

THE COUNCIL

*Minutes of the Proceedings for the
STATED MEETING
of
Thursday, April 22, 2021, 1:42 p.m.
held remotely via video-conference*

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

Council Members

Corey D. Johnson, *Speaker*

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

Absent: Council Member Deutsch.

At the time of this virtual Stated Meeting, there was one vacant seat in the Council pending the swearing-in of the certified winner of the November 2, 2021 General Election for the 22nd District (Queens).

The Majority Leader (Council Member Cumbo) assumed the chair as the Acting President Pro Tempore and Presiding Officer for these virtual proceedings. Following the gaveling-in of the Meeting and the recitation of the Pledge of Allegiance, the Roll Call for Attendance was called by the City Clerk and the Clerk of the Council (Mr. McSweeney).

After consulting with the City Clerk and Clerk of the Council (Mr. McSweeney), the presence of a quorum was announced by the Majority Leader and the Acting President Pro Tempore (Council Member Cumbo).

There were 49 Council Members marked present at this virtual Stated Meeting.

INVOCATION

The Invocation was delivered by Brother Abdelghani Benyaya, spiritual leader of Muslim Center of New York, Inc., located at 137-58 Geranium Avenue, Flushing, N.Y. 11355.

In the name of God,
 the most merciful,
 the most kind, praise to God,
 Lord of the universe,
 most gracious, most merciful,
 Master of the day of judgment.
 You alone we worship.
 You alone we ask for help.
 Guide us in the right path,
 the path of those that you bless,
 not those who earn your anger.
 The month of *Ramadan*
 in which the Quran was revealed,
 a guidance and proof for guidance.
 And when my servant ask you
 concerning me and about me,
 indeed, I am very near to them.
 Respond to their invocation and supplication,
 and when he calls upon me
 so let them respond
 to me by obedience and faith.
 Amen.

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

During the Communication from the Speaker segment of this meeting, the Speaker (Council Member Johnson) acknowledged that the number of coronavirus deaths in New York City had reached 32,200 as of April 21, 2021. He noted that many New Yorkers were being vaccinated and that the Federal stimulus package would soon help in the city's recovery. He reminded everyone that as the city was slowly reopening, it was important to be vaccinated, to wear a mask, and to stay home if one was sick.

The Speaker (Council Member Johnson) acknowledged the death of a New Yorker who lost his life during the course of his employment: Angel Aguilar Duran, 52, a sanitation worker for Cogent Waste Solutions, died on April 11, 2021 after being struck by a mini-van in Brooklyn.

The Speaker (Council Member Johnson) acknowledged the death of several first responders who had recently passed away from 9/11-related illnesses: retired FDNY Firefighter Joseph Daly, 70; retired NYPD Police Officer Andrew D. Stromfeld; retired FDNY Firefighter James David Shaunessy, 76; retired FDNY Lieutenant James Winters, 83; retired NYPD Detective Michael Dye, 56; retired NYPD Sergeant Thomas A. Byrne, 51; retired NYPD Detective Linda Eaton Louis; and NYPD Police Officer Vincent Ricci, 42.

The Speaker acknowledged the death of Lori Constantinides, wife of former Council Member Costa Constantinides. She passed away at the age of 47 on April 19, 2021. He noted that although she had been suffering through a long illness, her sudden death was unexpected. He added that it was obvious to all how deeply in love Costa was with his wife Lori. On behalf of the Council, the Speaker (Council Member Johnson) offered his deepest thoughts and prayers to former Council Member Constantinides and his eleven year old son Niko. He reminded his Council colleagues that services for Lori Constantinides would be taking place that evening.

The Speaker (Council Member Johnson) acknowledged the death of former Council staffer Christine M. McLaughlin. She passed away in late March 2021. Ms. McLaughlin had served the Council for 17 years before her recent retirement in June 2019. As Director of Events and Production Services in the Community Engagement Division, she had managed more than thirty Council events each year. He described her as a remarkable individual and as a dear friend to many in the Council. On behalf of the Council, the Speaker (Council Member Johnson) offered his deepest condolences to her family, her friends, and her former colleagues.

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

At this point, a Moment of Silence was observed.

* * *

ADOPTION OF MINUTES

Council Member Vallone moved that the Minutes of the Stated Meeting of March 18, 2021 be adopted as printed.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-296

Communication from the Board of Elections - Submitting the Certification of Election of Eric Dinowitz, as the new Council Member of the 11th Councilmanic District, Bronx.

(For text of the New York City Board of Elections Certification for the Special Election held on March 23, 2021 in the 11th Council District in The Bronx, please refer to the attachment section of the [M-296 of 2021 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>)

Received, Ordered, Printed and Filed.

M-297

Communication from the Board of Elections - Submitting the Certification of Election of Oswald Feliz, as the new Council Member of the 15th Councilmanic District, Bronx.

(For text of the New York City Board of Elections Certification for the Special Election held on March 23, 2021 in the 15th Council District in The Bronx, please refer to the attachment section of the [M-297 of 2021 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>)

Received, Ordered, Printed and Filed.

PETITIONS & COMMUNICATIONS

M-298

Communication from Council Member Costa G. Constantinides - Submitting his resignation from the office of New York City Council Member of the 22nd Council District effective April 9, 2021.

Mayor Bill de Blasio
New York City Hall
New York, NY 10007

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

City Clerk Michael McSweeney
141 Worth Street
New York, NY 10013

April 1, 2021

Dear Mayor de Blasio, Speaker Johnson, and City Clerk McSweeney,

With a heavy heart, I hereby tender my resignation from the New York City Council effective Friday, April 9th, at noon.

Thank you for your commitment to our city.

Sincerely,

Costa Constantinides
New York City Council, 22nd District

Received, Ordered, Printed and Filed.

LAND USE CALL-UPS

M-299

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 related Application No. C 210139 ZSK (Acme Smoked Fish/Gem Street Rezoning) be subject to Council review. This item is related to Application No. C 210138 ZMK.

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, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **48**.

Present, Not Voting (PNV) - Reynoso.

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 Economic Development

Report for Int. No. 1673-A

Report of the Committee on Economic Development 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 city agency food waste prevention plans

The Committee on Economic Development, to which the annexed proposed amended local law was referred on August 14, 2019 (Minutes, page 2755), respectfully

REPORTS:

INTRODUCTION

On April 22, 2021, the Committee on Economic Development, chaired by Council Member Paul A. Vallone, held a hearing to vote on Proposed Int. No. 1673-A, sponsored by Council Member Rivera, in relation to City agency food waste prevention plans, and Proposed Int. No. 1680-A, sponsored by Council Member Vallone, in relation to reporting requirements regarding the production, processing, distribution and consumption of food in the city. At this hearing, the Committee voted 8 in favor, 0 opposed and 0 abstentions on each of the bills. The Committee first heard prior versions of these bills on September 18, 2019.

