

**THE COUNCIL**

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*Minutes of the Proceedings for the*

**STATED MEETING**

*of*

Wednesday, October 17, 2018, 2:00 p.m.

The Public Advocate (Ms. James)

*Acting President Pro Tempore and Presiding Officer*

Council Members

Corey D. Johnson, *Speaker*

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

Absent: Council Members Espinal and Perkins.

The Public Advocate (Ms. James) assumed the chair as the Acting President Pro Tempore and Presiding Officer for these proceedings.

After consulting with the City Clerk and Clerk of the Council (Mr. McSweeney), the presence of a quorum was announced by the Public Advocate (Ms. James).

*There were 49 Council Members marked present at this Stated Meeting held in the Council Chambers of City Hall, New York, N.Y.*

### INVOCATION

The Invocation was delivered by Bishop Calvin Rice, New Jerusalem Worship Center, 12205 Smith St, Jamaica, N.Y. 11434.

Good afternoon everyone, may we pray.

Dear Lord of Heaven and of Earth, maker and ruler of all things,  
we the benefactors of your goodness and your grace  
that is renewed every single day, each and every day,  
humbly express our sincere and profound thanks  
for all things nature has provided for us to sustain life.  
We are grateful for the water we drink  
the air we breathe and the food we eat.  
Thank you for the intellect to produce  
manmade comforts of clothing and of shelter  
and all things necessary to sustain a bountiful life.  
I pray this afternoon that you would grant this governing body  
divine wisdom to legislate Laws and Ordinances  
that would enhance and protect the lives  
of all the people in every borough, in every neighborhood.  
Give these Council Men and Council Women  
a spirit of unity and purpose  
to make our City a light to the world,  
the melting pot of culture and diversity,  
working and living as one people.  
We ask this in the name of the God of our Faith.  
Amen.

Council Member Adams 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) asked for a Moment of Silence in memory of the following individuals:

Felipe Torre, 54, was an FDNY medic who succumbed to 9/11 related cancer on October 10, 2018. The Speaker (Council Member Johnson) offered his thoughts and prayers to his children, his friends and everyone at the FDNY.

The Speaker (Council Member Johnson) noted the death of the following individuals who had lost their lives during the course of their employment: Shakeem Farnam, 43, was killed on September 6, 2018 in an accident while driving a forklift at a Hunts Point food distribution center in the Bronx; Luis Almonte, 47, died at the scene of a wall collapse at a Sunset Park construction site in Brooklyn - The Speaker (Council Member Johnson) noted that Council Member Menchaca was there at the scene that day and tended to Mr. Almonte's family; Juan Otoya, 66, a worker from Queens, was struck and killed by a construction vehicle at an Upper East Side building site on September 13, 2018. Brian Trinidad, 27, died on September 26, 2018 - he was killed by a co-worker in a fight at a Brooklyn warehouse where they both worked.

The Speaker (Council Member Johnson) also noted that the NYPD had added the names of 43 fallen officers on the Battery Park City Police Memorial Wall. The newly inscribed names include 24 officers who died from 9/11-related illnesses, 15 officers who died in the 20th century, and one officer who died in an 1869 Brooklyn Ferry Yard accident. The Speaker (Council Member Johnson) quoted NYPD Commissioner James O’Neal who had said at the October 12, 2018 ceremony: “Their lives were spent, and ultimately ended, in great service to this City and the people they cared so much about.”

A Moment of Silence was observed by those assembled in the Chambers.

\* \* \*

### **ADOPTION OF MINUTES**

Council Member Gibson moved that the Minutes of the Stated Meeting of August 29, 2018 and September 12, 2018 be adopted as printed.

### **MESSAGES & PAPERS FROM THE MAYOR**

Preconsidered M-104

**Communication from the Mayor - Submitting the name of Steven Kest to the Council for its advice and consent regarding his appointment as a member of the New York City Taxi and Limousine Commission, pursuant to Sections 31 and 2301 of the City Charter.**

September 26, 2018

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

Dear Speaker Johnson:

Pursuant to Sections 31 and 2301 of the New York City Charter, I am pleased to present the name of Steven Kest to the City Council for advice and consent in anticipation of his appointment to the New York City Taxi and Limousine Commission. When appointed to the Commission, Mr. Kest will serve for the remainder of a seven-year term expiring on January 31, 2019.

I send my thanks to you and all Council members for reviewing this Taxi and Limousine Commission appointment,

Sincerely,

Bill de Blasio  
Mayor

BDB:tf

cc: Steven Kest  
Laura Anglin, Deputy Mayor for Operations  
Meera Joshi, Chair, New York City Taxi and Limousine Commission  
Jeff Lynch, Director, Mayor's Office of City Legislative Affairs

Referred to the Committee on Rules, Privileges and Elections.

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

Preconsidered M-105

**Communication from the Queens Borough President - Submitting the name of Oudeshram "Raj" Rampershad to the Council for its advice and consent regarding her reappointment to the City Planning Commission, Pursuant to Sections 31 and 192 of the City Charter.**

September 28, 2018

Hon. Corey Johnson

Speaker of the New York City Council  
City Hall  
New York, NY 10007

Re: Nomination to the City Planning Commission

Dear Speaker Johnson:

Pursuant to Section 192 of the New York City Charter, I am presenting the name of Oudeshram "Raj" Rampershad to the City Council for advice and consent in anticipation of his appointment to the City Planning Commission. When appointed, Mr. Rampershad will serve the remainder of a five-year term expiring on June 30, 2023.

I thank you and the Council for considering this appointment.

Sincerely,

Melinda Katz  
*President*  
*Borough of Queens*

MK:as

cc: Oudeshram Rampershad  
Marisa Lago, Chairperson, City Planning Commission

Referred to the Committee on Rules, Privileges and Elections.

#### LAND USE CALL-UPS

M-106

By The Chair of the Committee on Land Use Council Member Salamanca:

**Pursuant to Rule 11.20(c) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on Uniform Land Use Review Procedure application No. C 180175 MMQ (St. Michael's Park Demapping) shall be subject to Council review. This item is related to application no. C 180174 ZMQ.**

Coupled on Call-Up Vote.

M-107

By The Chair of the Committee on Land Use Council Member Salamanca:

**Pursuant to Rule 11.20(c) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on Uniform Land Use Review Procedure application No. C 180391 PQX (599 Cortlandt Avenue) shall be subject to Council review. This item is related to application no. C 180390 HAX.**

Coupled on Call-Up Vote.

M-108

By Council Member Cohen:

**Pursuant to Rule 11.20(b) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on Uniform Land Use Review Procedure Application No. C 180321 ZSX (Hebrew Homes) shall be subject to Council review.**

Coupled on Call-Up Vote.

The Public Advocate (Ms. James) put the question whether the Council would agree with and adopt such motions which were decided in the **affirmative** by the following vote:

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Miller, Moya, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Williams, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and the Speaker (Council Member Johnson) – **49**.

At this point, the Public Advocate (Ms. James) declared the aforementioned items **adopted** and referred these items to the Committee on Land Use and to the appropriate Land Use subcommittee.

## **REPORTS OF THE STANDING COMMITTEES**

### **Report of the Committee on Governmental Operations**

Report for Int. No. 380-A

**Report of the Committee on Governmental Operations 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 provision of diapers and baby wipes.**

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on January 31, 2018 (Minutes, page 554), respectfully

### **REPORTS:**

#### **I. INTRODUCTION**

On October 16, 2018, the Committee on Governmental Operations, chaired by Council Member Fernando Cabrera, will hold a second hearing and vote on the following bills: Proposed Int. No. 380-A, sponsored by Council Member Mark Treyger, in relation to the provision of diapers and baby wipes; and Proposed Int. No. 853-A, sponsored by the Public Advocate, Letitia James, in relation to studying the feasibility of providing childcare for city employees. These bills received a first hearing on June 19, 2018.

#### **II. BACKGROUND**

##### *Women and Public Spaces*

In 2018, women still make up the primary pool of caretakers. Some caretaking functions are based in biology, while others, such as childcare, are a remnant of persistent traditional gender roles. Since these duties fall primarily on women, it is essential to ensure that they do not hinder gender equity and opportunity. The legislation being considered is meant to provide a greater number of physical supports and options for primary caretakers, often mothers, to remove structural barriers to education, employment, civic engagement and elected office. It also follows in the steps of similar legislation in recent years. In 2016, the Council passed Local Law 83 of 2016, in relation to the provision of feminine hygiene products in DCAS, Department of Homeless Services ('DHS'), Department of Youth and Community Development ('DYCD') shelters, HRA

shelters for domestic violence survivors, and secure detention facilities operated by ACS. By passing this legislation, the City acknowledged “that menstruation is part of people’s experience”<sup>1</sup> – and should be considered as such, especially in contexts where it is most difficult to manage.

### *The Need for Diapers*

In New York, the cost of infant care as a percentage of income jumps from 15%, for two-parent households, to 55% for single-parent households.<sup>2</sup> A large regularly occurring cost is the necessity of disposable diapers: in an infant’s first year, a baby will use over 3,000 diapers,<sup>3</sup> costing more than \$500.<sup>4</sup> This can be a significant cost, especially for single-parent households. Unfortunately, no government program directly provides diapers for infants: individuals can use Temporary Assistance for Needy Families (‘TANF’) for purchasing diapers,<sup>5</sup> and some Early Head Start and Head Start programs supply diapers in centers. However Women, Infants, and Children (‘WIC’) assistance and the Supplemental Nutrition Assistance Program (‘SNAP’) cannot be used to purchase diapers.<sup>6</sup> Additionally, childcare centers that receive the federal Child Care Development Block Grant (‘CCDBG’) do not provide diapers,<sup>7</sup> and New York State Medicaid will only reimburse diapers purchased for individuals older than 3 years of age (prior to 3 years of age, diapers are deemed “needed as part of the development process,” and thus not a medical expense).<sup>8</sup> At the same time, Medicaid covers 51% of all births in New York, which appears to indicate that the need for diaper assistance is extensive.<sup>9</sup>

Most childcare centers and early childhood education programs will not allow parents to drop off their children without their own diapers. This is a barrier for early childhood education and a barrier for caregiver’s employment, often mothers, as 65% of women in New York are in the workforce and have infants.<sup>10</sup> The National Diaper Bank Network, which provides diapers to mothers across the U.S., including at 13-member distribution sites in New York distributing over one million diapers annually, has documented that one in three U.S. mothers report diaper need.<sup>11</sup>

New York is one of four states where diapers are exempt from state sales tax, and recently introduced legislation in the State Senate and Assembly, S.1318/A.5973, which would provide allowances of up to \$80 dollars every three months for an eligible child, two years of age or younger. However, the need for diapers is far more expansive, especially for families living in poverty and the working poor. As such, Int. 380-2018 would require DCAS to provide diapers to residents and service recipients at city childcare centers, Family Justice Centers, LYFE Programs, Domestic Violence Shelters, homeless shelters and youth shelters.

### *Women in the Workplace: City Employee Childcare*

The 2016 National Study of Employers report conducted by the Society For Human Resource

<sup>1</sup> Weiss-Wolf, Jennifer of the Brennan Center for Justice quoted in CityLab, “New York Step Toward Menstrual Equity” at <https://www.citylab.com/life/2016/06/new-yorks-step-toward-menstrual-equity/488099/>

<sup>2</sup> National Diaper Network, “2017 New York State Baby Facts.” Accessed on June 7, 2018 at [http://nationaldiaperbanknetwork.org/wp-content/uploads/2017\\_State\\_Baby\\_Facts\\_11\\_2017\\_New-York.pdf](http://nationaldiaperbanknetwork.org/wp-content/uploads/2017_State_Baby_Facts_11_2017_New-York.pdf)

<sup>3</sup> New Kids-Center, “How many diapers does a baby use a day?” Accessed on June 7, 2018 at <http://www.newkidscenter.com/how-many-diapers-a-day.html>

<sup>4</sup> Priced based on Pampers Baby Disposable Diapers on Amazon.com. Accessed on May 31, 2018.

<sup>5</sup> National Diaper Bank Network, “Federal Assistance Programs.” Accessed on June 7, 2018 at <http://nationaldiaperbanknetwork.org/advocacy/federal-issues/federal-assistance-programs/>

<sup>6</sup> *Id.*

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

<sup>8</sup> National Diaper Network, “Medicaid Chart Diapers.” Accessed on June 7, 2018 at <http://nationaldiaperbanknetwork.org/advocacy/wp-content/uploads/2017/08/Medicaid-Chart-Diapers-Final.pdf>

<sup>9</sup> National Diaper Network, “2017 New York State Baby Facts.” Accessed on June 7, 2018 at [http://nationaldiaperbanknetwork.org/wp-content/uploads/2017\\_State\\_Baby\\_Facts\\_11\\_2017\\_New-York.pdf](http://nationaldiaperbanknetwork.org/wp-content/uploads/2017_State_Baby_Facts_11_2017_New-York.pdf)

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

<sup>11</sup> *Id.*

Management found that only 7% of 900 employers provide onsite childcare for their employees.<sup>12</sup> And yet, there is a fiscal impact for failing to offer quality childcare or support for employees to maintain it: nearly half of working parents miss an average of four days of work at least every six months because of unreliable childcare costing working families \$8.3 billion in lost wages.<sup>13</sup> Beyond this, one-third of women drop out of the workforce every year, 74% citing “decent child care” as the primary reason for leaving.<sup>14</sup> Families for whom the affordability of quality childcare is a barrier often have to choose between losing a job and settling for poor quality care.

In New York, the average cost for center childcare for a one-year old child is \$1,606 per month, as of February 2017.<sup>15</sup> The cost is higher for infant care. This is nearly four times what the U.S. Department of Health and Human Services considers affordable.<sup>16</sup> Some programs attempt to fill the gap in affordable quality childcare:

- *The Federal and New York State Child And Dependent Care Tax Credit (CDCTC)* allows parents, dependent on income, to claim between 20 and 35% of their childcare expenses on their taxes, up to \$3,000 per child, and no more than \$6,000 for multiple children. However, the benefit of this tax credit is inequitably distributed as in 2016, families making less than \$30,000 were estimated to receive only 8% of the tax benefits from the CDCTC compared to the 38% percent of the tax benefit received by families making over \$100,000.<sup>17</sup>
- *Dependent Care Flexible Spending Accounts* are employer benefits, whereby employees can choose to set aside up to \$5,000 in “pre-tax” income for work-related child and dependent care expenses. The tax benefit for these accounts is inequitably distributed as families earning below \$75,000 estimated to receive 10% of the tax benefits, compared to families with incomes above \$200,000 receiving 38% of the tax benefits.<sup>18</sup>
- The City University of New York (‘CUNY’) has a limited number of childcare and early education seats for the children of CUNY students on several of their campuses, offered at a subsidized rate, with proof of income and enrolment. A mix of local, state and federal funding cover the service costs. The Committee on Women (formerly the Committee on Women’s Issues) conducted an oversight hearing of the childcare offerings for CUNY student parents on February 14, 2017.

Through the U.S. General Services Administration (‘GSA’), federal employees have access to workplace childcare facilities, located in GSA-managed spaces across the nation. Three of these sites fall within New York City.<sup>19</sup> Int. No. 853-2018 (Public Advocate) would require DCAS to conduct a feasibility study and pilot for offering on-site group childcare options for city employees.

<sup>12</sup> Matos, Kenneth, Galinsky, Ellen, and Bond, James T. “2016 National Study of Employers.” *Society for Human Resource Management*, p. 31. Accessed on June 7, 2018 at <https://www.shrm.org/hr-today/trends-and-forecasting/research-and-surveys/Documents/National%20Study%20of%20Employers.pdf>

<sup>13</sup> Child Care Aware of America, “2017 Report: Parents and the high cost of child care.” Accessed on June 7, 2018 at [https://usa.childcareaware.org/wp-content/uploads/2017/12/2017\\_CCA\\_High\\_Cost\\_Report\\_FINAL.pdf](https://usa.childcareaware.org/wp-content/uploads/2017/12/2017_CCA_High_Cost_Report_FINAL.pdf)

<sup>14</sup> American Management Association. “Time Outs” Take an increasing toll on women’s careers.” Accessed on June 7, 2018 at <https://www.amanet.org/training/articles/time-outs-take-an-increasing-toll-on-womens-careers.aspx>

<sup>15</sup> National Women’s Law Center, “Persistent Gaps: State Child Care Assistance Policies 2017.” Accessed on June 7, 2018 at <https://nwlc.org/resources/persistent-gaps-state-child-care-assistance-policies-2017/>

<sup>16</sup> Schulte, Brigid. “The Corporate Case for Child Care.” *Slate*. February 8, 0218. Accessed on June 7, 2018 at <https://slate.com/human-interest/2018/02/the-corporate-case-for-childcare.html>

<sup>17</sup> National Women’s Law Center, “Child Care is Fundamental to America’s Children, Families, and Economy.” Accessed on June 7, 2018 at <https://nwlc.org/resources/child-care-is-fundamental-to-americas-children-families-and-economy/>

<sup>18</sup> *Id.*

<sup>19</sup> U.S. General Services Administration, “Northeast and Caribbean Child Care Centers.” Accessed on June 7, 2018 at <https://www.gsa.gov/resources-for/citizens-consumers/child-care/child-care-services/find-a-center-near-you/northeast-and-caribbean-2-child-care-centers>



### **III. LEGISLATIVE ANALYSIS**

#### **Proposed Int. No. 380-A**

Proposed Int. No. 380-A (Treyger) would require the Department of Citywide Administrative Services to provide a supply of diapers and baby wipes sufficient to meet the needs of residents and recipients present at subsidized child care centers, Family Justice Centers, Department of Education LYFE programs, domestic violence shelters operated by the Human Resources Administration, and shelters operated by the Department of Homeless Services and the Department of Youth and Community Development. Since introduction, this bill has been amended to:

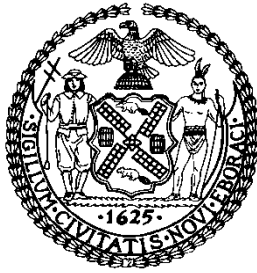
- Clarify that the supply of diapers and baby wipes is to be for children aged three years old or younger.
- Require signage or written notification, in the designated Citywide language access languages, of the availability of such diapers and baby wipes.
- Amend the enactment to 120 days after it becomes law.

#### **Proposed Int. No. 853-A**

Proposed Int. No. 853-A (Public Advocate) would establish a working group, consisting of representatives from city agencies, representatives for City Council and the Public Advocate, and experts in the field of childcare, to conduct a feasibility study about providing discounted group childcare centers on city-owned and city-operated property. The feasibility study would be followed by a one-year pilot project to provide or subsidize a childcare center or centers for eligible children of City employees. A report on the working group's findings after such pilot would also be issued. Since introduction, the bill has been amended to:

- Move responsibility over the feasibility study from a single agency to a working group composed of representatives from multiple government entities, and inclusive of outside experts in the field of childcare.
- Amended the bill to provide greater specificity to the conduct of the working group, including how regularly it should meet (at least quarterly during the study period), that it should review models of existing childcare programs (including voucher systems, among others), consider potential issues attendant to commencing the pilot project and that it should continue to exist and provide ongoing findings and recommendations as it deems appropriate.
- Amend the bill to provide greater specificity on the content of the feasibility study, including an assessment of the likely population size, possible barriers to providing services, how much barriers could be addressed, an assessment of the estimated costs at varying scales and evaluation of the relative fiscal and policy impacts of the provision of vouchers as an alternative to on-site childcare.
- Amend the bill to require the conducting of a one-year pilot project for childcare, provided that if such pilot project is to include the children of employees represented by a recognized or certified employee organization then their inclusion shall be subject to collective bargaining.
- Clarify that the study and pilot should focus on children who are four years old or younger, but not eligible for a Universal Prekindergarten program or are three years old or younger but are not eligible for 3-K, where 3-K services are available.
- Amend the timelines for both the feasibility study and pilot project.
- The bill will now sunset five years after enactment.

**(The following is the text of the Fiscal Impact Statement for Int. No. 380-A:)**



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

**PROPOSED INTRO. NO. 380-A**

**COMMITTEE:** Governmental Operations

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the provision of diapers and baby wipes.

**SPONSORS:** Council Members Treyger, Ampry-Samuel, Rosenthal, Cumbo, Levin, Reynoso, Brannan, Salamanca, Kallos, Rivera, Ayala, Cabrera, Lander and Constantinides

**SUMMARY OF LEGISLATION:** Proposed Int. No. 380-A would require the Department of Citywide Administrative Services to make available a supply of diapers and baby wipes sufficient to meet the needs of residents and recipients with children three years old and younger at domestic violence shelters, temporary shelters, family justice centers, LYFE programs, and city-contracted childcare centers. It would also require visible signage or written notice of the availability of such diapers and baby wipes.

**EFFECTIVE DATE:** 120 days after becoming law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2020

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY20</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$1,171,000	\$4,868,000	\$4,868,000
<b>Net</b>	(\$1,171,000)	(\$4,868,000)	(\$4,868,000)

**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 a fiscal impact of \$1.17 million in Fiscal 2019 and a fiscal impact of \$4.87 million in Fiscal 2020 and in the outyears for the procurement and distribution of the diapers and baby wipes for the thousands of children covered by the legislation.

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

**SOURCES OF INFORMATION:** City Council Finance Division  
 Department of Citywide Administrative Services

**ESTIMATE PREPARED BY:** Zachary Harris, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director  
 John Russell, Unit Head  
 Rebecca Chasan, Senior Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 380 on January 31, 2018 and referred to the Committee on Governmental Operations. A joint hearing was held by the Committee on Governmental Operations and the Committee on Women on June 19, 2018 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 380-A, will be considered by the Committee on October 16, 2018. Upon a successful vote by the Committee, Proposed Intro. No. 380-A will be submitted to the full Council for a vote on October 17, 2018.

**DATE PREPARED:** October 15, 2018.

**(For text of Int. No. 853-A and its Fiscal Impact Statement, please see the Report of the Committee on Governmental Operations for Int. No. 853-A, respectively, printed in these Minutes; for text of Int. No. 380-A, please see below)**

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

**(The following is the text of Int. No. 380-A:)**

Int. No. 380-A

By Council Members Treyger, Ampry-Samuel, Rosenthal, Cumbo, Levin, Reynoso, Brannan, Salamanca, Kallos, Rivera, Ayala, Cabrera, Lander, Constantinides, Yeger and Miller.

**A Local Law to amend the administrative code of the city of New York, in relation to the provision of diapers and baby wipes**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 12 of the administrative code of the city of New York is amended by adding a new section 12-208 to read as follows:

§ 12-208 *Availability of diapers and baby wipes. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Child care center. The term “child care center” means a program regulated by article 43 or article 47 of the New York city health code and that is contracted by the administration for children’s services or contracted and funded by the department of education.*

*Covered entity. The term “covered entity” means a child care center, domestic violence shelter, family justice center, LYFE program, or temporary shelter.*

*Domestic violence shelter. The term “domestic violence shelter” means an emergency shelter for domestic violence survivors managed by or under a contract or similar agreement with a city agency and subject to section 459-b of the social services law or a tier II shelter for domestic violence survivors managed by or under a contract or similar agreement with a city agency and subject to the provisions of part 900 of title 18 of the New York codes, rules, and regulations.*

*Family justice center. The term “family justice center” means a center and any successor location through which the office to combat domestic violence or a successor entity provides services to victims of domestic and gender-based violence.*

*LYFE programs. The term “LYFE programs” means the living for the young family through education (LYFE) programs operated by the department of education to provide early childhood education to children of student parents.*

*Temporary shelter. The term “temporary shelter” means a facility with the capacity to shelter families with children operated by or under contract or similar agreement with the department of homeless services and the department of youth and community development.*

*b. The department of citywide administrative services shall make available to agencies operating or contracting with a covered entity, a supply of diapers and baby wipes, for children three years old and younger, sufficient to meet the needs of residents or recipients utilizing services at such covered entity, when such residents or recipients are present at such covered entity. Each covered entity shall provide readily visible signage or other written notice, in at least each of the designated citywide languages, as such term is defined in section 23-1101, to all such residents or recipients, informing them of the availability of such diapers and baby wipes.*

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

FERNANDO CABRERA, *Chairperson*; BEN KALLOS, ALAN N. MAISEL, KEITH POWERS, KALMAN YEGER; Committee on Governmental Operations, October 16, 2018. *Other Council Members Attending: Council Member Treyger.*

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

Report for Int. No. 853-A

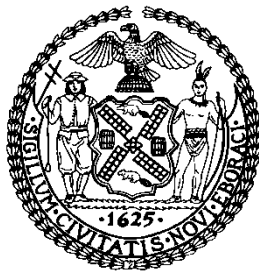
**Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law in relation to studying the feasibility of providing childcare for city employees.**

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on April 25, 2018 (Minutes, page 1639), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Governmental Operations for Int. No. 380-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 853-A:*



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

**PROPOSED INTRO. NO. 853-A**

**COMMITTEE:** Governmental Operations

**TITLE:** A Local Law in relation studying the feasibility of providing childcare for city employees.

**SPONSORS:** The Public Advocate (Ms. James), Council Members Kallos, Miller, Levin, Ayala, Ampry-Samuel, Powers, Rivera, Rosenthal, Cabrera, Lander, Cumbo, Constantinides

**SUMMARY OF LEGISLATION:** Proposed Int. No. 853-A would require the establishment of a working group to study the feasibility of providing discounted group childcare services for children, aged four and under, of City employees. The working group would include experts in the field of childcare and agency representatives, and would issue its feasibility report in 12 months. Within 24 months of the issuance of the report, an agency designated by the Mayor would implement a one-year pilot project informed by the feasibility report to provide or subsidize a childcare center or centers for such children. Within four months after the conclusion of the one-year pilot, the working group would issue another report setting forth its findings and recommendations regarding the pilot.

**EFFECTIVE DATE:** This local law would take effect immediately and expire and be deemed repealed five years after the date of this local law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2020

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY20</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	Undetermined	Undetermined
<b>Net</b>	\$0	Undetermined	Undetermined

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

**IMPACT ON EXPENDITURES:** The publication of the feasibility report as a result of this legislation would have no fiscal impact, as the publication of this report could be done using existing resources. The results of this report will determine the fiscal impact of the subsequent one-year pilot, which this legislation would require to be carried out within 24 months of the issuance of the report. Factors that will determine the estimated costs of the pilot include the number and age of children that will be cared for, the extent and frequency of care that these children will be provided, the number of childcare workers that will care for these children, the location(s) in which care will be provided, amongst a variety of other variables that the feasibility report will determine. The start time of the pilot will also be determined by the feasibility report.

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

**SOURCES OF INFORMATION:** City Council Finance Division

**ESTIMATE PREPARED BY:** Zachary Harris, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director  
John Russell, Unit Head  
Rebecca Chasan, Senior Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 853 on April, 25 2018 and referred to the Committee on Governmental Operations. A joint hearing was held by the Committee on Governmental Operations and the Committee on Women on June 19, 2018 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 853-A, will be considered by the Committee on October 16, 2018. Upon a successful vote by the Committee, Proposed Intro. No. 853-A will be submitted to the full Council for a vote on October 17, 2018.

**DATE PREPARED:** October 15, 2018.

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

**(The following is the text of Int. No. 853-A:)**

Int. No. 853-A

By The Public Advocate (Ms. James) and Council Members Kallos, Miller, Levin, Ayala, Ampry-Samuel, Powers, Rivera, Rosenthal, Cabrera, Lander, Cumbo and Constantinides.

**A Local Law in relation to studying the feasibility of providing childcare for city employees**

*Be it enacted by the Council as follows:*

Section 1. Working group to assess the feasibility of providing childcare services for city employees. a. Within 30 days after the effective date of this local law, the mayor shall designate an agency or city official to convene a childcare working group of at least 11 members to conduct a feasibility study about providing discounted group childcare centers on city-owned and city-operated property. Such childcare centers would serve city employees' children who are four years old or younger but are not eligible for a universal prekindergarten program established pursuant to section 3602-e of the education law or are three years old or younger but are not eligible for 3-K where 3-K services are available.

b. Members of the childcare working group shall include experts in the field of childcare and representatives from city agencies, including at least one representative from the department of citywide administrative services, the administration for children's services, the office of labor relations, the office of operations, the office of management and budget, the department of health and mental hygiene, the department of education, the human resources administration and the commission on gender equity. The childcare working group shall also include one representative appointed by the speaker of the city council and one representative appointed by the public advocate.

c. The childcare working group shall:

1. determine the scope and goals of the feasibility study;
2. review models of existing childcare programs, including voucher systems, on-site childcare, subsidized childcare, group childcare and early education;
3. consider the scope and issues attendant to commencing a pilot project providing childcare for children of city employees;
4. provide oversight as necessary with respect to the gathering of information and development of a final feasibility study report;
5. convene at least quarterly during the development of the feasibility study; and
6. issue a feasibility study report. Such report shall: (a) assess possible eligibility criteria and the likely citywide service population sizes for each such criterion; (b) assess possible barriers to providing such services, including but not limited to physical space restrictions, lease terms, and service providers; (c) make recommendations on how the possible barriers identified could be addressed; (d) assess the estimated costs of providing such services at varying scales; and (e) evaluate the relative fiscal and policy impacts of the provision of vouchers as an alternative to on-site childcare.

d. Within 12 months after this local law takes effect, the agency or city official designated in accordance with this subdivision a of this section shall submit to the mayor and the speaker the childcare working group's feasibility study report including the findings and recommendations of the childcare working group.

e. Within 24 months of the submission of the feasibility study report issued in accordance with subdivision c of this section, an agency designated by the mayor shall implement a one-year pilot project to provide or subsidize a childcare center or centers for children identified in subdivision a of this section. The inclusion of the children of public employees represented by a recognized or certified employee organization in such pilot project shall be subject to bargaining with the appropriate recognized or certified employee organizations, as such terms are defined in article 14 of the civil service law. Such pilot project shall be informed by the report

issued in accordance with subdivision c of this section, and shall be established in consultation, as appropriate, with the childcare working group.

f. Within 4 months of the conclusion of the one-year pilot project, the childcare working group shall submit to the mayor and the speaker a report setting forth its findings and recommendations regarding the one-year pilot project.

g. The childcare working group may make ongoing findings and recommendations as it deems appropriate.

§ 2. This local law takes effect immediately and expires and is deemed repealed five years after the date of this local law.

FERNANDO CABRERA, *Chairperson*; BEN KALLOS, ALAN N. MAISEL, KEITH POWERS, KALMAN YEGER; Committee on Governmental Operations, October 16, 2018. *Other Council Members Attending: Council Member Treyger.*

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

### **Report of the Committee on Land Use**

Report for L.U. No. 208

**Report of the Committee on Land Use in favor of approving Application No. C 180304 ZMQ (Lefferts Boulevard Rezoning) submitted by Opos Sou Kapnisi, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 18a: establishing within an existing R4-1 District a C2-3 District; and establishing within an existing R6A District a C2-3 District, to facilitate development of a one-story commercial building at 104-12 Lefferts Boulevard (Block 9572, Lot 10), Borough of Queens, Community District 10, Council District 28.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 12, 2018 (Minutes, page 3501) and which same Land Use item was coupled with the resolution shown below, respectfully

### **REPORTS:**

#### **SUBJECT**

**QUEENS CB - 10**

**C 180304 ZMQ**

City Planning Commission decision approving an application submitted by Opos Sou Kapnisi, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No.18a:

1. establishing within an existing R4-1 District a C2-3 District bounded by a line 100 feet southeasterly of Liberty Avenue, Lefferts Boulevard, a line 500 feet northwesterly of 107<sup>th</sup> Avenue, and a line midway between Lefferts Boulevard and 118th Street; and

- 2. establishing within an existing R6A District a C2-3 District bounded by a line 540 feet northwesterly of 107th Avenue, Lefferts Boulevard, a line 100 feet southeasterly of Liberty Avenue, and a line midway between Lefferts Boulevard and 118th Street;

as shown on a diagram (for illustrative purposes only) dated May 7, 2018.

**INTENT**

To approve the amendment to the Zoning Map, Section No. 18a, in order to establish a C2-3 commercial district over two lots within existing R4-1 and R6A zoning districts to facilitate the development of a new single-story commercial building containing 2,350 square feet and make an existing commercial use conforming along Lefferts Boulevard in the Ozone Park neighborhood of Queens.

**PUBLIC HEARING**

**DATE:** September 17, 2018

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** October 3, 2018

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

**In Favor:**

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

**Against:**  
None

**Abstain:**  
None

**COMMITTEE ACTION**

**DATE:** October 10, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, Koo, Lancman, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Diaz, Moya.

**Against:**  
None

**Abstain:**  
None



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

Res. No. 570

**Resolution approving the decision of the City Planning Commission on ULURP No. C 180304 ZMQ, a Zoning Map amendment (L.U. No. 208).**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on September 11, 2018 its decision dated August 22, 2018 (the "Decision"), on the application submitted by Opos Sou Kapnisi, Inc., pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 18a, establishing within an existing R4-1 District a C2-3 District and establishing within an existing R6A District a C2-3 District would facilitate the development of a new single-story commercial building containing 2,350 square feet and make an existing commercial use conforming along Lefferts Boulevard in the Ozone Park neighborhood of Queens, (ULURP No. C 180304 ZMQ), Community District 10, Borough of Queens (the "Application");

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on September 17, 2018;

**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 (CEQR No. 18DCP117Q) issued on May 7, 2018 (the "Negative Declaration").

**RESOLVED:**

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

Pursuant to Section 197-d 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 180304 ZMQ, incorporated by reference herein, and the record established 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 hereby amended by changing the Zoning Map, Section No. 18a:

1. establishing within an existing R4-1 District a C2-3 District bounded by a line 100 feet southeasterly of Liberty Avenue, Lefferts Boulevard, a line 500 feet northwesterly of 107<sup>th</sup> Avenue, and a line midway between Lefferts Boulevard and 118th Street; and

2. establishing within an existing R6A District a C2-3 District bounded by a line 540 feet northwesterly of 107th Avenue, Lefferts Boulevard, a line 100 feet southeasterly of Liberty Avenue, and a line midway between Lefferts Boulevard and 118th Street;

as shown on a diagram (for illustrative purposes only) dated May 7, 2018, Community District 10, Borough of Queens.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA; Committee on Land Use, October 10, 2018. *Other Council Members Attending: Council Member Perkins.*

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. 216

**Report of the Committee on Land Use in favor of approving Application No. N 180188 ZRK (180 Myrtle Avenue Text Amendment) submitted by Red Apple Real Estate, pursuant to Section 201 of the New York City Charter for an amendment to the Zoning Resolution of the City of New York, modifying Article X, Chapter 1, Section 11 (Special Ground Floor Use Regulations within the Special Downtown Brooklyn District) and related Sections, Borough of Brooklyn, Community District 2, Council District 35.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 12, 2018 (Minutes, page 3503) and which same Land Use item was coupled with the resolution shown below, respectfully

#### **REPORTS:**

#### **SUBJECT**

**BROOKLYN CB - 2**

**N 180188 ZRK**

City Planning Commission decision approving an application submitted by Red Apple Real Estate, pursuant to Section 201 of the New York City Charter for an amendment to the Zoning Resolution of the City of New York, modifying Article X, Chapter 1, Section 101-11 (Special Ground Floor Use Regulations within the Special Downtown Brooklyn District) and related sections.

#### **INTENT**

To approve the amendment to the text of the Zoning Resolution, in order to modify Article X, Chapter 1, Section 101-11 (Special Ground Floor Use Regulations within the Special Downtown Brooklyn District) to allow all non-residential uses permitted by the underlying zoning district within the required Special Ground Floor uses for buildings fronting on Myrtle Avenue between Ashland Place and Fleet Place.

**PUBLIC HEARING****DATE:** September 17, 2018**Witnesses in Favor:** Two**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** October 3, 2018

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

**In Favor:**

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

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** October 10, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, Koo, Lancman, Reynoso, Richards Torres, Treyger, Grodenchik, Adams, Diaz, Moya.

