-401, a description of how the property qualifies as a distressed property.*

*c. The commissioner of finance shall cause a copy of the notice described in subdivision b of this section to be posted in the office of the commissioner of finance, in the county courthouse of the county in which the property subject to such tax lien is situated, posted on the website of the department of finance and posted in the department of finance business center located in the borough in which the affected properties are located.*

*d. 1. On or before the date of the first publication of such notice, the commissioner of finance shall cause a copy of the notice to be personally served on the owner of record of the property at the owner's address of record and mailed first class mail and first class mail return receipt requested to all mortgagees, lienors or encumbrancers, who may be entitled to receive such notice by virtue of any owner's registration with the office of the city register pursuant to section 11-416 or 11-417 of this chapter. If such owner's registration has not been submitted to the city register then said notice shall be mailed to the name and address, if any, appearing in the latest annual record of assessed valuations. The commissioner of finance shall cause to be inserted with such notice a statement substantially in the following form and including the amount currently owed to the city:*

*"To the party to whom the enclosed notice is addressed: You are the presumptive owner or lienor of one or more of the parcels mentioned and described in the list referred to in the attached notice. **YOU ARE IN DANGER OF LOSING YOUR HOME.** Unless the taxes and assessments and all other legal charges are paid, an answer is interposed, or an arrangement is made for payment of such taxes and assessments and all other legal charges in installments, as provided by statute, **YOUR PROPERTY WILL BE TRANSFERRED TO THE CITY OF NEW YORK OR TO A QUALIFIED THIRD PARTY** as provided by the administrative code of the city of New York. If you have any questions, you may contact the New York City Department of Finance at (enter number) or visit the Department's website at (enter web address)."*

*2. The department of finance shall prescribe the telephone number and web address to be included in the notice.*

*3. Such service shall occur in accordance with article 3 of the civil practice laws and rules and a copy of such affidavit of service shall be filed in accordance with section 11-408.*

*e. 1. The commissioner of finance shall cause a copy of such notice to be mailed first class mail to each dwelling unit in each property and posted in a common area in the property. The department of housing preservation shall place a copy of such notice under the entrance door of each dwelling unit within the property. The notice shall include a statement substantially in the following form:*

*"The property where your apartment is located is the subject of a foreclosure proceeding. The owner of this property owes taxes, assessments and other legal charges to the City of New York. If the owner of this property does not pay these outstanding charges to the City of New York, title to this property may be transferred to the city of New York or to a qualified third party. If title to this property is transferred you are entitled to remain in your home. If you need further information, please call the New York City Department of Finance telephone helpline at (enter number) or visit the Department's website at (enter web address).*

*2. The department of finance shall prescribe the telephone number and web address to be included in the notice.*

*f. The department of finance shall create a telephone helpline and website for property owners whose*

*properties are subject to in foreclosure actions under this chapter.*

*g. If the property is owned by a company organized pursuant to article xi of the state private housing finance law, the department of finance shall hold at least three meetings with the members of the company to inform them that the property has been included in the list of delinquent taxes and that they can be removed from such list by entering into a payment plan with the department.*

*§ 11-407 Redemption. a. After the filing of a list of delinquent taxes and until a date at least 120 days after the service of the notice of foreclosure has been properly effected, as determined by the commissioner of finance and as specified in the said notice, a person claiming to have an interest in any parcel in said list may redeem the property by:*

*1. Paying all taxes and charges contained in said list of delinquent taxes together with interest and penalties thereon; or*

*2. (a) Entering into a payment plan agreement with the department of finance and, if applicable, with the department of environmental protection in accordance with the rules prescribed by the New York city water board, pursuant to which, the property owner shall be required to remit a payment equal to 20 percent of such delinquent taxes, assessments or other legal charges, interest and penalties together with a sworn statement, in a form to be determined by the commissioner of finance, that the property owner has the financial ability to (i) remediate all open hazardous or immediately hazardous violations of record of the housing maintenance code; (ii) continue to maintain the property so as to prevent the existence of further hazardous or immediately hazardous violations; and (iii) comply with the terms of the payment plan agreement. The remaining installments, which shall be twice the number of unpaid quarters of real estate taxes or the equivalent thereof but which shall in no event exceed 120 in number, shall be payable quarterly on the first day of July, October, January and April; or*

*(b) If the property owner is unable to remit a payment equal to 20 percent of such delinquent taxes, the applicant shall submit a corrective action plan agreement pursuant to section 11-426 and agree to the appointment of a monitor as defined in section 11-401.*

*b. Upon such redemption the commissioner of finance shall deliver to the corporation counsel a certificate of redemption. The corporation counsel shall file such certificate with the clerk of the county in which said list was filed. The filing of such certificate shall constitute and be deemed a discontinuance of the in rem action as to the affected parcel, and the county clerk shall thereupon note such redemption and discontinuance in the copy of the list of delinquent taxes maintained by him or her adjacent to the county clerk's block index of notices of pendency of action and shall cancel and discharge any notations of the filing of said list of delinquent taxes as to said parcel that may appear in any other books, records, indices and dockets maintained in said clerk's office. The commissioner of finance shall also deliver a duplicate original certificate of redemption to the person who has redeemed and a duplicate certificate of redemption to any occupant in the property who has requested such certificate.*

*c.1. When the time to redeem in an in rem tax foreclosure action has expired, any person claiming to have an interest in a parcel included in said action shall have the right to make a late redemption payment to the commissioner of finance and, if applicable, to the commissioner of environmental protection. Such late redemption payment shall consist of all taxes and charges owing on said parcel, the lawful interest thereon to the date of payment, or by entering into a payment plan agreement with the department of finance and, if applicable, with the department of environmental protection in accordance with the rules prescribed by the New York city water board, pursuant to which, the property owner shall be required to remit a payment equal to 30 percent of such delinquent taxes, assessments or other legal charges, interest and penalties together with a sworn statement, in a form to be determined by the commissioner of finance, that the property owner has the financial ability to (i) remediate all open hazardous or immediately hazardous violations of record of the housing maintenance code; (ii) continue to maintain the property so as to prevent the existence of further hazardous or immediately hazardous violations; and (iii) comply with the terms of the payment plan agreement. The remaining installments, which shall be twice the number of unpaid quarters of real estate taxes or the equivalent thereof but which shall in no event exceed 120 in number, shall be payable quarterly on the first day of July, October, January and April.*

*2. Such late redemption payment shall be made in cash or by certified or bank check and shall be accepted by the commissioner of finance and, if applicable, the commissioner of environmental protection at any time after the last day to redeem up to the date on which the commissioner is advised by the corporation counsel that*

*the preparation of the judgement of foreclosure in the in rem action has been commenced. Upon receipt of such late redemption payment, the commissioner of finance shall issue a certificate of withdrawal pursuant to the provisions of section 11-413 of this chapter.*

*§ 11-408 Filing of affidavits. All affidavits of service, filing, publication, posting, mailing or other acts required by this chapter shall be made by the person or persons performing such acts and shall be filed in the office of the county clerk of the county in which the property subject to such tax lien is situated and shall together with all other documents required by this chapter to be filed in the office of such county clerk, constitute and become a part of the judgment roll in such foreclosure action. § 11-409 Severance and trial of issues where answer is interposed; payment plan agreements authorized after action commenced. a. If a duly verified answer is served upon the corporation counsel not later than 20 days after the last date for redemption, the answering defendant shall have the right to a severance of the action, as to any parcel in which the defendant has pleaded an interest, upon written demand therefor filed with or made a part of his or her answer.*

*b. When such answer is interposed, the court shall summarily hear and determine the issues raised by the complaint and answer in the same manner as it hears and determines other actions, except as herein otherwise provided. Proof that the taxes which made said property subject to foreclosure hereunder together with interest and penalties thereon, were paid before filing of the list of delinquent taxes or that the property was not subject to tax shall constitute a complete defense.*

*c. When a verified answer alleges equity of at least 50 percent of the city's lien for taxes, the defendant may demand additional time in which to pay the taxes and interest or to have the property sold with all taxes and interest to be paid out of the proceeds of such sale. Upon such demand a defendant shall have the right to an extension of time for such purpose not in excess of 180 days from the last day to interpose an answer. Where a mortgagee or lienor who has interposed such answer commences a proceeding to foreclose his or her mortgage or lien and it appears that with due diligence such proceeding cannot be concluded in time to allow the payment of taxes within the aforesaid 180 day period, the court may, on application before the end of said 180 day period, authorize an additional period during which such proceeding may be concluded and the taxes, together with interest and penalties, paid.*

*d. Where an answer of the type described in subdivision c of this section is interposed and taxes are paid within the period set forth in such subdivision c, the commissioner of finance shall issue a certificate of withdrawal as to the property on which such payment has been made pursuant to the provisions of section 11-413. When taxes are not paid within the period set forth in such subdivision c, it shall be deemed that there was no equity over the city's tax liens and the answer shall be deemed to be without merit. The city in that event may proceed to judgment of foreclosure against such property without moving against the answer.*

*e. All answers interposed in an action hereunder and all affidavits and other papers pertaining to any litigation involving such answers or to any proceeding brought pursuant to this chapter involving less than an entire action shall bear a caption containing the in rem action number of the city's tax foreclosure proceeding, the borough or the section of a tax map or portion of a section of a tax map affected, and if the action covers less than all parcels in an entire borough or section of a tax map or portion of a section of a tax map, the particular class or classes, and the serial, section, block and lot numbers of the parcel or parcels in issue.*

*f. The corporation counsel, when submitting an in rem judgment roll pursuant to the provisions of this chapter, may request a severance as to any parcel on which an in rem answer or litigation is pending, or as to which, before the preparation of said in rem judgment roll is commenced, an agreement was duly made, executed and filed with the commissioner of finance for the payment of the delinquent taxes, assessments or other legal charges and interest and penalties in installments as provided in subdivision c of section 11-405 of this chapter and there has been no default in such agreement as to either quarterly installments or current taxes, assessments or other legal charges.*

*g. 1. A party who has interposed an answer as to any parcel included in an in rem tax foreclosure action, or any other party interested in such parcel, shall have the right, at any time prior to the final disposition of a motion to strike said answer, to pay all taxes, assessments and other legal charges and interest owing on said parcel. An answering party who makes such payment shall not be required to pay any penalty. Where all delinquent taxes, assessments and other legal charges together with lawful interest thereon, where required, are paid, the commissioner of finance shall issue a certificate of withdrawal as to said parcel pursuant to the provisions of section 11-413 of this chapter. Said parties may also pay such taxes, assessments and other legal charges and interest by a payment plan agreement upon the approval of the commissioner of housing*

*preservation and development. The commissioner of housing preservation and development, in consultation with the commissioner of finance, may at his or her discretion, permit a party to enter into a payment plan agreement for the payment of such taxes, assessments and other legal charges and interest. The request of an answering party for a payment plan agreement shall constitute a withdrawal of such party's answer. A payment plan agreement requested by an interested party other than the answering party shall require the consent of said answering party which shall also constitute a withdrawal of such party's answer. The severance provided for in this section shall be continued during the term of all payment plan agreements entered into pursuant to the provisions of this subdivision. Where a default has occurred as to a parcel severed pursuant to this subdivision, the corporation counsel shall cause to be entered a supplemental judgment of foreclosure as to such parcel immediately on notification by the commissioner of finance of such default. Where such payment plan agreement is paid in full, the commissioner of finance shall discontinue the in rem action from which said parcel was severed by issuing a certificate of withdrawal as to said parcel pursuant to the provisions of section 11-413 of this chapter.*

*2.(a) The terms of such a payment plan agreement shall be as follows. The property owner shall be required to remit a payment equal to 30 percent of such delinquent taxes, assessments or other legal charges, interest and penalties together with a sworn statement, in a form to be determined by the commissioner of finance, that the property owner has the financial ability to (i) remediate all open hazardous or immediately hazardous violations of record of the housing maintenance code; (ii) continue to maintain the property so as to prevent the existence of further hazardous or immediately hazardous violations; and (iii) comply with the terms of the payment plan agreement. The remaining installments, which shall be twice the number of unpaid quarters of real estate taxes or the equivalent thereof but which shall in no event exceed 120 in number, shall be payable quarterly on the first day of July, October, January and April.*

*(b) In addition to the requirements set forth in item (a), the property owner shall demonstrate that not less than 75 percent of all open immediately hazardous violations have been cleared.*

*3. Instead of an agreement pursuant to paragraph two of this subdivision, an eligible owner or other interested party may request an agreement pursuant to the following provisions:*

*(a) With respect to a parcel that is owned by a company organized pursuant to article xi of the state private housing finance law with the consent and approval of the department of housing preservation and development, such agreement shall provide for the payment in installments of the delinquent taxes, assessments and other legal charges, and the interest and penalties thereon, due and owing as of the date on which such agreement is requested. The first installment thereof shall be paid upon the filing of the payment plan agreement with the commissioner of finance and shall be in an amount at least equal to, at the applicant's election, not less than 5 percent of the total amount of such delinquent taxes, assessments or other legal charges and the interest and penalties thereon and shall include a sworn statement, in a form to be determined by the commissioner of finance, that the property owner has the financial ability to (i) remediate all open hazardous or immediately hazardous violations of record of the housing maintenance code; (ii) continue to maintain the property so as to prevent the existence of further hazardous or immediately hazardous violations; and (iii) comply with the terms of the payment plan agreement. The remaining installments, which shall be three times the number of unpaid quarters of real estate taxes or the equivalent thereof, but which shall in no event exceed 240 in number, shall be payable quarterly on the first days of July, October, January and April, together with interest at the rate or rates determined as provided in subparagraph (iv) of this paragraph. For the purposes of calculating the number of such remaining installments, unpaid real estate taxes that are due and payable on other than a quarterly basis shall be deemed to be payable on a quarterly basis.*

*4. Notwithstanding any higher rate of interest prescribed pursuant to applicable law, and unless a lower rate of interest is applicable to a delinquent amount owing on a parcel that is the subject of an agreement pursuant to this paragraph, the interest payable together with the remaining installments due under such agreement shall be calculated at a rate equal to the rate prescribed for the applicable period pursuant to subparagraph (i) of subdivision e of section 11-224.1 of this title.*

*5. If a default occurs in any agreement executed pursuant to this paragraph, the rates of interest determined under this subparagraph shall thereupon cease to be applicable and the commissioner of finance shall thereafter charge, collect and receive interest in the manner and at the rates otherwise prescribed pursuant to law.*

*6. The corporation counsel, when submitting an in rem judgment roll pursuant to the provisions of this chapter, may request a severance as to any parcel as to which, before the preparation of said in rem judgment*