LEGISLATION

Below is a brief summary of the legislation being considered today by this Committee. This summary is intended for informational purposes only and does not substitute for legal counsel. For more detailed information, you should review the full text of the bill, which is attached below.

Proposed Int. No. 1673-A, A Local Law to amend the administrative code of the city of New York, in relation to city agency food waste prevention plans

Proposed Int. No. 1673-A would require all city agencies with food procurement contracts to develop and implement a plan for reducing food waste. This bill would require each such agency to designate a coordinator to produce annual reports, including information on the agency's food waste prevention plan and measures taken to implement such plan.

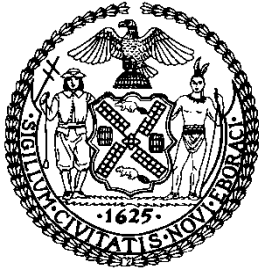
This local law would take effect 90 days after it becomes law.

Proposed Int. No. 1680-A, A Local Law to amend the administrative code of the city of New York, in relation to reporting requirements regarding the production, processing, distribution and consumption of food in the city

Proposed Int. No. 1680-A would require the Office of Long-Term Planning and Sustainability ("OLTPS") to expand its annual Food System Metrics Report to include additional information regarding: (1) the number of people eligible for public food programs but not enrolled; (2) the number of retailers who accept SNAP or other public benefits; (3) the number and percent of sub-populations experiencing food insecurity; and (4) the metrics charting progress towards reducing inequities in the distribution of food and diet-related diseases. OLTPS would also need to consider other sources of citywide data in developing the annual Food System Metrics Report and to express all data in absolute numbers and as a percentage.

This local law would take effect 180 days after it becomes law.

(The following is the text of the Fiscal Impact Statement for Int. No. 1673-A:)



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

PROPOSED INT. NO. 1673-A
COMMITTEE: Committee on Economic Development

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to city agency food waste prevention plans. **Sponsors:** Council Members Rivera, Kallos, Ayala, Gibson, Lander, Van Bramer, Rosenthal, and Yeger.

SUMMARY OF LEGISLATION: Proposed Int. No. 1673-A would require each City agency with at least one food purchase contract within the previous 12 months to develop and implement a plan for reducing food waste. Each agency would be required to designate a coordinator to oversee the implementation of the plan and to include updates on the plan in the agency's annual recycling report.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: It is 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 the impacted agencies would use existing resources to fulfill the requirements of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

DATE PREPARED: April 15, 2021.

(For text of Int. Nos. 1680-A and its Fiscal Impact Statement, please see the Report of the Committee on 1680-A printed in these Minutes; for text of Int. No. 1673-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 1673-A and 1680-A.

(The following is the text of Int. No. 1673-A:)

Int. No. 1673-A

By Council Members Rivera, Kallos, Ayala, Gibson, Lander, Van Bramer, Rosenthal, Yeger, Adams, Ampry-Samuel, Gennaro and Louis.

A Local Law to amend the administrative code of the city of New York, in relation to city agency food waste prevention plans

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 3 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-307.2 to read as follows:

§ 16-307.2 City agency food waste prevention plans. a. Definitions. As used in this section, the following terms have the following meanings:

Covered agency. The term “covered agency” means an agency that has entered into at least one food purchase contract within the previous 12 months.

Food purchase contract. The term “food purchase contract” means: (i) a contract entered into by an agency in excess of the small purchase limits established by the procurement policy board, the principal purpose of which is to provide food, provided that such contract authorizes purchases only by the agency that entered into such contract, or (ii) a purchase order for food the value of which exceeds \$100,000, made by an agency against an existing contract.

Surplus food. The term “surplus food” means any food obtained through a food purchase contract that is not used for the purpose for which it was purchased and that would otherwise be discarded.

b. Agency food waste prevention plan. Every covered agency shall, no later than October 1, 2021, prepare and submit to the commissioner for approval, a food waste prevention plan. Any agency that becomes a covered agency after October 1, 2021 shall prepare and submit to the commissioner for approval, a food waste prevention plan within 90 days of becoming a covered agency. The commissioner shall submit each approved agency food waste prevention plan to the speaker of the council not later than seven days after such approval. Such plan shall conform to all applicable provisions of law and, at a minimum:

- 1. Establish guidelines for how to identify surplus food that may be safely donated;*
- 2. Identify methods to reduce the amount of surplus food, including the utilization of the food donation web portal described in section 16-497, when appropriate;*
- 3. Set forth procedures for the safe, efficient donation of surplus food; and*
- 4. Include any other provisions necessary to facilitate the reduction of surplus food and the donation of surplus food.*

c. Food waste prevention coordinator. Upon approval of an agency’s food waste prevention plan by the commissioner, each covered agency shall designate a coordinator to oversee implementation of the plan required by subdivision b.

d. Report. 1. On or before October 1, 2022, for the period between the effective date of the local law that added this section through January 1, 2022, and annually thereafter for the previous 12-month reporting period, each covered agency shall submit a report to the commissioner. Such report shall include, at a minimum:

- i. A summary of the actions taken to implement the agency’s food waste prevention plan;*
- ii. Any proposed additional actions to be taken to implement such plan; and*
- iii. Any updates or changes to any information included in such plan.*

2. *The department shall consolidate the information contained in all reports prepared pursuant to this subdivision and include such information as part of the department's annual recycling report required pursuant to subdivision k of section 16-305 of this chapter.*

§ 2. This local law takes effect 90 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.

PAUL A. VALLONE. *Chairperson*; PETER A. KOO, BRADFORD S. LANDER, INEZ D. BARRON, ROBERT E. CORNEGY, Jr, MARK GJONAJ, KEITH POWERS, FARAH N. LOUIS; Committee on Economic Development, April 22, 2021 (Remote Hearing).

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

Report for Int. No. 1680-A

Report of the Committee on Economic Development in favor of a Resolution approving, as amended, a Local Law to amend the administrative code of the city of New York, in relation to reporting requirements regarding the production, processing, distribution and consumption of food in the city.

The Committee on Economic Development, to which the annexed amended resolution was referred on August 14, 2019 (Minutes, page 2761), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Economic Development for Int. No. 1673-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1680-A:



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

PROPOSED INT. NO. 1680-A

COMMITTEE: Committee on Economic Development

TITLE: A Local Law to amend the administrative code of the city of New York, relation to reporting requirements regarding the production, processing, distribution and consumption of food in the city.

Sponsors: Council Members Vallone, the Speaker (Council Member Johnson), Kallos, Ayala, Gibson, Lander, Rosenthal, and Louis.