**Against:**

None

**Abstain:**

None

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

Res. No. 571

**Resolution approving the decision of the City Planning Commission on Application No. N 180188 ZRK (L.U. No. 216), for an amendment of the Zoning Resolution of the City of New York, modifying Article X, Chapter 1, Section 101-11 (Special Ground Floor Use Regulations within the Special Downtown Brooklyn District) and related sections, Community District 2, Borough of Brooklyn.**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on September 7, 2018 its decision dated September 5, 2018 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by Red Apple Real Estate, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Article X, Chapter 1, Section 101-11 (Special Ground Floor Use Regulations within the Special Downtown Brooklyn District) in order to allow all non-residential uses permitted by the

underlying zoning district within the required Special Ground Floor uses for buildings fronting on Myrtle Avenue between Ashland Place and Fleet Place within Community District 2, Brooklyn, (Application No. N 180188 ZRK), Community District 2, Borough of Brooklyn (the "Application");

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on September 17, 2018;

**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 an (E) designation related to noise will be assigned to 81 Fleet Place (Block 2061, Lot 110) and 218 Myrtle Avenue (Block 2061, Lot 101) in order to preclude significant adverse impacts (E-482) (CEQR No. 18DCP155K), which supersedes a previously-assigned (E) designation assigned to the affected sites in connection with the Special Downtown Brooklyn District Rezoning (E-124) (CEQR No. 03DME016K), (the "E Designation (E-482)").

**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-482.

Pursuant to Section 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 180188 ZRK, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

\* \* \*

Matter underlined is new, to be added;

Matter ~~struck out~~ to be deleted;

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

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

**Article X: Special Purpose Districts**

**Chapter 1 – Special Downtown Brooklyn District**

\* \* \*

**101-10****SPECIAL USE REGULATIONS****101-11****Special Ground Floor Use Regulations**

Map 2 (Ground Floor Retail Frontage), in Appendix E of this Chapter, specifies locations where the special ground floor #use# regulations of this Section apply.

#Uses# within #stories# that have a floor level within five feet of #curb level#, and within 50 feet of the #street line#, shall be limited to #commercial uses# listed in Use Groups 5, 6A, 6C, 6D, 7A, 7B, 8A, 8B, 8D, 9, 10, 11, 12A, 12B and 12C, where such #uses# are permitted by the underlying district. In addition, libraries, museums and non-commercial art galleries shall be permitted. In addition, all non-residential #uses# permitted by the underlying district shall be permitted for buildings fronting on Myrtle Avenue between Ashland Place and Fleet Place. A #building's street# frontage shall be allocated exclusively to such #uses#, except for Type 2 lobby space, entryways or entrances to subway stations provided in accordance with the provisions of Section 37-33 (Maximum Width of Certain Uses). However, loading berths serving any permitted #use# in the #building# may occupy up to 40 feet of such #street# frontage provided such #street# frontage is not subject to curb cut restrictions as shown on Map 5 (Curb Cut Restrictions) in Appendix E of this Chapter.

The regulations of this Section are modified as follows:

(a) **Fulton Mall Subdistrict**

For #buildings# in the Fulton Mall Subdistrict, Use Group 6A shall not include post offices, dry cleaning, laundry, or shoe and hat repair establishments. Use Group 6C shall not include automobile supply establishments, electrolysis studios, frozen food lockers, loan offices or locksmiths. Use Group 8A shall not include billiard parlors, pool halls, bowling alleys or model car hobby centers. Use Group 9 shall be prohibited except for typewriter stores. Use Group 10 shall not include depositories for office records, microfilm or computer tapes. Use Groups 6D, 7A, 7B, 8B, 8D, 11, 12A and 12C shall be prohibited. Furthermore, no bank or off track betting establishment shall occupy more than 30 feet of frontage at the ground floor of any #building# along the #street line# of Fulton Street. Any establishment that fronts on the #street line# of Fulton Street for a distance greater than 15 feet shall provide an entrance on Fulton Street.

(b) **Atlantic Avenue Subdistrict**

Automotive service stations are not permitted. No bank, loan office, business or professional office or individual #use# in Use Group 9 shall occupy more than 50 feet of linear frontage on Atlantic Avenue. Moving and storage uses in Use Group 7 are permitted on the ground floor of a #building# only if such #use# is located at least 50 feet from the front wall of the #building# in which the #use# is located. Any #buildings developed# after June 28, 2004, or portions of #buildings enlarged# on the ground floor level after June 28, 2004, on a #zoning lot# of 3,500 square feet or more shall have a minimum of 50 percent of the ground #floor area# of the #building# devoted to permitted

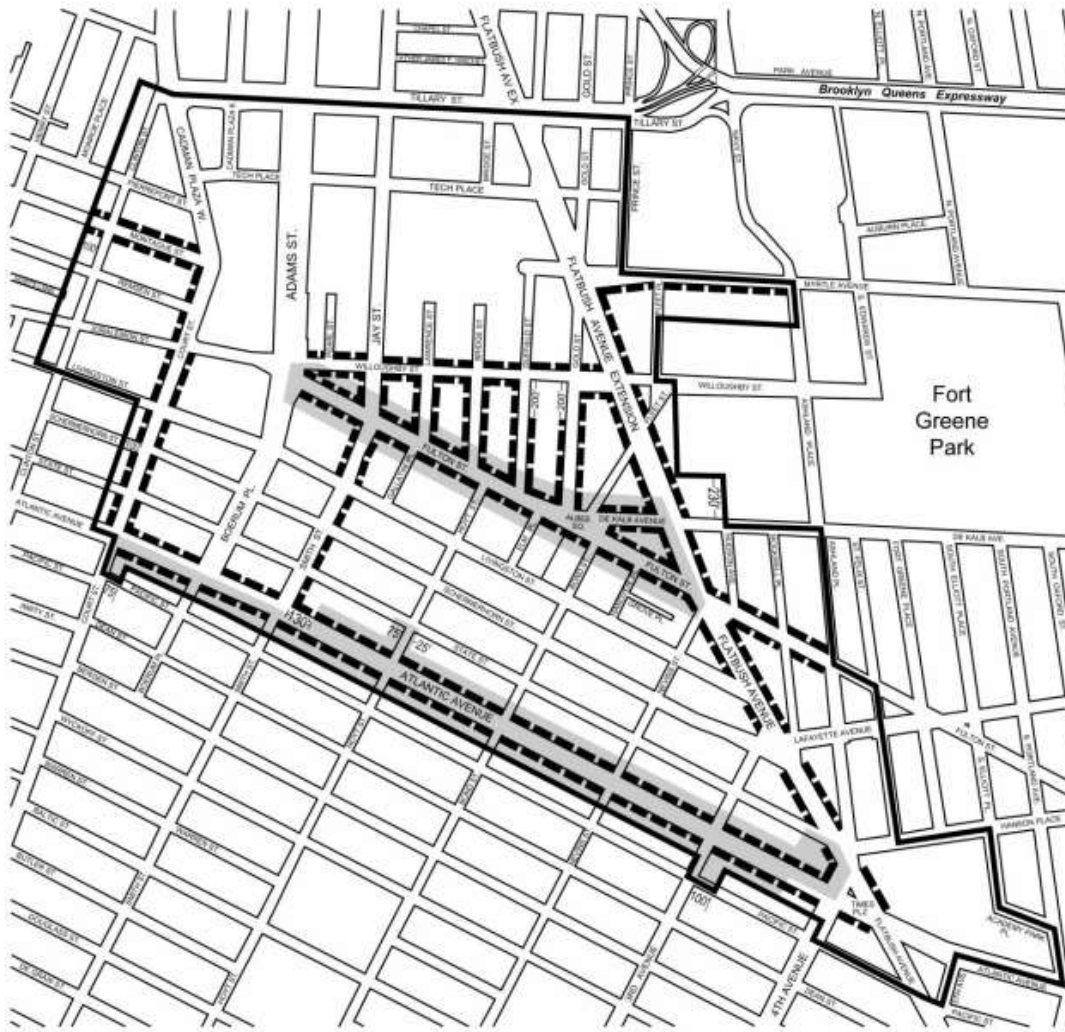
#commercial uses# in Use Groups 6, 7 or 9, except that this requirement shall not apply to any #development# occupied entirely by #community facility use#.




In any #building# within the Atlantic Avenue Subdistrict, the provisions of Section 32-421 (Limitation on floors occupied by non-residential uses) restricting the location of non-#residential uses# listed in Use Groups 6, 7, 8, 9 or 14 to below the level of the first #story# ceiling in any #building# occupied on one of its upper stories by #residential# or #community facility uses#, shall not apply. In lieu thereof, such non-#residential uses# shall not be located above the level of the second #story# ceiling.

\* \* \*

Map 2 Ground Floor Retail Frontage

[MAP TO BE REPLACED]



-  Special Downtown Brooklyn District
-  Retail Continuity Required
-  Subdistricts

[PROPOSED MAP]

Map 2 Ground Floor Retail Frontage



- Special Downtown Brooklyn District
- - - Retail Continuity Required
- ..... Non-residential Requirement
- Subdistricts

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S.



GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA; Committee on Land Use, October 10, 2018. *Other Council Members Attending: Council Member Perkins.*

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. 219

**Report of the Committee on Land Use in favor of approving Application No. 20195003 HKK (N 190101 HKK) [DL 508, LP-2599] submitted by the New York City Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York, concerning the designation of the Boerum Hill Historic District Extension as a historic district, Borough of Brooklyn, Community District 2.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 12, 2018 (Minutes, page 3504) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 2**

**20195003 HKK (N 190101 HKK)**

Designation by the Landmarks Preservation Commission [DL-508/LP-2599] pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the designation of the Boerum Hill Historic District Extension, as an historic district.

**PUBLIC HEARING**

**DATE:** September 17, 2018

**Witnesses in Favor:** Ten

**Witnesses Against:** One

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** October 9, 2018

The Subcommittee recommends that the Land Use Committee affirm the designation.

**In Favor:**

Adams, Barron, Koo, Miller, Treyger.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** October 10, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, Koo, Lancman, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Diaz, Moya.

**Against:**

None

**Abstain:**

None.

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

Res. No. 572

**Resolution affirming the designation by the Landmarks Preservation Commission of the Boerum Hill Historic District Extension, Borough of Brooklyn, Designation List No. 508, LP-2599 (L.U. No. 219; 20195003 HKK; N 190101 HKK).**

By Council Members Salamanca and Adams.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on July 6, 2018 a copy of its designation report dated June 26, 2018 (the "Designation Report"), including the designation pursuant to Section 3020 of the City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the Boerum Hill Historic District Extension, Community District 2, Borough of Brooklyn, with the following district boundaries ("the Designation"):

The proposed Boerum Hill Historic District Extension consists of three areas:

**Area I** - the property bounded by a line beginning on the southern curblineline of Dean Street at a point on a line extending northerly from a portion of the western property line of 86 Dean Street, then extending southerly along the western property line of 86 Dean Street, southerly along the western property line of 90 Bergen Street to the southern curblineline of Bergen Street easterly to a point on a line extending northerly from the western property line of 90 Bergen Street, then extending southerly along the western property line of 90 Bergen Street, easterly along the southern property line of 90 Bergen Street to 134 Bergen Street, northerly along the eastern property line of 134 Bergen Street to the centerline of Bergen Street easterly along said centerline to its intersection with the centerline of Hoyt Street, then along said centerline of Hoyt Street to a point formed by its intersection with a line extending easterly from the southern curblineline of Dean Street, then following the curblineline of Dean Street to the point extending northerly from the western property line of 86 Dean Street.

**Area II** - the property bounded by a line beginning on the eastern curblineline of Nevins Street at a point on a line extending westerly from the northern property line of 245 Bergen Street, then extending southerly along the curblineline of Nevins Street to a point on a line extending westerly along the southern property lines of 258 Wyckoff Street then extending westerly along the southern property line of 258 Wyckoff Street to 196 Wyckoff Street aka 169 Bond Street, then extending northerly along the centerline of Bond Street to the intersection of a line extending westerly from the northern property line of 143 Bond Street, then easterly along the northern property line of 143 Bond Street, southerly along a portion of the eastern property line of 143 Bond Street, then easterly along the northern property line of 199 Bergen Street to the point of beginning.

**Area III** - the property bounded by a line beginning on the southern curblineline of Atlantic Avenue at a point on a line extending northerly from the eastern property line of 428 Atlantic Avenue then following southerly the eastern property line of 428 Atlantic Avenue, then westerly along the southern property line of 428 Atlantic Avenue to 426 Atlantic Avenue, northerly along a portion of the western property line of 426 Atlantic Avenue, then westerly along the southern property line of 424 Atlantic Avenue to 414 Atlantic Avenue, then southerly along a portion of the eastern property line of 414 Atlantic Avenue, then westerly to the intersection of the centerline of Bond Street, then southerly along the centerline of Bond Street to the intersection of the center line of Pacific Street, then following westerly along the centerline of Pacific Street to the intersection of a line extending northerly from the eastern property line of 358 Pacific Street, then southerly along the eastern property line of 358 Pacific Street, then westerly along the southern property line of 358 Pacific Street, northerly along the western property line of 358 Pacific Street to the southern curblineline of Pacific Street, then westerly to the intersection of a line extending southerly from the western property line of 351 Pacific Street, following the western property line of 351 Pacific Street to the southern property line of 368 Atlantic Avenue, then westerly along the southern property line of 368 Atlantic Avenue to the eastern curblineline of Hoyt Street, then northerly along the western property line of 348 Atlantic Avenue to the intersection of the southern curblineline of Atlantic Avenue, then westerly along the southern curblineline of Atlantic Avenue to the intersection of a line extending southerly from the western property line of 365 Atlantic Avenue, then northerly along the western property line of 365 Atlantic Avenue, then westerly along the northern property line of 365 Atlantic Avenue, northerly along a portion of the western property line of 367 Atlantic Avenue then easterly along the northern property line of 367 Atlantic Avenue, then southerly along a portion of the eastern property line of 367 Atlantic Avenue, then easterly along the northern property line of 369 Atlantic Avenue to 389 Atlantic Ave, southerly along the eastern property line of 389 Atlantic Avenue to the southern curblineline of Atlantic Avenue easterly to the point of beginning.

**WHEREAS**, the Designation is subject to review by the Council pursuant to Section 3020 of the New York City Charter;

**WHEREAS**, the New York City Planning Commission submitted to the Council on September 4, 2018, its report on the Designation dated September 4, 2018 (the "City Planning Commission Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on September 17, 2018; and

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

**RESOLVED:**

Pursuant to Section 3020 of the New York City Charter, and on the basis of the information and materials contained in the Designation Report and the City Planning Commission Report, and the record established before the Council, the Council affirms the Designation.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA; Committee on Land Use, October 10, 2018. *Other Council Members Attending: Council Member Perkins.*

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. 220

**Report of the Committee on Land Use in favor of approving Application No. C 160161 PQX (LSSNY Early Life Child Center 2) submitted by the Administration for Children's Services and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 888 Westchester Avenue (Block 2696, Lot 30) for continued use as a child care facility, Borough of the Bronx, Community District 2, Council District 17.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 12, 2018 (Minutes, page 3504) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:****SUBJECT****BRONX CB - 2****C 160161 PQX**

City Planning Commission decision approving an application submitted by the Administration for Children's Services and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 888 Westchester Avenue (Block 2696, Lot 30), in Bronx Community District 2, for continued use as a childcare facility.

**INTENT**

To approve the acquisition of property located at 888 Westchester Avenue (Block 2696, Lot 30), in Bronx Community District 2, to facilitate its continued use as a childcare facility.

**PUBLIC HEARING****DATE:** September 17, 2018**Witnesses in Favor:** Two**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** October 9, 2018

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

**In Favor:**

Adams, Barron, Koo, Miller, Treyger.

**Against:**  
None.

**Abstain:**  
None.

## COMMITTEE ACTION

**DATE:** October 10, 2018

The Committee recommends that the Council approve the attached resolution.

### **In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, Koo, Lancman, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Diaz, Moya.

**Against:**  
None

**Abstain:**  
None.

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

Res. No. 573

**Resolution approving the decision of the City Planning Commission on ULURP No. C 160161 PQX (L.U. No. 220), for the acquisition of property located at 888 Westchester Avenue (Block 2696, Lot 30) for continued use as a childcare facility, Community District 2, Borough of Bronx.**

By Council Members Salamanca and Adams.

**WHEREAS**, the City Planning Commission filed with the Council on September 7, 2018 its decision dated September 5, 2018 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by the New York City Administration for Children's Services and the New York City Department of Citywide Administrative Services, for the acquisition of property located at 888 Westchester Avenue (Block 2696, Lot 30), for continued use as a childcare facility (the "Site"), (ULURP No. C 160161 PQX), Community District 2, Borough of Bronx (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 September 17, 2018;

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

**WHEREAS**, the lead agency determined that this Application is a Type II action and requires no further review under CEQR (the "Type II Determination").

### **RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment, pursuant to the Type II Determination.

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 160161 PQX, incorporated by reference herein, the Council approves the Decision.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA; Committee on Land Use, October 10, 2018. *Other Council Members Attending: Council Member Perkins.*

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. 223

**Report of the Committee on Land Use in favor of approving Application No. 20195048 HAM (95 Lenox Ave Plan and Project) submitted by the New York City Department of Housing Preservation and Development pursuant to Section 115 of the Private Housing Finance Law for the modification of the plan and project for Canaan IV Towers currently known as Block 1824, Lots 16 and 155 (f/k/a Lots 16, 18, 22, 23, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 38, 41, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, and 54 and then as Lot 16), Borough of Manhattan, dated July 17, 1980, and recorded in the Office of the City Register of New York County at Reel 550, Pages 2014-2062 (“Plan and Project”), by deleting from the areas described in such Plan and Project all references to that portion currently known as Block 1824, Lot 155 (f/k/a p/o Lots 16, 18, 22, 23, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 38, 41, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, and 54 and then as p/o Lot 16), 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 12, 2018 (Minutes, page 3505) and which same Land Use item was coupled with the resolution shown below, respectfully

#### REPORTS:

#### SUBJECT

**MANHATTAN CB - 10**

**20195048 HAM**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 115 of the Private Housing Finance Law for consent to modify a previously approved Article V Plan and Project for property located at Block 1824, Lots 16 and 155 (f/k/a Lots 16, 18, 22, 23, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 38, 41, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, and 54 and then as Lot 16), Community District 10, Council District 9.

#### INTENT

To remove Block 1824, Lot 155 (f/k/a p/o Lots 16, 18, 22, 23, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 38, 41, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, and 54 and then as p/o Lot 16) from the original plan and

project previously approved by the Board of Estimate on July 17, 1980 (Cal. No. 11), in order to facilitate the construction of one new multiple dwelling containing a minimum of 288 units of rental housing for low income families.

#### **PUBLIC HEARING**

**DATE:** September 17, 2018

**Witnesses in Favor:** Six

**Witnesses Against:** None

#### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** October 3, 2018

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:**

Kallos, Gibson, Deutsch, Diaz.

#### **Against:**

None

#### **Abstain:**

None

#### **COMMITTEE ACTION**

**DATE:** October 10, 2018

The Committee recommends that the Council approve the attached resolution.

#### **In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, Koo, Lancman, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Diaz, Moya.

#### **Against:**

None

#### **Abstain:**

None

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

Res. No. 574

**Resolution to approve modification to a previously approved Article V Plan and Project located at Block 1824, Lots 16 and 155 (f/k/a Lots 16, 18, 22, 23, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 38, 41, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, and 54 and then as Lot 16), Community District 10, Borough of Manhattan (L.U. No. 223; 20195048 HAM).**

By Council Members Salamanca and Kallos.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on October 1, 2018 an amendment to its original request of August 24, 2018, such amendment dated October 1, 2018, that the Council take the following actions regarding the previously approved Article V Plan and Project located at Block 1824, Lots 16 and 155 (f/k/a Lots 16, 18, 22, 23, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 38, 41, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, and 54 and then as Lot 16), Community District 10, Council District 9, Borough of Manhattan (the "Original Plan and Project") to facilitate the development of two new buildings (the "Development Parcels");

**WHEREAS**, the deletion of Block 1824, Lot 155 (f/k/a p/o Lots 16, 18, 22, 23, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 38, 41, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, and 54 and then as p/o Lot 16), from the Original Plan and Project, approved pursuant to Section 114 of the Private Housing Finance Law by the Board of Estimate on July 17, 1980 (Cal. No. 11), is requested, pursuant to Section 115 of the Private Housing Finance Law ("PHFL");

**WHEREAS**, upon due notice, the Council held a public hearing on the modification to a previously approved Article V Plan and Project as to the Development Parcels on September 17, 2018;

**WHEREAS**, the Council has considered the land use and financial implications and other policy issues relating to the modification to facilitate the development of the Development Parcels;

**RESOLVED:**

The Council approves, pursuant to Section 115 of the PHFL, the deletion of Block 1824, Lot 155 (f/k/a p/o Lots 16, 18, 22, 23, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 38, 41, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, and 54 and then as p/o Lot 16), from the Original Plan and Project. All references in the Plan and Project to Block 1824, Lot 155 (f/k/a p/o Lots 16, 18, 22, 23, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 38, 41, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, and 54 and then as p/o Lot 16), as more particularly set forth in Exhibit A hereto, are modified so as to exclude it.



**EXHIBIT A****PROPERTY DESCRIPTION**

All those certain plots, pieces and parcels of land, with the buildings and improvements thereon erected, situate, lying and being in the City and State of New York, designated on the Tax Map of the City of New York:

Borough: Manhattan

County: New York

Block: 1824

Lot: 155

as more particularly described as follows:

(see following page)

.....

499 Jericho Turnpike, Suite 201  
Mineola, New York 11501  
Phone: 516-873-7278  
Facsimile: 516-873-1218  
Email: JNSurveys@aol.com

**Joseph Nicoletti Associates** Professional Land Surveyors, P.C.

**TAX BLOCK 1824 TAX LOT 155**

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE BOROUGH OF MANHATTAN, CITY, COUNTY AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT DISTANT 330 FEET 0 INCHES FROM THE CORNER FORMED BY THE INTERSECTION OF WESTERLY SIDE OF LENOX AVENUE (150' WIDE) AND THE NORTHERLY SIDE OF WEST 114TH STREET (60' WIDE);

RUNNING THENCE WESTERLY ALONG THE NORTHERLY SIDE OF WEST 114TH STREET, 70 FEET 0 INCHES TO A POINT;

THENCE NORTHERLY ALONG A LINE PARALLEL WITH LENOX AVENUE, 100 FEET 11 INCHES TO THE CENTER LINE OF BLOCK BETWEEN WEST 114TH STREET AND WEST 115TH STREET (60' WIDE);

THENCE WESTERLY ALONG THE CENTER LINE OF BLOCK, 75 FEET 0 INCHES TO A POINT;

THENCE NORTHERLY ALONG A LINE PARALLEL WITH LENOX AVENUE, 100 FEET 11 INCHES TO A POINT ON THE SOUTHERLY SIDE OF WEST 115TH STREET;

THENCE EASTERLY ALONG THE SOUTHERLY SIDE OF EAST 115TH STREET, 223 FEET 9 INCHES TO A POINT;

THENCE SOUTHERLY ALONG A LINE PARALLEL WITH LENOX AVENUE, 100 FEET 11 INCHES TO A POINT;

THENCE WESTERLY ALONG THE CENTER LINE OF BLOCK BETWEEN WEST 114TH STREET AND WEST 115TH STREET, 78 FEET 9 INCHES TO A POINT;

THENCE SOUTHERLY ALONG A LINE PARALLEL WITH LENOX AVENUE, 100 FEET 11 INCHES TO THE POINT OR PLACE OF BEGINNING

.....

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA; Committee on Land Use, October 10, 2018. *Other Council Members Attending: Council Member Perkins.*

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. 224

**Report of the Committee on Land Use in favor of approving Application No. 20195047 HAM (95 Lenox Ave Conveyance) submitted by the New York City Department of Housing Preservation and Development pursuant to Section 122(1) of the Private Housing Finance Law for approval, contingent on the recordation of a restrictive covenant, of a conveyance of real property located at Block 1824, Lot 155 (f/k/a p/o Lots 16, 18, 22, 23, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 38, 41, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, and 54 and then as p/o Lot 16), from Church Homes Associates L.P. to 115th Street Holdings LLC, 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 12, 2018 (Minutes, page 3505) and which same Land Use item was coupled with the resolution shown below, respectfully

#### **REPORTS:**

#### **MANHATTAN CB - 10**

#### **20195047 HAM**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 122(1) of the Private Housing Finance Law for the approval of the conveyance of real property located at Block 1824, Lot 155 (f/k/a p/o Lots 16, 18, 22, 23, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 38, 41, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, and 54 and then as p/o Lot 16), Community District 10, Council District 9.

#### **INTENT**

To approve the conveyance of Block 1824, Lot 155 (f/k/a p/o Lots 16, 18, 22, 23, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 38, 41, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, and 54 and then as p/o Lot 16), pursuant to Section 122(1) of the Private Housing Finance Law for the construction of a one new multiple dwelling building containing a minimum of 288 rental units, contingent upon the execution and recordation of a restrictive covenant.

#### **PUBLIC HEARING**

**DATE:** September 17, 2018

**Witnesses in Favor:** Six

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION****DATE:** October 3, 2018

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:**

Kallos, Gibson, Deutsch, Diaz.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** October 10, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, Koo, Lancman, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Diaz, Moya

**Against:**

None

**Abstain:**

None

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

Res. No. 575

**Resolution approving a conveyance of property located at Block 1824, Lot 155 (f/k/a p/o Lots 16, 18, 22, 23, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 38, 41, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, and 54 and then as p/o Lot 16), Borough of the Manhattan (L.U. No. 224; 20195047 HAM).**

By Council Members Salamanca and Kallos.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on October 1, 2018 its amendment of its original request of August 2018, such amended request dated October 1, 2018 that the Council approve the conveyance of property located at Block 1824, Lot 155 (f/k/a p/o Lots 16, 18, 22, 23, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 38, 41, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, and 54 and then as p/o Lot 16), Community District 10, Council District 9, Borough of Manhattan (the "Conveyance Area");

**WHEREAS**, the original Article V Plan and Project was approved by the Board of Estimate on July 17, 1980 (Cal. No. 11), (the "Original Project");

**WHEREAS**, the Current Owner, Church Home Associates, L.P., wishes to convey the Conveyance Area to New Owner, 115<sup>th</sup> Street Holdings, LLC, for the construction of one new multiple dwelling that will contain a minimum of 288 dwelling units of rental housing (the "New Project");

**WHEREAS**, a restrictive covenant will be executed and recorded binding the New Owner to the terms set forth in the HPD request;

**WHEREAS**, upon due notice the Council held a public hearing on the New Project on September 17, 2018; and

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

**RESOLVED:**

The Council approves, pursuant to Section 122(1) of the Private Housing Finance Law, contingent upon the execution and recordation of a restrictive covenant, a copy of which is attached hereto as Exhibit A, as same may be modified with any necessary administrative or technical changes as are acceptable to Counsel to HPD, the conveyance of the Conveyance Area by the Current Owner to the New Owner.

**ATTACHMENT:**

EXHIBIT A

**WHEN RECORDED RETURN TO:**

Department of Housing Preservation  
and Development  
100 Gold Street, Rm 5-W10  
New York, New York 10038  
Attn: Bryan Kaplan, Esq.

**DECLARATION OF RESTRICTIVE COVENANT**

This Declaration of Restrictive Covenant (“Declaration”) executed as of this \_\_ day of September, 2018 (the “Effective Date”) is granted to the City of New York (the “City”), acting by and through its Department of Housing Preservation and Development (“HPD”), by 115<sup>th</sup> Street Holdings LLC, a New York limited liability company with an address at 1865 Palmer Avenue, Suite 203, Larchmont, New York 10538 (“Owner” or “Declarant”).

## RECITALS

- A. Owner is the owner of that certain parcel of land located in the Borough of Manhattan, County of New York, State of New York, identified on the tax map of the City of New York (the "Tax Map") as Block 1824, Lot 155, which is more fully described in Exhibit A hereto (the "Property").
- B. Owner has acquired the Property pursuant to a Resolution of the City Council of the City of New York dated \_\_\_\_\_, 2018 (Reso. No. \_\_\_\_ ) (the "Council Resolution") approving the conveyance of the Property by Church Home Associates, L.P., a redevelopment company organized pursuant to Article V of the Private Housing Finance Law, that previously owned the Property.
- C. The Council Resolution conditioned the approval of the conveyance on Owner's execution and recordation of a Declaration of Restrictive Covenant for the benefit of the City requiring during its term that any construction on the Property include at least one multiple dwelling containing, unless otherwise agreed by HPD, a minimum of 288 units of rental housing, at least forty percent (40%) of which shall be affordable to households at certain specified income levels in accordance with the terms and conditions set forth herein.

NOW THEREFORE, in consideration of the foregoing premises, the Council Resolution, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Owner declares as follows:

1. Term. The term of this Declaration (the "Term") shall commence on the Effective Date and expire on the earlier of (i) the closing of the New Housing Project (defined below) and (ii) four (4) years from the Effective Date.
2. Conveyance. During the Term, Owner may not sell, transfer, or convey any direct or indirect interests in the Property or Declarant (other than passive investment interests) without the prior written consent of HPD; provided, however, that, unless otherwise agreed by HPD, any such consent shall be delivered by HPD only if such sale, transfer, or conveyance is for the purpose of constructing an affordable housing project where 100% of the units shall be affordable to households at income levels agreed to by HPD.
3. Definitions. For purposes of this Agreement, the following terms shall have the meanings set forth below:

"50% of AMI" shall mean 100% of the income levels as modified by household size for the New York metropolitan statistical area for fifty percent (50%) of median income families (a.k.a. as "very low income families") as determined from time to time by HUD under Section 3(b)(2) of the United States Housing Act of 1937 (or, if such program is terminated, under such program as was in effect immediately before such termination).

"50% AMI Tenant" shall mean a person or family whose Annual Income at the time of application to lease a Unit is less than or equal to 50% of AMI.

"50% AMI Units" shall have the meaning set forth in Section 6 of this Declaration.

“90% of AMI” shall mean 180% of the income levels as modified by household size for the New York metropolitan statistical area for fifty percent (50%) of median income families (a.k.a. as “very low income families”) as determined from time to time by HUD under Section 3(b)(2) of the United States Housing Act of 1937 (or, if such program is terminated, under such program as was in effect immediately before such termination).

“90% AMI Tenant” shall mean a person or family whose Annual Income at the time of application to lease a Unit is less than or equal to 90% of AMI.

“90% AMI Units” shall have the meaning set forth in Section 6 of this Declaration.

“130% of AMI” shall mean 260% of the income levels as modified by household size for the New York metropolitan statistical area for fifty percent (50%) of median income families (a.k.a. as “very low income families”) as determined from time to time by HUD under Section 3(b)(2) of the United States Housing Act of 1937 (or, if such program is terminated, under such program as was in effect immediately before such termination).

“130% AMI Tenant” shall mean a person or family whose Annual Income at the time of application to lease a Unit is less than or equal to 130% of AMI.

“130% AMI Units” shall have the meaning set forth in Section 6 of this Declaration.

“Actual Rent” shall mean the rent charged for a Unit in accordance with Section 6 of this Agreement. “AMI” shall mean the area median income for the primary metropolitan statistical area as determined by HUD from time to time for a family of four, as adjusted for family size.

“Annual Income” is the anticipated total income from all sources to be received by the household head and spouse and by each additional member of the household, including all net income derived from assets, for the twelve (12) month period following the date of initial determination of income. The definitions and descriptions of income set forth in the HUD regulations contained in 24 CFR 5.609 or any successor regulations shall apply for the purposes of this Declaration and shall be incorporated herein.

“Destabilization” shall mean any set of facts that causes the Rent Stabilization Code to no longer apply to the Regulated Units, whether by expiration, legislative repeal, judicial invalidation, or any other reason.

“Eligible Tenant” shall mean any tenant who satisfies the income and occupancy restrictions set forth herein.

“HUD” shall mean the United States Department of Housing and Urban Development and any successor agency.

“Legal Rent” shall mean the initial legal regulated rent as adjusted pursuant to the Rent Stabilization Code.

“Regulated Units” shall mean the 50% AMI Units, 90% AMI Units and 130% AMI Units designated by the Owner and leased pursuant to Section 6 of this Declaration.

“Rent Stabilization Code” shall mean Title 26, Chapter 4 of the New York City Administrative Code (and any successor statute) and the regulations promulgated in connection therewith.

“Units” shall mean the rental dwelling units in the New Housing Project.

4. Taxes. Unless the Property receives an exemption from or abatement of real property taxes, Declarant shall pay such real property taxes as may be assessed against the Property and any improvements thereon. Declarant may apply for any form of real estate tax exemption or abatement to which the Property may be legally entitled to apply.
5. New Housing Project. During the Term, any construction on the Property must include at least one multiple dwelling that will contain, unless otherwise agreed by HPD, a minimum of 288 units of rental housing, at least forty percent (40%) of which shall be affordable to households at the income levels specified in Section 6 below and upon the terms and conditions set forth therein (the “New Housing Project”). The New Housing Project (i) shall be subject to a restrictive declaration or regulatory agreement, acceptable to HPD in its sole discretion, requiring the affordability levels set forth herein for a term of at least thirty-five (35) years, and (ii) shall not receive subsidy (except a real estate tax exemption under (x) Section 421-a(16) of the New York Real Property Tax Law, (y) Section 577 of the New York Private Housing Finance Law, or (z) any successor or equivalent of either) from HPD or any other government agency.
6. Eligible Tenants and Rents for Regulated Units
  - (i) Owner shall lease each Regulated Unit to an Eligible Tenant determined as follows:
    - (a) No less than ten percent (10%) of the Units shall be leased to 50% AMI Tenants (“50% AMI Units”) at rents affordable to such households, no less than ten percent (10%) of the Units shall be leased to 90% AMI Tenants (“90% AMI Units”) at rents affordable to such households, and no less than twenty percent (20%) of the Units shall be leased to 130% AMI Tenants (“130% AMI Units”) at rents affordable to such households. No Unit may be counted multiple times for the purpose of meeting the aforesaid percentages.
    - (b) Units that are not Regulated Units may be leased to tenants without regard to any income restrictions set forth in this Agreement.
  - (ii) If the Actual Rent for a Regulated Unit shall be less than the Legal Rent for such Regulated Unit, the Actual Rent shall be registered as a “preferential rent” under the Rent Stabilization Code. Upon renewal of any lease for an Actual Rent less than the Legal Rent, the Actual Rent may be increased by the amount of the increase, whether expressed as a percentage or otherwise, authorized for one or two year leases (as applicable) in accordance with the Rent Stabilization Code.
  - (iii) Following the expiration of the Term, the rent for each Regulated Unit occupied by a tenant whose occupancy began prior to the expiration of the Term shall continue to be determined in accordance with the terms of this Declaration.
  - (iv) Any Eligible Tenant shall be entitled to remain in occupancy and to obtain a renewal lease in accordance with the Rent Stabilization Code, notwithstanding that such tenant’s Annual Income, after initial occupancy, may exceed the maximum for initial eligibility. Further, no Eligible Tenant may be evicted nor its tenancy terminated except for good cause.
  - (v) In order to determine whether a prospective tenant is an Eligible Tenant, Owner shall ascertain the Annual Income of such tenant’s household. Owner may consult with HPD to obtain advice and guidance with respect to income determinations. Owner must retain all records and documents relating to Owner’s determination for a minimum of three years after the date the tenant commences occupancy. Owner shall provide in each lease for the



termination of the lease and eviction of the tenant if the tenant falsely or fraudulently certifies income to Owner.