*roll is commenced, an agreement was duly made, executed and filed with the commissioner of finance for the payment of all delinquent taxes, assessments and other legal charges and interest and penalties in installments as provided in this subdivision, and there has been no default in such agreement as to either quarterly installments or current taxes, assessments or other legal charges. Where a default occurs in such agreement as to either quarterly installments or current taxes, assessments or other legal charges, all payments made under the agreement shall be refunded to the property owner and the city shall be entitled to obtain a judgment hereunder as to the parcel as to which the default occurred. Where such default occurred before the submission of the judgment roll, the parcels as to which such default occurs shall be included in said judgment roll amount the parcels to be acquired by the city or by a third party. Where such default has occurred as to a parcel severed pursuant to this subdivision, the corporation counsel shall cause to be entered a supplemental judgment of foreclosure as to such parcel immediately on notification by the commissioner of finance of such default. Where such payment plan agreement is paid in full, the commissioner of finance shall discontinue the in rem action from which such parcel was severed by issuing a certificate of withdrawal as to such parcel pursuant to the provisions of section 11-413 of this chapter.*

*§ 11-410 Preference over other actions. a. Any action brought pursuant to this chapter shall be given preference over all other causes and actions.*

*b. Actions brought pursuant to this chapter shall take precedence over any proceeding brought to foreclose a mortgage or other lien involving the same property. A parcel included in a list of delinquent taxes which is sold in a mortgage foreclosure sale held after said list is filed may not be sold subject to taxes even if judgment has not yet been entered in the tax foreclosure action. All unpaid taxes and interest and penalties thereon must be paid, in full or by payment plan agreement pursuant to the provisions of this chapter, out of the proceeds of such sale regardless of whether the mortgage foreclosure lis pendens was filed before or after the filing of the tax foreclosure action, regardless of whether any party to the mortgage foreclosure proceeding has interposed an answer in the tax foreclosure action and regardless of any terms to the contrary in the judgment in the mortgage foreclosure proceeding.*

*§ 11-411 Presumption of validity. It shall be necessary for the city to plead or prove the various steps, procedures and notices for the assessment and levy of the taxes, assessments or other lawful charges against the parcels set forth in the list of delinquent taxes and all such taxes, assessments or other lawful charges.*

*§ 11-412 Final judgment. a. The court shall determine upon proof and shall make finding upon such proof whether there has been due compliance by the city with the provisions of this chapter.*

*b. The court shall make a final judgment awarding to the city the possession of any parcel described in the list of delinquent taxes not redeemed or withdrawn as provided in this chapter and as to which no answer is interposed as provided herein. In addition thereto, such judgment shall contain a direction to the commissioner of finance to prepare, execute and cause to be recorded a deed conveying to the city full and complete title to such lands. Upon the execution of such deed, the city shall be seized of an estate in fee simple absolute in such land and all persons, including the state of New York, infants, incompetents, absentees and non-residents who may have had any right, title, interest, claim, lien or equity of redemption in or upon such lands shall be barred and forever foreclosed of all such right, title, interest, claim, lien or equity of redemption, except as otherwise provided in section 11-424. The appointment and tenure of receivers, trustees or any other persons, including administrators under article seven-A of the real property actions and proceedings law, appointed by an order of a court to manage real property, shall terminate when title to such property vests in the city pursuant to the provisions of this chapter. After such termination, said receivers, trustees or administrators shall be accountable to the courts that appointed them for the faithful performance of their fiduciary obligations during the term of their appointment and to the city for any rents and income received by them for any period subsequent to the date of the vesting of title in the city. If the city serves a tenant in possession of a dwelling unit with notice of termination of tenancy on grounds other than non-payment of rent, the acceptance of rent for the first 45 days after termination of tenancy by anyone other than an employee of the department designated by the department to receive such rent shall not be deemed or construed as a waiver of the city's right to initiate and prosecute a proceeding to terminate the tenancy for good cause.*

*c. Every deed given pursuant to the provisions of this section shall be presumptive evidence that the action and all proceedings therein and all proceedings prior thereto from and including the assessment of the lands affected and all notices required by law were regular and in accordance with all provisions of law relating thereto. After two years from the date of the recording of such deed, the presumption shall be conclusive, unless*

*at the time that this subdivision takes effect the two year period since the recording of the deed has expired or less than 180 days of such period of two years remains unexpired, in which case the presumption shall become conclusive 180 days after this subdivision takes effect. No action to set aside such deed may be maintained unless the action is commenced and a notice of pendency of the action is filed in the office of the proper county clerk prior to the time that the presumption becomes conclusive as aforesaid.*

*§ 11-412.1 Special procedures relating to final judgment and release of class one and class two real property. a. Notwithstanding any other provision of law to the contrary:*

*1. The court shall determine upon proof and shall make a finding upon such proof whether there has been due compliance by the city with the applicable provisions of this chapter.*

*2. (a) The court shall make a final judgment authorizing the award of possession of any parcel of class one or class two real property described in the list of delinquent taxes not redeemed or withdrawn as provided in this chapter and as to which no answer is interposed as provided herein that is a distressed property that is not an exempt property as defined in section 11-401, and authorizing the commissioner of finance to prepare, execute and cause to be recorded a deed conveying either to the city or to a third party deemed qualified and designated by the commissioner of housing preservation and development full and complete title to such lands. Any such conveyance to a third party shall be for an existing use. As consideration for such conveyance, the third party shall be required to execute a regulatory agreement, in accordance with rules to be promulgated by the department of housing preservation and development.*

*(b) Such third party shall be deemed qualified and shall be designated pursuant to such criteria as are established in rules promulgated by the commissioner of housing preservation and development, provided, however, that such criteria shall include but not be limited to: residential management experience; financial ability; rehabilitation experience; ability to work with government and community organizations; neighborhood ties; and that the commissioner shall consider whether the third party is a responsible legal tenant, not-for-profit organization or neighborhood-based-for-profit individual or organization. The commissioner shall not deem qualified any third party who has been finally adjudicated by a court of competent jurisdiction, within seven years of the date on which such third party would otherwise be deemed qualified, to have violated any section of articles 150, 175, 176, 180, 185 or 200 of the penal law or any similar laws of another jurisdiction, or who has been suspended or debarred from contracting with the city or any agency of the city pursuant to section 335 of the charter during the period of such suspension or debarment. The commissioner shall also not deem qualified as a third party for the award of a specific property, any organization that has provided counseling or advice regarding foreclosure or loan default to the current or then-owner of such property within the prior five years. For the purposes of this section, the disqualification period shall commence on the last day on which the third party and the current or then-owners had contact regarding foreclosure or loan default for a specific property. Each contact between a current or then-owner of a specific property and an organization where foreclosure or loan default counselling or advice is provided shall act to restart the disqualification period. The rules promulgated by the commissioner pursuant to this paragraph may establish other bases for disqualification of a third party.*

*3. Following the expiration of the 180 day period prescribed in paragraph 4 of this section, but not more than one year after the date on which, pursuant to paragraph 2 of this section, the final judgment authorizing the award of possession of a parcel of class one or class two real property was entered, the commissioner of finance may execute a deed, pursuant to paragraph 2 of this section, with respect to such parcel. The owner of said parcel shall continue to have all of the rights, liabilities, responsibilities, duties and obligations of an owner of such parcel, including, but not limited to, maintaining such parcel in compliance with the housing maintenance, building and fire codes, and all other applicable laws, unless and until the commissioner of finance has prepared and executed a deed conveying to the city or to a third party full and complete title to such parcel. Upon the execution of such deed, the city or the third party shall be seized of an estate in fee simple absolute in such land and all persons, including the state of New York, infants, incompetents, absentees and non-residents who may have had any right, title, interest, claim, lien or equity of redemption in or upon such lands shall be barred and forever foreclosed of all such right, title, interest, claim, lien or equity of redemption, except as otherwise provided in paragraphs 5 and 6 of this section. The appointment and tenure of receivers, trustees or any other persons, including administrators under article seven-A of the real property actions and proceedings law, appointed by an order of a court to manage real property, shall terminate when title to such property vests in the city or a third party pursuant to the provisions of this chapter. After such termination, said receivers,*

*trustees or administrators shall be accountable to the courts that appointed them for the faithful performance of their fiduciary obligations during the term of their appointment and to the city or such third party for any rents and income received by them for any period subsequent to the date of the vesting of title in the city or such third party.*

*4. Within 180 days after the date on which, pursuant to paragraph 2 of this section, the final judgment authorizing the award of possession of a parcel of class one or class two real property was entered, any person claiming to have an interest in such parcel shall have the right to make a payment to the commissioner of finance consisting of all taxes, assessments and other legal charges owing on said parcel. Such payment shall be made in cash or by certified or bank check. Within such 180 day period, such interested person may also request a payment plan agreement from the department of finance. The department of finance, together with the department of housing preservation and development, shall have the discretion to grant or deny such request. Such agreement shall require the payment at such time of a first installment equal to 50 percent of all taxes, assessments and other legal charges, and the lawful interest thereon, then owing on such parcel, and the payment of the balance of such taxes, assessments and other legal charges and interest in four equal quarterly installments together with all current taxes, assessments and other legal charges that accrue during such period together with a sworn statement in a form to be determined by the department of finance that the property owner has the financial ability to (i) remediate all open hazardous or immediately hazardous violations of record of the housing maintenance code; (ii) continue to maintain the property so as to prevent the existence of further hazardous or immediately hazardous violations; and (iii) comply with the terms of the payment plan agreement. Upon receipt of payment in full of the amount specified in the first sentence of this paragraph the commissioner of finance shall direct the corporation counsel to prepare and cause to be entered an order discontinuing the in rem tax foreclosure action as to said property, canceling the notice of pendency of such action as to said property and vacating and setting aside the final judgment. Upon the execution of a payment plan agreement and payment of the amounts due at the time such agreement is executed as provided in this subdivision, the commissioner of finance shall direct the corporation counsel to prepare and cause to be entered an order vacating and setting aside the final judgment. The entry of either such order shall restore all parties, including owners, mortgagees and any and all lienors, receivers and administrators and encumbrancers, to the status they held immediately before such final judgment was entered. Where the commissioner of finance approves an application requesting a payment plan agreement pursuant to this paragraph, the order vacating and setting aside the final judgment shall provide that in the event of any default as to the payment of either quarterly installments or current taxes, assessments or other legal charges during the term of such agreement, and the corporation counsel, immediately upon notification by the commissioner of finance of such default, shall cause to be entered as to such property a supplemental judgment of foreclosure in the in rem action which authorizes the commissioner of finance to prepare, execute and cause to be recorded a deed conveying either to the city or to a third party full and complete title to such lands. Upon the entry of such supplemental judgment, the provisions of paragraphs 3 through 9 of this subdivision shall apply in the same manner as such paragraphs would have applied had no payment been made nor payment plan agreement executed during the 120 day period specified in this paragraph.*

*5. (a) If the commissioner of finance has prepared, executed and caused to be recorded a deed conveying to the city full and complete title to a parcel of class one or class two real property acquired by in rem tax foreclosure, the city's interest in such parcel may be released pursuant to this subdivision on the application of any party who has an interest in said parcel as either owner, mortgagee, lienor, or encumbrancer at the time of the city's acquisition thereof where such application is made at any time up to one year and 120 days from the date on which the deed by which the city acquired title to said parcel was recorded.*

*(b) Any such application shall be made in writing to the commissioner of citywide administrative services and shall be verified. It shall contain the information required pursuant to subdivision b of section 11-424 of this chapter and the documents required by subdivision c of such section.*

*(c) The provisions contained in subdivision g of section 11-424 of this chapter shall govern such an application, except as follows:*

*(1) where such provisions are inconsistent with the provisions contained in this subdivision, the provisions contained in this subdivision shall govern such application; and*

*(2) where the in rem foreclosure release board denies a written request for a payment plan agreement that was filed in connection with an application for release of the city's interest in a parcel of class one or class two real property and such application was filed within 30 days of the date of the city's acquisition of the property*

*sought to be released, the board may, in its discretion, authorize a release of the city's interest.*

*(e) Upon receipt of any amounts required to be paid pursuant to this subdivision, the commissioner of finance shall direct the corporation counsel to prepare and cause to be entered an order discontinuing the in rem tax foreclosure action as to said property, canceling the notice of pendency of such action as to said property and vacating and setting aside the final judgment entered pursuant to paragraph 2 of this subdivision and the deed executed and recorded pursuant to such final judgment as to said property. The entry of such order shall restore all parties, including owners, mortgagees and any and all lienors, receivers and administrators and encumbrancers, to the status they held immediately before the final judgment was entered, as if the in rem tax foreclosure had never taken place, and shall render said property liable for all taxes, deficiencies, management fees and liens which shall accrue subsequent to those paid in order to obtain the release provided for in this subdivision, or which were, for whatever reason, omitted from the payment made to obtain said release.*

*6. If the commissioner of finance has prepared, executed and caused to be recorded a deed conveying to the city full and complete title to a parcel of class one or class two real property acquired by in rem tax foreclosure and such parcel is entitled to an exemption under any of the provisions of article four of the real property tax law during all or part of the period covered by the tax items appearing on a list of delinquent taxes, the owner of such parcel may apply for a release of the city's interest in such exempt property under the provisions of paragraph 5 of this subdivision during the period of time set forth in subparagraph (a) of such paragraph and for an additional period up to ten years from the date on which the deed by which the city acquired title to said property was recorded. The application of such owner shall contain, in addition to the statements, searches and proofs required by paragraph 5 of this subdivision, a statement that an exemption under the real property tax law is being claimed. Such application shall also state either that it is accompanied by the written certificate of the comptroller setting forth the precise period during which said property, while owned by such application, and during the period after the city's acquisition up to the date of the certificate if said property was still being used for an exempt purpose after said acquisition, was entitled to an exemption and the exact nature and extent of such exemption or that an application for such written certificate has been filed with the comptroller. On issuing such written certificate, the comptroller shall cancel those tax items which have accrued during the period covered by the certificate to the extent the applicant is entitled to an exemption as set forth in the certificate. A release of the city's interest may be authorized only at the discretion of the in rem foreclosure release board and, except as otherwise provided in subparagraph(d) of paragraph 5 of this section, subject to all the restrictions set forth in subdivision g of section 11-424 of this chapter. A release to an exempt applicant shall be effected only after said applicant has paid all of the amounts required to be paid by subdivision c of section 11-424 of this chapter, except for those tax items which have been canceled, in whole or in part, pursuant to the comptroller's certificate, within 30 days of the date on which the letter requesting payment is mailed or delivered to the applicant.*

*7. If the commissioner of finance has prepared, executed and caused to be recorded a deed conveying to the city or to a third party full and complete title to a parcel of class one or class two real property acquired by in rem tax foreclosure, the provisions contained in subdivisions f and i of section 11-424 of this chapter for the release of property so acquired shall not be available. If the commissioner of finance has prepared, executed and caused to be recorded a deed conveying to a third party full and complete title to a parcel of class one or class two real property acquired by in rem tax foreclosure, the provisions contained in paragraphs 5 and 6 of this section for the release of property so acquired shall not be available.*

