

## THE COUNCIL

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*Minutes of the Proceedings for the*

### STATED MEETING

*of*

Wednesday, October 30, 2019, 2:05 p.m.

*The Majority Leader (Council Member Cumbo)*

*presiding as the Acting President Pro Tempore*

#### Council Members

Corey D. Johnson, *Speaker*

Adrienne E. Adams	Vanessa L. Gibson	Keith Powers
Alicia Ampry-Samuel	Mark Gjonaj	Antonio Reynoso
Diana Ayala	Barry S. Grodenchik	Donovan J. Richards
Inez D. Barron	Robert F. Holden	Carlina Rivera
Joseph C. Borelli	Ben Kallos	Ydanis A. Rodriguez
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	Farah N. Louis	James G. Van Bramer
Chaim M. Deutsch	Steven Matteo	Kalman Yeger
Ruben Diaz, Sr.	Carlos Menchaca	
Daniel Dromm	I. Daneek Miller	
Rafael L. Espinal, Jr	Francisco P. Moya	
Mathieu Eugene	Bill Perkins	

Absent: Council Member Rose.

Medical Leave: Council Member Maisel.

Suspended: Council Member King.

The Majority Leader (Council Member Cumbo) 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 Majority Leader and Acting President Pro Tempore (Council Member Cumbo).

*There were 48 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 Pandit Narine, serves as the spiritual leader of the Shri Trimurti Bhavan Temple located at 101-18 97<sup>th</sup> Avenue, Ozone Park, New York 11416.

*[speaking in another language]*

Oh merciful Lord who are benevolent and compassionate,  
omniscient, omnipresent, and omnipotent.  
Thy splendor is as fulgent as a thousands of suns put together,  
with the brilliance of thine illumine our hearts and intellect  
and guide us a right direction.

*[speaking in another language]*

Oh all merciful God, will you protect and inspire us all?  
Will you nourish us together.  
May we work together with great energy.  
We are resolved, be effective,  
may there be no hostility amongst us.  
*Om, peace, peace, peace.*

*[speaking in another language]*

May there be well-being in all.  
May there be peace in all.  
May there be fulfillment in all.  
May there be auspiciousness in all.  
*Om, peace, peace, peace.*

Thank you.

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

During the Communication from the Speaker segment of this Stated Meeting, the Speaker (Council Member Johnson) asked for a Moment of Silence in memory of the following individuals:

Retired NYPD Detective Dennis Murphy, 57, died of 9/11 related illnesses on October 22, 2019. Detective Murphy was an advocate for the recently passed 9/11 Victims Compensation Fund.

Retired Firefighter and former Uniform Firefighters' Association President James "Jimmy" Boyle passed away on October 27, 2019 at the age of 80. He had lost a son, Firefighter Michael Boyle, in the 9/11 attacks at the World Trade Center.

Two individuals who lost their lives during the course of their employment: Stanislaw Supinski and Eduardo Calle Abril. Mr. Supinski, 52, was a construction worker who lost his life in a Lower East Side construction accident on October 21, 2019. Mr. Abril, 44, was a NYC Department of Transportation worker who was killed during a repaving project on the Upper East Side on October 22, 2019.

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

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### ADOPTION OF MINUTES

Council Member Lander moved that the Minutes of the Stated Meeting of September 25, 2019 be adopted as printed.

### LAND USE CALL-UPS

M-193

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

**Pursuant to Sections 11.20(b-d) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on Application No. C 190421 ZSK (515 Blake Avenue) shall be subject to Council review. This item is related to Application Nos. C 190409 HAK, C 190410 ZMK, and N 190411 ZRK.**

Coupled on Call-up vote.

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

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, 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) – **48**.

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

## REPORTS OF THE STANDING COMMITTEES

### Report of the Committee on Education

Report for Int. No. 1541-B

#### **Report of the Committee on Education in favor of approving and adopting, as amended, a Local Law in relation to creating a specialized high school taskforce.**

The Committee on Education, to which the annexed proposed amended local law was referred on May 8, 2019 (Minutes, page 1720), respectfully

#### REPORTS:

##### Introduction

On Tuesday, October 29, 2019, the Committee on Education, chaired by Council Member Mark Treyger, held a vote on Proposed Introduction Number 1541-B, sponsored by The Speaker (Council Member Johnson). The Committee previously heard testimony on this bill on May 1, 2019. At that hearing, the Committee received testimony from the Department of Education (DOE), advocates, and other members of the public. In the prior Legislative Session, the Council held hearings on the issue of diversity in NYC schools in December 2014 and December 2017. On Tuesday, October 29, 2019 the Committee passed Proposed Introduction Number 1541-B by a vote of eleven in the affirmative, one in the negative, with zero abstentions.

##### Specialized High Schools

The nine Specialized High Schools<sup>1</sup> are New York City's most prestigious public schools, with students scoring at the 99th percentile of the state SAT distribution and accounting for the majority of NYC students attending Harvard, Princeton, and Yale.<sup>2</sup> In 1971, a State law known as the Hecht-Calandra Act was passed with the purpose of blocking the diversification of the elite schools by requiring that admission to the schools "be solely and exclusively" gained by taking a specialized, voluntary admissions test, which is called the Specialized High Schools Admissions Test (SHSAT).<sup>3</sup>

The sponsors of the legislation, Senator John D. Calandra (R-BX) and Assemblymember Burton G. Hecht (D-BX) asserted at the time of introduction that the bill was motivated by "the most insidious attack thus far upon the finest educational schools in New York City. [The Chancellor's...] attempt to destroy these schools must be stopped immediately."<sup>4</sup> Early in 1971, only two years after a NYC teachers strike and the new decentralization law, the superintendent of one of the new NYC community school districts, Alfredo O. Mathew, Jr., of District 3 in Manhattan's Upper West Side, asserted that Bronx High School of Science "...was a privileged educational center for children of the white middle class because 'culturally' oriented examinations worked to 'screen out' black [sic] and Puerto Rican students who could succeed at the school."<sup>5</sup>

<sup>1</sup> Stuyvesant High School, Bronx High School of Science, Brooklyn Technical High School, Brooklyn Latin School, Staten Island Technical High School, Queens High School for the Sciences, High School of American Studies, the High School of Mathematics, Science and Engineering, and LaGuardia High School of Music and the Arts.

<sup>2</sup> Dynarski, S., "Evidence on New York City and Boston exam schools," *Brookings Evidence Speaks Report Series*, July 19, 2017, accessed at: <https://www.brookings.edu/research/evidence-on-new-york-city-and-boston-exam-schools/>.

<sup>3</sup> Laws of New York, Chapter 1212 §12 (1971); codified as Education Law § 2590-h.

<sup>4</sup> See also Shapiro, E., "De Blasio has means, if not will, to reform specialized high school admissions," *Politico*. March 15, 2018, accessed at: <https://www.politico.com/states/new-york/albany/story/2018/03/15/de-blasio-has-means-if-not-will-to-reform-specialized-school-admissions-317675>

<sup>5</sup> "Paths to Legislation or Litigation for Educational Privilege: New York and San Francisco Compared," page 16, available at: <https://steinhardt.nyu.edu/scmsAdmin/uploads/005/432/The%20Hecht-Calandra%20Bill.AJE3.doc>

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

On these grounds of racial discrimination, the Superintendent and his local school board members asked the Chancellor's office (then Chancellor Harvey Scribner) to change the policy to eliminate the entrance examination and to move to admission based on the recommendation of elementary school personnel.<sup>6</sup> At the time, the Chancellor asserted "there is a questions as to the extent any test of academic achievement tends to be culturally biased."<sup>7</sup> He announced he would appoint a committee to examine the admissions procedure.<sup>8</sup> These actions precipitated the legislative responses by Calandra and Hecht.

The law named three test-in specialized schools (Stuyvesant, Bronx Science, and Brooklyn Tech), and "such further high schools which the Board of Education may designate from time to time."<sup>9</sup> Today, eight schools continue to operate as exam schools; the original three as well as Brooklyn Latin School; Staten Island Technical High School; Queens High School for the Sciences; High School of American Studies; and the High School of Mathematics, Science and Engineering. Fiorello H. LaGuardia High School of Music & Art, does not use the test but rather admits students on the basis of auditions and students' academic records.

On March 18, 2019, students across the city received high school offer letters. According to DOE, approximately 27,500 8<sup>th</sup> graders took the SHSAT this year.<sup>10</sup> A total of 5,830 students received an offer to one of the City's nine specialized high schools.<sup>11</sup> Of those, 4,798 received an offer to a specialized high school based on their exam score and 1,432 students received one or more offers to programs at LaGuardia.<sup>12</sup> The distribution of offers by ethnicity was: 51.1% Asian; 28.5% white; 6.6% Hispanic, 4% black; 2.3% Multi-racial; and 7% Unknown.

The lack of representation of the racial makeup of the City's schools system in the admissions offers to the test-based specialized high schools is also reflected in the overall student bodies for these schools. See Chart 3 below.

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<sup>6</sup> Malcolm, A.H. "Scribner to Name Unit to Study Special-school Entrance Tests." *The New York Times*, February 24, 1971, page 50.

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

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

<sup>9</sup> Learning Curve, "Text of Calandra-Hecht Bill Amending SEC.2590G, Subdivision 12 of the Education Law." Available at: <https://learning-curve.blogspot.com/2012/10/text-of-calandra-hecht-bill-amending.html>.

<sup>10</sup> New York City Department of Education. "Re: High School Admissions." 19 March 2019. E-mail on file with Council staff.

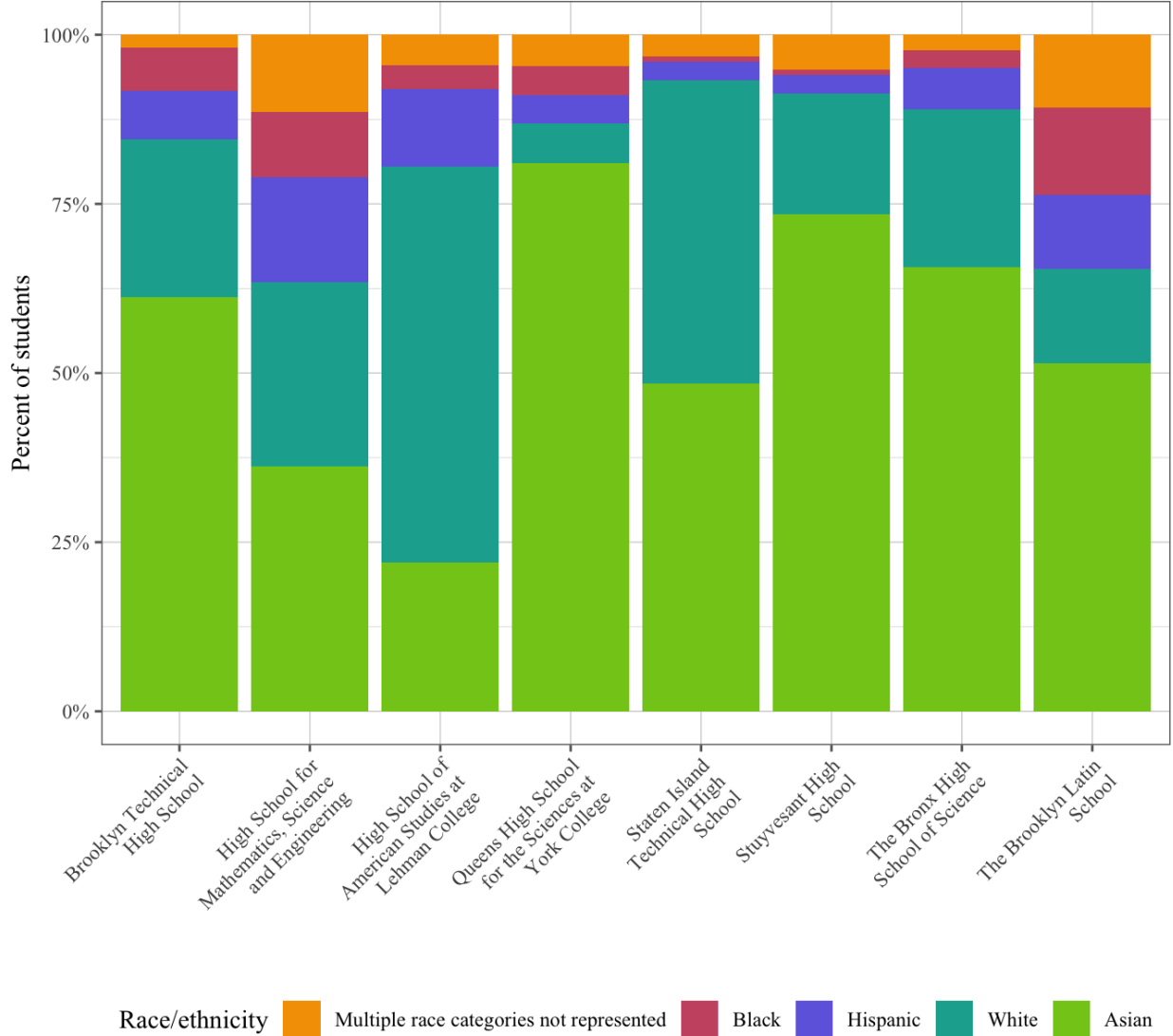
<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

**Chart 3**

**Specialized high school diversity (2017-18 school year)**

The percent of students of each race and ethnicity attending a specialized high school



Source: DOE Demographic Snapshot

These inequities exist despite DOE’s recent enhanced test preparation and outreach efforts to increase diversity of the specialized high schools.<sup>13</sup> In 2019, approximately 2,300 8<sup>th</sup> graders participated in the DREAM program, as compared with approximately 1,800 students in 2018.<sup>14</sup> The DREAM (Determination, Resiliency, Enthusiasm, Ambition, Motivation) program is an extracurricular academic program that prepares eligible New York City public school students for the SHSAT.<sup>15</sup> DREAM participants comprised 10% of black and Hispanic testers, but 29% of black and Hispanic offers.<sup>16</sup> Additionally, DOE expanded SHSAT School

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

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

<sup>15</sup> See New York City Department of Education, “Diversity in Admissions,” Accessed at: <https://www.schools.nyc.gov/enrollment/enrollment-help/meeting-student-needs/diversity-in-admissions>.

<sup>16</sup> New York City Department of Education. “Re: High School Admissions.” 19 March 2019. E-mail on file with Council staff.

Day, a program that offers the SHSAT during the school day, to 50 middle schools, up from 15 the prior year.<sup>17</sup> Furthermore, DOE continues its Discovery program, which is a summer program that supports high-need students who obtained a SHSAT score within a certain range below the minimum cut off score to be admitted to a specialized school.<sup>18</sup> According to the DOE, by the summer of 2020, 20% of seats at each specialized high school will be reserved for participants of the Discovery program.

Table 1 below contains the ENI for each of the test-based specialized high schools. For context, the citywide ENI is 70.7%.<sup>19</sup>

**Table 1**

School	% of Students Experiencing Poverty	Economic Need Index
Stuyvesant High School	44.3%	41.8%
High School for Mathematics, Science and Engineering	42.6%	41.5%
The Bronx High School of Science	44.2%	39.5%
High School of American Studies at Lehman College	20.3%	24.1%
Brooklyn Technical High School	60.8%	52.0%
The Brooklyn Latin School	61.7%	52.7%
Queens High School for the Sciences at York College	60.5%	47.1%
Staten Island Technical High School	40.8%	35.1%

### **ANALYSIS OF PROPOSED INT. NO. 1541-B**

A Local Law in relation to creating a specialized high school taskforce.

The proposed legislation would require the establishment of a task force to issue recommendations regarding the admissions standards for specialized high schools. The task force would be comprised of at least 17 members and would be charged with considering and developing recommendations for alternative admissions criteria for the eight test-based specialized high schools in New York City. The proposed legislation would provide that recommendations for such criteria could be eliminating the specialized high school admissions test, the department discovery program, the department dream program, state standardized examinations, grade point average, and other measures. The legislation would provide that the task force would be required to meet no less than monthly, and to hold at least one public hearing every quarter to solicit feedback. The task force would be required to submit a report of its findings and recommendations to the Mayor and the Speaker of the Council, and post the report on the Department of Education's website. The proposed bill would provide that the local law would take effect immediately and would be deemed repealed upon submission of the required report.

**Update to B version:** Since the initial hearing on this bill, the bill has been amended by expanding the minimum number of members of the taskforce to 19, clarifying the topics that the taskforce is required to examine and make recommendations on, and requiring that the taskforce issue its report of recommendations no later than May 1, 2020.

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

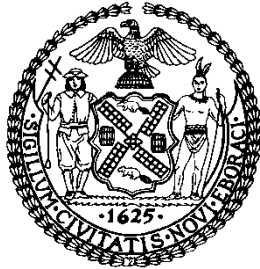
<sup>18</sup> See New York City Department of Education, "Diversity in Admissions," Accessed at:

<https://www.schools.nyc.gov/enrollment/enrollment-help/meeting-student-needs/diversity-in-admissions..>

<sup>19</sup> See New York City Department of Education, "Demographic Snapshot." Accessed at: <https://infohub.nycfed.org/reports-and-policies/citywide-information-and-data/information-and-data-overview>.

**UPDATE:** On Tuesday, October 29, 2019 the Committee passed Proposed Introduction Number 1541-B by a vote of eleven in the affirmative, one in the negative, with zero abstentions.

**The following is the text of the Fiscal Impact Statement for Int. No. 1541-B:)**



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

**FINANCE DIVISION**

LATONIA MCKINNEY, DIRECTOR

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 1541-B**

**COMMITTEE:** Committee on Education

**TITLE:** A Local Law in relation to creating a specialized high school taskforce.

**SPONSORS:** The Speaker (Council Member Johnson), and Council Members Treyger, Cornegy, Powers and Lander.

**SUMMARY OF LEGISLATION:** This bill would create a specialized high school task force, comprised of nineteen members, which would be charged with addressing the racial/ethnic student body inequities of the specialized high schools. The task force would be required to examine with the goal of increasing diversity: (i) the current specialized high schools admissions system, including the specialized high school admissions test and whether such exam should be changed or eliminated; (ii) existing programs such as the Department of Education’s (DOE) discovery and dream programs; and whether such programs should be expanded and whether new programs or policies for increasing diversity should be created and (iii) the use of alternative admissions methods, including state standardized examinations, grade point average or other criteria. No later than May 1, 2020, the taskforce would submit to the mayor and the speaker of the council, and post on the city’s website, a report on its findings and recommendations.

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

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY21</b>	<b>Full Fiscal Impact FY20</b>
<b>Revenues</b>	\$0	N/A	\$0
<b>Expenditures</b>	\$0	N/A	\$0
<b>Net</b>	\$0	N/A	\$0

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation as DOE already has the resources necessary to comply with the requirements of this legislation.



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

**SOURCE OF INFORMATION:** New York City Council Finance Division,  
New York City Department of Education

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

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

**LEGISLATIVE HISTORY:** This legislation was first considered by the Committee on Education jointly with the Committee on Civil and Human Rights as a Preconsidered Introduction on May 1, 2019 and was laid over. The legislation was subsequently introduced by the full Council on May 8, 2019 and referred to the Committee on Education. The legislation was subsequently amended and the amended version, Proposed Int. No. 1541-A, will be considered by the Committee on Education on October 29, 2019. Upon a successful Committee vote, Proposed Intro. No. 1541-B will be submitted to the full Council for a vote on October 30, 2019.

**DATE PREPARED:** October 11, 2019.

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

**(The following is the text of Int. No. 1541-B:)**

Int. No. 1541-B

By The Speaker (Council Member Johnson) and Council Members Treyger, Cornegy, Powers, Lander, Louis and Levin.

**A Local Law in relation to creating a specialized high school taskforce**

*Be it enacted by the Council as follows:*

Section 1. Specialized high school taskforce. a. Definitions. For purposes of this local law, the following terms have the following meanings:

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

School. The term “school” means a school of the city school district of the city of New York.

Specialized high schools. The term “specialized high schools” has the same meaning as such term is defined in paragraph b of subdivision 1 of section 2590-h of the education law.

b. The mayor shall establish a taskforce to issue recommendations for improving the admissions standards for specialized high schools. The taskforce shall consist of at least 19 members as follows:

1. The mayor, or the mayor’s designee;
2. The speaker of the council, or the speaker’s designee;
3. The chancellor, or the chancellor’s designee;

4. Nine members appointed by the mayor, including 1 member who shall be a parent of a child enrolled in a school; 5 members who shall be departmental employees, at least 1 of whom shall have experience in departmental admissions policies and at least 1 of whom shall be a teacher; 1 member who shall have expertise in the fields of education policy and child development; 1 member who shall have expertise in standardized testing and 1 member who shall have expertise in assessment, evaluation, testing and other aspects of educational measurement; and

5. Seven members appointed by the speaker of the council, including 1 member who shall be a current high school student who is not enrolled in a specialized high school; 1 member who shall be a current high

school student who is enrolled in a specialized high school; 1 member who shall be a parent of a child enrolled in a school; 1 member who shall have expertise in the fields of education policy and child development; 1 member who shall have expertise in standardized testing; 1 member who shall have expertise in assessment, evaluation, testing and other aspects of educational measurement and 1 member who shall be a representative of a specialized high school alumni organization.

c. No member shall be removed except for cause by the appointing authority. In the event of a vacancy during the term of an appointed member, a successor shall be selected in the same manner as the original appointment.

d. Membership on the taskforce shall not constitute holding of a public office, and members of the taskforce shall not be required to take or file oaths of office before serving on the taskforce. Each member of the taskforce shall serve without compensation.

e. The taskforce shall be required to hold no fewer than 3 meetings. The taskforce shall also be required to hold at least 1 public hearing to solicit public comment and recommendations on the admissions process for specialized high schools. The taskforce shall designate 1 member to take minutes at each public hearing.

f. The taskforce shall examine, with the goal of increasing diversity:

1. The current admissions system for specialized high schools, including the specialized high school admissions test and whether such test should be changed or eliminated;

2. Existing programs such as the department's discovery program and the department's dream program, and whether such programs should be expanded and whether new programs or policies for increasing diversity should be created; and

3. The use of alternative admissions methods, including state standardized examinations, grade point average or other criteria.

g. The mayor may designate 1 or more agencies to provide staffing and other administrative support to the taskforce.

h. No later than May 1, 2020, the taskforce shall submit to the mayor and the speaker of the council, and post on the city's website, a report on its findings and recommendations. For each recommendation in the report, the taskforce shall include the number of taskforce members who voted in the affirmative, voted in the negative and abstained. Such report shall also include a description of any engagement with the department or stakeholders, and a summary of the public hearings held pursuant to subdivision e of this local law. Such report shall be submitted to the New York state assembly committee on education and the New York state senate committee on New York city education. The taskforce shall dissolve upon submission of the report to all parties required pursuant to this subdivision.

§ 2. This local law takes effect immediately and is deemed repealed upon issuance of the report required by section one of this local law.

MARK TREYGER, *Chairperson*; DANIEL DROMM, STEPHEN L. LEVIN, INEZ D. BARRON, ROBERT E. CORNEGY, BEN KALLOS, MARK D. LEVINE, BARRY S. GRODENCHIK, ALICKA AMPRY-SAMUEL, JUSTIN L. BRANNAN, FARAH N. LOUIS; Committee on Education, October 29, 2019.

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

**Report of the Committee on Finance**

Report for Int. No. 1750

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

The Committee on Finance, to which the annexed proposed local law was referred on October 17, 2019 (Minutes, page 3391), respectfully

**REPORTS:**

On October 30, 2019, the Committee on Finance will hold a hearing on Intro. No. 1750, *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 five business improvement districts and one special assessment district*, sponsored by Council Member Dromm (by request of the Mayor). These increases, which have been requested by the Business Improvement Districts (BIDs) and the Special Assessment Districts (SAD)<sup>1</sup> approved by the respective District Management Associations, would result in a higher assessment on all properties currently subject to the BIDs' assessments as a result of the increase in the assessment rate.

Pursuant to §§ 25-410(b) and 25-416 of the Administrative Code, the BIDs may obtain an increase in its budget (i.e. the total amount allowed to be expended annually by the BIDs for improvements, services, maintenance, and operation) by means of the adoption of a local law amending the BID's district plan. Such a local law may be adopted by the City Council after a determination that it is in the public interest to authorize such an increase in the maximum annual amount and that the tax and debt limits prescribed in § 25-412 of the Administrative Code will not be exceeded. Notice of the public hearing to consider such a local law must be published in at least one newspaper having general circulation in the district specifying the time when, and the place where, the hearing will be held and stating the increase proposed in the maximum amount to be expended annually.

On October 17, 2019, the Committee adopted Resolution 1093 that set October 30, 2019 as the date to consider a local law that would increase the annual expenditures of five BIDs and one SAD, as of July 1, 2019. Today, the Committee will hear from all persons interested in the legislation, which would increase the amount to be expended annually in the five BIDs and one SAD.

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

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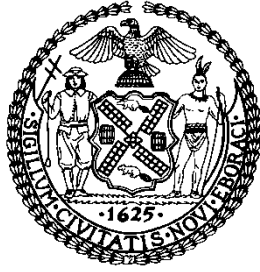
<sup>1</sup> Prior to the creation of the BID system as it is known today, in the 1970's New York State created fourteen SADs which collected assessments from property owners to pay for pedestrian malls and street improvements. Four of these SADs were located in New York City, with the first being the Fulton Mall in Brooklyn which was established in 1976. In 1982, pursuant to authorization by State law, the Council adopted legislation governing the formation of BIDs.

BID Name	Yr Est	Last Increase Yr	Current Authorized Assessment Cap	Proposed Authorized Assessment Cap	\$ Increase Request		Months Reserve	Increase Schedule	Retro/Forward	CM District (s)	SBS Justification
	Yrs	Increase Amount			Total % Increase	Annualized % Increase				CM(s)	
34th Street	1992	2018	\$12,640,000	\$13,000,000	\$360,000		2.7	One-time	Retroactive	3, 4	Assessment increase will supplement program revenues lost during Plaza 33 construction; expand horticulture maintenance to seasonal displays; and repair, replace, and maintain aging street furniture and capital improvements. A portion of this increase will be used to sustain current levels of programs and services impacted by rising contract costs associated with the increase in minimum wage.
	27	\$1,755,000			2.85%	2.85%		1x \$360,000		Johnson, Powers	
Fifth Avenue	1993	2016	\$3,207,000	\$6,414,000	\$3,207,000		4.0	One-time	Retroactive	4	Assessment increase will launch new district marketing and cultural programs including: art installations, daily programming in public spaces, and new holiday lights; introduce banner program and advertising campaigns; expand beautification projects and repair streetscape elements including: painting all district lightpoles, constructing and maintaining new DOT parklet, installing planters throughout the district; hire three (3) full-time staff to manage new marketing, external affairs, and streetscape programs; and introduce FSA and 401k plans. A portion of this increase will be used to sustain current levels of programs and services impacted by rising contract costs associated with the increase in minimum wage.
	26	\$302,108			100.00%	33.33%		1x \$3,207,000		Powers	

Fulton Mall	1976	2015			\$906,750		3.4	Phased	Retroactive	33	Assessment increase will fund additional arts and cultural programming and events in Albee Square; design, install, maintain new holiday lighting; relocate and build-out new field office for sanitation, public safety, and streetscape staff; additional seasonal plantings; design, fabricate, and install new distinctive streetscape elements; replace and maintain aging existing street furniture, tree guards, trash compactors; install and maintain new DOT StreetSeats. A portion of this increase will be used to sustain current levels of programs and services impacted by rising contract costs associated with the increase in minimum wage.
	43	\$562,500	\$2,100,000	\$3,006,750	43.18%	10.79%		1x \$601,350 1x \$200,450 1x \$200,450		Levin	
MetroTech (North)	1992	2016			\$1,637,246		5.2	Phased	Retroactive	33, 35	Assessment increase will provide additional arts and cultural programming in Willoughby Square Park; hire one (1) full-time staff to program Willoughby Square Park; design, install, maintain new holiday lighting; install and landscape new planters, tree guards and tree pits; relocate and build-out new field office for sanitation and streetscape staff; conduct a Public Realm Study to propose capital projects to tie together neighborhood elements. A portion of this increase will be used to sustain current levels of programs and services impacted by rising contract costs associated with the increase in minimum wage.
	27	\$650,000	\$3,274,492	\$4,911,738	50.00%	16.67%		1x \$725,508 1x \$584,288 1x \$327,449		Levin, Cumbo	
Noho	1997	1997			\$260,000		8.5	Phased	Retroactive	1, 2	Assessment increase will provide two (2) full-time security guards to patrol the district; introduce banner program; update neighborhood signage; update website; replace old planters and increase seasonal landscaping; conduct neighborhood planning study in advance of potential rezoning; implement new retail attraction program. A portion of this increase will be used to sustain current levels of programs and services impacted by rising contract costs associated with the increase in minimum wage.
	22	N/A	\$540,000	\$800,000	48.15%	2.19%		1x \$190,000 1x \$40,000 1x \$30,000		Chin, Rivera	

<b>Union Square</b>	198 2	2017			\$1,600,000			Phased		2	Assessment increase will expand sanitation program and hire one (1) additional full-time sanitation staff and four (6) seasonal sanitation workers; hire one (1) full-time Deputy Director of Operations; launch retail attraction program; invest in streetscape improvements resulting from neighborhood visioning and planning process. A portion of this increase will be used to sustain current levels of programs and services impacted by rising contract costs associated with the increase in minimum wage.
	37	\$600,000	\$2,600,000	\$4,200,000	61.54%	30.77%	3.3	1x \$480,000 1x \$400,000 1x \$400,000	Forward	Rivera	

(The following is the text of the Fiscal Impact Statement for Int. No. 1750:)



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

**FISCAL IMPACT STATEMENT**

**INTRO. NO.: 1750**

**COMMITTEE: Finance**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in five business improvement districts and one special assessment district.

**SPONSORS:** Council Member Dromm (by request of the Mayor).

**SUMMARY OF LEGISLATION:** The proposed local law amends the Administrative Code of the city of New York to increase the budget amounts of five Business Improvement Districts (“BIDs”) and one Special Assessment District (“SAD”), collectively referred to as “the BIDs”, as of July 1, 2019. The budgets are funded by special assessments on properties within the BIDs and pay for additional services beyond those which the City provides. The special assessments are collected with the City’s property tax collection system and passed through to the BIDs.

**EFFECTIVE DATE:** This local law would take effect immediately and is retroactive to and deemed to have been in effect as of July 1, 2019.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY21</b>	<b>Full Fiscal Impact FY20</b>
<b>Revenues (+)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Expenditures (-)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**IMPACT ON REVENUES AND EXPENDITURES:** There will be no net impact on revenues or expenditures resulting from the enactment of this legislation. The BID assessments are charges separate from the City’s property tax levy and thus do not impact the General Fund. The assessments are levied on the businesses located in the impacted BIDs. The BIDs’ budgets for Fiscal 2020 will increase from the Fiscal 2019 amounts (see below) as a result of this legislation.

<b>BID Name</b>	<b>Authorized Assessment</b>	<b>Requested Assessment</b>
<b>34th Street</b>	<b>\$12,640,000</b>	<b>\$13,000,000</b>
<b>Fifth Avenue</b>	<b>\$3,207,000</b>	<b>\$6,414,000</b>
<b>Fulton Mall</b>	<b>\$2,100,000</b>	<b>\$3,006,750</b>
<b>MetroTech (North)</b>	<b>\$3,274,492</b>	<b>\$4,911,738</b>
<b>NoHo</b>	<b>\$540,000</b>	<b>\$800,000</b>
<b>Union Square</b>	<b>\$2,600,000</b>	<b>\$4,200,000</b>

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** BID special assessments

**SOURCE OF INFORMATION:** New York City Council Finance Division  
New York City Department of Small Business Services

**ESTIMATE PREPARED BY:** Masis Sarkissian, Finance Analyst, Finance Division

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director, Finance Division  
Stephanie Ruiz, Assistant Counsel, Finance Division

**LEGISLATIVE HISTORY:** Intro. No. 1750 was introduced to the full Council on October 17, 2019 and referred to Committee on Finance. On October 30, 2019, the Committee on Finance will consider and vote on Intro. No. 1750. Upon successful vote by the Committee, the legislation will be voted on by the full Council on October 30, 2019.

**DATE PREPARED:** October 21, 2019.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Int. No. 1750:)**

Int. No. 1750

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 five business improvement districts and one special assessment district**

*Be it enacted by the Council as follows:*



Section 1. Subdivision a of section 25-421.1 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 Metrotech Area business improvement district beginning on July 1, [2016] 2019, 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 million two hundred seventy-four thousand four hundred ninety-two dollars (\$4,274,492)] *five million nine hundred eleven thousand seven hundred thirty-eight dollars (\$5,911,738)*, of which [three million two hundred seventy-four thousand four hundred ninety-two dollars (\$3,274,492)] *four million nine hundred eleven thousand seven hundred thirty-eight dollars (\$4,911,738)* may be expended in the north subdistrict, and one million dollars (\$1,000,000) may be expended in the south subdistrict.

§ 2. Subdivision a of section 25-423.1 of the administrative code of the city of New York, as amended by local law number 235 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 34th Street business improvement district beginning on July 1, [2017] 2019, 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 [twelve million six hundred forty thousand dollars (\$12,640,000)] *thirteen million dollars (\$13,000,000)*.

§ 3. Subdivision a of section 25-431.1 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 Fifth Avenue Association business improvement district beginning on July 1, [2016] 2019, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [three million two hundred seven thousand dollars (\$3,207,000)] *six million four hundred fourteen thousand dollars (\$6,414,000)*.

§ 4. Subdivision a of section 25-444.1 of the administrative code of the city of New York, as amended by local law number 17 for the year 2016, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the 14th Street-Union Square business improvement district beginning on July 1, [2015] 2019, 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 six hundred thousand dollars (\$2,600,000)] *four million two hundred thousand dollars (\$4,200,000)*.

§ 5. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-446.1 to read as follows:

§ 25-446.1 *NoHo New York business improvement district; increase in the amount to be expended annually. a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the NoHo New York business improvement district beginning on July 1, 2019, 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).*

*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 NoHo New York business improvement district plan.*

§ 6. Subdivision a of section 25-602 of the administrative code of the city of New York, as amended by local law number 30 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 Fulton

Mall special assessment district beginning on July 1, [2015] 2019, 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 one hundred thousand dollars (\$2,100,000)] *three million six thousand seven hundred fifty dollars (\$3,006,750)*.

§ 7. This local law takes effect immediately and is retroactive to and deemed to have been in effect as of July 1, 2019.

DANIEL DROMM, *Chairperson*; ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, KEITH POWERS, FARAH N. LOUIS, STEVEN MATTEO; Committee on Finance, October 30, 2019.

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

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

Report for L.U. No. 568

**Report of the Committee on Finance in favor of a Resolution approving Knickerbocker Village, Inc.; Block 253, Lot 1; Manhattan; Community District No. 3; Council District No. 1.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on October 30, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

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

October 30, 2019

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

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

RE: Finance Committee Agenda of October 30, 2019 – Resolutions approving a tax exemption for three Land Use items (Council Districts 1 and 9)

**Item 1: Knickerbocker Village**

Knickerbocker Village is an affordable housing development consisting of 12 buildings containing 1,590 residential rentals units and 18 commercial units located in Lower Manhattan. It was developed in 1926 by a

limited dividend housing corporation under a precursor to Article IV of the Private Housing Finance Law. Its initial tax abatement expired in 1954 and it presently receives no tax benefits. It remains regulated as a limited dividend housing corporation, with apartment rents determined by the New York State Division of Housing and Community Renewal (DHCR) according to a budget-based formula, and with income limits set as a multiple of rents. An attempt dissolve the limited dividend housing corporation and privatize the apartments in a co-op conversion was blocked by a court in 2006 which found that State law does not permit dissolution of pre-1962 limited dividend housing corporations.

In 2003, the State legislature created the option of extending a discretionary tax abatement of up to 50 years to any Article IV limited dividend housing corporation. The Department of Housing Preservation and Development (HPD) is requesting that the Council approve a partial, 50-year Article IV property tax exemption. This tax exemption is intended to have the effect of lowering future rent increases when DHCR applies the budget-based formula to determine the rents.

Summary:

- Borough – Manhattan
- Block 253, Lot 1
- Council District – 1
- Council Member – Chin
- Council Member approval –Yes
- Number of buildings – 12
- Number of units – 1,590 (including 2 superintendent units)
- Type of exemption – Article IV, partial, 50 years
- Population – affordable rental housing
- Sponsor – Cherry Green Property Corp., Knickerbocker Village, Inc.
- Purpose – preservation
- Cost to the city - \$3.5 million
- Housing Code Violations
  - Class A – 4
  - Class B – 17
  - Class C – 7
- AMI target – N/A

**Item 2: Strivers Plaza**

Strivers Plaza is a scattered site project located in Central Harlem and comprised of nine mixed-use buildings that contain 117 residential units, eight commercial units, and four community facilities. The residential units include 14 studio units, 57 one-bedroom units, and 46 two-bedroom units (inclusive of one superintendent unit).

The buildings are owned and managed by the Greater Harlem Housing Development Corp. (GHHDC). GHHDC will enter into a nominee agreement with Greater Harlem Housing Development Fund Corporation (HDFC) to transfer the property to the HDFC, while GHHDC will remain the beneficial owner and operator. GHHDC and the HDFC will finance a moderate rehabilitation addressing the buildings' energy and water efficiency needs with previously-allocated City Council discretionary capital funding as well as loans from HPD and a private lending institution.

HPD is requesting that the Council approve a full 40-year tax exemption to support affordability. GHHDC and the HDFC would enter into a regulatory agreement with HPD that would require that apartments be rented only to households earning less than 120 percent of Area Median Income (AMI).

Summary:

- Borough – Manhattan
- Block 1940, Lots 3 and 39; Block 1941, Lots 3, 11, 12, 13, 14 and 36; Block 1959, Lots 56 and 58
- Council District – 9
- Council Member – Perkins
- Council Member approval –Yes
- Number of buildings – 1
- Number of units – 117 (including 1 superintendent unit)
- Type of exemption – Article XI, full, 40 years
- Population – affordable rental housing
- Sponsor – Greater Harlem Housing Development Corp., Greater Harlem HDFC
- Purpose – preservation
- Cost to the city - \$6.9 million
- Housing Code Violations
  - Class A – 44
  - Class B – 126
  - Class C – 25
- AMI target – 120% of AMI

**Item 3: St. Nicholas Manor Apartments**

St. Nicholas Manor Apartment is an affordable housing development in located in Central Harlem comprised of two buildings that contain 112 residential units and five commercial spaces. The residential units include 11 studio units, 46 one-bedroom units, 47 two-bedroom units (inclusive of one superintendent unit), and eight three-bedroom units.

The beneficial owner and operator of the project is 680 St. Nicholas Owner LLC while HP 680 St. Nicholas Housing HDFC owns the property. The project is subject to a Housing Assistance Payments (HAP) Section 8 contract, under which tenants pay a fixed portion their income in rent and the United States Department of Housing and Urban Development (HUD) makes payments to the landlord for any remaining markup-to-market contract rent.

HPD is requesting that the Council approve a partial, 40-year Article XI property tax exemption. The HDFC and the LLC would finance a rehabilitation of the buildings with a mortgage insured by HUD, supported by the tax savings. The HDFC would enter into a regulatory agreement with HPD that would require that vacant apartments be rented only to households earning less than 50 percent of AMI. Eligible tenants will continue receive Section 8 rental assistance.

Summary:

- Borough – Manhattan
- Block 2051, Lot 54
- Council District – 9
- Council Member – Perkins
- Council Member approval –Yes
- Number of buildings – 2
- Number of units – 112 (including 1 superintendent unit)
- Type of exemption – Article XI, partial, 40 years

- Population – affordable rental housing
- Sponsor – 680 St. Nicholas Owner LLC, HP 680 St. Nicholas Housing HDFC, Fairstead
- Purpose – preservation
- Cost to the city - \$4.5 million
- Housing Code Violations
  - Class A – 3
  - Class B – 22
  - Class C – 6 (resolved and pending clearance)
- AMI target – 50% of AMI

**(For text of the coupled resolutions for L.U. Nos. 569 and 570, please see the Report of the Committee on Finance for L.U. Nos. 569 and 570, respectively, printed in these Minutes; for the coupled resolution for L.U. No. 568, please see below:)**

*Accordingly, this Committee recommends the adoption of L.U. Nos. 568, 569, and 570.*

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

Res. No. 1147

**Resolution approving an exemption from real property taxes for property located at (Block 253, Lot 1) Manhattan, pursuant to Section 93 of the Private Housing Finance Law (Preconsidered L.U. No. 568).**

By Council Member Dromm.

**WHEREAS**, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated September 9, 2019 that the Council take the following action regarding a housing project located at (Block 253, Lot 1) Manhattan (“Exemption Area”):

Approve an exemption of the Project from real property taxes pursuant to Section 93 of the Private Housing Finance Law (the “Tax Exemption”);

**WHEREAS**, The project description that HPD provided to the Council states that the owner of the Project (the “Owner”) is a duly organized limited dividend housing company under Article IV of the Private Housing Finance Law;

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

**RESOLVED:**

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

1. (a) All of the value of the property in the Project, including both the land and the improvements (excluding those portions, if any, devoted to business or commercial use) shall be exempt from real property taxes, other than assessments for local improvements, commencing on January 1, 2019 (“Commencement Date”) and such exemption shall continue so long as the Housing Company continues to operate the Project as a limited dividend rental housing company development pursuant

to the provisions of Article IV of the PHFL or until a date fifty years from the Commencement Date, whichever is sooner ("Expiration Date").

(b) Commencing on the Commencement Date and during each year thereafter until the Expiration Date, the Housing Company shall make real property tax payments in the sum of two and five-tenths percent (2.5%) of the Project's annual Shelter Rent; provided, however, that no refunds or credits shall be available for any period in which the Housing Company paid full real property taxes for the Project.

(c) For purposes of this paragraph, "Shelter Rent" shall mean the total rents received from the occupants of the Project less the cost of providing to the occupants electricity, gas, heat and other utilities. Total rents shall include rent supplements and subsidies from the federal government, the state or the City on behalf of such occupants, but shall not include interest reduction payments pursuant to subdivision (a) of § 201 of the Federal Housing and Urban Development Act of 1968.

2. The tax exemption granted herein shall be limited by the provisions of PHFL § 93(4) in that such exemption shall not exceed one hundred percent (100%) of the value of property included in the Project representing an increase over the assessed valuation of the real property, both land and improvements, acquired for the Project at the time of its acquisition by the Housing Company.
3. Such tax exemption is further subject to and conditioned upon compliance with the requirements of the PHFL and the applicable rules and regulations promulgated thereunder.
4. If the Housing Company fails to comply with the requirements of the PHFL and the applicable rules and regulations promulgated thereunder, including, but not limited to, reviews of its financial condition and the requirements governing billing, collection, and remittance of surcharges, then HPD may terminate the tax exemption approved herein for the Housing Company.
5. In consideration of the tax exemption provided for hereunder, the Housing Company shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

DANIEL DROMM, *Chairperson*; ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, KEITH POWERS, FARAH N. LOUIS, STEVEN MATTEO; Committee on Finance, October 30, 2019.

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

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

Report for L.U. No. 569

**Report of the Committee on Finance in favor of a Resolution approving Strivers Plaza; Block 1940, Lots 3 and 39, Block 1941, Lots 3, 11, 12, 13, 14, and 36 and Block 1959, Lots 56 and 58; Manhattan; Community District No. 10; Council District No. 9.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on October 30, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 568 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

In connection herewith, Council Member Dromm offered the following resolution

Res. No. 1148

**Resolution approving an exemption from real property taxes for property located at (Block 1940, Lots 3 and 39, Block 1941, Lots 3, 11, 12, 13, 14, and 36, Block 1959, Lots 56 and 58) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 569).**

By Council Member Dromm.

**WHEREAS**, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated August 27, 2019 that the Council take the following action regarding a housing project located at (Block 1940, Lots 3 and 39, Block 1941, Lots 3, 11, 12, 13, 14, and 36, Block 1959, Lots 56 and 58) Manhattan (“Exemption Area”):

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

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

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

**RESOLVED:**

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Community Facility Space” shall mean those portions of the Exemption Area which the Regulatory Agreement requires to be devoted solely to community facility uses.

- b. “Company” shall mean Greater Harlem Housing Development Corp. or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
  - c. “Effective Date” shall mean the date of conveyance of the Exemption Area to the HDFC.
  - d. “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - e. “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1940, Lots 3 and 39, Block 1941, Lots 3, 11, 12, 13, 14, and 36, and Block 1959, Lots 56 and 58 on the Tax Map of the City of New York.
  - f. “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.
  - g. “HDFC” shall mean Greater Harlem Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - h. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - i. “J-51 Benefits” shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect on the Effective Date.
  - j. “Owner” shall mean, collectively, the HDFC and the Company
  - k. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner that is executed after August 1, 2019 establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use other than the Community Facility Space), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Notwithstanding any provision hereof to the contrary:
- a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.



- b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
  - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
4. In consideration of the Exemption, the owner of the Exemption Area shall (a) execute and record the Regulatory Agreement, and (b) for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, (a) nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities, and (b) the J-51 Benefits shall remain in effect, but the Exemption shall be reduced by the amount of such J-51 Benefits.

DANIEL DROMM, *Chairperson*; ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, KEITH POWERS, FARAH N. LOUIS, STEVEN MATTEO; Committee on Finance, October 30, 2019.

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

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

Report for L.U. No. 570

**Report of the Committee on Finance in favor of a Resolution approving St. Nicholas Manor Apartments; Block 2051, Lot 54; Manhattan; Community District No. 9; Council District No. 9.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on October 30, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 568 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

In connection herewith, Council Member Dromm offered the following resolution

Res. No. 1149

**Resolution approving an exemption from real property taxes for property located at (Block 2051, Lot 54) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 570).**

By Council Member Dromm.

**WHEREAS**, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated October 17, 2019 that the Council take the following action regarding a housing project located at (Block 2051, Lot 54) Manhattan (“Exemption Area”):

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

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

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

**RESOLVED:**

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Company” shall mean 680 St. Nicholas Owner LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
  - b. “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.
  - c. “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.
  - d. “Contract Rent Differential Tax” shall mean the sum of (i) \$413,621, plus (ii) twenty-five percent (25%) of the Contract Rent Differential; provided, however, that if the 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.
  - e. “Effective Date” shall mean the date that HPD and the Owner enter into the Regulatory Agreement.
  - f. “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 2051, Lot 54 on the Tax Map of the City of New York.

- g. “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.
  - h. “HDFC” shall mean HP 680 St. Nicholas Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - i. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - j. “Owner” shall mean, collectively, the HDFC and the Company.
  - k. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Contract Rent Differential Tax. Notwithstanding the foregoing, the total annual real property tax payment by the 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.
  4. Notwithstanding any provision hereof to the contrary:
    - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
    - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
    - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

5. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

DANIEL DROMM, *Chairperson*; ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, KEITH POWERS, FARAH N. LOUIS, STEVEN MATTEO; Committee on Finance, October 30, 2019.

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

### **Report of the Committee on Health**

Report for Int. No. 870-A

#### **Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to adoption of shelter animals.**

The Committee on Health, to which the annexed proposed amended local law was referred on May 9, 2018 (Minutes, page 1797), respectfully

### **REPORTS:**

#### **INTRODUCTION**

On October 29, 2019, the Committee on Health, chaired by Council Member Mark Levine, held a vote on legislation aimed at strengthening New York City's animal welfare laws. This legislation was originally heard at a hearing of this Committee on June 18, 2019, at which the Committee received testimony from the New York City Department of Health and Mental Hygiene (DOHMH), Animal Care Centers of New York City (ACC), representatives from the horse carriage industry, and other interested stakeholders and advocates. On October 29, 2019, the Committee passed these bills by a vote of six in the affirmative, zero in the negative, and zero abstentions.