- (vi) Owner shall not refuse to lease a Regulated Unit to a holder of a voucher or certificate under the federal Section 8 Voucher Program or Section 8 Certificate Program or successor programs by reason of the status of the prospective tenant as such a holder.
- (vii) No later than thirty (30) days following the date of the issuance of a temporary certificate of occupancy for any multiple dwelling constructed on the Property (the "TCO Issuance Date"), Owner shall register the rents for any Regulated Unit in accordance with the Rent Stabilization Code at 30% of 50% of AMI for the 50% AMI Units, 30% of 90% of AMI for the 90% AMI Units, and 30% of 130% of AMI for the 130% AMI Units. For purposes of this paragraph, "AMI" shall mean the AMI as determined by HUD as of the TCO Issuance Date. The rents so registered shall be deemed the initial Legal Rent for each Regulated Unit.
- (viii) Owner shall not utilize any exemption or exclusion from any requirement of the Rent Stabilization Code to which Owner might otherwise be or become entitled with respect to one or more Regulated Units, including but not limited to any exemption from or exclusion from the rent limits, renewal lease requirements, registration requirements or other provisions of the Rent Stabilization Code due to (A) the vacancy of a Regulated Unit where the rent exceeds a prescribed maximum amount, (B) the fact that tenant income and/or rent exceed prescribed maximum amounts, (C) the nature of the tenant, or (D) any other factor.
- (ix) Units may only be occupied as a primary residence, as defined in the Rent Stabilization Code, by natural persons or families pursuant to a one or two year lease who have met the applicable income requirements for Eligible Tenants at the time of such tenant's initial occupancy of such Unit. Owner shall only offer a vacant Regulated Unit for occupancy by persons or families intending to occupy such Unit as their primary residence pursuant to a one or two year lease and shall not cause or permit the sublease or assignment of any Regulated Unit for transient occupancy, for occupancy by any household that is not income eligible, or to any corporation or other entity.
- (x) "Contractual Rent Regulation" shall mean the following after Destabilization:
  - (a) Owner shall be required to offer renewal leases on the same terms and conditions as had been required by the Rent Stabilization Code at the time of Destabilization (subject however to the provisions in subparagraphs (b) and (c) below), as if the Regulated Unit was still subject to and not excluded or exempted from any provision of the Rent Stabilization Code, including, but not limited to, any exemption or exclusion regarding rent limits, renewal lease requirements, or any other provision due to (i) the vacancy of a Regulated Unit where the rent exceeds a prescribed maximum amount, (ii) the fact that tenant income and/or Regulated Unit rent exceed prescribed maximum amounts, (iii) the nature of the tenant, or (iv) any other factor.
  - (b) The "Legal Rent," as such term is used in this Declaration, shall be limited by percentage increases calculated based on a method or index established by HPD for determining the maximum increase to Legal Rent upon lease renewal or vacancy. Such method or index shall be based on inflation or on factors substantially equivalent to the factors considered in calculating such increases under the Rent Stabilization Code at the time of Destabilization, and shall incorporate a method for determining and implementing increases to Legal Rent by reason of major capital improvements performed by Owner, to the extent that such increases,

if any, are not prohibited hereunder. HPD will publish such methodology in the City Record and will provide a copy of the methodology to Owner upon request.

- (c) Wherever this Declaration limits increases in rent by increases as permitted by the Rent Stabilization Code (or language of similar import), such increases shall be limited by the percentage increases established by HPD as described in subparagraph (b) above.
  - (d) If Destabilization occurs during the Term, then, for the remainder of the Term, all Regulated Units that have undergone Destabilization shall be subject to Contractual Rent Regulation. If some Regulated Units remain subject to the Rent Stabilization Code while other Regulated Units have undergone Destabilization, Contractual Rent Regulation will apply only to the Regulated Units that have undergone Destabilization.
7. Intentionally omitted.
8. Superiority. The charges and burdens of this Declaration are, and shall at all times be, prior and therefore superior to the lien or charge of any mortgage or deed of trust hereafter made affecting the Property or any part thereof, including any improvements now or hereafter placed thereon, and, notwithstanding a foreclosure or other voluntary or involuntary transfer of title pursuant to such instrument, shall remain in full force and effect, but are subordinate to the security interests of record on the Effective Date; provided, however, that a breach of any of the restrictions hereof shall not defeat or render invalid the lien or charge of any mortgage or deed of trust. The charges and burdens of this Declaration are not intended to create a lien upon the Property, or grant any right of foreclosure, to any person or party.
9. Notices. All notices provided for herein may be delivered in person, sent by Federal Express or other overnight courier service, mailed in the United States postage prepaid, return receipt requested, or sent by electronic or facsimile transmission, and, regardless of the method of delivery used, shall be considered delivered upon the actual receipt or refusal of receipt thereof. The name, address and other information to be used in connection with such correspondence and notices to Owner shall be the then-current owner's name and address information maintained in the official real property tax records with respect to the Property.
10. Miscellaneous.
- (a) Headings. The headings in this Declaration are for convenience only and do not in any way limit or affect the terms and provisions hereof.
  - (b) Unenforceability. If any provision of this Declaration is held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect the remainder of such provision or any other provisions hereof.
  - (c) Gender. Wherever appropriate in this Declaration, the singular shall be deemed to refer to the plural and the plural to the singular, and pronouns of certain genders shall be deemed to include either or both of the other genders.
  - (d) Governing Law. This Declaration shall be construed and enforced in accordance with the laws of the State of New York.
  - (e) Amendments. This Declaration may be amended or canceled only by written instrument executed by HPD and the then-current owner of the Property.

- (f) Entire Agreement. This Declaration constitutes the entire agreement of HPD and Declarant with respect to the subject matter hereof and supersedes all prior negotiations or discussions, whether oral or written, with respect thereto.
  
- 11. Expiration. Except as otherwise provided herein, upon the expiration of the Term, this Declaration shall be of no further force and effect; provided, however, that HPD shall retain all of its rights and remedies to enforce this Declaration with respect to any default or violation that occurred prior to the expiration of the Term. HPD shall, if requested by Owner, execute and deliver to Owner a document in recordable form to acknowledge the expiration of this Declaration.
  
- 12. Covenants Run With The Land. This Declaration shall run with the land and bind all subsequent parties in interest to the Property, including but not limited to Owner’s successors, assigns, heirs, grantees and lessees, during the Term. All references to "Owner" in this Declaration shall include Owner's successors, assigns, heirs, grantees and lessees.
  
- 13. Enforcement.
  - (a) In the event of a breach of any of the covenants and agreements contained herein, the City shall have the right to one or more of the following nonexclusive remedies:
    - (i) Institute and prosecute any proceeding for an injunction or for specific performance of Owner's obligations hereunder.
    - (ii) Extend the term of this Declaration by the period of such noncompliance upon the recording of an appropriate document, executed solely by the City, against the Property. The period of noncompliance shall be presumed to be the period running from the date that such noncompliance commenced (the “Noncompliance Date”) to the date that such noncompliance is cured; provided, however, that in the event Owner cannot establish the Noncompliance Date definitively, in the sole discretion of HPD, then the Noncompliance Date shall be deemed to be the Effective Date.
  
  - (b) In the event of a threatened breach of any of the covenants and agreements contained herein, the City shall have the right to the remedy described in Section 13(a)(i) above.

*[remainder of page left blank by intention]*

IN WITNESS WHEREOF, the undersigned has caused this Declaration to be signed by its duly authorized representatives, as of the day and year first-above written.

115<sup>TH</sup> STREET HOLDINGS LLC

By: L+M 115<sup>th</sup> Street Holdings, its sole member

By: \_\_\_\_\_

Name:

Title: Authorized Signatory

**ACKNOWLEDGMENTS**

STATE OF NEW YORK)

)ss.

COUNTY OF NEW YORK)

On the \_\_\_ day of September in the year 2018 before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted executed the instrument.

\_\_\_\_\_

Notary Public

**EXHIBIT A****PROPERTY DESCRIPTION**

All those certain plots, pieces and parcels of land, with the buildings and improvements thereon erected, situate, lying and being in the City and State of New York, designated on the Tax Map of the City of New York:

Borough: Manhattan

County: New York

Block: 1824

Lot: 155

as more particularly described as follows:

(see following page)

.....

499 Jericho Turnpike, Suite 201  
Mineola, New York 11501  
Phone: 516-873-7278  
Facsimile: 516-873-1218  
Email: JNSurveys@aol.com

# Joseph Nicoletti Associates Professional Land Surveyors, P.C.

## TAX BLOCK 1824 TAX LOT 155

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE BOROUGH OF MANHATTAN, CITY, COUNTY AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT DISTANT 330 FEET 0 INCHES FROM THE CORNER FORMED BY THE INTERSECTION OF WESTERLY SIDE OF LENOX AVENUE (150' WIDE) AND THE NORTHERLY SIDE OF WEST 114TH STREET (60' WIDE);

RUNNING THENCE WESTERLY ALONG THE NORTHERLY SIDE OF WEST 114TH STREET, 70 FEET 0 INCHES TO A POINT;

THENCE NORTHERLY ALONG A LINE PARALLEL WITH LENOX AVENUE, 100 FEET 11 INCHES TO THE CENTER LINE OF BLOCK BETWEEN WEST 114TH STREET AND WEST 115TH STREET (60' WIDE);

THENCE WESTERLY ALONG THE CENTER LINE OF BLOCK, 75 FEET 0 INCHES TO A POINT;

THENCE NORTHERLY ALONG A LINE PARALLEL WITH LENOX AVENUE, 100 FEET 11 INCHES TO A POINT ON THE SOUTHERLY SIDE OF WEST 115TH STREET;

THENCE EASTERLY ALONG THE SOUTHERLY SIDE OF EAST 115TH STREET, 223 FEET 9 INCHES TO A POINT;

THENCE SOUTHERLY ALONG A LINE PARALLEL WITH LENOX AVENUE, 100 FEET 11 INCHES TO A POINT;

THENCE WESTERLY ALONG THE CENTER LINE OF BLOCK BETWEEN WEST 114TH STREET AND WEST 115TH STREET, 78 FEET 9 INCHES TO A POINT;

THENCE SOUTHERLY ALONG A LINE PARALLEL WITH LENOX AVENUE, 100 FEET 11 INCHES TO THE POINT OR PLACE OF BEGINNING

.....

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA; Committee on Land Use, October 10, 2018. *Other Council Members Attending: Council Member Perkins.*

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. 225

**Report of the Committee on Land Use in favor of approving Application No. 20195049 HAM (95 Lenox Ave Tax Exemption) submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of Article XI of the Private Housing Finance Law for the approval of a new exemption from real property taxes, pursuant to Section 125 of the Private Housing Finance Law for approval of the termination of the prior exemption, pursuant to Section 123(4) of the Private Housing Finance Law for consent to the voluntary dissolution of the current owner, for property located at Block 1824, Lot 16, 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 12, 2018 (Minutes, page 3505) and which same Land Use item was coupled with the resolution shown below, respectfully

#### **REPORTS:**

#### **SUBJECT**

**MANHATTAN CB - 10**

**20195049 HAM**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to the Private Housing Finance Law for the approval of a new real property tax exemption, the termination of a prior tax exemption, and the voluntary dissolution of the current owner of property located at Block 1824, Lot 16, Community District 10, Council District 9.

#### **INTENT**

To approve a new real property tax exemption, termination of the prior tax exemption and voluntary dissolution of current owner pursuant to Sections 577, 125 and 123(4) of the Private Housing Finance Law for an exemption area that contains one multiple dwelling, known as 95 Lenox Avenue, which will continue to provide a minimum of 160 rental housing units for low income families.

#### **PUBLIC HEARING**

**DATE:** September 17, 2018

**Witnesses in Favor:** Six

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION****DATE:** October 3, 2018

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:**

Kallos, Gibson, Deutsch, Diaz.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** October 10, 2018

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, Koo, Lancman, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Diaz, Moya.

**Against:**

None

**Abstain:**

None

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

Res. No. 576

**Resolution approving a new real property tax exemption pursuant to Section 577 of Article XI 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 1824, Lot 16, Community District 10, Borough of Manhattan, (L.U. No. 225; Non-ULURP No. 20195049 HAM).**

By Council Members Salamanca and Kallos.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on October 1, 2018 an amendment of its original request of August 2018, such amended request dated October 1, 2018 that the Council take the following actions regarding a new real property tax exemption for an area located at Block 1824, Lot 16, Community District 10, Council District 9, Borough of Manhattan, (the "Exemption Area");

Approve an exemption of the Exemption Area from real property taxes pursuant to the Private Housing Finance Law (PHFL) Section 577 (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**, HPD’s request for the Tax Exemption is related to a previously approved real property tax exemption by the Board of Estimate on July 17, 1980 (Cal. No. 11);

**WHEREAS**, upon due notice, the Council held a public hearing on the Tax Exemption, Termination and Dissolution on September 17, 2018; and

**WHEREAS**, the Council has considered the land use and financial implications and other policy issues relating to the Tax Exemption, Termination and Dissolution.

**RESOLVED:**

The Council approves the Tax Exemption for the Exemption Area pursuant to Section 577 of the Private Housing Finance Law 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 Church Home Partners 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 (a) the sum of (i) \$530,760, plus (ii) twenty-five percent (25%) of the Contract Rent Differential; or (b) if the Department of Buildings issues a Temporary Certificate of Occupancy (“TCO”) for all of the residential dwelling units in the New Project on or before the eighth anniversary of the Effective Date, then “Contract Rent Differential Tax” shall thereafter mean \$0 from the tax year in which the TCO was originally issued until the fifteenth anniversary of such tax year, after which “Contract Rent Differential Tax” shall mean five percent (5%) of the total contract rents applicable to the Exemption Area on the sixteenth anniversary of the tax year in which such TCO is issued; provided, however, that, with respect to either (a) or (b), 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) “Conveyance Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1824, Lot 155 on the Tax Map of the City of New York.

- (6) “Current Owner” shall mean Church Home Associates, L.P.
- (7) “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.
- (8) “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1824, Lot 16 on the Tax Map of the City of New York.
- (9) “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.
- (10) “HDFC” shall mean Church Home Rental Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
- (11) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
- (12) “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
- (13) “New Owner” shall mean, collectively, the HDFC and the Company.
- (14) “New Project” shall mean the new multiple dwelling to be constructed on the Conveyance Area that (a) will be subject to a restrictive covenant for a maximum of four years from the date of execution and recordation thereof requiring, unless otherwise agreed to by HPD, a minimum of 288 dwelling units of rental housing, with at least 10% of the dwelling units in the New Project affordable to persons at or below 50% of Area Median Income (“AMI”), an additional 10% of the dwelling units in the New Project affordable to persons at or below 90% of AMI, and an additional 20% of the dwelling units in the New Project affordable to persons at or below 130% of AMI, (b) upon the construction loan closing for such New Project, shall thereafter be subject to a restrictive declaration or regulatory agreement for a term of at least 35 years requiring at a minimum the percentages of dwelling units at the affordability levels set forth in subparagraph (a) of this paragraph (14), and (c) shall not receive subsidy from HPD or any other government agency (except for a tax exemption under Real Property Tax Law 421-(a)(16) or Section 577 of the New York Private Housing Finance Law or any successor or equivalent thereof).
- (15) “PHFL” shall mean the Private Housing Finance Law.
- (16) “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 July 17, 1980 (Cal No. 11).
- (17) “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. Notwithstanding the foregoing, the total annual real property tax payment by the New Owner shall not at any time exceed the lesser of (i) seventeen percent (17%) of the contract rents in the applicable tax year, or (ii) 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.
  - 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 PHFL, (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 the New Owner and all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, 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, 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 redevelopment company and the Prior Exemption shall be reinstated as though they had never been terminated or interrupted.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA; Committee on Land Use, October 10, 2018. *Other Council Members Attending: Council Member Perkins.*

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

#### **Report of the Committee on Rules, Privileges and Elections**

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

Preconsidered M-104

#### **Report of the Committee on Rules, Privileges and Elections approving the appointment by the Mayor of Steven Kest as a member of the New York City Taxi and Limousine Commission.**

The Committee on Rules, Privileges and Elections, to which the annexed Mayor's Message was referred on October 17, 2018 and which same Mayor's Message was coupled with the resolution shown below, respectfully

#### **REPORTS:**

**(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-105, printed in these Minutes)**

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to §§ 31 and 2301 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of Steven Kest as a member of the New York City Taxi and Limousine Commission to serve the remainder of a seven-year term that expires on January 31, 2019.

This matter will be referred to the Committee on October 17, 2018

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

Res. No. 577

**RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR OF STEVEN KEST AS A MEMBER OF THE NEW YORK CITY TAXI AND LIMOUSINE COMMISSION.**

By Council Member Koslowitz.

**RESOLVED**, that pursuant to §§ 31 and 2301 of the *New York City Charter*, the Council does hereby approve the appointment by the Mayor of Steven Kest as a member of the New York City Taxi and Limousine Commission to serve the remainder of a seven-year term that expires on January 31, 2019.

KAREN KOSLOWITZ, *Chairperson*; MARGARET S. CHIN, VANESSA L. GIBSON, RORY I. LANCMAN, MARK TREYGER, ADRIENNE E. ADAMS, THE SPEAKER (COUNCIL MEMBER COREY D. JOHNSON); Committee on Rules, Privileges and Elections, October 17, 2018.

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

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

Preconsidered M-105

**Report of the Committee on Rules, Privileges and Elections approving the appointment of Oudeshram “Raj” Rampershad as a member of the New York City Planning Commission.**

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on October 17, 2018 and which same communication was coupled with the resolution shown below, respectfully

**REPORTS:**

**Topic I:** *New York City Planning Commission – (Candidate for appointment by the Queens Borough President upon the advice and consent of the Council)*

- **Oudeshram “Raj” Rampershad [Pre-considered M-105]**

Pursuant to the *New York City Charter* (“*Charter*”) §192, there shall be a thirteen-member City Planning Commission, with seven appointments made by the Mayor (including the Chair), one by the Public Advocate, and one by each Borough President. [*Charter* §192(a)] All members, except the Chair, are subject to the advice and consent of the Council. [*Charter* §192(a)] Further, the *Charter* states that members are to be chosen for their independence, integrity, and civic commitment. [*Charter* §192(a)]

The *Charter* provides that CPC members shall serve for staggered five-year terms, except for the Chair, who as Director of the Department of City Planning (*Charter* §191), serves at the pleasure of the Mayor. [*Charter* §192(a)] For purposes of Chapter 68 of the *Charter* (Conflicts of Interest), CPC members, other than the Chair, shall not be considered regular employees of the City. [*Charter* §192(b)] There is no limitation on the number of terms a CPC member may serve. [*Charter* §192(a)] CPC members are prohibited from holding any other City office while they serve on the CPC. [*Charter* §192(b)] The Chair receives an annual salary of

\$214,413. The CPC member designated to serve as the Vice-Chair receives an annual salary of \$65,121. The other CPC members receive an annual salary of \$54,150.

CPC is responsible for the following:

- CPC must engage in planning focused on the City's orderly growth, improvement, and future development, which includes consideration of appropriate resources for housing, business, industry, recreation, and culture. [*Charter* §192(d)];
- CPC assists the Mayor and other officials in developing the ten-year capital strategy, the four-year capital program, as well as the annual *Statement of Needs*. [*Charter* §192(f)];
- CPC oversees and coordinates environmental reviews under the *City Environmental Quality Review* ("CEQR"), as mandated by state law (*Environmental Conservation Law* – Article 8). [*Charter* §192(e)];
- Every four years, the CPC must prepare and file with the Mayor, Council, Public Advocate, Borough Presidents and Community Boards, a zoning and planning report containing CPC's Planning Policy, and in light of this policy, provide a proposal for implementing the policy, along with any associated recommended amendments, if any, to the Zoning Resolution. The report must also include the plans and studies CPC undertook or completed in the previous four years. [*Charter* §192(f)]; and
- CPC must review, and either approve or deny, any City proposal involving the City's request to make acquisitions for office space and any requests for existing buildings for office use. [*Charter* §195]

CPC is also responsible for promulgating various rules, some of which consists of the following:

- It is CPC's responsibility to establish minimum standards for certifying the *Uniform Land Use and Review Procedure* ("ULURP") applications, which includes providing specific time periods for pre-certification review. [*Charter* §197-c (i)];
- The criteria associated with the selection of sites for capital projects is also established by CPC. [*Charter* §218 (a)];
- CPC establishes the minimum standards for the form and content of plans for the development of the City and boroughs. [*Charter* §197-a (b)]; and
- CPC also adopts rules that either list major concessions or establishes a procedure for determining whether a concession is defined as a *major concession*, as it relates to the act of City Agencies granting concessions. [*Charter* §374 (b)].

Mr. Rampershad is scheduled to appear before the Committee on Rules, Privileges, and Elections on Wednesday, October 17. If appointed to the CPC, Mr. Rampershad, a resident of Queens, will serve the remainder of five-year term, expiring on June 30, 2023. A copy of the candidate's résumé as well as the related associated message is attached to this briefing paper.

**Topic II: New York City Taxi and Limousine Commission – (Candidate for appointment by the Mayor upon the advice and consent of the Council)**

- **Steven Kest [Pre-considered M-104]**

The TLC was created pursuant to Local Law 12 of 1971. Chapter 65 of section 2300 of the *Charter* states that there shall be a TLC, which shall have the purpose of further developing and improving the taxi and limousine service in New York City (“the City”). It shall also remain consistent with the promotion and protection of the public comfort and convenience, adopting and establishing an overall public transportation policy, which will govern taxi, coach, limousine, and wheelchair accessible van services, as it relates to the overall public transportation network of the City. The TLC is also responsible for establishing certain rates, standards, and criteria for the licensing of vehicles, drivers, chauffeurs, owners, and operators engaged in such services. Furthermore, the TLC provides authorization to individuals who wish to operate commuter van services within the City.

The TLC consists of nine members appointed by the Mayor, all with the advice and consent of the Council. Five of the said members must be a resident from each of the five boroughs of the City, and are recommended for appointment by a majority vote of the Council Members from the respective borough. The TLC members are appointed for seven year terms, and can serve until the appointment and qualification of a successor. Vacancies, other than those that occur due to an expiration of a term, shall be filled for the unexpired term. Furthermore, the mayor may remove any such member for cause, upon stated charges.

The mayor designates one TLC member to act as the Chairperson and Chief Executive Officer. The Chairperson shall have be in-charge of the organization of his/her office, and possesses the authority to employ, assign, and superintend the duties of such officers and employees, as may be necessary to carry out the provisions of Chapter 65 of the *Charter*. The *Charter* provides that the Chairperson shall devote his/her full time to this position and as such, the Chair will receive compensation that is set by the Mayor. The Chair currently receives an annual salary of \$192,198.00. The other TLC members are not entitled to compensation.

Pursuant to the *Charter*, all TLC proceedings and all documents and records in its possession, shall be public records. Furthermore, the TLC is required to make an annual report to the Council, on or before the second Monday of January, of every year, concerning information that consists of the following; complaints received by the commission from the public, including, but is not limited to, complaints of overcharging, as well as enforcement actions undertaken by the commission, whether the enforcement action was dismissed or settled, or if a penalty was imposed by the commission on the subject of the enforcement action. The information regarding enforcement actions shall also include, but is not limited to; enforcement action relating to illegal street hails, unlicensed vehicles, overcharging, and toll lane infractions.

If Mr. Kest, a Brooklyn resident, receives the advice and consent of the Council and is subsequently appointed to the TLC, he will be eligible to complete the remainder of a seven-year term, expiring on January 31, 2019.

Copies of the following are annexed to this briefing paper: the candidate’s résumé as well as the related associated message.

**PROJECT STAFF**

Elizabeth Guzman, Counsel  
Charles W. Davis III, Chief Compliance Officer  
Andre Johnson Brown, Legislative Investigator

*(After interviewing the candidates and reviewing the submitted material, the Committee decided to approve the appointment of the nominees. For nominee **Steven Kest [M-104]**, please see, respectively, the Report of the Committee on Rules, Privileges and Elections for M-104 printed above in these Minutes; for nominee **Oudeshram “Raj” Rampershad [M-105]**, please see immediately below:)*

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to § 192 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Queens Borough President of **Oudeshram “Raj” Rampershad** as a member of the **New York City Planning Commission** to serve for the remainder a five-year term that will expire on June 30, 2023

This matter will be referred to the Committee on October 17, 2018.

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

Res No. 578

**RESOLUTION APPROVING THE APPOINTMENT BY THE QUEENS BOROUGH PRESIDENT OF OUDESHAM “RAJ” RAMPERSHAD AS A MEMBER OF THE NEW YORK CITY PLANNING COMMISSION.**

By Council Member Koslowitz.

**RESOLVED**, that pursuant to § 192 of the *New York City Charter*, the Council does hereby approve the appointment by the Queens Borough President of Oudeshram “Raj” Rampershad as a member of the New York City Planning Commission to serve for the remainder of a five year term that will expire on June 30, 2023.

KAREN KOSLOWITZ, *Chairperson*; MARGARET S. CHIN, VANESSA L. GIBSON, RORY I. LANCMAN, MARK TREYGER, ADRIENNE E. ADAMS, THE MINORITY LEADER (STEVEN MATTEO), THE SPEAKER (COUNCIL MEMBER COREY D. JOHNSON); Committee on Rules, Privileges and Elections, October 17, 2018.

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 Women**

Report for Int. No. 878-A

### **Report of the Committee on Women 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 lactation rooms in certain city spaces.**

The Committee on Women, to which the annexed proposed amended local law was referred on May 9, 2018 (Minutes, page 1807), respectfully

#### **REPORTS:**

##### **I. INTRODUCTION**

On Monday, October 15, 2018, the Committee on Women, chaired by Council Member Helen K. Rosenthal, will consider a package of bills to empower parents: Proposed Int. No. 878-A, in relation to requiring lactation rooms in certain city spaces; Proposed Int. No. 879-A, in relation to requiring certain employers to provide lactation spaces; Proposed Int. No. 905-A, in relation to requiring employers to implement a lactation accommodation policy; Proposed Int. No. 913-A, in relation to access to doulas; and Proposed Int. No. 914-A, in relation to reporting on maternal mortality and morbidity. This will be the second hearing on the bills.

The first hearing on Preconsidered Int. Nos. 878, 879, and 905 was held on June 19, 2018, as a joint oversight hearing with the Committee on Governmental Operations, chaired by Council Member Fernando Cabrera, to consider legislation related to parenting. The first hearing on Preconsidered Int. Nos. 913 and 914, was a joint oversight hearing with the Committee on Health, chaired by Council Member Mark Levine, and examined maternal mortality in New York City (NYC). At both hearings, the Committees sought information on policies and procedures that affect pregnant persons and parents at NYC agencies, hospitals, and in the private sector, considering these five bills, in addition to several others before the Committee on Governmental Operations. The Committees also explored best practices and model policies for supporting pregnant persons and parents in NYC.

Those invited to testify included representatives from the Department of Health and Mental Hygiene (DOHMH), the Department of Citywide Administrative Services (DCAS), Department of Social Services (DSS), Department of Human Resources (HRA), Administration of Child Services (ACS), Department of Education (DOE), Department of Corrections (DOC), New York Police Department (NYPD), as well as advocacy groups, hospitals, medical training programs, doula organizations, labor unions, and other stakeholders and interested parties.

##### **II. PROPOSED INT. NO. 878-A**

Proposed Int. No. 878-A would require lactation rooms be made available in police precincts and City jail facilities accepting visitors. The legislation would further require that where a lactation room was not practicable, the police department or jail would provide an explanation to the Council for why it is not practicable to provide a room by August 1, 2019, disaggregated by building, and also annually provide information on any plans to improve access or provide for lactation rooms.

Section two of Proposed Int. No. 878-A establishes that the local law would take effect 90 days after it becomes law.

Since introduction, Proposed Int. No. 878-A was amended to update the definition of lactation room so that it is streamlined with other legislation on lactation rooms, clarified that the bill would only pertain to police precincts and city jails that allow visitors, and it also added a reporting requirement for those locations

where it would not be practicable to provide a lactation room to gain information on the issues related to providing a room and plans to address those issues in the future.

### **III. PROPOSED INT. NO. 879-A**

Proposed Int. No. 879-A would require employers in the City with more than 15 employees to provide lactation spaces, as well as refrigerators in reasonable proximity to work areas for the purposes of storing breast milk, with certain exceptions such as where the employer shows undue hardship in providing the accommodation or where employers can share a space.

Section two of Proposed Int. No. 879-A would establish that the local law would take effect 120 days after it becomes law.

Since introduction, Proposed Int. 879-A was amended to streamline the definition of lactation room and clarify the language around the undue hardship exception, including with regard to the employer engaging in a cooperative dialogue, as required by subdivision 28 of the same section, where relevant.

### **IV. PROPOSED INT. NO. 905-A**

Proposed Int. No. 905-A would require employers to establish policies describing lactation accommodations and the process by which an employee can request such accommodation, to be distributed to all new employees. It would also require the City Commission on Human Rights, in coordination with the DOHMH, to establish and make available a model lactation accommodation policy. There would also be a records retention requirement for employers.

Section two of Proposed Int. No. 905-A establishes that the local law would go into effect on the same date as Proposed Int. 879-A, takes effect, except that the commission on human rights shall take such measures as necessary for this implementation of this local law, including the promulgation of rules, before such date.

Since introduction, Proposed Int. 905-A was amended to streamline the definition of lactation room, remove the record retention requirement to streamline this section more fully with the rest of the Human Rights Law and this section of the code, and to clarify the process around the undue hardship exception.

### **V. PROPOSED INT. NO. 913-A**

Section one of Proposed Int. 913-A adds a new administrative code section 17-199.10 that would define a doula as a trained person who provides continuous physical, emotional, and informational support to a pregnant person and the family before, during or shortly after childbirth, for the purpose of assisting a pregnant person through the birth experience; or a trained person who supports the family of a newborn during the first days and weeks after childbirth, providing evidence-based information, practical help, and advice to the family on newborn care, self-care, and nurturing of the new family unit.

Proposed Int. 913-A would require that DOHMH submit a plan to increase access to doulas for pregnant people in the city, which includes relevant timelines and strategies. It would provide several factors that the department could consider, and would additionally require the department to annually report on known city and community-based programs that provide doula services, including whether such programs offer training for doulas, areas or populations within the city in which residents experience disproportionately high rates of maternal mortality, infant mortality, and other poor birth outcomes, and any updated information regarding the plan to increase access.

Section two of Proposed Int. 913-A establishes that this local law would take effect immediately.

Since introduction, Proposed Int. 913-A was amended to expand the definition of a doula, to recognize that not all of the data to be considered is readily available, and to add several reporting requirements that reflect those factors that are known.

## **VI. PROPOSED INT. NO. 914-A**

Section one of Proposed Int. 914-A amends administrative code section 17-199.3 to expand upon the annual report on maternal mortality and morbidity required pursuant to Local Law 55 of 2017. The legislation would expand upon the definitions provided in the report and require that DOHMH submit to the Speaker of the Council and publish in a machine-readable format the most recent calendar year data available regarding maternal mortality and mortality in the city in three reports. Pursuant to Proposed Int. 914-A, the first annual report would be due September 30, 2019 and no later than September 30 annually, and to the extent such data is available to the department, include the total number of live births; and the total number of maternal mortalities, disaggregated by information about the pregnant person or mother where such disaggregated data is available, including race or ethnicity, borough of residence and the most frequent causes of maternal mortality; and whether the death was pregnancy-associated or pregnancy-related. The legislation requires that the second report annually reports on the total number of severe maternal morbidities, disaggregated by information about the pregnant person or mother, where such disaggregated data is available and statistically reliable, including race or ethnicity, education, borough of residence, whether such person was born domestically or abroad, age, insurance status, trimester of prenatal care entry, preexisting health conditions, whether such person worked during pregnancy, whether such person had any previous miscarriages or still births, and whether the pregnancy resulted in the first live birth for such person. Under the legislation, this report also includes the maternal mortality ratio, disaggregated by race or ethnicity and borough of residence where available and statistically reliable and recommendations on how to reduce maternal mortality and enhance cooperation among city agencies to improve maternal health, particularly those agencies that have a mandate related to maternal health, including but not limited to the commission on gender equity.

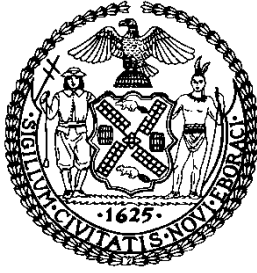
Finally, Proposed Int. 914-A requires that by September 30, 2019, and every five years thereafter, the department submits to the Speaker and publishes in a machine readable format, additional information on maternal mortality. Data submitted would not jeopardize the confidentiality of the pregnant person, but includes factors such as age, education, and whether the maternal mortality occurred in a hospital or inpatient setting, emergency room or outpatient setting, at home, or in another location.

Section two of Proposed Int. 914-A adds a new section 17-199.3.1 to require the creation of a maternal mortality and morbidity review committee (M3RC). The legislation would require that the M3RC study the nature and extent of maternal mortality and the clinical factors and social determinants of health and that the committee represent a multi-disciplinary panel of representatives, including but not limited to representatives from various healthcare facilities, community based organizations with relevant experience, the doula community, researchers with relevant experience, and first responders. Additionally, Section 17-199.3 would require the DOHMH to post and update as necessary on its website a list of the disciplines represented on the M3RC and consult with the M3RC on any reports made pursuant to section 17-199.3.

Section three of Proposed Int. 914-A establishes that the local law would take effect immediately.

Since introduction, the title of Proposed Int. 914-A was updated to reflect a focus on maternal mortality and morbidity. The legislation was amended to define additional terms, reflect additional reporting categories, and to break the annual report into separate three reports to reflect available data and with consideration for data privacy. The three reports include: an annual report on maternal mortality that would include recommendations, an annual report on severe maternal mortality that would include recommendations, and a five-year report on maternal mortality.

**(The following is the text of the Fiscal Impact Statement for Int. No. 878-A:)**



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

**FINANCE DIVISION**

LATONIA MCKINNEY, DIRECTOR

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO.:** 878-A

**COMMITTEE:** Women

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring lactation rooms in certain city spaces

**SPONSORS:** Council Members Cornegy, Cumbo, Koslowitz, Powers, Rivera, Ayala, Constantinides, Kallos, Rosenthal, Ampry-Samuel, Lander, and Adams

**SUMMARY OF LEGISLATION:** Proposed Intro. 878-A would require the Department of Correction (DOC) and the New York City Police Department (NYPD) to make lactation rooms available in City jail facilities that accept visitors and police precincts, where practicable and upon request, in a publicly-accessible and non-secure area, to individuals receiving on-site services. Furthermore, Proposed Intro. 878-A would require DOC and NYPD to submit to the Speaker of the City Council a report by August 1, 2019, listing all City jails and precincts where the agencies have determined that it is not practicable to make a lactation room available in accordance with this legislation. Subsequently, the agencies would be required to submit annual reports detailing any plans to improve access to or provide for lactation rooms.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2020

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY20</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 this legislation would have no impact on expenditures as DOC and NYPD can use existing resources to implement 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:** Daniel Kroop, Financial Analyst

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Rebecca Chasan, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on May 9, 2018 as Intro. 878 and was referred to the Committee on Women. The legislation was considered by the Committee on Women and the Committee on Governmental Operations at a joint hearing on June 19, 2018, and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 878-A, will be voted on by the Committee on Women on October 15, 2018. Upon successful vote by the Committee, Proposed Intro. 878-A will be submitted to the full Council for a vote on October 17, 2018.