SUMMARY OF LEGISLATION: Proposed Int. No. 1680-A would require the Office of Long-Term Planning and Sustainability to expand its annual Food System Metrics Report to include additional information regarding: the number of individuals eligible for the supplemental nutrition assistance program (SNAP) but not enrolled, a list of retailers authorized to accept SNAP or other public benefits, the food insecure population by borough, and measures of dietary consumption and long-term diet-related health outcomes as well as trends in these measures among socioeconomic and racial groups. The information provided pursuant to Proposed Int. No. 1680-A would supplement reports released by the administration annually.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: It is 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 the administration would use existing resources to fulfill the requirements of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Julia K. Haramis, Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was introduced to the Council on August 14, 2019 as Int. No. 1680 and was referred to the Committee on Economic Development (the Committee). A hearing was held by the Committee jointly on September 18, 2019, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 1680-A, will be voted on by the Committee at a hearing on April 20, 2021. Upon a successful vote by the Committees, Proposed Int. No. 1680-A will be submitted to the full Council for a vote on April 22, 2021.

DATE PREPARED: April 15, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1680-A:)

Int. No. 1680-A

By Council Members Vallone, the Speaker (Council Member Johnson), Kallos, Ayala, Gibson, Lander, Rosenthal, Louis, Adams, Gennaro and Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to reporting requirements regarding the production, processing, distribution and consumption of food in the city

Be it enacted by the Council as follows:

Section 1. Paragraphs 19 and 20 of subdivision a of section 3-120 of the administrative code of the city of New York, as amended by local law number 133 for the year 2013, are amended to read as follows:

19. the number of vendors at greenmarkets, farmers' markets and similar markets operated by the council on the environment of New York city or any successor entity, and the average number of vendors at such markets, sorted by borough; [and]

20. for the report due no later than September first, two thousand fourteen, and in every report thereafter, contents of the report on food security as required by subdivision j of section 20 of the charter [.] ;

§ 2. Subdivision a of section 3-120 of the administrative code of the city of New York, as amended by local law number 133 for the year 2013, is amended by adding new paragraphs 21, 22, 23, and 24 to read as follows:

21. *the number of individuals eligible to receive benefits through the SNAP program who are not enrolled in such program, disaggregated by borough and by age brackets determined by the department of social services/human resources administration;*

22. *the retailers that are authorized to accept and redeem benefits through the SNAP program, based on publically available data reported by the United States department of agriculture;*

23. *data relating to the population in each borough experiencing food insecurity, as determined based on the most recent available United States census data; and*

24. *measures of dietary consumption and long-term diet-related health outcomes, as well as trends in these measures among socioeconomic and racial groups, to the extent that the mayor or an agency designated by the mayor determines such data to be available and practicable to report.*

§ 3. Section 3-120 of the administrative code of the city of New York, as added by local law number 52 for the year 2011, is amended by adding new subdivisions a-1 and c to read as follows:

a-1. The report required by subdivision a of this section shall:

1. include any other measures selected by the department of health and mental hygiene relating to nutrition; and

2. express all data in absolute numbers and as a percentage of the relevant population, where available.

c. Definition. For the purposes of this section, the term "SNAP program" means the supplemental nutrition assistance program established pursuant to chapter 51 of title 7 of the United States code.

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

PAUL A. VALLONE. *Chairperson*; PETER A. KOO, BRADFORD S. LANDER, INEZ D. BARRON, ROBERT E. CORNEGY, Jr, MARK GJONAJ, KEITH POWERS, FARAH N. LOUIS; Committee on Economic Development, April 22, 2021 (Remote Hearing).

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

Report of the Committee on Education

Report for Int. No. 1675-B

Report of the Committee on Education 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 distribution of information regarding summer meals.

The Committee on Education, to which the annexed proposed amended local law was referred on August 14, 2019 (Minutes, page 2758), respectfully

REPORTS:

I. INTRODUCTION

On April 22, 2021, the Committee on Education, chaired by Council Member Mark Treyger, held a vote on Proposed Introduction Number 1675-B, sponsored by Council Member Rose. The Committee previously heard testimony¹ on this legislation from the Mayor's Office of Food Policy (MOFP), the Human Resources Administration (HRA), the Department of Education (DOE), the Department of Health and Mental Hygiene (DOHMH), the Department of City Planning (DCP), the Department of Parks and Recreation (DPR), the Mayor's Office of Sustainability (MOS), the Department of Sanitation (DSNY), the Department for the Aging (DFTA), the New York City Economic Development Corporation (NYCEDC), and advocates, experts, and practitioners on food justice, food security, regional farming, urban agriculture, school food, nutrition education, food businesses, fresh food access projects, and food waste. On April 22, 2021, the Committee passed Proposed Introduction Number 1675-B by a vote of 17 in the affirmative, zero in the negative, with zero abstentions.

II. BACKGROUND

On August 1, 2019, New York City Council Speaker Corey Johnson released the report *Growing Food Equity in New York City: A City Council Agenda* ("*Growing Food Equity*").² The report outlines budget and legislative proposals to build food equity in the areas of food governance; hunger; food waste; school food and nutrition education; equitable access to healthy food; and urban agriculture. Every person regardless of their income, race, gender, education, age, birthplace, or neighborhood should have equitable access to healthy food, which can come from many sources such as supermarkets, small grocers, non-profit stores, bodegas, restaurants, green carts, farmers' markets, Community Supported Agriculture (CSA) programs, fresh food boxes, and community gardens. Yet many New Yorkers experience food insecurity and food-related illnesses, and there is inequitable access to fresh and healthy food options in many neighborhoods throughout the city, particularly in low-income communities of color.³

There are numerous areas in our food system where more and improved interventions are needed to tackle food inequities. Many low-income areas continue to be underserved by affordable full-service grocery stores, and some gentrifying neighborhoods are losing affordable stores and gaining higher-priced ones. Farm-to-city programs like farmers' markets, CSAs, and food box programs can struggle to compete in the food market with a growing influx of grocery and meal-delivery businesses and without growth in local farm businesses, who are themselves combatting low profit margins as they try to have competitive prices with other food retailers.⁴

¹ Hearing held on September 18, 2019.

² New York City Council, "Growing Food Equity in New York City: A City Council Agenda" (August 2019), <http://council.nyc.gov/data/wp-content/uploads/sites/73/2019/08/growing-food-equity-1.pdf>

³ Id. at 4-6

⁴ Kyle Lawson, Membership groups offering farm fresh food on Staten Island struggle with declining participation. Staten Island Live (June 11, 2019), available at <https://www.silive.com/news/2019/06/membership-groups-offering-farm-fresh-food-on-staten-island->

Additionally, our food system has the opportunity to increase access to healthier, fresh, scratch-cooked meals to New York City's 1.1 million school children. School food menus and kitchen and cafeteria infrastructure need significant investments to increase the participation rates and access to healthy food for our school-age children.