#### **BACKGROUND**

##### ***Regulation of the horse carriage industry***

Horse carriages have operated in New York City since the 1880s, first as a primary mode of transportation and later as a tourist and entertainment attraction.<sup>1</sup> The carriage horse industry is primarily regulated by two City agencies— DOHMH and the Department of Consumer Affairs (DCA)—with the Department of Transportation (DOT), the Department of Parks and Recreation (Parks Department), and the Police

<sup>1</sup> Mara Gay, *Carriage Horses, Now Controversial, Have a Long History*, Wall Street Journal, Mar. 24, 2014, available at <http://blogs.wsj.com/metropolis/2014/03/24/carriage-horses-now-controversial-have-a-long-city-history/>.

Department (PD) providing additional regulation and enforcement assistance.<sup>2</sup>

Licensing and treatment of rental horses—a category that includes carriage horses—is controlled by DOHMH.<sup>3</sup> Before a horse may be used in the operation of a carriage, it must receive a license from DOHMH.<sup>4</sup> Carriage horses must be housed in stalls that are at least 60 square feet and are kept in a clean and dry condition.<sup>5</sup> They must also have access to appropriate and sufficient food and water.<sup>6</sup> Local laws also set forth a number of standards related to the working conditions of carriage horses. Carriage horses may not be worked on streets during adverse weather or other dangerous conditions; cannot be at work more than nine hours in a 24-hour period; must be afforded rest breaks for at least 15 minutes every two hours; must receive at least five weeks of vacation or furlough every 12 months; cannot be driven at a pace faster than a trot; and cannot be worked if it is below 18 degrees Fahrenheit or above 90 degrees Fahrenheit.<sup>7</sup> Examinations by a veterinarian are required during regular intervals during the licensing period and each time a license is renewed.<sup>8</sup> The violation of any law or rule related to the licensing or treatment of rental horses is punishable by: 1) a fine of \$100 to \$500 and/or imprisonment of up to 15 days; and/or 2) a civil penalty of \$25 to \$500.<sup>9</sup>

Horse carriages and drivers are regulated by DCA.<sup>10</sup> In order to receive a carriage driver's license, an applicant must pass written and practical exams covering horse health care, proper harnessing, safe carriage operations, and the applicable laws and regulations; hold a current valid motor vehicle driver's license; and enroll in the carriage driver training program.<sup>11</sup>

Carriage operations are limited in circumstances where there is a threat to the health or safety of the horse—as discussed above—as well as to avoid traffic and congestion. Area and time restrictions may be enforced by DCA, DOT, the Parks Department, PD, DOHMH, and the American Society for the Prevention of Cruelty to Animals (ASPCA).<sup>12</sup>

A number of industry organizations utilize an Equine Heat Index (“EHI”) to determine safe riding temperatures for horses. The EHI is the sum of the current temperature and relative humidity.<sup>13</sup> Most recognized safety recommendations note that riders should “use caution” for horses when the EHI is between 120 and 150, and that at 180, horses should use “extreme caution” or not ride at all.<sup>14</sup>

### *Foie Gras*

In the United States, more than 4000,000 ducks are sold each year just for the French delicacy, foie gras—enlarged fatty liver from ducks and geese.<sup>15</sup> The most common way to obtain livers that are approximately 10 times the normal size requires farmers to force-feed the ducks and geese through feeding tubes.<sup>16</sup> This process

<sup>2</sup> NYC Health, Horses Working in NYC, <https://www1.nyc.gov/site/doh/health/health-topics/horses.page>.

<sup>3</sup> N.Y.C. Admin. Code §§ 17-326 to 17-334.1.

<sup>4</sup> *Id.* at § 17-327.

<sup>5</sup> *Id.* at §§ 17-330(c) and (d).

<sup>6</sup> *Id.* at § 17-330(e).

<sup>7</sup> *Id.* at §§ 17-330(f), (g), (h), and (o).

<sup>8</sup> *Id.* at § 17-330(n).

<sup>9</sup> *Id.* at 17-332.

<sup>10</sup> Hack stands—areas where horses may wait and allow passengers to board—are designated by the Department of Transportation. *See* N.Y.C. Admin. Code § 19-174.

<sup>11</sup> N.Y.C. Department of Health and Mental Hygiene, Carriage Horse Driver's Course, <https://www1.nyc.gov/site/doh/business/health-academy/carriage-horse-drivers-course.page>.

<sup>12</sup> N.Y.C. Admin. Code § 20-381.1(e).

<sup>13</sup> *See, e.g.*, United States Polo Association, “Equine Heat Index Warning,” available at <https://www.uspolo.org/news-social/news/equine-heat-index-warning>; *see also*, American Association of Equine Practitioners, “Heat Stroke,” available at <https://aaep.org/horsehealth/heat-stroke>; *see also*, Michigan State University Extension, “Heat Stress in Horses,” available at [https://www.canr.msu.edu/news/heat\\_stress\\_in\\_horses](https://www.canr.msu.edu/news/heat_stress_in_horses).

<sup>14</sup> *See, e.g.*, United States Polo Association, “Equine Heat Index Warning,” available at <https://www.uspolo.org/news-social/news/equine-heat-index-warning>; *see also*, American Association of Equine Practitioners, “Heat Stroke,” available at <https://aaep.org/horsehealth/heat-stroke>; *see also*, Michigan State University Extension, “Heat Stress in Horses,” available at [https://www.canr.msu.edu/news/heat\\_stress\\_in\\_horses](https://www.canr.msu.edu/news/heat_stress_in_horses).

<sup>15</sup> “An HSUS Report: The Welfare of Animals in the Foie Gras Industry” *In NYC Foie Gras Report*.

<sup>16</sup> Scientific Committee on Animal Health and Animal Welfare, “Welfare Aspects of the Production of Foie Gras in Ducks and Geese,” For the European Commission Dec. 16 1998.

is known to cause damage to the animals' esophagus' and leads to additional health problems.<sup>17</sup> Animal advocacy groups consider the practice of farming these ducks and geese inhumane.<sup>18</sup>

Several countries, including Germany, Britain, Australia and Argentina have banned the production of foie gras due to concerns about animal cruelty.<sup>19</sup> In the United States, California is the only state to ban the production and sale of foie gras.<sup>20</sup>

The New York City Health Code prohibits possession of ducks or geese, and there are no duck or goose farms in New York City.<sup>21</sup> However, about one percent of all New York City restaurants serve foie gras.<sup>22</sup> Restaurant owners who offer foie gras report that the delicacy is a popular menu item, and there are concerns that a ban would negatively impact their businesses.<sup>23</sup>

### *Animal Care Centers of New York City*

Animal Care Centers of New York City (ACC) is a not-for-profit organization under contract with DOHMH with a mission to end animal homelessness in New York City.<sup>24</sup> ACC is the largest pet organization in the northeast and it takes in nearly 29,000 animals per year.<sup>25</sup> ACC is an open-admissions shelter system that does not turn animals away based on age, breed, health, behavior, or aggressive tendencies, and it performs numerous services, including receiving, adoption, sheltering, spay and neutering, lost and found services, owner-requested euthanasia and stray animal pick-up.<sup>26</sup>

In calendar year 2018, ACC received 28,706 animals, including dogs, cats, rabbits and other animals, into its shelters. Of those animals, 7,385 were adopted, another 12,923 were transferred to other shelters through the New Hope program,<sup>27</sup> and 1,725 pets were returned to their owner.<sup>28</sup> Excluding owner-requested euthanasia, 945 cats and 669 dogs were euthanized in 2018.<sup>29</sup> ACC's live release rate for cats and dogs was 92.5 percent in 2018, meaning the animals were either adopted, reunited or transferred to placement partners.<sup>30</sup>

ACC's Board of Directors consists of 13 members, including three ex officio members from DOHMH, Department of Parks and Recreation, and the New York Police Department. Seven members are appointed by the Administration and three are appointed by the ACC Board.<sup>31</sup>

In 2000, the City Council passed Local Law 26, the Animal Shelters and Sterilization Act.<sup>32</sup> The primary provisions of this law required a full-service animal shelter to exist in each of the five boroughs and mandated

<sup>17</sup> Scientific Committee on Animal Health and Animal Welfare. "Welfare aspects of the production of foie gras in ducks and geese," For the European Commission Dec. 16 1998

<sup>18</sup> Ramirez. "Animal Rights Groups ask New York to Ban Foie Gras" June 22, 2006. Available at:

<https://www.nytimes.com/2006/06/22/nyregion/22ducks.html>

<sup>19</sup> Baker, Luke. "French foie gras makers fed up y toughened California ban" *Reuters* Pub. January 17, 2019. Available at:

<https://www.reuters.com/article/us-france-california-foie-gras/french-foie-gras-makers-fed-up-by-toughened-california-ban-idUSKCN1PB1IH>

<sup>20</sup> Cal. Health & Safety Code §§ 25980-84.

Gibson, Kate. "New York City may join California in banning the sale of fattened duck and goose liver – aka foie gras" *CBS news*. Pub. February 5, 2019. Available at: <https://www.cbsnews.com/news/foie-gras-ban-proposed-for-new-york-city-restaurants-and-food-vendors/>

<sup>21</sup> See Health Code § 161.01 (a)(1) (prohibiting the possession of wild animals) and (b)(11) (defining ducks and geese as wild animals).

<sup>22</sup> "Foie gras ban proposed in New York City." Feb. 4, 2019. Available at: <https://www.independent.co.uk/life-style/food-and-drink/foie-gras-ban-new-york-animal-cruelty-illegal-law-a8762771.html>

<sup>23</sup> "City Bill would ban foie gras in New York City for animal cruelty." Feb. 3, 2019. Available at: <https://nypost.com/2019/02/03/state-bill-would-ban-foie-gras-in-new-york-for-animal-cruelty/>

<sup>24</sup> Animal Care Centers of New York City, About Us, <https://www.nycacc.org/about>.

<sup>25</sup> Animal Care Centers of NYC, Board Meeting, January 23, 2019,

[https://www.nycacc.org/sites/default/files/pdfs/boardmeetings/01232019\\_BoardPresentation.pdf](https://www.nycacc.org/sites/default/files/pdfs/boardmeetings/01232019_BoardPresentation.pdf).

<sup>26</sup> Animal Care Centers of New York City, *Services*, <https://www.nycacc.org/services>.

<sup>27</sup> N.Y. City Dep't of Health & Mental Hygiene, 2018 Annual Report to the Council on Animal Care Centers of New York City, March 29, 2019; In partnership with the Mayor's Alliance for New York City Animals ("Mayor's Alliance"), ACC created the New Hope program, through which ACC provides animals to Mayor's Alliance member organizations to facilitate the adoption of animals.

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

<sup>29</sup> Animal Care Centers of New York City, Annual Asilomar Report, 1/1/2018 to 12/31/2018, available at

<https://www.nycacc.org/sites/default/files/pdfs/stats/Asilomar/2018/Year2018Asilomar.pdf>.

<sup>30</sup> *Id.*

<sup>31</sup> Risa Weinstock, *Animal Care Center of NYC a Leader in Animal Sheltering: History of Progress through 2018*, Briefing for Elected Officials, Jan. 16, 2018, available at: <https://www.nycacc.org/about/leadership>

<sup>32</sup> NYC Admin. Code §§ 17-801 *et seq.* (2000).

the sterilization of dogs and cats adopted from animal shelters or purchased from pet shops.<sup>33</sup> A “full-service shelter” was defined as one that accepts dogs and cats 24 hours per day, seven days per week; has an adoption program seven days a week; and provides veterinary services.<sup>34</sup>

In 2002, the Animal Shelters and Sterilization Act was amended by Local Law 12, which extended the date for the acquisition of sites for the Bronx and Queens shelters until July 1, 2004.<sup>35</sup> The shelters were to be fully operational by July 1, 2006.<sup>36</sup> The 2002 law also required DOHMH to report to the Council the number of animals euthanized each month.<sup>37</sup>

On July 27, 2011, Mayor Michael Bloomberg, City Council Speaker Christine Quinn, Council Member Jessica Lappin, DOHMH Commissioner Thomas Farley, and several animal rights organizations announced an agreement to enhance services for shelter animals.<sup>38</sup> As part of the agreement, the Bloomberg Administration committed to increasing its investment in animal shelters by nearly \$10 million over three years, with the budget for animal shelters expected to top \$12 million dollars by 2014, a 77% increase from the 2011 amount.<sup>39</sup> The increased budget would allow for the hiring of up to 100 additional shelter employees to greatly improve the quality of care for animals at the shelters. This additional investment was made possible, in part, by repealing the requirement that there be full-service animal shelters in every borough.<sup>40</sup>

Local Law 59 of 2011 imposed several transparency requirements to the previously existing annual report that DOHMH was required to provide to the City Council and the Mayor, codified many of the details of the 2011 announcement, and repealed the requirement that there be a full service shelter in every borough.<sup>41</sup> Instead, full service shelters operating 12 hours a day, seven days a week were required in three boroughs, one of which would be required to receive animals from the public 24 hours a day.<sup>42</sup>

Additional funding provided by the City since 2011 allowed ACC to hire veterinarians, veterinary technicians, staff to support adoptions and field staff to expand rescue, response and transport services.<sup>43</sup> By January 2014, ACC staff had increased 71 percent since Local Law 59 was adopted in 2011.<sup>44</sup> A new medical director was also hired in January 2014 after four years of this position being vacant.<sup>45</sup>

At a City Council hearing in 2015, then DOHMH Commissioner Mary Bassett testified that “there is a commitment on the part of this administration to full service shelters in all boroughs.”<sup>46</sup> Since then, DOHMH has dedicated \$98 million in its capital plan for the construction and renovation of the City’s Animal Care Centers. On January 23, 2018, the de Blasio Administration announced the location of a new, full service

<sup>33</sup> See LL 26/2000, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=433022&GUID=E2ADA1B8-AA24-471E-8050-53E3E1B25B35&Options=ID|Text|&Search=26>; See also Comm. on Health, Council of the City of N.Y., *Proposed Int. No. 567-A, Committee Report of the Human Services Division*, Apr. 13, 2000, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=433022&GUID=E2ADA1B8-AA24-471E-8050-53E3E1B25B35&Options=ID|Text|&Search=26>.

<sup>34</sup> See LL 26/2000, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=433022&GUID=E2ADA1B8-AA24-471E-8050-53E3E1B25B35&Options=ID|Text|&Search=26>; See also Comm. on Health, Council of the City of N.Y., *Proposed Int. No. 567-A, Committee Report of the Human Services Division*, Apr. 13, 2000, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=433022&GUID=E2ADA1B8-AA24-471E-8050-53E3E1B25B35&Options=ID|Text|&Search=26>.

<sup>35</sup> Comm. on Health, Council of the City of N.Y., *Proposed Int. No. 234, Committee Report of the Human Services Division*, June 21, 2002, <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=438245&GUID=938412CA-3451-4CBA-A6CA-8629E7EE403B>.

<sup>36</sup> *Id.* at 4.

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

<sup>38</sup> *Supra*, Note **Error! Bookmark not defined.**

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

<sup>40</sup> *Id.*

<sup>41</sup> See LL 59/2011, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=967788&GUID=4371EAF2-8E60-4210-A88D-90C7488B5736&Options=ID|Text|&Search=59>.

<sup>42</sup> *Id.*

<sup>43</sup> N.Y. City Dep’t of Health & Mental Hygiene, *2013 Annual Report to the Council on Animal Care and Control*, Feb. 28, 2014.

<sup>44</sup> *Id.*

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

<sup>46</sup> N.Y. City Dep’t of Health & Mental Hygiene Testimony, New York City Council Health Committee Executive Budget Hearing Transcript, May 20, 2015, p. 123, <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2280273&GUID=F385A6C0-2B44-4DA0-BEB0-8E31305F88CC>.

animal shelter in the Baychester neighborhood of the Bronx.<sup>47</sup> Subsequently, in early 2019, ACC secured the location for a full service animal shelter in Ridgewood, Queens.<sup>48</sup>

Finally, in June 2018, the Council passed Local Law 123, which requires DOHMH to ensure that full-service animal shelters are operated in all five boroughs by July 1, 2024.<sup>49</sup> The new shelter in the Bronx went through the City’s Uniform Land Use Review Procedure (ULURP), and was approved by the Council on November 14, 2018.<sup>50</sup>

## **BILL ANALYSIS**

### **INT. NO. 870-A:**

Int. No. 870-A would require any full-service animal shelter operated by New York City to post photographs of each adoptable animal within 3 days of receiving such animal, provided that the animal is medically and behaviorally well enough for adoption. It would also require the Department of Health and Mental Hygiene (DOHMH) to encourage non-full-service animal shelters to promote the placement of adoptable animals. This bill would take effect 30 days after it becomes law.

### **INT. NO. 1202-A**

Int. No. 1202-A would prohibit non-exempt individuals from taking or attempting to take any wild bird. Exempt individuals include law enforcement employees or other City employees acting in the scope of their duties, a person authorized by law or permit, or a person attempting to rescue a wild bird. Any person who unlawfully takes a wild bird would be subject to a misdemeanor and a fine of no more than \$1,000. This bill would take effect 60 days after it becomes law.

### **INT. NO. 1378-A**

Int. No. 1378-A would prohibit retail food establishments or food service establishments from storing, maintaining, selling, or offering to sell items produced from force-feeding birds or food containing such a force-fed product. The bill creates a rebuttable presumption that any item with a label or listed on the menu as “foie gras” is the product of force-feeding. Violators would be subject to a civil penalty between \$500 and \$2,000 per offense. This bill would go into effect 3 years after it becomes law.

### **INT. NO. 1425-A**

Int. No. 1425-A would prohibit carriage horses from being worked when the air temperature is 90 degrees Fahrenheit or above, or whenever the air temperature is 80 degrees Fahrenheit or above and the equine heat index is 150 or above. Equine heat index is defined as the sum of the air temperature, in degrees Fahrenheit, and the relative humidity at a particular point in time. This bill would take effect 60 days after it becomes law.

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<sup>47</sup> N.Y. City Office of the Mayor Press Release, *De Blasio Administration Announces Location of Bronx Animal Shelter and Upgrades to Brooklyn Shelter*, Jan. 23, 2018, <http://www1.nyc.gov/office-of-the-mayor/news/056-18/>.

<sup>48</sup> AM NY, *Ridgewood site to get full-service animal shelter*, February 21, 2019, available at <https://www.amny.com/real-estate/queens-animal-shelter-1.27552492>

<sup>49</sup> See LL 123/2018, <https://nyc.legistar.com/LegislationDetail.aspx?ID=3332217&GUID=27C37489-A416-42BB-81D6-65DD0494CC40&Options=ID|Text|&Search=animal+shelter>.

<sup>50</sup> See Resolution No. 623, 11/14/2018, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3719328&GUID=6B463D61-0040-4A5D-8FAA-4693881BEA64&Options=&Search=>.



**INT. NO. 1478-A**

Int. No. 1478-A would establish an Office of Animal Welfare, headed by a Director appointed by the Mayor. The Office would be vested with the power to advise and assist the Mayor in the coordination and cooperation between agencies relating to animal welfare administration, regulation, management, and programs; review and recommend budget priorities relating to animal welfare; prepare an annual animal welfare report; serve as liaison for the City regarding animal welfare; provide outreach and education on animal welfare programs and humane treatment of animals; and perform other duties the Mayor may assign. This local law would take effect 120 days after it becomes law.

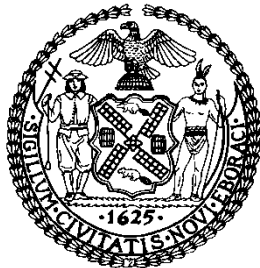
**INT. NO. 1498-A**

Int. No. 1498-A would require the New York City Police Department (NYPD) to publish semi-annual public reports on complaints and investigations of animal cruelty allegations. Specifically, NYPD would report on the number of animal cruelty complaints received and arrests issued. The bill would take effect 60 days after it becomes law.

**INT. NO. 1570-A**

Int. No. 1570-A would require that dogs entering kennels, businesses, or establishments need to be in compliance with the New York City Health Code, which requires the dog be vaccinated for bordetella. This bill would take effect 90 days after it becomes law.

**(The following is the text of the Fiscal Impact Statement for Int. No. 870-A:)**



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

**PROPOSED INTRO. NO: 870-A**

**COMMITTEE: Health**

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to adoption of shelter animals. **SPONSORS:** Council Members Borelli, Holden, Cumbo, Brannan and Kallos.

**SUMMARY OF LEGISLATION:** This bill would require any full-service animal shelter operated by New York City to post photographs of each adoptable animal in its possession, including but not limited to age and sex, within three days of receiving such animal, provided that the animal is medically and behaviorally well enough to do so. It would also require the Department of Health and Mental Hygiene to encourage non-full-service animal shelters to promote the placement of adoptable animals.

**EFFECTIVE DATE:** This local law would take effect 30 days after it becomes law.

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

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY21</b>	<b>Full Fiscal Impact FY21</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that the proposed legislation would not affect revenues.

**IMPACT ON EXPENDITURES:** It is anticipated that the proposed legislation would not affect expenditures resulting from the enactment of Proposed Intro. 870-A as the relevant City agencies would utilize existing resources to fulfill the requirements of this legislation.

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

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

**ESTIMATE PREPARED BY:** Lauren Hunt, Financial Analyst

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

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council as Int. No. 870 on May 9, 2018 and was referred to the Committee on Health (the “Committee”). A hearing was held by the Committee on June 18, 2019 and the bill was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. 870-A, will be voted on by the Committee at a hearing on October 29, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 870-A will be submitted to the full Council for a vote on October 30, 2019.

**DATE PREPARED:** October 24, 2019.

(For text of Int. Nos. 1202-A, 1378-A, 1425-A, and 1478-A and their Fiscal Impact Statements, please see the Report of the Committee on Health for Int. Nos. 1202-A, 1378-A, 1425-A, and 1478-A, respectively, printed in these Minutes; for text of Int. No. 870-A, please see below)

*Accordingly, this Committee recommends the adoption of Int. Nos. 870-A, 1202-A, 1378-A, 1425-A, and 1478-A.*

**(The following is the text of Int. No. 870-A:)**

Int. No. 870-A

By Council Members Borelli, Holden, Cumbo, Brannan, Kallos, Lander, Yeger, Vallone, Ayala, Deutsch and Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to adoption of shelter animals**

*Be it enacted by the Council as follows:*

Section 1. Section 17-802 of title 17 of the administrative code of the city of New York is amended by adding a new subdivision k to read as follows:

*k. “Adoptable animal” means any companion animal subject to adoption as defined in subdivision a of this section.*

§ 2. Chapter 8 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-816 to read as follows:

*§ 17-816 Promotion of adoptable animals. Any full-service animal shelter operated by New York city shall post photographs of, and relevant information about, each adoptable animal in its possession, including but not limited to age and sex, within three days of receiving such animal, provided that such animal is not affected by a medical or behavioral condition that makes it unsafe or unsuitable for photographing. The department shall encourage any other animal shelter that holds a permit under section 161.09 of the New York City health code to make its best efforts to promote the placement of adoptable animals.*

§ 3. This local law takes effect 30 days after it becomes law, except that the commissioner may take such actions as are necessary to implement this local law, including the promulgation of rules, before such date.

MARK D. LEVINE, *Chairperson*; MATHIEU EUGENE; ANDREW COHEN, ALICKA AMPRY-SAMUEL, ROBERT HOLDEN, KEITH POWERS; Committee on Health; October 29, 2019.

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. 1202-A

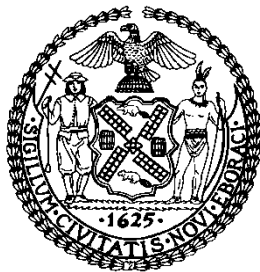
**Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to prohibiting the trafficking of wild birds.**

The Committee on Health, to which the annexed proposed amended local law was referred on October 31, 2018 (Minutes, page 4229), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Health for Int. No. 870-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 1202-A:*



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

**PROPOSED INTRO. NO: 1202-A**

**COMMITTEE: Health**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the trafficking of wild birds.

**SPONSORS:** Council Members Rivera, Brannan, Cohen, Dromm, Maisel, Powers, Richards, Chin, Kallos, Ulrich, and the Public Advocate (Mr. Williams).

**SUMMARY OF LEGISLATION:** This bill would prohibit non-exempt individuals from taking or attempting to take any wild bird. Exempt individuals would include law enforcement employees or other City employees acting in the scope of their duties, a person authorized by law or permit, or a person attempting to rescue a wild bird. Any person who unlawfully takes a wild bird is subject to a misdemeanor and a fine of no more than \$1,000, or imprisonment for no more than one year, or both, for each violation.

**EFFECTIVE DATE:** This local law would take effect 60 days after it becomes law.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY21</b>	<b>Full Fiscal Impact FY21</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that the proposed legislation would not affect revenues.

**IMPACT ON EXPENDITURES:** It is anticipated that the proposed legislation would not affect expenditures resulting from the enactment of Proposed Intro. 1202-A because the relevant City agencies would utilize existing resources to fulfill the requirements of this legislation.

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

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

**ESTIMATE PREPARED BY:** Lauren Hunt, Financial Analyst

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

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council as Int. No. 1202 on October 31, 2018 and was referred to the Committee on Health (“Committee”). A hearing was held by Committee on June 18, 2019 and the bill was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. 1202-A, will be voted on by the Committee at a hearing on October 29, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 1202-A will be submitted to the full Council for a vote on October 30, 2019.

**DATE PREPARED:** October 24, 2019.

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

**(The following is the text of Int. No. 1202-A:)**

## Int. No. 1202-A

By Council Members Rivera, Brannan, Cohen, Dromm, Maisel, Powers, Richards, Chin, Kallos, Lander, Vallone, Ayala, Ulrich and the Public Advocate (Mr. Williams).

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the trafficking of wild birds**

*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 17-200 to read as follows:

*§ 17-200 Prohibited acts with respect to wild birds. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Take. The term "take" means to harry, bait, net, snare, trap, capture, hunt, shoot, injure or kill.*

*Wild bird. The term "wild bird" means any bird, including a pigeon, that lives in the wild or in an undomesticated state.*

*b. Prohibited acts. No person other than an exempt person may take or attempt to take, or possess or attempt to possess, any wild bird. Provided, however, that this subdivision shall not apply to the persons and entities specified in subdivision d of this section.*

*c. Penalty. 1. Any person convicted of any prohibited act set forth in subdivision b of this section is guilty of a misdemeanor and subject to a fine of no more than \$1,000, or imprisonment for no more than one year, or both, for each violation.*

*2. The penalties provided in this section shall not preclude the imposition of any other penalty provided for by law.*

*d. Exempt persons. The penalties provided for in this section shall not apply:*

*1. To an employee of a law enforcement agency or of the department of parks and recreation when such employee is acting within the scope of their duties; or*

*2. To any person authorized by law, or by permit, license, or privilege issued or granted by the department of environmental conservation or by the department; or*

*3. To any other agency or person authorized to take, possess, receive, transport, buy or sell any wild bird, provided that such agency or person has not violated the terms of the provision of law or permit, license, or privilege which authorized such person to take, possess, receive, transport, buy or sell such wild bird; or*

*4. To any person attempting to rescue a wild bird that appears to be injured or endangered with the intention of transporting it to a place where it can be treated, provided that such attempt is not otherwise prohibited by law.*

*§ 2. This local law takes effect 60 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.*

MARK D. LEVINE, *Chairperson*; MATHIEU EUGENE; ANDREW COHEN, ALICKA AMPRY-SAMUEL, ROBERT HOLDEN, KEITH POWERS; Committee on Health; October 29, 2019.

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. 1378-A

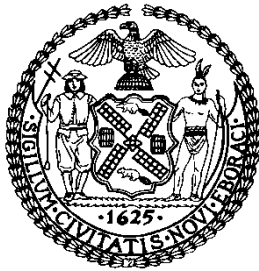
**Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to banning the sale or provision of certain force-fed poultry products.**

The Committee on Health to which the annexed proposed amended local law was referred on January 24, 2019 (Minutes, page 294), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Health for Int. No. 870-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 1378-A:*



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

**LATONIA MCKINNEY, DIRECTOR  
FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 1378-A**

**COMMITTEE: Health**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to banning the sale or provision of certain force-fed poultry products.

**SPONSORS:** Council Members Rivera, Lander, Brannan, Holden, Rodriguez, Cabrera, Cohen, Rosenthal, Ayala, Espinal, Jr, the Public Advocate (Mr. Williams, Levine, Constantinides, Levin, Chin, Ampry-Samuel, Maisel, Menchaca, Grodenchik, Koslowitz, Reynoso, Vallone, Adams, Louis, Richards, Cornegy, Van Bramer, and Ulrich.

**SUMMARY OF LEGISLATION:** This bill would prohibit retail food establishments or food service establishments from storing, maintaining, selling, or offering to sell force-fed products or food containing a force-fed product. The bill would create a rebuttable presumption that any item with a label or listed on the menu as “foie gras” is the product of force-feeding. Violators would be subject to a civil penalty between \$500 and \$2,000 per offense.

**EFFECTIVE DATE:** This local law would take effect three years after it becomes law.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY23</b>	<b>FY Succeeding Effective FY24</b>	<b>Full Fiscal Impact FY24</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that the proposed legislation would not affect revenues.

**IMPACT ON EXPENDITURES:** It is anticipated that the proposed legislation would not affect expenditures resulting from the enactment of Proposed Intro 1378-A because the relevant City agencies would utilize existing resources to fulfill the requirements of this legislation.

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

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

**ESTIMATE PREPARED BY:** Lauren Hunt, Financial Analyst

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

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council as Int. No. 1378 on January 24, 2019 and was referred to the Committee on Health (“Committee”). A hearing was held by the Committee on June 18, 2019 and the bill was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. 1378-A, will be voted on by the Committee at a hearing on October 29, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 1378-A will be submitted to the full Council for a vote on October 30, 2019.

**DATE PREPARED:** October 24, 2019.

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

**(The following is the text of Int. No. 1378-A:)**

Int. No. 1378-A

By Council Members Rivera, Lander, Brannan, Holden, Rodriguez, Cabrera, Cohen, Rosenthal, Ayala, Espinal, the Public Advocate (Mr. Williams), Levine, Constantinides, Levin, Chin, Ampry-Samuel, Maisel, Menchaca, Grodenchik, Koslowitz, Reynoso, Vallone, Adams, Louis, Richards, Cornegy, Van Bramer, Powers, Dromm and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to banning the sale or provision of certain force-fed poultry products**

*Be it enacted by the Council as follows:*

Section 1. Title 17 of the administrative code of the city of New York is amended by adding a new chapter 19 to read as follows:

*CHAPTER 19  
FORCE-FED PRODUCTS*

*§ 17-1901 Definitions.*

*§ 17-1902 Prohibited conduct.*

*§ 17-1903 Enforcement.*

*§ 17-1901 Definitions. For the purposes of this chapter, the following terms have the following meanings:*

*Food service establishment. The term “food service establishment” means a place where food is provided for individual portion service directly to the consumer whether such food is provided free of charge or sold, and whether consumption occurs on or off the premises or is provided from a pushcart, stand or vehicle.*

*Force-fed product. The term “force-fed product” means any product that is the result of force-feeding a bird, including but not limited to a duck or a goose, with the intent to fatten or enlarge the bird’s liver.*

*Force-feeding. The term “force-feeding” means the practice of forcing, by any means, food or supplements into the throat, esophagus, crop or stomach of an animal.*

*Retail food establishment. The term “retail food establishment” means a supermarket, grocery store, specialty food store or farmer’s market.*

*§ 17-1902 Prohibited conduct. No retail food establishment or food service establishment, or agent thereof, shall store, keep, maintain, offer for sale, or sell any force-fed product or food containing a force-fed product. For purposes of this chapter, it shall be a rebuttable presumption that an item in a retail food establishment or food service establishment having the label “foie gras” or listed on a menu as “foie gras” is a force-fed product. A party seeking to rebut such presumption shall provide documentary evidence proving that the product they are storing, keeping, maintaining, offering for sale, or selling is not a force-fed product as defined in this chapter.*

*§ 17-1903 Enforcement. a. Any person who is found to violate any provision of this chapter shall be subject to a civil penalty of not less than \$500 and not more than \$2,000 for each violation. Each such violation may be treated as a separate and distinct offense, and in the case of a continuing violation, each day’s continuance thereof may be treated as a separate and distinct offense.*

*b. The department shall commence a proceeding to recover a civil penalty in connection with a food service establishment by service of notice of violation returnable at the office of administrative trials and hearings or within any agency of the city designated to conduct such proceedings. The department of consumer affairs shall commence a proceeding to recover a civil penalty in connection with a retail food establishment by service of a notice of violation returnable at the office of administrative trials and hearings or within any agency of the city designated to conduct such proceedings.*

§ 2. This local law takes effect 3 years after it becomes law, except that the department of health and mental hygiene and the department of consumer affairs shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

MARK D. LEVINE, *Chairperson*; MATHIEU EUGENE; ANDREW COHEN, ALICKA AMPRY-SAMUEL, ROBERT HOLDEN, KEITH POWERS; Committee on Health; October 29, 2019.

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. 1425-A

**Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to making it unlawful to work carriage horses in certain conditions.**

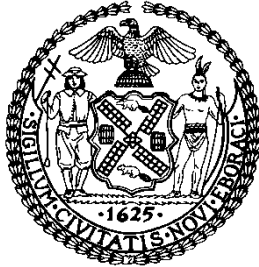
The Committee on Health, to which the annexed proposed amended local law was referred on February 13, 2019 (Minutes, page 471), respectfully

**REPORTS:**



(For text of report, please see the Report of the Committee on Health for Int. No. 870-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 1425-A:*



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

**PROPOSED INTRO. NO:** 1425-A

**COMMITTEE:** Health

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to making it unlawful to work carriage horses in certain conditions.

**SPONSORS:** Council Members Powers, Rosenthal, Richards, Cabrera, Holden, Levine, Chin, Ayala, Vallone, Brannan, the Public Advocate (Mr. Williams), Rivera, Reynoso, Rodriguez, Cumbo, Koslowitz, Adams, Lander, Ampry-Samuel, Perkins, Torres, and Menchaca.

**SUMMARY OF LEGISLATION:** This bill would prohibit carriage horses from being worked when the air temperature is 90 degrees Fahrenheit or above, or whenever the air temperature is 80 degrees Fahrenheit or above and the equine heat index is 150 or above. Equine heat index is defined as the sum of the air temperature, in degrees Fahrenheit, and the relative humidity at a particular point in time.

**EFFECTIVE DATE:** This local law would take effect 60 days after it becomes law.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY21</b>	<b>Full Fiscal Impact FY20</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$150,000	\$150,000	\$150,000
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that the proposed legislation would not affect revenues.

**IMPACT ON EXPENDITURES:** It is anticipated that the proposed legislation would increase expenditures to \$150,000 in Fiscal 2020 and out years to hire additional staff to enforce suspension of work required in the enactment of Proposed Intro 1425-A.

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

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

**ESTIMATE PREPARED BY:** Lauren Hunt, Financial Analyst

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

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council as Int. No. 1425 on February 13, 2019 and was referred to the Committee on Health (“Committee”). A hearing was held by the Committee on June 18, 2019 and the bill was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. 1425-A, will be voted on by the Committee at a hearing on October 29, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 1425-A will be submitted to the full Council for a vote on October 30, 2019.

**DATE PREPARED:** October 24, 2019.

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

**(The following is the text of Int. No. 1425-A:)**

Int. No. 1425-A

By Council Members Powers, Rosenthal, Richards, Cabrera, Holden, Levine, Chin, Ayala, Vallone, Brannan, the Public Advocate (Mr. Williams), Rivera, Reynoso, Rodriguez, Cumbo, Adams, Lander, Ampry-Samuel, Perkins, Torres, Menchaca and Levin.

**A Local Law to amend the administrative code of the city of New York, in relation to making it unlawful to work carriage horses in certain conditions**

*Be it enacted by the Council as follows:*

Section 1. Section 17-326 of the administrative code of the city of New York is amended to read as follows:

§ 17-326 Definitions. Whenever used in this subchapter, the following terms [shall] have the following meanings:

[(a) “] *ASPCA. The term “ASPCA” means the American Society for the Prevention of Cruelty to Animals.*

*Carriage horse. The term “carriage horse” means any horse which is used by its owner or any other person to pull any vehicle, carriage, sled, sleigh or other device in exchange for a fee. A horse rented or leased by its owner to another for any of the foregoing purposes shall be deemed to be a carriage horse for the purposes of this subchapter. A horse used for any other purpose shall not be deemed to be a carriage horse for the purposes of this subchapter.*

*Equine heat index. The term “equine heat index” means the sum of the air temperature, in degrees Fahrenheit, and the relative humidity at a particular point in time.*

*Owner. The term “owner” means the owner of a horse which is required to be licensed pursuant to this subchapter and the owner of a rental horse business in which such horse is used.*

*Person. The term “person” means an individual, partnership, corporation, association or other legal entity.*

[(b) “] *Relative humidity. The term “relative humidity” means the value, expressed as a percentage, determined by a device designed to measure relative humidity*

*Rental horse. The term “rental horse” means a horse which is used in a rental horse business.*

*Rental horse business. The term “rental horse business” means a business enterprise which provides or offers the use of a horse to the public for a fee for the purpose of riding or drawing a horse drawn vehicle or which operates a horse drawn vehicle for hire such as a horse drawn cab.*

*Riding horse. The term “riding horse” means a horse which is available to the public for a fee for the purpose of riding.*

*Stable.* The term “stable” means any place, establishment or facility where one or more rental horses are housed or maintained.

*Under tack.* The term “under tack” means that a horse is equipped for riding or driving.

*Veterinarian.* The term “veterinarian” means a person licensed to practice veterinary medicine in the state of New York.

(c) “Work,” a] *Work.* A horse is considered to be at [work] “work” when it is out of its stable and presented to the public as being available for riding, pulling carriages, vehicles or other devices, or when it is saddled or in harness or when it is being ridden or is pulling a carriage, vehicle or device.

(d) “Owner” means the owner of a horse which is required to be licensed pursuant to this subchapter and the owner of a rental horse business in which such horse is used.

(e) “Riding horse” means a horse which is available to the public for a fee for the purpose of riding.

(f) “Carriage horse” means any horse which is used by its owner or any other person to pull any vehicle, carriage, sled, sleigh or other device in exchange for a fee. A horse rented or leased by its owner to another for any of the foregoing purposes shall be deemed to be a carriage horse for the purposes of this subchapter.

(g) “Rental horse business” means a business enterprise which provides or offers the use of a horse to the public for a fee for the purpose of riding or drawing a horse drawn vehicle or which operates a horse drawn vehicle for hire such as a horse drawn cab.

(h) “Rental horse” means a horse which is used in a rental horse business.

(i) “Under tack” means that a horse is equipped for riding or driving.

(j) “ASPCA” means the American Society for the Prevention of Cruelty to Animals.

(k) “Stable” means any place, establishment or facility where one or more rental horses are housed or maintained.]

§ 2. Paragraphs 2, 3, 4 and 5 of subdivision o of section 17-330 of the administrative code of the city of New York, as added by local law number 2 for the year 1994, are amended to read as follows:

2. Carriage horses shall not be worked whenever (i) the air temperature is 90 degrees [fahrenheit] *Fahrenheit* or above, or (ii) the air temperature is 80 degrees *Fahrenheit* or above and the equine heat index is 150 or above.

3. For purposes of this subdivision, *air* temperatures shall be those measured by a state-of-the-art thermometer, as determined by the commissioner[, as]. *Relative humidity shall be determined by a state-of-the-art hygrometer or any other device having the same capability to measure relative humidity, as determined by the commissioner. Air temperatures and relative humidity shall be measured by the commissioner or [his or her] the commissioner’s* designee at street level at one of the stands designated pursuant to section 19-174 [of the code].

4. If [the temperature exceeds the limits set by] *either of the limits set by paragraph 2 of this subdivision are exceeded* during the course of a particular ride, at the ride’s conclusion, but no later than one-half hour after [the temperature exceeds] *either of these limits are exceeded*, the operator must immediately cease working, move the horse to an area of shelter, where available, rest the horse and then walk it directly to its stable. All horses so returned to their stable must be unbridled and unharnessed and remain at the stable for at least one hour, and thereafter, until such time as the weather conditions shall once again reach acceptable limits.

5. No violation of this subdivision shall occur unless a written warning of violation is first issued by the authorized enforcement personnel to the operator advising that *either of the [air temperature] limits set in paragraph 2 of this subdivision have been exceeded* and directing that the operator cease working a carriage horse in accordance with the provisions of this subdivision. A violation of this subdivision may be issued if an operator fails to comply with the direction contained in the written warning of violation. Failure to comply with such direction shall not be construed as a separate violation.

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

MARK D. LEVINE, *Chairperson*; MATHIEU EUGENE; ANDREW COHEN, ALICKA AMPRY-SAMUEL, ROBERT HOLDEN, KEITH POWERS; Committee on Health; October 29, 2019.

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. 1478-A

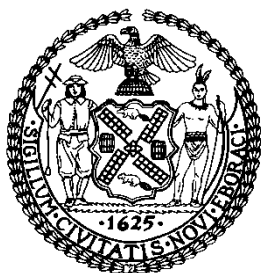
**Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to the establishment of an office of animal welfare.**

The Committee on Health, to which the annexed proposed amended local law was referred on March 28, 2019 (Minutes, page 966), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Health for Int. No. 870-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 1478-A:*



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

**PROPOSED INTRO. NO: 1478-A**

**COMMITTEE: Health**

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**TITLE:** A Local Law to amend the New York city charter, in relation to the establishment of an office of animal welfare.

**SPONSORS:** Council Members Brannan, Holden, Koslowitz, Lander, Powers, Kallos, Adams, Dromm, Rosenthal, Cabrera, Levine, Moya, Reynoso, Grodenchik, Chin, Richards, and Cornegy.

**SUMMARY OF LEGISLATION:** This bill would establish an Office of Animal Welfare (“Office”), headed by a Director appointed by the Mayor. The Office would be vested with the power to advise and assist the Mayor in the coordination and cooperation between agencies relating to animal welfare administration, regulation, management, and programs; review and recommend budget priorities relating to animal welfare; prepare an annual animal welfare report; serve as liaison for the City regarding animal welfare; provide outreach and education on animal welfare programs and humane treatment of animals; and perform other duties the Mayor may assign.

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

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

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY21</b>	<b>Full Fiscal Impact FY21</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that the proposed legislation would not affect revenues.

**IMPACT ON EXPENDITURES:** It is anticipated that the proposed legislation would not affect expenditures resulting from the enactment of Proposed Intro. 1478-A as the relevant City agencies would utilize existing resources to fulfill the requirements of this legislation. Current staff are devoted for the purposes named in the legislation.

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

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

**ESTIMATE PREPARED BY:** Lauren Hunt, Financial Analyst

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

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council as Int. No. 1478 on March 28, 2019 and was referred to the Committee on Health (“Committee”). A hearing was held by the Committee on June 18, 2019 and the bill was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. 1478-A, will be voted on by the Committee at a hearing on October 29, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 1478-A will be submitted to the full Council for a vote on October 30, 2019.

**DATE PREPARED:** October 24, 2019.

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

**(The following is the text of Int. No. 1478-A:)**

Int. No. 1478-A

By Council Members Brannan, Holden, Koslowitz, Lander, Powers, Kallos, Adams, Dromm, Rosenthal, Cabrera, Levine, Moya, Reynoso, Grodenchik, Chin, Richards, Cornegy, Eugene, Vallone, Ayala and Rivera.

**A Local Law to amend the New York city charter, in relation to the establishment of an office of animal welfare**

*Be it enacted by the Council as follows:*

Section 1. The New York city charter is amended by adding a new chapter 23 to read as follows:

*CHAPTER 23  
OFFICE OF ANIMAL WELFARE*

§ 581. *Office of animal welfare.* The mayor shall establish an office of animal welfare. Such office may, but need not, be established in the executive office of the mayor and may be established as a separate office, within any other office of the mayor or within any department, the head of which is appointed by the mayor. Such office shall be headed by a director who shall be appointed by the mayor or the head of such department. For the purposes of this section, “director” means the director of the office of animal welfare. The director may appoint deputies and staff within available appropriations.

§ 582. *Powers and duties.* a. The director shall have the power to perform the following functions relating to animal welfare:

1. Advise and assist the mayor in the coordination and cooperation among agencies under the jurisdiction of the mayor that are involved in animal welfare administration, regulation, management or programs, including, but not limited to:

- (a) Animal shelters;
- (b) Sterilization, euthanizing and immunization of animals;
- (c) Animal population control;
- (d) Licensing and permitting of animals;
- (e) Restraining of animals;
- (f) Exotic animals;
- (g) Rental horse licensing and protection;
- (h) Dangerous dog regulation;
- (i) Boarding kennel regulation;
- (j) Animal abuse and animal abuse registry;
- (k) Pet shops;
- (l) Zoos, oceanariums, nature conservatories and wildlife refuges;
- (m) Disposal of deceased animals; and
- (n) Wildlife management;

2. Review, at the request of the mayor, the budget priorities of all agencies for programs related to animal welfare, and recommend to the mayor budget priorities among such programs;

3. No later than January 1, 2021 and annually thereafter, prepare and submit to the mayor and the speaker of the council an annual report of the animal welfare service and program needs in all five boroughs;

4. Serve as liaison for the city regarding animal welfare needs and concerns;

5. Provide outreach and education on animal welfare programs and the humane treatment of animals; and

6. Perform other duties as the mayor may assign.

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

MARK D. LEVINE, *Chairperson*; MATHIEU EUGENE; ANDREW COHEN, ALICKA AMPRY-SAMUEL, ROBERT HOLDEN, KEITH POWERS; Committee on Health; October 29, 2019.

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. 1498-A

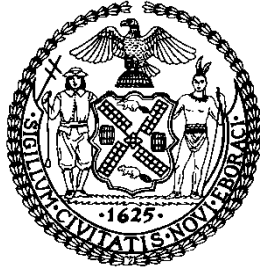
**Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the New York City police department to report data regarding animal cruelty complaints.**

The Committee on Health, to which the annexed proposed amended local law was re-referred on May 15, 2019 after being originally referred to the Committee on Public Safety on April 9, 2019 (Minutes, page 1351), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Health for Int. No. 870-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 1498-A:*



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

**PROPOSED INTRO. NO: 1498-A**

**COMMITTEE: Health**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the New York City Police Department to report data regarding animal cruelty complaints.

**SPONSORS:** Council Members Cabrera, Brannan, Holden, Moya, Cumbo, Powers and Kallos.

**SUMMARY OF LEGISLATION:** The bill would require the New York City Police Department (“Department”) to publish semi-annual public reports on complaints and investigation of animal cruelty allegations. Specifically, the Department would report on the number of animal cruelty complaints received and arrests issued.

**EFFECTIVE DATE:** This local law would take effect 60 days after it becomes law.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY21</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 anticipated that the proposed legislation would not affect revenues.

**IMPACT ON EXPENDITURES:** It is anticipated that the proposed legislation would not affect expenditures resulting from the enactment of Proposed Intro. 1498-A as the relevant City agencies would utilize existing resources to fulfill the requirements of this legislation.

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

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

**ESTIMATE PREPARED BY:** Lauren Hunt, Financial Analyst

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

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council as Int. No. 1498 on April 9, 2019 and was referred to the Committee on Health (“Committee”). On May 15, 2019, Int. No. 1498 was re-referred to the Committee and a hearing was held by on June 18, 2019, where the bill was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. 1498-A, will be voted on by the Committee at a hearing on October 29, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 1498-A will be submitted to the full Council for a vote on October 30, 2019.

**DATE PREPARED:** October 24, 2019.

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

**(The following is the text of Int. No. 1498-A:)**

Int. No. 1498-A

By Council Members Cabrera, Brannan, Holden, Moya, Cumbo, Powers, Kallos, Eugene, Vallone, Ayala, Deutsch and Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the New York City police department to report data regarding animal cruelty complaints**

*Be it enacted by the Council as follows:*

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-182 to read as follows:

§ 14-182 *Data regarding animal cruelty complaints.* a. *For the purposes of this section, the term “animal cruelty” means a violation of sections 17-197 or 17-330 or of any of the provisions of article 26 of the agriculture and markets law.*

b. *The department shall publish on its website on a semi-annual basis, no later than January 30 and July 30 of each year beginning in 2020, the following data regarding animal cruelty complaints:*

*(1) the number of complaint reports the department receives alleging an act of animal cruelty and*

*(2) the number of arrests made as a result of responses by the department to complaints of animal cruelty.*

*The data required pursuant to this section shall be disaggregated by police precinct.*

§ 2. This local law takes effect 60 days after it becomes law.