**DATE PREPARED:** October 12, 2018.

**(For text of Int. Nos. 879-A, 905-A, 913-A, and 914-A and their Fiscal Impact Statements, please see the Report of the Committee on Women for Int. Nos. 879-A, 905-A, 913-A, 914-A, respectively, printed in these Minutes; for text of Int. No. 878-A, please see below)**

*Accordingly, this Committee recommends the adoption of Int. No. 878-A, 879-A, 905-A, 913-A, and 914-A.*

**(The following is the text of Int. No. 878-A:)**

Int. No. 878-A

By Council Members Cornegy, Cumbo, Koslowitz, Powers, Rivera, Ayala, Constantinides, Kallos, Rosenthal, Ampry-Samuel, Lander, Adams, Yeger, Williams and Levin.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring lactation rooms in certain city spaces**

*Be it enacted by the Council as follows:*

Section 1. Section 17-199.1 of the administrative code of the city of New York, as added by local law number 94 for the year 2016, is amended to read as follows:

a. Definitions. For the purposes of this section, “lactation room” means a sanitary place [that is not], other than a restroom, that can be used to [breastfeed or] express *breast* milk [in private, and which includes an electrical outlet, a chair, and nearby access to running water] *shielded from view and free from intrusion and that includes at minimum an electrical outlet, a chair, a surface on which to place a breast pump and other personal items, and nearby access to running water.*

b. Every job center, SNAP center, or medical assistance program center of the department of social services/human resources administration; city-owned borough office of the administration for children’s services and the Nicholas Scoppetta children’s center; and health center operated or maintained by the department shall, where practicable, make at least one lactation room available upon request to an individual utilizing on-site services. The presence of such a lactation room shall not [abrogate] *affect* such an individual’s right to breastfeed in public pursuant to article 7 of the civil rights law.

c. *Every city jail operated by the department of correction that accepts visitors and precinct operated by the police department shall, where practicable in a publicly-accessible and non-secure area, and provided that the functions of the department of correction or police department will not be materially affected, make at least one lactation room available upon request to an individual utilizing on-site services. The department of correction and the police department shall submit to the speaker of the council (i) on or before August 1, 2019, a report in a machine-readable format providing each such city jail and precinct where such department has determined that it is not practicable to make a lactation room available in accordance with this subdivision, along with an explanation for why it is not practicable, disaggregated by building, and (ii) on or before every August 1 thereafter, information regarding any plans to improve access to or provide for lactation rooms. The presence of*

*such a lactation room shall not affect such an individual's right to breastfeed in public pursuant to article 7 of the civil rights law.*

[c.] *d.* The department shall create a poster containing information on breast-feeding, an individual's right to nurse in public, and the availability of lactation rooms pursuant to this section. Such poster shall be made available on the department's website, shall be displayed in any lactation room required to be made available pursuant to this section, and shall be displayed in a clear and conspicuous manner in the waiting room of any public space where a lactation room is required to be made available pursuant to this section. No later than one year after the effective date of the local law adding this subdivision, the department shall create a list of all locations with lactation rooms available pursuant to this section. Such list shall be made available on the department's website.

[d.] *e.* The department of education shall submit to the speaker of the city council on or before August 1, 2017, and on or before every August 1 thereafter, a report summarizing the policies at New York city public schools to allow a student or the parent or guardian of a student access to a lactation room upon request. Such report shall indicate how information regarding such policies was communicated to students, parents and guardians during the previous school year.

[e.] *f.* The department may promulgate rules to implement the provisions of this section including, but not limited to, establishing training programs for staff working at locations required to make a lactation room available pursuant to subdivision b, and providing guidelines concerning the location of a lactation room.

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

HELEN K. ROSENTHAL, *Chairperson*; BEN KALLOS, DIANA AYALA; Committee on Women, October 15, 2018.

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. 879-A

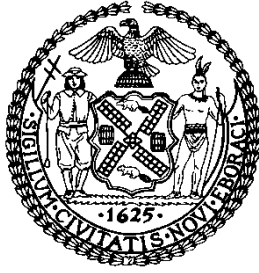
**Report of the Committee on Women in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring certain employers to provide lactation rooms.**

The Committee on Women, to which the annexed proposed amended local law was referred on May 9, 2018 (Minutes, page 1807), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Women for Int. No. 878-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 879-A:*



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

**FINANCE DIVISION**

LATONIA MCKINNEY, DIRECTOR

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO.:** 879-A

**COMMITTEE:** Women

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring certain employers to provide lactation rooms

**SPONSORS:** Council Members Cumbo, Cornegy, Rosenthal, Chin, Rivera, Rose, Ayala, Ampry-Samuel, Koslowitz, Cabrera, Constantinides, Kallos, Lander, and Adams

**SUMMARY OF LEGISLATION:** Proposed Intro. 879-A would require employers in the City with fifteen or more employees to provide lactation rooms and ensure that there are lactation rooms and refrigerators for the purposes of expressing and storing breast milk in reasonable proximity to work areas.

**EFFECTIVE DATE:** This local law would take effect 120 days after it becomes law, except that the Commission on Human Rights may take such measures as are necessary for the implementation of the law prior to such date, including the promulgation of rules.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2020

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY20</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 this legislation would have no impact on expenditures as City agencies that do not already provide access to a lactation room could use existing resources to comply with the legislation.

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

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

**ESTIMATE PREPARED BY:** Daniel Kroop, Financial Analyst

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Rebecca Chasan, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on May 9, 2018 as Intro. 879 and was referred to the Committee on Women. The legislation was considered by the Committee on Women and the Committee on Governmental Operations at a joint hearing on June 19, 2018, and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 879-A, will be voted on by the Committee on Women on October 15, 2018. Upon successful vote by the Committee, Proposed Intro. 879-A will be submitted to the full Council for a vote on October 17, 2018.

**DATE PREPARED:** October 12, 2018.

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

**(The following is the text of Int. No. 879-A:)**

Int. No. 879-A

By Council Members Cumbo, Cornegy, Rosenthal, Chin, Rivera, Rose, Ayala, Ampry-Samuel, Koslowitz, Cabrera, Constantinides, Kallos, Lander, Adams and Levin.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring certain employers to provide lactation rooms**

*Be it enacted by the Council as follows:*

Section 1. Section 8-102 of the administrative code of the city of New York is amended by adding a new definition of "lactation room" in alphabetical order to read as follows:

*Lactation room. The term "lactation room" means a sanitary place, other than a restroom, that can be used to express breast milk shielded from view and free from intrusion and that includes at minimum an electrical outlet, a chair, a surface on which to place a breast pump and other personal items, and nearby access to running water.*

§ 2. Paragraphs (b) and (c) of subdivision 22 of section 8-107 of the administrative code of the city of New York are relettered, respectively, as paragraphs (d) and (e), and a new paragraph (b) is added to such subdivision to read as follows:

*(b) Employer lactation accommodation.*

*(i) Except as provided in subparagraph (iii) of this paragraph, employers shall provide the following to accommodate an employee needing to express breast milk: (1) a lactation room in reasonable proximity to such employee's work area; and (2) a refrigerator suitable for breast milk storage in reasonable proximity to such employee's work area.*

*(ii) If a room designated by an employer to serve as a lactation room is also used for another purpose, the sole function of the room shall be as a lactation room while an employee is using the room to express breast milk. When an employee is using the room to express milk, the employer shall provide notice to other employees that the room is given preference for use as a lactation room.*

*(iii) Should the provision of a lactation room as required by this paragraph pose an undue hardship on an employer, the employer shall engage in a cooperative dialogue, as required by subdivision 28 of this section.*

*(iv) The presence of a lactation room pursuant to this subdivision shall not affect an individual's right to breastfeed in public pursuant to article 7 of the civil rights law.*

§ 3. This local law takes effect 120 days after it becomes law, except that the commission on human rights shall take such measures as necessary for this implementation of this local law, including the promulgation of rules, before such date.

HELEN K. ROSENTHAL, *Chairperson*; BEN KALLOS, DIANA AYALA; Committee on Women, October 15, 2018.



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. 905-A

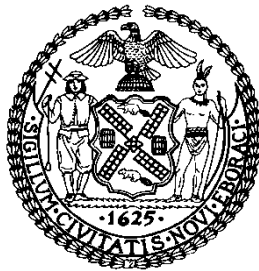
**Report of the Committee on Women in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring employers to implement a lactation room accommodation policy.**

The Committee on Women, to which the annexed proposed amended local law was referred on May 9, 2018 (Minutes, page 1843), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Women for Int. No. 878-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 905-A:*



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

**FINANCE DIVISION**

LATONIA MCKINNEY, DIRECTOR

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO.: 905-A**

**COMMITTEE: Women**

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring employers to implement a lactation room accommodation policy

**SPONSORS:** Council Members Rivera, Cumbo, Powers, Ayala, Cabrera, Constantinides, Kallos, Rosenthal, Ampry-Samuel, Lander, and Adams

**SUMMARY OF LEGISLATION:** Proposed Intro. 905-A would require employers in the City to establish policies describing lactation room accommodations, and the process by which an employee can request such accommodation, to be distributed to all new employees. It would also require the New York City Commission on Human Rights (CCHR) to establish and make available on its website a model lactation accommodation policy, in collaboration with the Department of Health and Mental Hygiene (DOHMH).

**EFFECTIVE DATE:** This local law would take effect on the same date as a local law as proposed in Proposed Intro. No. 879-A for the year 2018, except that CCHR may take such measures as are necessary for the implementation of the law prior to such date, including the promulgation of rules.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2020

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY20</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 this legislation would have no impact on expenditures as CCHR and DOHMH can use existing resources to develop a model lactation accommodation policy other City agencies would use existing resources to distribute the policy to new employees.

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

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

**ESTIMATE PREPARED BY:** Daniel Kroop, Financial Analyst

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director

Rebecca Chasan, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on May 9, 2018 as Intro. 905 and was referred to the Committee on Women. The legislation was considered by the Committee on Women and the Committee on Governmental Operations at a joint hearing on June 19, 2018, and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 905-A, will be voted on by the Committee on Women on October 15, 2018. Upon successful vote by the Committee, Proposed Intro. 905-A will be submitted to the full Council for a vote on October 17, 2018.

**DATE PREPARED:** October 12, 2018.

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

**(The following is the text of Int. No. 905-A:)**

Int. No. 905-A

By Council Members Rivera, Cumbo, Powers, Ayala, Cabrera, Constantinides, Kallos, Rosenthal, Ampry-Samuel, Lander, Adams, Levin and Barron.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring employers to implement a lactation room accommodation policy**

*Be it enacted by the Council as follows:*

Section 1. Subdivision 22 of section 8-107 of the administrative code of the city of New York is amended by adding a new paragraph (c) to read as follows:

*(c) Employer lactation room accommodation policy.*

(i) An employer shall develop and implement a written policy regarding the provision of a lactation room, which shall be distributed to all employees upon hiring. The policy shall include a statement that employees have a right to request a lactation room, and identify a process by which employees may request a lactation room. This process shall:

- (1) Specify the means by which an employee may submit a request for a lactation room;
- (2) Require that the employer respond to a request for a lactation room within a reasonable amount of time not to exceed five business days;
- (3) Provide a procedure to follow when two or more individuals need to use the lactation room at the same time, including contact information for any follow up required;
- (4) State that the employer shall provide reasonable break time for an employee to express breast milk pursuant to section 206-c of the labor law; and
- (5) State that if the request for a lactation room poses an undue hardship on the employer, the employer shall engage in a cooperative dialogue, as required by subdivision 28 of this section.

(ii) The commission shall, in collaboration with the department of health and mental hygiene, develop a model lactation room accommodation policy that conforms to the requirements of this subdivision and a model lactation room request form. The commission shall make such model policy and request form available on its website.

(iii) The existence of a lactation room accommodation policy pursuant to this subdivision shall not affect an individual's right to breastfeed in public pursuant to article 7 of the civil rights law.

§ 2. This local law takes effect on the same date as a local law amending the administrative code of the city of New York, relating to requiring certain employers to provide lactation rooms, as proposed in introduction number 879-A for the year 2018, takes effect, except that the commission on human rights shall take such measures as necessary for this implementation of this local law, including the promulgation of rules, before such date.

HELEN K. ROSENTHAL, *Chairperson*; BEN KALLOS, DIANA AYALA; Committee on Women, October 15, 2018.

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. 913-A

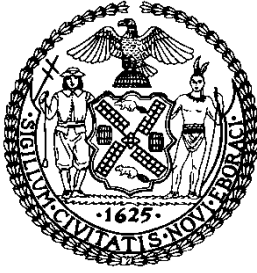
**Report of the Committee on Women in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to access to doulas.**

The Committee on Women, to which the annexed proposed amended local law was referred on May 9, 2018 (Minutes, page 1850), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Women for Int. No. 878-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 913-A:*



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

**FINANCE DIVISION**

LATONIA MCKINNEY, DIRECTOR

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO.:** 913-A

**COMMITTEE:** Women

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to access to doulas

**SPONSORS:** Council Members Rosenthal, Ampry-Samuel, Cumbo, Rivera, Chin, Levin, Levine, Ayala, Lander, Cohen, Rose, Kallos, Richards, Brannan, Reynoso, Menchaca, Williams, Powers, Perkins, Adams, and Constantinides

**SUMMARY OF LEGISLATION:** Proposed Intro. 913-A would require the Department of Health and Mental Hygiene (DOHMH) to submit a plan to the Speaker of the City Council by June 30, 2019, and post such plan on its website, to increase access to doulas for pregnant women. Subsequently, DOHMH would be required to submit annual reports on programs that provide doula services, areas within the City where residents experience disproportionately high rates of maternal or infant mortality, and any updated information regarding the implementation of the plan.

**EFFECTIVE DATE:** This local law would take effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2020

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY20</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 this legislation would have no impact on expenditures as DOHMH can use existing resources to implement 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 Legislative Affairs

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

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Rebecca Chasan, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on May 9, 2018 as Intro. 913 and was referred to the Committee on Women. The legislation was considered by the Committee on Women and the Committee on Health at a joint hearing on June 27, 2018, and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 913-A, will be voted on by the Committee on Women on October 15, 2018. Upon successful vote by the Committee, Proposed Intro. 913-A will be submitted to the full Council for a vote on October 17, 2018.

**DATE PREPARED:** October 12, 2018.

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

**(The following is the text of Int. No. 913-A:)**

Int. No. 913-A

By Council Members Rosenthal, Ampry-Samuel, Cumbo, Rivera, Chin, Levin, Levine, Ayala, Lander, Cohen, Rose, Kallos, Richards, Brannan, Reynoso, Menchaca, Williams, Powers, Perkins, Adams, Constantinides, Barron and Miller.

**A Local Law to amend the administrative code of the city of New York, in relation to access to doulas**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.10 to read as follows:

§ 17-199.10 *Doulas. a. Definitions. For the purposes of this section, “doula” means a trained person who provides continuous physical, emotional, and informational support to a pregnant person and the family before, during or shortly after childbirth, for the purpose of assisting a pregnant person through the birth experience; or a trained person who supports the family of a newborn during the first days and weeks after childbirth, providing evidence-based information, practical help, and advice to the family on newborn care, self-care, and nurturing of the new family unit.*

*b. No later than June 30, 2019, the department shall submit to the speaker of the council and post on its website a plan to increase access to doulas for pregnant people in the city, including relevant timelines and strategies. In developing such plan, the department shall assess data regarding the needs of pregnant people and may consider the following factors:*

- 1. The demand for doulas in the city;*
- 2. The number of doulas in the city and any appropriate qualifications;*
- 3. Existing city and community-based programs that provide doula services, including whether such programs offer training for doulas;*
- 4. The availability of doula services that are low-cost, affordable, or free to the mother or pregnant person;*
- 5. Areas or populations within the city in which residents experience disproportionately low access to doulas;*
- 6. Areas or populations within the city in which residents experience disproportionately high rates of maternal mortality, cesarean birth, infant mortality, and other poor birth outcomes;*
- 7. The average cost of doula services, and whether such services may be covered by an existing health plan or benefit; and*
- 8. Any other information on the use of doulas and benefits associated with the use of doulas.*

*Such plan shall additionally list the factors considered in development of the plan.*

*c. No later than June 30, 2019, and on or before June 30 every year thereafter, the department shall submit to the speaker of the council and post on its website a report on the following information:*

1. *Known city and community-based programs that provide doula services, including whether such programs offer training for doulas;*
2. *Areas or populations within the city in which residents experience disproportionately high rates of maternal mortality, infant mortality, and other poor birth outcomes; and*
3. *Any updated information regarding implementation of the plan required by subdivision b of this section since the prior annual report.*

§ 2. This local law takes effect immediately.

HELEN K. ROSENTHAL, *Chairperson*; BEN KALLOS, DIANA AYALA; Committee on Women, October 15, 2018.

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. 914-A

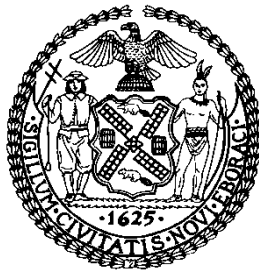
**Report of the Committee on Women in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to reporting on maternal mortality and morbidity.**

The Committee on Women, to which the annexed proposed amended local law was referred on May 9, 2018 (Minutes, page 1851), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Women for Int. No. 878-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 914-A:*



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

LATONIA MCKINNEY, DIRECTOR

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO.:** 914-A

**COMMITTEE:** Women

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to reporting on maternal mortality and morbidity

**SPONSORS:** Council Members Rosenthal, Cumbo, Rivera, Chin, Ampry-Samuel, Levine, Ayala, Levin, Lander, Cohen, Kallos, Constantinides, and Adams

**SUMMARY OF LEGISLATION:** Proposed Intro. 914-A would expand an existing reporting requirement which requires the Department of Health and Mental Hygiene (DOHMH) to report to the Council on maternal mortality. This bill would require DOHMH to submit additional data on maternal mortality and morbidity, such as insurance status, trimester of prenatal care entry, and preexisting health conditions, in three reports: an annual report on mortality, an annual report on morbidity, and a five-year report on mortality, disaggregated by various factors, and recommendations. In addition, Proposed Intro. 914-A would codify the maternal mortality and morbidity review committee (M3RC), a multi-disciplinary panel that examines issues related to maternal mortality and morbidity, and require that DOHMH post information about the disciplines represented on the M3RC.

**EFFECTIVE DATE:** This local law would take effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2020

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY20</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 this legislation would have no impact on expenditures as DOHMH can use existing resources to implement 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 Legislative Affairs

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

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Rebecca Chasan, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on May 9, 2018 as Intro. 914 and was referred to the Committee on Women. The legislation was considered by the Committee on Women and the Committee on Health at a joint hearing on June 27, 2018, and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 914-A, will be voted on by the Committee on Women on October 15, 2018. Upon successful vote by the Committee, Proposed Intro. 914-A will be submitted to the full Council for a vote on October 17, 2018.

**DATE PREPARED:** October 12, 2018.

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

**(The following is the text of Int. No. 914-A:)**

Int. No. 914-A

By Council Members Rosenthal, Cumbo, Rivera, Chin, Ampry-Samuel, Levine, Ayala, Levin, Lander, Cohen, Kallos, Constantinides, Adams, Rose, Williams, Barron and Miller.

**A Local Law to amend the administrative code of the city of New York, in relation to reporting on maternal mortality and morbidity**

*Be it enacted by the Council as follows:*

Section 1. Section 17-199.3 of the administrative code of the city of New York, as added by local law number 55 for the year 2017, is amended to read as follows:

§ 17-199.3 Maternal mortality *and morbidity* annual report. a. For purposes of this section, the following terms have the following meanings:

Maternal health. The term “maternal health” means the health of [women] *a person before, during, and after a pregnancy*[, childbirth, and the postpartum period].

Maternal mortality. The term “maternal mortality” means the death of a [woman while pregnant or within 42 days of the termination of pregnancy, from any cause related to or aggravated by the pregnancy or its management.] *person that occurs during a pregnancy, or within one year from the end of pregnancy, regardless of the duration of such pregnancy.*

*Pregnancy-Associated Death. The term “pregnancy-associated death” means the death of a person from any cause during pregnancy or within one year from the end of pregnancy.*

*Pregnancy-Related Death. The term “pregnancy-related death” means the death of a person during pregnancy or within one year from the end of pregnancy that is due to a pregnancy complication, a chain of events initiated by pregnancy, or the aggravation of an unrelated condition by the physiologic effects of pregnancy.*

*Severe maternal morbidity. The term “severe maternal morbidity” means a life-threatening complication affecting a person before, during, or after a pregnancy.*

b. No later than September 30, [2017] 2019 and no later than September 30 annually thereafter, the department shall submit to the speaker of the council and publish [in the annual summary of vital statistics] *in a machine-readable format* the most recent calendar year data available regarding maternal mortality in [New York City] *the city*, to the extent such data is made available to the department[, including,]. *Data submitted shall not jeopardize the confidentiality of the pregnant person or mother and shall include, but not be limited to:*

1. [The number of maternal mortalities, disaggregated by race or ethnicity and borough of residence;  
2.] *The total number of live births; and the total number of maternal mortalities, disaggregated by information about the pregnant person or mother where such disaggregated data is available. Such data shall be disaggregated by, but not limited to, the following:*

*(a) race or ethnicity;*

*(b) borough of residence;*

*(c) most frequent causes of maternal mortality; and*

*(d) whether the death was pregnancy-associated or pregnancy-related;*

2. *The total number of severe maternal morbidities, disaggregated by information about the pregnant person or mother, where such disaggregated data is available and statistically reliable. Such data shall include, but not be limited to:*

*(a) race or ethnicity;*

*(b) education;*

*(c) borough of residence;*

*(d) whether such person was born domestically or abroad;*

*(e) age;*

*(f) insurance status;*

*(g) trimester of prenatal care entry;*

*(h) preexisting health conditions;*

*(i) whether such person worked during pregnancy;*

*(j) whether such person had any previous miscarriages or still births; and*

*(k) whether the pregnancy resulted in the first live birth for such person;*



3. The maternal mortality ratio, disaggregated by race or ethnicity and borough of residence where available and statistically reliable;

[3.] 4. Recommendations regarding actions the department, the mayor, and the [Council] *council* can take to improve maternal health, particularly in disproportionately impacted communities; [and] reduce maternal mortality; and *enhance cooperation among city agencies to improve maternal health, particularly those agencies that have a mandate related to maternal health, including but not limited to the commission on gender equity. In developing recommendations, the department may consider the following factors, to the extent such information is available:*

(a) *the impact of factors such as prenatal care, doulas, economic, civic and social well-being, and race on pregnant persons and mothers, as they relate to maternal mortality and morbidity;*

(b) *the use and effect of hospital and institutional practices, policies, and administrative tools, such as checklists related to pregnancy and parenting;*

(c) *any previous traumatic events the mother or pregnant person experienced, where this information is provided and available, and whether the stress or trauma from that event might have affected the outcomes of the mother or pregnant person's experience during pregnancy, childbirth, and the postpartum period; and*

(d) *ways to analyze complications experienced by expectant parents and mothers and ways to develop equitable strategies to respond to them;*

[4.] 5. *An update on the implementation of the recommendations made in previous reports made pursuant to this section regarding actions that the department or mayor can take to improve maternal health and reduce maternal mortality, if any; and*

6. *A list of data sources used in the development of reports made pursuant to this section.*

c. *No later than September 30, 2019, and by September 30 of every fifth year thereafter, the department shall submit to the speaker and publish in a machine-readable format additional data regarding maternal mortality in the city, for the most recent five-year period for which data is available. Data submitted shall not jeopardize the confidentiality of the pregnant person or mother and shall include, but not be limited to:*

1. *age;*

2. *education;*

3. *whether such person was born domestically or abroad;*

4. *whether the maternal mortality occurred in a hospital or inpatient setting, emergency room or outpatient setting, at home, or in another location;*

5. *trimester of prenatal care entry;*

6. *interval between end of pregnancy and maternal mortality, where available;*

7. *preexisting health conditions;*

8. *insurance status;*

9. *whether such person had any previous miscarriages or still births;*

10. *whether the pregnancy resulted in the first live birth for such person; and*

11. *whether such person worked during pregnancy.*

d. *In the development of reports made pursuant to this section, the department shall consult any review or assessment produced by the committee established pursuant to section 17-199.3.1.*

§ 2. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.3.1 to read as follows:

§ 17-199.3.1 *Maternal mortality and morbidity review committee (M3RC).*

a. *The department shall establish a committee to examine maternal mortality, as such term is defined in subdivision a of section 17-199.3; severe maternal morbidity, as such term is defined in subdivision a of section 17-199.3; and analyze clinical factors and social determinants of health. Factors that such committee may consider include, but need not be limited to:*

1. *the cause of each maternal mortality; and*

2. *whether such mortality was pregnancy-related or not.*

b. *Members of the committee shall represent a multi-disciplinary panel of representatives, including but not limited to representatives from various healthcare facilities and organizations, city agencies, community based organizations with relevant experience, the doula community, researchers with relevant experience, and first responders.*

*c. The department shall post and update as necessary on its website a list of the disciplines represented on the committee established pursuant to this section.*

§ 3. This local law takes effect immediately.

HELEN K. ROSENTHAL, *Chairperson*; BEN KALLOS, DIANA AYALA; Committee on Women, October 15, 2018.

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 Int. No. 720

**Report of the Committee on Housing and Buildings in favor of approving and adopting, a Local Law to amend the New York city building code, in relation to clarifying the requirements for site safety training providers.**

The Committee on Housing and Buildings, to which the annexed preconsidered proposed local law was referred on March 7, 2018 (Minutes, page 1092), and which same item has been laid over by the Council since the March 7, 2018 Stated Meeting (Minutes, page 924), respectfully

#### REPORTS:

**(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 720 printed in the Minutes of March 7, 2018, page 1092)**

*Accordingly, this Committee recommends its adoption.*

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN, JUMAANE D. WILLIAMS, RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, MARK GJONAJ, CARLINA RIVERA; Committee on Housing and Buildings, March 6, 2018.

Laid Over by the Council.

**Resolution approving various persons Commissioners of Deeds**

By the Presiding Officer –

Resolved, that the following named persons be and hereby are appointed Commissioners of Deeds for a term of two years:

*Approved New Applicants*

<i>Name</i>	<i>Address</i>	<i>District #</i>
Pamela Cassandra	11 Stuyvesant Oval #9G New York, New York 10009	4
Danielle Jeffries	120 Dekruif PI #14B Bronx, New York 10475	12
Steven Shuler Sr.	2378 Bathgate Ave Bronx, New York 10458	15
Soraya Crawley	100 Horizon Lane Bronx, New York 10473	18
Simone Spirig	32-22 38th St Queens, New York 11103	22
Gerlene St Jean	170 E 19th St #2F Brooklyn, New York 11226	40

*Approved Reapplicants*

<i>Name</i>	<i>Address</i>	<i>District #</i>
Margaret L. Paige	331 East 29th Street #10E New York, New York 10016	2
Amelia Elorriaga	15 Abingdon Square #62 New York, New York 10014	3
Lavern P. Derespino	484 West 43rd Street #39N New York, New York 10036	3
Louis Bakalar	435 West 45th Street Ground Floor New York, New York 10036	3

Mojdeh Rubin	1435 Lexington Avenue #11E New York, New York 10128	5
George Engel	275 West 96th Street #34D New York, New York 10025	6
Heidy Grullon	1909 Amsterdam Avenue #9A New York, New York 10032	7
Kin Lung Ko	333 East 102nd Street #236 New York, New York 10029	8
Victoria Young-Brooks	1810 Lexington Avenue #6C New York, New York 10029	8
Griny A. Read	1960 Park Avenue #11J New York, New York 10037	9
Allan Torres	145 Nagel Avenue #2F New York, New York 10040	10
Khaalid A. Ware	239 East Mosholu Parkway North #5B Bronx, New York 10467	11
Marian Daniel-Olin	5700 Arlington Avenue #15G Bronx, New York 10471	11
Joseph K. Eady	3410 DeReimer Avenue #7D Bronx, New York 10475	12
Linda Brown	4024 Bruner Avenue Bronx, New York 10466	12
Maria L. Puschila	24-37 Westervelt Avenue #1 Bronx, New York 10469	13
Paula Steward	2801 Schley Avenue #4A Bronx, New York 10465	13
Vivian Torres	2808 Barkley Avenue Bronx, New York 10465	13
Evelyn Perez	1311 Merriam Avenue #D1 Bronx, New York 10452	16
Melissa Ricks	1889 Sedgwick Avenue #3A Bronx, New York 10453	16
Michelle Rene Smith	280-300 East 161st Street #6Y Bronx, New York 10451	16

Dorothy T. McMoore	850 Rev. James A. Polite Avenue Bronx, New York 10459	17
Lisa Ray	920 Westchester Avenue #2E Bronx, New York 10459	17
Loretta Montgomery	1000 Freeman Street #1C Bronx, New York 10459	17
Mabel Luna	940 East 174th Street #F Bronx, New York 10460	17
Sol Martinez	500 Union Ave #604 Bronx, New York 10455	17
Derrick Thomas	945 Underhill Avenue #2G Bronx, New York 10473	18
Lujan April Williams	1965 Lafayette Avenue #5N Bronx, New York 10473	18
Paul Timothy Thomas	1580 Thierot Avenue #3J Bronx, New York 10460	18
Jeselle M. Sottile	195-05 39th Ave #188 Queens, New York 11358	19
John Curley	22-08 201st Street Queens, New York 11360	19
Alcira Mejia	21-80 38th Street #B10 Astoria, New York 11105	22
Helen Tsourakis	43-12 25th Avenue Astoria, New York 11103	22
Epifanio Quintana	73-43 Little Neck Parkway Floral Park, New York 11004	23
Cordece Burgess	112-12 204th Street Queens, New York 11412	27
Deborah Lowe	111-27 172nd Street Queens, New York 11433	27
Evelyn Francis	174-16 108th Avenue Queens, New York 11433	27
Milton Warden	169-18 115th Avenue Jamaica, New York 11434	27
Pamela Sage	131-06 178th Place Jamaica, New York 11434	27

Danielle Greenwood	172-40 133rd Avenue #12A Queens, New York 11434	28
Daphne Henry-Fleming	134-66 Bedell Street Queens, New York 11434	28
Dolores J. Daniels	134-19 166 Place #6D Queens, New York 11434	28
Edward S. Lentol II	107-43 113th Street South Richmond Hill, New York 11419	28
Marcelie Fortune-Murray	118-21 153rd Street Queens, New York 11434	28
Rose Williams	120-41 132nd Street Queens, New York 11420	28
Marleny Tapia	118-09 150th Avenue South Ozone Park, New York 11420	29
Diana I. Morales	78-51 80th Street Glendale, New York 11385	30
Jeannette LeBron	306 Beach 56th Street #2D Queens, New York 11692	31
Eddey Fernandez	86-05 89th Avenue Woodhaven, New York 11421	32
Flavio Colella	217-17 Rockaway Point Blvd Breezy Point, New York 11697	32
Lucia Amoretti	162-30 97th Street Queens, New York 11414	32
Bianca E. Gill-Nash	1601 President Street Brooklyn, New York 11213	35
Lynn Gripper	217 Carlton Avenue Brooklyn, New York 11205	35
Mary A. Dunn	309 Lafayette Avenue #1C Brooklyn, New York 11238	35
Ainsley Harris Jr.	469 Quincy Street Brooklyn, New York 11221	36
Maggie Castillo	3 Tompkins Avenue Brooklyn, New York 11206	36

Nicole Kennedy	1131 Ralph Ave Brooklyn, New York 11236	36
Theresa P. Gibbs	400 Herkimer Street #1P Brooklyn, New York 11213	36
Argentina Batista	220 53rd Street #1R Brooklyn, New York 11220	38
Wilhelmina Scott	82 Dwight Street #14B Brooklyn, New York 11231	38
Matthew Chaves	460 9th St #2 Brooklyn, New York 11215	39
Blenda P. Emptage-Smith	50 Lefferts Avenue #2L Brooklyn, New York 11225	40
Frank R. Dukes, Jr.	358 Webster Avenue Brooklyn, New York 11230	40
Karen Hamilton	155 Linden Blvd #2G Brooklyn, New York 11226	40
Tasha Jones	25 Stratford Road #B4 Brooklyn, New York 11218	40
Lesley Holder	401 East 45th Street Brooklyn, New York 11203	41
Ricky Cyrus	904 Winthrop Street #D11 Brooklyn, New York 11203	41
Annie L. Toombs	1149 Elton Street #4A Brooklyn, New York 11239	42
Nettie Morgan	735 Pennsylvania Avenue Brooklyn, New York 11207	42
Sentrial M. Joy	594-1 Louisiana Avenue Brooklyn, New York 11239	42
Anne V. Miscione	8024 13th Avenue Brooklyn, New York 11228	43
Henry K. Der	7017 11th Avenue Brooklyn, New York 11228	43
Kathryn Filbert	576 Bay Ridge Parkway Brooklyn, New York 11209	43
Lizzette Sierra	1260 Bay Ridge Pkwy Brooklyn, New York 11228	43

Jeffery Haffenden	661 East 59th Street Brooklyn, New York 11234	45
Kacey E. Nero	299 East 34th Street Brooklyn, New York 11203	45
Zakiya T. Maharaj	3420 Newkirk Avenue #4D Brooklyn, New York 11203	45
Felicia Thornton-Manuel	1168 East 89th Street Brooklyn, New York 11236	46
Inga Toell	23 Georgetown Lane Brooklyn, New York 11234	46
Cynthia Villafane	2250 West 11th Street #11B Brooklyn, New York 11223	47
Albert Decapua	1765 East 15th Street Brooklyn, New York 11229	48
Irene Buch	200 Corbin Place #5L Brooklyn, New York 11235	48
Katherine Tsigel	2432 East 28th Street Brooklyn, New York 11235	48
Alvin Amezquita	125 Fingerboard Road Staten Island, New York 10305	49
Erin Monahan	37 Journeay Street Staten Island, New York 10303	49
Jacqueline Campbell	301 A Andros Avenue Staten Island, New York 10303	49
Victoria M. Gillen	74 Winant Street Staten Island, New York 10303	49
Marianna Bediner	989 Olympia Blvd Staten Island, New York 10306	50
Ruth C. Richards	40 A Dinsmore Street Staten Island, New York 10314	50
Debra A. Barrett	160 Lipsett Avenue Staten Island, New York 10312	51
Elisa Pritchard	469 Mosely Avenue Staten Island, New York 10312	51



Marie Tucci

109 Russell Street  
Staten Island, New York 10308

51

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>M-104 &amp; Res 577 -</b>    | <b>Steven Kest</b> to the Council for its advice and consent regarding his appointment as a member of the New York City Taxi and Limousine Commission. |
| (2)  | <b>M-105 &amp; Res 578 -</b>    | <b>Oudeshram “Raj” Rampershad</b> to the Council for its advice and consent regarding her reappointment to the City Planning Commission.               |
| (3)  | <b>Int 380-A -</b>              | Provision of diapers and baby wipes.   |
| (4)  | <b>Int 853-A -</b>              | Studying the feasibility of providing childcare for city employees.  |
| (5)  | <b>Int 878-A -</b>              | Lactation rooms in certain city spaces.  |
| (6)  | <b>Int 879-A -</b>              | Employers to provide lactation rooms.  |
| (7)  | <b>Int 905-A -</b>              | Employers to implement a lactation room accommodation policy.  |
| (8)  | <b>Int 913-A -</b>              | Access to doulas.  |
| (9)  | <b>Int 914-A -</b>              | Maternal mortality and morbidity.  |
| (10) | <b>L.U. 208 &amp; Res 570 -</b> | <b>App. C 180304 ZMQ (Lefferts Boulevard Rezoning)</b> Queens, Community District 10, Council District 28.   |
| (11) | <b>L.U. 216 &amp; Res 571 -</b> | <b>App. N 180188 ZRK (180 Myrtle Avenue Text Amendment)</b> Brooklyn, Community District 2, Council District 35.                                       |

- (12) L.U. 219 & Res 572 - App. 20195003 HKK (N 190101 HKK) [DL 508, LP-2599] Brooklyn, Community District 2.
- (13) L.U. 220 & Res 573 - App. C 160161 PQX (LSSNY Early Life Child Center 2) Bronx, Community District 2, Council District 17.
- (14) L.U. 223 & Res 574 - App. 20195048 HAM (95 Lenox Ave Plan and Project) Manhattan, Community District 10, Council District 9.
- (15) L.U. 224 & Res 575 - App. 20195047 HAM (95 Lenox Ave Conveyance) Manhattan, Community District 10, Council District 9.
- (16) L.U. 225 & Res 576 - App. 20195049 HAM (95 Lenox Ave Tax Exemption) Manhattan, Community District 10, Council District 9.
- (17) Resolution approving various persons Commissioners of Deeds.

The Public Advocate (Ms. James) 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, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Miller, Moya, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Williams, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **49**.

**The General Order vote recorded for this Stated Meeting was 49-0-0 as shown above with the exception of the votes for the following legislative items:**

The following was the vote recorded for **M-104 & Res. No. 577**:

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Miller, Moya, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Williams, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **46**.

**Negative** – Borelli and the Minority Leader (Council Member Matteo) – **2**.

**Abstention** – Yeger – **1**.

The following was the vote recorded for **L.U. No. 219 & Res. No. 572:**

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Miller, Moya, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Williams, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **48**.

**Negative** – Yeger – **1**.

The following was the vote recorded for **L.U. No. 223 & Res. No. 574:**

**Affirmative** – Adams, Ampry-Samuel, Ayala, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Miller, Moya, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Williams, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **48**.