*8. Every deed given pursuant to the provisions of this section shall be presumptive evidence that the action and all proceedings therein and all proceedings prior thereto from and including the assessment of the lands affected and all notices required by law were regular and in accordance with all provisions of law relating thereto. After 180 days from the date of entry of the final judgment authorizing the award of possession of any parcel of class one or class two real property pursuant to the provisions of this section, the presumption shall be conclusive. No action to set aside such deed may be maintained unless the action is commenced and a notice of pendency of the action is filed in the office of the property county clerk prior to the time that the presumption becomes conclusive as aforesaid. Should any lawsuit or proceeding be commenced to set aside a deed conveying to a third party a parcel of class one or class two real property pursuant to the provisions of this section, such third party shall send to the corporation counsel within ten days of their receipt a copy of any papers served on such third party in such lawsuit or proceeding.*

*9. If the commissioner of finance does not execute a deed conveying to the city or to a third party a parcel*

*of class one or class two real property within twelve months after the entry of final judgment authorizing the award of possession of such parcel pursuant to paragraph 2 of this section, the commissioner of finance shall direct the corporation counsel to prepare and cause to be entered an order discontinuing the in rem foreclosure action as to said property, canceling the notice of pendency of such action as to said property and vacating and setting aside said final judgment. The entry of such order shall restore all parties, including owners, mortgagees and any and all lienors, receivers and administrators and encumbrancers, to the status they held immediately before such final judgment was entered.*

*10. If the commissioner of finance directs the corporation counsel, pursuant to paragraph 9 of this section, to prepare and cause to be entered an order discontinuing the in rem foreclosure action with respect to a parcel of class one or class two real property determined to be a distressed property as defined in section 11-401, the commissioner of housing preservation and development shall evaluate the parcel determined to be distressed and take such action as he or she deems appropriate under the programs, existing at the time of such evaluation, that are designed to encourage the rehabilitation and preservation of existing housing, and shall monitor or cause to be monitored the status of the property. The commissioner of housing preservation and development shall maintain a register of properties determined to be distressed.*

*§ 11-412.2 Council review of conveyance to a third party. The commissioner of finance shall, prior to the execution of a deed conveying full and complete title of any parcel of class one or class two real property to a third party pursuant to paragraph 3 of section 11-412.1 of this chapter, notify the council of the proposed conveyance. Within 90 days of the receipt of evidence and information from the department of housing preservation and development the council may act by local law disapproving the proposed conveyance. In the event the council does not act by local law within such 90 day period, the council shall be deemed to have approved the proposed conveyance. During such 90 day period or, if the city council acts by local law pursuant to this section, during the period of time from the notification of the council to the presentation to the mayor of such local law and during any additional period of time prescribed in section 36 of the charter, the 12 month period provided in paragraphs 3 and 9 of section 11-412.1 of this chapter shall be tolled.*

*§ 11-413 Withdrawal of parcels from foreclosure. a. The commissioner of finance shall, prior to final judgment, withdraw a parcel from a proceeding under this chapter for any of the following reasons, (i) a question which the commissioner deems meritorious has been raised as to the validity of the tax liens affecting the parcel, (ii) the city collector has accepted a payment of all taxes and interest which rendered the parcel subject to foreclosure hereunder because the records in the commissioner's office indicated that the principal amount of such taxes was exceeded by the principal amount of subsequent taxes which would not have rendered the parcel subject to foreclosure hereunder and which had been paid prior to the commencement of said proceeding, or (iii) in cases where the tax foreclosure action cannot be maintained such as, but not limited thereto, where the charges which rendered a parcel subject to foreclosure hereunder have been cancelled or were paid before the commencement of the foreclosure proceeding but such payment was not reported or did not clear for payment until after the commencement of said proceeding, or where a name and address appearing on an owner's registration filed pursuant to section 11-416 or 11-417 of this chapter and contained in the files of the city collector did not appear in the mailing list used by the commissioner of finance for mailing notices of foreclosure in such proceeding.*

*b. To effectuate such withdrawal the commissioner of finance shall deliver a certificate of withdrawal to the corporation counsel who shall file it in the office of the county clerk in which the list of delinquent taxes was filed. The filing of such certificate with such county clerk shall effect a discontinuance of the tax foreclosure action as to the affected parcel, and the county clerk shall thereupon note such withdrawal and discontinuance in the copy of the list of delinquent taxes maintained by him or her adjacent to the county clerk's block index of notices of pendency of action and shall cancel and discharge any and all notations of the filing of said list of delinquent taxes as to said parcel that may appear in any other books, records, indices and dockets maintained in said clerk's office.*

*c. The commissioner of finance shall also deliver a duplicate original certificate of withdrawal to the person entitled to such withdrawal and a notification to the each dwelling unit by first class mail of such property, and by posting in the property's common area, that the property is no longer subject to foreclosure under this chapter.*

*d. The commissioner of finance shall recite the parcels so withdrawn and the reasons for withdrawal in an affidavit of regularity to be submitted by the commissioner in each action brought pursuant to this chapter.*

*e. The commissioner of finance shall issue a certificate of withdrawal whenever taxes and interest are paid,*

*cancelled, liquidated or otherwise lawfully disposed of as to any parcel which was previously severed pursuant to section 11-409 of this chapter because an answer or litigation was pending.*

*§ 11-414 Right of redemption not diminished. The period of time in which any owner of, or other person having an interest in a parcel of property may redeem from a sale of a transfer of tax lien is not hereby diminished nor shall such period of time be diminished by the commencement of any action brought pursuant to this chapter.*

*§ 11-415 Priority of liens. Tax liens shall rank in priority as may now, or as may hereafter, be provided by law.*

*§ 11-416 Owner's registration; mailing tax bills and notices to registered owners or their designees. a. The commissioner of finance shall maintain a file of record of registered real property owners which identify the owner's full name and post office address and a description of the premises by reference to the section, block, and lot numbers on the tax map.*

*b. The commissioner of finance shall mail bills for taxes, charges and assessments to all owners who have filed an owner's registration as herein provided.*

*c. The commissioner of finance shall also mail notice of foreclosure and any other process required by this chapter to all owners who have filed an owner's registration whenever the parcels as to which such registration was filed are included in a list of delinquent taxes filed pursuant to this chapter. Nothing within this section shall preclude the requirement that the commissioner of finance effect personal service under subdivision d of section 11-406 of this chapter.*

*d. An owner who files an owner's registration may also designate thereon the full name and post office address of a mortgagee, lienor or other person to receive bills and notices.*

*§ 11-417 In rem registration; mailing notices to other interested persons. a. The commissioner of finance shall, in addition to the file maintained by him or her pursuant to section 11-416 of this chapter, maintain a database of registrations submitted by any person having an interest in real property who is not entitled to have tax bills mailed to him or her by the commissioner of finance, including mortgagees, lienors, encumbrancers and owners who have filed an owner's registration designating someone else to receive bills and notices. Each such registration shall be signed by the person filing such registration or a duly authorized representative, shall contain a description of the premises by reference to the section, block and lot numbers on the tax map and shall state the date on which said registration was filed, the full name and post office address of the person filing said registration and the nature of the interest said person has in said premises.*

*b. The commissioner of finance shall mail a notice of foreclosure and serve any process required by this chapter to each person who has filed a registration whenever the parcels to which such registrations refer are included in a list of delinquent taxes filed pursuant to this chapter.*

*§ 11-418 Writ of assistance. The city, after acquiring title to premises under and pursuant to the terms and provisions of this chapter, shall be entitled to a writ of assistance, with the same force and effect as if the city had acquired the property by virtue of a mortgage foreclosure.*

*§ 11-419 Consolidation of actions. Actions or proceedings pending in the courts, or otherwise, to cancel a sale of a tax lien on lands a lien upon which is being foreclosed by action under this chapter, shall be terminated upon the institution of a foreclosure action pursuant to this chapter, and the rights and remedies of the parties in interest to such pending actions or proceedings shall be determined by the court in such foreclosure action.*

*§ 11-420 Lands held for public use; right of sale. Whenever the city shall become vested with the title to lands by virtue of a foreclosure proceeding brought pursuant to the provisions of this chapter, such lands shall, unless actually used for other than municipal purposes, be deemed to be held by the city for a public use but for a period of not more than three years from the date of the final judgment. The city is hereby authorized to sell and convey such lands in the manner provided by law for the sale and conveyance of other real property held and owned by the city and not otherwise.*

*§ 11-421 Certificate of sale as evidence. The transfer of tax lien or any other written instrument representing a tax lien shall be presumptive evidence in all courts in all proceedings under this chapter by and against the purchaser and his or her representatives, heirs and assigns, of the truth of the statements therein, of the title of the purchaser to the property therein described, and of the regularity and validity of all proceedings had in reference to the taxes, assessments or other legal charges for the nonpayment of which the tax lien was sold and the sale thereof. After two years from the issuance of such certificate or other written instrument, no evidence shall be admissible in any court in a proceeding under this chapter to rebut such presumption unless the holder thereof shall have procured such transfer of tax lien or such other written instrument by fraud or had previous*

*knowledge that it was fraudulently made or procured.*

*§ 11-422 Deed in lieu of foreclosure. The city may accept a conveyance of the interest of any person having any right, title, interest, claim, lien or equity of redemption in or to such parcel.*

*§ 11-423 Sales and foreclosures of tax liens. Notwithstanding any of the provisions of this chapter the city may continue to sell tax liens, transfer the same to purchasers and become the purchaser at such sales of tax liens in the manner provided by this title.*

*§ 11-424 Application to the city for release of property acquired by in rem tax foreclosure. a. 1. The city's interest in property acquired by in rem tax foreclosure may be released pursuant to this section on the application of any party who had an interest in said property as either owner, mortgagee, lienor or encumbrancer at the time of the city's acquisition thereof where such application is made at any time up to two years from the date on which the deed by which the city acquired title to said property was recorded.*

*2. Notwithstanding any inconsistent provision of paragraph one of this subdivision to the contrary, the city's interest in property acquired by in rem tax foreclosure may be released pursuant to this section upon application of any party who had an interest in said property as either owner, mortgagee, lienor or encumbrancer at the time of the city's acquisition thereof where such application is made more than two years after the date on which the deed by which the city acquired title to said property was recorded provided such application is authorized by the council as hereinafter provided. An application for such release and the documents required by subdivision c in support thereof shall be filed with the department of citywide administrative services in the manner provided in subdivision b of this section. The department of citywide administrative services shall give the council written notice of the receipt of each such filing. After review and approval of the application by the corporation counsel as to form and eligibility of the applicant, the department of citywide administrative services shall send a copy of such application to the in rem foreclosure release board and to the council. Upon receipt of such application, the in rem foreclosure release board shall take no further action on such application unless the council adopts a resolution within 120 days following the first stated meeting of the council after receipt of such application authorizing the board to consider such application. If the council fails to adopt a resolution within such 120 day period, the council shall be deemed to have denied its authorization for the board to consider such application. A resolution of the council pursuant to this paragraph shall describe the property for which release is sought by borough, tax map, block and lot number and shall specify that release of the city's interest in such property is subject to the approval of the in rem foreclosure release board and to all the conditions and restrictions set forth in this section.*

*b. Any such application shall be made in writing to the commissioner of citywide administrative services and shall be verified. It shall contain the name and address of the applicant and shall state the date on which and the in rem action by which the city acquired title to the property sought to be released. It shall also contain a statement specifying the nature of the applicant's interest in the property and a full description of the instrument from which the applicant's interest derives including the date of execution, the date and place of the recording or entry of said instrument and the parties thereto. In the event the applicant's interest arises by reason of the death of a prior owner, mortgagee, lienor or encumbrancer, then the application shall also state the applicant's relationship to said decedent and shall include whatever additional information may be necessary to prove the applicant's right to make such application.*

*c. Each application shall be supported by the certified search of the city register or by an official letter, certificate or certified search of any title insurance or abstract company, organized and doing business under the laws of this state. Such supporting instruments shall recite the recording data both as to the deed by which the city acquired title to the parcel sought to be released and the instrument from which the applicant's interest derives. In the event the applicant's interest does not appear of record but is derived by the death of an owner, mortgagee, lienor or encumbrancer of record, then the application shall also be supported by the affidavit of the applicant or other person having information thereof, or by the duly written certificate or certification of the county clerk or the clerk of any surrogate's or other court of record, or by any other instrument or document required by the corporation counsel to substantiate the applicant's right to file such application in compliance with the provisions of this section.*

*d. The city's interest shall be released only after payment, as to each parcel to be released, of the following sums of money:*

*1. The principal amount due on all unpaid taxes, assessments, water charges and sewer rents appearing on the list of delinquent taxes and accruing thereafter together with interest at the rate or rates provided by law.*

2. Any deficiency which may result to the city after all payments made by it for the repair, maintenance, and operation of the lands, real estate or real property shall have been charged or debited in the appropriate accounts of the city and all rents, license fees and other moneys collected by the city as a result of its operation of the said lands, real estate or real property shall have been credited in such accounts. Any contract for repair, maintenance, management or operation made by the city on which it shall be liable, although payment thereon shall not have been made, shall be deemed a charge or debit to such accounts as though payment had been made. The amounts paid and collected by the city as shown in its accounts and the necessity for making the several payments and contracts to be charged as herein provided shall be conclusive upon the applicant. Where a deficiency under this subdivision shall be created or increased by the failure of the city to collect rents, license fees or other moneys to which the city may have been entitled, the right to collect or to bring action for the same shall be assigned, transferred and set over to the applicant by an instrument in writing.

3. A reasonable monthly fee to be determined by the city, through the department of citywide administrative services, for management services and operations of the lands, real estate or real property by the city prior to the release of said lands, real estate or property.