Further, New York City continues to face a “meal gap”—the number of missing meals that result from insufficient household resources to purchase food—of nearly 208 million meals.⁵ An estimated 1.09 million New Yorkers are “food insecure,” meaning that they had difficulty at some time during the year accessing enough food due to a lack of resources.⁶ New York City's food insecurity rate is 12% higher than the national rate, and 21% higher than New York State's.⁷ While New York City's current rate of food insecurity is declining, it is still higher than prior to the 2008 recession.⁸ From 2015-2017, 18% of all children, almost 9% of working adults, and almost 11% of seniors experienced food insecurity.⁹ Moreover, food insecurity is a significant challenge among college students. A March 2019 survey of 22,000 CUNY students across 19 campuses found almost half (48%) of respondents indicated that they experienced food insecurity in the previous 30 days.¹⁰

Meanwhile, the inefficiency of our food system is staggering. While almost 41 million Americans do not have enough to eat, we also paradoxically waste food at alarming rates.¹¹ Approximately 40% of all food grown in the U.S. is thrown away before it is eaten.¹² Saving just one-third of food from becoming waste would feed the 41 million Americans who face hunger.¹³ On average, a New York City household wastes 8.7 pounds of food every week, despite that six pounds of this food is edible at the time it is thrown out.¹⁴ Food waste at individual and institutional levels can be curbed. Each year, 11 City agencies serve almost 240 million meals and snacks in a variety of settings, including schools, after school programs, public hospitals, and correctional facilities.¹⁵ Not only is this buying power an opportunity to reduce food waste, but to advance good food purchasing standards that help ensure that city-procured food advances goals that support five value areas: local economies, nutrition, valued workforce, animal welfare, and environmental sustainability.

The City also needs equitable access to green spaces, including through urban agriculture. Urban agriculture in New York City includes a rich history of community gardens, and newer food production and greening models, such as green roofs, and rooftop and vertical farms. Even after decades of existence, some community gardens still face struggles for survival against competing land interests. Urban agriculture spaces are key neighborhood assets in terms of food, education, community development, environmental protection, and improved health and quality of life. They are also one important tool cities have in the fight against climate change and the myriad of public health concerns that follow rising temperatures, such as asthma attacks and heat-related illnesses. Due to the “urban heat island effect,” cities are often two to eight degrees warmer than their neighboring suburban and rural areas.¹⁶ This is due to a combination of factors, including tall buildings,

[struggle-with-declining-participation.html](#); Jodi Helmer, Why Are So Many Farmers Markets Failing? Because The Market Is Saturated, NPR (March 17, 2019), available at <https://www.npr.org/sections/thesalt/2019/03/17/700715793/why-are-so-many-farmers-markets-failing-because-the-market-is-saturated>

⁵ Food Bank For New York City, Research, Reports and Financials: Fast Facts, available at <https://www.foodbanknyc.org/research-reports/> (last visited September 10, 2019), (hereinafter, Food Bank for New York City, Fast Facts).

⁶ Hunger Free America, The Uneaten Big Apple: Hunger's High Cost in NYC, New York City Hunger Report, 2018, Hunger Free America, available at https://www.hungerfreeamerica.org/sites/default/files/atoms/files/NYC%20and%20NYS%20Hunger%20Report%202018_0.pdf (hereinafter, Hunger Free America, The Uneaten Big Apple).

⁷ Food Bank For New York City, Fast Facts, *supra* note 4.

⁸ Hunger Free America, The Uneaten Big Apple, *supra* note 5

⁹ *Id.*

¹⁰ Sara Goldrick-Rab, Vanessa Coca, Christine Baker-Smita and Elizabeth Looker, City University of New York #RealCollege Survey, (March 2019), available at

https://hope4college.com/wpcontent/uploads/2019/03/HOPE_realcollege_CUNY_report_final_webversion.pdf.

¹¹ Feeding America, Food Insecurity in the United States, available at <https://map.feedingamerica.org/> (last visited September 10, 2019)

¹² Wasted: How America is Losing Up To 40 Percent of its food Farm to Fork to Landfill, Second Edition of NRDC's Original 2012 Report, National Resource Defense Council, (2017), available at <https://www.nrdc.org/sites/default/files/wasted-2017-report.pdf>

¹³ *Id.*

¹⁴ NRDC, Estimating Quantities and Types of Food Waste at the City Level, (Oct. 2017), available at <https://www.nrdc.org/sites/default/files/food-waste-city-level-report.pdf>.

¹⁵ NYC Food Policy, Food Metrics Report 2018, <https://www1.nyc.gov/assets/foodpolicy/downloads/pdf/2018-Food-Metrics-Report.pdf>

¹⁶ Calma, Justine, How New York City Is Tackling Extreme Heat in a Warming World, Grist (July 16, 2018), available at <https://www.wired.com/story/how-new-york-city-is-tackling-extreme-heat-in-a-warming-world/>.

dark roofs and pavement that absorb heat, and lack of green space.¹⁷ The heat island effect is exacerbated in low-income communities of color that have long faced disinvestment and have less access to green space.¹⁸

Government is uniquely positioned to partner with communities in the fight for a just and fair food system. Policy makers can ensure that systems are designed with food justice goals in mind to protect those most impacted by food inequities, and that more resources are reaching the communities where neighbors are engaged in this work. Government can also coordinate actions across agencies and systems, since we know that policy decisions made in areas like housing, environmental protection, climate change, criminal justice, education, transportation, and more have a direct impact on hunger, healthy food access, food business development, and green space. Yet food and agriculture work being done across many different City agencies continues without a codified, well-resourced office of food policy; a unified, comprehensive food plan with a formal community engagement strategy; or consistent and meaningful tools for measuring the impact of City agencies' efforts to address food issues. Without governance reforms, the impact of City interventions to combat the social and economic food inequities that millions of our city's residents combat each day remain limited.

Growing Food Equity includes tangible steps the City can take to make a difference in how our food system is run and ensure its risks and benefits are shared and not distributed inequitably. Along with budget priorities, *Growing Food Equity* outlines a legislative agenda to improve food equity, combat food insecurity and increase healthy food access for all New Yorkers. The following legislation is highlighted in *Growing Food Equity* and is being considered at today's hearing.

III. LEGISLATION

ANALYSIS OF PROPOSED INT. NO. 1675-B

A Local Law to amend the administrative code of the city of New York, in relation to the distribution of information regarding summer meals

Int. No. 1675 would require the DOE to mail information about summer meals to the home address of every student eligible for the federal free and reduced price lunch program. Although summer meals are available to every single person aged 18 and under across New York City, reports indicate that the program is under-utilized. This local law would take effect immediately.