**Abstention** – Barron – **1**.

The following was the vote recorded for **L.U. No. 224 & Res. No. 575:**

**Affirmative** – Adams, Ampry-Samuel, Ayala, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Miller, Moya, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **47**.

**Abstention** – Barron and Williams – **2**.

*The following Introductions were sent to the Mayor for his consideration and approval:*

*Int Nos. 380-A, 853-A, 878-A, 879-A, 905-A, 913-A, and 914-A.*

**INTRODUCTION AND READING OF BILLS**

Int. No. 1137

By Council Member Adams.

**A Local Law to amend the New York city charter, in relation to the creation of an office of data analytics***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-f to read as follows:

§ 20-f. *Office of data analytics. a. Definitions. For purposes of this section, the term “director” means the director of the office of data analytics.*

*b. The mayor shall establish an office of data analytics. Such office may, but need not, be established in the executive office of the mayor and may be established as a separate office or within any other office of the mayor or within any department the head of which is appointed by the mayor. Such office shall be headed by a director who shall be appointed by the mayor or head of such department and who shall serve as the city’s chief open platform officer.*

*c. The director shall:*

*1. Collaborate with agencies to identify how data held by such agencies can be analyzed and combined with other agencies’ data to best fulfill their respective missions, develop strategies based on such data and shall assist agencies in implementing those strategies;*

*2. Build a citywide data platform to facilitate data sharing;*

*3. Build and maintain an open source analytics library that shall allow the office of data analytics to share the source code for data analytics projects to increase visibility into the way city agencies use data and develop algorithms. Such library shall be maintained on the office’s website and made publicly available to the public;*

*4. Work with agencies to ensure that such agencies have the proper technology to provide and retrieve data from the citywide data platform;*

*5. Train agency staff to use the citywide data platform and develop practices for performing ongoing and new data analytics with agencies;*

*6. Serve as the designated point of contact for outside partners contributing to or using city data;*

*7. Implement the city’s open data law, pursuant to chapter 5 of title 23 of the administrative code, and work with the department of information technology and telecommunications, and other agencies as appropriate, to ensure compliance by agencies with accessibility to public data sets pursuant to chapter 5 of title 23 of the administrative code;*

*8. Oversee and manage all information technology initiatives pertaining to open government, and the making of machine-readable data available for public use;*

*9. Train agency staff, community boards and members of the public on the use of the web portal required by section 23-502 of the administrative code; and*

*10. Develop and implement an open data public education strategy.*

*d. The director shall possess such powers in addition to any other powers that may be assigned to him or her, pursuant to any other provision of law, by the mayor or head of such department wherein the office has been established.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Technology.

## Res. No. 561

**Resolution calling upon the New York City Department of Education to provide human trafficking prevention training to public school administrators, teachers, and staff.**

By Council Members Adams, Rosenthal, Lander, Ampry-Samuel, Moya, Levine, Holden, Cumbo, Maisel, Gibson and Chin.

**Whereas**, Human trafficking, which the Department of Homeland Security defines as “the use of force, fraud, or coercion to obtain some type of labor or commercial sex act,” is a significant concern for governments around the world; and

**Whereas**, According to the United Nations Human Rights Commission, the three primary forms of human trafficking are involuntary prostitution, forced labor, and debt bondage; and

**Whereas**, A report released by the United States Department of Health and Human Services (HHS) and the United States Department of Justice (DOJ), found that roughly 800,000 people are trafficked across international borders each year; and

**Whereas**, HHS and DOJ have also noted that 80 percent of these individuals are women and 50 percent are minors; and

**Whereas**, The State Department has estimated that approximately 17,000 individuals are trafficked into the U.S. each year; and

**Whereas**, During Fiscal Year (FY) 2017, DOJ secured convictions against 499 traffickers, an increase of 13.7 percent from the 439 convictions it secured in FY 2016; and

**Whereas**, The New York City Department of Education is the largest K-12 public school system in the United States, with more than 1.1 million students and over 1,800 schools; and

**Whereas**, In order to combat human trafficking, the Department of Education should provide basic training in recognizing the warning signs and risk factors of human trafficking to its administrators, teachers, and staff; and

**Whereas**, This training would allow the adults who work at public schools to develop a more effective skillset as instructors and advocates for their students; and

**Whereas**, It would also ensure that New York City remains at the forefront of best practices in public education, alongside the states of California, Virginia, and North Carolina, all of which have passed laws that mandated training in trafficking prevention; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Department of Education to provide human trafficking prevention training to public school administrators, teachers, and staff.

Referred to the Committee on Education.

## Int. No. 1138

By Council Members Ampry-Samuel and Rosenthal.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to conduct additional inspections of water tanks where harmful bacteria are found or where violations have occurred, and to post the results online**

*Be it enacted by the Council as follows:*

Section 1. Section 17-194 of the administrative code of the city of New York is amended by adding a new subdivision g to read as follows:

*g. Additional inspections. 1. In addition to other inspections required by this section, the department shall conduct inspections of water tanks where harmful bacteria are found, or where violations of this section have occurred, to determine whether such water tanks comply with all provisions of the administrative code, the construction codes and the health code, and to audit for accuracy the annual inspection report required under subdivision b of this section. The department shall conduct such inspections without prior notice to the building's owner.*

*2. The department shall post the results of the periodic inspections required by paragraph 1 of this subdivision on its website and the web portal within 35 days of conducting such additional inspections.*

§ 2. This local law takes effect 60 days after it becomes law, except that the department of health and mental hygiene shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Health.

Res. No. 562

**Resolution calling on the United States Congress to pass, and the President to sign, HR. 6103/S. 3076, which would establish a national commission on the federal response to the 2017 natural disasters in Puerto Rico.**

By Council Member Ayala, The Speaker (Council Member Johnson) and Council Members Rivera, Salamanca, Miller, Rosenthal and Chin.

**Whereas**, New York City has the largest Puerto Rican population of any mainland city and many New Yorkers have deep ties to the Island; and,

**Whereas**, In September 2017, Puerto Rico was hit by a series of natural disasters that included hurricanes, landslides and widespread flooding; and,

**Whereas**, The most devastating of these was Hurricane Maria; and,

**Whereas**, Together, these disasters destroyed more than a third of homes on the Island, knocked out power to all 3.4 million residents and contributed to the spread of disease; and,

**Whereas**, Credit rating agency Moody's estimated the cost of the damage to be somewhere between \$45 billion and \$95 billion; and,

**Whereas**, In addition to the devastating effects on Puerto Rico's environment, infrastructure and economy, the hurricanes caused widespread fatalities; and,

**Whereas**, The original death toll, which was the official tally for months, stated that only 64 fatalities were due to the hurricanes and their lingering effects; and,

**Whereas**, However, a recent study by researchers from the George Washington University put the death toll at nearly 3,000, which is more than 46 times the official count; and,

**Whereas**, Officials in Puerto Rico have failed to be transparent with the information and data on the impact of the natural disasters; and,

**Whereas**, Information has become so difficult to access that news outlets CNN and the Center for Investigative Journalism sued the Puerto Rican government for access to death records and associated data; and,

**Whereas**, The federal government's response to the disasters in Puerto Rico also appears to be underwhelming, especially in comparison to the support offered to the mainland states that were effected by different hurricanes in 2017; and,

**Whereas**, Despite Hurricane Maria being the tenth-most intense Atlantic hurricane, a joint investigation by PBS Frontline and NPR showed that the federal government had three times as many people on the ground in Texas and twice as many as in Florida than it did in Puerto Rico, a week after each storm hit; and,

**Whereas**, This same investigation reported that nine days after each hurricane, there was twice as much water and four times as many meals and tarps distributed by federal officials in Houston and Florida than in Puerto Rico; and,

**Whereas,** The recovery efforts in Puerto Rico have also been marred by possible criminal behavior on the part of contractors; and,

**Whereas,** The FBI and other agencies are investigating the \$300 million contract between the Puerto Rico Electric Power Authority and Whitefish Energy Holdings to repair the Island's power grid, which was cancelled soon after the specifics of the contract and bid were scrutinized by reporters; and,

**Whereas,** The lack of a transparent, consistent and coordinated response to the disasters in Puerto Rico is troubling; and,

**Whereas,** In June, 2018, New York representatives Congresswoman Nydia Velázquez and Senator Kirsten Gillibrand introduced legislation that would establish a national commission to investigate the federal government's disaster relief efforts in Puerto Rico;

**Whereas,** HR. 6103/S. 3076 would establish an eight member panel, with subpoena power, to examine the federal government's preparedness, response, and recovery efforts and how the incredibly low, official death count contributed to the inadequate response; and,

**Whereas,** It has been a year since Hurricane Maria hit the Island and new hurricane season is about to start; and

**Whereas,** It is imperative that the inadequate and unequal federal relief effort, the lack of transparency, and the unreliable, original death toll, finally be addressed; now, therefore, be it

**Resolved,** That the United States Congress pass, and the President sign, HR 6103/S 3076, which would establish a national commission on the federal response to the 2017 natural disasters in Puerto Rico.

Referred to the Committee on Civil and Human Rights.

Int. No. 1139

By Council Members Borelli, Levine and Rosenthal.

**A Local Law to amend the administrative code of the city of New York, in relation to excepting impounded emotional support dogs from required sterilization prior to redemption by their owners**

*Be it enacted by the Council as follows:*

Section 1. Paragraph (3) of subdivision a of section 17-804 of the administrative code of the city of New York, as added by local law number 26 for the year 2000, is amended to read as follows:

(3) in the case of a dog, if such dog, within the time period provided for by law, rule or regulation, is claimed by a person claiming ownership thereof, and such person demonstrates to the satisfaction of the shelter that such dog is a guide dog, hearing dog, service dog or police work dog, *or if such person claims, either verbally or in writing, that such dog is an emotional support dog;* or

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

Referred to the Committee on Health.

Int. No. 1140

By Council Members Constantinides, Rodriguez, Levin, Levine and Rosenthal.

**A Local Law in relation to requiring the department of citywide administrative services to develop an off-hour delivery plan**

*Be it enacted by the Council as follows:*

Section 1. Off-hour delivery plan. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Department. The term “department” means the department of citywide administrative services.

Off-hour. The term “off-hour” means the hours between 7 p.m. and 6 a.m.

b. No later than July 1, 2019, the department shall submit to the mayor and the speaker of the council a plan for receiving off-hour deliveries of goods, supplies, materials and equipment at buildings and facilities under the jurisdiction of the department. In developing such plan, the department shall consider the following:

1. The feasibility of delivery companies to make off-hour deliveries to buildings and facilities under the jurisdiction of the department;

2. The feasibility of personnel at buildings and facilities under the jurisdiction of the department to receive off-hour deliveries; and

3. Any other issues related to off-hour deliveries that the department deems appropriate.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 1141

By Council Members Constantinides, Rodriguez, Reynoso, Levin, Deutsch, Cumbo, Levine, Rosenthal, Grodenchik, Maisel and Rose.

**A Local Law to amend the administrative code of the city of New York, in relation to the dismissal of notices of violation and reduction of fines**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-216 to read as follows:

*§ 19-216 Dismissal of notice of violation or reduction of fine. Except for the dismissal or cancellation of a notice of violation for a technical reason pursuant to paragraph (b) of subdivision 2-a of section 238 of the vehicle and traffic law, paragraph (3) of subdivision (a) of section 39-02 of title 19 of the rules of the city of New York, subdivision 2 of section 19-162 or section 19-215, no notice of violation may be dismissed, or the associated fine reduced, without the issuance of a written determination by an administrative law judge after completion of a hearing on the merits of each individual charge. No city agency may agree to reduce fines for parking violations in exchange for a waiver of the right to contest such violations.*

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

Referred to the Committee on Finance.

Int. No. 1142

By Council Members Constantinides, Rodriguez, Vallone, Dromm, Miller, Levin, Rosenthal, Ampry-Samuel, Rose and Chin.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring leading pedestrian interval signals at intersections adjacent to hospitals, libraries, schools, and senior centers**

*Be it enacted by the Council as follows:*



Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-195.1 to read as follows:

§ 19-195.1 *Leading pedestrian interval signals.* a. *For the purposes of this section, the following terms have the following meanings.*

1. *"Hospital" means a general hospital as defined in section twenty-eight hundred one of the public health law.*

2. *"Leading pedestrian interval signal" means a pedestrian control signal that displays a walk indication before a green indication for the parallel direction of traffic.*

3. *"Library" means any branch of the New York public library, the Brooklyn public library, the Queens public library, or any other public library.*

4. *"Park" means any park under the jurisdiction of the department of parks and recreation.*

5. *"School" means any buildings, grounds, facilities, property, or portion thereof in which educational instruction is provided to at least 250 students at or below the twelfth grade level.*

6. *"Senior center" has the same meaning as in section 21-201 of the code.*

b. *The department shall annually install leading pedestrian interval signals at not less than four hundred intersections with traffic control signal indicators that are adjacent to a hospital, library, school, or senior center, until all such intersections have leading pedestrian interval signals, however, if fewer than four hundred intersections with traffic control signal indicators that are adjacent to a hospital, library, school, or senior center do not have leading pedestrian interval signals in a given year, the department shall install such signals at all such intersections in such year.*

§ 2. This local law takes effect January 1, 2020.

Referred to the Committee on Transportation.

Res. No. 563

### **Resolution in support of #CountMeIn, which seeks to strengthen the labor movement.**

By Council Members Constantinides, Kallos, Torres, Reynoso, Moya, Brannan, Grodenchik, Ayala, Cabrera, Lancman, Rosenthal, Van Bramer, Gibson, Holden, Koslowitz, Salamanca, Dromm, Richards, Miller, Levin, Williams, Chin, Maisel, Cohen, Adams, Menchaca and Ulrich.

**Whereas**, #CountMeIn is a rank and file movement comprised of New York City union construction workers that have stated they are fighting against corporate greed and open shop policies, while demanding fair wages, benefits, and working conditions; and

**Whereas**, In light of large-scale, nationwide attacks on workers, including right-to-work laws, highlighted in the recent Janus v. American Federation of State, County, and Municipal Employees, Council 31 case, which banned mandatory agency fees for public sector unions, and since the 2008 recession, the increased prevalence of non-union contractors in large developer projects, #CountMeIn has formed to advocate for union workers across New York City; and

**Whereas**, According to a 2018 New York Times article, in New York City's construction industry, there has been a growing trend where developers who had customarily done all-union jobs have turned to open shop policies, which allow employers to employ both union and non-union workers; and

**Whereas**, Presently, #CountMeIn has been actively protesting Related Companies, a privately held New York City developer and landlord, for its use of non-union labor within the Hudson Yards development, a \$20 billion project located on Manhattan's West Side; and

**Whereas**, The American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) New York City Central Labor Council states that Related Companies' use of the open shop model of development forces skilled tradespeople of the building trades, generally union workers, to work alongside workers who are often underpaid, exploited by their employer, and lack the training to ensure a safe job site, generally non-union workers; and

**Whereas,** To highlight these disparities, the Economic Policy Institute indicates that there is a noticeable difference in hourly wages for New York City union and non-union construction workers, with union hourly wages of \$23.95 as compared to non-union hourly wages of \$16.84 in 2015; and

**Whereas,** Also, the New York Committee for Occupational Safety and Health's (NYCOSH) January 2018 report shows that non-union job sites are dangerous for workers, with 93.8% of the City's private worksite construction worker fatalities in 2016 being non-union; and

**Whereas,** In addition to statistics that show union workers receive higher wages, better benefits, and maintain safer work sites as compared to non-union workers, the New York City Independent Budget Office has reported that New York City has committed \$266 million by 2021 of its own capital funds for work associated with the Hudson Yards development and Related Companies on the basis that the development will promise good, middle-class jobs for New York City residents; and

**Whereas,** Being that the City of New York is a heavily unionized city and has invested millions of dollars into the Hudson Yards development, according to the #CountMeIn movement, Related Companies has a responsibility to honor their commitment to New Yorkers and provide good, middle-class, union construction jobs to workers; and

**Whereas,** #CountMeIn has been an integral part of the process of strengthening the labor movement within New York City, while showing strong support for union work, which is associated with better wages, more benefits, and safer working conditions; now, therefore, be it

**Resolved,** That the Council of the City of New York is in support of #CountMeIn, which seeks to strengthen the labor movement.

Referred to the Committee on Civil Service and Labor.

Int. No. 1143

By Council Members Dromm, Yeger, Powers and Chin (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to installment agreements for the payment of real property taxes, assessments and other charges**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-322.1 to read as follows:

*§ 11-322.1 Hardship installment agreements. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Applicant. The term "applicant" means a property owner who files an application for an installment agreement under this section. Such term includes a property owner who has entered into an installment agreement after filing such an application.*

*Default. The term "default" means that an installment payment required under the installment agreement entered into under this section remains unpaid in whole or in part for six months from the date payment is required to be made, or any other tax or charge that becomes due on the property during the term of such agreement remains unpaid in whole or in part for six months.*

*Department. The term "department" means the department of finance.*

*Dwelling unit. The term "dwelling unit" means a unit in a condominium used primarily for residential purposes.*

*Fair market value. The term "fair market value" means the fair market value of property as determined by the department or, for a dwelling unit in a condominium, either the fair market value as determined by the department or the fair market value as determined by an appraisal obtained by the applicant pursuant to*

paragraph 4 of subdivision g of this section, provided that such appraisal shall be subject to review, and may be rejected, by the department.

*Income.* The term “income” means the adjusted gross income for federal income tax purposes as reported on an applicant’s federal or state income tax return for the applicable income tax year, subject to any subsequent amendments or revisions; provided that if no such return was filed for the applicable income tax year, “income” means the adjusted gross income that would have been so reported if such a return had been filed.

*Income tax year.* The term “income tax year” means the most recent calendar year or fiscal year for which an applicant filed a federal or state income tax return.

*Net equity.* The term “net equity” means the fair market value of property minus any liabilities outstanding against such property, such as mortgages, outstanding property taxes, water and sewer charges, and any other liens on such property.

*Property.* The term “property” means real property classified as class one pursuant to section 1802 of the real property tax law or a dwelling unit in a condominium.

*Property owner.* The term “property owner” means an owner of real property classified as class one pursuant to section 1802 of the real property tax law or of a dwelling unit in a condominium, or other eligible person, as defined in subdivision (i) of section 40-03 of title 19 of the rules of the city of New York, acting on behalf of such owner.

b. A property owner who satisfies the requirements described in subdivision c and d, e or f of this section may enter into an agreement with the department pursuant to this section for the payment in installments of real property taxes, assessments or other charges that are made a lien subject to the provisions of this chapter, except for sewer rents, sewer surcharges or water rents. The entry into an installment agreement pursuant to this section shall not suspend the accrual of interest charged against the property pursuant to section 11-306. A property owner shall not be party to more than one installment agreement with the department at any one time.

c. Eligibility requirements for an installment agreement under this section. To be eligible to enter into an installment agreement pursuant to this section, an applicant must demonstrate that the following requirements are met:

1. The applicant is a property owner.

2. The property shall have been the primary residence of the applicant for an uninterrupted period of not less than one year immediately preceding the date the application for the installment agreement is submitted and continues to be the primary residence of the applicant through the date the installment agreement is entered into. Hospitalization or a temporary stay in a nursing home or rehabilitation facility for a period of not more than two years shall not be considered a change in primary residence.

3. The combined income of the applicant and of all the additional property owners may not exceed \$50,000 for the income tax year immediately preceding the date of the application for the installment agreement.

d. Eligibility requirement for senior low-income installment agreement. In addition to the requirements set forth in subdivision c of this section, to be eligible to enter into a senior low-income installment agreement pursuant to subdivision l, an applicant must be 65 years of age or older when the application is submitted.

e. Eligibility requirement for income-based installment agreement. To be eligible to enter into an income-based installment agreement pursuant to subdivision m, an applicant must satisfy the requirements set forth in subdivision c of this section.

f. Eligibility requirements for extenuating circumstances income-based installment agreement. In addition to the requirements set forth in subdivision c of this section, for an applicant to be eligible to enter into an extenuating circumstances income-based installment agreement pursuant to subdivision n of this section, the department must make a finding of extenuating circumstances pursuant to the process described in paragraph (4) of subdivision (e) of section 40-03 of title 19 of the rules of the city of New York.

g. Initial application procedure. 1. An initial application for an installment agreement under this section shall include:

(a) a title search identifying all mortgages and other liens on the property; and

(b) the signature of all property owners, regardless of any such owner’s residence in the property, consenting to the application for an installment agreement.

2. A complete application must be submitted to, and approved by, the department.

3. An applicant may select a monthly or quarterly payment schedule and may also select the amount that is required to be paid under the applicable installment agreement pursuant to the options available pursuant to subdivision l, m or n.

4. An applicant who is the property owner of a dwelling unit in a condominium may submit an appraisal obtained by such applicant of the fair market value of such dwelling unit provided that:

(a) the valuation date of such appraisal is a date within, and such appraisal shall have been prepared no more than, twelve months prior to submission of an application;

(b) the cost of such appraisal shall be borne by such applicant; and

(c) the cost of such appraisal may not be included in the amount subject to the installment agreement.

h. *Renewal.* 1. An installment agreement under this section shall terminate unless an applicant files a renewal application each year.

2. To renew an installment agreement under this section, an applicant must submit a renewal application to the department on or before one year from the date such installment agreement was entered into and each year thereafter for which renewal is sought. To be eligible to renew such agreement, an applicant must demonstrate that:

(a) the property continues to be the primary residence of such applicant and such residence has been uninterrupted since the date the initial installment agreement was entered into; and

(b) the combined income of such applicant and of all the additional property owners does not exceed \$50,000 for the income tax year immediately preceding the date of the renewal of such installment agreement, except that an applicant for the renewal of an income-based installment agreement pursuant to subdivision m of this section is not required to submit income information.

i. *Effects of installment agreement on tax lien and tax lien sale.* 1. The execution of an installment agreement pursuant to this section shall not suspend the accrual of liens, interest and other charges against the property, which continue to accrue in accordance with applicable law.

2. A property for which an application has been submitted that contains proof of income and, for a senior low-income installment agreement described in subdivision l, proof of age, and that is signed, but is otherwise incomplete, shall be withdrawn from the next tax lien sale. Such property, however, shall be included in the tax lien sale subsequent to the next tax lien sale if a completed application is not submitted within 45 days from the date of the additional information request notice sent to the applicant by the department or if the completed application is denied.

j. *Amount subject to installment agreement.* 1. Each approved installment agreement shall set forth terms of repayment, including (i) the frequency of payments, (ii) the percentage of the taxes and charges that forms the basis of the required payment for the senior low-income installment agreement described in subdivision l, or the percentage of the combined income of the property owners for the income tax year immediately preceding the initial application that forms the basis of the required payment for the installment agreement for the income-based and the extenuating circumstances income-based installment agreements described in subdivision m and n respectively, (iii) the payment schedule and (iv) the payment amount.

2. A lien sold in a tax lien sale before the date of an application for an installment agreement is not eligible to be included in an installment agreement under this section.

3. The applicant may choose to include the cost of the title search required to be submitted with an application pursuant to subparagraph (a) of paragraph 1 of subdivision g of this section in the amount subject to the installment agreement. If an applicant chooses to include such cost, the applicant may either select a title company to conduct the required search and present documentation to the department of the cost, or direct the department to use a title company selected by the department. The department shall pay the cost of the title search and be reimbursed by the applicant through the addition of the cost to the amount subject to the installment agreement. The applicant shall make such reimbursement in the first year of the installment agreement, in monthly or quarterly payments, consistent with the payment frequency selected for the installment agreement. The cost of the title search shall bear interest at the same rate as the interest on unpaid real property tax as provided in section 11-224.1 of the code.

4. (a) Any time the amount of the liens on a property subject to an installment agreement under this section exceeds 25 percent of the net equity in such property, the applicant shall pay all taxes and charges

*imposed against the property that exceed 25 percent of the net equity in the property as such taxes and charges become due, in addition to the payment amount set forth in the installment agreement.*

*(b) Notwithstanding subparagraph (a) of this paragraph and provided that section 581 of the real property tax law is in effect in the same form as such section was in effect as of the effective date of the local law that added this section, for property that is a dwelling unit in a condominium subject to an installment agreement under this section and for which an appraisal has not been obtained pursuant to paragraph 4 of subdivision g of this section, any time the amount of the liens subject to such agreement exceeds 50 percent of the net equity in such property, the applicant shall pay all taxes and charges imposed against such property that exceed 50 percent of the net equity in such property as such taxes and charges become due, in addition to the payment amount set forth in the installment agreement. For property that is a dwelling unit in a condominium and for which an appraisal has been obtained pursuant to paragraph 4 of subdivision g of this section, any time the amount of the liens subject to an installment agreement under this section exceeds the higher of (i) 50 percent of the net equity in such property based on the fair market value determined by the department; or (ii) 25 percent of the net equity in such property based on the fair market value determined by the appraisal obtained by the applicant, the applicant shall pay all taxes and charges imposed against such property that exceed the higher of the amounts described by clause (i) and (ii) of this subparagraph as such taxes and charges become due, in addition to the payment amount set forth in the installment agreement.*

*(c) The department shall provide each applicant with a written projection at the time the installment agreement is entered into as to when the 25 or 50 percent threshold, as determined pursuant to subparagraphs (a) and (b) of this paragraph, will be exceeded. The department shall also notify each property owner in writing when the amount of the liens exceeds such threshold. Failure by the department to provide an applicant with such projection or to notify a property owner when the amount of the liens exceeds the applicable threshold, however, shall not affect the validity of the installment agreement that has been entered into, nor shall any claim arise or exist against the commissioner of finance or any officer or agency of the city by reason of such failure to provide such projection or such notification.*

*5. If at any time the department determines that the fair market value of a property subject to an installment agreement under this section has increased, an applicant may request that the net equity in such property be recalculated and the net equity amount included in such installment agreement be adjusted to reflect the recalculated net equity in such property.*

*6. If the combined income of all of the property owners exceeds \$50,000 for the income tax year immediately preceding the date of making a renewal application pursuant to subdivision h of this section, the applicant shall pay all taxes and charges imposed against the property after the date of such renewal application as such taxes and charges become due, in addition to the payment amount set forth in such installment agreement.*

*k. Termination of installment agreement. 1. An installment agreement shall be terminated when any of the following occurs:*

*(a) The property whose liens are the subject of such installment agreement is no longer the primary residence of the applicant.*

*(b) The fixed term of the installment agreement expires. An applicant whose installment agreement has been terminated because of such expiration may apply to enter into an installment agreement pursuant to section 11-322 or to this section.*

*(c) The applicant is deceased.*

*(d) The applicant opts out of an installment agreement without a fixed term as described in paragraph 1 of subdivision l of this section. An applicant who opts out of such agreement may apply to enter into an installment agreement pursuant to section 11-322 or to this section.*

*(e) The applicant does not file a timely renewal application as required by subdivision h of this section.*

*(f) The applicant is in default and has not cured such default as provided in subparagraph (a) of paragraph 3 of this subdivision prior to the next tax lien sale.*

*(g) The applicant has defaulted on the installment agreement and has cured such default by entering into a new installment agreement pursuant to clause (2) or (3) of subparagraph (a) of paragraph 3 of this subdivision.*

*2. If an installment agreement is terminated, all taxes and charges that accrued before such termination are required to be paid. If such taxes and charges are not paid within six months of such termination, the tax*

lien or tax liens on such property may be sold. Notwithstanding the preceding sentence, if an agreement is terminated pursuant to subparagraph (c) of paragraph 1 of this subdivision, a surviving spouse has one year from the death of the applicant to pay all taxes and charges on such property before the tax lien or tax liens on such property may be sold. If such surviving spouse is a property owner, he or she may enter into a separate installment agreement pursuant to section 11-322 or subdivision l, m or n of this section, as long as he or she meets the eligibility requirements for the respective installment agreement.

3. Cure of default. (a) An applicant may cure a default by:

(1) bringing all installment payments and all current charges, including but not limited to any interest and fees, that are outstanding at the time of the default to a current status prior to the date of the tax lien sale;

(2) entering into a new installment agreement with a down payment of 20 percent, or more, of all delinquent real property taxes, assessments, sewer rents, sewer surcharges, water rents and other charges that are made a lien subject to the provisions of this chapter, including any outstanding interest and fees, prior to the date of such sale; or

(3) entering into a new installment agreement under this section if the department has made a finding of extenuating circumstances pursuant to the process described in paragraph (4) of subdivision (e) of section 40-03 of title 19 of the rules of the city of New York.

(b) If a default is not cured prior to the date of the tax lien sale, such applicant shall not be eligible to enter into an installment agreement for the subject property for five years, unless the department has made a finding of extenuating circumstances pursuant to the process described in paragraph (4) of subdivision (e) of section 40-03 of title 19 of the rules of the city of New York.

(c) Notwithstanding the prohibition in subparagraph (b) of this paragraph against entering into an installment agreement for the subject property for five years, an applicant who has defaulted on an installment agreement and whose lien has been sold and, after the sale of the lien, whose property on which the lien was sold is subject to another tax lien that is eligible to be sold, may apply to enter into another installment agreement with respect to such other lien before the end of such five-year period, provided that such applicant makes a down payment of 20 percent, or more, of all delinquent real property taxes, assessments, sewer rents, sewer surcharges, water rents and other charges that are made a lien subject to the provisions of this chapter, including any outstanding interest and fees, prior to the date of the tax lien sale. An applicant shall not be eligible to enter an installment agreement with a down payment under this subparagraph more than once for the subject property.

l. Senior low-income installment agreement. 1. At the option of the applicant, a senior low-income installment agreement may provide for payments for a fixed period of time or for payments without a fixed period of time. If the applicant selects an installment agreement with a fixed time period, the applicant may select the term of the agreement. The applicant may switch from an installment agreement without a fixed time period to an installment agreement with a fixed time period, or from an installment agreement with a fixed time period to an installment agreement without a fixed time period, at any point.

2. A senior low-income installment agreement shall provide for the payment of both a percentage of taxes and charges that have accrued and a percentage of taxes and charges that will accrue after the date of the installment agreement. The applicant may elect to pay an installment amount based on zero percent, 25 percent, 50 percent or 75 percent of the annual taxes and charges that have accrued and that will accrue. If the applicant selects an agreement with a fixed time period, the required payment shall be based on the percentage selected and the term selected. If the applicant selects an agreement without a fixed time period, the required payment shall be based on the percentage selected for prospective taxes and charges and a partial or full payment of the percentage of taxes and charges that have accrued. The applicant may adjust the payment percentage at any point during the installment agreement, but may not make more than one such adjustment during any six-month period.

m. Income-based installment agreement. 1. At the option of the applicant, an income-based installment agreement pursuant to this subdivision may provide for the payment of (i) only taxes and charges that have accrued or (ii) taxes and charges that have accrued and taxes and charges that will accrue over the next fiscal year. If option (i) is selected, the applicant shall pay all taxes and charges that become due on the property after the installment agreement is entered into in addition to the payment schedule provided in the installment agreement. If option (ii) is selected, the applicant shall pay all taxes and charges that will accrue on the

property after the installment agreement has been in effect for one year in addition to the payment schedule provided in the installment agreement.

2. The annual payment amount required pursuant to an installment agreement described by this subdivision shall be based on a percentage of the combined income of all of the property owners for the income tax year immediately preceding the initial application for such installment agreement. The applicant may select a percentage of two percent, four percent, six percent or eight percent of such combined income. The installment payment shall be calculated by dividing the annual payment amount by 12 or four, depending on whether a monthly or quarterly payment schedule is selected. The term of the agreement shall be calculated by dividing the taxes and charges included in the agreement pursuant to paragraph 1 of this subdivision by the installment payment determined by the calculation described in this paragraph.

n. *Extenuating circumstances income-based installment agreement.* 1. An extenuating circumstances income-based installment agreement shall provide for the payment, during the period of such agreement, of a percentage of taxes and charges that have accrued on the property and taxes and charges that accrue after the date of the installment agreement.

2. The annual payment amount required pursuant to an installment agreement described by this subdivision shall be based on a percentage of the combined income of all of the property owners for the income tax year immediately preceding the initial application for an installment agreement. The applicant may select a percentage of two percent, four percent, six percent, or eight percent of such combined income. Such installment payment shall be calculated by dividing the annual payment amount by 12 or four, depending on whether a monthly or quarterly payment schedule is selected. The installment agreement shall be for a term of one year but may be extended on a yearly basis if the department determines that the extenuating circumstances continue.

3. An applicant may adjust the payment percentage at any point during the installment agreement, but may not make more than one such adjustment during any six-month period.

o. After an applicant has entered into an installment agreement with the department pursuant to this section, the department shall record the entry of such agreement on the automated city register information access system. Failure by the department to record such agreement, however, shall in no manner affect the validity of such agreement, nor shall any claim arise or exist against the commissioner of finance or any officer or agency of the city by reason of such failure to record.

p. All installment agreements executed on or after January 1, 2019 pursuant to this section shall include:

1. a conspicuous statement that if payments required from an applicant pursuant to such an agreement are not made for a period of six months, such applicant shall be in default of such agreement, and the tax lien or tax liens on the subject property may be sold, provided, however, that such default may be cured upon such applicant's bringing all installment payments and all current charges that are outstanding at the time of the default to a current status, which shall include, but not be limited to, any outstanding interest and fees, prior to the date of the tax lien sale;

2. a notification that if such default is not cured prior to the date of the tax lien sale, such property owner shall not be eligible to enter into an installment agreement for the subject property for five years, unless a finding of extenuating circumstances has been made by the department pursuant to the process described in paragraph (4) of subdivision (e) of section 40-03 of title 19 of the rules of the city of New York;

3. the definition of extenuating circumstances pursuant to such paragraph; and

4. a statement describing the conditions under which the property owner may be eligible, after default, to enter into another installment agreement in accordance with paragraph 3 of subdivision k of this section.

§ 2. Subdivision g of section 11-320 of the administrative code of the city of New York, as added by local law number 15 for the year 2011, is amended to read as follows:

g. No later than one hundred twenty days after the tax lien sale, the commissioner of finance shall submit to the council a list of all properties, identified by block and lot, noticed for sale pursuant to subdivision b of this section. Such list shall also include a description of the disposition of such properties that shall include, but not be limited to, whether an owner entered into a payment plan with the city pursuant to section 11-322 or 11-322.1 of this chapter, whether an owner satisfied the tax lien or liens, whether ownership of the property was transferred, provided that such information is available to the city, or whether the property was distressed, as defined in subdivision four of section 11-401 of this title, or removed from the sale pursuant to the discretion of the commissioner of the department of housing preservation and development.

§ 3. Section 11-321 of the administrative code of the city of New York, as amended by local law number 26 for the year 1996, is amended to read as follows:

§ 11-321 Continuation of sale; notice required. A sale of a tax lien or tax liens may be continued from time to time, if necessary, until all the tax liens on the property so advertised and noticed shall be sold unless such sale is canceled or postponed in accordance with section 11-322 *or 11-322.1* of this chapter. If a sale of a tax lien or tax liens is continued, the commissioner of finance, or his or her designee, shall give such notice as is practicable of such continuation.

§ 4. This local law takes effect on January 1, 2019 and remains in effect until December 31, 2020 when this local law is deemed repealed, except that the commissioner of finance may take any measures necessary for the implementation of this local law, including the promulgation of rules, before such effective date.

Referred to the Committee on Finance.

Int. No. 1144

By Council Member Dromm (by request of the Mayor).

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

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 25-420.1 of the administrative code of the city of New York, as amended by local law number 3 for the year 2015, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Steinway Street business improvement district beginning on July 1, [2014] *2018*, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [four hundred thousand dollars (\$400,000)] *five hundred twenty thousand dollars (\$520,000)*.

§ 2. Subdivision a of section 25-425 of the administrative code of the city of New York, as amended by local law number 30 for the year 2002, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Graham Avenue business improvement district beginning on July 1, [2002] *2018*, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [one hundred thirty-seven thousand six hundred thirty-eight dollars (\$137,638)] *two hundred fifty thousand dollars (\$250,000)*.

§ 3. Subdivision a of section 25-428.1 of the administrative code of the city of New York, as amended by local law number 118 for the year 2013, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Lower East Side business improvement district beginning on July 1, [2013] *2018*, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [nine hundred seventy-four thousand six hundred dollars (\$974,600)] *one million three hundred thousand dollars (\$1,300,000)*.