4. The city, through the department of citywide administrative services, shall also require as additional consideration for such release, the payment of all arrears on mortgages held by the city and all liens accruing to it by operation of law including but not limited to relocation and emergency repair liens.

e. The corporation counsel shall effect the release of the city's interest in property acquired by in rem tax foreclosure, as provided for in this section, by preparing and causing to be entered an order discontinuing the in rem tax foreclosure action as to said property, cancelling the notice of pendency of such action as to said property and vacating and setting aside the in rem judgment of foreclosure and the deed executed and recorded pursuant to such judgment of foreclosure as to said property. The entry of such order shall restore all parties, including owners, mortgagees and any and all lienors, receivers and administrators and encumbrancers, to the status they held at the time the city acquired title to said property, as if the in rem tax foreclosure had never taken place, and shall render said property liable for all taxes, deficiencies, management fees and liens which shall accrue subsequent to those paid in order to obtain the release provided for in this section, or which were, for whatever reason, omitted from the payment made to obtain said release.

f. If an application pursuant to this section, and the documents required by subdivision c of this section in support thereof, are filed within 180 days after the date of the city's acquisition of the subject property, said application shall be granted providing the corporation counsel approves the application as to form, timeliness and eligibility of the applicant and providing the applicant has paid all amounts required to be paid by subdivision d of this section within 30 days of the date on which a letter requesting applicant to make such payment is mailed or delivered to the applicant. The city shall not sell or assign any property acquired by in rem tax foreclosure within 180 days of said acquisition but this provision shall not prevent the city from authorizing condemnation of such property or vesting title thereto in a condemnation proceeding during said 120 day period. In the event an application pursuant to this section is filed within 180 days of the city's acquisition by in rem tax foreclosure and title to the subject property vests in condemnation before the city's interest therein has been released by the vacate order provided for herein, the applicant shall be entitled to the condemnation award for such property without the entry of such vacate order, providing the corporation counsel has approved the application as aforesaid and providing that the amounts specified in subdivision d of this section, if not previously paid, are deducted from said condemnation award, with taxes apportioned to the date of the condemnation title vesting.

g. If an application for a release of the city's interest in property acquired by in rem tax foreclosure, and the documents required by subdivision c of this section in support thereof, have been filed within the time allowed in paragraph one of subdivision a of this section, but more than 180 days after the date of the city's acquisition or if an application for such release has been authorized by a resolution of the council pursuant to paragraph two of subdivision a of this section and such application and the documents required by subdivision c of this section in support thereof have been filed, the in rem foreclosure release board a may, in its discretion, authorize the release of the city's interest in said property pursuant to this section, provided that the application has been approved by the corporation counsel as to form, timeliness and eligibility of the applicant and provided that the city has not sold or otherwise disposed of said property and provided, further, that said property has not been condemned or assigned to any agency of the city and is not the subject of contemplated use for any capital or urban renewal project of the city. The corporation counsel shall effect such discretionary release only where the

applicant, after the board's authorization of the release, has paid all the amounts required to be paid by subdivision d of this section within 30 days of the date on which a letter requesting the applicant to make such payment is mailed or delivered to the applicant. The in rem foreclosure release board may also, in its discretion, authorize a release of the city's interest in such property, pursuant to the above provisions, whenever an application for such release, approved as to form, timeliness and eligibility by the corporation counsel, has been filed at any time during the period allowed in subdivision a of this section in which the applicant has requested a payment plan agreement of the commissioner of citywide administrative services for the payment of the amounts required to be paid by subdivision d of this section, provided that said commissioner has approved such request. The commissioner of citywide administrative services shall not approve any such request unless the applicant shall have given notice by certified mail to each occupant residing in the parcel, of the request and shall have given such commissioner an affidavit stating that such notice has been provided, within 30 days after the request. Any false statement in such affidavit shall not in any way affect the validity of the agreement, be grounds for its cancellation or in any way affect the release of the city's interest in the parcel. Such agreement shall require, in addition to full payment of the amounts due under paragraphs two, three, four, five and six of subdivision d of this section, a first installment of 20 percent of the amount due under paragraph one of said subdivision d with the balance of said amount to be paid in four equal quarterly installments together with all current taxes, assessments or other legal charges that accrue during such period; provided, however, that: (i) whenever a request for a payment plan agreement is made of the commissioner of citywide administrative services by a company organized pursuant to article xi of the private housing finance law with the consent and approval of the department of housing preservation and development or for a parcel which is an owner-occupied residential building of not more than five residential units, the commissioner of citywide administrative services may, as to that portion of the amounts due under paragraph one of subdivision d of this section which became due prior to the acquisition by the article xi company of its interest in the property and as to the amount due under paragraph one of subdivision d of this section in the case of such an owner-occupied building, approve a reduction of such first installment to an amount not less than 10 percent of the amount due under paragraph one of subdivision d of this section and an increase in the number of the following equal quarterly installments to a number which shall be equal to three times the number of unpaid quarters of real estate taxes or the equivalent thereof but which shall in no event exceed forty-eight, and (ii) notwithstanding the preceding clause, whenever a payment plan agreement is requested on or after the date on which this clause takes effect with respect to a parcel that, immediately prior to the city's acquisition thereof by in rem tax foreclosure, was owned by a company organized pursuant to article xi of the state private housing finance law with the consent and approval of the department of housing preservation and development, or with respect to a parcel that is a residential building containing not more than five residential units, a residential condominium unit or a residential building held in a cooperative form of ownership, the commissioner of general services may, as to the amount due under paragraph one of subdivision d of this section, approve a payment plan agreement containing the terms relating to the required percentage payment for the first installment and the required number of subsequent quarterly installments. For purposes of calculating the number of such following equal quarterly installments, unpaid real estate taxes or the equivalent which are due and payable on an other than quarterly basis, shall be deemed to be payable on a quarterly basis. Where the in rem foreclosure release board denies an application requesting a payment plan agreement, the board shall authorize a release of the city's interest, provided that the applicant thereafter pays all the amounts required to be paid by subdivision d of this section within 30 days of the date on which a letter requesting such payment is mailed or delivered to the applicant only when said application and the documents required by subdivision c of this section in support thereof were filed within 30 days of the date of the city's acquisition of the property sought to be released. Where the in rem foreclosure release board denies an application requesting a payment plan agreement which was filed more than 30 days after the date of the city's acquisition, the board may, in its discretion, authorize a release of the city's interest, provided that the applicant thereafter pays all the amounts required to be paid by subdivision d of this section within 30 days of the date on which a letter requesting such payment is mailed or delivered to the applicant. Where the in rem foreclosure release board approves an application requesting a payment plan agreement, the order releasing the city's interest shall provide that in the event of any default as to the payment of either quarterly installments or current taxes, assessments or other legal charges during the term of such agreement, as set forth in the board's resolution, all payments made under said agreement shall be forfeited and the city shall be entitled to reacquire the property so released. The corporation counsel shall effect such reacquisition by causing to be

*entered as to such property a supplemental judgment of foreclosure in the in rem action by which said property was originally acquired immediately on notification by the commissioner of finance of such default.*

*h. An owner of property entitled to an exemption under any of the provisions of article four of the real property tax law during all or part of the period covered by the tax items appearing on a list of delinquent taxes may apply for a release of the city's interest in such exempt property under the provisions of this section during the periods of time set forth herein and for an additional period up to ten years from the date of the city's acquisition of said property by in rem foreclosure. The application of such owner shall contain, in addition to the statements, searches and proofs required by this section, a statement that an exemption under the real property tax law is being claimed. Such application shall also state either that it is accompanied by the written certificate of the comptroller setting forth the precise period during which said property, while owned by such applicant, and during the period after the city's acquisition up to the date of the certificate if said property was still being used for an exempt purpose after said acquisition, was entitled to an exemption and the exact nature and extent of such exemption or that an application for such written certificate has been filed with the comptroller. On issuing such written certificate, the comptroller shall cancel those tax items which have accrued during the period covered by the certificate to the extent the applicant is entitled to an exemption as set forth in the certificate. Where an application by an exempt owner is filed more than 120 days after the date of the city's acquisition of the subject property, a release of the city's interest may be issued only at the discretion of the in rem foreclosure release board and subject to all the restrictions set forth in the preceding subdivision. A release to an exempt applicant shall be effected only after said applicant has paid all the amounts required to be paid by subdivision d of this section, except for those tax items which have been cancelled, in whole or in part, pursuant to the comptroller's certificate, within 30 days of the date on which a letter requesting payment is mailed or delivered to the applicant.*

*i. The corporation counsel shall also effect the release of the city's interest in property acquired by in rem foreclosure, as provided for in this action, whenever the commissioner of finance shall accept as to any parcel so acquired, the payment provided for in item (ii) of subdivision a of section 11-413 of this chapter. Said commissioner may accept such payment at any time within 120 days of the date of the city's acquisition and may further, subject to the approval of the in rem foreclosure release board, accept such payment at any time more than 120 days after the date of the city's acquisition but less than two years from the date on which the city's deed was recorded providing said property has not been sold or otherwise disposed of nor condemned or assigned to any agency of the city and is not the subject of contemplated use of any capital or urban renewal project of the city. § 11-424.1 In rem foreclosure release board. There shall be an in rem foreclosure release board consisting of the mayor, the speaker of the city council, the affected borough president, the corporation counsel and the commissioner of finance. For the purposes of this section, the affected borough president shall be the president of the borough in which a property proposed for release pursuant to this section is located. Members of the board may, by written authority filed with the board and with the city clerk, appoint delegates to act on their behalf as members of the board. The board shall have the power, acting by resolution, to authorize the release of the city's interest in property acquired by in rem tax foreclosure in accordance with sections 11-412.1 and 11-424 of the code based upon a determination, in its discretion, that such release would be in the best interests of the city. The board shall act after a meeting at which the public has been provided an opportunity to comment on the proposed action. A resolution of the board authorizing a release of the city's interest in any property shall be adopted only upon the affirmative vote of not less than a majority of all the members of the board. The board may consider any information it deems relevant to a determination. The board shall not be required to state the reasons for its determination.*

*§ 11-425 Disposition of proceeds of sales of properties acquired by city through tax enforcement foreclosure proceedings. a. The proceeds of the sale of real property acquired through tax enforcement foreclosure proceedings, or by deed in lieu thereof, including subsequent receipts in diminution of purchase money mortgages accepted at the time of sale, shall be applied as follows:*

*1. The amount of the unpaid real estate taxes accrued against such property from the first day of January or the first day of July, whichever first immediately precedes the date on which title vested in the city to the date of conveyance of title by the city, without interest or penalties thereon, shall be credited to the tax deficiency account.*

*2. The balance, if any, remaining after deduction of the amount specified in paragraph a hereof, shall be paid into the funds hereinafter specified in the following order:*

(a). A sum equal to the amount of the unpaid assessments for local improvements accrued against such property at the date of commencement of the foreclosure proceeding and up to the date of conveyance of title by the city, without interest or penalties thereon, shall be paid into the appropriate assessment funds.

(b). A sum equal to the amount of unpaid sewer rents, including interest and penalties thereon, accrued against such property at the date of commencement of the foreclosure proceedings and up to the date of conveyance of title by the city shall be paid into the sewer fund.

(c). The amount of the brokerage fee and other expenses expended by the city in connection with such sale shall be paid into the fund or code to which such fee was charged.

(d). The balance of such proceeds, if any, and the interest on any purchase money mortgage accepted by the city at the time of such sale shall be paid to the property owner.

§ 11-426 Corrective action plans. The owner of a distressed property as defined in section 11-401 that has open hazardous and immediately hazardous violations, shall submit to the department of housing preservation and development or the department of finance, the following: (i) the names of any contractors retained by the owner to clear any outstanding hazardous or immediately hazardous violations; (ii) the date by which any hazardous or immediately hazardous violations will be cleared; and (iii) any funding obtained by the owner to clear any hazardous or immediately hazardous violations. The owner shall submit the corrective action plan to the department of housing preservation and development and the department of finance for approval. The department of housing preservation and development and the department of finance shall provide approval of the corrective action plan within 45 days of receipt of such plan. Should the department of housing preservation and development and the department of finance decline to approve a corrective action plan, the department of housing preservation and development and the department of finance may provide an option to resubmit such corrective action plan for approval.

§ 11-427 Defaults. a. An owner who has entered into a payment plan agreement with the department of finance or the department of environmental protection will be in default of such agreement, if any installment required under an agreement remains unpaid for a period of 60 days from the date payment is required to be made. In the event of default of a payment plan agreement pursuant to this subdivision, the agreement may be cancelled. Such a default may be cured upon payment, within 60 days from the date the payment was required to be paid, of the unpaid payments, including of all past due payments required by the agreement, and all other charges that became due during the term of the agreement that are past due and unpaid at the time of the default. If the default is not cured, all sums previously paid shall be returned to the owner.

b. If a default is not cured as described in subdivision a of this section, the owner of the affected property, or a residential cooperative owned by a company organized pursuant to article xi of the private housing finance law, will not be eligible to enter into a payment plan agreement with the department of finance or department of environmental protection, for the affected property for five years from the date of such default, unless the property owner can demonstrate that there were extenuating circumstances that prevented the property owner from curing the default.

§ 2. This local law takes effect 180 days after becoming law, and the entirety of section 11-412.1 is deemed repealed on December 31, 2025.

Referred to the Committee on Housing and Buildings (preconsidered but laid over by the Committee on Housing and Buildings).

Int. No. 2445

By Council Members Dromm and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of social services and the department of homeless services to report on requests for agency conferences, requests for fair hearings and representation at fair hearings for applicants denied public benefits and temporary housing**

*Be it enacted by the Council as follows:*

Section 1. The title of subdivision c of section 21-142 of the administrative code of the city of New York, as added by local law number 170 for the year 2019, is amended to read as follows:

c. Denial report[.] *for applications for ongoing cash or supplemental nutrition assistance.*

§ 2. Section 21-142 of the administrative code of the city of New York, as added by local law number 170 for the year 2019, is amended by adding a new subdivision c-1 to read as follows:

*c-1. Report on agency conferences and fair hearings for applicants denied any of the public benefits administered by the department. The department shall post on its website and submit to the mayor, the speaker of the council and the public advocate a report on agency conferences and fair hearings requested by applicants denied any of the public benefits administered by the department. The first such report shall be due on November 15, 2022 and shall cover the quarter that began on July 1, 2022. Subsequent reports shall be posted and submitted no later than 45 days after the end of each quarter thereafter. Such reports shall be submitted with the report required by subdivision c of this section and shall include the following information:*

*1. Any language used in the written notices of determination of ineligibility that the department provided to case heads to explain the department's denial of any of the public benefits administered by the department;*

*2. The total number and percent of applications for any of the public benefits administered by the department that the department denied, disaggregated by whether the case head requested an agency conference, requested a fair hearing or had representation at the fair hearing;*

*3. The total number and percent of each type of application for public benefits administered by the department that the department denied, disaggregated by whether the case head requested an agency conference, requested a fair hearing or had representation at the fair hearing; and*

*4. The data required by paragraphs 2 and 3 of this subdivision shall be further disaggregated by the following information:*

*(a) The council district the case head lives in;*

*(b) Such case head's reported race, ethnicity, ancestry, gender identity, sexual orientation and age category;*

*(c) The languages such case head speaks;*

*(d) Whether such case head has limited English proficiency; and*

*(e) Whether such case head received a reasonable accommodation for a disability from the department.*

§ 3. Subdivision e of section 21-142 of the administrative code of the city of New York, as added by local law number 168 for the year 2019, is amended to read as follows:

e. The reports produced pursuant to subdivisions b, c, c-1 and d of this section shall be stored permanently and shall be accessible on the department's website. Reports required pursuant to this section shall not contain personally identifiable information.