MARK D. LEVINE, *Chairperson*; MATHIEU EUGENE; ANDREW COHEN, ALICKA AMPRY-SAMUEL, ROBERT HOLDEN, KEITH POWERS; Committee on Health; October 29, 2019.

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. 1570-A

**Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the bordetella vaccination for dogs.**

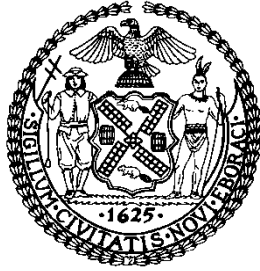


The Committee on Health, to which the annexed proposed amended local law was referred on May 29, 2019 (Minutes, page 1912), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Health for Int. No. 870-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 1570-A:*



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

**PROPOSED INTRO. NO: 1570-A**

**COMMITTEE: Health**

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the bordetella vaccination for dogs. **SPONSORS:** Council Members Levine, Cumbo, and Powers.

**SUMMARY OF LEGISLATION:** This bill would ensure that dogs entering kennels, businesses, or establishments be in compliance with the New York City Health Code, which requires that dogs be vaccinated for bordetella.

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

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

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY21</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 anticipated that the proposed legislation would not affect revenues.

**IMPACT ON EXPENDITURES:** It is anticipated that the proposed legislation would not affect expenditures resulting from the enactment of Proposed Intro 1570-A as the relevant City agencies would utilize existing resources to fulfill the requirements of this legislation.

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

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

**ESTIMATE PREPARED BY:** Lauren Hunt, Financial Analyst

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

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council as Int. No. 1570 on May 29, 2019 and was referred to the Committee on Health (“Committee”). A hearing was held by the Committee on June 18, 2019 and the bill was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. 1570-A, will be voted on by the Committee at a hearing on October 29, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 1570-A will be submitted to the full Council for a vote on October 30, 2019.

**DATE PREPARED:** October 24, 2019.

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

**(The following is the text of Int. No. 1570-A:)**

Int. No. 1570-A

By Council Members Levine, Cumbo, Powers, Vallone, Ayala and Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to the bordetella vaccination for dogs**

*Be it enacted by the Council as follows:*

Section 1. Section 17-366 of the administrative code of the city of New York, as added by local law 67 for the year 2005, is amended to read as follows:

§ 17-366 Proof of vaccination required. No dog shall be accepted at a boarding kennel, business or establishment unless the owner of such dog [provides proof to such facility, including but not limited to a health certificate, a bill or receipt from a veterinarian or other documentation acceptable to the department, that such animal has been vaccinated against rabies, distemper, hepatitis, para influenza and, parvo during the previous three years and against bordetella during the previous six months; provided that an owner of a dog shall not be required to provide proof of vaccination pursuant to this section if such owner provides a written statement from a veterinarian indicating that the dog of such owner should not be given such vaccination because of a standard veterinary contraindication and that such dog does not show symptoms of the disease or diseases for which such vaccination is contraindicated] *is in compliance with section 161.15(e) of the New York city health code.*

§ 2. This local law takes effect 90 days after it becomes law, except that the commissioner may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

MARK D. LEVINE, *Chairperson*; MATHIEU EUGENE; ANDREW COHEN, ALICKA AMPRY-SAMUEL, ROBERT HOLDEN, KEITH POWERS; Committee on Health; October 29, 2019.

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.

Report for Res. No. 1141

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

The Committee on Rules, Privileges and Elections, to which the annexed preconsidered resolution was referred on October 30, 2019, respectfully

**REPORTS:**

*In regard to:* **PRECONSIDERED RES. NO. 1141:** By Council Member Karen Koslowitz

**SUBJECT:** Preconsidered Resolution amending Rule 7.00 of the Rules of the Council in relation to proposed changes in membership to the Standing Committees of the Council.

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

See attached for the changes to membership.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 1141:)**

Preconsidered Res. No. 1141

**Resolution amending Rule 7.00 of the Rules of the Council in relation to changes in membership to the Standing Committees of the Council.**

By Council Member Koslowitz:

**RESOLVED**, pursuant to Rule 7.00(a) of the Rules of the Council, the Council does hereby consent to the following changes in Membership to certain Standing Committees.

**STANDING COMMITTEES****Civil Service and Labor**Rosenthal

[King]

**Civil and Human Rights**Barron

[Rodriguez]

**Criminal Justice**

[Levine]

[Richards]

**Cultural Affairs, Libraries and International Intergroup Relations**Gjonaj

[Koslowitz]

**Education**Miller

[King]

**Finance**Koslowitz**General Welfare**Holden**Immigration**

[Gjonaj]

[Miller]

**Land Use**

[King]

**Parks & Recreation**Levine

[King]

**Small Business**Rodriguez

[Dromm]

**State and Federal Legislation**Dromm

[King]

**Transportation**Cohen

**Youth Services**Perkins

[King]

KAREN KOSLOWITZ, *Chairperson*; MARGARET S. CHIN, VANESSA L. GIBSON, RAFAEL L. ESPINAL, Jr., RORY I. LANCMAN, RITCHIE J. TORRES, MARK TREYGER, ADRIENNE E. ADAMS, THE MINORITY LEADER (STEVEN MATTEO), THE SPEAKER (COUNCIL MEMBER COREY D. JOHNSON); Committee on Rules, Privileges and Elections, October 30, 2019.

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

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

Report for Res. No. 1142

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

The Committee on Rules, Privileges and Elections, to which the annexed preconsidered resolution was referred on October 30, 2019, respectfully

**REPORTS**

*In regard to:* **PRECONSIDERED RES. NO. 1142:** By Council Member Karen Koslowitz

**SUBJECT:** Preconsidered Resolution amending Rule 7.00(a) of the Rules of the Council in relation to dissolving a Standing Committee and transferring its jurisdiction.

**ANALYSIS:** Before the Committee, for its consideration, are proposed changes to the Rules of the Council.

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

**Chapter VII of the Rules of the Council**

The Resolution would amend the Rules of the Council by dissolving the Standing Committee on Juvenile Justice and transferring its jurisdiction to the Standing Committee on the Justice System.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 1142:)**

## Preconsidered Res. No. 1142

**Resolution amending Rule 7.00 of the Rules of the Council in relation to dissolving the Committee on Juvenile Justice and transferring its jurisdiction to the Standing Committee on the Justice System.**

By Council Member Koslowitz:

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

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

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

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

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

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

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

**CRIMINAL JUSTICE** – Department of Correction and Department of Probation.

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

**ECONOMIC DEVELOPMENT** - Economic Development.

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

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

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

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

**GENERAL WELFARE** - Human Resources Administration/Department of Social Services, Administration for Children's Services, Department of Homeless Services, and charitable institutions.

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

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

**HIGHER EDUCATION** - City University of New York.

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

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

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

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

**[JUVENILE JUSTICE** - Division of Youth and Family Justice within the Administration for Children's Services.]

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

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

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

**PARKS AND RECREATION** - Department of Parks and Recreation.

**PUBLIC HOUSING** - New York City Housing Authority.

**PUBLIC SAFETY** - Police Department and Civilian Complaint Review Board.

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

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

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

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

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

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

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

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

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

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

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

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

KAREN KOSLOWITZ, *Chairperson*; MARGARET S. CHIN, VANESSA L. GIBSON, RAFAEL L. ESPINAL, Jr., RORY I. LANCMAN, RITCHIE J. TORRES, MARK TREYGER, ADRIENNE E. ADAMS, THE MINORITY LEADER (STEVEN MATTEO), THE SPEAKER (COUNCIL MEMBER COREY D. JOHNSON); Committee on Rules, Privileges and Elections, October 30, 2019.

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).

#### **Rules Report section Special Supplement:**

(For text of the related final 10/30/2019 Standing Committees of the Council list, please refer to the Attachments section of the [Res. No. 1141 \(2019\)](#) file in the Search Legislation section of the New York City Council website [www.council.nyc.gov](http://www.council.nyc.gov) )



## Report of the Committee on Sanitation and Solid Waste Management

Report for Int. No. 1082-A

### **Report of the Committee on Sanitation and Solid Waste Management 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 global positioning systems in certain waste hauling vehicles.**

The Committee on Sanitation and Solid Waste Management, to which the annexed proposed amended local law was referred on August 8, 2018 (Minutes, page 3271), respectfully

#### **REPORTS:**

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

On October 29, 2019, the Committee on Sanitation and Solid Waste Management, chaired by Council Member Antonio Reynoso, will hold a second hearing on legislation related to the commercial waste industry. Proposed Int. No. 1082-A would require global positioning systems in certain waste hauling vehicles. Proposed Int. No. 1083-A would require a minimum fine for companies that receive violations for unreported employees. Proposed Int. No. 1573-A would add enforcement of environmental, public safety and health standards to the powers and duties of the Business Integrity Commission (BIC). Proposed Int. No. 1574-A would mandate the establishment of commercial waste zones.

The Committee previously held a hearing on these pieces of legislation on June 27, 2019, and received testimony from the New York City Department of Sanitation (“DSNY”), BIC, private waste carters, commercial waste industry workers, environmental advocates, local businesses, and interested members of the public. More information about these bills is available with the materials for that hearing, which can be accessed online at <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=705950&GUID=F199C70F-E429-4996-8E69-54FE407A6FE7&Options=info&Search=>.

##### **II. LEGISLATION**

**Proposed Int. No. 1082-A** would require global positioning system (GPS) devices in trucks that are used to collect waste in commercial waste zones. This local law would take effect on the same date and in the same manner as section 18 of a local law amending the administrative code of the city of New York in relation to the establishment of commercial waste zones, and to repeal sections 16-523 and 16-524 of such code, relating to a pilot of special trade waste removal districts, as proposed in introduction number 1574-A for the year 2019, takes effect.

**Proposed Int. No. 1083-A** would require the violation for companies that have unreported employees result in a minimum fine of \$1,000 and a maximum fine of \$10,000. A minimum fine of \$1,000 reflects the severity of the violation. This local law would take effect immediately.

**Proposed Int. No. 1573-A** would add enforcement of environmental, safety and health standards to the powers and duties of BIC. Additionally, it would add violations of law relating to the safety of the general public to the reasons a trade waste license could be suspended. This local law would take effect immediately.

**Proposed Int. No. 1574-A** would mandate the establishment of commercial waste zones. The waste zones would be based on the number and types of commercial establishments within the proposed zone; the amount and types of waste generated by commercial establishments within the proposed zones and the potential for achieving the city’s commercial waste reduction goals; the existing service patterns within the proposed zone and the potential for traffic and noise reduction; the types and estimated amounts of recyclable materials generated by commercial establishments; the estimated amount of organic waste within the proposed zone; the rates being charged to commercial establishments currently within the proposed zone; and the history of complaints concerning commercial waste collection within the proposed zone

DSNY would issue requests for proposals to conduct commercial waste removal in a commercial waste zone and, when evaluating proposals for zones, would consider the rates to be charged to establishments for waste collection; the nature and frequency of waste removal services to be provided; the customer service, waste reduction and waste management plans, including the total vehicle miles travelled, the use of solid waste transfer stations that utilize sustainable modes to transport waste, such as rail or barge, and other ways to promote the goals of sustainability, reliability, and equity; the plan to reduce air pollution and greenhouse gas emissions; the health and safety plan; the history of compliance with existing federal, state and local laws; the plan for customer communication efforts during the transition to commercial waste zone system; the plan to subcontract with any other carter and whether that subcontracting is consistent with the goals of the legislation; the proposer's history of operating in the City and the area within the waste zone; and the carter's financial statements.

DSNY would enter into an agreement with no more than three awardees per zone to conduct commercial waste removal. DSNY would also enter into agreements with no more than five awardees to provide for the collection, transport and removal of containerized commercial waste citywide. The agreements between DSNY and the designated carter would prohibit the carter from refusing to collect waste from a commercial establishment in its zone and must also include: the maximum rates to be charged; a requirement for a written service agreement between each customer and the designated carter; a requirement for organics collection services to be offered; a requirement that the designated carter provide customers with a monthly bill; specifications regarding GPS devices; additional reporting, including waste generation estimates or waste characterization studies; a requirement that the designated carter comply with their air pollution and greenhouse gas emission reduction plan, if any, customer service, waste reduction, waste management and health and safety plans as included in the proposal that was submitted; a requirement that the designated carter ensure that employees receive periodic health and safety training; a requirement that the awardee and any designated carters comply with the provisions of this title; a requirement that the designated carter prepare and submit a plan for emergencies; provisions addressing contingency planning to ensure continuity of service; options for subcontracting with no more than two designated carters, provided that subcontractors fully comply with all terms of the agreement; a requirement for designated carter to engage in public outreach and education; a requirement to utilize Small Business Service programs to promote employment opportunities for City residents; and a requirement that DSNY review and approve all contracts between the carter and subcontractors.

Each carter operating in a commercial waste zone would be mandated to maintain and make available to the department: (i) audited financial statements, (ii) ledgers, (iii) receipts, (iv) audits, (v) bills, (vi) customer complaints and other records related to the delivery of commercial waste removal, collection or disposal services, (vii) records related to vehicle maintenance and inspection, and (viii) records related to health and safety planning.

Additionally, each awardee would be mandated to comply with the terms of their customer service plan; enter into written service agreements with all customers; provide a consolidated monthly bill to all customers; offer third party waste audit services to all customers; comply with all other requirements as set forth in department rules related to standards for service; and accept only non-cash payment from customers, except as otherwise provided in such agreement and such rules.

This bill would also mandate the retention of employees in the case of a merger or acquisition of an awardee. The successor employer would be mandated to retain the eligible employees for a period of 90 days. This bill would also mandate that DSNY maintain a displaced employee list, and would allow carters to view the list upon request.

Additionally, this bill would mandate worker safety training, including collision avoidance, including defensive driving and best practices to avoid collisions with pedestrians, cyclists and other sensitive road users; pre-trip vehicle and equipment inspections; state and local traffic laws, including speed limits, yielding, and bus and bicycle lane restrictions; preventing distracted driving; navigating intersections and turns; backing up a commercial waste vehicle; best practices for safe collection stops; container management; hopper operation; fire prevention and response; and transporting and disposing of specialized waste or hazardous materials.

This bill would also mandate that the DSNY Commissioner to convene a safety training task force. The task force would make recommendations about personal protection equipment; safely working with and operating vehicle equipment and machines; handling heavy materials and proper lifting techniques; working

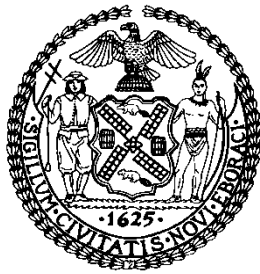
with hazardous chemicals or other materials; emergency action plans, fire prevention and fire protection; hazard communication; drug and alcohol awareness; first aid, including cardiopulmonary resuscitation (CPR) and automated external defibrillator (AED) use; whether and under what circumstances a person would be permitted to transfer safety training acquired or obtained under one employer to another employer.

The bill would also include whistleblower protections if a designated carter takes retaliatory personnel action if they believe someone is violating the provisions of this title.

The department would be mandated to engage in outreach and education to educate commercial establishments on the implementation of commercial waste zones. DSNY would also distribute a multilingual letter to all commercial establishments within a waste zone within 90 days of selecting the awardees.

This local law would take effect immediately, except as otherwise provided in the effective date section, and the commissioner of sanitation may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, immediately.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1082-A:)**



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

**PROPOSED INTRO. NO. 1082-A**

**COMMITTEE: Sanitation and Solid Waste  
Management**

**TITLE:** A Local Law to amend the administrative code of the city of New York in relation to requiring global positioning systems in certain waste hauling vehicles.

**SPONSORS:** Council Members Salamanca, Holden, Gibson, Kallos, Lancman and Lander.

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 1082-A would require that designated carters in commercial waste zones use trucks that are equipped with a global positioning system device. This device must meet the requirements of the department as set forth in any agreement with the department to collect, transport, and remove commercial waste or as otherwise specified in the rules of the department.

**EFFECTIVE DATE:** This local law would take effect on the same date and in the same manner as Proposed Intro. 1574-A for the year 2019, in relation to the establishment of commercial waste zones.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY21</b>	<b>Full Fiscal Impact FY21</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is estimated that there would be no impact on expenditures resulting from the enactment of this Legislation as all costs related to the implementation of this bill would be borne by private parties.

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

**SOURCES OF INFORMATION:** New York City Business Integrity Commission  
New York City Council Finance Division

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

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

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 1082 on August 8, 2018 and referred to the Committee on Sanitation and Solid Waste Management (Committee). The Committee heard the legislation on June 27, 2019 and it was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1082-A, will be considered by the Committee at a hearing on October 29, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 1082-A will be submitted to the full Council for a vote on October 30, 2019.

**DATE PREPARED:** October 24, 2019.

**(For text of Int. Nos. 1083-A, 1573-A, and 1574-A and their Fiscal Impact Statements, please see the Report of the Committee on Sanitation and Solid Waste Management for Int. Nos. 1083-A, 1573-A, and 1574-A, respectively, printed in these Minutes; for text of Int. No. 1082-A, please see below)**

*Accordingly, this Committee recommends the adoption of Int. Nos. 1082-A, 1083-A, 1573-A, and 1574-A.*

**(The following is the text of Int. No. 1082-A:)**

Int. No. 1082-A

By Council Members Salamanca, Holden, Gibson, Kallos, Lancman, Lander and Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring global positioning systems in certain waste hauling vehicles**

*Be it enacted by the Council as follows:*

Section 1. Section 16-1005 of the administrative code of the city of New York, as added by a local law for the year 2019, amending the administrative code of the city of New York in relation to the establishment of commercial waste zones, and to repeal sections 16-523 and 16-524 of such code, relating to a pilot of special trade waste removal districts, as proposed in introduction number 1574-A, is amended by adding a new subdivision c to read as follows:

*c. Any truck used to collect, transport or remove commercial waste within a commercial waste zone must be equipped with a GPS device that meets the requirements of the department as set forth in any agreement with the department entered into pursuant to section 16-1002 or as otherwise specified in the rules of the department. All awardees and designated carters must comply with all requirements relating to the reporting of data generated by such device to the department as set forth in such rules and such agreements.*

§ 2. This local law takes effect on the same date and in the same manner as section 18 of a local law amending the administrative code of the city of New York in relation to the establishment of commercial waste zones, and to repeal sections 16-523 and 16-524 of such code, relating to a pilot of special trade waste removal districts, as proposed in introduction number 1574-A for the year 2019, takes effect.

ANTONIO REYNOSO, *Chairperson*; ANDY L. KING, ANDREW COHEN, MARGARET S. CHIN, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RAFAEL L. ESPINAL, Jr., JUSTIN L. BRANNAN; Committee on Sanitation and Solid Waste Management, October 29, 2019.

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 It No. 1083-A

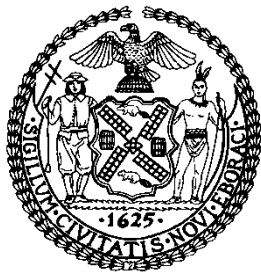
**Report of the Committee on Sanitation and Solid Waste Management in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to fines for unreported employees.**

The Committee on Sanitation and Solid Waste Management, to which the annexed proposed amended local law was referred on August 8, 2018 (Minutes, page 3271), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Sanitation and Solid Waste Management for Int. No. 1082-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 1083-A:*



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

**PROPOSED INTRO. NO. 1083-A**

**COMMITTEE: Sanitation and Solid Waste  
Management**

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to fines for unreported employees. **SPONSORS:** Council Members Salamanca, Kallos, Lancman and Lander.

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 1083-A would require the Business Integrity Commission (BIC) to fine companies that have unreported employees a minimum of \$1,000 and a maximum of \$10,000 for each individual working for the company who is not reported.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2021**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY21</b>	<b>Full Fiscal Impact FY21</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 this legislation would have no impact on revenues because full compliance with the legislation is anticipated.

**IMPACT ON EXPENDITURES:** It is estimated that there would be no impact on expenditures resulting from the enactment of Proposed Intro. No. 1083-A as BIC would utilize existing resources to implement the requirements of this bill.

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

**SOURCES OF INFORMATION:** New York City Business Integrity Commission  
New York City Council Finance Division

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

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

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 1083 on August 8, 2018 and referred to the Committee on Sanitation and Solid Waste Management (Committee). The Committee heard the legislation on June 27, 2019 and it was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1083-A, will be considered by the Committee at a hearing on October 29, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 1083-A will be submitted to the full Council for a vote on October 30, 2019.

**DATE PREPARED:** October 24, 2019.

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

**(The following is the text of Int. No. 1083-A:)**

Int. No. 1083-A

By Council Members Salamanca, Kallos, Lancman and Lander.

**A Local Law to amend the administrative code of the city of New York, in relation to fines for unreported employees**

*Be it enacted by the Council as follows:*

Section 1. Section 16-515 of the administrative code of New York, as amended by local law number 42 for the year 1996, is amended to read as follows:

§ 16-515. Penalties. In addition to any other penalty provided by law: a. Except as otherwise provided in [subdivision b or subdivision c of] this section, any person who violates any provision of this chapter or any of the rules promulgated thereto shall be liable for a civil penalty which shall not exceed ten thousand dollars for each such violation. Such civil penalty may be recovered in a civil action or may be returnable to the [department of consumer affairs] *office of administrative trials and hearings* or [other administrative tribunal of competent jurisdiction] *otherwise consistent with orders of the mayor issued in accordance with section 1048 of the charter*;

b. [(i) ]Any person who violates subdivision a of section 16-505 or section 16-524 of this chapter shall, upon conviction thereof, be punished for each violation by a criminal fine of not more than ten thousand dollars for each day of such violation or by imprisonment not exceeding six months, or both; and any such person shall be subject to a civil penalty of not more than five thousand dollars for each day of such violation to be recovered in a civil action or returnable to the [department of consumer affairs] *office of administrative trials and hearings* or [other administrative tribunal of competent jurisdiction] *otherwise consistent with orders of the mayor issued in accordance with section 1048 of the charter*; and

c. Any person who violates subdivision b of section 16-505 of this chapter or any rule pertaining thereto shall, upon conviction thereof, be punished by a civil penalty not to exceed one thousand dollars for each such violation to be recovered in a civil action or returnable to the [department of consumer affairs] *office of administrative trials and hearings* or [other administrative tribunal of competent jurisdiction] *otherwise consistent with orders of the mayor issued in accordance with section 1048 of the charter*.

d. The corporation counsel is authorized to commence a civil action on behalf of the city for injunctive relief to restrain or enjoin any activity in violation of this chapter and for civil penalties.

e. (i) In addition to any other penalty prescribed in this section for the violation of subdivisions a or b of section 16-505 or subdivision a of section 16-524 of this chapter, or when there have been three or more violations within a three year period of the provisions herein, the commission shall, after notice and the opportunity to be heard, be authorized: to order any person in violation of such provisions immediately to discontinue the operation of such activity at the premises from which such activity is operated; to order that any premises from which activity in violation of such provisions is operated shall be sealed, provided that such premises are used primarily for such activity; and to order that any vehicles or other devices or instrumentalities utilized in the violation of such provisions shall be removed, sealed, or otherwise made inoperable. An order pursuant to this paragraph shall be posted at the premises from which activity in violation of such provisions occurs.

(ii) Ten days after the posting of an order issued pursuant to paragraph (i) of this subdivision, this order may be enforced by any person so authorized by section 16-517 of this chapter.

(iii) Any vehicle or other device or instrumentality removed pursuant to the provisions of this section shall be stored in a garage, pound or other place of safety and the owner or other person lawfully entitled to the possession of such item may be charged with reasonable costs for removal and storage payable prior to the release of such item.

(iv) A premise ordered sealed or a vehicle or other device or instrumentality removed pursuant to this section shall be unsealed or released upon payment of all outstanding fines and all reasonable costs for removal and storage and, where the underlying violation is for unlicensed or unregistered activity or unauthorized activity in a special trade waste district, demonstration that a license has been obtained or a business registered or proof satisfactory to the commission that such premise or item will not be used in violation of subdivision a or b of section 16-505 or subdivision a of section 16-524 of this chapter.

(v) It shall be a misdemeanor for any person to remove the seal from any premises or remove the seal from or make operable any vehicle or other device or instrumentality sealed or otherwise made inoperable in accordance with an order of the commission.

(vi) A vehicle or other device or instrumentality removed pursuant to this section that is not reclaimed within ninety days of such removal by the owner or other person lawfully entitled to reclaim such item shall be subject to forfeiture upon notice and judicial determination in accordance with provisions of law. Upon forfeiture, the commission shall, upon a public notice of at least five days, sell such item at public sale. The net proceeds of such sale, after deduction of the lawful expenses incurred, shall be paid into the general fund of the city.

*f. Any person who violates item (ii) of subdivision a of section 16-508 shall be liable for a civil penalty of not less than one thousand dollars and not more than ten thousand dollars for each such violation.*

§ 2. This local law takes effect immediately.

ANTONIO REYNOSO, *Chairperson*; FERNANDO CABRERA, ANDY L. KING, ANDREW COHEN, MARGARET S. CHIN, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RAFAEL L. ESPINAL, Jr., JUSTIN L. BRANNAN; Committee on Sanitation and Solid Waste Management, October 29, 2019.

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. 1573-A

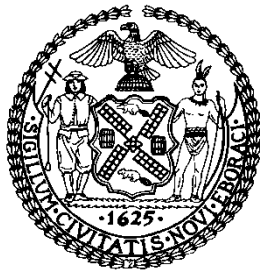
**Report of the Committee on Sanitation and Solid Waste Management in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to regulating the trade waste industry.**

The Committee on Sanitation and Solid Waste Management, to which the annexed proposed amended local law was referred on May 29, 2019 (Minutes, page 1918), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Sanitation and Solid Waste Management for Int. No. 1082-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 1573-A:*



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

**PROPOSED INTRO. NO. 1573-A**

**COMMITTEE: Sanitation and Solid Waste  
Management**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to regulating the trade waste industry.

**SPONSORS:** By Council Members Reynoso, Rosenthal, Menchaca, Kallos, Lancman and Lander (by the request of the Mayor).

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 1573-A would add enforcement of environmental, safety and health standards to the powers and duties of the Business Integrity Commission (BIC). Furthermore, it would add violation of law relating to the safety of the general public to the reasons a trade waste license could be suspended.



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

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY21</b>	<b>Full Fiscal Impact FY21</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$609,199	\$713,873	\$713,873
<b>Net</b>	\$609,199	\$713,873	\$713,813

**IMPACT ON REVENUES:** It is estimated that this legislation would have no impact on revenues because full compliance with the legislation is anticipated.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be a fiscal impact of approximately \$609,199 in Fiscal 2020, which includes \$356,936 in personal services costs to hire five investigators, one data analyst, and one attorney (partial year salary and fringe due mid-year hiring) and one-time costs of \$252,263 in other than personal services to train staff, purchase vehicles, and radio equipment for enforcement functions with commercial carters. In Fiscal 2021 and in the outyears, costs increase to \$713,873 to reflect total salary and fringe benefit costs.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** General Fund of New York City

**SOURCES OF INFORMATION:** New York City Business Integrity Commission  
New York City Council Finance Division

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

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

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 1573 on May 29, 2019 and referred to the Committee on Sanitation and Solid Waste Management (Committee). The Committee heard the legislation on June 27, 2019 and it was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1573-A, will be considered by the Committee at a hearing on October 29, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 1573-A will be submitted to the full Council for a vote on October 30, 2019.

**DATE PREPARED:** October 24, 2019.

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

**(The following is the text of Int. No. 1573-A:)**

Int. No. 1573-A

By Council Members Reynoso, Rosenthal, Menchaca, Kallos, Lancman, Lander and Rivera (by the request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to regulating the trade waste industry**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 16-504 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

a. To issue and establish standards for the issuance, suspension and revocation of licenses and registrations authorizing the operation of businesses engaged in the collection, removal or disposal of waste within the city and *the operation of* trade waste broker businesses, provided that unless otherwise provided herein, the commission may by resolution delegate to the chair the authority to make individual determinations regarding: issuance, suspension and revocation of such licenses and registrations; investigations of background and determinations of fitness in regard to employees of licensees; and the appointment of independent auditors and monitors in accordance with the provisions of this chapter;

§ 2. Subdivision d of section 16-504 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

d. To establish *and enforce* standards for service and for the regulation and conduct of businesses licensed or registered pursuant to this chapter, including but not limited to (i) requirements governing the level of service to be provided by licensees, (ii) contracts for trade waste removal, (iii) billing form and procedures, (iv) the maintenance and inspection of records, (v) the maintenance of appropriate insurance, and [compliance with safety and health measures] (vi) *environmental, safety and health standards, including but not limited to traffic safety requirements and environmental and safety requirements for vehicles used in the collection, removal, transportation or disposal of trade waste;*

§ 3. Subdivision c of section 16-506 of the administrative code of the city of New York, as relettered by local law 55 for the year 2019, is amended to read as follows:

c. The commission shall promulgate rules establishing the fee for any license or registration required by this chapter. Such rules may provide for a fee to be charged for each vehicle in excess of one that will *collect, remove, transport or dispose of* waste pursuant to such license and for each such vehicle operated pursuant to such registration.

§ 4. Subdivision a of section 16-507 of the administrative code of the city of New York, as added by local law 42 for the year 1996, is amended to read as follows:

a. Except in the case of a business issued a registration by reason of the grant of an exemption from the requirement for a license pursuant to section 16-505 of this chapter, an applicant for registration shall submit an application on a form prescribed by the commission and containing such information as the commission determines will adequately identify the business of such applicant. An applicant for registration to remove trade waste generated in the course of such applicant's business shall identify, in a manner to be prescribed by the commission, each vehicle that will *collect, remove, transport or dispose of* waste pursuant to such registration. An application for registration as a trade waste broker shall contain information regarding any financial, contractual or employment relationship between such broker and a trade waste business. Any such relationship shall be indicated on the registration issued to such broker.

§ 5. Subdivision a of section 16-509 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

a. The commission may, by majority vote of its entire membership and after notice and the opportunity to be heard, refuse to issue a license *or any registration* to an applicant who lacks good character, honesty and integrity. Such notice shall specify the reasons for such refusal. In making such determination, the commission may consider, but is not limited to: (i) failure by such applicant to provide truthful information in connection with the application; (ii) a pending indictment or criminal action against such applicant for a crime which under this subdivision would provide a basis for the refusal of such license *or registration*, or a pending civil or administrative action to which such applicant is a party and which directly relates to the fitness to conduct the business or perform the work for which [the] *such license or registration* is sought, in which cases the commission may defer consideration of an application until a decision has been reached by the court or administrative tribunal before which such action is pending; (iii) conviction of such applicant for a crime which, considering the factors set forth in section seven hundred fifty-three of the correction law, would provide a basis under such law for the refusal of such license *or registration*; (iv) a finding of liability in a civil or administrative action that bears a direct relationship to the fitness of the applicant to conduct the business for which the license *or registration* is sought; (v) commission of a racketeering activity or knowing

association with a person who has been convicted of a racketeering activity, including but not limited to the offenses listed in subdivision one of section nineteen hundred sixty-one of the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. § 1961 et seq.) or of an offense listed in subdivision one of section 460.10 of the penal law, as such statutes may be amended from time to time, or the equivalent offense under the laws of any other jurisdiction; (vi) association with any member or associate of an organized crime group as identified by a federal, state or city law enforcement or investigative agency when the applicant knew or should have known of the organized crime associations of such person; (vii) having been a principal in a predecessor trade waste business as such term is defined in subdivision a of section 16-508 of this chapter where the commission would be authorized to deny a license *or registration* to such predecessor business pursuant to this subdivision; (viii) current membership in a trade association where such membership would be prohibited to a licensee pursuant to subdivision j of section 16-520 of this chapter unless the commission has determined, pursuant to such subdivision, that such association does not operate in a manner inconsistent with the purposes of this chapter; (ix) the holding of a position in a trade association where membership or the holding of such position would be prohibited to a licensee pursuant to subdivision j of section 16-520 of this chapter; (x) failure to pay any tax, fine, penalty[,] *or fee* related to the applicant's business for which liability has been admitted by the person liable therefor, or for which judgment has been entered by a court or administrative tribunal of competent jurisdiction; *and (xi) failure to comply with any city, state or federal law, rule or regulation relating to traffic safety or the collection, removal, transportation or disposal of trade waste in a safe manner.* For purposes of determination of the character, honesty and integrity of a trade waste broker pursuant to subdivision c or subdivision d of section 16-507 of this chapter, the term "applicant" shall refer to the business of such trade waste broker and all the principals thereof; for purposes of determining the good character, honesty and integrity of employees or agents pursuant to section 16-510 of this chapter, the term "applicant" as used herein shall be deemed to apply to employees, agents or prospective employees or agents of an applicant for a license or a licensee.

§ 6. Subdivision a of section 16-513 of the administrative code of the city of New York, as amended by local law number 56 for the year 2015, is amended to read as follows:

a. In addition to the penalties provided in section 16-515 of this chapter, the commission may, after due notice and opportunity to be heard, revoke or suspend a license or registration issued pursuant to the provisions of this chapter when the registrant or licensee and/or its principals, employees and/or agents: (i) have been found to be in violation of this chapter or any rules promulgated pursuant thereto; (ii) have been found by a court or administrative tribunal of competent jurisdiction to have violated: (A) any provision of section 16-119 of this code, or any rule promulgated pursuant thereto, relating to illegal dumping, (B) any provision of section 16-120.1 of this code, or any rule promulgated pursuant thereto, relating to the disposal of regulated medical waste and other medical waste or (C) any provision of section 16-117.1 of this code, or any rule promulgated pursuant thereto, relating to the *collection, removal, transportation [and] or disposal* of waste containing asbestos; (iii) has repeatedly failed to obey lawful orders of any person authorized by section 16-517 of this chapter to enforce the provisions hereof; (iv) has failed to pay, within the time specified by a court, the department of consumer affairs or an administrative tribunal of competent jurisdiction, any fines or civil penalties imposed pursuant to this chapter or the rules promulgated pursuant thereto; (v) has been found in persistent or substantial violation of any rule promulgated by the commission pursuant to section 16-306 of this code or by the commissioner of consumer affairs pursuant to section 16-306 or former subchapter eighteen of title twenty of this code; (vi) has been found in persistent or substantial violation of any city, state, or federal law, rule or regulation regarding the [handling] *collection, removal, transportation or disposal* of trade waste, or any laws prohibiting deceptive, unfair[,] or unconscionable trade practices; (vii) whenever, in relation to an investigation conducted pursuant to this chapter, the commission determines, after consideration of the factors set forth in subdivision a of section 16-509 of this code, that the licensee or registrant [as a trade waste broker] lacks good character, honesty and integrity; (viii) whenever there has been any false statement or any misrepresentation as to a material fact in the application or accompanying papers upon which the issuance of such license or registration was based; (ix) whenever the licensee or registrant has failed to notify the commission as required by subdivision b of section 16-507 or subdivision c of section 16-508 of this chapter of any change in the ownership interest of the business or other material change in the information required on the application for such license or registration, or of the arrest or criminal conviction of such licensee or registrant or any of his or her principals, employees and/or agents of which the licensee had knowledge or

should have known; (x) whenever the licensee or registrant has been found by the commission or a court or administrative tribunal of competent jurisdiction to be in violation of the provisions of section 24-163.11 of the code, or any rule promulgated pursuant thereto; [or](xi) whenever the licensee or registrant has been found by the [commissioner] *commission* or a court or administrative tribunal of competent jurisdiction to be in violation of the provisions of section 16-526 of the code, or any rule promulgated pursuant thereto; *or (xii) while engaged in any activity regulated by this chapter or title 16-b, have been found to be in violation of any city, state or federal law, rule or regulation relating to the safety of the general public, including but not limited to traffic safety, or relating to the collection, removal, transportation or disposal of trade waste in a safe manner.*

§ 7. Subdivision d of section 16-520 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

d. A licensee shall be in compliance with all applicable state, federal and local laws, ordinances, rules and regulations pertaining to the collection, removal [and] *or disposal of trade waste, the maintenance, inspection and operation of vehicles that collect, remove, transport or dispose of trade waste and, while engaged in any activity regulated by this chapter, the safety of the general public, including but not limited to traffic safety.*

§ 8. Chapter 1 of title 16-A of the administrative code of the city of New York is amended by adding a new section 16-520.1 to read as follows:

§ 16-520.1 *Conduct of registrants. Every registrant pursuant to this chapter shall be in compliance with all applicable state, federal and local laws, ordinances, rules and regulations pertaining to the collection, removal, transportation or disposal of trade waste, the maintenance, inspection and operation of vehicles that collect, remove, transport or dispose of trade waste and, while engaged in any activity regulated by this chapter, the safety of the general public, including but not limited to traffic safety.*

§ 9. Subdivision a of section 16-526 of the administrative code of the city of New York, as added by local law number 56 for the year 2015, is amended to read as follows:

a. Definitions. For the purposes of this section:

Side guard. The term "side guard" means a device fit to the side of a trade waste hauling vehicle designed to prevent pedestrians and bicyclists from falling into the exposed space between the front axle and the rear axle of such vehicles and with such additional specifications as may be established by the commission pursuant to paragraph 3 of subdivision c of this section. Except where otherwise authorized by rule of the commission, side guards: shall allow for a maximum 13.8 inch ground clearance, maximum 13.8 inch top clearance up to four feet in height, and a minimum 440 pound impact strength; must achieve a smooth and continuous longitudinal (forward to backward) impact surface flush with the vehicle sidewall; may include rail style guards, provided such rails be no less than four inches tall and no more than 11.8 inches apart; and may incorporate other vehicle features such as tool boxes and ladders.

Trade waste hauling vehicle. The term "trade waste hauling vehicle" means any motor vehicle with a manufacturer's gross vehicle weight rating exceeding 10,000 pounds that is owned or operated by an entity that is required to be licensed or registered by the commission pursuant to section 16-505 of the code and that is operated in New York city for *the collection [or], removal, transportation or disposal of trade waste.* "Trade waste hauling vehicle" does not include any specialized vehicle or vehicle type on which side guard installation is deemed impractical by the commission pursuant to subdivision c of this section.

§ 10. This local law takes effect immediately.

ANTONIO REYNOSO, *Chairperson*; FERNANDO CABRERA, ANDY L. KING, ANDREW COHEN, MARGARET S. CHIN, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RAFAEL L. ESPINAL, Jr., JUSTIN L. BRANNAN; Committee on Sanitation and Solid Waste Management, October 29, 2019.

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. 1574-A

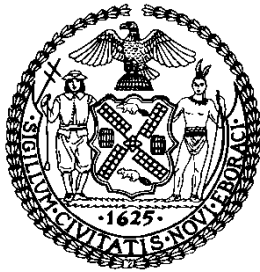
**Report of the Committee on Sanitation and Solid Waste Management in favor of approving and adopting, as amended, a Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to the establishment of commercial waste zones, and to repeal sections 16-523 and 16-524 of such code, relating to a pilot of special trade waste removal districts.**

The Committee on Sanitation and, to which the annexed proposed amended local law was referred on May 29, 2019 (Minutes, page 1921), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Sanitation and Solid Waste Management for Int. No. 1082-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 1574-A:*



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

**PROPOSED INTRO. NO. 1574-A**

**COMMITTEE: Sanitation and Solid Waste  
Management**

**TITLE:** A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to the establishment of commercial waste zones, and to repeal sections 16-523 and 16-524 of such code, relating to a pilot of special trade waste removal districts.

**SPONSORS:** Council Members Reynoso, the Speaker (Council Member Johnson), Lander, Chin, Brannan, Ayala, Levin, Rosenthal, Lancman, Constantinides, Powers, Kallos, Levine, Richards, Salamanca, Menchaca, Van Bramer, Rivera, Espinal, Dromm, Cohen, Rodriguez, Ampry-Samuel, Perkins, Treyger, Eugene, Rose, Adams and the Public Advocate (Mr. Williams).

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 1574-A would mandate the establishment of commercial waste zones. The Department of Sanitation (DSNY) would designate commercial waste zones and enter into agreements with up to three private carters to operate in each zone. In addition, this bill would authorize up to five carters to operate citywide to pick up large containers of waste that are brought directly to a waste transfer station, and also allow certain micro-haulers, including those who collect organic waste by bicycle, to continue to operate under a particular tonnage. Furthermore, the bill would encourage private carters to submit proposals to DSNY to ensure the goals of the program – improved safety for workers and the public; reduction of waste hauling vehicle miles travelled and associated pollutants, including greenhouse gas emissions; and improved customer service. Lastly, DSNY would be authorized to set minimum rates that carters must charge businesses, if necessary.

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

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY21</b>	<b>Full Fiscal Impact FY21</b>
<b>Revenues (+)</b>	TBD	TBD	TBD
<b>Expenditures (-)</b>	\$148,010	\$296,020	\$296,020
<b>Net</b>	\$148,010	\$296,020	\$296,020

**IMPACT ON REVENUES:** It is anticipated that this legislation would result in additional revenue for the City; however, at the time of drafting this estimate, the total amount of future revenue to be collected remains to be determined, as DSNY must first promulgate rules establishing fees to be collected from awardee carters, after the enactment of this legislation.

**IMPACT ON EXPENDITURES:** It is anticipated that this legislation would result in additional expenses of approximately \$148,010 in Fiscal Year 2020, and approximately \$296,020 in Fiscal Year 2021 and in the outyears. Based on current staffing levels, we project that DSNY will require a staff of at least two analysts to implement the commercial waste zone program, including all administrative functions and program oversight.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** General Fund of New York City

**SOURCES OF INFORMATION:** New York City Department of Sanitation  
New York City Council Finance Division

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

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

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 1574 on May 29, 2019 and referred to the Committee on Sanitation and Solid Waste Management (Committee). The Committee heard the legislation on June 27, 2019 and it was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1574-A, will be considered by the Committee at a hearing on October 29, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 1083-A will be submitted to the full Council for a vote on October 30, 2019.

**DATE PREPARED:** October 24, 2019.

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

Int. No. 1574-A

By Council Members Reynoso, the Speaker (Council Member Johnson), Lander, Chin, Brannan, Ayala, Levin, Rosenthal, Lancman, Constantinides, Powers, Kallos, Levine, Richards, Salamanca, Menchaca, Van Bramer, Rivera, Espinal, Dromm, Cohen, Rodriguez, Ampry-Samuel, Perkins, Treyger, Eugene, Rose, Adams and the Public Advocate (Mr. Williams).

**A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to the establishment of commercial waste zones, and to repeal sections 16-523 and 16-524 of such code, relating to a pilot of special trade waste removal districts**

*Be it enacted by the Council as follows:*

Section 1. Legislative purpose. The Council hereby finds that the current system for collecting commercial waste from the City's businesses is plagued by dangerous driving and insufficient attention to public safety, harmful environmental impacts, and poor customer service. Since 2010, private waste collection trucks have killed dozens of people on New York City streets. Long, inefficient routes can take 12 hours or more to finish and can lead to driver fatigue and unsafe practices, endangering workers and the public.

The Council further finds that private carters often have customers throughout the five boroughs, currently resulting in millions of excess truck miles driven every year that harm the City's air quality, increase greenhouse gas emissions, and negatively impact public health. The current system also creates noise pollution within the City's neighborhoods, as dozens of private waste collection trucks may visit a single block in the course of one night. The industry lacks strong customer service standards, and pricing remains opaque to most customers, putting small businesses at a significant disadvantage.

The Council finds that substantial reform of the commercial waste industry is necessary to protect public health and safety, and to improve the industry for the benefit of its customers. According to data from the federal Bureau of Labor Statistics, refuse and recycling collectors have one of the top five most dangerous jobs in the United States, and the Council finds that the safety risks inherent to private carting are exacerbated in New York City, where vehicles must navigate narrow, highly congested streets in variable traffic and weather conditions. The Council finds that a commercial waste zone system, where the City selects private carters through a competitive process, will result in a carting industry where carters are required to operate more responsibly and adequately train workers on the unique challenges of collecting commercial waste in New York City, leading to safer practices and safer streets.

The Council further finds that establishing a commercial waste zone collection system within the City would dramatically reduce truck traffic associated with this industry – by 50 percent, eliminating more than 18 million miles of truck traffic from New York City streets every year. With fewer miles traveled and fewer trucks on the streets, a zoned collection system will reduce incentives for unsafe working conditions, reduce the risks of unsafe driving behavior and worker fatigue, and make the City safer for all New Yorkers.

The Council further finds that the reduction in traffic resulting from a regulated zoned collection system would lead to commensurate reductions of air pollutant emissions, including greenhouse gases, particulate matter and other air pollutants, and would lead to less nighttime noise, less roadway wear and tear, and improved quality of life in neighborhoods across New York City. The Council further finds that reducing the number of private carters operating within each of the City's neighborhoods and selecting carters through a competitive solicitation process will allow the City to ensure that private carters collect waste more efficiently, offer high quality waste collection services, and advance the City's efforts to reduce waste disposal and increase recycling.

The Council therefore finds and declares that commercial waste reform in New York City is necessary to promote the public health, safety and welfare of all New Yorkers. Therefore, the Council intends to authorize the commissioner of sanitation to establish commercial waste collection zones by dividing the City's geographic area into several zones and authorizing a small number of private carters to serve businesses within each zone through a competitive solicitation process. The application of this local law will create a safe and efficient collection system that provides high quality service, and reduces the harmful environmental impacts of the trade waste industry in New York City.