§ 4. Subdivision a of section 25-432.1 of the administrative code of the city of New York, as amended by local law number 135 for the year 2016, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the



Fashion Center business improvement district beginning on July 1, [2016] 2018, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [eight million eight hundred thousand dollars (\$8,800,000)] *thirteen million dollars (\$13,000,000)*.

§ 5. Subdivision a of section 25-436 of the administrative code of the city of New York, as amended by local law number 118 for the year 2013, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Grand Street business improvement district beginning on July 1, [2013] 2018, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [two hundred twenty-six thousand four hundred sixty dollars (\$226,460)] *three hundred twenty-four thousand three hundred sixty dollars (\$324,360)*.

§ 6. Subdivision a of section 25-437.1 of the administrative code of the city of New York, as amended by local law number 3 for the year 2015, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the 125th Street business improvement district beginning on July 1, [2014] 2018, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [one million five thousand seven hundred ninety-three dollars (\$1,005,793)] *one million two hundred forty thousand four hundred sixty-two dollars (\$1,240,462)*.

§ 7. Subdivision a of section 25-450.1 of the administrative code of the city of New York, as amended by local law number 118 for the year 2013, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Lincoln Square business improvement district beginning on July 1, [2013] 2018, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [two million five hundred thousand dollars (\$2,500,000)] *three million two hundred thousand dollars (\$3,200,000)*.

§ 8. Subdivision a of section 25-463.1 of the administrative code of the city of New York, as added by local law number 3 for the year 2013, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Madison/23rd/Flatiron/Chelsea business improvement district beginning on July 1, [2012] 2018, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [two million two hundred thousand dollars (\$2,200,000)] *three million two hundred fifty thousand dollars (\$3,250,000)*.

§ 9. Subdivision a of section 25-467.1 of the administrative code of the city of New York, as amended by local law number 1 for the year 2017, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Queens Plaza/Court Square business improvement district beginning on July 1, [2016] 2018, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [eight hundred thousand dollars (\$800,000)] *one million dollars (\$1,000,000)*.

§ 10. Subdivision a of section 25-471.1 of the administrative code of the city of New York, as added by local law number 17 for the year 2016, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Bay Ridge 5th Avenue business improvement district beginning on July 1, [2015] 2018, and the council having

determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [four hundred twenty-seven thousand dollars (\$427,000)] *five hundred thirty-four thousand dollars (\$534,000)*.

§ 11. Subdivision a of section 25-472.1 of the administrative code of the city of New York, as added by local law number 135 for the year 2016, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Court-Livingston-Schermerhorn business improvement district beginning on July 1, [2016] *2018*, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [nine hundred seven thousand dollars (\$907,000)] *one million four hundred thousand dollars (\$1,400,000)*.

§ 12. The administrative code of the city of New York is amended by adding a new section 25-476.1 to read as follows:

§ 25-476.1 *Park Slope Fifth Avenue business improvement district. a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Park Slope Fifth Avenue business improvement district beginning on July 1, 2018, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of five hundred thousand dollars (\$500,000).*

*b. The amount of such expenditure to be levied upon each property in the district shall be determined in accordance with the method of assessment set forth in the Park Slope Fifth Avenue business improvement district plan.*

§ 13. The administrative code of the city of New York is amended by adding a new section 25-483.1 to read as follows:

§ 25-483.1 *Chinatown business improvement district. a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Chinatown business improvement district beginning on July 1, 2018, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of one million eight hundred thousand dollars (\$1,800,000).*

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

§ 14. The administrative code of the city of New York is amended by adding a new section 25-484.1 to read as follows:

§ 25-484.1 *Westchester Square business improvement district. a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Westchester Square business improvement district beginning on July 1, 2018, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of four hundred twenty-five thousand nine hundred twenty dollars (\$425,920).*

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

§ 15. This local law takes effect immediately and is retroactive to and deemed to have been in full force and effect as of July 1, 2018.

Referred to the Committee on Finance.

## Res. No. 564

**Resolution concerning the increase in the annual expenditure for the Steinway Street, Graham Avenue, Lower East Side, Fashion Center, Grand Street, 125th Street, Lincoln Square, Madison/23rd/Flatiron/Chelsea, Queens Plaza/Court Square, Bay Ridge 5th Avenue, Court-Livingston-Schermerhorn, Park Slope Fifth Avenue, Chinatown, and Westchester Square Business Improvement Districts, and the setting of the date, time and place for the hearing of the local law increasing the annual expenditure for such districts.**

By Council Member Dromm.

**Whereas**, Pursuant to Chapter 4 of Title 25 of the Administrative Code of the City of New York or the predecessor of such Chapter (the "BID Law"), the City established the Steinway Street, Graham Avenue, Lower East Side, Fashion Center, Grand Street, 125th Street, Lincoln Square, Madison/23rd/Flatiron/Chelsea, Queens Plaza/Court Square, Bay Ridge 5th Avenue, Court-Livingston-Schermerhorn, Park Slope Fifth Avenue, Chinatown, and Westchester Square Business Improvement Districts in the City of New York; and

**Whereas**, Pursuant to Local Law No. 82 for the year of 1990, the City Council assumed responsibility for adopting legislation relating to Business Improvement Districts; and

**Whereas**, Pursuant to Section 25-410(b) of the BID Law, an increase in the amount to be expended annually may be adopted by local law, provided that the City Council determines, after a public hearing, that it is in the public interest to authorize the increase and that the tax and debt limits prescribed in Section 25-412 of the BID Law will not be exceeded; and

**Whereas**, The fourteen Business Improvement Districts wish to increase the amount to be expended annually beginning on July 1, 2018 as follows: Steinway Street, \$520,000; Graham Avenue, \$250,000; Lower East Side, \$1,300,000; Fashion Center, \$13,000,000; Grand Street, \$324,360; 125<sup>th</sup> Street, \$1,240,462; Lincoln Square, \$3,200,000; Madison/23<sup>rd</sup>/Flatiron/Chelsea, \$3,250,000; Queens Plaza/Court Square, \$1,000,000; Bay Ridge 5<sup>th</sup> Avenue, \$534,000; Court-Livingston-Schermerhorn, \$1,400,000; Park Slope Fifth Avenue, \$500,000; Chinatown, \$1,800,000; and Westchester Square, \$425,920; and

**Whereas**, Pursuant to Section 25-410(b) of the BID Law, the City Council is required to give notice of the public hearing by publication of a notice in at least one newspaper having general circulation in the districts specifying the time when and the place where the hearing will be held and stating the proposed amount to be expended annually; now, therefore, be it

**Resolved**, That the Council of the City of New York, pursuant to Section 25-410(b) of the BID Law, hereby directs that November 14, 2018 is the date and the City Council Committee Room, 2nd floor, City Hall, Manhattan is the place and 10:00 a.m. is the time for a public hearing (the "Public Hearing") to hear all persons interested in the legislation, which would increase the amount to be expended annually in the fourteen Business Improvement Districts; and be it further

**Resolved**, That on behalf of the City Council and pursuant to Section 25-410(b) of the BID Law, the District Management Associations of Steinway Street, Graham Avenue, Lower East Side, Fashion Center, Grand Street, 125th Street, Lincoln Square, Madison/23rd/Flatiron/Chelsea, Queens Plaza/Court Square, Bay Ridge 5th Avenue, Court-Livingston-Schermerhorn, Park Slope Fifth Avenue, Chinatown, and Westchester Square are hereby authorized to publish in a newspaper of general circulation in each district, not less than ten (10) days prior to the Public Hearing, a notice stating the time and place of the Public Hearing and setting forth the increase in the amount to be expended annually in each of the fourteen Business Improvement Districts.

Referred to the Committee on Finance.

## Int. No. 1145

By Council Member Espinal.

**A Local Law to amend the administrative code of the city of New York, in relation to creating an exception to the item pricing requirement for retail stores with scanners available for consumer use**

*Be it enacted by the Council as follows:*

Section 1. Subdivisions a and b of section 20-708.1 of the administrative code of the city of New York, as added by local law number 84 of the year 1991, are amended to read as follows:

a. Definitions. The following terms shall have the following meanings for the purpose of this section:

1. "Stock keeping unit", known in the industry as "SKU", shall mean each group of items offered for sale of the same brand name, quantity of contents, retail price, and variety within the following categories:

(a) Food, including all material, solid, liquid or mixed, whether simple or compound, used or intended for consumption by human beings or domestic animals normally kept as household pets and all substances or ingredients to be added thereto for any purpose;

(b) Napkins, facial tissues, toilet tissues, paper towelling and any disposable wrapping or container for the storage, handling, serving, or disposal of food;

(c) Detergents, soaps and other cleansing agents; and

(d) Non-prescription drugs, feminine hygiene products and health and beauty aids.

2. "Stock keeping item" shall mean each individual item of a stock keeping unit offered for sale. This shall include two or more pieces packaged for sale together.

3. "Retail store" shall mean a store engaged in selling stock keeping units at retail. A store which is not open to the general public but is reserved for use by its members shall come within the provisions of this definition unless the members must pay a direct fee to the store to qualify for membership and the store is not required to collect sales tax on transactions with members. A retail store shall not include any store which:

(a) Has as its only full-time employee the owner thereof, or the parent, spouse, domestic partner or child of the owner, and in addition thereto not more than two full-time employees; or

(b) Had annual gross sales of stock keeping items in the previous calendar year of less than two million dollars, unless the retail store is part of a network of subsidiaries, affiliates or other member stores, under direct or indirect common control, which, as a group, had annual gross sales of stock keeping items in the previous calendar year of two million dollars or more; or

(c) Engages primarily in the sale of food for consumption on the premises or in a specialty trade which the commissioner determines, by rule, would be inappropriate for item pricing.

4. "Item price" shall mean the tag, stamp or mark affixed to a stock keeping item which sets forth, in arabic numerals, the retail price thereof.

5. "Advertised price" shall mean the price of a stock keeping unit which a retail store has caused to be disseminated by means of promotional methods such as an in-store sign, or newspaper, circular, television or radio advertising.

6. "Shelf price" shall mean the tag or sign placed at each point of display of a stock keeping unit, which clearly sets forth the retail price of the stock keeping items within that stock keeping unit.

7. "Computer-assisted checkout system" shall mean any electronic device, computer system or machine which indicates the selling price of a stock keeping item by interpreting its universal product code, or an in-house product code, or by use of its price look-up function.

8. "Price look-up function" shall mean the capability of any checkout system to determine the retail price of a stock keeping item by way of the manual entry into the system of a code number assigned to that particular stock keeping unit by the retail store or by way of the checkout operator's consultation of a file maintained at the point of sale.

9. "Inspector" shall mean the commissioner or his or her designee.

10. "Price scanner" shall mean a laser scanning or other computer assisted price checking mechanism used in conjunction with scanner codes.

b. Item pricing required. 1. Except as provided in subdivision c of this section, every person, firm, partnership, corporation or association which sells, offers for sale or exposes for sale in a retail store, a stock

keeping unit, shall disclose to the consumer the item price of each stock keeping item, by causing the item price to be conspicuously, clearly and plainly marked, stamped, tagged or affixed thereto.

2. *Retail store exception. A retail store is not required to comply with the item pricing requirement as provided in this subdivision where the retail store has the following:*

(a) *Clearly marked and functioning price scanners for consumer use;*

(b) *A sufficient number of price scanners, as determined by the commissioner, in proportion to the retail store size; and*

(c) *Clearly marked items capable of being scanned by a price scanner.*

3. *Nothing in paragraph 2 of this subdivision exempts retail stores from complying with the shelf labeling requirement of section 197-b of the agriculture and markets law.*

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

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 1146

By Council Members Grodenchik, Cornegy and Rosenthal.

**A Local Law to amend the administrative code of the city of New York, in relation to the installation of automatic sprinklers in residential buildings**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 28 of the administrative code of the city of New York is amended by adding new section 28-315.2.5 as follows:

**§ 28-315.2.5 Automatic sprinklers in buildings 40 feet (12.192 m) or more in height.** *Owners of all buildings 40 feet or more in height classified in accordance with Section BC 310 of the New York city building code in occupancy group R shall install a system of automatic sprinklers. Installation of such system shall be completed on or before December 31, 2029.*

**§ 28-315.2.5.1 Reporting.** *Owners of all buildings 40 feet (12.192 m) or more in height shall file with the department on or before December 31, 2029 a final report prepared by an architect or engineer certifying to the installation of automatic sprinklers pursuant to section 28-315.2.5. An owner who fails to file such final report shall be liable for a civil penalty of no less than twenty-five dollars per day not to exceed one thousand dollars. Such reports shall be on such forms and in such manner as prescribed by the commissioner and shall be filed as follows:*

1. *Unless a final report is filed on or prior to July 1, 2019, a one year report shall be filed no later than July 1, 2019. The one year report shall contain an affidavit by the owner of the building acknowledging that sprinklers are required to be installed in such building on or before July 1, 2029 in compliance with section 28-315.2.5.1 and indicating his or her intention to comply with such requirement.*

2. *Unless a final report is filed on or prior to July 1, 2024, a five year report shall be filed no earlier than January 1, 2024 and no later than July 1, 2024. Such five year report shall contain a certification by an architect or engineer of the percentage of the building in which sprinklers have been installed as of the date of such report and an implementation plan prepared by such architect or engineer detailing when and how the remaining portions of the building will be made fully compliant.*

3. *Except as otherwise provided in this section, a final report shall be filed no later than December 31, 2029. Such final report shall contain a certification by an architect or engineer that the building is fully compliant.*

**Exception:** *Buildings required to comply with the provisions of section 27-228.5 may not be subject to the reporting requirements pursuant to section 28-315.2.5.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 1147

By Council Members Holden, Rosenthal, Brannan, Dromm, Ampry-Samuel and Gjonaj.

**A Local Law in relation to the creation of an interagency derelict housing and neglected property task force**

*Be it enacted by the Council as follows:*

Section 1. Derelict housing and neglected property task force. a. There shall be an interagency task force that shall review and recommend changes to the laws, rules, regulations and policies related to the abatement of nuisances or other health or safety risks created by derelict housing and neglected properties.

b. The task force shall consist of 7 members, or their designees, as follows:

1. the commissioner of health and mental hygiene;
2. the commissioner of buildings;
3. the commissioner of housing preservation and development;
4. the commissioner of sanitation;
5. the commissioner of environmental protection;
6. one member appointed by the mayor; and
7. one member appointed by the speaker of the council.

c. Members of the task force shall serve for a term of 1 year, to commence after the appointment of the final member of the task force. All members shall be appointed to the task force within 60 days of the enactment of this local law.

d. All members of the task force shall serve without compensation and shall meet, at a minimum, on a quarterly basis.

e. No member of the task force shall be removed except for cause and upon notice and hearing by the appropriate appointing official. In the event of a vacancy, a successor shall be appointed in the same manner as the original appointment to serve the balance of the unexpired term.

f. The task force shall issue a report to the mayor and council no later than 12 months after the final member of the task force is appointed. Such report shall include, but need not be limited to, analysis and recommendations regarding the following:

1. reporting of problems relating to derelict housing or neglected properties by members of the public and the response to such reports, including situations where it may be unclear which agency has the authority to address the problem;
2. coordination between agencies when one property has violations from different city agencies;
3. strategies for addressing violations that a property owner fails to repair; and
4. the authority of city agencies to repair violations, including through the department of health and mental hygiene's authority to abate nuisances, and the department of housing preservation and development's

emergency repair program, and whether any additional authority to repair violations should be granted to any agency.

g. Such task force shall dissolve 90 days after the final submission of the report required pursuant to subdivision f.

§ 2. This local law takes effect immediately and is deemed repealed 90 days after the final submission of the report required by subdivision f of section 1 of this local law.

Referred to the Committee on Housing and Buildings.

Preconsidered Int. No. 1148

By Council Members Kallos and Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report on pupil transportation policies and procedures**

*Be it enacted by the Council as follows:*

Section 1. Title 21-A of the administrative code of the city of New York is amended by adding a new chapter 25 to read as follows:

*Chapter 25. Reporting on Pupil Transportation Policies*

§ 21-992 a. *No later than July 1, 2019, and annually thereafter by July 1, the department shall submit to the speaker of the council, and post on its website, a report regarding pupil transportation policies, including the following information:*

*1. The criteria used to determine yellow bus routes, including, but not limited to any specific criteria considered for different types of routes and any relevant algorithms;*

*2. The department's goals for the time it should take to complete a yellow bus route, including specific goals for special education routes, elementary school general education routes, and all other types of routes;*

*3. Recommendations for how the department's pupil transportation services can better serve students to expand academic opportunity, including best practices for promoting diversity across the city school district of the city of New York; and*

*4. The number of vehicles, bus operators, and bus attendants necessary to meet the goals and recommendations provided pursuant to paragraphs 2 and 3 of this subdivision.*

*b. No later than 30 days before the start of the school year, the department shall make available to parents, caretakers, and relevant department personnel:*

*1. Yellow bus routes for the upcoming school year, including estimated travel times;*

*2. Whether the bus operator has completed trial runs of the route, disaggregated by contracting company, number of trial runs completed, and time of day such trial run was completed; and*

*3. Any process by which parents, caretakers, and relevant department personnel can provide feedback on or appeal a yellow bus route.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Education (preconsidered but laid over by the Committee on Education).

## Int. No. 1149

By Council Members Kallos and Yeger.

**A Local Law to amend the administrative code of the city of New York, in relation to documentation and submission of cooling tower inspections and certifications**

*Be it enacted by the Council as follows:*

Section 1. Section 28-317.5 of the administrative code of the city of New York is amended to read as follows:

§ 28-317.5 Annual certification. The owner or operator of a cooling tower shall file a certification each year that such cooling tower was inspected, tested, cleaned and disinfected in compliance with section 17-194.1 of the administrative code and the rules of the department of health and mental hygiene, and that a maintenance program and plan has been developed and implemented as required by such section. Such certification shall be submitted by November 1, 2016 and by November 1 of each year thereafter, or as otherwise specified in the rules of the department. *The department shall send electronic reminders to all owners and operators of cooling towers 30 days in advance of certification dates. Such electronic reminders shall include pre-filled electronic certification forms, which can be submitted electronically to the department.*

§ 2. Subdivision e of section 17-194.1 of the administrative code of the city of New York is amended by adding a new paragraph 3 to read as follows:

3. *The results of each inspection shall be documented and submitted electronically by the qualified person, in a manner to be established by the department, within five days of inspection.*

§ 3. This local law takes effect 180 days after it becomes law, except that the department shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Housing and Buildings.

## Int. No. 1150

By Council Members Kallos, Levine, Ampry-Samuel and Diaz.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the inspection of water tanks prior to cleaning**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 17-194 of the administrative code of the city of New York, as amended by local law number 239 for the year 2017, is amended to read as follows:

b. Any owner of a building that has a water tank as part of its drinking water supply system shall have such water tank inspected at least once annually. Such inspection shall ensure that the water tank complies with all provisions of the administrative code of the city of New York, the construction codes of the city of New York and the health code of the city of New York. *Such inspection shall occur prior to the cleaning of the water tank.* The results of such inspection shall be recorded in a manner prescribed by the commissioner. Such results shall be maintained by the owner for at least five years from the date of inspection and shall be made available to the department upon request within five business days. Documentation of such annual inspection shall be submitted in a form and manner prescribed by the department. Such documentation shall state whether or not all applicable requirements were met at the time of inspection and provide a description of any non-compliance with applicable requirements.

§ 2. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Health.



## Int. No. 1151

By Council Members Koo, Rosenthal and Yeger.

**A Local Law to amend the administrative code of the city of New York, in relation to the online publication of machine-readable versions of the New York city construction codes including amendments**

*Be it enacted by the Council as follows:*

Section 1. Section 7-111 of the administrative code of the city of New York, as added by local law number 37 for the year 2014, is amended to read as follows:

§ 7-111 Online publication of city laws. The corporation counsel shall make available through the city's website a true and complete compilation of the charter, the administrative code, [and] the rules of the city of [new york,] *New York, the 2014 New York city construction codes, including all amendments to such codes from the date of the most recent version of the codes to present, the integrated 2014 construction codes administrative provisions and the 2017 code revision cycle handbook.* Such compilation shall be in a searchable, machine-readable format or formats that are capable of being downloaded in bulk, and which are chosen for the purpose of making such [compilations] *compilation* available to the greatest number of users and for the greatest number of applications. Such compilation shall be updated to reflect changes no later than four weeks after such changes are made.

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

Referred to the Committee on Governmental Operations.

## Int. No. 1152

By Council Members Koo and Yeger.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring an online payment grace period in the event of an electronic system security breach**

*Be it enacted by the Council as follows:*

Section 1. Chapter 8 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-803 to read as follows:

§ 23-803 *Online payment grace period. a. For the purposes of this section, the following terms have the following meanings:*

*Chief Information Security Officer. The term "chief information security officer" means the head of New York city cyber command as established by executive order number 28 for the year 2017 or any other officer or administering agency designated by the mayor to perform the same functions.*

*Electronic system. The term "electronic system" means any website, network, online infrastructure or internally or externally accessible electronic systems constructed or maintained by or on behalf of the city.*

*b. In the event that a security breach disables, for 24 hours or more, an electronic system used by residents to make payments to a city agency, the chief information security officer shall, in collaboration with affected agencies and the department of information technology and telecommunications, establish a 48-hour grace period after such electronic system is restored during which no late payment fees will be incurred for any payment due in the time period during which the security breach disabled such system.*

§ 2. This local law takes effect 120 days after it becomes law, except that the office of the mayor, the department of information technology and telecommunications and any other agency may take such measures prior to such date as are necessary for implementation of this local law, including the promulgation of rules.

Referred to the Committee on Technology.

Int. No. 1153

By Council Members Koo and Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring an electronic system penetration testing protocol and security briefings and reports**

*Be it enacted by the Council as follows:*

Section 1. The title of chapter 8 of title 23 of the administrative code of the city of New York, as added by local law number 25 for the year 2016, is amended to read as follows:

CHAPTER 8  
CITY WEBSITES AND ELECTRONIC SYSTEMS

§ 2. Chapter 8 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-803 to read as follows:

§ 23-803 *Electronic systems security testing, briefings and reports.* a. *For the purposes of this section, the following terms have the following meanings:*

*Chief information security officer.* The term “chief information security officer” means the head of New York city cyber command as established by executive order number 28 for the year 2017 or any other officer or administering agency designated by the mayor to perform the same functions.

*Electronic system.* The term “electronic system” means any website, network, online infrastructure or internally or externally accessible electronic system constructed or maintained by or on behalf of the city.

*Personal identifying information.* The term “personal identifying information” shall have the same meaning as provided for the term “personal identifying information” in section 10-501 and any other identifying information, as such term is defined in section 23-1201.

b. *The chief information security officer shall adopt a protocol relating to penetration testing of electronic systems. Such protocol shall use the penetration testing standards of national institute of standards and technology special publication 800-53, including all control enhancements, or any successor standard, for all physical electronic systems, and federal risk and authorization management program penetration test guidance version 1.0.1, or any successor standards, for all cloud systems; provided that the protocol may differ from such standards in specific instances when the chief information security officer determines, after consulting with experts in the security of electronic systems, that such differences will provide a more effective test, and that such differences are documented in such protocol. Such protocol shall be made publicly available online.*

c. *The protocol required by subdivision b shall include a standard for the testing of employees of the city as well as both internally and externally accessible electronic systems for vulnerability to social engineering exploitation. Such standard may be adopted from federal risk and authorization management program penetration test guidance version 1.0.1 or any similar standard, provided that such standard includes provisions for recording and reporting click-through rates or similar metrics.*

d. *The chief information security officer shall develop social engineering exploitation awareness materials and shall distribute such materials to all agency employees. Such materials shall also be distributed to all agency employees upon hiring.*

e. *The standard required by subdivision c shall also establish thresholds for such metrics that, when exceeded with respect to any such systems or personnel, trigger social engineering exploitation awareness material distributions or trainings and additional testing of such systems or employees of the city.*

f. *The protocol required by subdivision b shall be implemented by the chief information security officer, or by a vendor retained for such purpose, to regularly test for security vulnerabilities in the websites or other public facing electronic systems maintained by or on behalf of the city.*

g. *The chief information security officer shall conduct an annual audit of all electronic system security practices. Such audit shall include, but not be limited to, an assessment of website security credentials, penetration vulnerabilities, and vulnerability of operating systems and firmware of electronic systems.*

*h. In the event of an electronic system security breach, the chief information security officer shall:*

*1. Immediately inform the mayor, or the mayor's designee, with a description of the date, nature and severity of the security breach, as well as a description of any data or information that may have been compromised; and*

*2. Immediately arrange a briefing for the speaker of council, or the speaker's designee, for the purposes of providing the following information:*

*(a) a description of the severity and impact of the electronic system security breach;*

*(b) a description of all electronic systems affected that would normally be used by the public;*

*(c) an estimate of time required for the issues caused by the electronic system security breach to be fixed;*

*(d) whether the individuals responsible for the electronic system security breach have been identified; and*

*(e) any resulting electronic system threats that the public should be made aware of.*

*i. By February 1 of each year, the chief information security officer shall submit to the speaker of the council, and make publicly available online, an electronic report that describes:*

*1. the implementation of this section;*

*2. the number of penetration vulnerabilities identified through testing performed pursuant to this section since the prior report, both citywide and by agency;*

*3. the number and scope of social engineering exploitation tests conducted, both citywide and by agency;*

*4. the percentage of such social engineering exploitation tests for which the established metric did not meet the trigger threshold established pursuant to subdivision e, both citywide and by agency;*

*5. the percentage of additional social engineering exploitation tests conducted pursuant to subdivision e, both citywide and by agency, for which the established metric did not meet the trigger threshold established pursuant to subdivision e;*

*6. a description of any social engineering exploitation awareness material distributions or trainings conducted, both citywide and by agency;*

*7. a description of the date, nature and severity of any resolved electronic system security breaches in the preceding year, as well as any information or data that may have been compromised; and*

*8. recommendations for improvement in city practices and protocols for the security of electronic systems including, but not limited to, recommendations based on the findings of the audit conducted pursuant to subdivision g.*

§ 3. This local law takes effect 120 days after it becomes law, except that the office of the mayor and the department of information technology and telecommunications may take such measures prior to such date as are necessary for implementation of this local law, including the promulgation of rules.

Referred to the Committee on Technology.

Int. No. 1154

By Council Members Koslowitz and Gjonaj.

**A Local Law to amend the administrative code of the city of New York, in relation to encrypting website exchanges or transfers**

*Be it enacted by the Council as follows:*

Section 1. Chapter 8 of title 23 of the administrative code of the city of New York is amended to add a new section 23-803, to read as follows:

§ 23-803 *Website encryption. Every website maintained by or on behalf of the city or a city agency shall encrypt all exchanges or transfers of hypertext, or any similar website content, between such website and a user, and require browsers to request such an encrypted exchange or transfer at all times for such websites, provided that such encryption shall not be required if such exchanges or transfers are conducted in a manner that provides at least an equivalent level of confidentiality, data integrity and authentication.*

§ 2. This local law takes effect six months after it becomes law.

Referred to the Committee on Technology.

Int. No. 1155

By Council Members Koslowitz, Espinal and Adams.

**A Local Law to amend the administrative code of the city of New York, in relation to maximum fines for illegal postings.**

*Be it enacted by the Council as follows:*

Section 1. Section 10-121 of chapter 1 of title 10 of the administrative code of the city of New York is amended to read as follows:

§ Section 10-121. Violation. a. Any person convicted of a violation of any of the provisions of section 10-119 [or 10-120] of the code shall be punished by a fine of not less than seventy-five dollars nor more than one hundred fifty dollars, for the first offense and not less than one hundred fifty dollars nor more than [two hundred fifty] \$1,000 dollars for the second and each subsequent offense within a twelve month period, plus the cost of the removal of the unauthorized signs, imprisonment for not more than ten days, or both; provided, however, that subdivision b of section 10-119 of the code shall not apply with respect to criminal prosecutions brought pursuant to this subdivision.

b. In the instance where the notice of violation, appearance ticket or summons is issued for breach of the provisions of section 10-119 [or 10-120] of the code and sets forth thereon civil penalties only, such process shall be returnable to the environmental control board, which shall have the power to impose the civil penalties of not less than [seventy five dollars]\$75 nor more than [one hundred fifty dollars]\$150 for the first offense and not less than [one hundred fifty dollars]\$150 nor more than [two hundred fifty] \$1,000 for the second and each subsequent offense within a twelve month period. Anyone found to have violated the provisions of [S]section 10-119 [or 10-120], in addition to any penalty imposed, shall be responsible for the cost of the removal of the unauthorized signs. Anyone found to have violated section 10-119 of this chapter by affixing any handbill, poster, notice, sign or advertisement to a tree by means of nailing or piercing the tree by any method shall have an additional penalty imposed equal to the amount of the original penalty.

*c. Any person convicted of a violating section 10-120 of the code shall be punished by a fine of not less than \$75 nor more than one hundred fifty dollars, for the first offense and not less than \$150 nor more than \$250 for the second and each subsequent offense within a 12 month period, plus the cost of the removal of the unauthorized signs, imprisonment for not more than ten days, or both.*

*d. In the instance where the notice of violation, appearance ticket or summons is issued for breach of section 10-120 of the code and sets forth thereon civil penalties only, such process shall be returnable to the environmental control board, which shall have the power to impose the civil penalties of not less than \$75 nor more than \$150 dollars for the first offense and not less than \$150 nor more than \$250 for the second and each subsequent offense within a 12 month period. Anyone found to have violated the provisions of section 10-120, in addition to any penalty imposed, shall be responsible for the cost of the removal of the unauthorized signs.*

[c]e. In the event that a violator fails to answer such notice of violation, appearance ticket or summons within the time provided therefor by the rules and regulations of the environmental control board, he or she shall become liable for additional penalties. The additional penalties shall not exceed fifty dollars for each violation.

[d]f. Any person found in violation of any of the provisions of section 10-119 or 10-120 of the code shall be liable for a civil penalty as provided for in subdivision b of this section.

[e]g. Liability and responsibility for any civil penalty imposed pursuant to this section for any violation of section 10-119 or 10-120 of the code shall be joint and severable on the part of any corporation found to be liable and responsible and its officers, principals, and stockholders owning more than ten percent of its outstanding voting stock.

[g]/h. For the purposes of imposing a criminal fine or civil penalty pursuant to this section, every handbill, poster, notice, sign or advertisement pasted, posted, painted, printed or nailed in violation of section 10-119 of the code or torn down, defaced or destroyed in violation of section 10-120 of the code, shall be deemed to be the subject of a separate violation for which a separate criminal fine or civil penalty shall be imposed.

§ 2. This local law takes effect immediately.

Referred to the Committee on Consumer Affairs and Business Licensing.

Res. No. 565

**Resolution calling upon the New York State Legislature to introduce and pass, and the Governor to sign, legislation authorizing the New York City to create a Commercial Rent Increase Exemption program, which will provide a property tax abatement to landlords who enter into long-term affordable lease agreements with small businesses.**

By Council Members Lander, Cumbo, Powers, Rosenthal and Chin.

**Whereas**, Small businesses in the City bear significant financial burdens because of the high commercial rents they pay; and

**Whereas**, In some neighborhoods, landlords who lease their properties to small businesses seek steep rent increases when it comes time for their small business tenants to renew their leases; and

**Whereas**, According to a 2017 report by the City Council, “Planning for Retail Diversity: Supporting NYC’s Neighborhood Businesses,” these rent increases could be as much as 50 percent or more on average; and

**Whereas**, The Council’s analysis of data from the Real Estate Board of New York showed that the average retail asking rents in Manhattan grew 44 percent between 2006 and 2016; and

**Whereas**, The extreme increases in commercial rents have forced several small businesses to shut down causing neighborhoods to lose long-standing businesses that provided them with vital services for decades; and

**Whereas**, New York City has existing programs to help certain populations maintain an affordable rent; and

**Whereas**, For example, low-income senior citizens and people with disabilities in rent-regulated apartments are protected by the Senior Citizen Rent Increase Exemption (SCRIE) program and the Disability Rent Increase Exemption (DRIE) program, known collectively as the New York City Rent Freeze Program; and

**Whereas**, The Rent Freeze Program freezes the rent for eligible residents of rent-regulated housing who have annual household incomes of \$50,000 or less, are over the age of 62 or have a qualifying disability, and who pay more than one-third of their incomes on rent; and

**Whereas**, In the program, landlords receive the difference between the legal regulated rent and the frozen rent amount in the form of a refundable property tax abatement; and

**Whereas**, According to the Fiscal 2018 Annual Report on Tax Expenditures published by the Department of Finance, the Rent Freeze Program provided more than 72,000 senior citizens and people with disabilities with rental assistance at a cost to the City of nearly \$177 million; and

**Whereas**, Creating a similar program to SCRIE and DRIE called the Commercial Rent Increase Exemption (CRIE) program would help small commercial businesses address rent increase issues and incentivize landlords to limit the increase in commercial rent for small businesses; and

**Whereas**, The abatement would offset a variable proportion of the difference between the expected new market rent the owner could charge and the actual rent charged under the new lease; and

**Whereas**, Under this program, the new market rent would be determined by the Department of Finance using data reported by property owners through the annually required Real Property Income and Expense statement; and

**Whereas**, The City would be authorized to determine the eligibility criteria for small businesses, landlords, and lease conditions that qualify for the abatement and would also be authorized to cap the total amount of abatement given out per year and/or restrict the abatement to areas of the City that have seen massive increases in commercial asking rents; and

**Whereas**, Small businesses define the identities of New York City's diverse neighborhoods and action must be taken to preserve the character of our local retail and these neighborhoods; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to introduce and pass, and the Governor to sign, legislation authorizing the New York City to create a Commercial Rent Increase Exemption program, which will provide a property tax abatement to landlords who enter into long-term affordable lease agreements with small businesses.

Referred to the Committee on Finance.

Int. No. 1156

By Council Members Levin, Espinal, Reynoso, Ampry-Samuel and Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the mayor's office of criminal justice to report on Multi-Agency Response to Community Hotspots operations**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-307 to read as follows:

*§ 9-307 Multi-agency response to community hotspots reporting. a. The office shall submit to the council within 25 days of the end of each quarter and post to the office's website and the city's open data portal, in a machine readable format, a report on Multi-Agency Response to Community Hotspots operations. Such reports shall include:*

- 1. Information on the number of inspections, aggregated citywide, as well as disaggregated by borough and council district;*
- 2. The conduct or complaint that resulted in such inspections;*
- 3. Information on the duration of inspections, including the time each inspection commences and the average time spent inside each establishment;*
- 4. Any summonses issued, and the agencies responsible for such summonses; and*
- 5. Information on establishment closures as a result of summonses issued pursuant to such inspections, including the average duration of such closures.*

*b. 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.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Justice System.

Int. No. 1157

By Council Members Levine, Kallos and Diaz.

**A Local Law to amend the administrative code of the city of New York, in relation to qualifications for persons conducting inspections and maintenance on drinking water tanks**

*Be it enacted by the Council as follows:*

Section 1. Section 17-194 of the administrative code of the city of New York, as amended by local law number 239 for the year 2017 is amended to read as follows:

§ 17-194. Drinking water tank inspections.

a. Definitions. For purposes of this section, the following terms shall have the following meanings:

1. "Building" shall mean any building, structure, premises, or part thereof.
2. "Drinking water" shall mean water used for human consumption or used directly or indirectly in connection with the preparation of food for human consumption, including, but not limited to, the cleaning of utensils used in the preparation of food.
3. "Owner" shall mean any owner, manager, operator or other person or persons having control of a building and any authorized agent thereof.
4. "Water heater" shall mean any heating appliance or equipment that heats potable water and supplies such water to the potable hot water distribution system.
5. "Water tank" shall mean any device used to store drinking water that is distributed as part of the water supply system of a building, however such term shall not apply to domestic hot water heaters.

b. Any owner of a building that has a water tank as part of its drinking water supply system shall have such water tank inspected at least once annually. Such inspection shall ensure that the water tank complies with all provisions of the administrative code of the city of New York, the construction codes of the city of New York and the health code of the city of New York. The results of such inspection shall be recorded in a manner prescribed by the commissioner. Such results shall be maintained by the owner for at least five years from the date of inspection and shall be made available to the department upon request within five business days. Documentation of such annual inspection shall be submitted in a form and manner prescribed by the department. Such documentation shall state whether or not all applicable requirements were met at the time of inspection and provide a description of any non-compliance with applicable requirements.