§ 4. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-328 to read as follows:

§ 21-328 *Report on agency conferences and fair hearings for applicants denied temporary housing. a. Definitions. For the purposes of this section, the term "case head" has the same meaning as provided in section 21-142.*

*b. The department shall post on its website and submit to the mayor, the speaker of the council and the public advocate a report on agency conferences and fair hearings requested by those applicants denied temporary housing. The first such report shall be due on November 15, 2022 and shall cover the quarter that began on July 1, 2022. Subsequent reports shall be posted and submitted no later than 45 days after the end of each quarter thereafter. Such reports shall be submitted with the report required by section 21-142 and shall include the following information:*

*1. Any language used in the written notices of determination of ineligibility that the department provided to case heads to explain the department's denial of temporary housing;*

*2. The total number and percent of applications for temporary housing that the department denied, disaggregated by whether the case head requested an agency conference, requested a fair hearing or had representation at the fair hearing; and*

*3. The data required by paragraph 2 of this subdivision shall be further disaggregated by the following information:*

*(a) The council district the case head lives in;*

- (b) Such case head's reported race, ethnicity, ancestry, gender identity, sexual orientation and age category;
- (c) The languages such case head speaks;
- (d) Whether such case head has limited English proficiency; and
- (e) Whether such case head received a reasonable accommodation for a disability from the department.

c. The reports produced pursuant to subdivision b of this section shall be stored permanently and shall be accessible on the department's website. The reports required by subdivision b shall not contain any personally identifiable information.

§ 5. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 2446

By Council Members Dromm and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring asbestos surveys and abatement after certain catastrophic events**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-106.5 to read as follows:

**§ 28-106.5 Asbestos survey and abatement after certain catastrophic events.** *Where the structure of a building has been thoroughly damaged or disturbed due to a catastrophic event, such as a collapse, explosion or impact which has a severe material and detrimental effect on the structural integrity of a building, the owner of such building shall conduct a survey to determine if asbestos-containing materials were impacted or disturbed by such event. Upon a determination by a certified asbestos investigator that such asbestos-containing materials were impacted or disturbed, such building shall require asbestos abatement to the extent determined by such investigator and as required by the rules of the department of environmental protection. The department of environmental protection shall promulgate rules in furtherance of the provisions of this section.*

§ 2. This local law takes effect 120 days after it becomes law, except that the department of environmental protection shall take such measures as are necessary for the implementation of this local law, including promulgation of rules, prior to such date.

Referred to the Committee on Housing and Buildings.

Int. No. 2447

By Council Members Dromm and Louis.

**A Local Law to amend the New York city plumbing code and the New York city building code, in relation to gender-neutral multiple-occupant toilet rooms**

*Be it enacted by the Council as follows:*

Section 1. Section PC 202 of the New York city plumbing code is amended by adding a new definition of "MULTIPLE-OCCUPANT TOILET ROOM" in alphabetical order to read as follows:

**MULTIPLE-OCCUPANT TOILET ROOM.** A toilet room with a configuration of multiple fixtures, whether directly available in such room or solely accessible through such room, to facilitate the simultaneous use of such toilet room by two or more persons.

§ 2. The definition of “SINGLE-OCCUPANT TOILET ROOM” in section PC 202 of the New York city plumbing code, as amended by local law number 79 for the year 2016, is amended to read as follows:

**SINGLE-OCCUPANT TOILET ROOM.** [A toilet room with no more than one water closet and no more than one urinal.] An enclosed space defined by walls and having a securable door that does not contain fixtures in excess of one water closet, one urinal, and one lavatory which is intended to be used by a single individual independently or an individual requiring assistance.

**[Exception:** A toilet room with one urinal and a door to such room that is not securable from within.]

§ 3. Table 403.1 of the New York city plumbing code is amended to read as follows:

**TABLE 403.1  
MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES<sup>a</sup>  
(See Sections 403.2 and 403.3)**

NO.	CLASSIFICATION	OCCUPANCY <sup>i</sup>	DESCRIPTION	WATER CLOSETS (URINALS SEE SECTION 419.2)		LAVATORIES		BATHTUBS/ SHOWERS	DRINKING FOUNTAIN (SEE SECTION 410.1) <sup>e,f</sup>	OTHER
				[MALE]	[FEMALE]	[MALE]	[FEMALE]			
1	Assembly	A-1 <sup>d</sup>	Theaters and other buildings for the performing arts and motion pictures	1 per [70] <u>55</u> for the first [210] <u>220</u> and 1 per [125] <u>85</u> for the remainder exceeding [210] <u>220</u>	[1 per 35 for the first 210 and 1 per 65 for the remainder exceeding 210]	1 per 200		—	1 per 500	1 service sink
		A-2 <sup>d</sup>	Nightclubs, bars <sup>g</sup> , taverns, dance halls and buildings for similar purposes	1 per [75] <sup>j</sup> <u>55</u> <sup>j</sup>	[1 per 40] <sup>j</sup>	1 per 75		—	1 per 500	1 service sink
			Restaurants <sup>h</sup> , banquet halls and food courts	1 per 75	[1 per 75]	1 per 200		—	1 per 500	1 service sink

		A-3 <sup>d</sup>	Auditoriums without permanent seating, art galleries, exhibition halls, museums, lecture halls, libraries, arcades and gymnasiums	1 per [70] <u>55</u> for the first [210] <u>220</u> and 1 per [125] <u>85</u> for the remainder exceeding [210] <u>220</u>	[1 per 35 for the first 210 and 1 per 65 for the remainder exceeding 210]	1 per 200		—	1 per 500	1 service sink
			Passenger terminals and transportation facilities	1 per 500	[1 per 500]	1 per 750		—	1 per 1,000	1 service sink
			Places of worship and other religious services	1 per [150] <u>90</u>	[1 per 75]	1 per 200		—	1 per 1,000	1 service sink
		A-4	Coliseums, arenas, skating rinks, pools and tennis courts for indoor sporting events and activities	1 per [75] <u>50</u> for the first 1,500 and 1 per [120] <u>80</u> for the remainder exceeding 1,500	[1 per 40 for the first 1,500 and 1 per 60 for the remainder exceeding 1,500]	1 per 200	[1 per 150]	—	1 per 1,000	1 service sink

		A-5	Stadiums, amusement parks, bleachers and grandstands for outdoor sporting events and activities	1 per [75] 50 for the first 1,500 and 1 per [120] 80 for the remainder exceeding 1,500	[1 per 40 for the first 1,520 and 1 per 60 for the remainder exceeding 1,520]	1 per 200	[1 per 150]	—	1 per 1,000	1 service sink
2	Business	B <sup>k</sup>	Buildings for the transaction of business, professional services, other services including merchandise, office buildings, banks, light industrial and similar uses	No. of persons [for each sex] 1 -20 21-45 46-70 71-100 101-140 141-190 1 fixture for each additional 50 persons	No. of fixtures 1 2 3 4 5 6	No. of persons [for each sex] 1-25 26-50 51-75 76-115 116-160 1 fixture for each additional 60 persons	No. of fixtures 1 2 3 4 5	—	1 per 100	1 service sink
3	Educational	E	Educational facilities	1 per 50		1 per 50		—	1 per 100	1 service sink
4	Factory and industrial	F-1 and F-2	Structures in which occupants are engaged in work fabricating, assembly or processing of products or materials	1 per 100		1 per 100		(see Section 411)	1 per 400	1 service sink
5	Institutional	I-1 <sup>m</sup>	Residential care	1 per 10		1 per 10		1 per 8	1 per 100	1 service sink
		I-2	Hospital ambulatory nursing home patients	1 per room <sup>c</sup>		1 per room <sup>c</sup>		1 per 15	1 per 100	1 service sink per floor

			Employees, other than residential care <sup>b</sup>	1 per 25	1 per 35	—	1 per 100	—
			Visitors, other than residential care	1 per 75	1 per 100	—	1 per 500	—
		I-3	Prisons <sup>b</sup>	1 per cell	1 per cell	1 per 15	1 per 100	1 service sink
			Reformatories, detention centers, and correctional centers <sup>b</sup>	1 per 15	1 per 15	1 per 15	1 per 100	1 service sink
			Employees <sup>b</sup>	1 per 25	1 per 35	—	1 per 100	—
		I-4	Adult day care and Childcare	1 per 15	1 per 15	1 per 15	1 per 100	1 service sink
6	Mercantile	M	Retail stores, service stations, shops, salesrooms, markets and shopping centers	1 per 500	1 per 750	—	1 per 1,000	1 service sink
7	Residential	R-1 <sup>m</sup>	Hotels, motels, boarding houses (transient)	1 per guestroom	1 per guestroom	1 per guestroom	—	1 service sink
		R-1 <sup>m</sup>	Dormitories, fraternities, sororities and boarding houses (not transient)	1 per 10	1 per 10	1 per 8	1 per 100	1 service sink

		R-2 <sup>m</sup>	Apartment house	1 per dwelling unit	1 per dwelling unit	1 per dwelling unit	—	1 kitchen sink per dwelling unit; 1 automatic clothes washer connection per 20 dwelling units
		R-3	One- and two-family dwellings	1 per dwelling unit	1 per dwelling unit	1 per dwelling unit	—	1 kitchen sink per dwelling unit; 1 automatic clothes washer connection per dwelling unit
		R-3 <sup>m</sup>	Congregate living facilities with 16 or fewer persons	1 per 10	1 per 10	1 per 8	1 per 100	1 service sink
8	Storage	S-1 and S-2	Structures for the storage of goods, warehouses, storehouse and freight depots. Low and moderate hazard	1 per 100	1 per 100	See Section 411	1 per 1,000	1 service sink

- a. The fixtures shown are based on one fixture being the minimum required for the number of persons indicated. Any fraction of the number of persons requires an additional fixture. The number of occupants shall be determined by the *New York City Building Code*.
- b. Toilet facilities for employees shall be separate from facilities for inmates or patients
- c. A single-occupant toilet room with one water closet and one lavatory serving not more than two adjacent patient sleeping units shall be permitted where such room is provided with direct access from each patient sleeping unit and with provisions for privacy.

- d. The occupant load for seasonal outdoor seating and entertainment areas shall be included when determining the minimum number of facilities required.
- e. The minimum number of required drinking foundations shall comply with table 403.1 and Chapter 11 of the *New York City Building Code*.
- f. Drinking fountains are not required for an occupant load of 15 or fewer.
- g. For the purposes of this table only, "Bar" shall mean a business establishment or a portion of a nonprofit entity devoted primarily to the selling and serving of alcoholic beverages for consumption by the public, guests, patrons, or members on the premises and in which the serving of food is only incidental.
- h. The total number of occupants for a single establishment comprising of a restaurant with an accessory bar shall be considered as a restaurant for the purposes of determining the minimum number of plumbing fixtures.
- i. As per the *New York City Building Code*.
- j. The requirements for the number of water closets for a total occupancy of 150 persons or fewer shall not apply to bars except that, subject to the requirements of [Section] Sections 403.2 and 403.2.1, there shall be [at least one water closet for men and at least one water closet for women or] at least two [single-occupant toilet rooms] water closets.
- k. The number of fixtures for building or nonaccessory tenant space used for assembly purposes by fewer than 75 persons and classified as Group B occupancy in accordance with Section 303.1, Exception 2 of the *New York City Building Code* shall be permitted to be calculated in accordance with the requirements for Assembly occupancies.
- m. In addition to the requirements of Table 403.1, residential occupancies I-1, R-1, R-2, and R-3 shall provide fixtures in compliance with the requirements of Section 614 for emergency drinking water access.

§ 4. Section 403.1.1 of the New York city plumbing code is amended to read as follows:

**§ 403.1.1 Fixture calculations.** [Where separate fixture ratios are provided to male and female individually in Table 403.1, the total occupant load shall first be divided in half before the corresponding fixture ratio is applied individually to each sex. Where a single fixture ratio is provided to the total occupant load in Table 403.1, such ratio shall be applied to the total occupant load including both male and female before dividing the resulting number of fixtures equally between male and female.] Fractional numbers resulting from applying the fixture ratios of Table 403.1 shall be rounded up to the next whole number. For calculations involving multiple occupancies, such fractional numbers for each occupancy shall first be summed and then rounded up to the next whole number. Fixture calculations in Group B office occupancies shall utilize the total occupant load on a given floor to determine the number of fixtures required for that floor.

**[Exception:** The total occupant load shall not be required to be divided in half where approved statistical data indicates a distribution of the sexes of other than 50 percent of each sex.]

§ 5. Section 403.1.2 of the New York city plumbing code is REPEALED and a new section 403.1.2 is added to read as follows:

**§ 403.1.2 Additional fixtures.** Fixtures provided in addition to those required pursuant to Table 403.1 for any occupancy listed therein shall be available for use by persons of any sex in accordance with section 403.2 or section 403.2.1 of the plumbing code, or section 1109.2.1 of the building code, as applicable.

§ 6. Section 403.1.3 of the New York city plumbing code, as added by local law number 79 for the year 2016, is REPEALED.

§ 7. Section 403.2 of the New York city plumbing code is REPEALED and a new section 403.2 is added to read as follows:

**§ 403.2 Multiple-occupant toilet rooms.** All water closets and urinals in multiple-occupant toilet rooms shall be enclosed within single-occupant toilet rooms and available for use by persons of any sex.

**Exception:** Where egress from a multiple-occupant toilet room is through a room permissibly restricted by sex.

§ 8. Section 403.4 of the New York city plumbing code, as amended by local law number 79 for the year 2016, is amended to read as follows:

**§ 403.4 Signage.** Required public facilities shall be designated by a legible sign for each sex where separate facilities are permissible or, for a single-occupant toilet room or applicable multiple-occupant toilet room, for all sexes. Signs shall be readily visible and located near the entrance to each toilet facility. [Existing single-occupant toilet rooms shall comply with this requirement by January 1, 2017.]

§ 9. Section 405.3.2 of the New York city plumbing code, as added by local law number 99 for the year 2005, is amended to read as follows:

**§ 405.3.2 Public lavatories.** In employee and public single-occupant toilet rooms, the required lavatory shall be located in the same room as the required water closet. In employee and public multiple-occupant toilet rooms, the required lavatories shall be located either (i) in each single-occupant toilet room within such multiple-occupant toilet room as required pursuant to section 403.2 or (ii) in a location equally accessible to all persons within such multiple-occupant toilet room.

§ 10. Section 419.2 of the New York city plumbing code, as added by local law number 99 for the year 2005, is amended to read as follows:

**§ 419.2 Substitution for water closets.** In each bathroom or toilet room, urinals shall not be substituted for more than [50 percent] one-third of the required water closets. In a multiple-occupant toilet room, a urinal shall not be substituted for a water closet unless such multiple-occupant toilet room contains three or more single-occupant toilet rooms.

§ 11. Section 1109.2.1 of the New York city building code is amended to read as follows:

**§ 1109.2.1 Family or assisted-use toilet and bathing rooms.** In assembly and mercantile occupancies, an accessible family or assisted-use toilet room shall be provided where an aggregate of six or more [male and female] water closets is required. In buildings of mixed occupancy, only those water closets required for the assembly or mercantile occupancy shall be used to determine the family or assisted-use toilet room requirement. In recreational facilities where separate-sex bathing rooms are provided, an accessible family or assisted-use bathing room shall be provided. Fixtures located within family or assisted-use toilet and bathing rooms required by this section are permitted to be included in the number of fixtures required by the *New York City Plumbing Code* [for either the male or female occupants].

**Exception:** Where each separate-sex bathing room has only one shower or bathtub fixture, a family or assisted-use bathing room is not required.