Update to B-Version

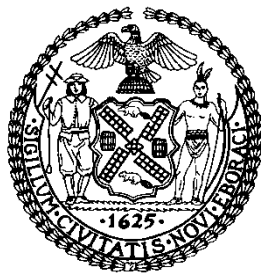
Int. No. 1675-B has removed the requirement that summer meal information being physically mailed to every students home and instead allows flexibility to the DOE to get the information to students in a way consistent with other DOE information dissemination efforts, like electronic mail delivery. This local law would now take effect 90 days after it becomes law.

UPDATE: On April 22, 2021, the Committee passed Proposed Introduction Number 1675-B by a vote of 17 in the affirmative, zero in the negative, with zero abstentions.

(The following is the text of the Fiscal Impact Statement for Int. No. 1675-B:)

¹⁷ Id.

¹⁸ Richard Florida, *The Inequality of America's Parks and Green Space*, CityLab (Mar. 19, 2019), available at <https://www.citylab.com/equity/2019/03/inequality-parks-and-green-space-income-race-research/585166/>.



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

PROPOSED INT. NO: 1675-B

COMMITTEE: Education

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the distribution of information regarding summer meals.

SPONSOR: Council Members Rose, Kallos, Chin, Ayala, Gibson, Lander, Louis, Vallone and Adams.

SUMMARY OF LEGISLATION: Proposed Int. No. 1675-B would amend existing law that requires the Department of Education (DOE) to publish information on the summer meals program by June 1. Proposed Int. No. 1675-B would require DOE to provide the summer meals report to all students along with the three locations nearest to each student's school of attendance where meals will be available.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: It is estimated that there would be no fiscal impact resulting from the enactment of this legislation as DOE would use existing resources to fulfill its requirements.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Masis Sarkissian, Legislative Financial Analyst, NYC Council Finance

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

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on August 14, 2019 as Int. No. 1675 and was referred to the Committee on Education (the Committee). A hearing was held by the Committee jointly with the Committee on Economic Development and General Welfare on August 18, 2019 and the bill was laid over. The legislation was subsequently amended twice and the amended version, Proposed Int. No. 1675-B, will

be considered by the Committee on April 22, 2021. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on April 22, 2021.

DATE PREPARED: April 19, 2020.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1675-B:)

Int. No. 1675-B

By Council Members Rose, Kallos, Chin, Ayala, Gibson, Lander, Louis, Vallone, Adams, Ampry-Samuel, Gennaro, Barron, Cornegy, Riley, Brooks-Powers and Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to the distribution of information regarding summer meals

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 21-979 of the administrative code of the city of New York, as added by local law number 4 for the year 2018, is amended to read as follows:

b. No later than June 1, 2018, and annually thereafter no later than June 1, the department shall make available information regarding summer meals including, but not limited to, locations where such meals will be available, the times and dates during which such meals will be available and any guidelines regarding eligibility for such meals. Such information shall be:

1. [posted] *Posted* on the department's website, the website of any city agency collaborating with the department and the website of the 311 customer service center; [and]

2. [distributed] *Distributed* to council members, borough presidents, community boards, community education councils, parent associations and parent teacher associations[.]; *and*

3. *Provided to every student, and shall include the three locations nearest to each student's school of attendance where such meals will be available, at the time such information is provided.*

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

MARK TREYGER, *Chairperson*; YDANIS A. RODRIGUEZ, DANIEL DROMM, BRADFORD S. LANDER, DEBORAH L. ROSE, INEZ D. BARRON, ROBERT E. CORNEGY, BEN KALLOS, MARK D. LEVINE, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ALICKA AMPRY-SAMUEL, JUSTIN L. BRANNAN, FARAH N. LOUIS, KEVIN C. RILEY, JAMES F. GENNARO, JOSEPH C. BORELLI; Committee on Education, April 22, 2021 (Remote Hearing).

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

Report of the Committee on Finance

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

Report for Res. No. 1603

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

The Committee on Finance, to which the annexed preconsidered resolution was referred on April 22, 2021, respectfully

REPORTS:

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

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

This Resolution, dated April 22, 2021, approves the new designation and the changes in the designation of certain organizations receiving local, aging, and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2021 Expense Budget, approves the new designation and the changes in the designation of certain organizations receiving local and youth discretionary funding in accordance with the Fiscal 2020 Expense Budget, and amends the description for the Description/Scope of Services of certain organizations receiving local, youth, and/or aging discretionary funding and funding for a certain initiative in accordance with the Fiscal 2021 and Fiscal 2020 Expense Budgets.

This Resolution sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2021 Expense Budget, as described in Chart 1; sets forth the new designation and the changes in the designation of certain organizations receiving youth discretionary funding pursuant to the Fiscal 2021 Expense Budget, as described in Chart 2; sets forth the new designation of certain organizations receiving funding pursuant to a certain initiative, as described in Chart 3; sets forth the new designation and the changes in the designation of certain organizations receiving aging discretionary funding pursuant to the Fiscal 2021 Expense Budget, as described in Chart 4; sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to certain initiatives pursuant to the Fiscal 2021 Expense Budget, as described in Charts 5-19; sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2020 Expense Budget, as described in Chart 20; sets forth the new designation and the change in the designation of a certain organization receiving youth discretionary funding pursuant to the Fiscal 2020 Expense Budget, as described in Chart 21; amends the description for the Description/Scope of Services for certain organizations receiving local, youth, and aging discretionary funding and funding for a certain initiative in accordance with the Fiscal 2021 Expense Budget, as described in Chart 22; and amends the description for the Description/Scope of Services for a certain organization receiving local discretionary funding in accordance with the Fiscal 2020 Expense Budget, as described in Chart 23.

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

Chart 2 sets forth the new designation and changes in the designation of certain organizations receiving youth discretionary funding pursuant to the Fiscal 2021 Expense Budget.

Chart 3 sets forth the new designations of certain organizations receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs in accordance with the Fiscal 2021 Expense Budget.

Chart 4 sets forth the new designation and changes in the designation of certain organizations receiving aging discretionary funding pursuant to the Fiscal 2021 Expense Budget.

Chart 5 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2021 Expense Budget. Some of these changes will be effectuated upon a budget modification.

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

Chart 7 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2021 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 8 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2021 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 9 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2021 Expense Budget. Some of these changes will be effectuated upon a budget modification and technical adjustments.

Chart 10 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2021 Expense Budget.

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

Chart 12 sets forth the change in the designation of a certain organization receiving funding pursuant to the Access to Food and Nutritional Education Initiative in accordance with the Fiscal 2021 Expense Budget.

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

Chart 14 sets forth the change in the designation of a certain organization receiving funding pursuant to the Art a Catalyst for Change Initiative in accordance with the Fiscal 2021 Expense Budget.