*c. No person shall perform an inspection of a water tank pursuant to subdivision b of this section or engage in the business of cleaning, painting or coating a water tank of this section unless such person:*

- 1. is a licensed master plumber, pursuant to article 408 of chapter 4 of title 28, works under the direct supervision of a licensed master plumber or holds a commercial pesticide applicator certification in category 7G issued by the new york state department of environmental conservation or works under the direct supervision of a person holding such certification; and*
- 2. has received fall protection training under requirements set forth by the federal occupational safety and health administration.*

[c]d. The owner of a building shall post a notice stating that (i) the water tank inspection results are maintained on file in a specific location and will be made available when a person makes such a request to either the building owner or manager and (ii) that a person may contact the department if the inspection results are not made available to such person by the building owner or manager. Upon receipt of such request, the owner or manager shall make a copy of the inspection results available within five business days. Such notice shall be posted in a location easily accessible to tenants and in a frame with a transparent cover, and may be combined with similar notices where not otherwise prohibited by law.

[d]e. Beginning March 1, 2019, and each year thereafter, the department shall submit to the council a report which shall provide information about water tank inspections for the preceding calendar year including, but not limited to:

1. the [estimated] number of building water tanks and the [estimated] number of buildings serviced by such tanks;
2. the number of complete building water tank inspection results received by the department pursuant to subdivision b of this section;
3. the number of building water tank inspection results received by the department that documented compliance with applicable requirements; and
4. the number of violations issued by the department pursuant to subdivision f of this section, section 141.07 of the health code or chapter 31 of title 24 of the rules of the city of New York.

[e]f. Water tank inspection information on website. Within 35 business days of receiving the documentation of an annual inspection required pursuant to subdivision b, the department shall post such documentation on its website and the web portal providing access to public data sets described in section 23-502. The department's

website shall provide notice that failure to conduct a required water tank inspection is a violation of law. Information available to the public shall include:

1. guidance to assist users in accessing any prior inspection report for a building available on the web portal providing access to public data sets described in section 23-502;
2. guidance to assist users in determining whether a building is required to have a water tank inspection pursuant to this section or section 141.07 of the health code; and
3. information about how to submit a complaint about a water tank, or water from a water tank, to the department.

[f]g. Any owner of a building who violates subdivisions *b or c* of this section or any of the rules promulgated thereunder shall be liable for a civil penalty not less than [two hundred] \$500 and not to exceed [two thousand dollars] \$5000 for each violation. Any owner of a building who violates subdivision [c]d of this section or any of the rules promulgated thereunder shall be liable for a civil penalty not to exceed [two hundred fifty dollars] \$1000 for each violation.

§ 2. Section 28-408.1. of the administrative code of the city of New York is amended to read as follows:

**§ 28-408.1. Master plumber license required.** It shall be unlawful for any person:

1. To perform plumbing work, *perform an inspection of a water tank pursuant to section 17-194 of the administrative code or engage in the business of cleaning, painting or coating a water tank pursuant to section 141.09 (b) of the health code* unless such person is a licensed master plumber or working under the direct and continuing supervision of a licensed master plumber except that a city employee who holds a master plumber license may only perform replacement, maintenance and repair plumbing work on existing buildings in the course of his or her employment.

2. To use the title licensed master plumber, master plumber or any other title in such manner as to convey the impression that such person is a licensed master plumber unless such person is licensed as such in accordance with the provisions of this article.

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of health and mental hygiene may take such action as is necessary for its implementation, including the promulgation of rules, before such effective date.

Referred to the Committee on Health.

Int. No. 1158

By Council Members Levine, Kallos, Yeger and Diaz.

**A Local Law to amend the administrative code of the city of New York, in relation to holding information sessions and posting information online to provide guidance to building owners regarding maintenance and inspections of cooling towers**

*Be it enacted by the Council as follows:*

Section 1. Section 17-194.1 of the administrative code of the city of New York is amended by adding a new heading to read as follows:

§ 17-194.1 *Cooling towers; maintenance and inspection.*

§ 2. Section 17-194.1 of the administrative code of the city of New York is amended by adding a new subdivision k to read as follows:



*k. Guidance for building owners. The department, in consultation with the department of buildings, shall hold information sessions, at least twice annually, for interested building owners, regarding the requirements for maintaining, cleaning, and inspecting cooling towers in accordance with this section. The information provided in such information sessions shall also be posted on the website of the department in simple and understandable terms.*

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

Referred to the Committee on Housing and Buildings.

Int. No. 1159

By Council Members Levine, Kallos and Rosenthal.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of a task force to study the effect of shadows cast by large buildings over parkland**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title eighteen of the administrative code of the city of New York is amended by adding a new section 18-155 to read as follows:

*§ 18-155 Task force on shadows cast by buildings over parks. a. There is hereby established a task force to study the effect of shadows cast on parks under the jurisdiction of the department by new or proposed building construction and to make specific recommendations to the mayor and council for the alleviation of negative consequences resulting from such shadows.*

*b. The task force shall consist of the following individuals, or designees thereof:*

- 1. the commissioner, who shall be the chairperson;*
- 2. the commissioner of buildings;*
- 3. the commissioner of environmental protection;*
- 4. the commissioner of housing preservation and development;*
- 5. the chairperson of the city planning commission; and*
- 6. such other members as the commissioner shall designate.*

*c. The task force shall:*

- 1. hold at least one meeting every six months;*
- 2. advise the mayor and council on new and planned building construction projects that may result in casting shadows over parks and the possible effects of such shadows;*
- 3. identify and catalogue existing and planned building construction projects that may cast shadows over a park;*
- 4. study the effect of the loss of sunlight resulting from such shadows cast over a park;*
- 5. for each park, determine the size of the shadow cast on such park by buildings throughout the day; and*
- 6. by December 31 of each year, provide to the mayor and the council a report which shall include an evaluation of the potential consequences of such shadows and recommendations to alleviate such consequences, including but not limited to changes to planned construction projects. Such report shall be made publicly available on the department's website within ten days after the release of such report.*

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

Referred to the Committee on Parks and Recreation.

## Int. No. 1160

By Council Members Miller and Rosenthal.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring all persons under the age of 18 to wear a helmet while operating a bicycle.**

*Be it enacted by the Council as follows:*

Section 1. Section 19-171 of subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended to read as follows:

§ 19-171. Helmet requirement for persons [under the age of fourteen] operating scooters *and bicycles*.

a. Definitions. For the purposes of this section:

(1) The term “public highway” means any highway, road, street, roadway, sidewalk, avenue, alley, public place, public driveway or any other public way.

(2) The term “scooter” means a device propelled by muscular power, consisting of a footboard between end wheels and an upright handle attached to a front wheel or to the footboard.

(3) *The term “bicycle” means a vehicle composed of two wheels held in a frame one behind the other, propelled by muscular power exerted on pedals and steered with handlebars attached to the front wheel.*

(4) The term “wearing a helmet” means having a helmet of good fit fastened securely upon the head with the helmet straps.

b. This section is applicable to the operation of a scooter *or bicycle* upon any public highway or any private road open to public motor vehicle traffic, and within a park or other area under the jurisdiction of the commissioner of parks and recreation.

c. No person less than [fourteen] *14* years of age shall operate a scooter *and no person less than 18 years of age shall operate a bicycle* unless such person is wearing a helmet meeting the standards of the American National Standards Institute (ANSI Z 90.4 bicycle helmet standards), the Snell Memorial Foundation's standards for protective headgear for use in bicycling, the American Society of Testing and Materials (ASTM) standards for bicycle helmets, the Safety Equipment Institute standards for bicycle helmets, or the United States Consumer Product Safety Commission standards for bicycle helmets.

d. It is a traffic infraction to violate the provisions of this section punishable, upon conviction, by a civil penalty of not more than fifty dollars. Such traffic infractions shall be heard and determined in accordance with article 2-A of the vehicle and traffic law. A hearing officer shall waive the civil penalty for which the parent or guardian of a person who violates the provisions of this section would be liable if such parent or guardian supplies proof that between the date of violation and the appearance date for such violation such parent or guardian purchased or rented a helmet that meets the requirements of this section. A hearing officer may waive the civil penalty for which the parent or guardian of a person who violates the provisions of this section would be liable if he or she finds that due to reasons of economic hardship such parent or guardian was unable to purchase or rent a helmet. A waiver of the civil penalty shall not apply to a second or subsequent conviction under this section.

e. The parent or guardian of a person less than [fourteen] *14 or 18* years of age, *as applicable*, shall be liable for a violation of this section by such person [less than fourteen years of age]. A summons for a violation of this section [by a person less than fourteen years of age] shall only be issued to the parent or guardian of such person if the violation occurs in the presence of such parent or guardian and where such parent or guardian is [eighteen] *18* years of age or more. Such summons shall only be issued to such parent or guardian and shall not be issued to the person less than [fourteen] *14 or 18* years of age, *as applicable*.

f. The failure of any person to comply with the provisions of this section shall not constitute contributory negligence or assumption of risk, and shall not in any way bar, preclude or foreclose an action for personal injury or wrongful death by or on behalf of such person, nor in any way diminish or reduce the damages recoverable in any such action.

g. The department of health and mental hygiene shall distribute informational materials through the department's school health program, which shall include information explaining the hazards of operating

scooters *and bicycles* without protective headgear. These informational materials shall be printed in multiple languages and shall be made available to any member of the public upon request.

h. The police department and the department of parks and recreation shall enforce the provisions of this section.

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

Referred to the Committee on Transportation.

Res. No. 566

**Resolution calling on the state legislature to pass and the Governor to sign, A.10935-A and S.8844-A, which would amend the education law to automatically enroll “optional employees” in the New York City Board of Education Retirement System (BERS) after 90 days of employment unless the employee affirmatively opts in or out of the program in advance.**

By Council Members Miller, Dromm, Rosenthal and Gibson.

**Whereas**, Public-sector employees comprise a significant portion of New York City’s workforce; and

**Whereas**, According to a report from the Department of Citywide Administrative Services (DCAS), the City of New York employs approximately 363,000 people, or 8.2 percent of the city’s total workforce, as estimated by the Bureau of Labor Statistics; and

**Whereas**, DCAS also found that roughly 37,000, or 10 percent of city government employees, are part-time or temporary employees, and that 29 percent of all City employees, or roughly 105,000 people, are eligible to retire within the next five years; and

**Whereas**, Currently, part-time and temporary employees, as well as those who are not required to take civil service exams, are allowed optional enrollment in the Board of Education Retirement System (BERS), which, according to the office of the Comptroller, holds over \$4 billion in assets; and

**Whereas**, Part-time City employees have been eligible for pension benefits since 1988, when the State Court of Appeals ruled in their favor in a 7-0 decision; and

**Whereas**, Pension enrollment is optional; and

**Whereas**, According to the Chief Actuary for the New York City Retirement Systems and Pension Funds, only 73 percent of eligible employees join BERS; and

**Whereas**, Furthermore, the Chief Actuary has reported that 64 percent of those who have not elected to enroll are women, with an average salary of approximately \$22,410; and

**Whereas**, A simple lack of awareness can mean that a committed City employee can lose access to years of benefits to which he or she is entitled; and

**Whereas**, There is currently legislation in both the New York State Assembly and the New York State Senate that would address this issue; and

**Whereas**, A.10935-A and its companion, S.8844-A, would amend the education law by automatically enrolling new employees in the pension system 90 days after beginning employment; and

**Whereas**, The proposed legislation would also allow employees to either opt-in immediately or opt-out in accordance with their wishes; and

**Whereas**, These bills have won the support of District Council 37, New York City’s largest public employee union, which represents 125,000 members and 50,000 retirees, and

**Whereas**, Most importantly, however this measure would ensure that City employees can obtain the pension benefits that they have earned; 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, A.10935-A and S.8844-A, which would amend the education law to automatically enroll “optional employees” in to the New York City Board of Education Retirement System (BERS) after 90 days of employment unless the employee affirmatively opts in or out of the program in advance.

Referred to the Committee on Civil Service and Labor.

Int. No. 1161

By Council Members Richards and Levin.

**A Local Law to amend the administrative code of the city of New York, in relation to enhanced reporting on the child welfare system**

*Be it enacted by the Council as follows:*

Section 1. Section 21-902 of the administrative code of the city of New York as added by local law 20 of 2006 is amended to read as follows:

Section 21-902. Quarterly Reports Regarding Child Welfare System. *a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Allegation. The term "allegation" means an accusation of any of the following: educational neglect, lack of medical care, inadequate food/clothing/shelter, inadequate guardianship, lack of supervision, malnutrition, failure to thrive, emotional neglect, inappropriate isolation/restraint, swelling/dyscoloration/sprains, abandonment, child's marijuana use, child's drug use other than marijuana, child's alcohol use, parent's marijuana misuse, parent's alcohol misuse, parent's drug misuse other than marijuana, inappropriate custodial conduct, burns, scalding, choking/twisting/shaking, excessive corporal punishment, DOA/fatality, fractures, internal injuries, lacerations/bruises/welts, poisoning/noxious substances and sexual abuse, or other.*

*Indicated. The term "indicated" means an investigative finding that there is sufficient proof of the abuse or neglect of a child.*

*Preventive services. The term "preventive services" means supportive and rehabilitative services provided, in accordance with title four of the social services law, to children and their families for the purposes of: averting an impairment or disruption of a family which will or could result in the placement of a child in foster care; enabling a child who has been placed in foster care to return to his family at an earlier time than would otherwise be possible; or reducing the likelihood that a child who has been discharged from foster care would return to such care.*

*Unfounded. The term "unfounded" means an investigative finding that there is insufficient proof of the abuse or neglect of a child.*

*b. Beginning no later than July 31, [2006]2019 and no later than the last day of the month following each calendar quarter thereafter, ACS will furnish to the speaker of the city council and post on its website a report regarding New York City's child welfare system that includes, at a minimum, [the following] information[:] regarding the number, case load, and experience of child protective services staff; the dispositions by type, zone and allegation of reports, cases and investigations; and family reunification data as follows:*

*1. Information regarding [C]child protective services staff[. The following information regarding child protective services shall be included in the quarterly report], disaggregated by zone:*

*[a.](a) number of case workers employed and number of vacancies in case work staff at the end of the reporting period;*

*[b.](b) experience of case workers, broken down by years of experience in New York City's child welfare system as follows: 1-3 years of experience; 3-5 years of experience; 5-7 years of experience; 7-9 years of experience; 9 or more years of experience;*

*[c.](c) average caseload of case workers;*

*[d.](d) number of case workers with a caseload of more than 15 cases;*

*[e.](e) number of level one supervisors;*

*[f.](f) experience of level one supervisors, broken down by years of experience in New York City's child welfare system as follows: number with 1-5 years of experience; 5-10 years of experience; 10-15 years of experience; 15-20 years of experience; 20 or more years of experience;*

*[g.](g) number of level two supervisors;*

[h.](h) experience of level two supervisors, broken down by years of experience in New York City's child welfare system as follows: number with 1-5 years of experience; 5-10 years of experience; 10-15 years of experience; 15-20 years of experience; 20 or more years of experience;

[i.](i) number of child protective managers;

[j.](j) experience of child protective managers, broken down by years of experience in New York City's child welfare system as follows: number with 1-5 years of experience; 5-10 years of experience; 10-15 years of experience; 15-20 years of experience; 20 or more years of experience;

2. *Information on reports, cases and investigations, disaggregated by zone:*

[k.](a) number of reports of suspected child abuse or neglect referred to the zone for investigation, disaggregated by the type of case *and allegation*;

[l.](b) number of reports of suspected child abuse or neglect referred to the zone for investigation that were indicated during the reporting period, disaggregated by the type of case *and allegation* and whether the case was referred to preventive services, court mandated services, foster care placement or closed;

[m.](c) number of unfounded cases, disaggregated by *allegation and* whether or not the case was referred to preventive services;

[n.](d) number of investigations that resulted in closure without referral to preventive services, disaggregated by the type of case, *allegation* and whether the case was indicated or unfounded and the reason for closure;

[o.](e) number of reports of suspected child abuse or neglect referred to the zone that involved a family with respect to which ACS had received at least one prior report of suspected abuse or neglect within the past 24 months, disaggregated by the type of case *and allegation*;

[p.](f) number of reports of suspected child abuse or neglect referred to the zone that involved a family that had at least one child previously in the foster care system, disaggregated by the type of case *and allegation*;

[q.](g) number of reports of suspected child abuse or neglect referred to protective services for which protective services conducted a [72-hour] case conference, disaggregated by the type of case *and allegation*;

[r. number of reports of suspected child abuse or neglect referred to protective services for which an elevated risk conference was held, disaggregated by the type of case;]

[s.](h) number of IRT investigations commenced *disaggregated by the type of case and allegation*; and

[t.](i) number of entry orders sought and number of entry orders obtained *disaggregated by the type of case and allegation*.

*Information regarding [F]family [R]reunification data* [. The following information regarding family reunification shall be provided in the quarterly report]:

a. number of families reunited from foster care during the reporting period, disaggregated by zone, *allegation*, and by length of stay in foster care in six month intervals;

b. of all families reunited during the reporting period, the number of families receiving aftercare services, disaggregated by zone, *allegation* and by the type of services being received; and

c. number of children who entered foster care during the reporting period who had been in the custody of the child welfare system within the thirty-six months immediately preceding the reporting period, disaggregated by zone *and allegation*.

[3.](4) ACS may use preliminary data to prepare the report required by this [chapter]section to be delivered no later than July 31, [2006]2019 and may include an acknowledgement that any preliminary data used in the report is non-final and subject to change.

5. *The department shall compile one to three allegations per case, report, or other individual reporting component required by this subdivision provided that the department has determined a reported allegation is a predominant factor in such case, report, or other individual reporting component.*

c. *Confidentiality. 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 respecting families or children receiving preventive services or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement.*

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

## Int. No. 1162

By Council Members Rivera, Rosenthal, Yeger and Reynoso.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring alerts to relevant parties of notices posted in the City Record**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-107 to read as follows:

§ 23-107 a. *The director and deputy director of the City Record shall, upon publication of an official notice in the City Record, issue an electronic mail alert to all relevant parties and parties that have requested such notices, including but not limited to council members, borough presidents, community boards and council central staff.*

*b. For any notice of an agency hearing date published 30 days before such hearing date, the commissioner shall issue a secondary electronic mail alert to all relevant parties two weeks before such hearing date. For any notice published fewer than 30 days before an agency hearing date, the commissioner shall issue a secondary electronic mail alert one week before such hearing date.*

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

Referred to the Committee on Governmental Operations.

## Int. No. 1163

By Council Members Rivera, Lander, Rosenthal, Adams, Reynoso, Levin and Menchaca.

**A Local Law to amend the administrative code of the city of New York, in relation to preserving bicycle lanes during street work**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-160 to read as follows:

§ 19-160 *Preservation of bicycle lane. a. Definitions. As used in this section, the following terms have the following meanings:*

*Bicycle. The term "bicycle" means a two or three wheeled device upon which a person or persons may ride, propelled by human power through a belt, a chain or gears, with such wheels in a tandem or tricycle, except that it shall not include such a device having solid tires and intended for use only on a sidewalk by a child.*

*Bicycle lane. The term "bicycle lane" means a portion of the roadway that has been marked off or separated for the preferential or exclusive use of bicycles.*

*b. Requirements. Any bicycle lane affected by work authorized by a permit issued pursuant to this subchapter must be preserved during the course of such work according to the following requirements:*

- 1. The bicycle lane must maintain a width of no less than three quarters of its original width or four feet, whichever is greater;*
- 2. The bicycle lane must be separated from motorized vehicle traffic by a barrier of such material and dimensions as the department shall determine will best promote the safe use of the street; and*
- 3. The bicycle lane may not be open to pedestrian traffic.*

*c. Exceptions. The department may make an exception to any requirement of this section where it determines that to implement such requirement is likely to cause significant disruption to traffic flow and where the bicycle lane may be preserved by alternative measures that do not substantially compromise the safe use of the*

*street. In making any such determination, the department shall prioritize the safety of all users of the street. Any permit providing for an exception must state the department's determination that an exception applies and the required alternative measures.*

*d. Statement of compliance. Any permit issued pursuant to this subchapter that authorizes work affecting a bicycle lane must contain a statement of compliance with the requirements of this section and section 19-187 of this title.*

§ 2. Subdivisions a, b and c of section 19-187 of the administrative code of the city of New York, as added by local law number 61 for the year 2011, are amended to read as follows:

§ 19-187 Community board hearings on the construction, *alteration* or removal of bicycle lanes. a. Definitions. For the purposes of this section, the following terms [shall be defined as follows] *have the following meanings:*

[1. “[Affected council member(s) and community board(s)]” shall mean]. *The term “affected council member(s) and community board(s) means the council member(s) and community board(s) in whose districts a [proposed] bicycle lane is proposed or planned to be constructed, altered or removed, in whole or in part.*

[2. “[Bicycle lane]” shall mean]. *The term “bicycle lane” means a portion of the roadway that has been marked off or separated for the preferential or exclusive use of bicycles.*

b. 1. Except as provided below, at least ninety days before the construction, *the alteration* or the removal of a bicycle lane is to begin, the department shall *post the proposed plans on its website*, notify each affected council member and community board via electronic mail of the proposed plans for the bicycle lane within the affected community district and shall offer to make a presentation at a public hearing held by such affected community board.

2. If the affected community board accepts the offer made pursuant to paragraph one of this subdivision and holds such hearing within forty-five days of the department sending the notice required under paragraph one of this subdivision, the department shall make a presentation of the proposed plans at such public hearing to receive input on such plans and shall not construct, *alter* or remove such bicycle lane until forty-five days after such public hearing.

3. When notice is given under paragraph one of this subdivision between June 20 and August 6, the period for a public hearing under paragraph two of this subdivision shall conclude on September 20; provided that the department may construct, *alter* or remove such bicycle lane at the conclusion of the ninety day notice period provided in paragraph one of this subdivision or ten days following such hearing, whichever is later.

c. The department shall consider comments from such public hearings and may incorporate changes, where appropriate, into its bicycle lane plan or cancel plans for construction, *alteration* or removal of such bicycle lane where it determines such bicycle lane would be inappropriate.

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

Referred to the Committee on Transportation.

Int. No. 1164

By Council Members Rodriguez and Diaz.

**A Local Law to amend the administrative code of the city of New York, in relation to reporting the results of cooling tower inspections and to repeal Local Law 77 for the year 2015, relating to cooling towers**

*Be it enacted by the Council as follows:*

Section 1. Section 3 of local law number 77 for the year 2015 is REPEALED.

§ 2. Section 17-194.1 of the administrative code of the city of New York is amended by labeling the section and adding new subdivisions k and l to read as follows:

§ 17-194.1 *Cooling towers, maintenance and inspection.*

*k. The commissioner, in consultation with the department of buildings, shall submit a report to the mayor and the speaker of the city council on or before May 15 each year reporting on the following information for the prior year:*

*1. The result of each inspection performed on each cooling tower pursuant to subdivision e of section 17-194.1 through November 1 of the prior year;*

*2. The number of new cooling tower registrations and the number of notifications of discontinued use of a cooling tower pursuant to section 28-317.3 received by the department of buildings through November 1 of the prior year;*

*3. The number of annual certifications that a cooling tower was inspected, tested, cleaned and disinfected pursuant to section 28-317.5 received by the department of buildings through November 1 of the prior year;*

*4. The number of reports of tests for the presence of microbes that reveal levels that present a serious health threat received by the department pursuant to paragraph 2 of subdivision e of section 17-194.1;*

*5. The number of inspections of cooling towers conducted pursuant to subdivision h of section 17-194.1 and the rules of the department, along with the number and types of any violations cited during such inspections;*

*6. The number of cleanings, disinfections or other actions performed by or behalf of the department pursuant to subdivision f of section 17-194.1; and*

*7. The number of persons diagnosed with legionnaires' disease in the city in each of the previous 10 years, to the extent known or reasonably discoverable by the department.*

*l. The results of each inspection conducted through November 1 of each year on each cooling tower pursuant to subdivision e of section 17-194.1 shall be posted on the website of the department in a searchable format and maintained on such website for no less than three years.*

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

Referred to the Committee on Health.

Res. No. 567

**Resolution calling upon the United States Congress to pass, and the President to sign S.2605/H.R.6096, known as the "Reward Work Act of 2018," which bans unjustified stock buy-backs and requires every listed company to enable employees to elect one-third of the board of directors.**

By Council Member Rosenthal.

**Whereas,** In many industrialized nations employees at large companies elect representatives to their firm's board of directors in order to advocate the employees' interests and point of view to management; and

**Whereas,** This practice, known as codetermination, has been shown by research to be a positive attribute for companies, particularly when it comes to raising productivity; and

**Whereas,** codetermination can provide workers with real power over decision-making that can have a direct impact on their employment; and

**Whereas,** Support for codetermination is based upon the conviction that the interests of workers are currently massively undervalued and empirical evidence shows that codetermination rights both at the board- and workplace-level help to redress this balance; and

**Whereas,** Codetermination is a widely-practiced concept in Europe, and economic studies have shown that, especially in Germany where codetermination is extensively integrated into the workplace, codetermined firms that achieved parity between workers and shareholders were likely to be more diversified, at reduced risk of the firm failing and also less likely to undergo restructuring and layoffs; and

**Whereas,** Evidence from Europe shows that when employees are given meaningful power through codetermination, workers actively participate in the running of their companies, often increasing productivity and making their workplace a better place to work; and

**Whereas,** The practice of codetermination has a long history abroad as a successful policy to reduce income disparities, strengthen local communities, improve job security and grow real wages; and



**Whereas,** An April 2018 survey by Civis Analytics found that a majority (53 percent) of American, support the concept of codetermination; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the United States Congress to pass, and the President to sign S.2605/H.R.6096, known as the “Reward Work Act of 2018,” which bans unjustified stock buy-backs and requires every listed company to enable employees to elect one-third of the board of directors.

Referred to the Committee on Civil Service and Labor.

Res. No. 568

**Resolution calling on the Veterans Administration to name its hospital in Manhattan after the American Revolutionary War heroine Margaret Corbin, who survived a battle that occurred in Manhattan and became the first female to receive a military pension.**

By Council Members Rosenthal, Constantinides, Borelli, and Deutsch.

**Whereas,** Throughout human history, from Joan of Arc to Florence Nightingale, women have made extraordinary contributions during times of war; and

**Whereas,** Born in 1751, Margaret Corbin is one of the great unsung heroes of the American Revolution; and

**Whereas,** At the beginning of the Revolutionary War, she supported the troops by cooking for them and washing their clothes at military camps; and

**Whereas,** However, in November of 1776, her husband was killed during a battle with Hessian mercenaries, at what is now known as Fort Tryon Park in upper Manhattan; and

**Whereas,** Despite her shock and grief, she immediately took charge of his unmanned cannon and started firing at the enemy with extraordinary vigor and force; and

**Whereas,** She continued to fire until munitions struck her, bruising her chest, lacerating her jaw, and nearly severing her left arm, which she was unable to use for the rest of her life; and

**Whereas,** She subsequently entered the Invalid Regiment at West Point, where she cared for other wounded soldiers; and

**Whereas,** According to the United States Military Academy, she struggled both emotionally and financially in her later years; and

**Whereas,** On July 6, 1779, she received a lifetime disability pension of one-half pay, which made her the first woman to receive a pension from the government; and

**Whereas,** She died in 1800, at the age of 48; and

**Whereas,** There are commemorative markers dedicated to her at Fort Tryon Park and at Holyrood Church on West 179<sup>th</sup> Street; and

**Whereas,** In recognition of her unique legacy of physical bravery and service to others, the Veterans Administration should rename its Manhattan hospital after her; and

**Whereas,** This would renew interest in her memory and inspire both men and women to serve in uniform in the future; now, therefore, be it

**Resolved,** That the Council of the City of New York calls on the Veterans Administration to name its hospital in Manhattan after the American Revolutionary War heroine Margaret Corbin, who survived a battle that occurred in Manhattan and became the first female to receive a military pension.

Referred to the Committee on Veterans.

## Int. No. 1165

By Council Members Salamanca, Kallos and Rosenthal.

**A Local Law to amend the administrative code of the city of New York, in relation to monitoring and reporting on the air quality around wastewater treatment plants**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-531 to read as follows:

§ 24-531 *Wastewater treatment plant air quality monitoring.* a. *The commissioner, in consultation with the commissioner of health and mental hygiene, shall develop an air quality monitoring program pursuant to which the department shall monitor the air quality in the vicinity of any wastewater treatment plant operated by the department.*

b. *The program shall annually measure and record the levels of air pollutants that are hazardous to human health, including but not limited to gases such as carbon dioxide, methane, nitrous oxide, hydrogen sulfide, and pathogenic airborne microorganisms such as bacteria, viruses, protozoa, or parasites. Where, due to conditions unique to a particular wastewater treatment plant the commissioner believes other hazardous air pollutants may have been released into the air, the commissioner shall also monitor the air for such other pollutants.*

c. *The commissioner shall report findings of the program for each wastewater treatment plant to the Council on an annual basis. The report shall include at minimum what hazardous air pollutants were found through the monitoring and in what quantities. The commissioner shall also make each report available on the department's website in a machine-readable format.*

§ 2. This local law takes effect 180 days after it becomes law, provided, however, that the commissioner of environmental protection, in consultation with the commissioner of health and mental hygiene, shall take all actions necessary for its implementation, including the promulgation of rules, before such date.

Referred to the Committee on Environmental Protection.

## Int. No. 1166

By Council Members Salamanca and Diaz.

**A Local Law in relation to requiring an assessment of potential determinants of Legionnaires' disease in the city**

*Be it enacted by the Council as follows:*

Section 1. The department of health and mental hygiene, in consultation with the department of buildings, shall conduct an assessment of all potential determinants of Legionnaires' disease in the city, which shall include all potential sources and associated risk factors of the disease. The department of health and mental hygiene shall report the findings of such assessment to the speaker of the council and the mayor by no later than one year after the enactment of this law.

§2. This local law shall take effect immediately.

Referred to the Committee on Health.

## Int. No. 1167

By Council Member Salamanca.

**A Local Law to amend the administrative code of the city of New York, in relation to the repair of damaged water tanks**

*Be it enacted by the Council as follows:*

Section 1. Section 17-194 of the administrative code of the city of New York is amended by adding a new subdivision g to read as follows:

*f. Repair of a water tank. Any owner of a building shall repair damage of a water tank within 90 days of becoming aware of such damage. The commissioner may extend the provided time period, based upon a determination that such extension would be in the best interest of the city.*

[f.] *g. Any owner of a building who violates subdivision b of this section or any of the rules promulgated thereunder shall be liable for a civil penalty not less than [two hundred] \$200 and not to exceed [two thousand dollars] \$2000 for each violation. Any owner of a building who violates subdivision c of this section or any of the rules promulgated thereunder shall be liable for a civil penalty not to exceed [two hundred fifty dollars] \$250 for each violation. Any owner of a building who violates subdivision f of this section shall be liable for a civil penalty not less than \$200 and not to exceed \$2000 for each violation.*

§ 2. This local law takes effect 60 days after it becomes law.

Referred to the Committee on Health.

## Int. No. 1168

By Council Member Salamanca.

**A Local Law to amend the administrative code of the city of New York, in relation to extending the call-up deadlines for review of revocable consents for sidewalk cafes.**

*Be it enacted by the Council as follows:*

Section 1. Subdivisions g and h of section 20-225 of the administrative code of the city of New York is amended to read as follows:

*g. Within [twenty] 40 days of the date the petition is received by the council pursuant to subdivision f of this section, the council may resolve by the majority vote of all council members to review the petition. If the council does not so resolve, the approval of the petition by the department shall be forwarded to the mayor for approval pursuant to subdivision i of this section, unless, in accordance with that subdivision, the petition is one for which the mayor has determined that separate and additional mayoral approval is not required.*

*h. If the council resolves to review a petition pursuant to subdivision g of this section, the council shall hold a public hearing, after giving public notice not less than five days in advance of such hearing. The council shall take final action on the petition and shall file with the mayor its resolution, if any, with respect to the petition, except that if, in accordance with subdivision i of this section, the petition is one for which the mayor has determined that separate and additional mayoral approval is not required, the council shall file its resolution with the department. Such filing of the resolution shall take place within [fifty] 60 days of the filing of the petition with the council pursuant to subdivision f of this section. The affirmative vote of a majority of all the council members shall be required to approve, approve with modifications or disapprove the petition. Any modifications by the council shall not affect the terms of any proposed revocable consent agreement which relate to term, compensation, revocability, exclusivity, security, insurance, indemnification, erection, maintenance or removal of any structure, right of access by the city and rights of abutting property owners. If*

within the time period provided for in this subdivision, the council fails to act or fails to act by the required vote on a petition, the council shall be deemed to have approved the petition.

§ 2. This local law takes effect 60 days after it becomes law.

Referred to the Committee on Land Use.

Int. No. 1169

By Council Members Torres and Kallos.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the visual documentation of water tanks during inspections, to be submitted to the department of health and mental hygiene**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 17-194 of the administrative code of the city of New York, as amended by local law number 239 for the year 2017, is amended to read as follows:

b. Any owner of a building that has a water tank as part of its drinking water supply system shall have such water tank inspected at least once annually. Such inspection shall ensure that the water tank complies with all provisions of the administrative code of the city of New York, the construction codes of the city of New York and the health code of the city of New York. The results of such inspection shall be recorded in a manner prescribed by the commissioner. Such results shall be maintained by the owner for at least five years from the date of inspection and shall be made available to the department upon request within five business days. Documentation of such annual inspection shall be submitted in a form and manner prescribed by the department. Such documentation shall state whether or not all applicable requirements were met at the time of inspection and provide a description of any non-compliance with applicable requirements. *Such documentation shall include visual depictions, such as photographs or videos, which display a full view of the interior and exterior of the water tank.*

§ 2. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Health.

Int. No. 1170

By Council Members Torres and Espinal.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring businesses to notify customers of the use of biometric identifier technology**

*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 20 to read as follows:

*SUBCHAPTER 20  
BIOMETRIC IDENTIFIER INFORMATION*

*§ 20-828 Definitions.*

*§ 20-829 Disclosure of collection of biometric identifier information.*

*§ 20-830 Enforcement.*

*§ 20-831 Private right of action.*

*§ 20-832 Exceptions.*

*§ 20-833 Outreach and education.*

*§ 20-828 Definitions. As used in this subchapter, the following terms have the following meanings:*

*Biometric identifier information. The term “biometric identifier information” means 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.*

*Commercial establishment. The term “commercial establishment” means any premises used for the purpose of carrying on or exercising any trade, business, profession, vocation, or commercial or charitable activity, including but not limited to hospitals, places of entertainment, and food or restaurant establishments.*

*Customer. The term “customer” means a purchaser or lessee, or a prospective purchaser or lessee, of goods or services from a commercial establishment.*

*Place of entertainment. The term “place of entertainment” means any privately or publicly owned and operated entertainment facility, such as a theater, stadium, arena, racetrack, museum, amusement park, observatory, or other place where attractions, performances, concerts, exhibits, athletic games, or contests are held.*

*§ 20-829 Disclosure of collection of biometric identifier information. Any commercial establishment that collects, retains, converts, stores or shares biometric identifier information of customers must disclose such collection, retention, conversion, storage or sharing in the following manner:*

*a. By placing a clear and conspicuous sign near all of the commercial establishment’s entrances notifying in plain, simple language, in a form and manner prescribed by the commissioner by rule, that biometric identifier information is being collected, retained, converted, stored or shared; and*

*b. By making available online:*

*1. The amount of time for which the commercial establishment retains or stores biometric identifier information;*

*2. The kind of biometric identifier information the commercial establishment collects, retains, converts, stores or shares from its customers;*

*3. Any privacy policy governing, and any purpose for, the commercial establishment’s collection, retention, conversion, storage or sharing of biometric identifier information of customers, including but not limited to, any protective measures the commercial establishment utilizes to safeguard biometric identifier information; and*

*4. Whether the commercial establishment shares biometric identifier information with third-parties.*

*§ 20-830 Enforcement. Whenever the commissioner has reason to believe that a commercial establishment has violated any provision of this subchapter or any rule or regulation promulgated thereunder, the commissioner may, upon proof of violation, direct payment of a civil penalty in the amount of \$500 for each day that the commercial establishment is in violation of this subchapter or the rules promulgated thereunder.*

*§ 20-831 Private right of action. a. Any person who biometric identifier information was collected, retained, converted, stored or shared in violation of this subchapter may commence an action in a court of competent jurisdiction on his or her own behalf against a commercial establishment that is alleged to have violated this subchapter. A prevailing party may recover for each violation:*

*1. Against a private entity that negligently violates a provision of this subchapter, damages of \$1,000;*

*2. Against a private entity that intentionally or recklessly violates a provision of this subchapter, damages of \$5,000;*

*3. Reasonable attorneys’ fees and costs, including expert witness fees and other litigation expenses; and*

*4. Other relief, including an injunction, as the court of competent jurisdiction may deem appropriate.*

*b. In any action brought pursuant to this section, the commissioner may intervene as a matter of right.*

*§ 20-832 Exceptions. Nothing in this subchapter shall apply to the collection, capturing, conversion, storage, sharing or use of biometric identifier information by government agencies, employees or agents.*

*§ 20-833 Outreach and education. The commissioner shall conduct outreach and education efforts to inform commercial establishments likely to be affected by this subchapter about its requirements.*

*§ 2. This local law takes effect 180 days after it becomes law; provided, however, that the commissioner of consumer affairs may promulgate rules necessary for the implementation of this local law prior to such effective date.*

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 1171

By Council Member Torres, Williams, Powers, Rivera, Kallos and Chin.