§ 2. Section 753 of the New York city charter is amended by adding a new subdivision e to read as follows:

*e. Except as otherwise authorized by section 16-1020 of the administrative code, the commissioner shall have the powers and duties set forth in this subdivision.*

*1. The commissioner, in the performance of his or her powers and duties pursuant to paragraph 2 of this subdivision and title 16-B of the administrative code, shall be authorized to receive complaints, conduct investigations, hold public and private hearings, administer oaths, take testimony, serve subpoenas, receive evidence, issue orders, and mediate disputes.*

*2. The commissioner shall have the power and duty to regulate the conduct of businesses authorized to collect commercial waste in commercial waste zones pursuant to title 16-B of the administrative code and any other applicable law, including but not limited to, the power and duty to establish and enforce:*

(a) *environmental, safety and health standards;*  
 (b) *standards for service;*  
 (c) *requirements regarding contracts for commercial waste removal;*  
 (d) *requirements regarding billing forms and procedures;*  
 (e) *requirements regarding the maintenance and inspection of records;*  
 (f) *requirements regarding the maintenance of appropriate insurance; and*  
 (g) *requirements established in furtherance of the goals of reducing waste and promoting sustainability, safety and efficiency in the commercial waste zone system.*

3. *The commissioner shall have the power and duty to establish programs for the education of the public and commercial establishments regarding the commercial waste zone system established pursuant to title 16-B of the administrative code.*

§ 3. Subdivision a of section 2101 of the New York city charter, as amended by local law number 21 for the year 2002, is amended to read as follows:

a. The business integrity commission shall be responsible for the regulation of the trade waste industry, the shipboard gambling industry, the fulton fish market distribution area and other seafood distribution areas and the public wholesale markets. In regulating such industries, areas and markets, the commission shall have the powers and duties conferred by this chapter and such other powers and duties as are conferred by law, *except as provided by title 16-B of the administrative code and the local law that added such title.*

§ 4. Subdivision a of section 16-116 of the administrative code of the city of New York, as amended by local law number 42 for the year 1996, is amended to read as follows:

§ 16-116 Removal of commercial waste; posting of sign, registration number. a. *1. Every owner, lessee or person in control of a commercial establishment shall provide for the removal of waste by a business licensed by the New York city [trade waste] business integrity commission as required by subdivision a of section 16-505 of this code or register and obtain a registration number from the New York city [trade waste] business integrity commission as required by subdivision b of section 16-505 of this code to remove its own waste except as provided in subdivision c of this section, however nothing contained herein shall preclude the commissioner from providing for the removal of waste from any commercial establishment pursuant to the authority vested in the commissioner by section seven hundred fifty-three of the charter[; provided, further, that every].*

*2. No later than the applicable final implementation date set forth in the rules of the department pursuant to subdivision e of section 16-1002, each owner, lessee or person in control of a commercial establishment [that is located in a special trade waste removal district designated by the New York city trade waste commission pursuant to section 16-523 of this code, except for an owner, lessee or person in control of a commercial establishment who has registered with the New York city trade waste commission as required by subdivision b of section 16-505 of this code and except as otherwise provided by subdivision g of section 16-523 of this code,] shall [provide] contract with an awardee selected by the department for the zone in which such establishment is located for the removal of commercial waste only by a [licensee with whom such commission has entered into an agreement pursuant to subdivision b of such section] designated carter pursuant to the agreement entered into between such awardee and the department pursuant to title 16-B, as such terms are defined in section 16-1000, in accordance with the provisions of such title and any rules promulgated pursuant thereto, except as otherwise provided by such title, provided however, that an owner, lessee or person in control of a commercial establishment may contract for the removal of containerized commercial waste, as such term is defined in section 16-1000, with either an awardee selected for such zone or with an awardee selected for the removal of containerized commercial waste citywide pursuant to title 16-B, in accordance with the provisions of such title and any rules promulgated pursuant thereto.*

§ 5. Subdivision b of section 16-306 of the administrative code of the city of New York, as amended by local law number 32 for the year 2010, is amended to read as follows:

b. *1. The rules promulgated pursuant to subdivision a of this section shall require that generators of waste collected by businesses required to be licensed pursuant to section 16-505 of this code source separate the designated materials in such manner and to such extent as the commissioner determines to be necessary to minimize contamination and maximize the marketability of such materials. However, in promulgating such rules the commissioner shall not require source separation of a material unless the commissioner has determined that an economic market exists for such material. For the purpose of this section, the term*



"economic market" refers to instances in which the full avoided costs of proper collection, transportation and disposal of source separated materials are equal to or greater than the cost of collection, transportation and sale of said materials less the amount received from the sale of said materials. [The New York city business integrity commission shall adopt and implement rules requiring businesses licensed to remove, collect or dispose of trade waste to]

2. (a) *Any designated carter that collects source separated designated materials in a commercial waste zone pursuant to section 16-1002 shall provide for the collection of, and ensure the continued separation of, designated materials that have been source separated, provide for the separation of all other designated materials, and provide for recycling of all the designated materials in accordance with the rules of the department and the terms of any agreement entered into pursuant to section 16-1002 under which such designated carter is providing such service.* [Rules promulgated by the business integrity commission pursuant to this subdivision shall be enforced in the manner provided in section 16-517 of this code and violations of such rules shall be subject to the penalties provided in subdivision a of section 16-515 of this code for violation of the provisions of chapter one of title 16-A of this code. In addition, the]

(b) *Any person registered by the business integrity commission to remove, collect, or dispose of trade waste generated in the course of operation of such person's business pursuant to subdivision b section 16-505 shall provide for the collection of, and ensure the continued separation of, designated materials that have been source separated, provide for the separation of all other designated materials, and provide for recycling of all the designated materials in accordance with the rules promulgated by the business integrity commission pursuant to this section and subject to the penalties provided in subdivision a of section 16-515.*

3. *The commissioner and the chair of the business integrity commission shall have the authority to issue notices of violation for any violation of [such rule] any rules promulgated pursuant to this section and such notices of violation shall be returnable in a civil action brought in the name of the commissioner or the chair of the business integrity commission before the environmental control board which shall impose a penalty not to exceed ten thousand dollars for each such violation.*

§ 6. Section 16-306 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

*d. Notwithstanding any other provision of law, nothing in this section shall be construed to (i) supersede, amend or eliminate any obligation of an awardee or designated carter, as such terms are defined in section 16-1000, to meet the requirements set forth in any applicable agreement entered into pursuant to section 16-1002, or (ii) otherwise amend or supersede any term of such agreement.*

§ 7. Subdivisions d through g of section 16-306.1 of the administrative code of the city of New York are relettered e through h, and paragraph 3 of subdivision c of such section, as added by local law number 146 for the year 2013, is amended to read as follows:

[3] *d. Any private carter that collects source separated organic waste [from a covered establishment] shall either:*

*i. deliver collected organic waste to a transfer station that has represented that it will deliver such organic waste to a facility for purposes of composting, aerobic or anaerobic digestion, or any other method of processing organic waste that the department approves by rule; or*

*ii. deliver such organic waste directly to a facility for purposes of composting, aerobic or anaerobic digestion, or any other method of processing organic waste that the department approves by rule.*

§ 8. Subdivision f of section 16-306.1 of the administrative code of the city of New York, as added by local law number 146 for the year 2013, and as relettered subdivision f by section 7 of this local law, is amended to read as follows:

*f. The provisions of this section relating to private carters shall be enforced by the business integrity commission and the department. The provisions of this section relating to covered establishments shall be enforced by the department, the department of health and mental hygiene, and the department of consumer affairs.*

§ 9. Section 16-504 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, subdivision j as added by local law number 55 for the year 2019 and subdivisions a and d as amended by a local law for the year 2019, relating to regulating the trade waste industry, as proposed in introduction number 1573 for the year 2019, is amended to read as follows:

§ 16-504 Powers and duties. The powers and duties of the commission shall include but not be limited to:

a. To issue and establish standards for the issuance, suspension and revocation of licenses and registrations authorizing the operation of businesses engaged in the collection, removal or disposal of waste within the city and the operation of trade waste broker businesses, provided that unless otherwise provided herein, the commission may by resolution delegate to the chair the authority to make individual determinations regarding: issuance, suspension and revocation of such licenses and registrations; investigations of background and determinations of fitness in regard to employees of licensees; and the appointment of independent auditors and monitors in accordance with the provisions of this chapter;

b. [To] *Except with respect to commercial waste required to be collected by a designated carter pursuant to chapter 1 of title 16-B to establish maximum and minimum rates for the collection, removal, or disposal of such waste;*

c. To investigate any matter within the jurisdiction conferred by this chapter and to have full power to compel the attendance, examine and take testimony under oath of such persons as it may deem necessary in relation to such investigation, and to require the production of books, accounts, papers and other evidence relevant to such investigation;

d. To establish and enforce standards for service and for the regulation and conduct of businesses licensed or registered pursuant to this chapter, including but not limited to (i) requirements governing the level of service to be provided by licensees, (ii) contracts for trade waste removal, (iii) billing form and procedures, (iv) the maintenance and inspection of records, (v) the maintenance of appropriate insurance, and (vi) environmental, safety and health standards, including but not limited to traffic safety requirements and environmental and safety requirements for vehicles used in the collection, removal, transportation or disposal of trade waste; *provided that with respect to commercial waste required to be collected by a designated carter pursuant to chapter 1 of title 16-B, the authority set forth in this subdivision shall be limited to regulation and conduct of licensees with regard to character, honesty and integrity;*

e. To appoint, within the appropriations available therefor, such employees as may be required for the performance of the duties prescribed herein. In addition to such employees appointed by the commission, the commissioners of business services, investigation, consumer affairs, transportation, sanitation, health, finance, environmental protection and police may, at the request of the chair, provide staff and other assistance to the commission in all matters under its jurisdiction;

f. To conduct studies or investigations into the needs of commercial and other enterprises for waste removal and the trade waste industry in the city and other jurisdictions in order to assist the city in formulating policies to provide for orderly and efficient trade waste removal at a fair and reasonable cost to businesses;

g. To establish, *in coordination with the department of sanitation*, programs for the education of customers, including but not limited to education of customers in the accurate assessment of the types and volume of waste and the rights of such customers in relationship to contracting, service and customer complaint procedures established pursuant to this chapter;

[h. To establish special trade waste removal districts pursuant to section 16-523 of this chapter; and

i.] *h.* To establish fees and promulgate rules as the commission may deem necessary and appropriate to effect the purposes and provisions of this chapter[.]; *and*

[j.] *i.* To issue and establish standards for the registration of labor unions or labor organizations representing or seeking to represent employees directly involved in the collection, removal, transportation or disposal of trade waste and for suspending or disqualifying officers of such unions or organizations.

§ 10. Section 16-509 of the administrative code of the city of New York is amended by adding a new subdivision l to read as follows:

*l. The commission may refuse to issue a license to an applicant when such applicant has been found to have violated any provision of title 16-B or any rules promulgated pursuant thereto or the terms of any applicable agreement entered into pursuant to section 16-1002 or any provision of 16-306 or any rule promulgated pursuant thereto.*

§ 11. Section 16-513 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, and subdivision a as amended by a local law for the year 2019, relating to regulating the trade waste industry, as proposed in introduction number 1573 for the year 2019, is amended to read as follows:

§ 16-513 Revocation or suspension of license or registration. a. In addition to the penalties provided in section 16-515 of this chapter, the commission may, after due notice and opportunity to be heard, revoke or

suspend a license or registration issued pursuant to the provisions of this chapter when the registrant or licensee and/or its principals, employees and/or agents: (i) have been found to be in violation of this chapter or any rules promulgated pursuant thereto; (ii) have been found by a court or administrative tribunal of competent jurisdiction to have violated: (A) any provision of section 16-119 of this code, or any rule promulgated pursuant thereto, relating to illegal dumping, (B) any provision of section 16-120.1 of this code, or any rule promulgated pursuant thereto, relating to the disposal of regulated medical waste and other medical waste or (C) any provision of section 16-117.1 of this code, or any rule promulgated pursuant thereto, relating to the collection, removal, transportation or disposal of waste containing asbestos; (iii) has repeatedly failed to obey lawful orders of any person authorized by section 16-517 of this chapter to enforce the provisions hereof; (iv) has failed to pay, within the time specified by a court, the department of consumer affairs or an administrative tribunal of competent jurisdiction, any fines or civil penalties imposed pursuant to this chapter or the rules promulgated pursuant thereto; (v) has been found in persistent or substantial violation of any rule promulgated by the commission pursuant to section 16-306 of this code or by the commissioner of consumer affairs pursuant to section 16-306 or former subchapter eighteen of title twenty of this code; (vi) has been found in persistent or substantial violation of any city, state, or federal law, rule or regulation regarding the collection, removal, transportation or disposal of trade waste, or any laws prohibiting deceptive, unfair or unconscionable trade practices; (vii) whenever, in relation to an investigation conducted pursuant to this chapter, the commission determines, after consideration of the factors set forth in subdivision a of section 16-509 of this code, that the licensee or registrant lacks good character, honesty and integrity; (viii) whenever there has been any false statement or any misrepresentation as to a material fact in the application or accompanying papers upon which the issuance of such license or registration was based; (ix) whenever the licensee or registrant has failed to notify the commission as required by subdivision b of section 16-507 or subdivision c of section 16-508 of this chapter of any change in the ownership interest of the business or other material change in the information required on the application for such license or registration, or of the arrest or criminal conviction of such licensee or registrant or any of his or her principals, employees and/or agents of which the licensee had knowledge or should have known; (x) whenever the licensee or registrant has been found by the commission or a court or administrative tribunal of competent jurisdiction to be in violation of the provisions of section 24-163.11 of the code, or any rule promulgated pursuant thereto; (xi) whenever the licensee or registrant has been found by the commission or a court or administrative tribunal of competent jurisdiction to be in violation of the provisions of section 16-526 of the code, or any rule promulgated pursuant thereto; [or] (xii) while engaged in any activity regulated by this chapter or title 16-b, have been found to be in violation of any city, state or federal law, rule or regulation relating to the safety of the general public, including but not limited to traffic safety, or relating to the collection, removal, transportation or disposal of trade waste in a safe manner; *or (xiii) whenever the licensee or registrant has been found by the commission or a court or administrative tribunal of competent jurisdiction to be in violation of any provision of title 16-B or any rule promulgated pursuant thereto or the terms of any applicable agreement entered into pursuant to section 16-1002, or has failed to pay, within the time specified by a court or an administrative tribunal of competent jurisdiction, any fines or civil penalties imposed pursuant to such title or the rules promulgated pursuant thereto.*

b. [The] *Notwithstanding any other provision of law, the commission shall, in addition[: (1)], (i) suspend a license issued pursuant to this chapter for thirty days following determination that the licensee, or any of its principals, employees or agents has violated [subdivision a of section 16-524 of this chapter] any provision of section 16-1003 or 16-1004[:]; and [(2)](ii) revoke a license issued pursuant to this chapter upon determination that the licensee, or any of its principals, employees or agents has violated [subdivision a of section 16-524 of this chapter] any provision of section 16-1003 or 16-1004* two times within a period of three years.

§ 12. Subdivisions b and e of section 16-515 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, are amended to read as follows:

b. (i) Any person who violates subdivision a of section 16-505 [or section 16-524] of this chapter shall, upon conviction thereof, be punished for each violation by a criminal fine of not more than ten thousand dollars for each day of such violation or by imprisonment not exceeding six months, or both; and any such person shall be subject to a civil penalty of not more than five thousand dollars for each day of such violation to be recovered in a civil action or returnable to the department of consumer affairs or other administrative tribunal of competent jurisdiction; and

e. (i) In addition to any other penalty prescribed in this section for the violation of subdivisions a or b of section 16-505 [or subdivision a of section 16-524] of this chapter, or when there have been three or more violations within a three year period of the provisions herein, the commission shall, after notice and the opportunity to be heard, be authorized: to order any person in violation of such provisions immediately to discontinue the operation of such activity at the premises from which such activity is operated; to order that any premises from which activity in violation of such provisions is operated shall be sealed, provided that such premises are used primarily for such activity; and to order that any vehicles or other devices or instrumentalities utilized in the violation of such provisions shall be removed, sealed, or otherwise made inoperable. An order pursuant to this paragraph shall be posted at the premises from which activity in violation of such provisions occurs.

(ii) Ten days after the posting of an order issued pursuant to paragraph (i) of this subdivision, this order may be enforced by any person so authorized by section 16-517 of this chapter.

(iii) Any vehicle or other device or instrumentality removed pursuant to the provisions of this section shall be stored in a garage, pound or other place of safety and the owner or other person lawfully entitled to the possession of such item may be charged with reasonable costs for removal and storage payable prior to the release of such item.

(iv) A premise ordered sealed or a vehicle or other device or instrumentality removed pursuant to this section shall be unsealed or released upon payment of all outstanding fines and all reasonable costs for removal and storage and, where the underlying violation is for unlicensed or unregistered activity [or unauthorized activity in a special trade waste district], demonstration that a license has been obtained or a business registered or proof satisfactory to the commission that such premise or item will not be used in violation of subdivision a or b of section 16-505 [or subdivision a of section 16-524] of this chapter.

(v) It shall be a misdemeanor for any person to remove the seal from any premises or remove the seal from or make operable any vehicle or other device or instrumentality sealed or otherwise made inoperable in accordance with an order of the commission.

(vi) A vehicle or other device or instrumentality removed pursuant to this section that is not reclaimed within ninety days of such removal by the owner or other person lawfully entitled to reclaim such item shall be subject to forfeiture upon notice and judicial determination in accordance with provisions of law. Upon forfeiture, the commission shall, upon a public notice of at least five days, sell such item at public sale. The net proceeds of such sale, after deduction of the lawful expenses incurred, shall be paid into the general fund of the city.

§ 13. Section 16-519 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

§ 16-519 Rate fixing; hearings and production of records. [The] *Except with respect to commercial waste required to be collected by a designated carter pursuant to chapter 1 of title 16-B, the* commission shall have the power to fix by rule and from time to time refix maximum and minimum rates, fixed according to weight or volume of trade waste, for the removal of waste by a licensee, which rates shall be based upon a fair and reasonable return to the licensees and shall protect those using the services of such licensees from excessive or unreasonable charges. The commission may compel the attendance at a public hearing held pursuant to a rate-fixing rule-making of licensees and other persons having information in their possession in regard to the subject matter of such hearing and may compel the production of books and records in relation thereto, and may require licensees to file with the commission schedules of rates.

§ 14. Section 16-520 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, and subdivision d as amended by a local law for the year 2019, relating to regulating the trade waste industry, as proposed in introduction number 1573 for the year 2019, is amended to read as follows:

§ 16-520 Conduct by licensees of trade waste collection, removal or disposal. a. Every licensee pursuant to this chapter shall provide to every recipient of its services a sign which the licensee shall obtain from the commission. In addition to the information printed on the sign by the commission, the licensee shall print the day and approximate time of pickup clearly and legibly on the sign. Such sign shall be conspicuously posted as prescribed in section 16-116(b) of this code by the owner, lessee or person in control of the commercial establishment which receives the licensee's services.

b. [Except as otherwise provided in subdivision d of section 16-523, a] A licensee shall not charge, exact or accept rates for the collection, removal or disposal of trade waste any amount greater than any maximum rates or less than any minimum rates that the commission may fix pursuant to section 16-519 of this chapter.

c. All licensees shall maintain audited financial statements, records, ledgers, receipts, bills and such other written records as the commission determines are necessary or useful for carrying out the purposes of this chapter. Such records shall be maintained for a period of time not to exceed five years to be determined by rule by the commission, provided however, that such rule may provide that the commission may, in specific instances at its discretion, require that records be retained for a period of time exceeding five years. Such records shall be made available for inspection and audit by the commission at its request at either the licensee's place of business or at the offices of the commission.

d. A licensee shall be in compliance with all applicable state, federal and local laws, ordinances, rules and regulations pertaining to the collection, removal or disposal of trade waste, the maintenance, inspection and operation of vehicles that collect, remove, transport or dispose of trade waste and, while engaged in any activity regulated by this chapter, the safety of the general public, including but not limited to traffic safety.

e. (i) A contract for the collection, removal or disposal of trade waste shall not exceed two years in duration. All such contracts shall be approved as to form by the commission.

(ii) An assignee of contracts for the removal, collection or disposal of trade waste shall notify each party to a contract so assigned of such assignment and of the right of such party to terminate such contract within three months of receiving notice of such assignment upon thirty days' notice. Such notification shall be by certified mail with the receipt of delivery thereof retained by the assignee and shall be upon a form prescribed by the commission. Where no written contract exists with a customer for the removal, collection or disposal of trade waste, a company that assumes such trade waste removal from another company shall provide such customer with notice that a new company will be providing such trade waste removal and that the customer has the right to terminate such service. Such notice shall be by certified mail with the receipt of delivery thereof retained by the assignee.

f. A licensee shall bill commercial establishments for removal, collection or disposal of trade waste in a form and manner to be prescribed by the commission.

g. A licensee shall not refuse to provide service to a commercial establishment that is located within an area of ten blocks from an establishment served by such licensee unless such licensee has demonstrated to the commission a lack of capacity or other business justification for the licensee's refusal to service such establishment. For the purposes of this subdivision, the term "block" shall mean the area of a street spanning from one intersection to the next.

h. A licensee shall provide to the commission the names of any employees proposed to be hired or hired subsequent to the issuance of a license and such information regarding such employees as is required in regard to employees and prospective employees pursuant to subdivision a of section 16-508 of this chapter.

i. A licensee who provides services for a commercial establishment shall keep the sidewalk, flagging, curbstone and roadway abutting such establishment free from obstruction, garbage, refuse, litter, debris and other offensive material resulting from the removal by the licensee of trade waste.

j. (i) No licensee or principal thereof shall be a member or hold a position in any trade association: (aa) where such association, or a predecessor thereof as determined by the commission, has violated state or federal antitrust statutes or regulations, or has been convicted of a racketeering activity or similar crime, including but not limited to the offenses listed in subdivision one of section nineteen hundred sixty-one of the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. §1961 et seq.) or an offense listed in subdivision one of section 460.10 of the penal law, as such statutes may be amended from time to time; (bb) where a person holding a position in such trade association, or a predecessor thereof as determined by the commission, has violated state or federal antitrust statutes or regulations, or has been convicted of a racketeering activity or similar crime, including but not limited to the offenses listed in subdivision one of section nineteen hundred sixty-one of the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. §1961 et seq.) or an offense listed in subdivision one of section 460.10 of the penal law, as such statutes may be amended from time to time; (cc) where a person holding a position in such trade association, or a predecessor thereof as determined by the commission, is a member or associate of an organized crime group as identified by a federal, state or city law enforcement or investigative agency; or (dd) where the trade association has failed to cooperate fully with the commission in connection with any investigation conducted pursuant to this chapter.

The commission may determine, for purposes of this subdivision, that a trade association is a predecessor of another such trade association by finding that transfers of assets have been made between them or that all or substantially all of the persons holding positions in the two associations are the same. A licensee shall be in violation of this paragraph when the licensee knows or should know of a violation, conviction, association with organized crime or failure to cooperate set forth herein.

(ii) Notwithstanding the provisions of paragraph (i) of this subdivision, the commission may permit a licensee to be a member of such a trade association upon a determination by the commission that such association does not operate in a manner inconsistent with the purposes of this chapter.

*k. Notwithstanding any other provision of law, the provisions of subdivisions a, b, e, f, g and i of this section and any rules promulgated pursuant thereto shall not apply with regard to the collection, removal or disposal of commercial waste in commercial waste zones established pursuant to title 16-B.*

§ 15. Section 16-522 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

§ 16-522 Investigation of customer complaints. The commission shall by rule establish a procedure for the investigation and resolution of complaints by commercial establishments regarding overcharging and other problems relating to the collection, removal or disposal of waste. *Notwithstanding any other provision of law, the provisions of this section and any rules promulgated pursuant thereto shall not apply with regard to the collection, removal or disposal of commercial waste in commercial waste zones established pursuant to title 16-B.*

§ 16. Sections 16-523 and 16-524 of the administrative code of the city of New York and section 12 of local law number 42 for the year 1996 are REPEALED.

§ 17. Subdivision c of section 16-526 of the administrative code of the city of New York, as added by local law number 56 for the year 2015, is amended to read as follows:

c. Enforcement. 1. Any owner or operator of a trade waste hauling vehicle that violates any provision of this section shall be liable for a civil penalty of ten thousand dollars per vehicle that is in violation, returnable to the office of administrative trials and hearings, *pursuant to section 1049-a of the charter*. Each notice of violation shall contain an order of the chair of the commission directing the respondent to correct the condition constituting the violation and to file with the commission electronically, or in such other manner as the commission shall authorize, a certification that the condition has been corrected within thirty days from the date of the order. In addition to such civil penalty, a separate additional penalty may be imposed of not more than five hundred dollars for each day that the violation is not corrected beyond thirty days from such order.

2. For the purposes of this section, if the office of administrative trials and hearings, *pursuant to section 1049-a of the charter*, finds that a certification of correction filed pursuant to this subdivision contained material false statements relating to the correction of a violation, such certification of correction shall be null and void, in addition to or as an alternative to any other penalties provided by law. It shall be an affirmative defense that the respondent neither knew nor should have known that such statements were false.

3. The commission shall have the authority to promulgate rules requiring the installation of side guards that are to be fit to the side of any trade waste hauling vehicle, and may establish rules establishing side guard specifications that depart from the default specifications outlined in subdivision a of this section when such departure is deemed necessary by the commission. The commission may further promulgate any rules necessary to enforce the provisions of this section, including but not limited to establishing procedures for owners and operators of trade waste hauling vehicles to demonstrate compliance with the requirements of this section.

*4. Notwithstanding any other provision of law, with respect to any vehicle that may be used to collect, remove or dispose of waste required to be collected by a designated carter pursuant to chapter 1 of title 16-B, the commissioner of sanitation shall have all powers and duties of the commission as set forth in this section.*

§ 18. The administrative code of the city of New York is amended by adding a new title 16-B to read as follows:

*TITLE 16-B COMMERCIAL WASTE ZONES  
CHAPTER 1  
COMMERCIAL WASTE ZONES*

*§ 16-1000. Definitions. As used in this title, the following terms shall have the following meanings:*

*Awardee.* The term “awardee” means an entity with whom the department enters into an agreement for the provision of commercial waste collection services pursuant to section 16-1002.

*Bicycle.* The term “bicycle” means: (i) 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; (ii) a “pedal-assist bicycle” as defined in section 4-01 of title 34 of the rules of the city of New York or as otherwise defined by the department of transportation; or (iii) any other device upon which a person or persons may ride, as defined by the rules of the department.

*Broker.* The term “broker” or “trade waste broker” has the same meaning as such term is defined in subdivision g of section 16-501.

*Change in control.* The term “change in control” means the assignment of an awardee’s agreement with the department entered into pursuant to section 16-1002 from such awardee to a different entity. The effective date of a change in control shall be the date of such assignment.

*Commercial waste.* The term “commercial waste” means all trade waste, as defined in subdivision f of section 16-501, except for construction and demolition debris; fill material; medical waste; electronic waste; textiles; yard waste collected by landscapers; waste collected by a one-time, on-call bulk waste removal service; grease; paper that is collected for the purpose of shredding or destruction; or waste that is collected by a micro-hauler. References to “commercial waste” in this title shall be construed to also refer to “containerized commercial waste” unless otherwise specified.

*Commercial waste zone.* The term “commercial waste zone” or “zone” means a geographic area designated by the commissioner pursuant to section 16-1001.

*Commissioner.* The term “commissioner” means the commissioner of sanitation.

*Containerized commercial waste.* The term “containerized commercial waste” means commercial waste that: (i) is stored on the premises of the commercial establishment that generates such waste in a container that has a capacity of 10 cubic yards or more, and which may or may not be equipped with compaction ability and (ii) is transported directly in such container when such container is at or near capacity from such commercial establishment to a transfer, processing or disposal location.

*Department.* The term “department” means the department of sanitation.

*Designated carter.* The term “designated carter” or “carter” means a licensee that is authorized to provide commercial waste collection services pursuant to an agreement between an awardee and the department entered into pursuant to section 16-1002. The term “designated carter” may describe the awardee or another licensee that the awardee has designated to fulfill the terms of such agreement as specified therein, and provided further that notwithstanding any other provision of this section, the term “designated carter” may also include a person that the awardee has designated to fulfill the terms of such agreement as specified therein who is operating in accordance with the provisions of title 16-A and the rules promulgated pursuant to such title and who is authorized by the business integrity commission to collect certain categories of commercial waste without a license.

*Eligible employee.* The term “eligible employee” means any person employed in the city of New York by an awardee to perform services under an agreement entered into between the department and such awardee pursuant to section 16-1002, and who has been employed by such awardee for a period of at least six months prior to the effective date of a change in control, provided that such term shall not include persons who are managerial, supervisory or confidential employees.

*Global Positioning System* The term “global positioning system” or “GPS” means a global positioning system, or a comparable location tracking technology, that uses navigational satellites to determine a user’s location and velocity in real time and is capable of collecting, storing and transmitting geographical data.

*Incumbent employer.* The term “incumbent employer” means any person that owns or controls an awardee prior to any change in control.

*Licensee.* The term “licensee” means any person licensed to collect trade waste pursuant to title 16-A.

*Micro-hauler.* The term “micro-hauler” means any person that is not a designated carter, does not dispose of waste at a solid waste transfer station and either:

(1) collects less than 2600 tons of source separated organic waste from commercial establishments per year and collects such waste exclusively using bicycles; or

(2) collects less than 500 tons of source separated organic waste from commercial establishments per year and collects such waste using exclusively (i) a zero emissions vehicle that has a gross vehicle weight rating of not more than 14,000 pounds or (ii) any other mode of transport specified in the rules of the department.

*Organic waste.* The term “organic waste” has the same meaning as such term is defined in subdivision a of section 16-306.1.

*Successor employer.* The term “successor employer” means any person that owns or controls an awardee after any change in control.

*Trade waste.* The term “trade waste” has the same meaning as such term is defined in subdivision f of section 16-501.

*Transitional employment period.* The term “transitional employment period” means a 90 day period beginning upon the effective date of a change in control of an awardee.

§ 16-1001 *Commercial waste zones; designation.* Notwithstanding any other provision of law, no later than 120 days after the effective date of the local law that added this section, the commissioner shall divide the geographic area of New York city into no less than twenty commercial waste zones. The commissioner may amend the boundaries of such zones or establish additional zones as deemed appropriate by the commissioner and consistent with the purposes of this title. In establishing such commercial waste zones, the commissioner may consider:

1. The number and types of commercial establishments within the proposed zone;
2. The amount and types of waste generated by commercial establishments within the proposed zone and the potential for achieving the city’s commercial waste reduction goals;
3. Existing service patterns within the proposed zone and the potential for traffic and noise reduction;
4. The types and estimated amounts of recyclable materials generated by commercial establishments within the proposed zone that are required to be recycled, reused or sold for reuse pursuant to section 16-306 and any rules promulgated pursuant thereto;
5. The estimated amount of organic waste collected within the proposed zone;
6. The rates being charged by persons licensed pursuant to title 16-A to commercial establishments within the proposed zone;
7. The history of complaints concerning commercial waste collection from commercial establishments within the proposed zone; and
8. Any other information or criteria the commissioner deems relevant.

§ 16-1002 *Agreements.* a. For each area designated as a commercial waste zone pursuant to section 16-1001, the department shall be authorized to select and to enter into agreements with no more than three awardees per zone, permitting each awardee to provide for the collection, transport and removal of commercial waste within such zone as set forth in such agreement. The department shall be further authorized to select and enter into agreements with no more than five awardees permitting each awardee to provide for the collection, transport and removal of containerized commercial waste from any commercial establishment within the city of New York as set forth in such agreement. The department shall only enter into an agreement pursuant to this subdivision with an awardee that has obtained a license issued by the business integrity commission pursuant to subdivision a of section 16-505 on or before the date of such agreement. A proposer that responds to the request for proposals authorized pursuant to subdivision b of this section that does not hold such a license at the time a proposal is submitted pursuant to this section must submit an application for such a license to the business integrity commission no later than the date such proposal is submitted to the department. The initial term of any such agreement shall include authorization to collect, transport and remove commercial waste for ten years in each zone covered by such agreement. The department shall have the option, at its sole discretion, to renew any such agreement for no more than two additional terms of no more than five years each, provided that prior to the expiration of any agreement entered into pursuant to this section, the commissioner shall provide the awardee with adequate written notice of whether it intends to renew such agreement. The department shall not enter into any such agreement with an awardee that results in such awardee providing services in more than fifteen commercial waste zones, provided that any agreement to provide for the collection, transport and removal of containerized commercial waste citywide shall not count toward such limit.

b. No later than one year after the effective date of the local law that added this section, the department shall issue one or more requests for proposals to conduct commercial waste removal in a commercial waste



zone and to collect containerized commercial waste citywide and, based upon the review and evaluation of responses thereto, may negotiate and enter into such agreements pursuant to subdivision a of this section, as the department, in its discretion, determines will best provide for the efficient and orderly removal of commercial waste, consistent with the provisions of this title. Whenever necessary to ensure the ongoing efficient and orderly removal of commercial waste, the department may issue additional requests for proposals and, based upon the review and evaluation of responses thereto, may negotiate and enter into agreements in accordance with the provisions of this section. Any requests for proposals issued pursuant to this subdivision shall solicit information regarding the qualifications of proposers. Where a proposer intends to arrange for designated carters other than the proposer to provide all or some portion of the services requested, such proposal shall provide the requested information with respect to each designated carter being proposed. When evaluating proposals pursuant to the procedures described in this subdivision, the department shall consider the following factors:

1. The rate or rates to be charged to establishments for such services, including the proposer's commitment to providing lower rates for organics and recycling collection than for refuse collection services, the proposer's plan for covering costs of third party waste audits, and any extra service fees or supplemental charges the proposer plans on including in the pricing structure, except that in the case of a proposal to provide for the collection, transport and removal of containerized commercial waste citywide, a description of the proposer's commitment to providing lower rates for organics and recycling collection shall only be required where such proposal includes organics or recycling collection, transport and removal services;

2. The nature and frequency of the commercial waste removal services to be provided and the proposer's plan for ensuring that the proposer has the ability and adequate capacity to provide such services within the zone, including but not limited to, a description of the proposer's fleet and other relevant infrastructure, the proposer's plans, if any, for the set-out of commercial waste in a manner that promotes the city's goals of improving cleanliness, rodent mitigation, order and safety on city sidewalks, and a staffing plan to ensure continuity and safety in the delivery of services;

3. The proposer's submission of a customer service plan detailing customer service support tools, customer service standards, a mechanism for receiving and addressing customer complaints, performance metrics or other methods of addressing customer service, and the proposer's plan for addressing the language access needs of customers in the zone;

4. The proposer's submission of a plan describing practices to support waste reduction, reuse and recycling among commercial establishments within the zone, such as partnerships with local organizations, waste reduction or diversion targets, plans for offering organics collection services to a broad range of establishments within the zone, customer outreach and education or other practices to further such goals;

5. The proposer's submission of a waste management plan describing practices for disposal of commercial waste collected, including but not limited to, a description of the transfer, processing or final disposal locations for all materials collected, and specific practices or investments designed to promote the goals of sustainability, reliability and equity in the delivery of waste management services. In evaluating waste management plans submitted by proposers pursuant to this paragraph, the commissioner shall consider: (i) the total vehicle miles expected to be traveled as a result of the proposer's services, including but not limited to, consideration of the proximity of such locations to the zone, as applicable; (ii) whether such commercial waste will be transported to or from a solid waste transfer station by a sustainable mode of transport, such as rail or barge; (iii) whether, after considering a solid waste transfer station's history of compliance with applicable local, state and federal laws, the proposer's use of such solid waste transfer station is likely to have an impact on public health or safety; and (iv) any other factors that the commissioner deems relevant to promoting the goals of sustainability, reliability and equity in the delivery of waste management services;

6. The proposer's plan, if any, to reduce air pollution and greenhouse gas emissions from commercial waste vehicles, including but not limited to, any plans to: provide commercial waste collection, removal and disposal services with a fleet comprised of at least 50 percent zero emissions vehicles by 2030, or for any request for proposals issued after 2030, 100 percent zero emissions vehicles by 2040; implement operational best practices; or otherwise utilize zero emissions vehicles in the provision of commercial waste collection, removal and disposal services;

7. *The proposer's plan, if any, to reduce air pollution and greenhouse gas emissions through infrastructure investments, adoption of technologies or other sustainable solutions, including but not limited to, any plans to invest in sustainable facilities or infrastructure for organics and recycling processing;*

8. *The proposer's submission of a health and safety plan detailing compliance with applicable federal, state and local laws and specific practices to further the goals of promoting health and safety;*

9. *The proposer's history of compliance with existing federal, state and local laws, including but not limited to, laws relating to waste collection, removal and disposal, environmental protection, antitrust, consumer protection, health and safety, labor and employment, and anti-discrimination protections;*

10. *Submission of a plan describing the customer communication efforts the proposer intends to undertake during the transition to the commercial waste zone system and other communication efforts that will support and supplement the public outreach and education efforts of the department conducted pursuant to section 16-1010;*

11. *The proposer's plan, if any, to subcontract with any other designated carter, which shall include a description of how such subcontracting is consistent with the purposes of this chapter, including but not limited to, how such subcontracting will enhance public safety, minimize harmful environmental impacts and improve customer service;*

12. *The proposer's history of operating in New York city and the proposer's history of operating within the geographic area of each commercial waste zone for which such proposer has submitted a proposal;*

13. *The proposer's financial statements, including available capital, access to credit, and physical assets, including number of available commercial waste vehicles; and*

14. *Any other information the department deems appropriate.*

c. *Except as otherwise provided in subdivision d of this section, any agreement entered into pursuant to subdivision b of this section shall include:*

1. *A requirement that the awardee may not refuse commercial waste collection service to any commercial establishment within the commercial waste zone required to provide for the removal of such waste pursuant to the provisions of section 16-116, provided that such agreement may include provisions authorizing termination of service, refusal of service for good cause or setting forth other allowable measures to address default or non-payment by a commercial establishment;*

2. *A description of the maximum rate or rates that the awardee may charge customers for waste collection services, including any extra service fees or supplemental charges the awardee plans on including in the pricing structure, provided that extra service fees shall not be allowed for locking or unlocking gates or the rental of containers or dumpsters other than compactors and roll-offs;*

3. *A process by which awardees may petition the department for changes to the maximum rates described in paragraph 2 of this subdivision, which may include the opportunity for public comment, as set forth in such agreement;*

4. *A requirement that the awardee provide each customer with a written service agreement, which shall be negotiated between the customer and the awardee, specifying rates, standards of service and such other provisions as may be set forth in the agreement entered into between the awardee and the department pursuant to this section or as otherwise specified in the rules of the department;*

5. *A requirement that the awardee provide organic waste collection services to all commercial establishments that: (i) are located within the commercial waste zone for which the awardee has been awarded an agreement pursuant to this section; (ii) are not designated covered establishments pursuant to subdivision b of section 16-306.1; (iii) select such awardee for removal of commercial waste or have been assigned such awardee pursuant to paragraph 4 of subdivision e of this section; and (iv) request organic waste collection services, provided that such agreement may authorize the awardee to implement such requirement on a graduated schedule or may otherwise set forth circumstances in which such provision of such services shall not be required, consistent with the purposes of this chapter;*

6. *Specifications regarding the GPS devices, capable of collecting, storing and transmitting geographical data, to be installed on commercial waste vehicles, and requirements regarding periodic reporting of data collected by such devices to the department for purposes consistent with this title;*

7. *Any additional reporting requirements that the department deems necessary to further the goals of this title, including but not limited to, (i) waste generation estimates or waste characterization studies; (ii) collection routes; (iii) rates charged to customers; (iv) investments in sustainable vehicles, facilities or*

*infrastructure; (v) any warnings or violations issued from agencies for violating local, state or federal law; and (vi) workplace injuries and accidents;*

8. *A requirement that the awardee and any of its designated carters comply with the terms of the awardee's air pollution and greenhouse gas emission reduction plan, if any, customer service plan, waste reduction plan, waste management plan and health and safety plan as described in subdivision b of this section;*

9. *A requirement that the awardee and any of its designated carters ensure that employees receive periodic training relating to health and safety, as set forth in the agreement;*

10. *A requirement that the awardee and any of its designated carters comply with the provisions of this title and all other applicable laws;*

11. *A requirement that the awardee prepare for submission and review by the department an emergency action plan detailing procedures to be deployed in emergency situations, including but not limited to, fires, evacuations, spills or weather emergencies, and addressing continuity and restoration of service;*

12. *Provisions addressing contingency planning to ensure (i) the orderly transition of services to a subsequent awardee upon the conclusion of the agreement, (ii) continuity of service in the case of an awardee or any of its designated carters being unable to provide commercial waste collection services or any other default by the awardee or any of its designated carters, and (iii) continuity of service in the case of a default by another awardee or designated carter;*

13. *The option for the awardee to subcontract with no more than two designated carters in each zone for services in order to meet the requirements of the agreement, provided that: (i) any such designated carter must fully comply with all terms of such agreement and must be licensed by the business integrity commission or otherwise authorized to collect trade waste in accordance with the provisions of title 16-A and rules promulgated pursuant thereto; (ii) the agreement shall include a requirement that the department review and approve all contracts between the awardee and all designated carters for purposes of ensuring that the terms of such contracts are in accordance with the provisions of this chapter; and (iii) a subcontracting arrangement with a designated carter that collects waste exclusively using bicycles shall not count toward the numerical limit on designated carters as subcontractors provided in this paragraph;*

14. *A requirement that the awardee engage in public outreach and education efforts to address the transition to the commercial waste zone system;*

15. *A requirement that the awardee and any of its designated carters utilize existing programs or resources developed by the department of small business services or any other relevant agency designed to promote employment opportunities for New York city residents, where applicable and appropriate; and*

16. *A requirement that the awardee pay liquidated damages as deemed appropriate by the department and set forth in the agreement.*

*d. Paragraphs 1 and 5 of subdivision c of this section shall not apply to an agreement to provide for the collection, transport and removal containerized commercial waste citywide.*

*e. 1. On or after the implementation start date for a commercial waste zone, no person other than an awardee authorized to operate within such commercial waste zone pursuant to an agreement entered into pursuant to this section may enter into a new contract or renew an existing contract with a commercial establishment located within such zone to provide for the collection, removal or disposal of commercial waste.*

*2. By the final implementation date for a commercial waste zone, every owner, lessee or person in control of a commercial establishment must contract with an awardee selected for such zone in which such establishment is located for the removal of such establishment's commercial waste by a designated carter pursuant to the terms of the agreement entered into between such awardee and the department pursuant to this section, provided however, that an owner, lessee or person in control of a commercial establishment may, by such final implementation date, contract for the removal of containerized commercial waste with either an awardee selected for such zone or with an awardee selected for the removal of containerized commercial waste citywide pursuant to this section.*

*3. The commissioner shall promulgate rules setting forth an implementation start date and a final implementation date for each commercial waste zone established pursuant to section 16-1001. The commissioner may select different implementation start dates and final implementation dates for different commercial waste zones.*

4. Such rules may also set forth a procedure whereby the commissioner shall assign an awardee to a commercial establishment that has failed to select an awardee by the final implementation date established pursuant to such rules, provided that in such a case, the owner, lessee or person in control of a commercial establishment shall have 30 days after the assignment is made by the commissioner to select a different awardee authorized to operate in such commercial waste zone.

f. Any agreement entered into pursuant to subdivision b of this section may include any other terms or provisions deemed appropriate by the department.

§ 16-1003 Unauthorized conduct within commercial waste zones.

a. Except as provided in subdivision c of this section and notwithstanding any other provision of law, it shall be unlawful for any person to operate a business for the purpose of the collection, transport or removal of commercial waste from the premises of a commercial establishment required to provide for the removal of such waste pursuant to section 16-116 or to engage in, conduct or cause the operation of such a business, or to solicit commercial establishments to engage such a business for such purpose, except as authorized pursuant to an agreement with the department entered into pursuant to section 16-1002 and in accordance with the provisions of this title and any rules promulgated pursuant thereto.

b. Notwithstanding any other provision of law, it shall be unlawful for any trade waste broker to broker agreements between a commercial establishment located in a commercial waste zone required to provide for the removal of commercial waste pursuant to the provisions of section 16-116 and a provider of commercial waste removal, collection or disposal services, except where such provider is authorized to provide such services within such zone pursuant to an agreement with the department entered into pursuant to section 16-1002.

c. The provisions of this section shall not apply to a person registered by the business integrity commission to remove, collect or dispose of trade waste that is generated in the course of operation of such person's business pursuant to subdivision b of section 16-505, or to a commercial establishment, owner or managing agent of a building, or owner of an establishment exempt from the requirement to obtain a registration pursuant to such subdivision.

d. Any awardee that has entered into an agreement with the department pursuant to section 16-1002 permitting such awardee to provide for the collection, transport and removal of containerized commercial waste citywide shall be deemed to be authorized to operate within any commercial waste zone in the city of New York.

e. 1. Notwithstanding any other provision of this title, it shall be unlawful for any person to collect, transport or remove waste, as defined in paragraph 2 of this subdivision, from any premises that is not required to provide for the removal of waste pursuant to section 16-116, unless such person is a designated carter authorized to collect, transport or remove commercial waste from commercial establishments in the zone in which such premises is located pursuant to an agreement with the department entered into pursuant to section 16-1002, or such person is an authorized employee or agent of a city agency. Nothing in this subdivision shall be deemed to amend, alter or supersede the provisions of chapter 4-C of title 16 and any rules promulgated pursuant thereto.

2. For the purposes of this subdivision, the term "waste" shall mean all putrescible materials or substances that are discarded or rejected by the owners or occupants of such premises as being spent, useless, worthless or in excess to such owners or occupants at the time of such discard or rejection, including recyclable materials as defined in section 16-303 of this code, except that such term shall not include: sewage; industrial wastewater discharges; irrigation return flows; radioactive materials that are source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. § 2011 et seq.; materials subject to in-situ mining techniques that are not removed from the ground as part of the extraction process; hazardous waste as defined in section 27-0901 of the environmental conservation law; construction and demolition debris; fill material; medical waste; electronic waste; textiles; yard waste collected by landscapers; waste collected by a one-time, on-call bulk waste removal service; grease; paper that is collected for the purpose of shredding or destruction; or waste that is collected by a micro-hauler.