Chart 15 sets forth the new designation and the change in the designation of a certain organization receiving funding pursuant to the Immigrant Health Initiative in accordance with the Fiscal 2021 Expense Budget.

Chart 16 sets forth the new designation and the change in the designation of a certain organization receiving funding pursuant to the Senior Centers, Programs, and Enhancements Initiative in accordance with the Fiscal 2021 Expense Budget.

Chart 17 sets forth the new designation and the change in the designation of a certain organization receiving funding pursuant to the Naturally Occurring Retirement Communities (NORCs) Initiative in accordance with the Fiscal 2021 Expense Budget.

Chart 18 sets forth the new designation of certain organizations receiving funding pursuant to the SU-CASA Initiative in accordance with the Fiscal 2021 Expense Budget.

Chart 19 sets forth the new designation of a certain organization receiving funding pursuant to the Educational Programs for Students Initiative in accordance with the Fiscal 2021 Expense Budget.

Chart 20 sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2020 Expense Budget.

Chart 21 sets forth the new designation and the change in the designation of a certain organization receiving youth discretionary funding in accordance with the Fiscal 2020 Expense Budget.

Chart 22 amends the description for the Description/Scope of Services for certain organizations receiving local, youth, and aging discretionary funding and funding for a certain initiative in accordance with the Fiscal 2021 Expense Budget.

Chart 23 amends the description for the Description/Scope of Services for a certain organization receiving local discretionary funding in accordance with the Fiscal 2020 Expense Budget.

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

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

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

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1603:)

Preconsidered Res. No. 1603

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

By Council Member Dromm.

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

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

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

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2020 Expense Budget by approving the new designation and the changes in the designation for certain organizations receiving local and youth discretionary funding in accordance therewith; and

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

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

Resolved, That the City Council approves the changes in the designation of certain organizations receiving youth discretionary funding pursuant to the Fiscal 2021 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 3; and be it further

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

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 5; and be it further

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

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 7; and be it further

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

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

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

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

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

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

Resolved, That the City Council approves sets forth the change in the designation of a certain organization receiving funding pursuant to the Art a Catalyst for Change Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 14; and be it further

Resolved, That the City Council approves the new designation and the change in the designation of a certain organization receiving funding pursuant to the Immigrant Health Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 15; and be it further

Resolved, That the City Council approves the new designation and the change in the designation of a certain organization receiving funding pursuant to the Senior Centers, Programs, and Enhancements Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 16; and be it further

Resolved, That the City Council approves the new designation and the change in the designation of a certain organization receiving funding pursuant to the Naturally Occurring Retirement Communities (NORCs) Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 17; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the SU-CASA Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 18; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Educational Programs for Students Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 19; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 20; and be it further

Resolved, That the City Council approves the new designation and the change in the designation of a certain organization receiving youth discretionary funding in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 21; and be it further

Resolved, That the City Council approves the amendment of the description for the Description/Scope of Services for certain organizations receiving local, youth, and aging discretionary funding and funding for a certain initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 22.

Resolved, That the City Council approves the amendment of the description for the Description/Scope of Services for a certain organization receiving local discretionary funding in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 23.

(For text of the Exhibit Charts, please refer to the attachments section of [the Res. No. 1603 of 2021 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>)

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, SELVENA N. BROOKS-POWERS, STEVEN MATTEO; Committee on Finance, April 22, 2021 (Remote Hearing).

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

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

Report for Res. No. 1604

Report of the Committee on Finance in favor of a Resolution approving a Resolution concerning an amendment to the district plan of the Queens Plaza/Court Square Business Improvement District that provides for a change in the method of assessment upon which the district charge is based, and setting the date, time and place for the public hearing of the local law authorizing such change.

The Committee on Finance, to which the annexed preconsidered resolution was referred on April 22, 2021, respectfully

REPORTS:

I. INTRODUCTION

The Committee on Finance, chaired by Council Member Daniel Dromm, will consider Preconsidered Resolution, a resolution setting the date, time and place for the public hearing on an amendment to the District Plan of the Queens Plaza/Court Square Business Improvement District (“Queens Plaza/Court Square BID”) for May 13, 2021, in the City Council Remote Hearing, Virtual Room 1 at 9:00 a.m.

The Preconsidered Resolution is required by the existing law, Chapter 4 of Title 25 of the New York City Administrative Code, (the “BID Law”), which authorizes the City Council to establish Business Improvement Districts.

The main purpose of this Resolution is to set the public hearing date, time and place for the review of the local law which would amend the District Plan of the Queens Plaza/Court Square BID. The hearing on the local law and the Queens Plaza/Court Square BID plan, as amended, will be held on May 13, 2021, in the City Council Remote Hearing, Virtual Room 1 at 9:00 a.m. before the Committee on Finance.

This Resolution also directs that all notices required under the BID Law be properly given by the Department of Business Services and the District Management Association of the Queens Plaza/Court Square BID. The notice of the hearing will state the proposed change in the method of assessment upon which the district charge in the Queens Plaza/Court Square BID is based.

BID’s, which are specifically established areas, use the City’s property tax collection mechanism to approve a special tax assessment with which to fund additional services that would enhance such areas and improve local business. The additional services are normally in the areas of security, sanitation, physical/capital improvements (lighting, landscaping, sidewalks, etc.), seasonal activities (Christmas lighting) and related business services (marketing and advertising). The BID demarcates the areas in which services will be enhanced and also establishes the mechanism for the assessment needed to generate the required budget.

II. QUEENS PLAZA/COURT SQUARE BID

a. Background

Located in the Long Island City community in Queens, the Queens Plaza/Court Square BID was first established in 2005 and consists of two sub-districts: the North Sub-District (“NSD”) and the South Sub-District (“SSD”).

The NSD is the original BID area and is centered around Queens Plaza and Court Square. It generally includes all street-facing property lots extending north along Jackson Avenue on both sides of the street from 45th Avenue/Thomson Avenue (Court Square) to Queens Plaza, and extending west along Queens Plaza North and Queens Plaza South from Northern Boulevard/Jackson Avenue to 21st Street. It also includes Queens Plaza East (the 29-00 block of Northern Boulevard) and additional properties on the 42-00 block of Crescent Street, and the 43-00 block of Queens Street.

The SSD expands south and west from the end of the NSD at 45th Avenue/Thomson Avenue. It generally includes properties facing Jackson Avenue from the terminus of NSD at 45th Avenue/Thomson Avenue south

to 51st Avenue, properties facing Vernon Boulevard from Borden Avenue north to 44th Drive, including the properties facing 10th Street between 45th Avenue and 44th Drive, and properties facing 44th Drive from Vernon Boulevard east to Hunter Street.