**A Local Law to amend the administrative code of the city of New York, in relation to identifying unlawful statements in submissions to the department of buildings**

*Be it enacted by the Council as follows:*

Section 1. Section 28-211.1 of the administrative code of the city of New York, as added by local law number 141 for the year 2013, is amended by adding new sections 28-211.1.3 and 28-211.1.4 to read as follows:

*§ 28-211.1.3 Notification to other government agencies. Where the department makes a determination that a statement that is unlawful pursuant to section 28-211.1 was made on an application for work pursuant to items 1, 2 or 5 of section 28-105.2, the department shall send written notice to the council, the department of investigation, the state division of housing and community renewal, and the state tenant protection unit, and shall refer such finding to the district attorney of the county in which the property is located and the state attorney general.*

*§ 28-211.1.4 Reporting. By no later than January 30 in each year, the department shall submit to the mayor, the speaker of the council and each council member on the actions it took in every case in which it made a determination that a statement that is unlawful pursuant to section 28-211 was made on an application for work pursuant to items 1, 2 or 5 of section 28-105.2.*

§ 2. Article 211 of title 28 of the administrative code of the city of New York, as added by local law number 141 for the year 2013, is amended by adding a new section 28-211.3 to read as follows:

*§ 28-211.3 Identifying unlawful statements. The department, in coordination with the department of finance, shall collect information from the department of finance regarding occupied and rent regulated buildings to identify statements that are unlawful pursuant to section 28-211.1 on applications for work pursuant to items 1, 2 or 5 of section 28-105.2. The department shall request further information from the state division of housing and community renewal regarding occupied and rent regulated buildings to identify statements that are unlawful pursuant to section 28-211.1 on an application for work pursuant to items 1, 2 or 5 of section 28-105.2.*

*§ 28-211.3.1 Required audits. If the department determines that a building owner has made a statement that is unlawful pursuant to section 28-211.1 on an application for work pursuant to items 1, 2 or 5 of section 28-105.2 or that the building owner failed to obtain any required building permits, the department shall conduct an audit of filings for all buildings owned by such owner in the city to determine if other statements that are unlawful pursuant to section 28-211.1 have been made on applications for work pursuant to items 1, 2 or 5 of section 28-105.2. If a building has submitted and obtained more than five amended building permits from the department, the department shall conduct an audit of all properties owned by such owner in the city to determine if any statements that are unlawful pursuant to section 28-211.1 have been made on applications for work pursuant to items 1, 2 or 5 of section 28-105.2. At least once in each year, the department shall audit no less than 25 percent of buildings placed on the watch list established by article 3 of subchapter 4 of chapter 2 of title 27 for compliance with building permit requirements, including whether any statements that are unlawful pursuant to section 28-211.1 have been made on applications for work pursuant to items 1, 2 or 5 of section 28-105.2.*

§ 3. This local law takes effect 180 days after it becomes law, except that the department may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Housing and Buildings.

Int. No. 1172

By Council Member Treyger.

**A Local Law to amend the administrative code of the city of New York, in relation to reporting on entrance examination testing sites**

*Be it enacted by the Council as follows:*

Section 1. Title 21-A of the administrative code of the city of New York is amended by adding a new chapter 25 to read as follows:

**CHAPTER 25**  
**REPORTING ON ENTRANCE EXAM TESTING SITES**

§ 21-992 a. *Definitions.* For the purposes of this section, the following terms have the following meanings:  
*ADA.* The term “ADA” means chapter 126 of title 42 of the United States code and any applicable guidelines or regulations pursuant to such law.

*Compliance.* The term “compliance” means complete conformity with the requirements of the ADA.

*Student with a disability.* The term “student with a disability” has the same meaning as set forth in section 4401 of the education law.

*Testing site.* The term “testing site” means a location used by the city school district of the city of New York for entrance exam testing, including entrance exams for gifted and talented programs.

b. Beginning on May 1, 2019, and annually thereafter by May 1, the department shall submit to the speaker of the council and post to its website in machine-readable format information related to testing sites, including but not limited to:

1. The name and address of each testing site;
2. Information regarding the department’s protocols related to informing students, and parents about how to apply for accommodations at a testing site on an entrance exam, by exam administration;
3. Information regarding the department’s protocols related to informing students, and parents about how to appeal an accommodation request that has been denied;
4. The number and nature of accommodation requests received during the reporting period, disaggregated by testing site and exam administration;
5. Any material changes or alterations that were made to each existing testing site during the reporting period, disaggregated by testing site and whether the accommodation was made to ensure compliance with the ADA;

6. Information about each testing site, disaggregated by testing site and exam administration, including whether each testing site:

(a) would be in compliance with the ADA if it served students with disabilities, including, but not limited to the presence of:

(i) platform lifts;

(ii) ramps;

(iii) handrails; and

(iv) an accessible entrance;

(v) or, if each entrance to a testing site would not be in compliance with the ADA, whether the site has signs that direct a person to the nearest entrance that is compliant with the ADA;

(b) has an elevator;

(c) has at least one bathroom that would be in compliance with the ADA if the testing site served students with disabilities, including, but not limited to, the presence of:

(i) grab bars; and  
 (ii) sinks and faucets; and  
 (d) has at least one drinking fountain that would be in compliance with the ADA if the testing site served students with disabilities;

c. 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.

§ 2. This local law takes effect immediately.

Referred to the Committee on Education (preconsidered and approved by the Committee on Education).

Preconsidered Int. No. 1173

By Council Members Treyger, Rivera and Chin.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report on pupil transportation services**

*Be it enacted by the Council as follows:*

Section 1. Title 21-A of the administrative code of the city of New York is amended by adding a new chapter 25 to read as follows:

*Chapter 25. Reporting on Pupil Transportation Services*

§ 21-992 a. *The department shall submit to the council on a quarterly basis, and post on its website, a report regarding pupil transportation services from the prior quarter, including the following information:*

1. *The total number of vehicles used by contracted bus vendors, disaggregated by vehicle type;*
2. *The total number of bus vendor employees, disaggregated by type, including but not limited to attendants, drivers, and other;*
3. *The total number of bus routes, disaggregated by type, including but not limited to door-to-door service for special education students, stop-to-school service for the morning, and school-to-stop service in the afternoon;*
4. *The total number of transportation sites, disaggregated by type;*
5. *The number of bus service delays, disaggregated by length and cause;*
6. *The number of times a bus failed to arrive, disaggregated by cause;*
7. *The total number of students for whom the department provided transportation services, disaggregated by yellow bus service and passes for public transportation, and further disaggregated by type of student, which shall include but not be limited to, special education students, general education students, students in temporary housing, prekindergarten students, elementary school students, middle school students, high school students, public school students, and nonpublic school students; and*

8. *A description of which students are eligible for the department's yellow bus services.*

b. *The information provided in paragraphs 1 through 6 of subdivision a of this section shall be further disaggregated by the contracting company.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.



Int. No. 1174

By Council Members Treyger, Ampry-Samuel, Rose and Grodenchik.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of a fair student funding task force**

*Be it enacted by the Council as follows:*

Section 1. Title 21-A of the administrative code of the city of New York is amended by adding a new chapter 25 to read as follows:

*CHAPTER 25  
FAIR STUDENT FUNDING*

§ 21-992 *Fair student funding task force. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*“English Language Learner” means a student whose home language is not English and need support learning English.*

*“Students in temporary housing” has the same meaning as that of the term “homeless child” as set forth in chancellor’s regulation A-780.*

*“Students living in poverty” means meeting the poverty threshold established by the New York city center for economic opportunity or its successor as required by section 16 of the New York city charter.*

*“Students with disabilities” has the same meaning as defined in section 4401 of the education law.*

*b. There shall be established a task force to review the fair student funding formula used by the department to determine school funding.*

*c. The task force shall include the following members or their designees:*

*1. The chancellor of the city school district of the city of New York;*

*2. The budget director of the office of management and budget;*

*3. At least one principal from each borough;*

*4. At least one teacher employed by the department from each borough;*

*5. The speaker of the council; and*

*6. At least five advocates who specialize in working with vulnerable student populations including, but not limited to students with disabilities, English Language Learners, students in temporary housing, and students living in poverty.*

*d. One member shall be designated as chairperson by the mayor after consultation with the speaker.*

*e. The task force shall consult with interested members of the public, including but not limited to parents of students currently enrolled in the city school district of the city of New York.*

*f. The task force shall consider the categories, types of students, grade levels, and weights that will best result in funding allocations to meet the needs of the most students, teachers, and principals citywide.*

*g. No later than July 31, 2019, and annually on July 31 thereafter, the task force shall submit a report to the mayor, the speaker, and the chancellor of the city school district of the city of New York and post on the Department’s website the results of its review and recommendations pursuant to this section.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 1175

By Council Members Treyger, Levin and Chin.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report on District 75 student and parent building access**

*Be it enacted by the Council as follows:*

Section 1. Section 21-951 of chapter 2 of Title 21-A of the administrative code of the city of New York is amended to read as follows:

§ 21-951. Annual reporting on co-located schools.

a. For the purposes of this section, *the following terms have the following meanings:*

*Co-located school.* The [the] term “co-located school” [shall mean] *means* any public school serving students in the elementary, middle or high school grades, or any combination thereof, including any charter school or *District 75 school*, which shares space with another public school in a building within the city school district of the city of New York.

*District 75 school.* The term *District 75 school* means a school designated as such by the department because the school provides highly specialized instructional support for students with significant challenges, such as Autism Spectrum Disorders, significant cognitive delays, emotional disturbances, sensory impairments and multiple disabilities.

b. Not later than the thirtieth day of August of the year 2015 and annually thereafter, the department shall submit to the council and post on the department's website a report regarding information on all co-located schools for the prior school year. Such report shall include, but not be limited to[,] (i) a comparison of demographic information including, but not limited to race, ethnicity, English language learner status, special education status, and the percentage of students eligible for the free and reduced price lunch program; [and] (ii) information regarding student academic performance, including but not limited to, student scores received on state examinations; and (iii) where a *District 75 school* is a *co-located school*, the policy regarding building entrances, in particular the use of the general education entrances for *District 75* students and parents, including a summary of current practices and recommendations for best practices.

c. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If a category contains between 0 and 9 students, or allows another category to be narrowed to between 0 and 9 students, the number shall be replaced with a symbol.

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.

## Res. No. 569

**Resolution calling upon the New York City Department of Education to factor in poverty as a weight in the Fair Student Funding formula for schools beginning at fourth grade or later.**

By Council Members Treyger, Ampry-Samuel and Rose.

**Whereas**, The New York City Department of Education (DOE) funds all of its schools partially through Fair Student Funding (FSF), which is funding used by schools to cover basic needs and which can be used at the principal's discretion; and

**Whereas**, The FSF formula is calculated on the basis of student needs, comprised of three factors: grade weight, portfolio weight, and need weight; and

**Whereas**, Grade weight is determined by each student's grade level, providing the largest allocation for middle school students, who are deemed to have the greatest social-emotional needs, and the largest risk of drop-off in student achievement; and

**Whereas**, Portfolio weight is determined based on students who face significant graduation challenges; and

**Whereas**, Need weight is determined based on a student's English language proficiency, special education needs, and academic intervention needs; and

**Whereas**, Academic intervention needs are defined by poverty weight for schools beginning before fourth grade, and achievement weight for schools beginning at fourth grade or later; and

**Whereas**, For students in schools beginning before fourth grade, poverty weight is used as a proxy for academic achievement, in the absence of test score data, and students qualify for poverty weight based on free lunch eligibility, as determined by family income; and

**Whereas**, For students in schools beginning in fourth grade or later, students receive achievement weights based on test score data, deemed "well below standards," or "below standards"; and

**Whereas**, If DOE broadened its determination of "poverty weight" to include students living in temporary housing as an additional indication of poverty, many more New York City students and schools would benefit from additional FSF allocations; and

**Whereas**, If DOE took into account poverty weight for schools beginning at fourth grade or later, many more New York City students and schools would benefit from additional FSF allocations; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Department of Education to factor in poverty as a weight in the Fair Student Funding formula for schools beginning at fourth grade or later.

Referred to the Committee on Education.

## Int. No. 1176

By Council Member Vallone.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the purchase, use and possession of tobacco products and electronic cigarettes for persons under 21 years of age**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-503.2 to read as follows:

*§ 17-503.2 Prohibitions for persons under 21 years of age. Smoking, using electronic cigarettes, using smokeless tobacco or purchasing, attempting to purchase or possessing tobacco products or electronic cigarettes is prohibited for persons under 21 years of age.*

§ 2. The opening paragraph of section 17-505 of the administrative code of the city of New York, as added by local law number 2 for the year 1988, is amended to read as follows:

[The] *Except as provided in section 17-503.2, the following areas shall not be subject to the smoking restrictions of this chapter; provided however, that nothing in this section shall be construed to permit smoking where smoking is otherwise prohibited or restricted by any other law or rule:*

§ 3. Subdivision a of section 17-507 of the administrative code of the city of New York, as added by local law number 2 for the year 1988, is amended to read as follows:

a. The department shall enforce the provisions of this chapter *except section 17-503.2*. In addition, designated enforcement employees of the department of buildings, the department of consumer affairs, the department of environmental protection, the fire department and the department of sanitation shall have the power to enforce the provisions of this chapter *except section 17-503.2. The police department shall enforce section 17-503.2.*

§ 4. Section 17-508 of the administrative code of the city of New York is amended by adding new subdivision n to read as follows:

*n. Every person who violates section 17-503.2 is liable for a civil penalty of not less than \$50 or more than \$100.*

§ 5. This local law takes effect 180 days after it becomes law. The department of health and mental hygiene shall take any actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Health.

L.U. No. 238

By Council Member Salamanca:

**Application No.20195089 HIK [DL 510, LP-2612] submitted by the New York City Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York, concerning the individual landmark designation of 238 President Street (Block 351, Lot 12) Borough of Brooklyn, Community District 6, Council District 39.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 239

By Council Member Salamanca:

**Application No.20195088 HIK [DL 510, LP-2611] submitted by the New York City Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York, concerning the landmark designation of the Hans S. Christian Anderson Memorial Kindergarten (Block 351, Lot 10) Borough of Brooklyn, Community District 6, Council District 39.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 240

By Council Member Salamanca:

**Application No. 20195151 HAM (MEC 125<sup>th</sup> Street – Parcel B West) submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for the approval of a new exemption from real property taxes for property located at Block 1790, Lots 1, 3, 5, 6, p/o 8, 41, 44, 45, 46, and 101, Borough of Manhattan, Community District 11, Council District 8.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

L.U. No. 241

By Council Member Salamanca:

**Application No. C 180390 HAX (599 Cortlandt Avenue) submitted by the Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law and Section 197-c of the New York City Charter for the designation of an Urban Development Action Area, an Urban Development Action Area Project and the disposition real property located at 599 Courtlandt Avenue (Block 2410, Lot 43), Borough of the Bronx, Community District 1, Council District 17.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

L.U. No. 242

By Council Member Salamanca:

**Application No. C 180391 PQX (599 Cortlandt Avenue) submitted by the Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 599 Courtlandt Street (Block 2410, Lot 43) to facilitate an affordable housing development, Borough of the Bronx, Community District 1, Council District 17.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

L.U. No. 243

By Council Member Salamanca:

**Application No. 20195160 HAX (599 Cortlandt Avenue) submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for the approval of a new exemption of real property taxes for property located at Block 2410, Lot 43, Borough of the Bronx, Community District 1, Council District 17.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

Preconsidered L.U. NO. 244

By Council Member Salamanca:

**Application No. C 180085 ZMQ (Variety Boys and Girls Club Rezoning) submitted by Variety Boys and Girls Club of Queens pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9a, changing from an R6B District to an R7X District and changing from an R7A District to an R7X District property located at 21-12 30<sup>th</sup> Road, 21-01 30<sup>th</sup> Drive, 21-23 30<sup>th</sup> Drive and 21-22 30<sup>th</sup> Road (Block 550, Lots 7, 10, p/o 5 and p/o 27), Borough of Queens, Community District 1, Council District 22.**

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

Preconsidered L.U. NO. 245

By Council Member Salamanca:

**Application No. N 180086 ZRQ (Variety Boys and Girls Club Rezoning) submitted by Variety Boys and Girls Club of Queens, 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 on property located at Block 550, Lots 7, 10, p/o 5 and p/o 27, Borough of Queens, Community District 1, Council District 22.**

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

Preconsidered L.U. NO. 246

By Council Member Salamanca:

**Application No. C 180211 ZMQ (11-14 35<sup>th</sup> Avenue Rezoning) submitted by Ravi Management, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 9a, changing from an R5 District to an R6A District Borough of Queens, Community District 1, Council District 26.**

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

Preconsidered L.U. NO. 247

By Council Member Salamanca:

**Application No. N 180212 ZRQ (11-14 35<sup>th</sup> Avenue Rezoning) submitted by Ravi Management, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing Area, Borough of Queens, Community District 1, Council District 26.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

## Preconsidered L.U. NO. 248

By Council Member Salamanca:

**Application No. C 180186 ZMK (3901 9<sup>th</sup> Avenue Rezoning) submitted by 39 Group Inc., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 22c, changing from an M1-2 District to an R7A District and establishing within the proposed R7A District a C2-4 District , for property located at Block 5583, Lots 6, 12, and 13 and p/o Lots 15, 16, and 17, Borough of Brooklyn, Community District 12, Council District 38.**

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

## Preconsidered L.U. NO. 249

By Council Member Salamanca:

**Application No. N 180187 ZRK (3901 9<sup>th</sup> Avenue Rezoning) submitted by 39 Group 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 Appendix F for the purpose of establishing a Mandatory Inclusionary Housing Area, Borough of Brooklyn, Community District 12, Council District 38.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

## L.U. No. 250

By Council Member Salamanca:

**Application No. 20195149 CCQ (St. Michael's Cemetery Land Acquisition) submitted by St. Michael's Cemetery pursuant to Section 1506 of the New York State Not-for-Profit Corporation Law for approval to acquire from the New York City Department of Parks and Recreation and to use for cemetery purposes certain real property known as St. Michael's Park (the "Property"), located at Block 1016, Lot 225, Borough of Queens. Community District 1, Council District 22.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

## L.U. No. 251

By Council Member Salamanca:

**Application No. C 180174 ZMQ (St. Michael's Park Rezoning) submitted by NYC Department of Parks and Recreation pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section Nos. 9c and 9d, by establishing within a former park (St. Michael's Park) an R4 District bounded by the northwesterly boundary lines of a former park (St. Michael's Park), the southerly street line of Astoria Boulevard South, the northwesterly street line of Brooklyn Queens Expressway, and the northerly street line of 30th Avenue, Borough of Queens. Community District 1, Council District 22.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 252

By Council Member Salamanca:

**Application No. C 180175 MMQ (St. Michael's Park Demapping) submitted by the 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 elimination of parkland within the area bounded by the Grand Central Parkway, 49th Street, 30th Avenue and the Brooklyn Queens Expressway; 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. 5027 dated June 7, 2018 and signed by the Borough President, Borough of Queens. Community District 1, Council District 22.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 253

By Council Member Salamanca:

**Application No. C 180321 ZSX (Hebrew Homes) submitted by Hebrew Home for the Aged at Riverdale, Inc., The Hebrew Home for the Aged at Riverdale Foundation, Inc., and Hebrew Home Housing Development Fund Company, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-901(a) of the Zoning Resolution to modify the use regulations of Section 22-13, to allow a long-term care facility (Use Group 3) in an R1-1 District (Block 5933, Lot 55), on property located at 5701-5961 Palisade Avenue (Block 5933, Lots 55, 210, 224, 225 and 230), in R1-1 and R4 Districts, within the Special Natural Area District (NA-2), Borough of the Bronx, Council District 11, Community District 8.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 254

By Council Member Salamanca:

**Application No. 20195153 RSY submitted by the Department of Parks and Recreation and the New York City Economic Development Corporation pursuant to the Special Process Agreement approved by the City Council on August 20, 2009, as modified by (first) Amendment to Agreement for Special Process Agreement dated as of the 25th day of April, 2013 (as amended, the "Special Process Agreement"), between the Mayor of the City of New York and the Council of the City of New York, Chapter 281 of the 2011 New York State Session Laws, and Resolution No. 2138 for the year 2009, for the approval of a Second Amendment to Special Process Agreement and disposition of real property located in the Coney Island Amusement Park identified as portions of West 12th Street (Block 8695 Lot 500), Stillwell Avenue (Block 7074 Lot 450) and West 15th Street (Block 7074 Lot 370), all lying south of Wonder Wheel Way, as well as a portion of land identified as Block 7074, Lot 2, formerly p/o Lots 20, 23 and 105, Borough of Brooklyn, Council District 47, Community District 13.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.



<http://legistar.council.nyc.gov/Calendar.aspx>

## ANNOUNCEMENTS

**Thursday, October 18, 2018**

[Committee on Economic Development](#)

Paul Vallone, Chairperson

**Oversight** – Freight NYC.

**Proposed Res 178-A** – By Council Members Vallone, Constantinides and Rosenthal - **Resolution** calling on the Federal Aviation Administration to amend the North Shore helicopter route to extend further west to cover Northeast Queens

Council Chambers – City Hall.....1:00 p.m.

[Committee on Technology](#)

Peter Koo, Chairperson

**Oversight** – Annual Open Data Plan

**Int 1137** - By Council Member Adams - **A Local Law** to amend the New York city charter, in relation to the creation of an office of data analytics.

Committee Room – 250 Broadway, 14<sup>th</sup> Floor.....1:30 p.m.

**Monday, October 22, 2018**

***Deferred***

[Subcommittee on Zoning & Franchises](#)

Francisco Moya, Chairperson

**See Land Use Calendar**

Committee Room – 250 Broadway, 16<sup>th</sup> Floor.....9:30 a.m.

[Subcommittee on Zoning & Franchises](#)

Francisco Moya, Chairperson

**See Land Use Calendar**

Committee Room – City Hall.....9:30 a.m.

[Committee on Environmental Protection](#)

Costa Constantinides, Chairperson

**Oversight** - Resiliency in the Face of Sea Level Rise.

**Res 509** - By Council Member Constantinides - **Resolution** calling on the United States Army Corps of Engineers to reconsider the proposals made in the New York - New Jersey Harbor and Tributaries Coastal Storm Risk Management Feasibility Study pursuant to the National Environmental Policy Act (NEPA) to consider sea rise in addition to storm surge.

Committee Room – 250 Broadway, 16<sup>th</sup> Floor.....10:00 a.m.

***Deferred***

[Subcommittee on Landmarks, Public Siting & Maritime Uses](#)

Adrienne Adams, Chairperson

**See Land Use Calendar**

Committee Room – 250 Broadway, 16<sup>th</sup> Floor.....12:00 p.m.

[Committee on Small Business](#)

Mark Gjonaj, Chairperson

**Proposed Int 737-A** - By Council Members Rodriguez, Espinal, Chin, Rivera, Constantinides, Rosenthal, Reynoso, Menchaca, Ayala, Van Bramer, Levine, Levin, Cumbo, Kallos, Holden and Treyger - **A Local Law** to amend the administrative code of the city of New York, in relation to creating a small business lease program for establishing an environment for fair negotiations in the commercial lease renewal process in order to determine reasonable lease terms.

Council Chambers – City Hall.....1:00 p.m.

~~□ *Deferred*  
[Subcommittee on Planning, Dispositions & Concessions](#) — Ben Kallos, Chairperson  
**See Land Use Calendar**  
 Committee Room — 250 Broadway, 16<sup>th</sup> Floor.....2:00 p.m.~~

**Tuesday, October 23, 2018**

~~□ *Deferred*  
[Subcommittee on Zoning & Franchises](#) — Francisco Moya, Chairperson  
**See Land Use Calendar**  
 Committee Room — City Hall.....9:30 a.m.~~

~~□ *Note Topic Deferred*  
[Committee on Health](#) jointly with the  
[Committee on Housing and Buildings](#)  
**Oversight** - NYC’s Cooling Towers.  
 Mark Levine, Chairperson  
 Robert Cornegy, Jr., Chairperson  
 □ **Int 1053** — By The Speaker (Council Member Johnson) and Council Member Ampry Samuel — **A Local Law** to amend the administrative code of the city of New York, in relation to requiring water tank inspection companies to submit annual inspection reports directly to the department of health and mental hygiene.  
 □ **Int 1056** — By Council Members Constantinides, Levine, Torres, Diaz and Ampry Samuel (by request of the Bronx Borough President) — **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to conduct periodic inspections of water tanks and to post the results online.  
 □ **Int \_\_\_\_\_** — By Council Member Levine — **A Local Law** to amend the administrative code of the city of New York, in relation to qualifications for persons conducting inspections and maintenance on drinking water tanks.  
**Int 1149** - By Council Member Kallos - **A Local Law** to amend the administrative code of the city of New York, in relation to documentation and submission of cooling tower inspections and certifications.  
**Int 1158** - By Council Member Levine - **A Local Law** to amend the administrative code of the city of New York, in relation to holding information sessions and posting information online to provide guidance to building owners regarding maintenance and inspections of cooling towers  
**Int 1164** - By Council Member Rodriguez - **A Local Law** to amend the administrative code of the city of New York, in relation to reporting the results of cooling tower inspections and to repeal Local Law 77 for the year 2015, relating to cooling towers.  
**Int 1166** - By Council Member Salamanca - **A Local Law** in relation to requiring an assessment of potential determinants of Legionnaires’ disease in the city.  
 Committee Room – City Hall.....10:00 a.m.~~

~~[Subcommittee on Landmarks, Public Siting & Maritime Uses](#) — Adrienne Adams, Chairperson  
**See Land Use Calendar**  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor.....12:00 p.m.~~

~~[Committee on Aging](#) — Margaret Chin, Chairperson  
**Oversight** – Repairs and Upgrades at NYC Senior Centers  
 Council Chambers – City Hall.....1:00 p.m.~~

[Committee on Finance](#) jointly with the  
[Committee on Civil Service and Labor](#)

Daniel Dromm, Chairperson  
I. Daneek Miller, Chairperson

**Oversight** - Healthcare Savings Agreement: A Look Back and a Look Forward  
Committee Room – City Hall.....1:30 p.m.

[Committee on Juvenile Justice](#)

Andy King, Chairperson

**Tour:** Horizon Juvenile Center  
**Location:** 560 Brook Ave.  
Bronx, N.Y. 10451

Details Attached.....1:00 p.m.

[Subcommittee on Planning, Dispositions & Concessions](#)

Ben Kallos, Chairperson

**See Land Use Calendar**

Committee Room – 250 Broadway, 16<sup>th</sup> Floor.....2:00 p.m.

**Wednesday, October 24, 2018**

[Committee on Sanitation and Solid Waste Management](#)

Antonio Reynoso, Chairperson

**Oversight** – New York City Department of Sanitation’s 2018-2019 Snow Plan.

**Int 619** - By Council Members Brannan, Chin, Koo, Levine, Richards, Holden, Rosenthal, Dromm, Deutsch, Yeger, Perkins, Kallos, Ampry-Samuel, Treyger, Grodenchik, Maisel and Koslowitz - **A Local Law** to amend the administrative code of the city of New York, in relation to increasing penalties on chain businesses for failure to remove snow, ice and dirt from sidewalks.

Committee Room – 250 Broadway, 14<sup>th</sup> Floor.....10:00 a.m.

[Committee on Women](#)

Helen Rosenthal, Chairperson

**Oversight - Mayor’s Office to End Domestic and Gender-Based Violence.**

**Int 351** - By Council Members Rosenthal, Brannan, Maisel, Ayala, Rivera and Cumbo - **A Local Law** to amend the New York city charter, in relation to reporting on certain domestic violence initiatives.

**Int 542** - By Council Members Lancman, Rosenthal and Cumbo - **A Local Law** to amend the New York city charter, in relation to requiring the office to combat domestic violence to provide clients with service satisfaction surveys.

**Int 1085** - By Council Members Treyger, Cumbo, Richards, Ampry-Samuel, Koslowitz, Holden, Adams and Ayala - **A Local Law** to amend the administrative code of the city of New York, in relation to providing legal services to victims of domestic violence in divorce proceedings.

Council Chambers – City Hall.....10:00 a.m.

[Committee on Land Use](#)

Rafael Salamanca, Jr., Chairperson

**All items reported out of the Subcommittees  
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY**

Committee Room – City Hall.....11:00 a.m.

[Committee on General Welfare](#)

Stephen Levin, Chairperson

**Oversight** - ACS Preventive Services and Family Enrichment Centers.

Council Chambers – City Hall.....1:00 p.m.

[Committee on Public Housing](#)

Alicka Ampry-Samuel,

Chairperson

**Oversight:** Preparing for the Winter: Heat and Hot Water at NYCHA Developments.

Committee Room – City Hall.....1:00 p.m.

**Thursday, October 25, 2018**

[Committee on Consumer Affairs & Business Licensing](#) Rafael L. Espinal, Chairperson  
**Int 52** - By Council Members Cornegy, Brannan, Rosenthal, Rivera and Yeger - **A Local Law** to amend the administrative code of the city of New York, in relation to banning companies that charge a fee for “student debt relief” already provided by the federal government and creating a private cause of action for borrowers who fall victim to these scams.  
 Council Chambers – City Hall .....10:00 a.m.

[Committee on Justice System](#) Rory Lancman, Chairperson  
**Oversight** – Pay Parity for ADAs and Public Defenders.  
 Committee Room – City Hall.....10:00 a.m.

**★ Deferred**

~~[Committee on Finance](#) jointly with the Daniel Dromm, Chairperson  
[Committee on Civil Service and Labor](#) I. Daneek Miller, Chairperson  
**Oversight** – Healthcare Savings Agreement: A Look Back and a Look Forward  
 Committee Room – City Hall.....1:00 p.m.~~

[Committee on Governmental Operations](#) Fernando Cabrera, Chairperson  
[Committee on Immigration](#) Carlos Menchaca, Chairperson  
**Oversight** - Local Law 30 of 2017: Language Access Implementation Plans.  
 Council Chambers – City Hall.....1:00 p.m.

[Committee on Parks and Recreation](#) Barry Grodenchik, Chairperson  
**Oversight** – Ensuring the Short and Long Term Preservation of the City’s Natural Forest.  
 Committee Room – 250 Broadway, 14<sup>th</sup> Floor.....1:00 p.m.

**Monday, October 29, 2018**

[Committee on Veterans](#) Chaim M. Deutsch, Chairperson  
**Oversight** - Ensuring Veteran Access to City-Administered Services.  
**Int 1118** - By Council Members Deutsch and Holden - **A Local Law** to amend the administrative code of the city of New York, in relation to additional reporting requirements for the department of veterans’ services.  
 Committee Room – 250 Broadway, 14<sup>th</sup> Floor.....1:00 p.m.

**Tuesday, October 30, 2018**

[Committee on Health](#) Mark Levine, Chairperson  
**Int 1053** - By The Speaker (Council Member Johnson) and Council Members Ampry-Samuel and Ayala - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring water tank inspection companies to submit annual inspection reports directly to the department of health and mental hygiene.  
**Int 1056** - By Council Members Constantinides, Levine, Torres, Diaz, Ampry-Samuel and Ayala (by request of the Bronx Borough President) - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to conduct periodic inspections of water tanks and to post the results online.  
**Int 1138** - By Council Member Ampry-Samuel - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to conduct additional inspections of water tanks where harmful bacteria are found or where violations have occurred, and to post the results online.

**Int 1150** - By Council Members Kallos, Levine and Ampry-Samuel - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the inspection of water tanks prior to cleaning.

**Int 1157** - By Council Member Levine - **A Local Law** to amend the administrative code of the city of New York, in relation to qualifications for persons conducting inspections and maintenance on drinking water tanks.

**Int 1167** - By Council Member Salamanca - **A Local Law** to amend the administrative code of the city of New York, in relation to the repair of damaged water tanks.

**Int 1169** - By Council Member Torres - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the visual documentation of water tanks during inspections, to be submitted to the department of health and mental hygiene.

Committee Room – City Hall.....10:00 a.m.

Committee on Public Housing

Alicka Ampry-Samuel, Chairperson

**Oversight** - NYCHA Development and Privatization.

Council Chambers – City Hall.....10:00 a.m.

Committee on Education

Mark Treyger, Chairperson

**Oversight:** Fair Student Funding.

**Proposed Int 1014-A** - By Council Members Treyger, Torres, Dromm, Ampry-Samuel, Holden and Rivera - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring a single reporting bill on department of education spending allocations, including fair student funding, for schools citywide

Council Chambers – City Hall.....1:00 p.m.

**Wednesday, October 31, 2018**

Stated Council Meeting..... *Ceremonial Tributes – 1:00 p.m.*  
..... *Agenda – 1:30 p.m.*

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) spoke of the previous week’s National Coming Out Day. He noted its significance and role in helping create a safe and welcoming environment for the LGBT community and for their families, friends, and colleagues. On behalf of the Council’s LGBT Caucus, the Speaker (Council Member Johnson) thanked those in the Chambers who were wearing a rainbow ribbon for their solidarity and support. He also thanked LGBT Network CEO David Kilmnick for supplying the Council staff with these ribbons as well. The Speaker (Council Member Johnson) praised a number of individuals who had previously helped lay the groundwork and clear the path for the present progress made on LGBT issues. He recognized all the brave men and women who put themselves on the line and inspired many, including the Speaker himself, to have the courage to go forward. The Speaker (Council Member Johnson) also saluted the City of New York for its huge role in promoting the worldwide struggle for the equality of all people.

Also during the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) acknowledged that Assistant Sergeant-at-Arms Mohammed Arshad was leaving the Council to join the Police Academy of the City of New York. He thanked Sergeant-at-Arms Arshad for his service at the Council as those assembled in the Chambers applauded.

Whereupon on motion of the Speaker (Council Member Johnson), the Public Advocate (Ms. James) adjourned these proceedings to meet again for the Stated Meeting on Wednesday, October 31, 2018.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

*Editor's Local Law Note: Int. No. 954, adopted by the Council at the September 12, 2018 Stated Meeting, was signed into law by the Mayor on October 9, 2018 as Local Law No. 163 of 2018.*

*Editor's Local Law Note: Int. Nos. 447-A, 449-A, 461-A, 729-A, 757-A, 989-A, and 990-A, all adopted at the September 12, 2018 Stated Meeting, were returned unsigned by the Mayor on October 17, 2018. These items had become law on October 13, 2018 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Laws Nos. 164 to 170 of 2018, respectively.*