§ 16-1004 Interference with commercial waste zone agreements. No person shall make false, falsely disparaging or misleading oral or written statements or other representations to the owners or operators of a commercial establishment that have the capacity, tendency or effect of misleading such owners or operators, for the purpose of interfering with the performance of the terms of any agreement between the department and

*an awardee entered into pursuant to section 16-1002. No person shall interfere or attempt to interfere by threats, intimidation, or coercion, or by destruction or damage of property or equipment, with performance of the terms of an agreement entered into pursuant to section 16-1002.*

*§ 16-1005 Conduct by awardees and designated carters within commercial waste zones.*

*a. 1. Each awardee shall only charge, exact or accept rates for the collection, removal or disposal of commercial waste within the commercial waste zone for which the awardee has been awarded an agreement pursuant to section 16-1002, or for the collection, removal or disposal of containerized commercial waste citywide under an agreement pursuant to such section, as set forth in such agreement and any rules promulgated by the department pursuant to this chapter.*

*2. No awardee shall refuse commercial waste collection service to any commercial establishment required to provide for the removal of such waste pursuant to the provisions of section 16-116 within the commercial waste zone for which the awardee has been awarded an agreement pursuant to section 16-1002, except as otherwise set forth in such agreement.*

*3. Each awardee shall provide recyclable materials collection services to all commercial establishments that: (i) are located within the commercial waste zone for which the awardee has been awarded an agreement pursuant to section 16-1002; (ii) are required to provide for the removal of such materials in accordance with the provisions of section 16-306 and any rules promulgated pursuant thereto; and (iii) select such awardee for removal of commercial waste or have been assigned such awardee pursuant to paragraph 4 of subdivision e of section 16-1002.*

*4. Each awardee shall provide organic waste collection services to all commercial establishments that: (i) are located within the commercial waste zone for which the awardee has been awarded an agreement pursuant to section 16-1002; (ii) are designated covered establishments pursuant to subdivision b of section 16-306.1 that have elected collection by a private carter of organic waste pursuant to subdivision c of such section; and (iii) select such awardee for removal of commercial waste or have been assigned such awardee pursuant to paragraph 4 of subdivision e of section 16-1002.*

*5. Each awardee and any of its designated carters shall ensure proper disposal of all commercial waste collected, consistent with the terms of any applicable agreement entered into pursuant to section 16-1002, and all applicable laws and rules, and retain for five years and make available for inspection by the department any records provided by a waste transfer station that document disposal of commercial waste collected, and each awardee shall report to the department the amount of commercial waste collected, transported or removed, disaggregated by zone, as applicable, designated carter, material type, and the destination of each material.*

*6. Each awardee and any of its designated carters shall comply with all terms of such awardee's health and safety plan as set forth in the agreement entered into pursuant to section 16-1002, and any rules promulgated by the department related to public health and safety.*

*7. As set forth in the agreement entered into pursuant to section 16-1002 and any rules promulgated by the department, each awardee and designated carter shall maintain: (i) audited financial statements, (ii) ledgers, (iii) receipts, (iv) audits, (v) bills, (vi) customer complaints and other records related to the delivery of commercial waste removal, collection or disposal services, (vii) records related to vehicle maintenance and inspection, (viii) records related to health and safety planning, and (ix) such other written records as the department determines are necessary for demonstrating compliance with the requirements of this chapter and any rules promulgated pursuant thereto. Such records shall be maintained for a period of time to be determined by rule by the department. Such records shall be made available for inspection and audit by the department.*

*8. Each awardee and designated carter shall comply with all operational requirements regarding the collection, removal and disposal of commercial waste as set forth in the rules of the department promulgated in the furtherance of public health and safety.*

*9. No awardee shall enter into a subcontracting agreement with a designated carter without obtaining prior approval by the department.*

*10. Each awardee and designated carter shall report any employees hired as a result of the displaced employees list pursuant to section 16-1007.*

*11. As set forth in the agreement entered into pursuant to section 16-1002, and any rules promulgated by the department, each awardee shall:*

- (a) Comply with the terms of their customer service plan;*
- (b) Enter into written service agreements with all customers;*
- (c) Provide a consolidated monthly bill to all customers;*
- (d) Offer third party waste audit services to all customers;*
- (e) Comply with all other requirements as set forth in such rules related to standards for service; and*
- (f) Accept only non-cash payment from customers, except as otherwise provided in such agreement and such rules.*

*12. Each awardee and each designated carter shall comply with all applicable reporting requirements as set forth in the agreement entered into pursuant to section 16-1002 and any rules promulgated by the department requiring reporting of information related to the collection of commercial waste in commercial waste zones.*

*b. Notwithstanding any other provision of this section, paragraphs 2, 3 and 4 of subdivision a of this section shall not apply to an awardee or designated carter operating pursuant to an agreement to provide for the collection, removal and disposal of containerized commercial waste citywide.*

*§ 16-1006. Employee retention. a. No less than thirty calendar days before the effective date of any change in control of an awardee, the incumbent employer shall:*

- 1. provide to the successor employer a full and accurate list containing the name, address, phone number, date of hire, and job category of each eligible employee;*
- 2. post a notice in the same location and manner that other statutorily required notices to employees are posted, which shall include: (i) the effective date of such change in control; (ii) the name and contact information for the successor employer; and (iii) an explanation of the rights provided pursuant to this section, in a form prescribed by the department; and*
- 3. post such explanation of rights in any language spoken as a primary language by any eligible employee, provided that the department has made a translation available in such language.*

*b. The successor employer shall retain each eligible employee for the transitional employment period and, except as otherwise provided in this section, the successor employer shall not discharge an eligible employee retained pursuant to this section during the transitional employment period without cause.*

*c. If at any time during the transitional employment period, the successor employer determines that it requires fewer employees than were employed by the incumbent employer, such successor employer shall retain such eligible employees by seniority within each job category. During the transitional employment period, the successor employer shall maintain a preferential hiring list of any eligible employees not retained by such successor employer who shall, by seniority within their job category, be given a right of first refusal to any jobs that become available during such transitional employment period within such job category.*

*d. The successor employer shall retain written verification of any offer of employment made by such successor employer to any eligible employee for a period of no less than three years from the date such offer was made. Such verification shall include the name, address, date of offer and job category of each eligible employee.*

*e. By the end of the transitional employment period, the successor employer shall have a record of a written performance evaluation for each eligible employee retained pursuant to this section and may offer such eligible employee continued employment. The successor employer shall retain a record of the written performance evaluation for a period of no less than three years.*

*f. The provisions of this section shall not apply to any successor employer that, on or before the effective date of the transfer of control from an incumbent employer to the successor employer, enters into a collective bargaining agreement covering the eligible employees or agrees to assume, or to be bound by, the collective bargaining agreement of the incumbent employer covering the eligible employees, provided that such collective bargaining agreement provides terms and conditions regarding the discharge or laying off of employees.*

*§ 16-1007 Displaced employees list. a. The department shall maintain a list containing the names and contact addresses or telephone numbers of persons formerly employed by a business either currently engaged in the collection, removal or disposal of commercial waste, or that was engaged in the collection, removal or disposal of commercial waste prior to the implementation of this chapter, whose employment with such business has ended. The addition or deletion of information on such list shall be made only upon the request of such a former employee. At the time a former employee requests to be added to such list, the department shall*

*provide the employee with information regarding employment programs and initiatives administered by the department of small business services or other city agencies.*

*b. The department shall provide a copy of such list to an applicant or licensee pursuant to section 16-508 or an awardee or designated carter upon request. Additionally, the department shall provide a copy of such list to an awardee within six months of entering into an agreement with such awardee pursuant to section 16-1002 and every six months thereafter for a period of five years.*

*c. The maintenance or provision of such list shall in no way be construed as a recommendation by the city regarding the employment of any person on such list, nor shall the city be responsible for the accuracy of the information set forth therein.*

*§16-1008 Worker safety training. a. In addition to any other applicable requirements pursuant to local, state or federal laws or rules, no later than 180 days after the date on which an awardee enters into an agreement with the department pursuant to section 16-1002, each designated carter that will be operating pursuant to such agreement shall be responsible for ensuring that all workers, including but not limited to, vehicle operators, laborers, helpers, mechanics, supervisors and managers, employed by such designated carter as of such date have received worker safety training as required by this section. For workers employed by such designated carter after an awardee enters into an agreement with the department pursuant to section 16-1002, such worker safety training shall be provided within 90 days after the start of employment or prior to the initial assignment of a worker to a job or task, whichever is earlier.*

*b. Each designated carter shall provide for a worker safety training program at no cost to workers to ensure its workers are properly trained for each assigned job or task to be performed and use of related equipment. The worker safety program shall include a review of any hazardous activities of the job that are relevant to the tasks and activities to be performed. For vehicle operators, laborers and helpers who are directly assigned to the collection, removal, transport or disposal of trade waste on or about the public right of way, such training shall consist of no less than 40 hours, of which no fewer than 16 hours shall be dedicated to classroom instruction. For all other workers, such training shall consist of no less than 8 hours.*

*c. 1. Such worker safety training program shall be tailored for individual operations, hazards or potential hazards present, and the type of equipment utilized including detailed equipment-specific training for drivers, equipment operators and loaders, as well as maintenance personnel and supervisors. Training shall include a practical demonstration of equipment operation, the knowledge and skills needed by the employee to operate such equipment and the consequences for failure to operate the equipment properly, as appropriately related to the requirements of the worker's job duties.*

*2. (a) All training shall include, at a minimum, educating workers on workplace safety requirements, operational instruction on each specific type of equipment used by the employee, and training to address specific public safety hazards associated with collecting, transporting and removing commercial waste, including but not limited to, training, as applicable, on:*

*(1) collision avoidance, including defensive driving and best practices to avoid collisions with pedestrians, cyclists and other sensitive road users;*

*(2) pre-trip vehicle and equipment inspections;*

*(3) state and local traffic laws, including speed limits, yielding, and bus and bicycle lane restrictions;*

*(4) preventing distracted driving;*

*(5) navigating intersections and turns;*

*(6) backing up a commercial waste vehicle;*

*(7) best practices for safe collection stops;*

*(8) container management;*

*(9) hopper operation;*

*(10) fire prevention and response; and*

*(11) transporting and disposing of specialized waste or hazardous materials.*

*(b) All such training shall be consistent with all applicable laws, rules and regulations, including but not limited to, requirements administered by the United States occupational safety and health administration, the United States department of transportation, the New York state department of transportation, the United States department of labor, and the New York state department of labor.*

*d. The worker safety training program required by this section shall include a language access plan to ensure that the needs of workers with limited English proficiency are adequately addressed by the designated carter's worker safety training program. Such language access plan shall include, at a minimum, a description of the language access needs of the designated carter's workforce and specific language assistance tools to be used in the administration of the worker safety training program designed to meaningfully address such needs. Such language access plan shall be updated annually and made available for inspection upon request by the department.*

*e. Each designated carter shall provide re-training of employees as follows:*

*1. An annual refresher training class to all workers;*

*2. No less 90 days after a change in the worker's job assignment or a change in equipment used by the worker that presents a new hazard;*

*3. No less than 90 days after an inspection by the department reveals, or the designated carter has reason to believe, that there are material deviations from workplace safety requirements or inadequacies in worker knowledge of workplace safety requirements.*

*f. Each designated carter shall refer workers to, and have readily available, the manufacturer's, installer's or modifier's instructions to ensure that correct operating and maintenance procedures and work practices are understood and followed.*

*g. Upon each worker's completion of the worker safety program required by this section, the designated carter shall issue to each such worker a safety training card evidencing the completion of such safety training which such worker shall carry with him or her during the performance of his or her duties.*

*h. Each designated carter shall maintain training records, including the name of each worker, date or dates of training, the type of training received by each worker, and the language in which such training was provided. Records shall be maintained for a period of three years and be made available for inspection upon request by the department.*

*i. A designated carter shall certify to the department that it has met the requirements of this section, in the form and manner as the commissioner may prescribe, no later than 180 days after the date of the agreement between an awardee and the department pursuant to section 16-1002 under which the designated carter will first provide commercial waste collection services or, for subcontractors, the date on which the department approves the designated carter as a subcontractor of the awardee, and annually thereafter.*

*j. No later than 180 days after the effective date of the local law that added this section, the commissioner shall convene a commercial waste zone safety task force to monitor industry conditions in order to make recommendations regarding improving worker safety training and other ways to protect the public from potential dangers posed by commercial waste hauling activities. Such task force shall be composed of the commissioner, who shall serve as the chairperson of such task force, the chair of the business integrity commission, the speaker of the council, or the designees of any of these such members, and eight additional members, four of which shall be appointed by the mayor and four of which shall be appointed by the speaker of the council. Such task force shall include members who are representative of the commercial waste hauling industry and persons having expertise in workplace safety.*

*1. Such task force shall meet at least quarterly each year for the first two years of its existence and at least annually for three years thereafter.*

*2. Such task force shall periodically on its own initiative, or upon request of the commissioner, provide the commissioner with recommendations relating to improving the worker safety training required by this section and other ways to protect the public from potential dangers posed by commercial waste hauling activities. Any such recommendations shall be made available to the commissioner, the chair of the business integrity commission, and all awardees and designated carters within one year of the first meeting of the task force and annually for four years thereafter. In making such recommendations, such task force shall consider, but need not be limited to considering, the following:*

*(a) Personal protection equipment;*

*(b) Safely working with and operating vehicle equipment and machines;*

*(c) Handling heavy materials and proper lifting techniques;*

*(d) Working with hazardous chemicals or other materials;*

*(e) Emergency action plans, fire prevention and fire protection;*



- (f) Hazard communication;
- (g) Drug and alcohol awareness;
- (h) First aid, including cardiopulmonary resuscitation (CPR) and automated external defibrillator (AED) use; and
- (i) Whether and under what circumstances a person would be permitted to transfer safety training acquired or obtained under one employer to another employer.

§ 16-1009 Whistleblower protections. It shall be unlawful for an awardee or designated carter or the agent of an awardee or designated carter to take or threaten to take a retaliatory personnel action, as defined by section 740 of the labor law, against an employee of such awardee or designated carter for reporting to the officer or employee of any city agency information concerning the conduct of such awardee or designated carter or such agent, which the employee knows or reasonably believes to involve a violation of the provisions of this title or any rules promulgated pursuant thereto or the terms of any applicable agreement entered into pursuant to section 16-1002.

§ 16-1010 Outreach and education. a. The commissioner, together with the chair of the business integrity commission and any other agency designated by the mayor, shall establish an outreach and education program aimed at educating commercial establishments on the implementation of the commercial waste zone collection system, instructions for arranging for collection of commercial waste, and the environmental, health and safety benefits to be yielded through such system. This outreach and education program shall include but not be limited to, seminars, webinars, conferences, and a multilingual public education program.

b. The commissioner may seek the assistance of for-profit and not-for-profit corporations in providing education to commercial establishments pursuant to subdivision a of this section.

c. No later than 90 days following the selection of awardees within a commercial waste zone pursuant to section 16-1002, the commissioner shall distribute a multilingual letter to all commercial establishments within such zone informing them of their obligations to comply with the provisions of this chapter and any rules promulgated pursuant thereto. Failure to receive a letter pursuant to this subdivision shall not eliminate or otherwise affect the obligations of a commercial establishment pursuant to this chapter and any rules promulgated pursuant thereto.

d. The commissioner, together with the chair of the business integrity commission and any other agency designated by the mayor, shall also conduct an outreach and education program aimed at educating businesses within the commercial waste industry about the requirements and procedures for those interested in operating as awardees or designated carters pursuant to this title. Such program shall include but not be limited to, targeted outreach to minority and women-owned business enterprises and the facilitation of information exchange between such business enterprises and other businesses within the commercial waste industry.

§ 16-1011. Agency reporting. On or before September 30, 2020, and annually thereafter, the commissioner shall issue a report to the speaker of the council and the mayor and post such report on the agency's website. Such report shall include but not be limited to, information regarding the implementation of the commercial waste zone program for each month during the previous fiscal year, disaggregated by zone and further disaggregated by awardee, as applicable, on: (i) the cost and volume of solid waste and recyclables collection and disposal; (ii) feedback from commercial establishments; (iii) the number and types of complaints received regarding commercial waste removal; (iv) outreach and education conducted, including the number of trainings and the number of individuals who have participated in such trainings, if applicable, and materials provided; (v) the number of vehicle miles traveled by trucks used to collect, transport or remove commercial waste within commercial waste zones and any change to such number as compared to the previous fiscal year; (vi) diversion of commercial waste from landfill and any change to such diversion as compared to the previous fiscal year; (vii) any recommendations for improving the commercial waste zone collection system; (viii) the feasibility of accepting commercial waste at marine transfer stations; and (ix) the amount and proportion of commercial waste received at marine transfer stations.

§ 16-1012 Reporting by micro-haulers. On or before February 1, 2022 and each February 1 thereafter, any micro-hauler operating within a commercial waste zone shall submit to the department and the business integrity commission the following information for the previous calendar year in a form and in a manner prescribed by the department:

- (i) *the amount of source separated organic waste collected from commercial establishments, disaggregated by quarter year;*
- (ii) *the mode of transport of all source separated organic waste collected from commercial establishments, disaggregated by quarter year;*
- (iii) *the disposal location of all source separated organic waste collected from commercial establishments, disaggregated by quarter year; and*
- (iv) *a list of commercial establishments from which source separated commercial waste was collected, disaggregated by zone.*

*§ 16-1013 Fees. The commissioner shall promulgate rules establishing fees to be collected from any awardee selected pursuant to section 16-1002 for the administration of the commercial waste zone program.*

*§ 16-1014 Minimum rates. The department may fix by rule and periodically refix minimum rates for the collection, removal or disposal of commercial waste. Such minimum rates shall be based upon a fair and reasonable return to the awardee and consideration of the purposes of this chapter.*

*§ 16-1015 Penalties, injunction and equitable remedies. a. Any person who violates any provision of section 16-1003 or 16-1004, or any rules promulgated pursuant to such sections or any order issued by the commissioner or chair of the business integrity commission pursuant to such sections shall be liable for a civil penalty of \$10,000 for each violation, or, in the case of a continuing violation, \$10,000 for each day of such violation.*

*b. 1. Any person who violates any provision of paragraphs 1 through 9 of subdivision a of section 16-1005 shall be liable for a civil penalty of \$2,500 for the first violation, and, for subsequent violations that occur within a two-year period of any previous violation, \$5,000 for the second violation and \$10,000 for any subsequent violation.*

*2. Any person who violates any provision of paragraphs 10 through 12 of subdivision a of section 16-1005 shall be liable for a civil penalty of \$500 for the first violation, and, for subsequent violations that occur within a two year period of any previous violation, \$750 for the second violation and \$1,000 for any subsequent violation.*

*c. 1. Any person who violates any provision of subdivision c of section 16-1005 shall be liable for a civil penalty of \$10,000 per vehicle that is in violation. Each notice of violation shall contain an order of the commissioner or chair of the business integrity commission directing the respondent to correct the condition constituting the violation and to file with the department electronically, or in such other manner as the commissioner shall authorize, a certification that the condition has been corrected within thirty days from the date of the order. In addition to such civil penalty, a separate additional penalty shall be imposed of \$500 for each day that the violation is not corrected beyond thirty days from such order.*

*2. For the purposes of this section, if a court of competent jurisdiction or the office of administrative trials and hearings, pursuant to section 1049-a of the charter, finds that a certification of correction filed pursuant to this subdivision contained material false statements relating to the correction of a violation, such certification of correction shall be null and void. It shall be an affirmative defense that the respondent neither knew nor should have known that such statements were false.*

*d. The civil penalty for each violation of section 16-1008 shall be \$1,000. A violation of section 16-1008 shall be computed on a per employee basis. Notwithstanding any other provision of this section, any penalty imposed for a violation of subdivision i of section 16-1008 shall be mitigated to zero dollars if, on or before the initial return date stated on the notice of violation, a designated carter who fails to provide the certification required pursuant to subdivision i of section 16-1008 submits proof of having cured such violation at the hearing of such notice of violation.*

*e. Any person who violates any provision of section 16-1012 shall be liable for a civil penalty of \$1,000, except that such penalty shall be mitigated to zero dollars if on or before the initial return date stated on the notice of violation, a micro-hauler who fails to file the report required pursuant to section 16-1012 submits proof of having cured the violation at the hearing of such notice of violation.*

*f. All civil penalties imposed pursuant to this section may be recovered in a civil action in any court of competent jurisdiction or in a proceeding before the office of administrative trials and hearings, pursuant to section 1049-a of the charter.*

*g. The corporation counsel is authorized to commence a civil action on behalf of the city for civil penalties or for injunctive relief to restrain or enjoin any activity in violation of this chapter.*

*h. In addition to or as an alternative to any civil penalty pursuant to subdivision a of this section, any person who violates section 16-1003 or 16-1004 or any of the rules promulgated pursuant thereto shall, upon conviction thereof, be punished for each violation by a criminal fine of not more than \$10,000, or in the case of a continuing violation, not more than \$10,000 for each day of such violation, or by imprisonment not exceeding six months, or both such criminal fine and imprisonment.*

*i. Any employee that has been the subject of a retaliatory personnel action or the threat of a retaliatory personnel action in violation of section 16-1009 or any rules promulgated pursuant thereto shall be entitled to all relief necessary to make the employee whole. Such relief may include but not be limited to: (i) an injunction to restrain the retaliatory action or threat of retaliatory action, (ii) reinstatement to the position such employee would have had but for the retaliatory action or to an equivalent position, (iii) reinstatement of full fringe benefits and seniority rights, (iv) payment of two times back pay, plus interest, and (v) compensation for any special damages sustained as a result of the retaliatory action or threat of retaliatory action, including litigation costs and reasonable attorneys' fees. Such an employee may bring an action in any court of competent jurisdiction for the relief provided in this subdivision.*

*§ 16-1016 Impoundment and forfeiture. a. Any vehicle that has been used or is being used in the violation of section 16-1003 shall be impounded by the department or the business integrity commission and shall not be released until either all removal charges and storage fees and the applicable fine have been paid or a bond has been posted in an amount satisfactory to the commissioner or as otherwise provided in subdivision c of this section. The commissioner shall have the power to establish rules concerning the impoundment and release of vehicles and the payment of removal charges and storage fees for such vehicles, including the amounts and rates thereof.*

*b. In addition to any other penalties provided in this section, the interest of an owner in any vehicle impounded pursuant to subdivision a of this section shall be subject to forfeiture upon notice and judicial determination thereof if such owner has been convicted of or found liable for a violation of section 16-1003 in a civil or criminal proceeding or in a proceeding before the office of administrative trials and hearings, pursuant to section 1049-a of the charter two or more times, if at least two of such violations were committed within an eighteen-month period.*

*c. Except as hereinafter provided, the city agency having custody of a vehicle, after judicial determination of forfeiture, shall no sooner than 30 days after such determination upon a notice of at least five days, sell such forfeited vehicle at public sale. Any person, other than an owner whose interest is forfeited pursuant to this section, who establishes a right of ownership in a vehicle, including a part ownership or security interest, shall be entitled to delivery of the vehicle if such person:*

*(1) Redeems the ownership interest which was subject to forfeiture by payment to the city of the value thereof;*

*(2) Pays the reasonable expenses of the safekeeping of the vehicle between the time of seizure and such redemption; and*

*(3) Asserts a claim within thirty days after judicial determination of forfeiture.*

*d. Notwithstanding the foregoing provisions, establishment of a claim shall not entitle such person to delivery of the vehicle if the city establishes that the unlawful conduct for which the vehicle was seized was expressly or impliedly permitted by such person.*

*§ 16-1017 Liability for violations. a. A designated carter shall be liable for violations of any of the provisions of this chapter or any rules promulgated pursuant hereto committed by any of its employees or agents.*

*b. An awardee shall be liable for violations of any of the provisions of this chapter or any rules promulgated pursuant hereto committed by any designated carter or other subcontractor performing services pursuant to any agreement entered into pursuant to section 16-1002.*

*§ 16-1018 Enforcement. Notices of violation for violations of any provision of this chapter or any rule promulgated hereunder may be issued by the department or the business integrity commission. In addition, such notices of violation may be issued by any other agency of the city as designated by the commissioner.*

*§ 16-1019 Labor and wage violations. Where the commissioner has reasonable cause to believe that a designated carter has engaged in or is engaging in actions: (i) involving egregious or habitual nonpayment or underpayment of wages, or (ii) that constitute a significant violation of city, state or federal labor or employment law, the commissioner shall inform the New York state attorney general, the New York state*

department of labor, the United States department of labor or other relevant city, state or federal law enforcement agency of such actions.

§ 16-1020 Administration of commercial waste zones. a. Notwithstanding any inconsistent provision of law, the business integrity commission may, upon approval by a majority of its members, elect to assume, in whole or in part, the powers and duties of the commissioner and the department assigned by the local law that added this section, provided that such commission notifies the mayor, the council and the commissioner in writing of such election either (i) within 30 days of the enactment of the local law that added this section, or (ii) subsequently, no less than six months prior to the date that the assumption of powers and duties pursuant to such election takes effect. In the event of an election that is made pursuant to clause (ii) of the preceding sentence, such commission and the department shall take measures to effect an orderly transfer of such powers and duties. Such commission and the department shall make all necessary arrangements with respect to any relevant property, contracts, personnel, funding, administration, enforcement and pending matters. No judicial or administrative action or proceeding, civil or criminal, pending at the time of such election, or any contract in effect at the time of such election, shall be affected or abated by such assumption; all such actions, proceedings or contracts may be continued, but upon the effective date of the assumption of powers and duties by such commission, the same may be prosecuted, defended or enforced by such commission. Any rules promulgated by the department pursuant to the local law that added this section shall remain in effect as rules of such commission until such time as they are repealed or amended by such commission.

b. Subsequent to any election made pursuant to subdivision a of this section, such commission may elect for the department to assume, in whole or in part, powers and duties assumed by the commission pursuant to such subdivision, provided that such assumption shall take effect no less than six months after such election. In such event, the transitional provisions applicable to the initial assumption by such commission in subdivision a of this section shall apply in a similar manner to the assumption by the department pursuant to this subdivision.

§ 19. Subdivision m of section 24-163.5 of the administrative code of the city of New York, as amended by local law 38 for the year 2015, is amended to read as follows:

m. This section shall not apply to any solid waste contract or recyclable materials contract entered into or renewed prior to September 9, 2005 or to any agreement entered into pursuant to title 16-B.

§ 20. Subdivision c of section 24-163.11 of the administrative code of the city of New York, as amended by local law 38 for the year 2015, is amended to read as follows:

c. Waivers; financial hardship. The chairperson of the business integrity commission may issue a waiver of the requirements of paragraph one of subdivision b of this section if the chairperson finds that the applicant for such waiver has demonstrated that compliance with such requirements would cause undue financial hardship on the applicant. An application for such waiver must be filed with the business integrity commission on or before January 1, 2019, or in the case of an applicant that applies for a license or registration with the business integrity commission pursuant to section 16-505 of the code for the first time after January 1, 2019, an application for such waiver shall be filed no later than the date on which such license or registration application is filed with the commission. An application for renewal of an existing waiver must be filed no later than one hundred eighty days before the expiration of such waiver. Any waiver issued pursuant to this paragraph shall expire no later than two years after issuance. All waivers issued pursuant to this subdivision shall expire no later than January 1, 2025. The provisions of paragraph one of subdivision b of this section shall not apply to an applicant that has submitted an application for a waiver in accordance with the provisions of this subdivision while such application is pending with the commission, nor for ninety days after the date of a denial of such waiver. *Notwithstanding any other provision of law, the business integrity commission shall not issue or renew a waiver pursuant to this subdivision to any applicant with respect to a vehicle that will be used to collect, remove or dispose of waste required to be collected by a designated carter pursuant to chapter 1 of title 16-B.*

§ 21. Subdivision d of section 24-163.11 of the administrative code of the city of New York is amended by adding a new paragraph (6) to read as follows:

(6) *Notwithstanding any other provision of law, with respect to any vehicle that may be used to collect, remove or dispose of waste required to be collected by a designated carter pursuant to chapter 1 of title 16-B, the commissioner of sanitation shall have all the powers and duties of the business integrity commission as set forth in this section.*

§ 22. Notwithstanding any other provision of law, upon the final implementation date for a commercial waste zone established by the commissioner of sanitation pursuant to paragraph 3 of subdivision e of section 16-1002 of the administrative code of the city of New York, as added by section 18 of this local law, any contract between a commercial establishment and a person other than an awardee authorized to operate within such zone pursuant to an agreement entered into pursuant to section 16-1002 of such code, as added by section 18 of this local law, to provide for the collection, removal or disposal of commercial waste, as such term is defined in section 16-1000 of such code, as added by section 18 of this local law, within such commercial waste zone shall be considered terminated. Any contract for the collection, removal or disposal of commercial waste generated by a commercial establishment within a commercial waste zone entered into prior to such final implementation date shall contain prominent notice that such contract is subject to termination upon such date and the procedures for such termination.

§ 23. No action or proceeding, civil or criminal, pending at the time when this local law takes effect, brought by or against the city or any agency or officer, and no administrative proceeding brought by the business integrity commission, shall be affected or abated by the adoption of this local law or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that powers and duties of any agency or officer party thereto may be assigned or transferred to another agency or officer or otherwise affected by this local law.

§ 24. The enactment of this local law shall not affect or impair any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time such enactment takes effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted, as fully and to the same extent as if such local law had not been enacted.

§ 25. a. This local law takes effect immediately, except as otherwise provided in this section.

b. Sections 5 through 17 of this local law take effect 18 months after it becomes law, provided however that:

1. Notwithstanding any other provision of law, until the final implementation date for a commercial waste zone established by the commissioner of sanitation pursuant to paragraph 3 of subdivision e of section 16-1002 of the administrative code of the city of New York, as added by section 18 of this local law, the business integrity commission may, within such zone, continue to enforce the provisions of sections 16-306, 16-306.1, 16-504, 16-519, 16-520 and 16-522 of the administrative code of the city of New York and any rules promulgated pursuant thereto, including but not limited to, the rates for the removal, collection or disposal of commercial waste, as they were in effect prior to the effective date of sections 5 through 15 of this local law, with respect to persons who are not designated carters operating within such zone pursuant to an agreement entered into pursuant to section 16-1002 of such code, as added by section 18 of this local law; and

2. Notwithstanding any other provision of law, until the final implementation date for a commercial waste zone established by the commissioner of sanitation pursuant to paragraph 3 of subdivision e of section 16-1002 of the administrative code of the city of New York, as added by section 18 of this local law, no enforcement of the provisions of paragraph 2 of subdivision a of section 16-116 of such code, as amended by section 4 of this local law, shall take place within such commercial waste zone.

c. Notwithstanding any other provision of law, until the implementation start date for a commercial waste zone established by the commissioner of sanitation pursuant to paragraph 3 of subdivision e of section 16-1002 of the administrative code of the city of New York, as added by section 18 of this local law, no enforcement of the provisions of paragraph 2 of subdivision b of section 16-306 of such code, as amended by section 5 of this local law, subdivision l of section 16-509 of such code, as added by section 10 of this local law, paragraph xiii of subdivision a of section 16-513 of such code, as added by section 11 of this local law, subdivision b of section 16-513 of such code, as amended by section 11 of this local law, or sections 16-1003, 16-1004 or 16-1005 of such code, as added by section 18 of this local law, shall take place within such commercial waste zone, and provided further that a licensee, as such term is used in title 16-A of the administrative code of the city of New York, operating within such zone pursuant to a contract with a commercial establishment entered into prior to such implementation start date may continue to provide commercial waste collection, removal or disposal services pursuant to such contract in accordance with the provisions title 16-A and any rules promulgated thereunder until the final implementation date for such zone established by the commissioner of sanitation pursuant to paragraph 3 of subdivision e of section 16-1002 of the administrative code of the city of New York, as added by section 18 of this local law.

d. The commissioner of sanitation may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, immediately.

ANTONIO REYNOSO, *Chairperson*; ANDY L. KING, ANDREW COHEN, MARGARET S. CHIN, COSTA G. CONSTANTINIDES, RAFAEL L. ESPINAL, Jr., JUSTIN L. BRANNAN; Committee on Sanitation and Solid Waste Management, October 29, 2019.

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

### **Report of the Committee on Transportation**

Report for Int. No. 1557-A

#### **Report of the Committee on Transportation 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 five-year plans for city streets, sidewalks, and pedestrian spaces.**

The Committee on Transportation, to which the annexed proposed amended local law was referred on May 29, 2019 (Minutes, page 1896), respectfully

#### **REPORTS:**

#### **INTRODUCTION**

On October 29, 2019, the Committee on Transportation, chaired by Council Member Ydanis Rodriguez, will hold a hearing on Proposed Int. No. 1557-A, a local law in relation to five-year plans for City streets, sidewalks, and pedestrian spaces. This is the second hearing on this item. The first hearing on Int. No. 1557 was held on June 12, 2019, at which the Committee heard testimony from the Department of Transportation (DOT), advocates, and other interested stakeholders.

#### **BACKGROUND**

##### **Comprehensive Transit Planning**

Six thousand miles of roadways and 12,750 miles of sidewalks knit New York City together, connecting over eight million New Yorkers, 60 million annual visitors, and hundreds of thousands more commuters to business districts, tourist attractions, and neighborhoods across the City.<sup>1</sup> DOT has broad control over the City's transportation infrastructure and street space and is responsible for installing street safety treatments such as bike lanes, medians, and intersection redesigns.<sup>2</sup> DOT also partners with the Metropolitan Transportation Authority (MTA) in siting of bus stops and installs bus infrastructure such as bus lanes, bus priority treatments, and shelters.

The City uses a wide array of treatments to improve street safety, increase access for persons with disabilities, and encourage use of mass transit; however, these improvements to the City's streets, sidewalks, and pedestrian spaces are done piecemeal. Long-term planning is not conducted, leaving communities without a sense of the importance of an individual project and how it helps to improve conditions citywide.

<sup>1</sup> Center for an Urban Future, Destination New York (May 2018) available at <https://nycfuture.org/research/destination-new-york>; Federal Reserve Bank of New York, The Evolution of Commuting Patterns in New York City Metro Area (Oct. 2005), available at [https://www.newyorkfed.org/medialibrary/media/research/current\\_issues/ci11-10.pdf](https://www.newyorkfed.org/medialibrary/media/research/current_issues/ci11-10.pdf).

<sup>2</sup> N.Y.C. Department of Transportation, About DOT, <https://www1.nyc.gov/html/dot/html/about/about.shtml> (last accessed October 28, 2019).

In 2019, New York City Council Speaker Corey Johnson, called for integrated transit planning in his State of the City speech and accompanying report, *Let's Go: A Case for Municipal Control and a Comprehensive Transportation Vision for the Five Boroughs*. Proposed Int. No. 1557-A would require that the City create a plan for streets, sidewalks, and pedestrian spaces every five years. The plan would prioritize and promote the safety of pedestrians and bicyclists, access to and the use of mass transit, the reduction of traffic congestion and emissions, and improved access to streets, sidewalks, public spaces, and mass transit for individuals with reduced mobility, hearing, or visual impairment. DOT would be required to achieve specific benchmarks for street redesigns, protected bus lanes, protected bicycle lanes, bicycle parking, pedestrian spaces, commercial loading zones, truck routes, and parking.

### ***Street Safety and Pedestrian Spaces***

New York City has 12,750 miles of sidewalks, 74 pedestrian plazas, more than 30,000 acres of parkland, and it is often cited as the most walkable city in the world.<sup>3</sup> Between 2009 and 2015, pedestrian traffic increased by 36 percent in the Bronx, 165 percent in Queens Plaza, and 293 percent on the Hudson River Greenway, with Old Fulton Street seeing the largest percentage increase in the City at the north entrance to Brooklyn Bridge Park in Dumbo.<sup>4</sup> Between 2009 and 2015, the number of pedestrians increased by 18 percent on weekdays and 31 percent on the weekends citywide.<sup>5</sup>

As pedestrian volume is increasing, the City is also seeing an increase in the use of vehicles. In 2005, there were 1,672,758 registered vehicles in New York City. By the end of 2017, there were 1,923,041 cars registered to City residents.<sup>6</sup> For-hire vehicle services have also exploded in popularity. The number of daily Uber and Lyft trips grew from 60,000 in 2015 to 600,000 in 2018, while daily mass transit ridership declined by 580,000.<sup>7</sup>

### **Vision Zero**

In order to reduce the likelihood of crashes and improve safety for pedestrians and individuals using bicycles, DOT has a toolkit of street redesign features that are meant to, among other things, change driving behavior and increase pedestrian and cyclist visibility. In 2018, DOT completed a total of 139 projects, 97 of which were located at Vision Zero priority locations, increasing the total number of projects since the start of Vision Zero to 495.<sup>8</sup> According to the City's Vision Zero Year 5 Report, these "engineering projects took a variety of forms in 2018," including pedestrian plazas, protected bike lanes, pedestrian islands, and raised crosswalks.<sup>9</sup>

After identifying 293 Priority Intersections (one percent of the City's 46,959 intersections) and 424 miles of Priority Corridors (seven percent of the 5,791 miles citywide) based on the numbers of pedestrians killed or

<sup>3</sup> Charis Atlas Heelan, *The World's Most Walkable Cities*, FROMMER'S, available at <https://www.frommers.com/slideshows/819366-the-world-s-most-walkable-cities> (last accessed October 28, 2019); Laura Laker, *Where is the world's most walkable city?*, GUARDIAN, Sep. 12, 2017, available at <https://www.theguardian.com/cities/2017/sep/12/walkable-city-worlds-most-new-york-melbourne-fes-el-bali>; N.Y.C. Department of Transportation, Plaza Program - List of Plazas, available at <https://www1.nyc.gov/html/dot/downloads/pdf/list-of-plazas.pdf>; and N.Y.C. Department of Parks and Recreation, *About the New York City Department of Parks & Recreation*, available at <https://www.nycgovparks.org/about> (last accessed October 28, 2019).

<sup>4</sup> Winnie Hu, *New York's Sidewalks Are so Packed, Pedestrians Are Taking to the Streets*, N.Y. TIMES, Jun. 30, 2016, available at <https://www.nytimes.com/2016/07/01/nyregion/new-york-city-overcrowded-sidewalks.html>.

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

<sup>6</sup> David Meyer, *Car Ownership Continues To Rise Under Mayor de Blasio*, STREETS BLOG NYC, Oct. 3, 2018, available at <https://nyc.streetsblog.org/2018/10/03/car-ownership-continues-to-rise-under-mayor-de-blasio/>.

<sup>7</sup> Angie Schmitt, *Study: Uber and Lyft Caused U.S. Transit Decline*, STREETS BLOG USA, Jan. 22, 2019, available at <https://usa.streetsblog.org/2019/01/22/study-uber-and-lyft-are-responsible-for-u-s-transit-decline/>.

<sup>8</sup> City of New York, *Vision Zero: Year 5 Report* (Mar. 2019), available at <https://www1.nyc.gov/assets/visionzero/downloads/pdf/vision-zero-year-5-report.pdf>.

<sup>9</sup> *Id.*

seriously injured, 90 percent of those intersections and 86 percent of those corridor miles received treatments.<sup>10</sup> These interventions led to a 36 percent drop in pedestrian deaths at those locations.<sup>11</sup>

However, after years of decreasing numbers of serious crashes, the number of deaths from traffic related crashes has increased in 2019 with 85 pedestrian fatalities and 26 cycling fatalities.<sup>12</sup> In calendar year 2018, there were 10 cycling fatalities reported in the city, the lowest number since 2013 when there were 12.<sup>13</sup>

### Shared Streets

Over the last decade, the City has designed and implemented additional programs that increase pedestrian space, both short term pilot and permanent programs, these include DOT's Summer Streets & Weekend Walks and DOT's Shared Streets initiative. Modeled on events that happen all across the globe, Summer Streets closes off streets to vehicle traffic along seven miles of roadways in Manhattan on three consecutive Saturdays in August.<sup>14</sup> Weekend Walks expanded that concept, to 123 multi-block events spanning all across the City in 2018.<sup>15</sup>

A "shared street" is designed for slow travel speeds where pedestrians, cyclists, and motorists all share the right of way.<sup>16</sup> DOT's Shared Streets initiative began as a temporary, neighborhood-scale approach to prioritizing pedestrians in the public right of way. Shared Streets were not entirely unprecedented, with areas like South Street Seaport and Jamaica, Queens prioritizing pedestrians and cyclists in the public right of way.<sup>17</sup> In August 2016, the City tried the first scaled-up Shared Streets event in the Financial District, where DOT limited car traffic on a 60-block section for five hours on a Saturday.<sup>18</sup> NYPD put up barriers along the edge of the neighborhood with officers on hand to let vehicles through, aided by temporary five mile per hour speed limit signs, giving pedestrians and cyclists priority in the public right of way.<sup>19</sup> In 2017, DOT tested out the idea again in Chinatown from 5pm to 9pm on the first three Fridays in August.<sup>20</sup>

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

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

<sup>12</sup> Vision Zero View available at <http://www.nycvzv.info/> and Graham Rayman, *Bicyclist struck by van in Queens dies from her injuries*, N.Y. Daily News, October 18, 2019, available at <https://www.nydailynews.com/new-york/nyc-crime/ny-cyclist-dies-crash-20191018-gxzw632edrchipbpefs7txgmbm-story.html>

<sup>13</sup> N.Y.C. Department of Transportation, *Green Wave, A Plan for Cycling in New York City*, July 2019, available at <https://www1.nyc.gov/html/dot/downloads/pdf/bike-safety-plan.pdf>

<sup>14</sup> N.Y.C. Department of Transportation, About Summer Streets, available at <https://www1.nyc.gov/html/dot/summerstreets/html/about/about.shtml> (last accessed October 28, 2019)

<sup>15</sup> N.Y.C. Department of Transportation, N.Y.C. Weekend Walks, available at <https://www1.nyc.gov/html/dot/weekendwalks/html/find/find.shtml> (last accessed October 28, 2019)

<sup>16</sup> N.Y.C. Department of Transportation, Presentation to Community Board 6: 43<sup>rd</sup> Street Shared Street (Nov. 6, 2017) available at <http://www.nyc.gov/html/dot/downloads/pdf/43rd-street-east-midtown-shared-street-nov2017.pdf>.

<sup>17</sup> Stephen Miller, *DOT Studying Shared Space for Three Blocks Next to Willoughby Plaza*, STREETS BLOG NYC, Sept. 17, 2014, <https://nyc.streetsblog.org/2014/09/17/dot-studying-shared-space-for-three-blocks-next-to-willoughby-plaza/>.

<sup>18</sup> David Meyer, *First-Ever "Shared Streets" Brings Stress-Free Streets to Financial District*, STREETS BLOG NYC, Aug. 15, 2016, available at <https://nyc.streetsblog.org/2016/08/15/first-ever-shared-streets-brings-stress-free-streets-to-financial-district/>.

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

<sup>20</sup> N.Y.C. Department of Transportation, Twitter, Aug. 3, 2017, available at [https://twitter.com/NYC\\_DOT/status/893204333189369856](https://twitter.com/NYC_DOT/status/893204333189369856).





*Shared Street Broadway and 24<sup>th</sup> St, Manhattan*

The Administration recently announced that it will examine options for creating new pedestrian spaces in Lower Manhattan, where streets are narrow and sidewalks can be overcrowded.<sup>21</sup> According to DOT, the agency will work with communities in the Financial District to identify potential locations.<sup>22</sup>

### ***Accessibility***

Accessible pedestrian signals (APS) are devices fixed to pedestrian signal poles to assist the blind or low vision pedestrians crossing the street.<sup>23</sup> Currently, 371 intersections have APS installed.<sup>24</sup> This means just 2.4 percent of the City's 12,000 intersections with pedestrian signals are accessible.<sup>25</sup> The baseline cost to install APS on existing infrastructure is a little over \$8,800 per intersection.<sup>26</sup> Advocates have asserted that while New York City has replaced all of its pedestrian signals at least once since 2000, including the installation of countdown clocks in at least 7,500 intersections since 2006, it has generally only installed APS at 75 intersections per year.<sup>27</sup> In 2012, the Council passed a local law requiring APS units be installed at 25 intersections per year.<sup>28</sup> The Council subsequently increased the pace of installation to 75 intersections per year, beginning in 2016.<sup>29</sup> In 2018, DOT announced that it would install APS at 150 intersections annually in 2019 and 2020.<sup>30</sup>

<sup>21</sup> Press Release, N.Y.C. Mayor, *One NYC: Mayor de Blasio Announces Transportation Measures to Increase New Yorkers' Mobility* (Apr. 2018) available at <https://www1.nyc.gov/office-of-the-mayor/news/204-19/onenyc-mayor-de-blasio-transportation-measures-increase-new-yorkers-mobility#/0>.

<sup>22</sup> *Id.*

<sup>23</sup> N.Y.C. Department of Transportation, Accessible Pedestrian Signals, <https://www1.nyc.gov/html/dot/html/infrastructure/accessiblepedsignals.shtml> (last accessed October 28, 2019).

<sup>24</sup> N.Y.C. Department of Transportation, *Accessible Pedestrian Signals Program Status* (Dec. 2018) available at <https://www1.nyc.gov/html/dot/downloads/pdf/2018-aps-program-status-report.pdf>

<sup>25</sup> Disability Rights Advocates, *Class Action Lawsuit Alleges NYC Sidewalks Won't be Safe for Blind Pedestrians for 170 years*, Jun. 27, 2018, available at <https://dralegal.org/press/class-action-lawsuit-alleges-nyc-sidewalks-wont-be-safe-for-blind-pedestrians-for-170-years/>

<sup>26</sup> N.Y.C. Department of Transportation, *Accessible Pedestrian Signals Program Status Report* (Dec. 2017), available at <http://www.nyc.gov/html/dot/downloads/pdf/2017-aps-program-status-report.pdf>.

<sup>27</sup> Disability Rights Advocates, *supra* note 25.

<sup>28</sup> Local Law 2012/024.

<sup>29</sup> Local Law 2014/060.

<sup>30</sup> N.Y.C. Department of Transportation, *supra* note 24.

## Bicycling

The popularity of bicycling in New York City is growing faster than both the City's economy and population, at a pace twice as fast as in other U.S. cities between 2010 and 2015.<sup>31</sup> During that period, the City saw significant increases in bike commuters.<sup>32</sup> DOT and the Department of Health and Mental Hygiene (DOHMH) estimate that over 460,000 cycling trips are made in the City daily, which is about triple the amount of trips taken 14 years ago.<sup>33</sup> In 2017, 828,000 New Yorkers rode a bicycle regularly, roughly 140,000 more than just five years ago.<sup>34</sup> Nearly a quarter of New Yorkers, 1.6 million, rode a bicycle at least once in 2017.<sup>35</sup>

As of December 2018, there were roughly 1,217 miles of bike lanes in New York City,<sup>36</sup> up from roughly half that in 2006.<sup>37</sup> According to DOT, the City had installed 119.5 miles of on-street protected bike lanes as of December 2018, triple what it was in 2014.<sup>38</sup> However, the Administration fell short of its goal to install 30 miles of protected bike lanes in 2018 by almost 10 miles, completing just 20.9 miles over the course of the year.<sup>39</sup>

The National Association of City Transportation Officials defines a protected bike lane as one that offers “physical protection from passing traffic” in the form of “a parking lane or other barrier between the cycle track and the motor vehicle travel lane.”<sup>40</sup> The City's definition of a “protected” bike lane has recently been brought into question, making it difficult to track the Administration's progress on building this infrastructure. Streetsblog recently reported that nearly a quarter of the City's “protected” bike lanes installed in 2018 lacked such a physical barrier, offering cyclists “just green paint and prayer.”<sup>41</sup> DOT responded to that criticism with the following statement: “a protected bike lane is a path intended for the use of bicycles that is physically separated from motorized vehicle traffic by an open space, vertical delineation, or barrier.”<sup>42</sup> At 119 miles, these protected bike lanes cover barely two percent of the City's street grid.<sup>43</sup>

### Cycling Safety

A comprehensive report released by DOT in 2017 revealed that between 2006 and 2014, 3,395 cyclists were either killed or severely injured; 89 percent of cyclist fatalities occurred on streets without bicycle facilities, like bike lanes.<sup>44</sup> Research demonstrates that physically separated bike lanes improve bike safety and can reduce instances of cyclist injuries and death.<sup>45</sup> A 2014 DOT report on protected bike lanes found a 74

<sup>31</sup> Transportation Alternatives, *BikeNYC 2020* (Nov. 2017), available at [https://www.bikenyc2020.org/dl/BikeNYC\\_2020\\_Report.pdf](https://www.bikenyc2020.org/dl/BikeNYC_2020_Report.pdf).

<sup>32</sup> N.Y.C. Department of Transportation, *Cycling in the City: Cycling Trends in NYC*, (Jan. 2017), available at <http://www.nyc.gov/html/dot/downloads/pdf/cycling-in-the-city-jan2017.pdf>

<sup>33</sup> N.Y.C. Department of Transportation, *Cycling in the City*, available at <http://www.nyc.gov/html/dot/html/bicyclists/cyclinginthecity.shtml> (last accessed October 28, 2019).

<sup>34</sup> *Id.*

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

<sup>36</sup> City of New York, *Vision Zero: Mayor de Blasio Announces New York City Added Over Twenty Miles of Protected Bicycle Lanes in 2019*, available at <https://www1.nyc.gov/office-of-the-mayor/news/604-18/vision-zero-mayor-de-blasio-new-york-city-added-twenty-miles-protected-bicycle> (last accessed October 28, 2019)

<sup>37</sup> Winnie Hu, *More New Yorkers Opting for Life in the Bike Lane*, N.Y. TIMES, Jul. 30, 2017, available at [www.nytimes.com/2017/07/30/nyregion/new-yorkers-bike-lanes-commuting.html](http://www.nytimes.com/2017/07/30/nyregion/new-yorkers-bike-lanes-commuting.html)

<sup>38</sup> N.Y.C. Department of Transportation, *Protected Bicycle Lanes in NYC* (Sept. 2014), available at <http://www.streetsblog.org/wp-content/uploads/2014/09/2014-09-03-bicycle-path-data-analysis.pdf>.

<sup>39</sup> Gersh Kuntzman, *De Blasio Built 20.9 Miles Protected Bike Lanes This Year—Yet Falls Short of Record*, STREETS BLOG NYC, Dec. 19, 2018, available at <https://nyc.streetsblog.org/2018/12/19/de-blasio-falls-short-of-record-miles-of-protected-bike-lanes/>.

<sup>40</sup> National Association of City Transportation Officials, *One-Way Protected Cycle Tracks*, available at <https://nacto.org/publication/urban-bikeway-design-guide/cycle-tracks/one-way-protected-cycle-tracks/> (last accessed October 28, 2019).

<sup>41</sup> Gersh Kuntzman, *FACT CHECK: City Did Not Build 20.9 Miles of Protected Bike Lanes This Year*, STREETS BLOG NYC, Dec. 20, 2018, available at <https://nyc.streetsblog.org/2018/12/20/fact-check-city-did-not-build-20-9-miles-of-protected-bike-lanes-this-year/>.