The Queens Plaza/Court Square BID constitutes a major transportation, retail, manufacturing, and retail hub in western Queens. Much of the area accommodates a large daytime working population and, increasingly, a large residential population. Furthermore, one of New York City's largest commuter populations passes through the BID each day via the Ed Koch/Queensboro Bridge and New York City Transit subways and buses, or makes intermodal transfers within the BID.

The Queens Plaza/Court Square BID is currently requesting that the Council approve the change in method of assessment upon which the district charge is based.

b. Formula Change

The current method of assessment for the Queens Plaza/Court Square BID is based on a combination of linear front footage and assessed value. Under the amended district plan, all properties will be assessed based on a specified formula for each applicable class of property within each of the two sub-districts.

Any property identified as a Class A property devoted to commercial, industrial, or commercial parking uses, including vacant and undeveloped land, will be assessed by assessed valuation and square footage in the service area. Any vacant and undeveloped properties may be reclassified upon the issuance of a temporary certificate of occupancy from the New York City Department of Buildings and be assessed in the same manner as defined within the appropriate classes and formula, as provided in the amended district plan.

Any property identified as a Class B mixed-use property in either of the sub-districts would be assessed at 80 percent of the commercial rate, and the variables used to calculate the formula would be shifted from a combination of front footage and assessed value to a combination of building square footage and assessed value.

Under the amended district plan, all residential properties, including residential condominium units and residential parking lots, devoted in whole to residential uses within the two sub-districts would continue to be assessed at a nominal rate of \$1.00 per annum. Additionally, not-for-profit and government-owned properties devoted in full to public or not-for-profit use would continue to be exempted from assessment. Any not-for-profit or government-owned property devoted in part to commercial uses would be assigned to the appropriate class and the proportion of the property devoted to for-profit uses would be assessed in the same manner as defined within the appropriate class description and assessment formula provided in the amended district plan.

Of the 270 properties in Queens Plaza/Court Square BID, 62 properties would pay more under the new assessment method and 208 properties would pay less. For the 62 properties for which assessments would be increasing, they would increase an average of \$1,130.89 per year. For the 208 properties which assessments would be decreasing, they would decrease on average of \$3,793.96 per year. This is the intended outcome of the formula change because as more properties in the BID are built as mixed-use rentals, more of the overall assessment is borne by fewer commercial properties under the current method of assessment. Under the new proposed formula, mixed-use properties would be assessed at 80 percent of the commercial rate, and the variables used to calculate the formula would be shifted from a combination of front footage and assessed value to a combination of building square footage and assessed value.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1604:)

Res. No. 1604

Resolution concerning an amendment to the district plan of the Queens Plaza/Court Square Business Improvement District that provides for a change in the method of assessment upon which the district charge is based, and setting the date, time and place for the public hearing of the local law authorizing such change.

By Council Member Dromm.

Whereas, pursuant to the authority granted by chapter 4 of title 25 of the Administrative Code of the City of New York (the "BID Law"), the City established the Queens Plaza/Court Square Business Improvement District (the "District") in the Borough of Queens; and

Whereas, pursuant to Local Law No. 82 for the year 1990, the City Council assumed responsibility for adopting legislation relating to Business Improvement Districts; and

Whereas, pursuant to Section 25-410(b) of the BID Law, an amendment to the District Plan that provides for any change in the method of assessment upon which the district charge is based may be adopted by local law, provided that the City Council determines, after a public hearing, that it is in the public interest to authorize such change and that the tax and debt limits prescribed in Section 25-412 of the BID Law will not be exceeded by such change; and

Whereas, the District wishes to amend the District Plan in order to provide for a change in method of assessment upon which the district charge is based; and

Whereas, pursuant to Section 25-410(b) of the BID Law, the City Council is required to give notice of the public hearing by publication of a notice in at least one newspaper having general circulation in the district specifying the time when and the place where the hearing will be held; now, therefore, be it

Resolved, that the Council of the City of New York, pursuant to Section 25-410(b) of the BID Law, hereby directs that:

- (i) May 13, 2021 is the date and the City Council Remote Hearing, Virtual Room 1, is the place and 9:00 a.m. is the time for a public hearing (the "Public Hearing") to hear all persons interested in the legislation that would authorize a change in the method of assessment upon which the district charge in the Queens Plaza/Court Square Business Improvement District is based; and
- (ii) On behalf of the City Council and pursuant to Section 25-410(b) of the BID Law, the District Management Association of the Queens Plaza/Court Square Business Improvement District is hereby authorized to publish in a newspaper of general circulation in the district, not less than ten (10) days prior to the Public Hearing, a notice stating the time and place of the Public Hearing.

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, SELVENA N. BROOKS-POWERS, STEVEN MATTEO; Committee on Finance, April 22, 2021 (Remote Hearing).

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

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

Report for Res. No. 1605

Report of the Committee on Finance in favor of a Resolution concerning an amendment to the District Plan of the Flatbush Avenue Business Improvement District that authorizes additional services for the district and changes the method of assessment upon which the district charge is based, and setting the date, time and place for the public hearing of the local law authorizing such changes as set forth in the amended District Plan of the Flatbush Avenue Business Improvement District.

The Committee on Finance, to which the annexed preconsidered resolution was referred on April 22 2021, respectfully

REPORTS:

I. INTRODUCTION

The Committee on Finance, chaired by Council Member Daniel Dromm, will consider Preconsidered Resolution, a resolution setting the date, time and place for the public hearing on an amendment to the District Plan of the Flatbush Avenue Business Improvement District (“Flatbush Avenue BID”) for May 13, 2021, in the City Council Remote Hearing, Virtual Room 1 at 9:00 a.m.

The Preconsidered Resolution is required by the existing law, Chapter 4 of Title 25 of the New York City Administrative Code, (the “BID Law”), which authorizes the City Council to establish Business Improvement Districts.

The main purpose of this Resolution is to set the public hearing date, time and place for the review of the local law which would amend the District Plan of the Flatbush Avenue BID. The hearing on the local law and the Flatbush Avenue BID plan, as amended, will be held on May 13, 2021, in the City Council Remote Hearing, Virtual Room 1 at 9:00 a.m. before the Committee on Finance.

This Resolution also directs that all notices required under the BID Law be properly given by the Department of Business Services and the District Management Association of the Flatbush Avenue BID. The notice of the hearing will state the additional services being proposed in the Flatbush Avenue BID and the proposed change in the method of assessment upon which the district charge in the Flatbush Avenue BID is based.

BID’s, which are specifically established areas, use the City’s property tax collection mechanism to approve a special tax assessment with which to fund additional services that would enhance such areas and improve local business. The additional services are normally in the areas of security, sanitation, physical/capital improvements (lighting, landscaping, sidewalks, etc.), seasonal activities (Christmas lighting) and related business services (marketing and advertising). The BID demarcates the areas in which services will be enhanced and also establishes the mechanism for the assessment needed to generate the required budget.