§ 12. Section 1109.2.2 of the New York city building code is amended to read as follows:

**§ 1109.2.2 Water closet compartment.** Where water closet compartments are provided in a multiple-occupant toilet room or bathing room, at least one wheelchair-accessible compartment shall be provided. Where the combined total water closet compartments and urinals provided in a multiple-occupant toilet room or bathing room is six or more, at least one ambulatory-accessible water closet compartment shall be provided in addition to the wheelchair-accessible compartment. Wheelchair-accessible and ambulatory-accessible compartments shall comply with ICC A117.1 including Section 604.9 (Wheelchair Accessible Compartments) and 604.10 (Ambulatory Accessible Compartments).

§ 13. Item 4 of section 1110.2 of the New York city building code, as amended by local law number 79 for the year 2016, is amended to read as follows:

4. At each separate-sex toilet and bathing room and inaccessible single-occupant or multiple-occupant toilet room indicating the location of the nearest accessible family or assisted-use toilet or bathing room where provided in accordance with Section 1109.2.1.

§ 14. This local law takes effect one year after it becomes law, except that the commissioner of buildings, the commissioner of health and mental hygiene and the commissioner of consumer affairs may take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

## Preconsidered Res. No. 1785

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

By Council Member Dromm.

**Whereas**, On June 30, 2021, the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2022 with various programs and initiatives (the “Fiscal 2022 Expense Budget”); and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2022 Expense Budget by approving the new designation and the changes in the designation of certain organizations receiving local, youth, and anti-poverty discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2022 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local, youth, and anti-poverty discretionary funding and funding for certain initiatives; now, therefore, be it

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2022 Expense Budget, as set forth in Chart 1; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving youth discretionary funding pursuant to the Fiscal 2022 Expense Budget, as set forth in Chart 2; and be it further

**Resolved**, That the City Council approves the new designation and the change in the designation of certain organizations receiving anti-poverty discretionary funding pursuant to the Fiscal 2022 Expense Budget, as set forth in Chart 3; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 4; and be it further

**Resolved**, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 5; and be it further

**Resolved**, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 6; and be it further

**Resolved**, That the City Council approves the new designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 7; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 8; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 9; and be it further

**Resolved**, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 10; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 11; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 12; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 13; and be it further

**Resolved,** That the City Council approves the new designation and the change in the designation of certain organizations receiving funding pursuant to the Art a Catalyst for Change Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 14; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Stabilizing NYC Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 15; and be it further

**Resolved,** That the City Council approves the new designation and the change in the designation of certain organizations receiving funding pursuant to the Court-Involved Youth Mental Health Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 16; and be it further

**Resolved,** That the City Council the new designation of certain organizations receiving funding pursuant to the Mental Health Services for Vulnerable Populations Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 17; and be it further

**Resolved,** That the City Council approves the new designation and the change in the designation of certain organizations receiving funding pursuant to the Pandemic Support for Human Service Providers Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 18; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Autism Awareness Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 19; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Children Under Five Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 20; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Adult Literacy Pilot Project Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 21; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Hate Crime Prevention Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 22; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the LGBTQ Inclusive Curriculum Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 23; and be it further

**Resolved,** That the City Council amends the description for the Description/Scope of Services of certain organizations receiving local, youth, and anti-poverty discretionary funding and funding for certain initiatives in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 24; and be it further

**Resolved,** That the City Council sets forth the organizations that will receive equipment, specifically an automated external defibrillator, funded by the Beating Hearts Initiative as designated in Schedule C for Fiscal 2022, as set forth in Chart 25.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for text of the Exhibit Charts, please refer to the attachments section of [the Res. No. 1785 of 2021 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>).

Int. No. 2448

By Council Members Gibson, Louis, Ayala, Dinowitz and Rose (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to providing paid time to employees who accompany a child to receive a COVID-19 vaccination injection or care for a child with COVID-19 vaccine side effects**

*Be it enacted by the Council as follows:*

Section 1. Section 20-912 of the administrative code of the city of New York, as amended by local law number 97 for the year 2020, is amended by adding a new definition of “COVID-19 vaccination time” in alphabetical order, and the definition of “parent” is amended to read as follows:

*“COVID-19 child vaccination time” shall mean paid time that an employer provides to an employee that can be used as set forth in section 20-914.1 of this chapter.*

*"Parent" shall mean a biological, foster, step- or adoptive parent, or a legal guardian [of an employee], or a person who stands in loco parentis or a person who stood in loco parentis when [the] an employee was a minor child.*

§ 2. The heading of section 20-914 of the administrative code of the city of New York, as amended by local law number 97 for the year 2020, is amended to read as follows:

*Use of safe/sick time and COVID-19 child vaccination time*

§ 3. Subdivisions c, e and f of section 20-914 of the administrative code of the city of New York, as amended by local law number 97 for the year 2020, are amended to read as follows:

c. An employer may require reasonable notice of the need to use safe/sick time *or COVID-19 child vaccination time*. Where such need is foreseeable, an employer may require reasonable advance notice of the intention to use such [safe/sick] time, not to exceed seven days prior to the date such [safe/sick] *usage of* time is to begin. Where such need is not foreseeable, an employer may require an employee to provide notice of the need for the use of [safe/sick] *such* time as soon as practicable.

e. An employer shall not require an employee, as a condition of taking safe/sick time *or COVID-19 child vaccination time*, to search for or find a replacement worker to cover the hours during which such employee is utilizing time.

f. Nothing in this chapter shall be construed to prohibit an employer from taking disciplinary action, up to and including termination, against a worker who uses safe/sick time provided pursuant to this chapter for purposes other than those described in this section *or uses COVID-19 child vaccination time provided pursuant to this chapter for purposes other than those described in section 20-914.1*.

§ 4. Chapter 8 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-914.1 to read as follows:

*§ 20-914.1 COVID-19 child vaccination time. a. An employee who is a parent of a child under the age of 18 shall be entitled to four hours of COVID-19 child vaccination time per vaccine injection, for each such child, for an absence from work due to any of the following reasons associated with such child's COVID-19 vaccination:*

- 1. Accompanying such child to receive a COVID-19 vaccine injection;*
- 2. Caring for such child who cannot attend school or childcare due to temporary side effects from a COVID-19 vaccine injection.*

*b. COVID-19 child vaccination time shall be paid at an employee's regular rate of pay at the time the time is taken, provided that the rate of pay shall not be less than the highest applicable rate of pay to which the employee would be entitled pursuant to subdivision 1 of section 652 of the labor law, or any other applicable federal, state, or local law, rule, contract, or agreement. Such rate of pay shall be calculated without allowing for any tip credit or tip allowance set forth in any federal, state, or local law, rule, contract, or agreement and shall not be charged against an employee's accrual or use of safe/sick time under this chapter. COVID-19 child vaccination time must be paid no later than the payday for the next regular payroll period beginning after the COVID-19 child vaccination time was used by the employee.*

*c. An employer may require that within seven days of an employee's use of COVID-19 child vaccination time, the employee provide reasonable documentation that the child for whose care the COVID-19 vaccine time is claimed has received a COVID-19 vaccine injection.*

*d. An employer shall not require an employee to work additional hours to make up for the original hours for which such employee was absent or to search for or find a replacement employee to cover the hours during which the employee is absent pursuant to this section.*

§ 5. Section 20-916 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

*c. Notwithstanding subdivisions a and b of this section, the requirement to provide COVID-19 child vaccination time as set forth in section 20-914.1 cannot be waived.*

§ 6. Subdivision c of section 20-918 of the administrative code of the city of New York, as amended by local law number 97 for the year 2020, is amended to read as follows:

c. Adverse actions include, but are not limited to, threats, intimidation, discipline, discharge, demotion, suspension, harassment, discrimination, reduction in hours or pay, informing another employer of an employee's exercise of rights under this chapter, blacklisting, and maintenance or application of an absence control policy that counts protected leave for safe/sick time or COVID-19 child vaccination time as an absence that may lead to or result in an adverse action. Adverse actions include actions related to perceived immigration status or work authorization.

§ 7. Section 20-922 of the administrative code of the city of New York, as amended by local law number 97 for the year 2020, is amended to read as follows:

§ 20-922 Encouragement of more generous policies; no effect on more generous policies.

a. Nothing in this chapter shall be construed to discourage or prohibit the adoption or retention of a [safe time or sick time] *safe/sick time or COVID-19 child vaccination time* policy more generous than that which is required herein.

b. Nothing in this chapter shall be construed as diminishing the obligation of an employer to comply with any contract, collective bargaining agreement, employment benefit plan or other agreement providing more generous [safe time or sick time] *safe/sick time or COVID-19 child vaccination time* to an employee than required herein.

c. Nothing in this chapter shall be construed as diminishing the rights of public employees regarding [safe time or sick time] *safe/sick time or COVID-19 child vaccination time* as provided pursuant to federal, state or city law.

§ 8. Subdivision a of section 20-923 of the administrative code of the city of New York, as amended by local law number 97 for the year 2020, is amended to read as follows:

a. This chapter provides minimum requirements pertaining to [safe time and sick time] *safe/sick time and COVID-19 child vaccination time* and shall not be construed to preempt, limit or otherwise affect the applicability of any other law, regulation, rule, requirement, policy or standard that provides for greater accrual or use by employees of [safe time or sick time] *safe/sick time or COVID-19 child vaccination time*, whether paid or unpaid, or that extends other protections to employees.

§ 9. Subdivisions d and e of section 20-924 of the administrative code of the city of New York, as amended by local law number 97 for the year 2020, are amended to read as follows:

d. The department shall have the power to impose penalties provided for in this chapter and to grant each and every employee or former employee all appropriate relief. Such relief shall include: (i) for each instance of safe/sick time taken by an employee but unlawfully not compensated by the employer: three times the wages that should have been paid under this chapter or two hundred fifty dollars, whichever is greater; (ii) for each instance of safe/sick time requested by an employee but unlawfully denied by the employer and not taken by the employee or unlawfully conditioned upon searching for or finding a replacement worker, or for each instance an employer requires an employee to work additional hours without the mutual consent of such employer and employee in violation of section 20-915 of this chapter to make up for the original hours during which such employee is absent pursuant to this chapter: five hundred dollars; (iii) for each violation of section 20-918 not including discharge from employment: full compensation including wages and benefits lost, five hundred dollars and equitable relief as appropriate; (iv) for each instance of unlawful discharge from employment: full compensation including wages and benefits lost, two thousand five hundred dollars and equitable relief, including reinstatement, as appropriate; [and] (v) for each employee covered by an employer's official or

unofficial policy or practice of not providing or refusing to allow the use of accrued safe/sick time in violation of section 20-913, five hundred dollars; (vi) for each instance of COVID-19 child vaccination time taken by an employee but unlawfully not compensated by the employer, three times the wages that should have been paid under this chapter or two hundred fifty dollars, whichever is greater; and (vii) for each instance of COVID-19 child vaccination time unlawfully denied or charged against an employee's paid safe/sick time accruals, five hundred dollars.

e. Any entity or person found to be in violation of the provisions of sections 20-913, 20-914, 20-914.1, 20-915 or 20-918 of this chapter shall be liable for a civil penalty payable to the city not to exceed five hundred dollars for the first violation and, for subsequent violations that occur within two years of any previous violation, not to exceed seven hundred fifty dollars for the second violation and not to exceed one thousand dollars for each succeeding violation. Penalties shall be imposed on a per employee basis.

§ 10. a. This local law takes effect immediately and is retroactive to and deemed to have been in effect as of November 2, 2021, except that the department shall not enforce paragraph (vi) or (vii) of subdivision d of section 20-924 of the administrative code of the city of New York, as added by section nine of this local law, or subdivision e of such section 20-924, as amended by section nine of this local law, during the 60 days after it becomes law without first providing an employer with written notice of an alleged violation and 15 days to cure such alleged violation.

b. An employer may satisfy its obligation to provide COVID-19 child vaccination time to an employee who used leave time or unpaid time for purposes provided under section 20-914.1 of the administrative code between the retroactive effective date and the date of enactment of this local law by paying the employee for the COVID-19 child vaccination time used by the employee no later than the payday for the next regular payroll period beginning after this local law takes effect.

c. This local law expires and is deemed repealed on December 31, 2022, provided that such expiration and repeal do not excuse an employer from paying each employee for COVID-19 child vaccination time accrued on or before such date, or affect the ability of the department of consumer and worker protection to pursue penalties and relief provided pursuant to subdivisions d and e of section 20-924 of the administrative code of the city of New York with respect to any obligation incurred on or before such date.

Referred to the Committee on Consumer Affairs and Business Licensing.

Preconsidered Int. No. 2449

By Council Members Gibson, Van Bramer, Gjonaj, Cornegy and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to penalties for failing to certify correction of immediately hazardous conditions and the reinspection of immediately hazardous conditions at construction sites, and penalties for one to four family homes**

*Be it enacted by the Council as follows:*

Section 1. Section 28-219.1 of the administrative code of the city of New York, as added by chapter 250 of the laws of 2009 and renumbered by local law 51 for the year 2014, is amended to read as follows:

**§ 28-219.1 Department penalty for failure to certify correction.** In addition to any penalties otherwise authorized by law pursuant to article 202 and the rules of the department, whenever any person fails to submit certification of correction of an immediately hazardous violation *issued with respect to an immediately hazardous condition at a construction site* that poses a threat of imminent danger to public safety or property, as required by an order issued pursuant to section 28-204.2, a penalty shall be paid to the department in the amount of [not less than one thousand five hundred dollars or more than five thousand dollars] *no more than \$5,000*. No permit or certificate of occupancy shall be issued and no stop work order may be rescinded at the property named in the order until such penalty is paid to the department. Failure to pay such penalty shall not prevent the issuance of a permit for work to be performed pursuant to articles 215 or 216 of this chapter.

§ 2. Section 28-219.2 of the administrative code of the city of New York, as added by chapter 250 of the laws of 2009 and renumbered by local law 51 for the year 2014, is amended to read as follows:

**§ 28-219.2 Reinspection.** Where an immediately hazardous condition *at a construction site* has been identified as posing a threat of imminent danger to public safety or property and a violation has been issued, the commissioner shall re-inspect the condition that gave rise to the violation within 60 days of the date of the notice of a violation, unless:

1. A certification of the correction of the condition has been filed in the manner and form prescribed by the department;
2. The person to whom the violation has been directed has obtained an extension of time for filing the certificate of correction of the violation from the commissioner in accordance with section 28-204.4 and with any applicable rules of the department, and said extension of time to file has not yet expired; or
3. The condition has been corrected in the presence of the commissioner.