<sup>42</sup> *Id.*

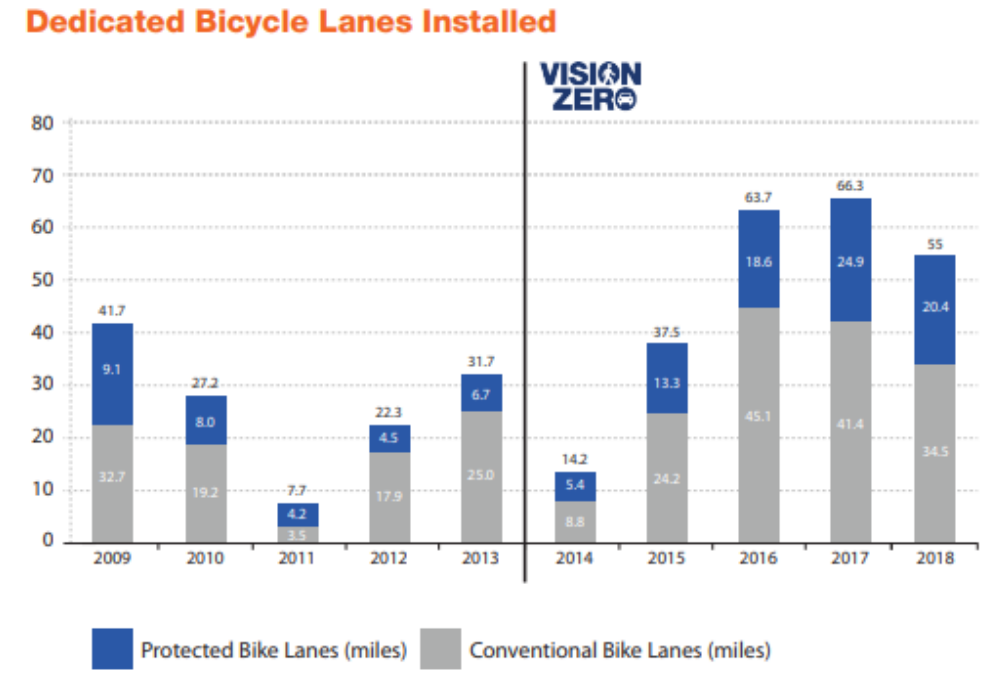
<sup>43</sup> City of New York, *Infrastructure: Sustainable Streets: 2013 and Beyond* (2013) available at <http://www.nyc.gov/html/dot/downloads/pdf/2013-dot-sustainable-streets-5-infrastructure.pdf>.

<sup>44</sup> N.Y.C. Department of Transportation, *Safer Cycling: Bicycle Ridership and Safety in New York City* (2017), available at <http://www.nyc.gov/html/dot/downloads/pdf/bike-safety-study-fullreport2017.pdf>.

<sup>45</sup> Michael Anderson, *The First Major Academic Study of Protected Bike Lanes in the U.S. Is Out*, PEOPLE FOR BIKES, Jun. 2, 2014, available at <https://peopleforbikes.org/blog/the-first-major-academic-study-of-protected-bike-lanes-in-the-u-s-is-out/>.

percent decrease in average risk to a cyclist, a 22 percent reduction in pedestrian industries, a 17 percent reduction in crashes with injuries, increased travel times and even increased retail sales along corridors with protected lanes.<sup>46</sup>

### Protected v. Conventional Bike Lane Miles est. 2009-2018<sup>47</sup>



Another report from 2014 found that protected bike lanes increased ridership anywhere from 21 to 171 percent, with about ten percent of new rides drawn from other modes.<sup>48</sup> According to Transportation Alternatives' BikeNYC 2020 survey, two-thirds of the City's riders said they would ride more frequently if the City installed more protected bike lanes.<sup>49</sup> Of those respondents who had never ridden a bicycle in New York, but would not rule out trying in the future, 80 percent cited fear of drivers as a reason why they have not started riding yet, and 67 percent mentioned the lack of protected bike lanes making them feel unsafe.<sup>50</sup> Research has also consistently shown that women, in particular, are more likely to ride in areas that are connected to bike lanes or greenways, physically separated from traffic.<sup>51</sup>

Bike infrastructure can also be a cost-efficient way to improve public health outcomes. A Columbia University Mailman School of Public Health study found that the 45.5 miles of the City's bike lanes built in 2015 likely increased the probability of riding a bicycle by nine percent.<sup>52</sup> The research team's model then determined that over the lifetime of all residents, bike lane construction produced additional costs of only \$2.79 per person while improving public health outcomes even for those who do not ride, making bicycle

<sup>46</sup> N.Y.C. Department of Transportation, *Protected Bicycle Lanes in NYC* (Sept. 2014), available at <http://www.streetsblog.org/wp-content/uploads/2014/09/2014-09-03-bicycle-path-data-analysis.pdf>.

<sup>47</sup> N.Y.C. Department of Transportation, *Borough Pedestrian Safety Action Plans: Vision Zero Update* (2019) available at <https://www1.nyc.gov/html/dot/downloads/pdf/vz-2019-update-city-hall.pdf>.

<sup>48</sup> Eric Jaffe, *Protected Bike Lanes Aren't Just Safer, They Can Also Increase Cycling*, CITY LAB, Jun. 2, 2014, available at <https://www.citylab.com/transportation/2014/06/protected-bike-lanes-arent-just-safer-they-can-also-increase-cycling/371958/>.

<sup>49</sup> Transportation Alternatives, *supra* note 31.

<sup>50</sup> *Id.*

<sup>51</sup> Carolyn Szczepanski, *Bike Share's Gender Gap*, The League of American Bicyclists, Jun. 27, 2014, available at <https://bikeleague.org/content/bike-shares-gender-gap>.

<sup>52</sup> Jing Gu, et al., *The Cost-Effectiveness of Bike Lanes in New York City* (2017), BMJ JOURNALS, available at <https://injuryprevention.bmj.com/content/23/4/239>.

infrastructure more cost-effective in improving health than many other preventive approaches.<sup>53</sup> According to another study, building bike infrastructure in low-income communities of color can also reduce health inequities.<sup>54</sup> Vision Zero improvements have been largely concentrated in wealthier neighborhoods, particular in Manhattan, leaving most communities of color throughout the City without this critical infrastructure.<sup>55</sup>

As mentioned, cycling fatalities have increased in 2019. In an effort to address cycling fatalities and to further increase cycling safety, on July 25, 2019 the Mayor announced the release of the “Green Wave” Bicycle Plan (Green Wave report).<sup>56</sup> The plan would cost the city approximately \$58 million over 5 years to implement<sup>57</sup> and focuses on increasing the city’s network of protected bike lanes with the goal of having a fully connected network by the year 2030.<sup>58</sup>

Additionally, the Green Wave report spells out the plans that the city has for the 10 neighborhoods in Brooklyn and Queens that were designated in 2017 by DOT as Bike Priority Districts. These 10 districts were chosen due to the high number of cycling fatalities in those areas and because they lacked an inadequate amount of dedicated protected bike lanes.<sup>59</sup> In these 10 districts, the city plans to install more than 20 miles of protected bike lanes by the end of 2019, with a stated goal of installing 75 miles of protected bike lanes by the end of 2022.<sup>60</sup>

DOT also plans to increase cycling safety by reducing the number of speeding cars by installing additional traffic calming treatments at 50 intersections throughout the city with a history of a high number of bike injuries in 2019.<sup>61</sup> Some of the measures that DOT utilizes to calm traffic include installing raised speed reducers like speed bumps and speed cushions, narrowing or removing lanes, extending or expanding a curb, installing traffic diverters and median barriers, and utilizing raised crossings that enhance visibility.<sup>62</sup>

## **Buses**

Although hundreds of thousands of New Yorkers—in particular low-income residents and those living in the outer borough—rely on bus service every day, bus ridership has been declining due in large part to slow service. Between 2012 and 2018, bus ridership declined by nearly 15 percent.<sup>63</sup> In the first half of 2018, ridership fell by another 5.36 percent.<sup>64</sup> The MTA estimates that bus ridership will continue to decline through at least 2022.<sup>65</sup> DOT’s responsibility for the City’s streets and sidewalks directly impacts bus speed. In addition, DOT has the ability to impact the quality of bus service through the siting of bus stops and installation of bus shelters.

Buses are operated by two distinct component agencies of the MTA: New York City Transit (NYCT), which includes most bus routes, and the MTA Bus Company.<sup>66</sup> In 2018, NYCT President Andy Byford called

<sup>53</sup> *Id.*

<sup>54</sup> Philip Noyes, et al, *Cycling in the City: An In-Depth Examination of Bicycle Lane Use in a Low-Income Urban Neighborhood* (2014), JOURNAL OF PHYSICAL ACTIVITY AND HEALTH 11 (1): 1-9.

<sup>55</sup> Transportation Alternatives, *supra* note 31.

<sup>56</sup> *Vision Zero: Mayor de Blasio Announces “Green Wave” Bicycle Plan to Address Cycling Fatalities -- With Citywide Protected Bike Lane Network and Increased Enforcement*, See <https://www1.nyc.gov/office-of-the-mayor/news/368-19/vision-zero-mayor-de-blasio-green-wave-bicycle-plan-address-cycling-fatalities---/#/0>

<sup>57</sup> *Id.*

<sup>58</sup> N.Y.C. Department of Transportation, *Green Wave, A Plan for Cycling in New York City*, July 2019, available at <https://www1.nyc.gov/html/dot/downloads/pdf/bike-safety-plan.pdf>

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

<sup>60</sup> *Id.* at p. 9.

<sup>61</sup> *Id.* at p. 16.

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

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

<sup>64</sup> Bus Turnaround Coalition, *Fixing NYC’s Buses: 2018 Progress Report* (2018), available at <http://busturnaround.nyc/wp-content/uploads/2018/09/BusTurnaround-2018-Progress-Report-FINAL.pdf>.

<sup>65</sup> Metropolitan Transportation Authority, *MTA 2019 Final Proposed Budget, November Financial Plan 2019-2022, Volume 2* (Nov. 2018) at V.305, available at <http://web.mta.info/news/pdf/MTA-2019-Final-Proposed-Budget-Nov-Financial-Plan-2019-2022-Vol2.pdf>.

<sup>66</sup> Metropolitan Transportation Authority, *The MTA Network – Public Transportation for New York Region*, <http://web.mta.info/mta/network.htm> (last accessed October 28, 2019).

for a full redesign of the entire bus network by 2021.<sup>67</sup> In some cases, this would include all-door boarding with the New Fare Payment System (NFPS) that will allow riders to “tap and go,” expanding off-peak service, and improved customer experience measures including new bus maps, real time passenger information (RTPI) and digital information screens.<sup>68</sup>

Select Bus Service (SBS) was first introduced in 2008 and is New York City’s version of bus rapid transit (BRT). With roots in Brazil in the 1970s, BRT is a bus system designed to increase speed and reliability compared to traditional local bus service by treating buses more like rail systems, utilizing completely dedicated rights-of-way and other features, such as raised platforms.<sup>69</sup> The MTA and DOT incorporate features of BRT to various extents when introducing a new SBS route in New York, including off-board fare payment and all-door boarding, less frequent stops, dedicated, marked bus lanes, traffic signal priority (TSP), and distinctive branding.

However, a criticism of SBS is that it does not go far enough and therefore is not a “true” BRT system. Similarly, a frequent criticism of bus service is the slow speed.<sup>70</sup> According to a 2018 report, of the nine routes implemented prior to 2016, five experienced a ridership decline in comparison to the year prior to implementation when those routes operated as local or limited service, reducing ridership by 0.2 percent in total.<sup>71</sup> The report attributes this failure to poor implementation, design flaws, poor maintenance, oversight, and enforcement.<sup>72</sup>

Since 2008, 18 SBS routes have opened on 16 corridors, and the M14A and the M14D routes opened in June 2019.<sup>73</sup> Bus lanes and street design, better enforcement, and TSP can all be implemented by the City, but the implementation of SBS routes requires close coordination with NYCT. In 2018, NYCT announced SBS expansion would be on hold because of budget constraints.<sup>74</sup>

## Bus Improvements

As of June 2018, the City had installed roughly 120 miles of bus lanes.<sup>75</sup> Fifteen miles of bus lanes were added between 2017 and 2018’s progress reports.<sup>76</sup> Historically, DOT has implemented two primary types of bus lanes: “curbside lanes,” where parking and standing at the curb is not permitted and “offset bus lanes,” which are one lane away from the curb, and therefore allow for curbside parking and standing.<sup>77</sup> All of the City’s bus lanes have signs posted along the route and the lanes themselves are either marked “Bus Only” and/or painted red.<sup>78</sup> Bus lanes only restrict traffic during certain hours of the day, and many offer midday hours where parking and deliveries are permitted.<sup>79</sup>

<sup>67</sup> Metropolitan Transportation Authority, *Bus Action Plan* (Apr. 2018), available at [http://web.mta.info/nyct/service/bus\\_plan/bus\\_plan.pdf](http://web.mta.info/nyct/service/bus_plan/bus_plan.pdf).

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

<sup>69</sup> Institute for Transportation & Development Policy, What is BRT?, <https://www.itdp.org/library/standards-and-guides/the-bus-rapid-transit-standard/what-is-brt/> (last accessed October 28, 2019); Institute for Transportation & Development Policy, *Recapturing Global Leadership in Bus Rapid Transit 5* (May 2011), available at [https://www.itdp.org/wp-content/uploads/2014/07/20110526ITDP\\_USBRT\\_Report-HR.pdf](https://www.itdp.org/wp-content/uploads/2014/07/20110526ITDP_USBRT_Report-HR.pdf).

<sup>70</sup> N.Y.C. Comptroller, *Improving Select Bus Service: Putting the Rapid in Bus Rapid Transit* (Apr. 2018), available at <https://comptroller.nyc.gov/reports/improving-select-bus-service-putting-the-rapid-in-bus-rapid-transit/>.

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

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

<sup>73</sup> N.Y.C. Department of Transportation, *Better Bus Action Plan 2019* (Apr. 2019), available at <https://www1.nyc.gov/html/brt/downloads/pdf/better-buses-action-plan-2019.pdf>.

<sup>74</sup> David Meyer, *Supposedly Cash-Strapped MTA Halts Expansion of Select Bus Service* (Aug. 15, 2018) available at <https://nyc.streetsblog.org/2018/08/15/supposedly-cash-strapped-mta-halts-expansion-of-select-bus-service/>.

<sup>75</sup> David Meyer, *Bus Drivers and Riders Call on Mayor de Blasio to Build 60 More Miles of Bus Lanes*, STREETS BLOG NYC, Jul. 31, 2018, available at <https://nyc.streetsblog.org/2018/07/31/bus-drivers-and-riders-call-on-mayor-de-blasio-to-build-60-more-miles-of-bus-lanes/>.

<sup>76</sup> Bus Turnaround Coalition, *supra* note 62.

<sup>77</sup> City of New York, Select Bus Service, available at <https://www1.nyc.gov/html/brt/html/about/bus-lanes.shtml>.

<sup>78</sup> *Id.*

<sup>79</sup> *Id.*

### *Transit Signal Priority*

TSP which shortens red lights for idling buses and extends green lights for approaching buses.<sup>80</sup> City buses spend about 21 percent of their time stopped at red lights.<sup>81</sup> DOT began implementing TSP in 2012 and now TSP is currently implemented at 594 intersections, with another 364 intersections under study by DOT.<sup>82</sup> TSP is currently on 12 bus routes and DOT is studying another five routes out of 325 total bus routes (18 Select Bus Service routes, 235 local/limited routes, and 72 express bus routes).<sup>83</sup> DOT anticipates that by the end of 2020 there will be TSP at 1,200 out of 7,850 intersections with a bus route (this figure excludes Midtown).<sup>84</sup>

#### *Enforcement*

In January 2019, Mayor Bill de Blasio announced a plan to increase bus speeds by 25 percent in his State of the City address.<sup>85</sup> As part of the address, Mayor de Blasio committed to push the State Legislature for more camera enforcement along bus lanes and committed to increase the New York Police Department's (NYPD) enforcement by dedicating seven tow truck teams for to enforce against vehicles blocking bus lanes.<sup>86</sup> From January to April of 2019, police have towed 432 vehicles blocking bus lanes and ticketed 17,000 bus lane violators.<sup>87</sup> State law only allows the city to use cameras on 16 routes, but currently only 13 routes have cameras.<sup>88</sup>

### *Bus Stop Amenities*

The City has 16,000 bus stops, but just 22 percent have shelters.<sup>89</sup> The MTA has control over bus stop locations, but DOT is responsible for bus stop design and construction. In 2006, DOT entered into a 20-year contract with JCDecaux (formerly Cemusa) to own and manage bus shelters; accounting for advertisement space, the installation of these bus shelters raises revenue for the City.<sup>90</sup> However, it is unclear how or whether DOT prioritizes spending and locational decisions for bus stop amenities. A 2018 TransitCenter report notes “the majority of new shelters replaced existing shelters, whose locations had been decided years ago.”<sup>91</sup> For the 200 additional shelters, DOT didn't set criteria for prioritizing which stops should get a new shelter. Instead, the Department requested proposals from City Council Members and Community Boards, a stark contrast to St. Paul's Metro Transit's approach of asking the riders—the people with the most direct concern and knowledge.<sup>92</sup> The 2018 TransitCenter report found that real time passenger information (RTPI) is one of the most desired amenities by riders.<sup>93</sup> At the time TransitCenter released its report, DOT had installed real-time information at 220 bus stops as of 2018 with a commitment to install 150 more of these signs by the end of 2018, a goal cited in NYCT's Fast Forward plan (NYCT's plan for modernizing the subway and bus system).<sup>94</sup> Similar to bus shelters, the installation of RTPI is driven and funded primarily by local elected officials

<sup>80</sup> N.Y.C. Department of Transportation, *Green Means Go: Transit Signal Priority in NYC* (Jan. 2018), available at <http://www.nyc.gov/html/brt/downloads/pdf/brt-transit-signal-priority-july2017.pdf>

<sup>81</sup> *Id.*

<sup>82</sup> Staff Communication with DOT.

<sup>83</sup> *Id.*

<sup>84</sup> *Id.*

<sup>85</sup> N.Y.C. Department of Transportation, *supra* note 73.

<sup>86</sup> City of New York, *Mayor de Blasio: Delivering our Promise to Make New York City the Fairest Big City in America*, available at <https://www1.nyc.gov/office-of-the-mayor/news/021-19/mayor-de-blasio-delivering-our-promise-make-new-york-city-fairest-big-city-america#/0>.

<sup>87</sup> David Meyer, *City Unveils Steps to Meet its Commitment to Faster Bus Speed*, STREETS BLOG, (April 19, 2019) available at <https://nyc.streetsblog.org/2019/04/19/city-unveils-steps-to-meet-its-commitment-to-faster-bus-speeds/>

<sup>88</sup> Noah Manskar, *Use More Cameras, Keep NYC Buses Moving*, PATCH, Mar. 2019, available at <https://patch.com/new-york/new-york-city/use-more-cameras-keep-nyc-buses-moving-pols-say>.

<sup>89</sup> *Id.*

<sup>90</sup> *Id.*

<sup>91</sup> TransitCenter, *From Sorry to Superb: Everything You Need to Know about Great Bus Stops* (Oct. 2018), available at [https://transitcenter.org/wp-content/uploads/2018/10/BusReport\\_Spreads.pdf](https://transitcenter.org/wp-content/uploads/2018/10/BusReport_Spreads.pdf).

<sup>92</sup> *Id.*

<sup>93</sup> *Id.*

<sup>94</sup> *Id.*

including City Council Members, State Assembly Members, and Borough Presidents.<sup>95</sup> While the City Council's funding and advocacy is largely responsible for the rollout of this useful infrastructure, this method of planning and funding infrastructure has caused disparities across the system.<sup>96</sup>

### *Better Bus Action Plan*

In April 2019, DOT released the *Better Bus Action Plan*, based on the Mayor's commitments in his State of the City. The *Better Bus Action Plan* focuses on improving bus speeds rather than adding new routes, though DOT indicated in the report that they will work with the MTA to restart the SBS program.<sup>97</sup> In order to increase bus speeds 25 percent by 2020, DOT will:

- Improve five miles of existing bus lanes per year;
- Install 10–15 miles of new bus lanes per year;
- Conduct a pilot up to 2 miles of physically separated bus lanes in 2019;
- In 2019, implement DOT street design projects that benefit 600,000 daily riders;
- Add 300 TSP intersections per year;
- Expand bus lane camera enforcement;
- Increased NYPD bus lane enforcement with seven dedicated tow truck teams; and
- Evaluate and improve bus stops.

DOT will pilot the two miles of physically separated bus lanes using concrete jersey barriers, rubber curbs, plastic bollards and concrete median curbs.<sup>98</sup>

The Administration's proposal was met with some criticism. One news outlet pointed out that DOT currently installs seven bus lanes per year, while the plan only includes 10-15 lane miles per year.<sup>99</sup> DOT already committed to installing TSP at 1,000 intersections by 2020.<sup>100</sup> Reports indicated that 300 per year commitment would only be an increase of 200 intersections but there are 12,000 signalized intersections in the City.<sup>101</sup> Similarly, while DOT will upgrade five miles of citywide bus lanes per year with various improvements, there are 111 miles of dedicated bus lanes.<sup>102</sup>

### **ANALYSIS OF PROPOSED INT. NO. 1557-A**

Section one of Proposed Int. No. 1557-A adds a new section 19-199.1 to subchapter 3 of chapter 1 of title 19 of the Administrative Code. Subdivision a of this new section defines the following terms:

- “Accessible pedestrian signal” is defined as a device that communicates information about pedestrian signal timing in a nonvisual format.
- “Bicycle network” is defined as a contiguous network of protected bicycle lanes, designated bicycle paths on bridges, off-street bicycle paths or trails, and shared streets. A bicycle network would be connected by intersections with mixing zones, fully split phases, delayed turns, offset crossing designs, or similar street treatments designed to improve safety and reduce conflicts for all street users at intersections.

<sup>95</sup> *Id.*

<sup>96</sup> *Id.*

<sup>97</sup> N.Y.C. Department of Transportation, *supra* note 73.

<sup>98</sup> *Id.*

<sup>99</sup> Vincent Barone, *Bus Speeds to Increase by 25 percent by 2020, Mayor de Blasio vows*, AMNY (January 2019)

<https://www.amny.com/transit/bus-service-nyc-1.25750709>

<sup>100</sup> *Id.*

<sup>101</sup> *Id.*

<sup>102</sup> *Id.*

- “Bicycle network connectivity index” is defined as a figure measuring the extent and completeness of the bicycle network, based on the number of choices a cyclist has for turning from one bicycle route onto another, without leaving the overall network.
- “Bicycle lane network coverage index” is defined as a numeric figure representing the percentage of residents of the city who reside within one mile of the bicycle lane network.
- “Bus stop upgrades” is defined as the addition to a bus stop of a bus shelter or bench and sign equipped with a system that conveys arrival times or other passenger information in real time.
- “Pedestrian space” is defined as a means an area for pedestrian circulation, use, or enjoyment including, but not limited to, pedestrian plazas, curb extensions, sidewalks, safety islands, shared streets, and triangles, and which may contain amenities such as tables, seating, trees, plants, lighting, bike racks, or public art.
- “Protected bicycle lane” is defined as a portion of a street or intersection that is designated for the exclusive use of bicycles and that is separated from motorized vehicle traffic by physical barriers, or is an off-road or raised pathway.
- “Protected bus lane” is defined as a bus lane that is protected by physical barriers or is monitored by stationary or mobile bus lane photo devices that automatically produce an image of any vehicle that violates a bus lane restriction at the time of such violation.
- “Shared street” is defined as a street designated by DOT with recommended speed limits of five miles per hour and that allows use by motor vehicles, pedestrians, and individuals using bicycles.
- “Transit signal priority” is defined as a technology capable of facilitating bus movements through intersections controlled by traffic signals.

Paragraph one of subdivision b would require DOT to issue and implement a master plan for the use of streets, sidewalks, and pedestrian spaces every five years. In developing each such plan, the DOT would prioritize and promote: (i) the safety of all street users; (ii) on-street priority for mass transit vehicles; (iii) the reduction of vehicle emissions; and (iv) access for individuals with disabilities.

Paragraph two of subdivision b would state that by December 1, 2021 and by December 1 of every fifth year thereafter, DOT would issue such plan for the five-year period beginning January 1 of the following year.

Paragraph one of subdivision c would state that each master plan issued pursuant to subdivision b of this section would include proposals for street redesigns, protected bus lanes, protected bicycle lanes, bicycle parking, pedestrian spaces, commercial loading zones, truck routes, and parking, including the identification of specific routes, locations, or areas of the city for such proposals. In addition, each such master plan shall include benchmarks regarding such proposals that shall be achieved no later than December 31 of the final year of such plan.

Paragraph two of subdivision c would state that the master plan due by December 1, 2021, would include, at a minimum, the following benchmarks:

- (i) the installation of at least 150 miles of protected bus lanes, in coordination with the metropolitan transportation authority, with such lanes located along a median where feasible, with at least 20 miles of such lanes installed during the first year of such plan and at least 30 miles installed during each subsequent year of such plan;
- (ii) the implementation of transit signal priority in at least 750 intersections along bus routes during the first year of such plan and at least 1,000 intersections during each subsequent year of such plan or until transit signal priority is implemented in every intersection where such installation is feasible along every bus route where buses capable of utilizing transit signal priority are operated;
- (iii) the installation of at least 250 miles of protected bicycle lanes, with at least 30 miles of such lanes installed during the first year of such plan and at least 50 miles installed during each subsequent year of such plan;
- (iv) the implementation of bus stop upgrades at no fewer than 500 bus stops serving buses operated by the MTA during each such year of such plan;



- (v) the redesign of at least 2,000 intersections with a pedestrian signal pursuant to the checklist required by section 19-182.2, with at least 400 such intersections redesigned during each year of such plan;
- (vi) the installation of accessible pedestrian signals at no fewer than 2,500 intersections, with installation of such signals at no fewer than 500 intersections during each year of such plan;
- (vii) the assessment and amendments to commercial loading zones, truck routes, and related areas to support freight movement and curb access citywide;
- (viii) the development of parking policies to prioritize and promote: (1) safety of all street users; (2) on-street priority of mass transit vehicles; (3) reduction of vehicle emissions; and (4) access to streets, sidewalks, public spaces, and mass transit for individuals with disabilities; and
- (ix) no later than December 31, 2023, the creation and maintenance of no less than 1,000,000 square feet of pedestrian space.

Paragraph three of subdivision c would state that the master plan due no later than December 1, 2026, shall include the following benchmarks:

- (i) the completion of a connected bicycle network and ensure a bicycle lane network coverage index of 100 percent;
- (ii) the installation of protected bus lanes on all bus routes where such improvements can be installed;
- (iii) the installation of accessible pedestrian signals at no fewer than 2,500 intersections, with installation of such signals at no fewer than 500 intersections during each year of such plan;
- (iv) the implementation of bus stop upgrades at all bus stops serving buses operated by the MTA where such upgrades are feasible; and
- (v) the redesign of at least 2,000 intersections with a pedestrian signal pursuant to the checklist required by section 19-182.2, with at least 400 such intersections redesigned during each year of such plan; and
- (vi) the installation of or upgrade of pedestrian ramps at no fewer than 3,000 intersection corners.

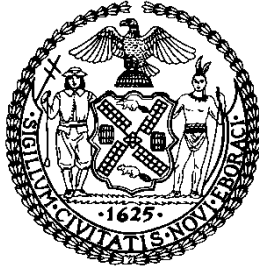
Paragraph one of subdivision d would require DOT to submit such plan by December 1, 2021 and by December 1 of every fifth year thereafter, to the mayor and the speaker of the council, and post such plan on the DOT's website.

Paragraph two of subdivision d would require that by February 1, 2023 and by each February 1 thereafter, DOT submit to the mayor and the speaker of the council and post on the department's website an update regarding any changes to the plan from the previous year, the bicycle lane network coverage index, and the status of the implementation of each benchmark identified in such plan, including but not limited to those benchmarks listed in subdivision c. Such information would include a data set containing data on geographic feature boundaries, as represented by points, lines, or polygons. In addition, each report due beginning February 1, 2028 would include the bicycle connectivity index for the previous year.

Subdivision e would mandate that DOT conduct a public education campaign regarding the benefits of each master plan, including, but not limited to, the impacts on safety, the environment, accessibility, mobility, and the city's economy.

Section two of Proposed Int. No. 1557-A would provide that this local law takes effect immediately.

(The following is the text of the Fiscal Impact Statement for Int. No. 1557-A:)



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

**LATONIA MCKINNEY, DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 1557-A**

**COMMITTEE: Transportation**

**TITLE:** A local law to amend the administrative code of the city of New York, in relation to five-year plans for City streets, sidewalks, and pedestrian spaces.

**SPONSORS:** The Speaker (Council Members Johnson) and Council Members Rivera, Rodriguez, Levine, Reynoso, Constantinides, Rosenthal, Cumbo, Powers, Chin, Treyger, Lander, Van Bramer, Richards, Cohen, Dromm, Kallos, Salamanca, Levin, Cornegy, Ampry-Samuel, Menchaca, Cabrera, Espinal and The Public Advocate (Mr. Williams).

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 1557-A would require the Department of Transportation (DOT) to issue and implement a master plan for the use of streets, sidewalks, and pedestrian spaces every five years. The plans would prioritize and promote the safety of pedestrians and bicyclists, access to and the use of mass transit, the reduction of traffic congestion and emissions, and improved access to streets, sidewalks, public spaces, and mass transit for individuals with reduced mobility, hearing, or visual impairment. The bill would require DOT to achieve specific benchmarks for street redesigns, protected bus lanes, protected bicycle lanes, bicycle parking, pedestrian spaces, commercial loading zones, truck routes, and parking, and sets minimum benchmarks for the first two plans.

The first five-year master plan, due December 1, 2021, would include the following minimum benchmarks: installation of at least 150 miles of protected bus lanes; implantation of transit signal priority (TSP) in at least 4,750 intersections; installation of at least 250 miles of protected bicycle lanes; implementation of bus stop upgrades at 2,500 bus stops; redesign of at least 2,000 intersections to include improvements such as ADA accessibility, daylighting, narrow vehicle lanes, pedestrian safety islands, protected bike lanes, widened sidewalks, or other major transportation projects; installation of Accessible Pedestrian Signals (APS) at no fewer than 2,500 intersections; assess and amend commercial loading zones, truck routes, and related areas to support freight movement and curb access citywide; develop parking policies to prioritize and promote safety of all street users, on-street priority of mass transit vehicles, reduction of vehicle emissions, and access to streets, sidewalks, public spaces, and mass transit for individuals with disabilities; and create and maintain no less than one million square feet of pedestrian space.

The second five-year master plan, due December 1, 2026, would include the following minimum benchmarks: completion of a connected bicycle network, with a bicycle network lane coverage index of 100 percent; installation of protected bus lanes on all bus routes where such improvements can be installed; installation of APS at no fewer than an additional 2,500 intersections; implementation of bus stop upgrades at all stops where such upgrades are feasible; the redesign of no fewer than an additional 2,000 intersections with a pedestrian signal; and the installation or upgrade of at least 3,000 pedestrian ramps at intersection corners.

The bill would also require DOT to post updates to the plan, the bicycle connective index for the previous year, and the status of the implementation of each benchmark identified in the plan on an annual basis, as well as

conduct a public education campaign.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2022

**FISCAL IMPACT STATEMENT:**

	Effective FY20	FY Succeeding Effective FY21	Full Fiscal Impact FY22	Full Fiscal Impact of first 5-year plan	Full Fiscal Impact of second 5- year plan	Total Fiscal Impact of plans over 10- years
<b>Revenues</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Expense</b>	\$0	\$0	\$53,506,828	\$376,725,018	\$367,425,418	\$744,150,435
<b>Capital</b>	\$0	\$0	\$61,017,147	\$251,612,715	\$545,484,480	\$997,097,195
<b>Net</b>	\$0	\$0	\$114,523,975	\$628,337,733	\$912,909,898	\$1,741,247,630

**IMPACT ON REVENUES:** It is estimated that this legislation would have no impact on revenues.

**IMPACT ON EXPENDITURES:** It is estimated that achieving the first five-year master plan minimum benchmarks would require \$376.7 million in expense funding between Fiscal 2022 and Fiscal 2026 and that achieving the second five-year master plan minimum benchmarks would require \$545.5 million in expense funding between Fiscal 2027 and Fiscal 2031. In addition, achieving the first five-year master plan minimum benchmarks would require \$61 million in capital funding between Fiscal 2022 and Fiscal 2026 and achieving the first five-year master plan minimum benchmarks would require \$545.5 million in capital funding between Fiscal 2027 and Fiscal 2031.

The breakdown of the expenditures estimated to be required to fulfill the requirements of the legislation is as follows, from highest to lowest cost:

**Bus Stop Real Time Passenger Information.** Real Time Passenger Information (RTPI) are signs equipped with a system that conveys arrival times and other passenger information in real time for buses. This legislation would require DOT to implement bus upgrades, including the installation of RTPI, at all bus stops serving buses operated by the Metropolitan Transit Authority (MTA), where such upgrades are feasible, by Fiscal 2031. If RTPI were installed at all 14,580 bus stops presently lacking a system, it is anticipated that this legislation would require \$658.4 million in capital funding between Fiscal 2022 and Fiscal 2031.

**Intersection Redesign.** It is anticipated that this legislation would require the redesign of at least 4,000 intersections between Fiscal 2022 and Fiscal 2031. However, several other benchmarks within this legislation, including the installation of protected bike lanes, pedestrian ramps, and ASPs, fall within the definition of intersection redesigns. These benchmarks have the potential to significantly offset the cost of funding needed to redesign the 400 annual intersections that would be required by this legislation. As such, it is anticipated that an additional \$400 million, or \$40 million annually, in capital funding would be required for other intersection improvements, such as curb bump-outs, pedestrian islands, and street paint.

**Protected Bus Lanes.** It is anticipated that this legislation would require \$245.6 million in expense funding between Fiscal 2022 and Fiscal 2031 for as many as 300 miles of new protected bus lanes. The master plan due by December 1, 2021 would require DOT to install 150 miles of protected bus lanes, in coordination of the MTA between Fiscal 2022 and Fiscal 2026. DOT would be required to install at least 20 miles of protected bus lanes in Fiscal 2022 and at least 30 miles of lanes installed in the outyears, at a

projected cost of \$122.8 million in expense funding. The master plan due by December 1, 2026 would require DOT to install protected bus lanes on all bus routes where such improvements can be installed. Assuming the Agency continues to install 30 miles of protected bus lanes, annually, it is anticipated that this legislation would require \$122.8 million in expense funding between Fiscal 2027 and Fiscal 2031.

**Accessible Pedestrian Signals.** APSs are devices that communicate information about the WALK and DON'T WALK intervals at signalized intersections in non-visual formats to pedestrians who are blind or who have low vision. This legislation would require DOT to install 5,000 APSs between Fiscal 2022 and Fiscal 2031. As of the Fiscal 2020 Budget, DOT committed to installing 1,450 APSs by Fiscal 2023. It is assumed that DOT will return to installing 75 APS units annually thereafter. As a result of these offsets, it is anticipated that this legislation would require an additional \$224 million in expense funding between Fiscal 2022 and Fiscal 2031 for APSs.

**Bus Stop Shelter or Bench Upgrades.** This legislation would require DOT to implement bus stop upgrades, including bus stop shelters or benches, at all bus stops serving buses operated by the MTA, where such upgrades are feasible, by Fiscal 2031. If upgrades were needed and feasible at the 11,556 bus shelter or benches within the City, it is anticipated that this legislation would require an additional \$65.9 million in capital funding. The master plan due by December 1, 2021 would require DOT to make bus stop or shelter upgrades at 500 locations annually, for a total of 2,500 locations between Fiscal 2022 and Fiscal 2026 and a cost of \$14.3 million in capital funding. The master plan due by December 1, 2026 would require DOT to upgrade bus shelters or stops at all bus stops where such upgrades are feasible between Fiscal 2026 and Fiscal 2031. Assuming the Agency is able to make upgrades at all remaining locations, it is anticipated that this legislation would require \$51.7 million in capital funding between Fiscal 2026 and Fiscal 2031.

**Transit Signal Priority.** TSP is a system that coordinates buses and traffic signals to reduce the number of times buses stop at traffic lights. This legislation would require DOT to install TSP in at least 750 intersections during Fiscal 2022, the first year of implementation, and 1,000 intersections during each subsequent year of the plan, or until TSP is implemented in every intersections where such installation is feasible. Funding would be offset by \$26.6 million in expense funding already committed for the installation of 300 TSPs annually. As a result, it is anticipated that this legislation would require an additional \$55.1 million in expense funding between Fiscal 2022 and Fiscal 2026 for TSP.

**DOT Support Staff.** DOT anticipates that the master plans required by the legislation would require \$54.9 million in expense funding between Fiscal 2022 and Fiscal 2031, \$5.5 million annually, for 40 DOT support staff to assist in achieving the necessary benchmarks, including both Personal Services and Other Than Personal Services expenses.

**Master Plan Unit.** DOT anticipates that it would require a new Master Plan Unit to implement the requirements of this legislation. This unit would be comprised of two new headcount positions. As such, it is anticipated that this legislation would require an additional \$50 million in expense funding between Fiscal 2022 and Fiscal 2031, \$5 million annually, for the new Unit, including both Personal Services and Other Than Personal Services expenses.

**Protected Bike Lanes.** The master plan due by December 1, 2021 would require DOT to install 250 miles of protected bike lanes, with at least 30 miles installed during Fiscal 2022, the first year of the plan, and at least 50 miles installed in the outyears. As of the Fiscal 2020 Budget, DOT has already committed to installing 40 miles of protected bike lanes in Fiscal 2022 and 50 miles in the outyears. As a result of these offsets, it is anticipated that this legislation would require an additional \$11.8 million to fund the 250 mile benchmark set by the first five-year master plan. The master plan due by December 1, 2026 would require DOT to complete a connected bicycle network and ensure a bicycle lane network coverage index of at least 100 percent. It is expected there would be minimal additional costs associated with this benchmark, assuming baseline funding of \$59.2 million for 50 miles of protected bike lanes annually.

**Commercial Loading Zone and Truck Route Redesign.** The legislation would require DOT to assess and amend commercial loading zones, truck routes, and related areas to support freight movement and curb access citywide. It is anticipated that DOT would require an additional \$10.5 million and \$9.1 million in expense funding.

**Parking Policies.** This legislation requires DOT to develop parking policies to prioritize and promote safety of all street users, on-street priority of mass transit vehicles, reduction of vehicle emissions, and access to streets, sidewalks, public spaces, and mass transit for individuals with disabilities. DOT anticipates that an additional cost of \$8.9 million in expense funding between Fiscal 2022 and Fiscal 2031.

**Pedestrian Ramps.** This legislation would require DOT to install or upgrade pedestrian ramps at no fewer than 3,000 corner intersections by Fiscal 2031. As an ongoing project, DOT has been installing pedestrian ramps at street corners in order to comply with the Americans with Disability Act. Pursuant to a recent court settlement, DOT projects that they will complete simple ramp installations by Fiscal 2021, complex ramp installations by Fiscal 2030, and simple upgrades by Fiscal 2032, and complex upgrades between Fiscal 2032 and Fiscal 2047. Due to this commitment by DOT, it is anticipated that this legislation would not require additional funding for pedestrian ramp upgrades.

**Pedestrian Space.** This legislation would require DOT to create and maintain no less than one million square feet of pedestrian space. Based upon the Administration's estimate of \$1.1 million per Shared Street, it is estimated that each square foot of pedestrian space costs approximately \$83 dollars. DOT has already committed to implementing 376,181 square feet of pedestrian space annually, or 1.5 million square feet of pedestrian space over five years. As such, it is anticipated there would be surplus funding of \$73.3 million that would offset the cost of other benchmarks within this legislation.

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

**SOURCE OF INFORMATION:** New York City Council Finance Division  
Department of Transportation

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

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

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council as Intro. No. 1557 on May 29, 2019 and was referred to the Committee on Transportation (Committee). The Committee held a hearing on June 12, 2019 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1557-A, will be considered by the Committee on October 29, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 1557-A will be submitted to the full Council for a vote on October 30, 2019.

**DATE PREPARED:** October 25, 2019.

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

**(The following is the text of Int. No. 1557-A:)**

## Int. No. 1557-A

By The Speaker (Council Member Johnson) and Council Members Rivera, Rodriguez, Levine, Reynoso, Constantinides, Rosenthal, Cumbo, Powers, Chin, Treyger, Lander, Van Bramer, Richards, Cohen, Dromm, Kallos, Salamanca, Levin, Cornegy, Ampry-Samuel, Menchaca, Cabrera, Espinal, Rose, Ayala and the Public Advocate (Mr. Williams).

**A Local Law to amend the administrative code of the city of New York, in relation to five-year plans for city streets, sidewalks, and pedestrian spaces**

*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 19-199.1 to read as follows:

§ 19-199.1 *Master plan. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Accessible pedestrian signal. The term “accessible pedestrian signal” means a device that communicates information about pedestrian signal timing in a nonvisual format.*

*Bicycle network. The term “bicycle network” means a contiguous network of protected bicycle lanes, designated bicycle paths on bridges, off-street bicycle paths or trails, and shared streets. A bicycle network shall be connected by intersections with mixing zones, fully split phases, delayed turns, offset crossing designs, or similar street treatments designed to improve safety and reduce conflicts for all street users at intersections.*

*Bicycle network connectivity index. The term “bicycle network connectivity index” means a figure measuring the extent and completeness of the bicycle network, based on the number of choices a cyclist has for turning from one bicycle route onto another, without leaving the overall network.*

*Bicycle lane network coverage index. The term “bicycle lane network coverage index” means a numeric figure representing the percentage of residents of the city who reside within one mile of the bicycle lane network.*

*Bus stop upgrades. The term “bus stop upgrades” means the addition to a bus stop of a bus shelter or bench and sign equipped with a system that conveys arrival times or other passenger information in real time.*

*Pedestrian space. The term “pedestrian space” means an area for pedestrian circulation, use, or enjoyment including, but not limited to, pedestrian plazas, curb extensions, sidewalks, safety islands, shared streets, and triangles, and which may contain amenities such as tables, seating, trees, plants, lighting, bike racks, or public art.*

*Protected bicycle lane. The term “protected bicycle lane” means a portion of a street or intersection that is designated for the exclusive use of bicycles and that is separated from motorized vehicle traffic by physical barriers, or is an off-road or raised pathway.*

*Protected bus lane. The term “protected bus lane” means a bus lane that is protected by physical barriers or is monitored by stationary or mobile bus lane photo devices that automatically produce an image of any vehicle that violates a bus lane restriction at the time of such violation.*

*Shared street. The term “shared street” means a street designated by the department as such with recommended speed limits of five miles per hour and that allows use by motor vehicles, pedestrians, and individuals using bicycles.*

*Transit signal priority. The term “transit signal priority” means technology capable of facilitating bus movements through intersections controlled by traffic signals.*

*b. Master plan. 1. The department shall issue and implement a master plan for the use of streets, sidewalks, and pedestrian spaces every five years. In developing each such plan, the department shall prioritize and promote: (i) the safety of all street users; (ii) on-street priority for mass transit vehicles; (iii) the reduction of vehicle emissions; and (iv) access for individuals with disabilities.*

*2. By December 1, 2021 and by December 1 of every fifth year thereafter, the department shall issue such plan for the five-year period beginning January 1 of the following year.*

*c. Benchmarks. 1. Each master plan issued pursuant to subdivision b of this section shall include proposals for street redesigns, protected bus lanes, protected bicycle lanes, bicycle parking, pedestrian spaces,*

commercial loading zones, truck routes, and parking, including the identification of specific routes, locations, or areas of the city for such proposals. In addition, each such master plan shall include benchmarks regarding such proposals that shall be achieved no later than December 31 of the final year of such plan.

2. The master plan due by December 1, 2021, shall include, at a minimum, the following benchmarks:

(i) install at least 150 miles of protected bus lanes, in coordination with the metropolitan transportation authority, with such lanes located along a median where feasible, with at least 20 miles of such lanes installed during the first year of such plan and at least 30 miles installed during each subsequent year of such plan;

(ii) implement transit signal priority in at least 750 intersections along bus routes during the first year of such plan and at least 1,000 intersections during each subsequent year of such plan or until transit signal priority is implemented in every intersection where such installation is feasible along every bus route where buses capable of utilizing transit signal priority are operated;

(iii) install at least 250 miles of protected bicycle lanes, with at least 30 miles of such lanes installed during the first year of such plan and at least 50 miles installed during each subsequent year of such plan;

(iv) implement bus stop upgrades at no fewer than 500 bus stops serving buses operated by the metropolitan transportation authority during each such year of such plan;

(v) redesign at least 2,000 intersections with a pedestrian signal pursuant to the checklist required by section 19-182.2, with at least 400 such intersections redesigned during each year of such plan;

(vi) install accessible pedestrian signals at no fewer than 2,500 intersections, with installation of such signals at no fewer than 500 intersections during each year of such plan;

(vii) assess and amend commercial loading zones, truck routes, and related areas to support freight movement and curb access citywide;

(viii) develop parking policies to prioritize and promote: (1) safety of all street users; (2) on-street priority of mass transit vehicles; (3) reduction of vehicle emissions; and (4) access to streets, sidewalks, public spaces, and mass transit for individuals with disabilities; and

(ix) no later than December 31, 2023, create and maintain no less than 1,000,000 square feet of pedestrian space.

3. The master plan due no later than December 1, 2026, shall include the following benchmarks:

(i) complete a connected bicycle network and ensure a bicycle lane network coverage index of 100 percent;

(ii) install protected bus lanes on all bus routes where such improvements can be installed;

(iii) install accessible pedestrian signals at no fewer than 2,500 intersections, with installation of such signals at no fewer than 500 intersections during each year of such plan;

(iv) implement bus stop upgrades at all bus stops serving buses operated by the metropolitan transportation authority where such upgrades are feasible; and

(v) redesign at least 2,000 intersections with a pedestrian signal pursuant to the checklist required by section 19-182.2, with at least 400 such intersections redesigned during each year of such plan; and

(vi) install or upgrade pedestrian ramps at no fewer than 3,000 intersection corners.

d. Reporting. 1. By December 1, 2021 and by December 1 of every fifth year thereafter, the department shall submit such plan to the mayor and the speaker of the council, and post such plan on the department's website.

2. By February 1, 2023 and by each February 1 thereafter, the department shall submit to the mayor and the speaker of the council and post on the department's website an update regarding any changes to the plan from the previous year, the bicycle lane network coverage index, and the status of the implementation of each benchmark identified in such plan, including but not limited to those benchmarks listed in subdivision c. Such information shall include a data set containing data on geographic feature boundaries, as represented by points, lines, or polygons. In addition, each report due beginning February 1, 2028 shall include the bicycle connectivity index for the previous year.

e. Public education campaign. The department shall conduct a public education campaign regarding the benefits of each master plan, including, but not limited to, the impacts on safety, the environment, accessibility, mobility, and the city's economy.

§ 2. This local law takes effect immediately.

YDANIS A. RODRIGUEZ, *Chairperson*; FERNANDO CABRERA, PETER A. KOO, STEPHEN T. LEVIN, DEBORAH L. ROSE, DONOVAN J. RICHARDS, CHAIM M. DEUTSCH, RAFAEL L. ESPINAL, Jr., MARK D. LEVINE, CARLOS MENCHACA, ANTONIO REYNOSO: Committee on Transportation, October 29, 2019.

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

**(Editor's Note: The following names are from the first of two letters received from the Office of the City Clerk:)**

#### 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>
Claudia Forrester	2376 Adam Clayton Powell Jr Blvd, 4th Fl New York, New York 10030	9
Alison Dowdle	69 Herbert Street Brooklyn, New York 11222	34
Sophie Gardephe	309 New York Ave Brooklyn, New York 11213	35
Stephanie Jamison	2409 Brigham Street Brooklyn, New York 11235	48
Greta Enabosi	487 Lisk Ave Staten Island, New York 10303	49
Nicole Casertano	83 Gervil Street Staten Island, New York 10309	51



*Approved Reapplicants*

<i>Name</i>	<i>Address</i>	<i>District #</i>
Jose Gonzalez	111 Norfolk Street #1A New York, New York 10002	1
Laura Fenimore	333 Pearl Street #7N New York, New York 10038	1
Jesus Salas	709 FDR Drive #1C New York, New York 10009	2
Irene-Joyce Berzak-Schoen	670 West End Avenue New York, New York 10025	6
Josefina Reyes	35 Hamilton Place #512 New York, New York 10031	7
Malcolm I. Roberts	382 Central Park West #9R New York, New York 10025	7
Alexandro J. Gomez	239 East 110th Street #1 New York, New York 10029	8
Remona Dickenson	335 East 111th Street #5M New York, New York 10029	8
Stephanie Colbourne	535 Union Avenue #717 Bronx, New York 10455	8
Betty Hammond	270 Convent Avenue #5F New York, New York 10031	9
Douglas C. Morrison-Hoskins	2488 Adam Clayton Powell Jr. Blvd #1 New York, New York 10030	9
Gabrielle K. Connor	42 Edgecombe Avenue New York, New York 10030	9
Lavada R. Becoate	1900 Lexington Avenue #15E New York, New York 10035	9
Linda Singleton	310 West 143rd Street #3C New York, New York 10030	9
Ravenna Won	327 St. Nicholas Avenue #1E New York, New York 10027	9
Roderick B. Kelly	300 West 135th Street #7C New York, New York 10030	9

Sonya Y. Crute	159-48 Harlem River Drive #12H New York, New York 10039	9
Bradhangely Angeles	25 Nagle Avenue #2D New York, New York 10040	10
Vanessa Linares	541 West 204th Street #2G New York, New York 10034	10
Elizabeth Diaz	3330 Hull Avenue Bronx, New York 10467	11
Sharon Jamison	2728 Henry Hudson Parkway East #C65 Bronx, New York 10463	11
Arnold E. Martin	100 Asch Loop #24G Bronx, New York 10475	12
Jaczaida Ayala	140 Casals Place #11B Bronx, New York 10475	12
Patricia Cipollaro	2420-5 Hunter Avenue Bronx, New York 10475	12
Anna Marie Wallace	1740 Mulford Avenue #5C Bronx, New York 10461	13
Colleen A. McCarthy	149C Edgewater Park Bronx, New York 10465	13
Hector Maldonado	2019 Hobart Avenue Bronx, New York 10461	13
Jewel M. Cleckley	273 Buttrick Avenue #2 Bronx, New York 10465	13
Renata Owens	2802 Philip Avenue Bronx, New York 10465	13
Raisa Arias	2005 Davidson Avenue #1C Bronx, New York 10453	14
Stacey Martinez	1 West 182nd Street #4J Bronx, New York 10453	14
Akisha S. Chambers	2155 Daly Avenue #2B Bronx, New York 10460	15
Arisleyxy M. Contreras	2600 Briggs Avenue #3B Bronx, New York 10458	15

Jacqueline Leon	1434 Bryant Avenue #2B Bronx, New York 10459	17
Lizette Barcene	1560 Metropolitan Avenue #8A Bronx, New York 10472	18
Phylicia Vega	2980 Park Avenue #6C Bronx, New York 10451	18
Claudia P. Torres	200-03 34th Avenue, 2nd Fl Flushing, New York 11361	19
George Mihaltses	220-31 43rd Avenue Bayside, New York 11361	19
Jean H. Schwarwsin	203 Park Lane Douglaston, New York 11363	19
Doniyor Fayzullaev	141-40 84th Drive #1M Briarwood, New York 11435	24
Ahelia Chankar	130-30 Springfield Blvd Springfield Gardens, New York 11413	27
April Hill	171-27 105th Avenue Jamaica, New York 11433	27
Floristeane Anthony	173-22 105th Avenue Queens, New York 11433	27
Olugbenga A. Ajala	115-74 Newburg Street St. Albans, New York 11412	27
Crystal Nixon	130-16 Foch Blvd Jamaica, New York 11420	28
Marlene J. Reed	109-44 160 Street #1C Queens, New York 11433	28
Janet Smith	118-17 Union Turnpike Queens, New York 11375	29
Victoria Wong	110-20 71st Ave, Apt #107 Flushing, New York 11375	29
Maria A. Montalvo	62-21 69th Place Queens, New York 11379	30
Charlesetta Brunson	69-15 Elizabeth Avenue Queens, New York 11692	31
Dharmindra Dhanray	114-56 114th Street South Ozone Park, New York 11420	32

Katherine Feliz	106-56 98th Street #1 Ozone Park, New York 11417	32
Marlene Potter	8200 Shore Front Parkway #9L Queens, New York 11693	32
Patricia Butler	103 Beach 215th Street Rockaway Point, New York 11697	32
Patricia Henao	153-48 79th Street Queens, New York 11414	32
Tina Chan	101-47 102nd Street Ozone Park, New York 11416	32
Shaquana J. Anderson	541 Wythe Avenue #140 Brooklyn, New York 11212	33
Berlinda McLeod	433 Lafayette Avenue #7F Brooklyn, New York 11238	35
Denita Williams	333 Lafayette Avenue #10K Brooklyn, New York 11238	35
Kayron J. Headley	371 Monroe Street #8 Brooklyn, New York 11221	36
Yvette Davis	910 Park Place #3C Brooklyn, New York 11216	36
Angelica Sevilla	1943 Broadway Brooklyn, New York 11207	37
Elizabeth Russell	240 New Jersey Avenue #D4 Brooklyn, New York 11207	37
Alfredo A. Rodriguez Perez	1325 Eastern Pkwy, Apt A8 Brooklyn, New York 11233	39
Anthony Pantano	90 President Street Brooklyn, New York 11231	39
Carrie Goodine	2015 Union Street Brooklyn, New York 11232	41
Norma J. Rogers	973 Jefferson Avenue #1 Brooklyn, New York 11221	41
Ruth Martinez	779 Macdonough Street #1 Brooklyn, New York 11233	41

Sandra Crawford	688 Rockaway Avenue #2B Brooklyn, New York 11212	41
Johnnymae McCrae	695 Alabama Avenue Brooklyn, New York 11207	42
Nelida Velazquez	675 86th Street #B2 Brooklyn, New York 11228	43
Nicole Muccigrosso	964 72nd Street Brooklyn, New York 11228	43
Aurelia S. Grey	8907 Avenue A Brooklyn, New York 11236	45
Brandon B. Bernard	1430 East 49th Street Brooklyn, New York 11234	45
Catherine Smalls	1372 New York Avenue #4C Brooklyn, New York 11203	45
Joanne Haneiph	446 East 46th Street Brooklyn, New York 11203	45
Lucy Campos	4105 Avenue P Brooklyn, New York 11234	45
Melissa Ashton	133 East 89th Street Brooklyn, New York 11236	45
Ricardo Russell	4105 Kings Highway Brooklyn, New York 11234	45
Sasha Jenkins	520 East 37th Street Brooklyn, New York 11203	45
Esther Cid	2054 East 56th Street #3 Brooklyn, New York 11234	46
Kelly Wallace	1088 Bergen Avenue Bmst Brooklyn, New York 11234	46
Alla Veynblat	2662 West 2nd Street #5A Brooklyn, New York 11223	47
Hyacinth R. Taylor	18 Avenue V #3E Brooklyn, New York 11223	47
Alvin Pankin	1798 East 26th Street Brooklyn, New York 11229	48
Charles C. Destefano	1082 Victory Blvd Staten Island, New York 10301	49

Lillian L. Lagazzo	90 Bay Street Landing #2B Staten Island, New York 10301	49
Nicole Cherie King	121 Alaska Street Staten Island, New York 10310	49
Barbara J. Pardi	982 Rockland Avenue Staten Island, New York 10314	50
Brenda A. Hamilton	372 Westwood Avenue Staten Island, New York 10314	50
Ka Po Lau	15 Tony Court Staten Island, New York 10305	50
Mark Matuza	94 Hancock Street Staten Island, New York 10305	50
Patricia Nappi	351 Ross Avenue Staten Island, New York 10306	50
Theresa M. Morace	350 London Road Staten Island, New York 10306	50
Anthony S. Economou	316 Dewey Avenue Staten Island, New York 10308	51
Ellen A. Yates	101 Preston Avenue Staten Island, New York 10312	51
Gail A. Cooney	44 Lamoka Avenue Staten Island, New York 10308	51
Joseph F. DiFede	27 Hinton Street Staten Island, New York 10312	51

**(Editor's Note: The following names are from the second of two letters received from the Office of the City Clerk:)**

**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:

<i>Approved New Applicants</i>		
<i>Name</i>	<i>Address</i>	<i>District #</i>
Steven Haagensen	225 E 118th Street, Apt 712 New York, New York 10035	8
Mia Hartley	1325 Lafayette Ave, 3A Bronx, New York 10474	17
Jazlyn Serbia	28 Metropolitan Oval, 7B Bronx, New York 10462	18
Tina Viccaro	61-18 Gates Ave Queens, New York 11385	30
Susanna Yu	84-09 91st Ave Queens, New York 11421	32
Caroline Moses	360 Furman St, Apt 829 Brooklyn, New York 11201	33
Cheryl Wray	940 Gates Ave, Apt 6H Brooklyn, New York 11221	41
Vanessa McNeil	159 Riverdale Ave, Apt B Brooklyn, New York 11212	42
Alexey Romanyuk	2408 E 4th St, 1st Fl Brooklyn, New York 11223	47
Kharen Remigio	394 Green Valley Road Staten Island, New York 10312	51

*Approved Reapplicants*

<i>Name</i>	<i>Address</i>	<i>District #</i>
Katerina Gervits	245 E 40th Street, Apt 30E New York, New York 10016	4
Pamela Fults	205 West 140th Street #3A New York, New York 10030	9
Felicia Glover	2526 Bronx Park East #4C Bronx, New York 10467	15
Robert Charles Gadson Jr.	1624 Adams Street #2 Bronx, New York 10460	15
Lucilla Lowe-Cole	1105 Elder Avenue #43B Bronx, New York 10472	17
Albert Willingham	142-35 84th Drive #5G Briarwood, New York 11435	24
Aamer Parvez	15 Guinevere Lane Staten Island, New York 10310	49

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) **Int 870-A -** Adoption of shelter animals.
- (2) **Int 1082-A -** Global positioning systems in certain waste hauling vehicles.
- (3) **Int 1083-A -** Fines for unreported employees.
- (4) **Int 1202-A -** Prohibiting the trafficking of wild birds.
- (5) **Int 1378-A -** Banning the sale or provision of certain force-fed poultry products.
- (6) **Int 1425-A -** Making it unlawful to work carriage horses in certain conditions.
- (7) **Int 1478-A -** Establishment of an office of animal welfare.
- (8) **Int 1498-A -** New York City police department to report data regarding animal cruelty complaints.
- (9) **Int 1541-B -** Creating a specialized high school taskforce.
- (10) **Int 1557-A -** Five-year plans for city streets, sidewalks, and pedestrian spaces.
- (11) **Int 1570-A -** Bordetella vaccination for dogs.
- (12) **Int 1573-A -** Regulating the trade waste industry.
- (13) **Int 1574-A -** Establishment of commercial waste zones, and to repeal sections 16-523 and 16-524 of such code, relating to a pilot of special trade waste removal districts.
- (14) **Int 1750 -** Authorizing an increase in the amount to be expended annually in five business improvement districts and one special assessment district.
- (15) **Res 1141 -** Changes in Membership to the Standing Committees of the Council.

- (16) **Res 1142 -** Dissolving the Committee on Juvenile Justice and transferring its jurisdiction to the Standing Committee on the Justice System.
- (17) **L.U. 568 & Res 1147 -** Knickerbocker Village, Inc.; Block 253, Lot 1; Manhattan; Community District No. 3; Council District No. 1.
- (18) **L.U. 569 & Res 1148 -** Strivers Plaza; Block 1940, Lots 3 and 39, Block 1941, Lots 3, 11, 12, 13, 14, and 36 and Block 1959, Lots 56 and 58; Manhattan; Community District No. 10; Council District No. 9.
- (19) **L.U. 570 & Res 1149 -** St. Nicholas Manor Apartments; Block 2051, Lot 54; Manhattan; Community District No. 9; Council District No. 9.
- (20) **Resolution approving various persons Commissioners of Deeds.**

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

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, 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) – **48**.

**The General Order vote recorded for this Stated Meeting was 48-0-0 as shown above with the exception of the votes for the following legislative items:**

The following was the vote recorded for **Int. No. 1082-A**:

:  
**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, 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**.

**Negative** – Cabrera – **1**.

The following was the vote recorded for **Int. No. 1202-A:**

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Menchaca, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **43**.

**Negative** – Borelli, Lancman, Miller, Yeger, and the Minority Leader (CM Matteo) – **5**.

The following was the vote recorded for **Int. No. 1378-A:**

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Cabrera, Chin, Cohen, Constantinides, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rosenthal, Torres, Treyger, Ulrich, Vallone, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **42**.

**Negative** – Borelli, Cornegy, Deutsch, Salamanca, Yeger, and the Minority Leader (CM Matteo) – **6**.

The following was the vote recorded for **Int. No. 1425-A:**

**Affirmative** – Adams, Ampry-Samuel, Ayala, Brannan, Cabrera, Chin, Cohen, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Holden, Kallos, Koo, Lancman, Lander, Levin, Levine, Louis, Menchaca, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rosenthal, Salamanca, Torres, Treyger, Vallone, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **37**.

**Negative** – Barron, Borelli, Constantinides, Cornegy, Grodenchik, Koslowitz, Miller, Moya, Ulrich, Yeger, and the Minority Leader (CM Matteo) – **11**.

The following was the vote recorded for **Int. No. 1541-B:**

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Chin, Cohen, Constantinides, Cornegy, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Kallos, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Menchaca, Miller, Moya, Powers, Reynoso, Richards, Rivera, Rodriguez, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **40**.

**Negative** – Borelli, Cabrera, Deutsch, Holden, Perkins, Yeger, and the Minority Leader (Matteo) – **7**.

**Abstention** – Vallone – **1**.

The following was the vote recorded for **Int. No. 1557-A**:

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Dromm, Espinal, Eugene, Gibson, Grodenchik, Kallos, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Menchaca, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rosenthal, Salamanca, Torres, Treyger, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **37**.

**Negative** – Borelli, Deutsch, Diaz, Holden, Louis, Miller, Vallone, Yeger and the Minority Leader (Council Member Matteo) – **9**.

**Abstention** – Gjonaj and Ulrich – **2**.

The following was the vote recorded for **Int. No. 1574-A**:

**Affirmative** – Adams, Ampry-Samuel, Ayala, Borelli, Brannan, Chin, Cohen, Constantinides, Dromm, Espinal, Eugene, Gibson, Kallos, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Menchaca, Miller, Powers, Reynoso, Richards, Rivera, Rodriguez, Rosenthal, Salamanca, Torres, Treyger, Vallone, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **34**.

**Negative** – Barron, Cabrera, Cornegy, Deutsch, Diaz, Gjonaj, Grodenchick, Holden, Louis, Moya, Perkins, Ulrich, Yeger, and the Minority Leader (Council Member Matteo) – **14**.

The following was the vote recorded for **Preconsidered Res. No. 1141**:

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

**Abstention** – Yeger – **1**.

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

*Int. Nos. 870-A, 1082-A, 1083-A, 1202-A, 1378-A, 1425-A, 1478-A, 1498-A, 1541-B, 1557-A, 1570-A, 1573-A, 1574-A, and 1750.*

## RESOLUTIONS

*Presented for voice-vote*

**The following are the respective Committee Reports for each of the Resolutions referred to the Council for a voice-vote pursuant to Rule 8.50 of the Council:**

Report for voice-vote item Res. No. 379

**Report of the Committee on Health in favor of approving a Resolution to recognize “Meatless Monday” in New York City.**

The Committee on Health, to which the annexed resolution was referred on June 7, 2018 (Minutes, page 2150), respectfully

### REPORTS:

**(For text of report, please see the Report of the Committee on Health for Int. No. 870-A printed in Reports of the Standing Committees section of these Minutes)**

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 379:)**

Res. No. 379

**Resolution to recognize “Meatless Monday” in New York City.**

By Council Members Rosenthal, Cabrera, Brannan, Salamanca, Cumbo, Powers, Vallone, Rivera and Ulrich

**Whereas**, Meatless Monday is an international campaign that encourages people to enjoy meat-free meals on Mondays to improve their personal and public health, animal welfare, wildlife protection, and environmental and agricultural sustainability; and

**Whereas**, The Meatless Monday campaign initially began in the United States (U.S.) as a nationwide war rationing effort during World Wars I and II, and was revived as a health campaign in 2003 by The Monday Campaigns in association with the Johns Hopkins Bloomberg School of Public Health; and

**Whereas**, According to the national nonprofit organization Compassion Over Killing, over 50% of Americans are familiar with Meatless Monday and nearly 1 in 5 participate in the campaign; and

**Whereas**, Several cities across the U.S., including Los Angeles, South Miami, Washington, D.C., San Francisco, Philadelphia and others have either passed resolutions or written proclamations to promote Meatless Monday; and

**Whereas**, Monday was chosen because several studies, including “What’s the Healthiest Day? Circaseptan (Weekly) Rhythms in Healthy Considerations,” *American Journal of Preventive Medicine* (2014), have demonstrated that people are more likely to try to quit smoking, begin a diet or exercise regimen, schedule a doctors’ appointment, or adopt other health behaviors on Monday than any other day; and

**Whereas**, According to the Johns Hopkins Bloomberg School of Public Health website, “In 2000, the Surgeon General released the Healthy People 2010 report outlining health objectives for the nation to serve as goals for the next decade. Healthy People 2010 specifically called for a 15% reduction in saturated fat in the American diet. Since saturated fat in the diet is almost exclusively of animal origin and one day of the week is just under 15% of the week, the campaign began by encouraging people to refrain from eating meat one day a week to help reach this goal”; and

**Whereas**, Proponents of Meatless Monday argue that going meatless one day a week can reduce the risk of chronic preventable conditions like cancer, cardiovascular disease, diabetes and obesity; and

**Whereas**, Proponents also argue that it can help limit one’s carbon footprint and save precious resources like fresh water because the water usage for livestock is much greater than it is for vegetables and grains and according to the Intergovernmental Panel on Climate Change, livestock production accounts for 10-31% of global greenhouse gas emissions; and

**Whereas**, FGI Research, a nationwide online survey that tracks awareness and behavior related to the Meatless Monday campaign, surveyed approximately 1,000 participants in 2012, and found that awareness of Meatless Monday increased from 26% to 43% from November 2010 to July 2012, among adults living in the U.S., and 62% of respondents reported that health was the primary reason for cutting back or considering cutting back on meat; and

**Whereas**, Furthermore, of those influenced by Meatless Monday, 62% tried to incorporate Meatless Monday in their weekly routine and 40% incorporated more meatless meals the rest of the week; and

**Whereas**, According to the Meatless Monday website, approximately 40 schools in New York City have participated in the campaign, including public, private and charter schools at all grade levels, New York City colleges and universities have also participated in Meatless Monday, including Barnard College, Brooklyn Law School, Columbia University, Fordham University, LaGuardia Community College and Manhattan College; and

**Whereas**, In October 2017, Mayor Bill de Blasio, New York City Department of Education Schools Chancellor Carmen Fariña and Brooklyn Borough President Eric Adams announced that 15 Brooklyn public schools will participate in Meatless Mondays in spring 2018; and

**Whereas**, The program will provide participating schools with healthy, all-vegetarian breakfast and lunch menus every Monday; and

**Whereas**, Reputable restaurant owners in New York City such as Bill Telepan, Mario Batali, John Fraser, and Marisa May among others, participate in Meatless Mondays by offering vegetarian options to their customers; and

**Whereas**, According to a 2013 article in *Nation’s Restaurant News*, restaurateurs found that Meatless Mondays can be beneficial to their businesses because Meatless Monday choices entice people to dine out on Monday, a day of the week that can be slow for businesses; and

**Whereas**, Given the health and environmental benefits from participating in Meatless Monday, it would be advantageous for more New Yorkers to participate in Meatless Monday through New York City schools, cafeterias and dining services, local restaurants, and community organizations; now, therefore, be it

**Resolved**, That the Council of the City of New York recognizes “Meatless Monday” in New York City.

MARK D. LEVINE, *Chairperson*; MATHIEU EUGENE; ANDREW COHEN, ALICKA AMPRY-SAMUEL, ROBERT HOLDEN, KEITH POWERS; Committee on Health; October 29, 2019.

Pursuant to Rule 8.50 of the Council, the Majority Leader and the Acting President Pro Tempore (Council Member Cumbo) called for a voice vote. Hearing those in favor, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) declared the Resolution to be adopted.

The following 6 Council Members formally noted their intention to vote negative on this item:  
Council Members Borelli, Deutsch, Gjonaj, Lancman, Yeger and the Minority Leader (Matteo).

Adopted by the Council by voice-vote.

Report for voice-vote item Res. No. 798

**Report of the Committee on Health in favor of approving a Resolution calling upon the New York State Legislature to pass and the Governor to sign A6298/S4234, an act to amend the agriculture and markets law and the general business law, in relation to the sale of dogs, cats and rabbits.**

The Committee on Health, to which the annexed resolution was referred on March 28, 2019 (Minutes, page 971), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Health for Int. No. 870-A printed in Reports of the Standing Committees section of these Minutes)**

*Accordingly, this Committee recommends its adoption*

**(The following is the text of Res. No. 798:)**

Res. No. 798

**Resolution calling upon the New York State Legislature to pass and the Governor to sign A6298/S4234, an act to amend the agriculture and markets law and the general business law, in relation to the sale of dogs, cats and rabbits.**

By Council Members Brannan, Rosenthal, Holden, Koslowitz, Cumbo, Kallos, Treyger, Chin, Lander, Rivera and Ulrich.

**Whereas**, New York City (“the City”) is home to over one million dogs and cats and has average animal shelter intakes exceeding 30,000 dogs and cats, annually, according to the New York City Department of Health and Mental Hygiene; and

**Whereas**, The City has long been concerned with issues of pet overpopulation, irresponsible breeding of dogs and cats intended for sale, and their subsequent sale to unsuspecting customers; and

**Whereas**, The American Society for the Prevention of Cruelty to Animals (“ASPCA”) has noted that commercial breeding facilities often keep dogs and cats in tiny, vertically-stacked cages that maximize space and prioritize profit, while creating unhygienic conditions and stress for the animals; and

**Whereas**, The conditions of commercial breeding facilities can frequently be conducive to the spread of disease, and dogs and cats do not typically receive veterinary care in such facilities, in fact, puppies often arrive in pet stores from such commercial facilities with a range of health problems, including parasites, parvo, pneumonia, and other lasting behavioral problems that unwitting customers discover after sale; and

**Whereas**, Commercial breeding facilities habitually subject dogs and cats to nonstop breeding, and such breeders regularly include medically compromised animals in their breeding stock, leading to physical and behavioral defects in offspring that are often not discoverable until the animal grows up; and

**Whereas**, Dog and cat brokers, dealers, and transporters regularly transport dogs and cats across states to pet shops in New York City and no regulations exist as to the number of continuous hours animals may be trucked, or how many animals may be fit into a vehicle, or that mandate drivers of said vehicles to have animal care experience; and

**Whereas**, The Council of the City of New York took actions in 2015 to curb pet overpopulation, and to mitigate pet shops’ acquisition of animals from irresponsible breeders, through Local Law 7 of 2015 (“Spay/Neuter Law”) and Local Law 5 of 2015 (“Sourcing Law”), respectively; and

**Whereas**, More than 250 municipalities, and the States of California and Maryland have already banned the sale of commercially bred dogs and cats from pet shops, and further action is needed in New York State to strengthen protections against pet overpopulation and commercial breeding; and

**Whereas**, A6298/S4234, introduced by Assembly Member Linda Rosenthal and Senator Michael Gianaris, respectively, would combat irresponsible breeding and encourage adoption by prohibiting the sale of dogs, cats, or rabbits by retail pet shops while allowing animal rescue organizations to showcase such dogs, cats, or rabbits at collaborating retail pet shops for the purpose of adoption; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign A6298/S4234, an act to amend the agriculture and markets law and the general business law, in relation to the sale of dogs, cats and rabbits.

MARK D. LEVINE, *Chairperson*; MATHIEU EUGENE; ANDREW COHEN, ALICKA AMPRY-SAMUEL, ROBERT HOLDEN, KEITH POWERS; Committee on Health; October 29, 2019.

Pursuant to Rule 8.50 of the Council, the Acting President Pro Tempore (Council Member Cumbo) called for a voice vote. Hearing those in favor, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) declared the Resolution to be adopted.

The following 3 Council Members formally noted their intention to vote negative on this item:  
Council Members Deutsch, Gjonaj, and Yeger.

Adopted by the Council by voice-vote.

Report for voice-vote item Res. No. 921

**Report of the Committee on Health in favor of approving a Resolution calling on the New York State Legislature to pass and the Governor to sign A.286, which would provide a tax credit to each taxpayer who adopts a household pet from a shelter.**

The Committee on Health, to which the annexed resolution was referred on June 13, 2019 (Minutes, page 2210), respectfully

#### **REPORTS:**

**(For text of report, please see the Report of the Committee on Health for Int. No. 870-A printed in Reports of the Standing Committees section of these Minutes)**

*Accordingly, this Committee recommends its adoption*

**(The following is the text of Res. No. 921:)**

Res. No. 921

**Resolution calling on the New York State Legislature to pass and the Governor to sign A.286, which would provide a tax credit to each taxpayer who adopts a household pet from a shelter.**

By Council Members Cumbo, Kallos, Vallone, Ayala and Deutsch.



**Whereas**, According to the American Society for the Prevention of Cruelty to Animals ("ASPCA"), millions of dogs and cats are euthanized in animal shelters across the country every year because they have not been adopted into loving homes; and

**Whereas**, In New York City, there is a great need to encourage more people to adopt dogs and cats from animal shelters; and

**Whereas**, Animal Care Centers of New York City (ACC) is a not-for-profit rescue organization in New York City under contract with the City with a mission to end animal homelessness in New York City; and

**Whereas**, ACC is an open admission shelter, meaning the organization will accept any animal, regardless of breed or species; and

**Whereas**, ACC is the largest pet organization in the northeast and had an adjusted total intake of 21,514 animals in 2018; and

**Whereas**, Encouraging the adoption of pets would assist ACC in its mission to find homes for the tens of thousands of pets that flow through its doors; and

**Whereas**, A.286, sponsored by Assemblymember Linda Rosenthal, would provide a one hundred dollar maximum tax credit to each taxpayer who adopts a dog or a cat from a shelter; and

**Whereas**, A.286 would cover a maximum of the three pets per tax payer; and

**Whereas**, The cost of adopting a dog or cat can be burdensome for many families and may prevent some people willing to open their homes to a shelter dog or cat from doing so; and

**Whereas**, Encouraging New Yorkers to adopt pets is not only compassionate, but would also reduce the stress on resources of the shelters that house and care for adoptable animals; and

**Whereas**, Owning pets also has important health and social benefits for the pet owner; and

**Whereas**, Several studies funded by the National Institute for Health have demonstrated that pet ownership can improve cardiovascular health, lead to lower heart rate and blood pressure, increase the amount of exercise people get, and help people make and keep social connections; and

**Whereas**, New York State could be a leader in animal welfare by becoming the first state in the country to provide a tax credit for the adoption of a dog or cat from an animal shelter; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass and the Governor to sign A.286, which would provide a tax credit to each taxpayer who adopts a household pet from a shelter.

MARK D. LEVINE, *Chairperson*; MATHIEU EUGENE; ANDREW COHEN, ALICKA AMPRY-SAMUEL, ROBERT HOLDEN, KEITH POWERS; Committee on Health; October 29, 2019.

Pursuant to Rule 8.50 of the Council, the Majority Leader and the Acting President Pro Tempore (Council Member Cumbo) called for a voice vote. Hearing no objections, the Majority Leader and the Acting President Pro Tempore (Council Member Cumbo) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

Report for voice-vote item Res. No. 977

**Report of the Committee on Health in favor of approving a Resolution calling on the United States Congress to pass, and the President to sign, H.R. 724 and S. 479, the Preventing Animal Cruelty Torture Act, otherwise known as the PACT Act.**

The Committee on Health, to which the annexed resolution was referred on June 26, 2019 (Minutes, page 2176 ), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Health for Int. No. 870-A printed in Reports of the Standing Committees section of these Minutes)**

*Accordingly, this Committee recommends its adoption*

**(The following is the text of Res. No. 977:)**

Res. No. 977

**Resolution calling on the United States Congress to pass, and the President to sign, H.R. 724 and S. 479, the Preventing Animal Cruelty Torture Act, otherwise known as the PACT Act.**

By Council Members Holden, Kallos, Vallone, Ayala, Deutsch and Rivera.

**Whereas**, There currently is no federal law banning animal abuse; and

**Whereas**, According to the New York Times, although all 50 states have animal cruelty laws, a federal law is necessary because it would streamline situations when animals that are abused are transported over state lines; and

**Whereas**, A federal law would also allow the federal government to intervene in the event a state doesn't have the resources to pursue an animal abuse case; and

**Whereas**, H.R. 724, sponsored by Representative Theodore E. Deutch, and S. 479, sponsored by Senator Pat Toomey, known as the Preventing Animal Cruelty and Torture Act (PACT Act), would revise and expand criminal provisions with respect to animal crushing; and

**Whereas**, "Animal crushing" is defined in the bill as actual conduct in which one or more living non-human mammals, birds, reptiles, or amphibians is purposely crushed, burned, drowned, suffocated, impaled, or otherwise subjected to serious bodily injury; and

**Whereas**, The PACT Act makes the act of animal crushing illegal if the action is deliberate; and

**Whereas**, According to the Humane Society, while federal law currently prohibits animal fighting and the creation and trade of video depictions of animals being crushed, burned, drowned, suffocated, impaled, or subjected to other forms of egregious cruelty, the underlying abusive act itself is not banned; and

**Whereas**, A violation of the PACT Act would result in a fine or imprisonment for up to seven years; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the United States Congress to pass, and the President to sign, H.R. 724 and S. 479, the Preventing Animal Cruelty Torture Act, otherwise known as the PACT Act.

MARK D. LEVINE, *Chairperson*; MATHIEU EUGENE; ANDREW COHEN, ALICKA AMPRY-SAMUEL, ROBERT HOLDEN, KEITH POWERS; Committee on Health; October 29, 2019.

Pursuant to Rule 8.50 of the Council, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) called for a voice vote. Hearing no objections, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

## INTRODUCTION AND READING OF BILLS

Int. No. 1776

By Council Members Ayala, Kallos, Yeger and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the development of a single application form for the not-for-profit real property tax exemption and the not-for-profit exemption from water and sewer charges**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-246.1 to read as follows:

*§ 11-246.1. Single application form. The department, in conjunction with the department of environmental protection, shall develop a single application form for a not-for-profit organization to apply for the real property tax exemption provided pursuant to section 11-246, the exemption from water charges provided pursuant to chapter 696 of the laws of New York of 1887, as amended, and the exemption from sewer charges provided pursuant to section 24-514(e). The departments shall also consider other exemptions from municipal charges and fees which are applicable to not-for-profit organizations for inclusion on such application form.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Finance.

Int. No. 1777

By Council Members Ayala and Kallos.

**A Local Law to amend the administrative code of the city of New York, in relation to inspections of apartments rented with city rental assistance vouchers**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-144 to read as follows:

*§ 21-144 Definitions. a. For purposes of this section, the following terms have the following meanings:*

*Rental assistance voucher. The term “rental assistance voucher” means financial assistance provided by the department of the purpose of paying a recipient’s rent on an ongoing basis.*

*Vacate order. The term “vacate order” means any vacate order issued by the department of buildings, the department of housing preservation and development, or the fire department.*

*b. Apartment inspections. The department shall conduct an inspection of every apartment or room prior to such apartment or room being approved for usage of a rental assistance voucher. Such inspection shall include the following:*

- 1. A review of whether the building has open vacate orders affecting either the entire building or the individual apartment or room;*
- 2. Whether the building has a stop work order in effect that affects either the entire building or the individual apartment or room intended for use;*
- 3. Whether there are any relevant complaints to the department of buildings about either the entire building or the individual apartment or room;*
- 4. Whether the unit appears to be a legal apartment as per its certificate of occupancy issued by the department of buildings;*

5. Whether there is a building owner listed for the unit;
  6. Whether the unit has any open lead-based paint violations;
  7. Whether the building has open litigation for heat and hot water;
  8. Whether the building is subject to comprehensive litigation;
  9. Whether the entire building or the individual apartment or room has any health and safety issues including excess garbage, a clear path to egress and sufficient lighting in halls and stairwells, adequate number of windows, evidence of rats, mice, roaches or other vermin, evidence of leaks, presence of smoke and carbon monoxide detectors; and
  10. Any other health or safety issues or concerns the department deems relevant.
- § 3. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Housing and Buildings.

Int. No. 1778

By Council Members Borelli and Yeger.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring information related to tree ownership be shared via 311**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 23 of the administrative code of the city of New York is amended to add a new section 23-304 to read as follows:

§23-304 *Tree inquiries.* a. *The department of information technology and telecommunications in coordination with the department of parks and recreation shall make available on the 311 citizen service center website, telephone, and mobile device platforms for each request submitted relating to a tree where a city agency or office is the owner of such tree:*

1. *Within one day of submission of such request, the city agency or office that owns such tree;*
2. *Within three days of submission of such request, whether such tree poses an immediate health or safety risk as confirmed by the department of parks and recreation; and*
3. *Within seven days of the submission of such request, the resolution of such request along with the contact information of the city agency or office that owns such tree.*

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

Referred to the Committee on Technology.

Res. No. 1139

**Resolution calling upon the New York State Governor to sign S.2497/A.1851, which would prohibit a child less than ten years of age from being left unattended in a motor vehicle under conditions presenting substantial risk.**

By Council Member Cabrera.

**Whereas**, The National Highway Traffic Safety Administration (NHTSA) has confirmed that vehicular heatstroke poses a grave threat to public safety as, on average, a child dies from vehicular heatstroke once every ten days; and

**Whereas**, Heatstroke begins when body temperature reaches 104 degrees Fahrenheit, quickly overwhelming the thermoregulatory system, and becomes lethal when body temperature reaches or exceeds 107 degrees Fahrenheit; and

**Whereas**, Evidence has shown even a mild outside temperature of 60 degrees Fahrenheit can cause the inside temperature of a vehicle to rise above 110 degrees Fahrenheit within ten minutes; and

**Whereas**, The NHTSA has confirmed that vehicular heatstroke, which occurs when an individual is left in a hot vehicle, allowing their core body temperature to quickly elevate to dangerous levels, is one of the leading causes of non-crash-related fatalities among children; and

**Whereas**, 829 children have died as a result of vehicular heatstroke in the United States since 1998, including 32 children who succumbed to vehicular heatstroke since January 2019; and

**Whereas**, The New York State Assembly has similarly passed legislation sponsored by Assembly Member Magnarelli (A1851) prohibiting a child less than ten years of age from being left unattended in a motor vehicle under conditions presenting a substantial risk; and

**Whereas**, A violation of this law, if enacted, would result in a traffic infraction and a fine, depending on the number of violations; and

**Whereas**, New York State Senate bill S.241 and New York State Assembly bill A.1851 have been passed, but have not yet been delivered to the Governor for signature; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Governor to sign S.2497/A.1851, which would prohibit a child less than ten years of age from being left unattended in a motor vehicle under conditions presenting substantial risk.

Referred to the Committee on Transportation.

Int. No. 1779

By Council Member Chin (by request of the Manhattan Borough President) and Council Members Powers, Kallos, Rivera, Rodriguez, Richards, Levine and Rosenthal.

**A Local Law to amend the administrative code of the city of New York, in relation to exempting certain grocery stores from the commercial rent tax**

*Be it enacted by the Council as follows:*

Section 1. Section 11-704 of the administrative code of the city of New York is amended by adding a new subdivision j to read as follows:

*j. Grocery stores. 1. A tenant that is a grocery store and has obtained the certification required by paragraph 2 of this subdivision is exempt from the tax imposed by this chapter.*

*2. The commissioner of finance or a designee shall approve for certification any grocery store that receives less than 50 percent of its store sales from pharmacy sales, and that:*

*(a) Exceeds 3,500 square feet of retail floor space, excluding any storage space, loading dock, food preparation and serving space, and eating area designated for the consumption of prepared food, and that apportions such retail floor space in the following manner: (i) 50 percent or more is utilized for the sale of a general line of food products intended for home preparation, consumption and utilization; (ii) 30 percent or more is utilized for the sale of perishable goods including dairy, fresh produce, frozen foods and fresh meats; and (iii) 500 square feet or more is utilized exclusively for the sale of fresh produce;*

*(b) Satisfies affordability requirements, as determined by the commissioner of finance in consultation with the commissioner of health and mental hygiene, for such general line of food products as set out in subparagraph (a) of this paragraph; and*

*(c) Accepts payment from customers using the supplemental nutrition assistance program, special supplemental nutrition program for women, infants and children, or any successor programs.*

3. The commissioner of finance shall inspect grocery stores that are exempt from the tax imposed by this chapter pursuant to paragraph 1 of this subdivision annually to ensure continued compliance with paragraph 2 of this subdivision.

4. The commissioner of finance shall promulgate rules, as necessary, in relation to the requirements set out in paragraph 2 of this subdivision.

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

Referred to the Committee on Finance.

Int. No. 1780

By Council Member Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to extending the rate of the additional tax on the occupancy of hotel rooms**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 3 of subdivision a of section 11-2502 of the administrative code of the city of New York, as amended by local law number 112 for the year 2015, is amended to read as follows:

(3) In addition to the tax imposed by paragraph two of this subdivision, there is hereby imposed and there shall be paid a tax for every occupancy of each room in a hotel in the city of New York (A) at the rate of five percent of the rent or charge per day for each such room up to and including August thirty-first, nineteen hundred ninety, (B) at the rate of six percent of the rent or charge per day for each such room on and after September first, nineteen hundred ninety and before December first, nineteen hundred ninety-four, (C) at the rate of five percent of the rent or charge per day for each such room on and after December first, nineteen hundred ninety-four and before March first, two thousand nine, (D) at the rate of five and seven-eighths percent of the rent or charge per day for each such room on and after March first, two thousand nine and before December first, two thousand thirteen, (E) at the rate of five percent of the rent or charge per day for each such room on and after December first, two thousand thirteen and before December twentieth, two thousand thirteen, (F) at the rate of five and seven-eighths percent of the rent or charge per day for each such room on and after December twentieth, two thousand thirteen and before December first, two thousand [nineteen] *twenty-three*, and (G) at the rate of five percent of the rent or charge per day for each such room on and after December first, two thousand [nineteen] *twenty-three*.

§ 2. This local law takes effect immediately, except that if it becomes law after December 1, 2019, it is retroactive to and deemed to have been in full force and effect as of December 1, 2019.

Referred to the Committee on Finance.

Int. No. 1781

By Council Members Holden and Kallos.

**A Local Law to amend the administrative code of the city of New York, in relation to light pollution from light fixtures in a residential district**

*Be it enacted by the Council as follows:*

Section 1. Chapter 4 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-426 to read as follows:

§ 24-426 *Light pollution reduction. In the case of light posts, fixtures or other lighting neither operated by a local, state or federal agency nor operated for the illumination of a parking lot or sidewalk shed, no person shall operate or cause to be operated a light post, fixture or other lighting causing outdoor illumination greater than 3000 lumens in a residential district, unless such post, fixture or lighting is fully shielded to reduce light trespass. Any person in violation of this section shall be liable for a civil penalty of \$50, recoverable in a proceeding before the office of administrative trials and hearings.*

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

Referred to the Committee on Environmental Protection.

Int. No. 1782

By Council Members Holden and Vallone.

**A Local Law to amend the administrative code of the city of New York, in relation to increasing certain penalties for excessive noise from a personal audio device on or inside a motor vehicle**

*Be it enacted by the Council as follows:*

Section 1. Table I of paragraph 5 of subdivision b of section 24-257 of the administrative code of the city of New York, as amended by local law number 72 for the year 2016, is amended to read as follows:

<b>Violations related to section and subdivision</b>						
	<b>First Violation</b>		<b>Second Violation*</b>		<b>Third and Subsequent Violations*</b>	
	<b>Maximum</b>	<b>Minimum</b>	<b>Maximum</b>	<b>Minimum</b>	<b>Maximum</b>	<b>Minimum</b>
24-216(d)	2,625	650	5,250	1,300	7,875	1,950
24-218(a)	150	75	250	150	500	350
24-218(a-1)	1,000	350	2,000	700	3,000	1,050
24-218.1	50	50	50	50	50	50
24-220	1,400	440	2,800	880	4,200	1,320
24-222	3,500	875	7,000	1,750	10,500	2,625
24-223	3,500	875	7,000	1,750	10,500	2,625
24-224	3,500	875	7,000	1,750	10,500	2,625
24-225	1,400	440	2,800	880	4,200	1,320
24-226	1,400	440	2,800	880	4,200	1,320
24-227	875	0	1,750	440	2,625	660
24-228	1,400	440	2,800	880	4,200	1,320
24-229	1,400	440	2,800	880	4,200	1,320
24-230	1,400	440	2,800	880	4,200	1,320

24-231(a)	8,000	0	16,000	4,000	24,000	6,000
24-231(b)	1,750	440	3,500	880	5,250	1,320
24-231(c)	875	350	1,750	700	2,625	1,050
24-232	1,400	440	2,800	880	4,200	1,320
24-233(a)	175	50	350	100	525	150
24-233(b)(1)	175	50	350	100	525	150
24-233(b)(2)	[350] 700	[100] 200	[700] 1,400	[200] 400	[1,050] 2,100	[300] 600
24-234	175	50	350	100	525	150
24-235	175	50	350	100	525	150
24-236(a)	525	150	1,050	300	1,575	450
24-236(b)(c)(d)	1,440	440	2,800	880	4,200	1,320
24-237(a)	1,000	150	2,00]	300	3,000	450
24-237(b)	875	220	1,750	440	2,625	660
24-237(c)	875	220	1,750	440	2,625	660
24-237(d)	1,000	350	2,000	700	3,000	1,050
24-238	875	220	1,750	440	2,625	660
24-239(b)	350	100	700	200	1,050	300
24-241	1,400	440	2,800	880	4,200	1,320
24-242	875	220	1,750	440	2,625	660
24-244	1,750	440	3,500	880	5,250	1,320
24-245	2,625	660	5,250	1,320	7,875	1,980
All remaining sections and subdivisions	875	220	1,750	440	2,625	660

\* By the same respondent of the same provision of law, order, rule or regulation and, if the respondent is the owner, agent, lessee or other person in control of the premises with respect to which the violation occurred, at the same premises (all violations committed within two years).

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.



Res. No. 1140

**Resolution calling upon the U.S. House of Representatives to pass, and the President to sign, the Emerging Transportation Security Threats Act of 2019.**

By Council Members Holden and Yeger.

**Whereas**, On June 18, 2019, H.R. 3318—the Emerging Transportation Security Threats Act of 2019—was introduced in the U.S. House of Representatives; and

**Whereas**, H.R. 3318 would require the Transportation Security Administration (TSA) to establish a task force to conduct an analysis of emerging and potential future threats to transportation security and for other purposes; and

**Whereas**, TSA would also be mandated to develop mitigation strategies to any and all threats examined in their analysis; and

**Whereas**, An additional study on the feasibility of screening passengers and property prior to their arrival at airports is also necessitated by H.R. 3318; and

**Whereas**, Given New York City’s history as a target for people who wish to carry out acts of terrorism, including, most notably, the September 11, 2001 attack on the World Trade Center via airplane, it is of paramount importance that the United States take all measures to ensure transportation security as new threats emerge; and

**Whereas**, H.R. 3318 would facilitate the actions necessary to identify and thwart modern threats to transportation security, by authorizing the aforementioned activities required by the bill; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the U.S. House of Representatives to pass, and the President to sign, the Emerging Transportation Security Threats Act of 2019.

Referred to the Committee on Public Safety.

Preconsidered Res. No. 1141

**Resolution amending Rule 7.00 of the Rules of the Council in relation to changes in membership to the Standing Committees of the Council.**

By Council Member Koslowitz:

**RESOLVED**, pursuant to Rule 7.00(a) of the Rules of the Council, the Council does hereby consent to the following changes in Membership to certain Standing Committees.

**STANDING COMMITTEES**

**Civil Service and Labor**

Rosenthal

[King]

**Civil and Human Rights**

Barron

[Rodriguez]

**Criminal Justice**

[Levine]

[Richards]

**Cultural Affairs, Libraries and International Intergroup Relations**

Gjonaj

[Koslowitz]

**Education**

Miller

[King]

**Finance**

Koslowitz

**General Welfare**

Holden

**Immigration**

[Gjonaj]

[Miller]

**Land Use**

[King]

**Parks & Recreation**

Levine

[King]

**Small Business**

Rodriguez

[Dromm]

**State and Federal Legislation**

Dromm

[King]

**Transportation**

Cohen

**Youth Services**

Perkins

[King]

Adopted by the Council (preconsidered and approved by the Committee on Rules, Privileges and Elections).

## Preconsidered Res. No. 1142

**Resolution amending Rule 7.00 of the Rules of the Council in relation to dissolving the Committee on Juvenile Justice and transferring its jurisdiction to the Standing Committee on the Justice System.**

By Council Member Koslowitz:

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

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

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

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

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

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

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

**CRIMINAL JUSTICE** – Department of Correction and Department of Probation.

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

**ECONOMIC DEVELOPMENT** - Economic Development.

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

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

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

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

**GENERAL WELFARE** - Human Resources Administration/Department of Social Services, Administration for Children's Services, Department of Homeless Services, and charitable institutions.

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

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

**HIGHER EDUCATION** - City University of New York.

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

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

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

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

**[JUVENILE JUSTICE** - Division of Youth and Family Justice within the Administration for Children's Services.]

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

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

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

**PARKS AND RECREATION** - Department of Parks and Recreation.

**PUBLIC HOUSING** - New York City Housing Authority.

**PUBLIC SAFETY** - Police Department and Civilian Complaint Review Board.

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

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

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

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

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

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

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

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

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

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

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

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

Adopted by the Council (preconsidered and approved by the Committee on Rules, Privileges and Elections).

Int. No. 1783

By Council Members Levine, Cornegy, Rosenthal, Rivera, Rodriguez, Cohen and Kallos

**A Local Law to amend the administrative code of the city of New York, in relation to excluding certain cooperatives from the housing portal**

*Be it enacted by the Council as follows:*

Section 1. The definition of "affordable unit" in section 26-1801 of the administrative code of the city of New York, as added by local law number 64 for the year 2018, is amended to read as follows:

Affordable unit. The term "affordable unit" means a dwelling unit for which occupancy or initial occupancy is required to be restricted based on the income of the occupant or prospective occupant thereof as a condition of (i) a loan, grant, tax exemption or conveyance of property from the department pursuant to the private housing finance law, other than article viii-b of such law, or the general municipal law, (ii) a tax exemption pursuant to section 420-c, 421-a or 489 of the real property tax law or (iii) generating a floor area bonus for the provision of affordable inclusionary housing or providing mandatory inclusionary housing pursuant to the New York city zoning resolution[.]; provided that (i) such dwelling unit is not subject to federal or state requirements the department determines would be inconsistent with the provisions of this chapter and not filled by direct referral by a governmental agency or instrumentality, (ii) such dwelling unit is not owned by a shareholder in the form of shares of a cooperative corporation that is incorporated pursuant to

articles ii, iv, v or xi of the private housing finance law, where such shares are not owned by such corporation, and [provided further that] (iii) such dwelling unit satisfies the additional conditions of paragraph 1 and 2:

1. Before July 1, 2021, such unit satisfies the conditions of subparagraph (a) or, on or after such date, such unit satisfies the conditions of subparagraph (a) or subparagraph (b):

(a) The issuance or renewal of such loan, grant or tax exemption, conveyance of such property or generation of such floor area bonus or effective date of such mandatory inclusionary housing requirement occurs or is executed or renewed, as determined by the department, on or after January 1, 2018.