§ 3. Article 202 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-202.5 to read as follows:

**§ 28-202.5 One to four family homes.** *The commissioner shall promulgate rules for the enforcement of the provisions of title 28 against any owner of a dwelling with one to four units. Such rules shall, at a minimum:*

1. *Reduce any penalties associated with the second or any subsequent notice of violation issued for the same violating condition;*
2. *Establish a maximum total dollar amount in penalties that may be issued to any such property owner for the same violating condition that gave rise to the first notice of violation;*
3. *Extend the deadline to correct the violating condition for which a class 2 or class 3 notice of violation has been issued until after the first hearing date set for such notice of violation;*
4. *Create a tiered penalty scheme for notices of violation that considers aggravating and mitigating factors;*  
*and*
5. *Establish a schedule for re-inspection of dwellings with one to four units that have been issued a first notice of violation.*

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

Referred to the Committee on Housing and Buildings (preconsidered but laid over by the Committee on Housing and Buildings).

Int. No. 2450

By Council Members Gjonaj and Moya.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring third-party food delivery services to agree to reimburse third-party food delivery workers for certain costs related to vehicle crashes that happen during deliveries**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 2 of subdivision a of section 20-933 of the administrative code of the city of New York, as added by local law number 140 for the year 2016, is amended to read as follows:

2. Any action alleging a violation of section 20-928 *or* 20-937 shall be brought within two years after the acts alleged to have violated this chapter occurred.

§ 2. Subdivision b of section 20-933 of the administrative code of the city of New York, as added by local law number 140 for the year 2016, is amended by adding a new paragraph 5 to read as follows:

5. *Violations of section 20-937. In addition to any other damages awarded pursuant to this chapter or other law, a plaintiff who prevails on a claim alleging a violation of section 20-937 is entitled to an award of statutory damages of \$1,000.*

§ 3. Chapter 10 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-937 to read as follows:

§ 20-937 *Delivery workers. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Delivery services contract. The term “delivery services contract” means a contract or other agreement between a third-party food delivery service and a third-party food delivery worker for delivery services.*

*Food service establishment. The term “food service establishment” means a place where food is provided for individual portion service directly to the consumer, whether such food is provided free of charge or sold, and whether consumption occurs on or off the premises or is provided from a pushcart, stand or vehicle.*

*Third-party food delivery service. The term “third-party food delivery service” means any website, mobile application or other internet service that offers or arranges for the sale of food and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages from, no fewer than 20 food service establishments located in the city that are owned and operated by different persons.*

*Third-party food delivery worker. The term “third-party food delivery worker” means a person contracted by a third-party food delivery service to make deliveries.*

*Vehicle. The term “vehicle” means a device by which a person or property is or may be transported or drawn upon a street.*

*Vehicle crash. The term “vehicle crash” means the unintentional collision of a vehicle with a person or property.*

*b. Delivery services contracts. A delivery services contract entered into on or after the effective date of the local law that added this section shall provide that the third-party food delivery service shall pay, or reimburse the third-party food delivery worker, for all out-of-pocket costs of medical services and property repair or replacement incurred by the third-party food delivery worker in connection with a vehicle crash that occurs during the course of delivery services. A third-party food delivery service is not required by this section to agree to cover out-of-pocket costs reimbursed by another person. For purposes of this section, the course of delivery services includes travel to a food service establishment to pick up an order and travel to a customer to deliver an order.*

*c. The requirements of this section do not apply to a contract or other agreement between an employer and an employee.*

*d. This section shall not be construed to apply to or affect the labor law in a manner that supersedes a state law.*

*e. In addition to any other penalty authorized by this chapter or other law, a third-party food delivery service shall be subject to a civil penalty of \$500 for each delivery services contract such service enters into that does not meet the requirements of this section.*

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

Referred to the Committee on Small Business.

Int. No. 2451

By Council Members Gjonaj, Louis and Yeger.

**A Local Law to amend the administrative code of the city of New York, in relation to assisting small businesses seeking COVID-19 pandemic related financial aid**

*Be it enacted by the Council as follows:*

Section 1. Chapter 10 of title 22 of the administrative code of the city of New York is amended by adding a new section 22-1007 to read as follows:

§ 22-1007 *Small businesses eligible for COVID-19 financial assistance. a. Definitions. For the purposes of this section, the following term has the following meaning:*

*Covered small business. The term “covered small business” means a business that is:*

*(i) Small, in accordance with the size standards set forth in section 121.201 of title 13 of the code of federal regulations;*

*(ii) Not a franchisee, as such term is defined in section 681 of the general business law; and*

*(iii) Owned and operated by one or more persons, all of whom are income-eligible individuals.*

*b. Provision of financial counseling services to covered small businesses. Subject to appropriation, the commissioner shall provide, at no cost to a covered small business, financial counseling and assistance for the purpose of assisting such covered small business in navigating any applicable processes for seeking COVID-19 pandemic related grants, loans or other financial assistance from federal, state or local government entities.*

*c. Liaison. The department shall serve as a liaison between covered small businesses and any applicable federal, state or local government entity from which such businesses have requested COVID-19 pandemic related grants, loans or other financial assistance. Such liaison duties shall include, at a minimum, informing such businesses on a recurring basis of the status of their applications or requests for any such grants, loans or other financial assistance.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Small Business.

Int. No. 2452

By Council Members Holden and Yeger.

**A Local Law to amend the administrative code of the city of New York, in relation to violations of certain requirements for places of assembly**

*Be it enacted by the Council as follows:*

Section 1. Section 28-201.2.1 of the administrative code of the city of New York is amended by adding a new item 21 to read as follows:

*21. A violation of section 28-117.4, a violation of section 28-117.1 in the case of a violator that offers for sale beverages for on-premises consumption, or a violation of section 28-117.1.2 in the case of a violator that offers for sale beverages for on-premises consumption.*

§ 2. Section 28-117.4.2 of title 28 of the administrative code of the city of New York is amended to read as follows:

**§ 28-117.4.2 Responsibility for violations.** Notwithstanding any provision of this section, only the holder of a certificate of operation shall be liable for violations of this article that relate to such holder's obligations regarding security guards, *except that a person who pays a certificate holder for the use of the premises is deemed to be a certificate holder for purposes of this section, including with respect to penalties imposed for violations of this section.*

§ 3. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

## Int. No. 2453

By Council Members Lander and Yeger.

**A Local Law to amend the administrative code of the city of New York, in relation to increasing expenditure limits in response to independent expenditures exceeding certain thresholds**

*Be it enacted by the Council as follows:*

Section 1. Section 3-706 of the administrative code of the city of New York is amended by adding a new subdivision 6 to read as follows:

6. (a) *If the campaign finance board has determined that independent expenditures, as such term is defined in paragraph 15 of subdivision a of section 1052 of the charter, in a single covered election in the aggregate exceed half the applicable expenditure limit for any participating candidate or limited participating candidate in such election fixed by subdivision one of this section, then such expenditure limit applicable to such participating candidate and limited participating candidate in such election shall be increased to one hundred fifty percent of such limit.*

(b) *If the campaign finance board has determined that independent expenditures, as such term is defined in paragraph 15 of subdivision a of section 1052 of the charter, in a single covered election in the aggregate exceed three times the applicable expenditure limit for any participating candidate or limited participating candidate in such election fixed by subdivision one of this section, then such expenditure limit shall no longer apply to such participating candidate and limited participating candidate in such election.*

§ 2. This local law takes effect January 1, 2021.

Referred to the Committee on Governmental Operations.

## Int. No. 2454

By Council Members Miller, Yeger, Grodenchik, Koo, Kallos, Koslowitz and Dinowitz.

**A Local Law to amend the administrative code of the city of New York, in relation to the New York city collective bargaining law**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 12-306 of the administrative code of the city of New York, as amended by local law number 26 for the year 1998, is amended to read as follows:

b. Improper public employee organization practices. It shall be an improper practice for a public employee organization or its agents:

(1) to interfere with, restrain or coerce public employees in the exercise of rights granted in section 12-305 of this chapter, or to cause, or attempt to cause, a public employer to do so, *provided, however, that an employee organization does not interfere with, restrain or coerce public employees when, in accordance with this section, it limits its services to and representation of non-members of the employee organization;*

(2) to refuse to bargain collectively in good faith with a public employer [or] on matters within the scope of collective bargaining provided the public employee organization is a certified or designated representative of public employees of such employer;

(3) to breach its duty of fair representation to public employees under this chapter. *Notwithstanding any law, rule or regulation to the contrary, an employee organization's duty of fair representation to a public employee it represents but who is not a member of the employee organization shall be limited to the negotiation or enforcement of the terms of an agreement with the public employer. No provision of this chapter shall be construed to require an employee organization to provide representation to a non-member of the employee organization:*

(a) *During questioning by the employer;*  
 (b) *In statutory or administrative proceedings or to enforce statutory or regulatory rights; or*  
 (c) *In any stage of a grievance, arbitration or other contractual process concerning the evaluation or discipline of a public employee where the non-member is permitted to proceed without the employee organization and be represented by his or her own advocate. Nor shall any provision of this chapter prohibit an employee organization from providing legal, economic or job-related services or benefits beyond those provided in the agreement with a public employer only to its members.*

§ 2. The introductory paragraph of subdivision a of section 12-307 of the administrative code of the city of New York, as amended by local law number 56 for the year 2005, is amended to read as follows:

a. Subject to the provisions of subdivision b of this section and subdivision c of section 12-304 of this chapter, public employers and certified or designated employee organizations shall have the duty to bargain in good faith on wages (including but not limited to wage rates, pensions, health and welfare benefits, uniform allowances and shift premiums), hours (including but not limited to overtime and time and leave benefits), working conditions and provisions for the deduction of *dues* from the wages or salaries of employees in the appropriate bargaining unit [who are not members of the certified or designated employee organization of an agency shop fee to the extent permitted by law, but in no event exceeding sums equal to the periodic dues uniformly required of its members by such certified or designated employee organization] and for the payment of the sums so deducted to the certified or designated employee organization, subject to applicable state law, except that:

§ 3. Subdivisions c and g of section 12-312 of the administrative code of the city of New York are amended to read as follows:

c. Arbitrators appointed under arbitration provisions relating to municipal agencies shall be persons on the register of the board of collective bargaining. The costs of such arbitration shall be determined and allocated pursuant to section [eleven hundred seventy-four] 1174 of the charter. The board of collective bargaining, in its discretion, may publish arbitration awards. *To the extent the certified employee organization grants permission to proceed to a non-member of the employee organization pursuant to paragraph (3) of subdivision g of this section, the non-member shall be responsible for the public employee organization's share of any costs associated with the grievance or arbitration pursuant to section 1174 of the charter.*

g. An employee may present his or her own grievance either personally or through an appropriate representative, provided that:

(1) a grievance relating to a matter referred to in paragraph two, three or five of subdivision a of section 12-307 of this chapter may be presented and processed only by the employee or by the appropriate designated representative or its designee, but only the appropriate designated representative or its designee shall have the right to invoke and utilize the arbitration procedure provided by executive order or in the collective agreement to which the designated representative is a party; and provided further that

(2) any other grievance of an employee in a unit for which an employee organization is the certified collective bargaining representative may be presented and processed only by, the employee or by the certified employee organization, but only the certified employee organization shall have the right to invoke and utilize the arbitration procedure provided by executive order or in the collective agreement to which the certified representative is a party[.]; *and provided further that*

(3) *a designated or certified employee organization may permit a non-member of such employee organization to proceed, including through arbitration, without representation by the employee organization and be represented by his or her own advocate for matters excluded from the duty of fair representation pursuant to paragraph (3) of subdivision b of section 12-306. In such matters, the employee organization retains the right to participate in the proceeding.*

§ 4. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Civil Service and Labor.

Int. No. 2455

By Council Members Rivera, Yeger and Kallos.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the commissioner of information technology and telecommunications to create a separate 311 category for rooftop activity complaints and to report annually regarding such complaints, and to require the commissioner of buildings to report annually regarding certain rooftop spaces**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-307 to read as follows:

*§ 23-307 Rooftop activity complaints. a. The department of information technology and telecommunications shall implement and maintain on its 311 citizen center website and mobile device platforms the capability for the public to file a complaint under the category of “rooftop activity complaint.” This complaint category shall contain subcategories for “noise complaints,” “public safety complaints,” and “exceeding authorized rooftop occupancy complaints” in order that each such complaint may be referred to the appropriate agency to take action as necessary to address the complaint.*

*b. With respect to complaints filed pursuant to subdivision a, the public shall have the ability to submit photographic evidence or recordings supporting such complaints.*

*c. No later than March 31 of each year, the department of information technology and telecommunications shall submit to the mayor and the speaker of the council, and publish on the department’s website, a report on rooftop activity complaints submitted during the preceding year pursuant to subdivision a. Such report shall include the following information:*

*1. The number of rooftop activity complaints, disaggregated by census tract and by agency that resolved the complaint;*

*2. The number of hours taken to resolve each such complaint, rounded to the nearest hour;*

*3. The number of complaints that involved a noise issue, a safety issue, or other issue; and*

*4. Any other information deemed relevant by the department.*

*d. The department of information technology and telecommunications may consult with any other agency in preparing the reports required by subdivision c, and agencies shall cooperate with the department of information technology and telecommunications regarding requests for information necessary to prepare such reports.*

§ 2. Article 103 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section § 28-103.37 to read as follows:

***§ 28-103.37 Reporting regarding certain rooftop spaces.*** *No later than March 31 of each year, the commissioner shall submit to the mayor and the speaker of the council and make available on the department’s website a report on rooftop occupancy in the city. The report shall contain the following information for the preceding year, disaggregated by census tract:*

*1. The number of rooftops with a roof deck, roof terrace or other rooftop recreational space indicated on a certificate of occupancy, and the building address for each such rooftop.*

*2. The number of rooftops that are indicated on a place of assembly certificate of operation, and the building address for each such rooftop.*

*3. Any other information that the commissioner deems relevant.*

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of information technology and telecommunications and the commissioner of buildings shall take any actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Technology.

Preconsidered L.U. No. 908

By Council Member Dromm:

**Culver El Phase I, Block 5295, Lots 4, 104, 105, 106, 107, 108, 111, 112, and 113; Brooklyn, Community District No. 12; Council District No. 39.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 909

By Council Member Dromm;

**55 Summit, Block 352, p/o Lot 49 (Tentative Lot 150); Brooklyn, Community District No. 6; Council District No. 39.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 910

By Council Member Dromm:

**Revive 103, Block 1630, Lot 41; Manhattan, Community District No. 11; Council District No. 8.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 911

By Council Member Salamanca:

**Application No. N 210406 ZRY (Citywide Hotels Text Amendment) submitted by the Department of City Planning, 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 III, Chapter 2 (Use Regulations), Article IV, Chapter 2 (Use Regulations) and related Sections, to create a special permit for new hotels, motels, tourist cabins, and boatels in Commercial Districts and in M1 Districts paired with Residence Districts, Citywide.**

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).

Preconsidered L.U. No. 912

By Council Member Salamanca:

**Application No. C 210276 ZMK (1045 Atlantic Avenue) submitted by Atlantic Brooklyn, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, for an**

**amendment of the Zoning Map, Section Nos. 16c & 17a, by changing property from an M1-1 District to a C6-3A District property; to facilitate a development at 1045 Atlantic Avenue in the Borough of Brooklyn, Community District 3, Council District 36.**

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).