(b) For the purposes of a requirement imposed pursuant to this chapter, such unit is deemed to have satisfied the conditions of this paragraph unless such unit is subject to a regulatory agreement with the department, such agreement was executed before January 1, 2018 and has not been thereafter renewed and the department determines that such agreement is inconsistent with such requirement; provided that, where the department determines that one or more dwelling units are exempt from one or more requirements imposed pursuant to this chapter because of a regulatory agreement that satisfies the foregoing conditions, the department shall electronically submit each year to the mayor and the speaker of the council a report identifying the number of such units, disaggregated by the affordable housing program to which such agreements apply; and

2. On or after July 1, 2020, such unit is offered by the owner for lease or sale, or shares of a cooperative corporation that would entitle the shareholder to occupancy of such unit under a proprietary lease are offered by the owner for sale.

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 1784

By Council Members Louis, Kallos, Rosenthal, Brannan, Espinal, Ampry-Samuel, Ayala, Cornegy, Reynoso, Chin, Vallone and the Public Advocate (Mr. Williams).

**A Local Law to amend the New York city charter, in relation to establishing an office of not-for-profit organization services**

*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-h to read as follows:

§ 20-h. *Office of not-for-profit organization services. a. Definitions. As used in this section, the following terms have the following meanings:*

*Director. The term "director" means the director of the office of not-for-profit organization services.*

*Office. The term "office" means the office of not-for-profit organization services.*

*b. The mayor shall establish an office of not-for-profit organization services. Such office may 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.*

*c. The director shall have the power and duty to:*

*1. Serve as a liaison to not-for-profit organizations in relation to city policies, procedures, regulations, contracting and funding opportunities, programs and benefits affecting the not-for-profit sector and, in such capacity, shall:*

*(a) Conduct outreach to not-for-profit organizations to provide information and assistance to such organizations in relation to existing city policies, procedures, regulations, contracting and funding opportunities, programs and benefits and to solicit feedback regarding ways in which the city could improve its interaction and engagement with not-for-profit organizations;*

(b) *Work with other city agencies to refer not-for-profit organizations to city services that exist to help them in seeking to obtain relevant exemptions, waivers, permits, registrations or approvals from city agencies; and*

(c) *Provide information to individuals or entities who are seeking to incorporate as a not-for-profit organization.*

2. *Advise and assist the mayor and the heads of city agencies and offices that have powers and duties relating to not-for-profit organizations including, but not limited to, the department of finance, the department of environmental protection, the fire department, the department of cultural affairs, the department of small business services, the department of buildings, the economic development corporation, the office of contract services, and the office of management and budget, on issues relating to the not-for-profit sector including, but not limited to, ways in which not-for-profit organizations' interactions with the city on regulatory matters or application processes could be simplified;*

3. *Serve as a central source in connection with efforts to devise solutions for problems within city government affecting not-for-profit organizations;*

4. *Study conditions affecting the not-for-profit sector in the city and assess its health and economic well-being;*

5. *Recommend to the mayor or head of such department wherein the office has been established policies, programs and projects which promote the well-being of not-for-profit organizations in the city; and*

6. *Perform other duties as the mayor or head of such department wherein the office has been established may assign.*

d. *Within 18 months of the effective date of the local law that added this section, and annually thereafter, the director shall prepare and submit a report to the mayor and the speaker of the council that shall include, but not be limited to, the activities of the office, any recommendations made by the director pursuant to this section, and the implementation of any such recommendations.*

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

Referred to the Committee on Governmental Operations.

Int. No. 1785

By Council Members Miller, Kallos, Yeger Ayala, Louis, Barron and Rivera (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to health insurance coverage for the surviving family members of certain deceased employees of the city of New York**

*Be it enacted by the Council as follows:*

Section 1. The heading and subparagraph (i) of paragraph (2) of subdivision b of section 12-126 of the administrative code of the city of New York, the heading as amended by local law number 22 for the year 2007 and subparagraph (i) as amended by local law number 122 for the year 2018, are amended to read as follows:

(2) Health insurance coverage for surviving spouses, domestic partners and children of [police officers, firefighters and] certain [other] city employees:

(i) Where the death of a [member of the uniformed forces of the police or fire departments] *city employee* is or was the natural and proximate result of an accident or injury sustained while in the performance of duty, *or where accidental death benefits have been awarded in connection with a qualifying World Trade Center condition as defined in paragraph (a) of subdivision 36 of section 2 of the retirement and social security law*, the surviving spouse or domestic partner, until he or she dies, and the children under the age of nineteen years and any such child who is enrolled on a full-time basis in a program of undergraduate study in an accredited degree-granting institution of higher education until such child completes his or her educational program or reaches the age of twenty-six years, whichever comes first, shall be afforded the right to health insurance coverage, and health insurance coverage which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act, as is provided for city employees, city

retirees and their dependents as set forth in paragraph one of this subdivision. [Where the death of a uniformed member of the correction or sanitation departments has occurred while such employee was in active service as the natural and proximate result of an accident or injury sustained while in the performance of duty, the surviving spouse or domestic partner, until he or she dies, and the child of such employee who is under the age of nineteen years and any such child who is enrolled on a full-time basis in a program of undergraduate study in an accredited degree-granting institution of higher education until such child completes his or her educational program or reaches the age of twenty-six years, whichever comes first, shall be afforded the right to health insurance coverage, and health insurance coverage which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act, as is provided for city employees, city retirees and their dependents as set forth in paragraph one of this subdivision. Where the death of an employee of the fire department of the city of New York who was serving in a title whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law), or whose duties required the direct supervision of employees whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law) is or was the natural and proximate result of an accident or injury sustained while in the performance of duty on or after September eleventh, two thousand one, the surviving spouse or domestic partner, until he or she dies, and the children under the age of nineteen years and any such child who is enrolled on a full-time basis in a program of undergraduate study in an accredited degree-granting institution of higher education until such child completes his or her educational program or reaches the age of twenty-six years, whichever comes first, shall be afforded the right to health insurance coverage, and health insurance coverage which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act, as is provided for city employees, city retirees and their dependents as set forth in paragraph one of this subdivision.

The mayor may, in his or her discretion, authorize the provision of such health insurance coverage for the surviving spouses, domestic partners and children of employees of the fleet services division of the police department who died on or after October first, nineteen hundred ninety-eight and before April thirtieth, nineteen hundred ninety-nine; the surviving spouses, domestic partners and children of employees of the roadway repair and maintenance division or the bridges division of the department of transportation who died on or after September first, two thousand five and before September twenty-eighth, two thousand five, or on or after April 3, 2018 and before April 5, 2018; the surviving spouses, domestic partners and children of employees of the bureau of wastewater treatment of the department of environmental protection who died on or after January eighth, two thousand nine and before January tenth, two thousand nine or the surviving spouses, domestic partners and children of employees of the bureau of water supply of such agency who died on or after February second, two thousand fourteen and before February fourth, two thousand fourteen; the surviving spouses, domestic partners and children of employees of the traffic enforcement district of the transportation bureau of the police department who died on or after November first, two thousand thirteen and before December first, two thousand thirteen; and the surviving spouses, domestic partners and children of employees of the sanitation enforcement division of the department of sanitation who died on or after July twenty-eighth, two thousand fifteen and before July thirtieth, two thousand fifteen as a natural and proximate result of an accident or injury sustained while in the performance of duty, subject to the same terms, conditions and limitations set forth in the section.] Provided, however, and notwithstanding any other provision of law to the contrary, and solely for the purposes of this subparagraph, a member otherwise covered by this subparagraph shall be deemed to have died as the natural and proximate result of an accident or injury sustained while in the performance of duty upon which his or her membership is based, provided that such member was in active service upon which his or her membership is based at the time that such member was ordered to active duty pursuant to Title 10 of the United States Code, with the armed forces of the United States or to service in the uniformed services pursuant to Chapter 43 of Title 38 of the United States Code, and such member died while on active duty or service in the uniformed services on or after June fourteenth, two thousand five while serving on such active military duty or in the uniformed services. *For purposes of this subparagraph, "city employee" shall include employees of the board of education.*

§ 2. This local law is effective immediately; provided, however, that the health insurance coverage granted by section 1 of this local law shall be provided to the surviving spouse or domestic partner and children of any city employee who died prior to the effective date of this local law and shall commence



prospectively on such effective date; and provided further that the amendments made to subparagraph (i) of paragraph (2) of subdivision b of section 12-126 of the administrative code of the city of New York shall not affect the continuation of health insurance coverage awarded prior to the effective date of this local law.

Referred to the Committee on Civil Service and Labor.

Int. No. 1786

By Council Members Miller, Kallos, Ayala, Louis and Eugene (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to health insurance benefits for surviving family members of certain deceased employees of the department of sanitation**

*Be it enacted by the Council as follows:*

Section 1. Subparagraph (i) of paragraph 2 of subdivision b of section 12-126 of the administrative code of the city of New York, as amended by local law number 122 for the year 2018, is amended to read as follows:

(i) Where the death of a member of the uniformed forces of the police or fire departments is or was the natural and proximate result of an accident or injury sustained while in the performance of duty, the surviving spouse or domestic partner, until he or she dies, and the children under the age of nineteen years and any such child who is enrolled on a full-time basis in a program of undergraduate study in an accredited degree-granting institution of higher education until such child completes his or her educational program or reaches the age of twenty-six years, whichever comes first, shall be afforded the right to health insurance coverage, and health insurance coverage which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act, as is provided for city employees, city retirees and their dependents as set forth in paragraph one of this subdivision. Where the death of a uniformed member of the correction or sanitation departments has occurred while such employee was in active service as the natural and proximate result of an accident or injury sustained while in the performance of duty, the surviving spouse or domestic partner, until he or she dies, and the child of such employee who is under the age of nineteen years and any such child who is enrolled on a full-time basis in a program of undergraduate study in an accredited degree-granting institution of higher education until such child completes his or her educational program or reaches the age of twenty-six years, whichever comes first, shall be afforded the right to health insurance coverage, and health insurance coverage which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act, as is provided for city employees, city retirees and their dependents as set forth in paragraph one of this subdivision. Where the death of an employee of the fire department of the city of New York who was serving in a title whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law), or whose duties required the direct supervision of employees whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law) is or was the natural and proximate result of an accident or injury sustained while in the performance of duty on or after September eleventh, two thousand one, the surviving spouse or domestic partner, until he or she dies, and the children under the age of nineteen years and any such child who is enrolled on a full-time basis in a program of undergraduate study in an accredited degree-granting institution of higher education until such child completes his or her educational program or reaches the age of twenty-six years, whichever comes first, shall be afforded the right to health insurance coverage, and health insurance coverage which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act, as is provided for city employees, city retirees and their dependents as set forth in paragraph one of this subdivision.

The mayor may, in his or her discretion, authorize the provision of such health insurance coverage for the surviving spouses, domestic partners and children of employees of the fleet services division of the police department who died on or after October first, nineteen hundred ninety-eight and before April thirtieth,

nineteen hundred ninety-nine; the surviving spouses, domestic partners and children of employees of the roadway repair and maintenance division or the bridges division of the department of transportation who died on or after September first, two thousand five and before September twenty-eighth, two thousand five, or on or after April 3, 2018 and before April 5, 2018; the surviving spouses, domestic partners and children of employees of the bureau of wastewater treatment of the department of environmental protection who died on or after January eighth, two thousand nine and before January tenth, two thousand nine or the surviving spouses, domestic partners and children of employees of the bureau of water supply of such agency who died on or after February second, two thousand fourteen and before February fourth, two thousand fourteen; the surviving spouses, domestic partners and children of employees of the traffic enforcement district of the transportation bureau of the police department who died on or after November first, two thousand thirteen and before December first, two thousand thirteen; [and] the surviving spouses, domestic partners and children of employees of the sanitation enforcement division of the department of sanitation who died on or after July twenty-eighth, two thousand fifteen and before July thirtieth, two thousand fifteen; *and the surviving spouses, domestic partners and children of employees of the bureau of motor equipment of the department of sanitation who died on or after September 23, 2019 and before September 25, 2019* as a natural and proximate result of an accident or injury sustained while in the performance of duty, subject to the same terms, conditions and limitations set forth in the section. Provided, however, and notwithstanding any other provision of law to the contrary, and solely for the purposes of this subparagraph, a member otherwise covered by this subparagraph shall be deemed to have died as the natural and proximate result of an accident or injury sustained while in the performance of duty upon which his or her membership is based, provided that such member was in active service upon which his or her membership is based at the time that such member was ordered to active duty pursuant to Title 10 of the United States Code, with the armed forces of the United States or to service in the uniformed services pursuant to 38 U.S.C. Chapter 43, and such member died while on active duty or service in the uniformed services on or after June fourteenth, two thousand five while serving on such active military duty or in the uniformed services.

§ 2. This local law shall take effect immediately, and shall be retroactive to and deemed to have been in full force and effect on and after September 23, 2019.

Referred to the Committee on Civil Service and Labor.

Int. No. 1787

By Council Member Rivera.

**A Local Law in relation to creating a pilot program providing freelance workers and domestic workers with safety training and information**

*Be it enacted by the Council as follows:*

Section 1. Freelance worker and domestic worker safety program. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Domestic worker. The term “domestic worker” means any natural person that is hired or retained as an independent contractor or as an employee by a hiring party to provide services in a home or residence in exchange for compensation.

Freelance worker. The term “freelance worker” means any freelance worker as defined in section 20-927 of the administrative code of the city of New York.

b. First aid and cardiopulmonary resuscitation (CPR) training. 1. The department of consumer affairs shall establish a pilot program to allow freelance workers and domestic workers to receive first aid and cardiopulmonary resuscitation (CPR) training free of charge.

2. The department shall share information regarding the availability of such first aid and CPR trainings electronically on the department’s website and social media accounts, and in hard copy to advocacy groups, employment organizations, and community business organizations that collaborate with freelance workers and

domestic workers. Such information shall be made available in English and in each of the designated citywide languages as defined in section 23-1101 of the administrative code of the city of New York.

c. Chemical cleaning product safety information. 1. The department shall share on the department's website and social media accounts, and in hard copy to advocacy groups, employment organizations, and community business organizations that collaborate with domestic workers who specialize in housekeeping or cleaning services, for distribution to any such domestic workers, information regarding:

(a) Commonly used cleaning products, any potential dangers associated with such products, and less hazardous alternatives; and

(b) Best practices for the use of protective equipment such as gloves, goggles and face masks, the cost of such equipment and where such equipment may be purchased.

2. The information required pursuant to this subdivision shall be made available in English and in each of the designated citywide languages as defined in section 23-1101 of the administrative code of the city of New York.

d. On or before the first anniversary of the effective date of this local law, the department shall post on its website and provide to the speaker of the council a report containing information regarding the freelance worker and domestic worker safety program established pursuant to this local law, including:

1. The total cost of such pilot program;
2. The number of individuals who attended the trainings provided pursuant to subdivision b of this section;
3. Analysis of the impact and effectiveness of such pilot program;
4. Recommendations with respect to expanding or making such pilot program permanent; and
5. Any other information regarding such pilot program.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner may take such measures as are necessary for its implementation, including the promulgation of rules, before such date and remains in effect for 1 year thereafter, at which time it shall expire and be deemed repealed.

Referred to the Committee on Civil Service and Labor.

Int. No. 1788

By Council Members Rivera, Torres, Louis and Kallos.

**A Local Law to amend the administrative code of the city of New York, in relation to establishing a climate migrant services coordinator**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of Title 3 of the administrative code of the city of New York is amended by adding a new section 3-119.3 to read as follows:

*§3-119.3 Climate Migrant Services Coordinator. a. There shall be established a climate migrant services coordinator, to be located in an agency designated by the mayor, who shall provide guidance to individuals who have relocated to the city of New York after being displaced from their homes by severe weather or natural disaster events.*

*b. Such coordinator shall, at minimum, coordinate among appropriate city, state, and federal agencies and other relevant organizations to conduct outreach to identify such individuals and identify and coordinate the legal and social services needs of such individuals, including but not limited to:*

- 1. Disaster relief claim assistance;*
- 2. Case management;*
- 3. Assistance in applying for local, state, or federal benefits;*
- 4. Immigration legal services;*
- 5. Mental health support;*
- 6. Long-term healthcare access;*
- 7. Nutrition assistance;*

- 8. *Housing assistance;*
- 9. *Workforce development; and*
- 10. *Youth and adult education programs.*

§ 2. This local law takes effect within 60 days after it becomes law.

Referred to the Committee on Environmental Protection.

Res. No. 1143

**Resolution calling on the United States Congress to pass, and the United States President to sign, legislation that would ensure that domestic workers receive the same protections and rights under the Occupational Safety and Health Act of 1970 as other workers.**

By Council Member Rivera.

**Whereas,** The Occupational Safety and Health Act of 1970 (OSH Act) is a federal law that was enacted to ensure worker safety and health by requiring employers to provide their workers a place of employment free from recognized hazards to safety and health, such as exposure to toxic chemicals, excessive noise levels, or unsanitary conditions, while also creating the Occupational Safety and Health Administration (OSHA), and it's research institution, the National Institute for Occupational Safety and Health; and

**Whereas,** Although the OSH Act is an important piece of legislation affecting millions of workers within the United States, domestic workers, which according to the National Domestic Workers Alliance account for over two million workers nationally, and includes about 200,000 in New York City based on estimates by the Domestic Workers United and Data Center, have been excluded from its protections; and

**Whereas,** This exclusion is codified in OSHA Laws and Regulations stating that those who privately employ individuals performing “domestic household tasks, such as house cleaning, cooking, and caring for children,” commonly referred to as domestic workers, are not subject to the requirements of the OSH Act, and do not have to ensure certain worker and workplace safety standards that many other employers are required to ensure; and

**Whereas,** The exclusion of domestic workers from the OSH Act has had a serious impact on the way in which domestic workers work and live, being exacerbated by the general lack of enforcement of health, safety and labor laws within domestic households; and

**Whereas,** The effects of such exclusion, according to the International Alliance of Women, include alarming rates of wage exploitation, excessive work hours, lack of access to health care, arbitrary terminations, and exposure to health and safety hazards, which are in addition to the problems that women, specifically women of color and immigrants, experience on a daily basis, as PBS reports that more than 90% of domestic workers nationwide are women, and disproportionately of color and immigrants; and

**Whereas,** In terms of health and safety hazards domestic workers face, separate bodies of relevant research, including that of a Washington University in St. Louis law professor in 2011, and the National Domestic Workers Alliance in 2012, have found that domestic workers are commonly exposed to: harmful cleaning chemicals within the house, which lead to frequent exposure to respiratory irritants and an increased prevalence of contracting physical illnesses, including musculoskeletal disorders; verbal, emotional and physical abuse; and injuries caused by lifting or moving clients; and

**Whereas,** On top of these health and safety hazards, domestic workers rarely receive paid sick days, vacation days or employer-provided health insurance, according to the National Employment Law Project; and

**Whereas,** Thus, in an effort to reduce some of the challenges domestic workers face, some states, including New York, have enacted a Domestic Workers' Bill of Rights; and

**Whereas,** New York's Domestic Workers' Bill of Rights provides domestic workers with, among other things: the right to overtime pay at time-and-a-half after 40 hours of work in a week, or 44 hours for workers who live in their employer's home; a day of rest (24 hours) every seven days, or overtime pay if they agree to work on that day; three paid days of rest each year after one year of work for the same employer; and

protection under New York State Human Rights Law, including the creation of a special cause of action for domestic workers who suffer sexual or racial harassment; and

**Whereas,** In addition to New York State’s protections for domestic workers, New York City’s Paid Safe and Sick Leave Law provides domestic workers with leave for sick and safe leave purposes each year, which is in addition to the three annual paid days of rest; and

**Whereas,** Although New York and a number of other states have laws and policies that provide domestic workers with certain protected rights, including the right to overtime pay and paid days off, domestic workers nationwide, including in New York, still lack certain health and safety protections that other workers are guaranteed; and

**Whereas,** That is why federal legislation that would include domestic workers under the OSH Act is needed; and

**Whereas,** This would ensure that domestic workers throughout the United States are provided with necessary protections and rights many other workers receive, while employers are held accountable for maintaining a safe and healthy environment to work in; now, therefore, be it

**Resolved,** That the Council of the City of New York calls on the United States Congress to pass, and the United States President to sign, legislation that would ensure that domestic workers receive the same protections and rights under the Occupational Safety and Health Act of 1970 as other workers.

Referred to the Committee on Civil Service and Labor.

Preconsidered Int. No. 1789

By Council Member Rodriguez.

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

*Be it enacted by the Council as follows:*

Section 1. Section 6-141 of the administrative code of the city of New York, as added by local law 56 for the year 2015, is amended to read as follows:

§ 6-141 Side guards in the city fleet *and on city contracted vehicles*. a. Definitions. For the purposes of this section, *the following terms have the following meanings:*

*City contracted vehicle. The term “city contracted vehicle” means any large vehicle that is owned or operated pursuant to a contract with the city or any subdivision thereof.*

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

*Large vehicle. The term “large vehicle” means a motor vehicle with a manufacturer’s gross vehicle weight rating exceeding 10,000 pounds. “Large vehicle” does not include street sweepers, fire engines, car carriers, off road construction vehicles, or any specialized vehicles or vehicle types on which side guard installation is deemed impractical by the department pursuant to subdivision c of this section.*

*Side guard. The term “side guard” means a device fit to the side of a large vehicle designed to prevent pedestrians and bicyclists from falling into the exposed space between the front axle and the rear axle of such vehicles. Except where otherwise authorized by rule of the department, side guards: shall allow for a maximum 13.8 inch ground clearance, maximum 13.8 inch top clearance up to four feet in height, and a minimum 440 pound impact strength; much achieve a smooth and continuous longitudinal (forward to backward) impact surface flush with the vehicle sidewall; may include rail style guards, provided that such rails be no less than four inches tall and no more than 11.8 inches apart; and may incorporate other vehicle features such as tool boxes and ladders.*

b. Side guards. *1. No later than January 1, [2024] 2021, all large vehicles in the city fleet shall be equipped with side guards.*

*2. No later than January 1, 2021, all city contracted vehicles shall be equipped with side guards.*

c. The department shall have the authority to promulgate any rules necessary to administer the provision of this section, including but not limited to rules establishing side guard specifications that depart from the default specifications set forth in subdivision a of this section when such departure is deemed necessary by the department, as well as rules governing when the installation of side guards on certain city vehicles is impractical and will not be required. The department shall be authorized to inspect side guards and side guard specifications for compliance with the requirements of this section.

*d. Enforcement. 1. Any owner or operator of a city contracted vehicle that violates paragraph 2 of subdivision b of this section shall be liable for a civil penalty of \$10,000 per city contracted vehicle that is in violation, returnable to the office of administrative trials and hearings. Each notice of violation shall contain an order from the department directing the respondent to correct the condition constituting the violation and to file with the department electronically, or in such other manner as the department shall authorize, a certification that the condition has been corrected within 30 days from the date of the order. In addition to such civil penalty, a separate additional penalty may be imposed of not more than \$500 for each day that the violation is not corrected beyond 30 days from such order.*

*2. For the purposes of this section, if the office of administrative trials and hearings finds that a certification of correction filed pursuant to this subdivision contained material false statements relating to the correction of a violation, such certification of correction shall be null and void, in addition to or as an alternative to any other penalties provided by law. It shall be an affirmative defense that the respondent neither knew nor should have known that such statements were false.*

§ 2. Subdivision f of section 16-509 of the administrative code of the city of New York, as added by local law 56 for the year 2015, is amended to read as follows:

f. On or after January 1, [2024] 2021, the commission may refuse to issue a license or registration to an applicant that has failed to demonstrate to the satisfaction of the commission that such applicant will at all times meet the requirements of section 16-526 of the code, or any rule promulgated pursuant thereto, in the performance of such license or registration.

§ 3. Subdivision b of section 16-526 of the administrative code of the city of New York, as added by local law 56 for the year 2015, is amended to read as follows:

b. Side guards. No later than January 1, [2024] 2021, all trade waste hauling vehicles shall be equipped with side guards.

§ 4. This local law takes effect immediately.

Referred to the Committee on Transportation (preconsidered but laid over by the Committee on Transportation).

Int. No. 1790

By Council Members Rosenthal, Kallos and the Public Advocate (Mr. Williams).

**A Local Law to amend the administrative code of the city of New York, in relation to increasing the living wage for city-contracted human services workers**

*Be it enacted by the Council as follows:*

Section 1. Paragraphs (2) and (3) of subdivision b of section 6-109 of the administrative code of the city of New York, as added by local law number 38 for the year 2002, are amended to read as follows:

(2) The Living Wage. The living wage shall be an hourly wage rate of [ten dollars per hour and will be phased in as provided below] *\$15 per hour. Beginning in 2019 and each year thereafter, the living wage rate and the health benefits supplement rate shall be adjusted based upon the 12-month percentage increases, if any, in the consumer price index for all urban consumers for all items and the consumer price index for all urban consumers for medical care, respectively, or their successor indexes, if any, as published by the bureau of labor statistics of the federal department of labor, based on the most recent 12-month period for which data*

*is available. The adjusted living wage rate and health benefits supplement rate shall each then be rounded to the nearest five cents.* [Provided, however, that for homecare services under the Personal Care Services program, the wage and health rates below shall only apply as long as the state and federal government maintain their combined aggregate proportionate share of funding and approved rates for homecare services in effect as of the date of the enactment of this section:

- (a) As of the effective date of this section, \$8.10 per hour;
- (b) As of July 1, 2003, \$8.60 per hour;
- (c) As of July 1, 2004, \$9.10 per hour;
- (d) As of July 1, 2005, \$9.60 per hour;
- (e) As of July 1, 2006, \$10.00 per hour.]

(3) Health Benefits. (a) Health Benefits means receipt by a covered employee of a health care benefits package for the covered employee and/or a health care benefits package for the covered employee and such employee's family and/or dependents.

(b) The Health Benefits Supplement Rate shall be [~~\$1.50~~] \$1.75 per hour.

[(c) For homecare services provided under the Personal Care Services program, the wage and health rates above shall only apply as long as the state and federal government maintain their combined aggregate proportionate share of funding and approved rates for homecare services in effect as of the date of the enactment of this section.

(d) In the case of city service contractors or subcontractors providing homecare services, the health benefits requirements of this section may be waived by the terms of a bona fide collective bargaining agreement with respect to employees who have never worked a minimum of eighty (80) hours per month for two consecutive months for that covered employer, but such provision may not be waived for any employees once they have achieved a minimum of eighty (80) hours for two consecutive months and no other provisions of this section may be so waived.]

§ 2. Subparagraph (a) of paragraph (1) of subdivision d of section 6-109 of the administrative code of the city of New York, as added by local law number 38 for the year 2002, is amended to read as follows:

(a) The mayor or his or her designee shall promulgate implementing rules and regulations as appropriate and consistent with this section and may delegate such authority to the comptroller. The comptroller shall be responsible for *calculating and publishing* the living wage rate, the health benefits supplement rate and [for calculating and publishing] all applicable prevailing wage and [health benefits] supplement rates. The comptroller shall annually publish the adjusted rates. The adjusted living wage rate and health benefits supplement rate shall take effect on July 1 of each year, and the adjusted prevailing wage rates shall take effect on whatever date revised prevailing wage rates determined under section 230 of the [state] labor law are made effective. At least 30 days prior to their effective date, the relevant contracting agencies[,], shall provide notice of the adjusted rates to city service contractors, which shall in turn provide written notification of the rate adjustments to each of their covered employees, and to any city service subcontractors, which shall in turn provide written notification to each of their covered employees. Covered employers shall make necessary wage and health benefits adjustments by the effective date of the adjusted rates.

§ 3. This local law takes effect immediately.

Referred to the Committee on Contracts.

Int. No. 1791

By Council Member Salamanca.

**A Local Law to amend the administrative code of the city of New York, in relation to the reporting of crime and arrests in facilities under the jurisdiction of the department of correction**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title 14 of the administrative code of the city of New York is amended by adding a new section 14-182 to read as follows:

*§14-182 Reporting of department of correction crime data. a. Definitions. As used in this section, “crime data” means any data or statistics regarding crime complaints or arrests that are made publicly available by the department, including the data and reports required pursuant to subdivisions a and b of section 14-150 and any additional reports of crime complaints or arrests provided on the department’s website.*

*b. For the purposes of all crime data, crime complaints and arrests occurring in facilities under the jurisdiction of the department of correction shall be reported separately and shall not be reported as occurring within any borough or police precinct.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Criminal Justice.

Int. No. 1792

By Council Members Torres and Lander.

**A Local Law to amend the administrative code of the city of New York, in relation to providing information relating to behavioral health services**

*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 17-199.12 to read as follows:

*§ 17-199.12 a. Definitions. For purposes of this section, the term “behavioral health service” means any healthcare service offered directly to an individual that addresses or treats mental illness or mental health needs.*

*b. Behavioral health services information. 1. The department shall develop a list of available free behavioral health services, including those provided by, or whose cost is covered by, the city, the state, the federal government or not-for-profit and community-based organizations and provide such list to agencies providing direct services to children, young adults and families, including, but not limited to, the administration for children’s services, the human resources administration, the department of education, the New York city housing authority and the department of youth and community development.*

*2. The department shall develop a training for the agencies identified pursuant to paragraph 1 of this subdivision, relating to appropriate dissemination of information regarding available behavioral health services to the children, young adults and families serviced by such agencies, and provide such training to each identified agency on an annual basis.*

*3. To the extent possible, the department shall ensure that the list developed pursuant to paragraph 1 of this subdivision be made available on the websites of the agencies identified pursuant to paragraph 1 of this subdivision.*

§ 2. This local law takes effect one year after it becomes law.

Referred to the Committee on Mental Health, Disabilities and Addiction.

Res. No. 1144

**Resolution calling upon the United States Congress to investigate the Trump Administration’s malfeasance and mismanagement of Puerto Rico’s disaster recovery and relief funds.**

By Council Member Torres.



**Whereas**, On September 20, 2017, Hurricane Maria struck Puerto Rico leaving the entire island without power and causing approximately \$90 billion in damages, as reported by the National Oceanic Atmospheric Administration; and

**Whereas**, Following the hurricane, the United States (U.S.) Congress approved tens of billions of dollars in immediate disaster relief funds, including \$1.5 billion in February 2018, and an additional \$18.5 billion in April 2018, to be disbursed by the Department of Housing and Urban Development's (HUD) Community Development Block Grant Disaster Recovery (CDBG – DR) program, as reported by HUD; and

**Whereas**, According to the Cable News Network (CNN), about \$10.2 billion of the funding was designated to finance Puerto Rico's unmet needs that continue after initial support and \$8.3 billion was designated to support efforts to mitigate future storm destruction; and

**Whereas**, According to HUD's monthly CDBG – DR Grant Financial Report, as of March 1, 2019, less than \$14,000 of the \$20 billion that Congress approved had been spent on post-disaster reconstruction in Puerto Rico, while about \$18.5 billion of the approved funding did not reach Puerto Rico at all; and

**Whereas**, Months later, the spending rates of funding allocated to the island did not improve as HUD's Monthly CDBG-DR Grant Financial Report released on June 28, 2019, shows that for the prior three months, Puerto Rico spent, on average, just \$114,647 of the \$1.5 billion allocated to the island; and

**Whereas**, Funding to restore Puerto Rico's power grid has yet to be disbursed, and on June 27, 2019, nearly 50 U.S. Representatives sent a letter to the Trump Administration urging that they publicize the Federal Register Notice detailing the administrative requirements for the disbursement of the \$2 billion in CDBG-DR HUD funding to rebuild Puerto Rico and the U.S. Virgin Island's power grids; and

**Whereas**, Unlike other disaster assistance programs, HUD is required to publish comprehensive grant requirements for each disaster before issuing emergency funds, and the U.S. Government Accountability Office credits long wait times to understaffing at HUD and HUD's labor-intensive approval process for grantees; and

**Whereas**, On August 2, 2019, the New York Times reported that the Trump Administration would postpone the disbursement of about \$9 million of CDBG-DR disaster prevention funds for Puerto Rico, the U.S. Virgin Islands and nine states due to allegations of corruption and financial mismanagement within the disbursement process; and

**Whereas**, As reported by HUD on August 2, 2019, HUD will appoint a federal financial monitor to oversee the disbursement of Puerto Rico's disaster funds, including previous and future funds awarded by HUD; and

**Whereas**, Puerto Rico is the oldest and most populous U.S. territory, and residents have expressed concern that the U.S. is treating the territory like a second class citizen; and

**Whereas**, June 1<sup>st</sup> marked the beginning of hurricane season on the island, yet, over 3 million of its residents are still awaiting financial support from a hurricane that occurred nearly two years ago, due largely to the Trump Administration's mismanagement of recovery and relief funds; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon United States Congress to investigate the Trump Administration's malfeasance and mismanagement of Puerto Rico's disaster recovery and relief funds.

Referred to the Committee on Civil and Human Rights.

Int. No. 1793

By Council Members Treyger and Kallos.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of environmental protection to provide reusable water bottles to students enrolled in city school district middle schools and high schools**

*Be it enacted by the Council as follows:*

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

§ 24-368 *Reusable water bottle program. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Department. The term “department” means the department of environmental protection.*

*High school. The term “high school” means a school of the city school district of the city of New York that contains any combination of grades from and including grades nine through 12.*

*Middle school. The term “middle school” means a school of the city school district of the city of New York that contains any combination of grades from and including grades six through eight, provided that such term does not include a school that contains any combination of grades from and including grades one through six.*

*Reusable water bottle. The term “reusable water bottle” means a container that holds a minimum of 16 ounces of liquid and is designed as a reusable alternative to a single-use water bottle.*

*b. Subject to appropriation, the department shall provide one reusable water bottle to each student enrolled in middle or high school. The department shall provide the water bottles within the first week of the 2020-2021 school year and annually thereafter.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

Res. No. 1145

**Resolution calling on the New York City Department of Education to install air conditioning or cooling systems in kitchens in New York City public schools.**

By Council Members Treyger, Kallos and Yeger.

**Whereas**, The Office of Food & Nutrition Services for the New York City Department of Education serves approximately 940,000 meals to public school students each school day; and

**Whereas**, Kitchens in New York City public schools are not currently equipped with air conditioning or cooling systems; and

**Whereas**, Schools in New York City may be in session even when temperatures rise above 90 degrees; and

**Whereas**, The annual average temperature in New York statewide has risen approximately 2.4°F since 1970, according to the New York State Department of Environmental Conservation; and

**Whereas**, Windows in kitchens in New York City public schools are kept closed to prevent insects and other pests from getting in, causing a lack of ventilation and increased temperatures; and

**Whereas**, Air conditioning or cooling systems in kitchens in New York City public schools are crucial for the health and safety of kitchen workers due to the high temperatures caused by cooking; and

**Whereas**, Symptoms of heat illness for kitchen workers can include nausea, dizziness, headache, and fatigue; and

**Whereas**, Heat exposure can also cause a host of illnesses including heat rashes, heat cramps, heat exhaustion, and in the most severe cases, heat stroke; and

**Whereas**, While the Proposed Five-Year Capital Plan for Fiscal Years 2020 through 2024 for the New York City Department of Education includes plans to complete installation of needed air conditioning in all New York City public school classrooms, that plan does not include air conditioning or cooling systems needed in public school kitchens; and

**Whereas**, As work-intensive cooking from scratch is now being implemented in more New York City public school kitchens, the importance of, and need for, air conditioning or cooling systems in school kitchens is even greater; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Department of Education to install air conditioning or cooling systems in all kitchens in New York City public schools.

Referred to the Committee on Education.

Res. No. 1146

**Resolution calling upon the New York City Department of Education to provide dairy-free options for all student meals.**

By Council Members Van Bramer and Kallos.

**Whereas**, The New York City Department of Education (DOE) is the largest public school system in the United States (U.S.) with approximately 1.1 million students; and

**Whereas**, DOE's Office of Food & Nutrition Services (OFNS) serves around 940,000 meals to these students each school day, and all meals are provided at no charge to the students or their parents; and

**Whereas**, In recent years, OFNS has taken a number of steps to improve the health and nutrition of school meals, such as eliminating artificial colors and flavors, non-nutritious sweeteners, and preservatives; and

**Whereas**, Further, effective July 1, 2019, OFNS will no longer offer certain processed meats on school menus, including salami, bologna and "turkey ham"; and

**Whereas**, OFNS has also created some vegetarian breakfast and lunch menus, to provide vegetarian options for students who prefer them, including full vegetarian lunch menus for elementary and Kindergarten through 8th grade schools; and

**Whereas**, However, while some of their individual menu items do not contain dairy products, OFNS does not list any dairy-free menu options; and

**Whereas**, Rather, DOE offers lactose-free milk to students who submit a doctor's note to the school nurse stating that the student is lactose intolerant; and

**Whereas**, Lactose intolerance is a common digestive problem that occurs when the body does not have enough lactase, an enzyme that is necessary to digest lactose – the natural sugar found in milk and other dairy products – which can produce abdominal pain, bloating, flatulence, nausea, and diarrhea; and

**Whereas**, According to the National Institutes of Health, approximately 65 percent of the human population has a reduced ability to digest lactose after infancy, although prevalence varies among different populations globally; and

**Whereas**, In addition to addressing potential student health issues, providing dairy-free menu options will benefit the environment; and

**Whereas**, Milk and dairy production impacts the environment in various ways; and

**Whereas**, According to the World Wildlife Fund, dairy cows and their manure produce greenhouse gas emissions which contribute to climate change; and

**Whereas**, Additionally, poor handling of manure and fertilizers can degrade local water resources; and

**Whereas**, Further, unsustainable dairy farming and feed production can lead to the loss of ecologically important areas, such as prairies, wetlands, and forests; and

**Whereas**, In fact, avoiding meat and dairy products is the single biggest way to reduce one's environmental impact on the planet, according to recent research reported in the February 2019 issue of the journal *Science*; and

**Whereas**, To safeguard students' health, as well as promote environmental sustainability and combat climate change; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Department of Education to provide dairy-free options for all student meals.

Referred to the Committee on Education.

## Preconsidered L.U. No. 568

By Council Member Dromm:

**Knickerbocker Village, Inc.; Block 253, Lot 1; Manhattan; Community District No. 3; Council District No. 1.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

## Preconsidered L.U. No. 569

By Council Member Dromm:

**Strivers Plaza; Block 1940, Lots 3 and 39, Block 1941, Lots 3, 11, 12, 13, 14, and 36 and Block 1959, Lots 56 and 58; Manhattan; Community District No. 10; Council District No. 9.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

## Preconsidered L.U. No. 570

By Council Member Dromm:

**St. Nicholas Manor Apartments; Block 2051, Lot 54; Manhattan; Community District No. 9; Council District No. 9.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

## L.U. No. 571

By Council Member Salamanca:

**Application No. 20205138 HAX (4797 Third Avenue) submitted by the Department of Housing Preservation and Development pursuant to Sections 693 and 694 of the General Municipal Law requesting the amendment of Resolution No. 733 of the year 2019 related to an Urban Development Action Area and Project located at 4697 Third Avenue (Block 3041, Lot 38 (formerly Lots 38 and 40)), Borough of the Bronx, Council District 15, Community District No 6.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings, and Dispositions.

## L.U. No. 572

By Council Member Salamanca:

**Application No. C 190409 HAK (515 Blake 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, approval of an Urban Development Action Area Project for such area, and for the disposition of city owned property to a developer to be selected by HPD, for property located at of property located at Block 3766, Lot 1, Borough of Brooklyn, Council District 42, Community District 5.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 573

By Council Member Salamanca:

**Application No. C 190410 ZMK (515 Blake Avenue) submitted by the Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17d, eliminating from within an existing R6 District a C2-3 District, changing from an R6 District to an R6A District, changing from an R6 District to an R7D District, changing from a C4-3 District to an R7D District, establishing within a proposed R7D District a C1-4 District, and establishing within a proposed R7D District a C2-4 District, Borough of Brooklyn, Council District 42, Community District 5.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 574

By Council Member Salamanca:

**Application No. N 190411 ZRK (515 Blake Avenue) submitted by the Department of Housing Preservation and Development, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Housing Inclusionary area, Borough of Brooklyn, Council District 42, Community District 5.**

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 575

By Council Member Salamanca:

**Application No. C 190421 ZSK (515 Blake Avenue) submitted by the Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to the following Section 74-743(a) of the Zoning Resolution to allow the distribution of total allowable floor area without regard for zoning district lines in connection with a proposed mixed-use development, within a large-scale general development bounded by Sutter Avenue, Hinsdale Street, a line 50 feet northerly of Blake Avenue, a line midway between Snediker Avenue and Hinsdale Street, Blake Avenue, and Snediker Avenue (Block 3766, Lot 1), in proposed R6A, R7D/C1-4, and R7D/C2-4 Districts. Borough of Borough of Brooklyn, Council District 42, Community District 5.**

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 576

By Council Member Salamanca:

**Application No. C 190305 ZMK (6003 8th Avenue Rezoning) submitted by 6003 8 Ave LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22am eliminating from an existing R6 District a C1-3 District, and changing from an R6 District to a C4-2 District, Borough of Brooklyn, Council District 38, Community District 12.**

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

NEW YORK CITY COUNCIL

**A N N O U N C E M E N T S**

**Thursday, October 31, 2019**

Committee on Cultural Affairs, Libraries & International Intergroup Relations

James Van Bramer, Chairperson

**Oversight** - Upcoming Capital Projects in Libraries.

**Int 1451** - By Council Members Cabrera, Holden, Van Bramer and Ulrich - **A Local Law** in relation to creating a task force to review the feasibility of creating a New York city museum of African American history.

**Res 1092** - By Council Members Barron, Rodriguez and Van Bramer - **Resolution** calling upon the President to lift the Cuban embargo and end the Cuban travel ban.

Committee Room – City Hall.....10:00 a.m.

Committee on Health jointly with the Committee on Hospitals

Mark Levine, Chairperson  
Carlina Rivera, Chairperson

**Oversight** - Health Access in New York City, and the Roll Out of NYC Care.

**Int 1668** - By Council Members Levine, the Speaker (Council Member Johnson), Rivera, Kallos and Chin - **A Local Law** to amend the administrative code of the city of New York, in relation to establishing a health access program.

**Proposed Res 918-A** - By Council Members Adams, Chin, Rosenthal, Koslowitz, Rivera, Gibson, Ampry-Samuel and Kallos - **Resolution** calling on the State of New York to pass, and the Governor to sign, S.3900/A.5974, an act to amend the social services law, in relation to coverage for health care services under the basic health program for individuals whose immigration status renders him or her ineligible for federal financial participation.

Council Chambers – City Hall.....10:00 a.m.

Committee on General Welfare

Stephen Levin, Chairperson

**Int 1715** - By Council Members Adams, Chin, Gibson, Ayala, Ampry-Samuel and Lander - **A Local Law** to amend the administrative code of the city of New York, in relation to the provision of counsel at fair hearings following an indicated report during an ACS investigation.

**Int 1716** - By Council Members Adams, Chin, Gibson, Ayala, Ampry-Samuel and Lander - **A Local Law** to amend the administrative code of the city of New York, in relation to reporting demographic information for emergency removals by the administration for children’s services.

**Int 1717** - By Council Members Ampry-Samuel, Levin, Chin, Gibson, Ayala, Cornegy and Lander - **A Local Law** to amend the administrative code of the city of New York, in relation to information regarding demographic information of parents and children at each step in child welfare system and a plan to address racial and income disparities.

**Int 1718** - By Council Members Chin, Levin, Ayala, Ampry-Samuel and Lander - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the administration for children’s services to provide a multilingual disclosure form to parents or guardians during a child protective investigation.

**Int 1719** - By Council Members Chin, Levin, Gibson, Ayala, Ampry-Samuel and Lander - **A Local Law** to amend the administrative code of the city of New York, in relation to reporting on youth in foster care.

**Int 1727** - By Council Members Levin, Chin, Ayala and Lander - **A Local Law** to amend the administrative code of the city of New York, in relation to emergency removals conducted by the administration for children’s services.

**Int 1728** - By Council Members Levin, Ayala, Ampry-Samuel, Chin and Lander - **A Local Law** to amend the administrative code of the city of New York, in relation to the provision of counsel at the first point of contact during an ACS investigation.

**Int 1729** - By Council Members Levin, Rose, Chin, Ayala, Ampry-Samuel and Lander - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring ACS to provide information to parents or caretakers about their right to appeal to expunge a case record during an ACS investigation.

**Int 1736** - By Council Members Rivera, Chin, Ayala, Ampry-Samuel and Lander - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring child protective specialists to orally disseminate information to parents or caretakers about their rights during initial contact at the start of an ACS investigation.

**Res 736** - By Council Member Cumbo - **Resolution** calling upon the New York State Legislature and the New York State Office of Children and Family Services to develop a parents’ bill of rights to be distributed at initial home visits in child protective investigations and made available online.

**Res 1066** - By Council Members Rose, Levin, Chin, Ayala and Lander - **Resolution** urging New York State to reduce the length of time caretakers, parents or legal guardians remain on the Statewide Central Registry list.

Council Chambers – City Hall.....1:00 p.m.

**Monday, November 4, 2019**

Subcommittee on Zoning & Franchises

Francisco Moya, Chairperson

**See Land Use Calendar**

Committee Room – City Hall.....9:30 a.m.

Committee on Small Business

Mark Gjonaj, Chairperson

**Oversight** - Safety Issues Facing Small Business

**Int 1623** - By Council Members Gjonaj, King, Diaz, Cabrera, Cohen, Rose, Vallone, Kallos, Holden, Ayala, Torres, Brannan, Gibson, Powers, Levine, Salamanca, Moya, Cumbo, Yeger, Deutsch, Lancman, Cornegy and Lander - **A Local Law** to amend the administrative code of the city of New York, in relation to panic buttons for small business operators.

Committee Room – 250 Broadway, 14<sup>th</sup> Floor.....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.....1:00 p.m.

**Tuesday, November 12, 2019**

Committee on Parks and Recreation jointly with the  
Committee on Contracts and the  
Subcommittee on Capital Budget

Peter Koo, Chairperson  
Ben Kallos, Chairperson  
Vanessa L. Gibson, Chairperson

**Oversight** - Improving the Efficiency of Parks Department Capital Projects.

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 Technology](#) jointly with the  
[Committee on Fire and Emergency Management](#) and the  
[Committee on Public Safety](#)

Robert Holden, Chairperson  
Joseph Borelli, Chairperson  
Donovan Richards, Jr., Chairperson

**Oversight** - New York City’s Next Generation 9-1-1 System.

Council Chambers – City Hall.....1:00 p.m.

**Wednesday, November 13, 2019**

[Committee on Housing and Buildings](#) jointly with the  
[Committee on Public Housing](#) and the  
[Committee on Health](#) and the  
[Committee on Education](#)

Robert Cornegy, Jr., Chairperson  
Alicka Ampry-Samuel, Chairperson  
Mark Levine, Chairperson  
Mark Treyger, Chairperson

**Oversight** – LeadFreeNYC and the enforcement of the City’s lead laws.

Council Chambers – City Hall.....10:00 a.m.

[Committee on Resiliency and Waterfronts](#).....Justin Brannan, Chairperson

**Oversight** - Update on Comprehensive Waterfront Plan.

Committee Room – 250 Broadway, 14<sup>th</sup> Floor.....1:00 p.m.

**Thursday, November 14, 2019**

[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) acknowledged that it was the seventh anniversary of Hurricane Sandy hitting New York City. He asked everyone to remember those whose lives were lost and to remember the communities that were still recovering. The Speaker (Council Member Johnson) pointed out that there was still much more work to be done to ensure safety and resiliency throughout the City of New York. He asked that we recommit ourselves to help the affected communities in Staten Island, Coney Island, and at NYCHA developments all across the city.

Also during the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) wished a very Happy Diwali to everyone who was celebrating the holiday. Diwali, known as the Festival of Lights, lasts for five days and marks the beginning of the Hindu New Year.

Shortly before the adjournment of the Meeting, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) acknowledged that Corey Ortega, Director of the Black, Latino, and Asian Caucus, was leaving the Council. Mr. Ortega was departing to become the vice-president of government relations at Delta Consulting. The Majority Leader and Acting President Pro Tempore (Council Member Cumbo) thanked and congratulated Mr. Ortega as those assembled in the Chambers applauded.

Whereupon on motion of the Speaker (Council Member Johnson), the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) adjourned these proceedings to meet again for the Stated Meeting on Thursday, November 14, 2019.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council