Preconsidered L.U. No. 913

By Council Member Salamanca:

**Application No. N 210277 ZRK (1045 Atlantic Avenue) submitted by Atlantic Brooklyn, 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 III Chapter 5 for the purpose of amending street wall location regulations and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area on property including property at 1045 Atlantic Avenue in Borough of Brooklyn, Community District 3, Council District 36.**

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).

Preconsidered L.U. No. 914

By Council Member Salamanca:

**Application No. C 210462 ZMK (Special Brooklyn Navy Yard District) submitted by Building 77 QALICB, Inc. and the 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. 12d, changing from an R6B District to an M2-1 District, changing from an M1-2 District to an M2-1 District, changing from an M3-1 District to an M2-1 District, and establishing a Special Brooklyn Navy Yard District (BNY), Borough of Brooklyn Community District 2, Council District 33.**

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).

Preconsidered L.U. No. 915

By Council Member Salamanca:

**Application No. N 210463(A) ZRK (Special Brooklyn Navy Yard District) submitted by Building 77 QALICB, Inc. 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 establishing the Special Brooklyn Navy Yard District (Article XIV, Chapter 4) and modifying other related Sections, Borough of Brooklyn Community District 2, Council District 33.**

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).

Preconsidered L.U. No. 916

By Council Member Salamanca:

**Application No. C 210119 ZMK (506 Third Avenue) submitted by PAB 3rd Avenue Holdings LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16d, by changing from an existing M2-1 District to a C4-4A District property bounded by 11th Street, 3rd Avenue, 13th Street, and a line 100 feet northwesterly of 3rd Avenue, Borough of Brooklyn, Community District 6, Council District 39.**

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).

Preconsidered L.U. No. 917

By Council Member Salamanca:

**Application No. N 2100120 ZRK (506 Third Avenue) submitted by PAB 3rd Avenue Holdings 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 Brooklyn, Community District 6, Council District 39.**

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).

Preconsidered L.U. No. 918

By Council Member Salamanca:

**Application No. C 210422 ZMM (SoHo/NoHo Neighborhood Plan) submitted by New York City Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos.12a & 12c: changing from an M1-5A District to an M1-5/R7X District, changing from an M1-5B District to an M1-5/R7X District, changing from an M1-5A District to an M1-5/R9X District, changing from an M1-5B District to an M1-5/R9X District, changing from an M1-5A District to an M1-6/R10 District, changing from an M1-5B District to an M1-6/R10 District, and establishing a Special SoHo-NoHo Mixed Use District (SNX), Borough of Manhattan, Community District 2, Council Districts 1 and 2.**

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).

Preconsidered L.U. No. 919

By Council Member Salamanca:

**Application No. N 210423 ZRM (SoHo/NoHo Neighborhood Plan) submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York establishing the Special SoHo-NoHo Mixed Use District (Article XIV, Chapter 3), and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area and other related Sections, Borough of Manhattan, Community District 2, Council Districts 1 and 2.**

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).

Preconsidered L.U. No. 920

By Council Member Salamanca:

**Application No. C 210408 ZMM (Starrett-Lehigh + Terminal Warehouse Rezoning) submitted by Terminal Fee Owner LP and RXR SL Owner LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8b changing from an M2-3 District to an M2-4 District and establishing a Special West Chelsea District (WCh), Borough of Manhattan, Community District 4, Council District 3.**

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).

Preconsidered L.U. No. 921

By Council Member Salamanca:

**Application No. N 210409 ZRM (Starrett-Lehigh + Terminal Warehouse Rezoning) submitted by Terminal Fee Owner LP and RXR SL Owner LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York establishing Subarea K within the Special West Chelsea District (Article IX, Chapter 8), and modifying other related Sections, Borough of Manhattan, Community District 4, Council District 3.**

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. 922

By Council Member Salamanca:

**Application No. 20225007 HAK (Bed-Stuy East and Weeksville Mosaic) submitted by the Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law and Article XI of the Private Housing Finance Law requesting approval of an Urban Development Action Area Project, waiver of the designation requirement of Section 693 of the General Municipal Law, waiver of the requirements of Charter Sections 197-c and 197-d, and approval of an exemption from real property taxation for properties located at Block 1363, Lots 7 and 60, Block 1433, Lot 19, Block 1451, Lot 40, Block 1464, Lot 79, Block 1474, Lot 65, Block 1514, Lot 59, Block 1519, Lot 63, Block 1524, Lot 43, Block 1531, Lot 65, Block 1561, Lot 9, Block 1668, Lot 48, Block 1769, Lot 56, and Block 3511, Lot 64, Borough of Brooklyn, Community Districts 3, 8, and 16, Council Districts 36 and 4.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings, and Dispositions.

L.U. No. 923

By Council Member Salamanca:

**Application No. N 210482 ZRY (Health and Fitness Citywide Text Amendment) submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right, Citywide.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 924

By Council Member Salamanca:

**Application No. N 210380 ZRY (Fresh II Zoning Text Amendment) submitted by the Department of City Planning, 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 VI, Chapter 3 (Special Regulations Applying to FRESH Food Stores) and related Sections, to expand areas in which the program is applicable and to update various requirements, Citywide.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 925

By Council Member Salamanca:

**Application No. C 210164 ZMQ (103-16 Van Wyck Expressway Rezoning) submitted by 10316 Van Wyck Exp LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 18c changing from an R3A District to an R6B District and establishing within a proposed R6B District a C2-3 District, Borough of Queens, Community District 10, Council District 28.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 926

By Council Member Salamanca:

**Application No. N 210165 ZRQ (103-16 Van Wyck Expressway Rezoning) submitted by 10316 Van Wyck Exp 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 10, Council District 28.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

NEW YORK CITY COUNCIL

**A N N O U N C E M E N T S**

**Friday, November 12, 2021**

Committee on Higher Education Inez Barron, Chairperson  
**Oversight** – Adjunct Faculty Employment at the City University of New York.  
 Remote Hearing (Virtual Room 1).....10:00 a.m.

**Monday, November 15, 2021**

Committee on Economic Development jointly with the Paul Vallone, Chairperson  
Committee on Cultural Affairs, Libraries &  
International Intergroup Relations James Van Bramer, Chairperson  
**Oversight** - NYC’s Tourism Industry and the COVID-19 Crisis – Update.  
 Remote Hearing (Virtual Room 1).....10:00 a.m.

Committee on Public Housing jointly with the Alicka Ampry-Samuel, Chairperson  
Subcommittee on Capital Budget Helen Rosenthal, Chairperson  
**Oversight** - NYCHA’s Capital Spending of City Funds.  
 Remote Hearing (Virtual Room 2).....10:30 a.m.

**Tuesday, November 16, 2021**

Committee on Consumer Affairs & Business Licensing Diana Ayala, Chairperson  
**Int 2448** - By Council Members Gibson (by request of the Mayor) - **A Local Law** to amend the administrative code of the city of New York, in relation to providing paid time to employees who accompany a child to receive a COVID-19 vaccination injection or care for a child with COVID-19 vaccine side effects.  
 Remote Hearing (Virtual Room 2).....10:00 a.m.

Committee on Sanitation and Solid Waste Management Antonio Reynoso, Chairperson  
**Oversight** - Advancements in residential and commercial solid waste management systems.  
 Remote Hearing (Virtual Room 1).....10:00 a.m.

**Wednesday, November 17, 2021**

Committee on Mental Health, Disabilities & Addiction Farah N. Louis, Chairperson  
Committee on Veterans Eric Dinowitz, Chairperson  
**Oversight** - Mental Health Services for Veterans in Response to COVID-19, and Alternative Treatments for Post-Traumatic Stress Disorder (PTSD).  
 Remote Hearing (Virtual Room 1)..... 9:30 a.m.

Subcommittee on Landmarks, Public Sitings and Dispositions Kevin C. Riley, Chairperson  
**See Land Use Calendar**  
 Remote Hearing (Virtual Room 3).....10:00 a.m.

Committee on Environmental Protection

James F. Gennaro, Chairperson

**Oversight** - Building Electrification

**Int 2091** - By Council Members Kallos and Cornegy - **A Local Law** to amend the administrative code of the city of New York, in relation to studying the feasibility of electrifying existing buildings.

**Int. 2196** - By Council Member Louis - **A Local Law** in relation to a study of the health impacts from gas stoves.

**Int 2317** - By Council Members Ampry-Samuel, Rivera, the Public Advocate (Mr. Williams), Van Bramer, Reynoso, Lander, Rosenthal, Kallos, Levin, Dromm, D. Diaz, Ayala, Menchaca, Adams, Barron, Chin, Cornegy, Rodriguez, Levine, Riley, Cumbo, Koslowitz, Dinowitz and Louis - **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.

Remote Hearing (Virtual Room 2)..... 12:00 p.m.

**Thursday, November 18, 2021**

★ Note Topic Addition

Committee on Education

Mark Treyger, Chairperson

**Oversight** - Meeting the Needs of Students with Disabilities in the COVID Era.

★**Preconsidered Res \_\_\_\_** - By Council Members Treyger, Rivera and the Public Advocate (Mr. Williams) - **Resolution** calling upon the New York State Legislature to pass and the Governor to sign S.7381/A.8283, to require any public school located in a city with a population of one million or more to provide a remote learning option when community transmission of COVID-19 is at a substantial or high level.

Remote Hearing (Virtual Room 1).....10:00 a.m.

Subcommittee on Zoning & Franchises

Francisco Moya, Chairperson

**See Land Use Calendar**

Remote Hearing (Virtual Room 4).....10:00 a.m.

Committee on Youth Services

Deborah Rose, Chairperson

**Oversight** - Non-Profit Contracting

Remote Hearing (Virtual Room 2).....1:00 p.m.

**Friday, November 19, 2021**

Committee on Housing and Buildings jointly with the

Robert Cornegy, Jr., Chairperson

Committee on Resiliency and Waterfronts

Justin Brannan, Chairperson

**Oversight** - State of Housing Resiliency along the Waterfront.

**Int 2189** - By Council Members Gjonaj, Yeger, Brannan, Rose, Ampry-Samuel, Vallone, Cornegy, Moya, Koo, Reynoso, Holden, Adams, Koslowitz and Ulrich - **A Local Law** in relation to requiring the office of long-term planning and sustainability to study underground power lines.

Remote Hearing (Virtual Room 2)..... 10:00 a.m.

Committee on Aging

Margaret Chin, Chairperson

**Oversight** - Home Care and Caregiving Strategy.

**Res 1783** - By Council Member Chin - **Resolution** calling upon the New York State Senate to pass S.598B and for the Governor to sign S.598B/A.3922A, which would enact the "reimagining long-term care task force act" to create a task force to study the state of long-term care services in New York.

**Res 1784** - By Council Member Chin - **Resolution** calling on the New York State Legislature to pass, and the Governor to sign, A.3145-A, requiring non-sequential split shifts for care workers.

Remote Hearing (Virtual Room 3)..... 11:00 a.m.

Committee on Parks and Recreation

Peter Koo, Chairperson

**Oversight** – The Parks Inspection Program and Increasing Park Resources.

Remote Hearing (Virtual Room 1)..... 1:00 p.m.

**Monday, November 22, 2021**

Committee on Criminal Justice

Keith Powers, Chairperson

**Oversight** – Update on the Borough Based Jails.

Remote Hearing (Virtual Room 3)..... 10:30 a.m.

Committee on Public Safety

Adrienne E. Adams, Chairperson

**Int 1883** - By Council Members Adams, Louis, Gibson, Gjonaj and Miller (by request of the Queens Borough President) - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the police department to conduct an annual security assessment at each New York city housing authority building.

**Int 2297** - By Council Member Moya, the Public Advocate (Mr. Williams), the Speaker (Council Member Johnson) and Council Member Louis - **A Local Law** to amend the administrative code of the city of New York, in relation to qualification for service with the police department.

**Int 2440** - By Council Member Adams (by request of the Mayor) - **A Local Law** to amend the New York city charter and the administrative code of the city of New York, in relation to authorizing the civilian complaint review board to initiate complaints.

Remote Hearing (Virtual Room 2)..... 10:30 a.m.

**Tuesday, November 23, 2021**

Committee on Land Use

Rafael Salamanca, Jr., Chairperson

**All items reported out of the Subcommittees**

**AND SUCH OTHER BUSINESS AS MAY BE NECESSARY**

Council Chambers – City Hall.....11:00 a.m.

***Stated Council Meeting.....Agenda –1:30 p.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 that the previous week’s Election Day had been a historic one for the city and for the legislative body of the City Council. He wished to congratulate all of the various winners on their elections to office. In particular, he congratulated Mayor-elect Eric Adams, who would become the city’s 110<sup>th</sup> mayor and second African American mayor. The Speaker (Council Member Johnson) also wished to congratulate a number of his Council colleagues for their re-election day victories. Additionally, he congratulated the following individuals: Council Member Lander on his victory to be the city’s next comptroller; Public Advocate Jumaane Williams on his re-election to his office; and all of the borough presidents-elect including Council Members Gibson, Levine, and Reynoso.

The Speaker (Council Member Johnson) also acknowledged that New Yorkers had elected a Council that would become one of the most diverse in history and that would have women in the majority for the first time. He added that the new Council would be welcoming the first Muslim woman member, the first Korean-American member, the first South Asian member, and the first openly LGBTQ black women. He offered his congratulations to all and wished them success in the future.

The Speaker (Council Member Johnson) Veterans Day would be commemorated on November 11<sup>th</sup>. He wished to acknowledge and thank all veterans for their sacrifice and their selfless service to the nation. The Speaker (Council Member Johnson) remembered his late father, Rodney Richardson, a U.S. Marine Corps member who served during the Vietnam War. He noted that Mr. Richardson had died in his mid-fifties in 2012.

The Speaker (Council Member Johnson) wished everyone a Happy Diwali to all who celebrated and noted that it was a significant holiday observed by many around the world. The Speaker also acknowledged that November was both National American Indian Heritage Month and Puerto Rican Heritage Month. He noted the endless contributions of Native Americans and Puerto Ricans that have shaped the city and the nation.

Whereupon on motion of the Speaker (Council Member Johnson), the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) adjourned these proceedings to meet again for the Stated Meeting on Tuesday, November 23, 2021.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

*Editor's Local Law Note: Int. Nos. 1846-A, 2271-A, 2272-A, 2288-A, 2289-A, 2294-A, 2296-A, 2298-A, 2399, and 2403, all adopted at the September 23, 2021 Stated Meeting, were **returned unsigned** by the Mayor on October 25, 2021. These items had become law on October 24, 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. 110 to 119 of 2021, respectively.*

*Int. Nos. 455-A, 1058-A, 1620-A, 1663-A, 1995-A, 2006-A, 2261-A, and 2330-A, all adopted at the October 7, 2021 Stated Meeting, were **returned unsigned** by the Mayor on November 8, 2021. These items had become law on November 7, 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. 120 to 127 of 2021, respectively.*