II. FLATBUSH AVENUE BID

a. Background

The Flatbush Avenue BID was first established in 1988, and is bounded by properties on both sides of Flatbush Avenue from Parkside Avenue to Cortelyou Road in Brooklyn. The BID was established primarily to address the influx of people that moved to the neighborhood, which increased the need for additional housing. The BID is currently requesting that the Council approve the following changes to the District Plan:

1. Expanding services to include, but not be limited to: sanitation, public safety, marketing and promotions, holiday lighting, economic development, administration and advocacy; and

2. Changing in the method of assessment authorized to be calculated on a formula applicable to the class of property.

b. Service Expansion

The current district plan already authorizes a range of services required for the enjoyment and protection of the public and the promotion and enhancement of the district, which include security services, holiday and seasonal decorations, promotion services of local retail opportunities, sanitation program services, administration and other additional services.

The amended district plan would authorize the provision of additional services in the district. Such supplemental services would include, but not be limited to: sanitation, public safety, marketing and promotions, holiday lighting, economic development, administration and advocacy. According to the BID, this amendment would bring the district plan into alignment with current district plans in terms of additional services provided as the needs in the district have changed since establishment.

c. Formula Change

The current method of assessment for the Flatbush Avenue BID is based on the linear front footage for commercial properties. Under the amended district plan, all properties devoted to commercial use, including parking facilities, commercial condominiums or vacant/development sites would be assessed 60 percent on Flatbush-facing linear frontage and 40 percent based on commercial square footage.

Government- and not-for-profit-owned properties devoted to public or not-for-profit use would be exempted from an assessment. All residential properties would be assessed at one dollar (\$1.00) per year.

The amendment to the method of assessment would account changes in the district since its creation in 1988, and provide a fair assessment of district properties. When the Flatbush Avenue BID was first formed, the most prevalent building type was the three-story walk-up, with residential units or storage spaces, above ground floor retail premises, single-story buildings, four-story buildings, and a few larger bank structures and theatres. However, according to the BID, since 1988 the district has changed so that the front-footage method of assessment no longer provides fair assessment of properties.

Of the 190 properties within the Flatbush Avenue BID, 29 properties would pay more under the new assessment formula, with an average increase of \$3,025.44 per year and 161 properties would pay less, with an average decrease of \$544.96 per year. The assessment formula change would shift the burden of assessment from the majority of the small property owners toward the owners with larger commercial square footage, that is, those that have the greater potential for revenues per square footage in their commercial spaces.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1605:)

Res. No. 1605

Resolution concerning an amendment to the District Plan of the Flatbush Avenue Business Improvement District that authorizes additional services for the district and changes the method of assessment upon which the district charge is based, and setting the date, time and place for the public hearing of the local law authorizing such changes as set forth in the amended District Plan of the Flatbush Avenue Business Improvement District.

By Council Member Dromm.

Whereas, pursuant to chapter 4 of title 25 of the Administrative Code of the City of New York (the "BID Law"), the City established the Flatbush Avenue Business Improvement District in the City of New York; and

Whereas, pursuant to Local Law No. 82 for the year 1990, the City Council assumed responsibility for adopting legislation relating to Business Improvement Districts; and

Whereas, pursuant to Section 25-410(b) of the BID Law, an amendment to the District Plan that provides for additional improvements or services provided or any change in the method of assessment upon which the district charge is based may be adopted by local law, provided that the City Council determines, after a public hearing, that it is in the public interest to authorize such change and that the tax and debt limits prescribed in Section 25-412 of the BID Law will not be exceeded by such change; and

Whereas, the Flatbush Avenue Business Improvement District wishes to amend the District Plan in order to authorize additional services in the District and change the method of assessment upon which the district charge is based; and

Whereas, pursuant to Section 25-410(b) of the BID Law, the City Council is required to give notice of the public hearing by publication of a notice in at least one newspaper having general circulation in the district specifying the time when and the place where the hearing will be held; now, therefore, be it

Resolved, that the Council of the City of New York, pursuant to Section 25-410(b) of the BID Law, hereby directs that:

- (ii) May 13, 2021 is the date and the City Council Remote Hearing, Virtual Room 1, is the place and 9:00 a.m. is the time for a public hearing (the "Public Hearing") for a public hearing (the "Public Hearing") to hear all persons interested in the legislation that would authorize additional services in the District and a change in the method of assessment upon which the district charge in the District is based; and
- (iii) On behalf of the City Council and pursuant to Section 25-410(b) of the BID Law, the District Management Association of the Flatbush Avenue Business Improvement District is hereby authorized to publish in a newspaper of general circulation in the district, not less than ten (10) days prior to the Public Hearing, a notice stating the time and place of the Public Hearing.

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, SELVENA N. BROOKS-POWERS, STEVEN MATTEO; Committee on Finance, April 22, 2021 (Remote Hearing).

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

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

Report for L.U. No. 755

Report of the Committee on Finance in favor of a Resolution approving Clermont Area, Block 1961, Lot 27; Brooklyn, Community District No. 2, Council District 35.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on April 22, 2021 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

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

April 22, 2021

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

FROM: Rebecca Chasan, Senior Counsel, Finance Division
Stephanie Ruiz, Assistant Counsel, Finance Division

RE: Finance Committee Agenda of April 22, 2021 – Resolutions approving a tax exemption for two Land Use items (Council Districts 21 and 35)

Item 1: Astoria Towers

Astoria Towers is comprised of 62 residential units in the North Corona neighborhood in Queens. The residential units include 13 one-bedroom units, 35 two-bedroom units, and 14 three-bedroom units (inclusive of one unit reserved for the superintendent). The building also has an adjacent surface parking lot, with 54 spaces reserved for the tenants of the building.

Under the proposed project, Astoria Towers Housing Development Fund Corporation (HDFC) will acquire the building and Astoria and 110th Street Associates L.P. (Partnership) will be the beneficial owner and will operate the building. The HDFC and the Partnership (collectively, “Owner”) will finance the rehabilitation of the building with loans from the New York City Housing Development Corporation (HDC).

The New York City Department of Housing Preservation and Development (HPD) is requesting that the Council approve a partial, 40-year tax exemption to support affordable rental housing. The Owner, HDC, and HPD would enter into a regulatory agreement that would require that 11 units be leased to households with incomes up to 50 percent of the Area Median Income (AMI), 19 units be leased to households with incomes up to 65 percent of AMI, and 31 units be leased to households with incomes up to 100 percent of AMI.

Summary:

- Borough – Queens
- Block 1704, Lots 12 and 172
- Council District – 21
- Council Member – Moya
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 62 (including one superintendent unit)
- Type of exemption – Article XI partial, 40 years
- Population – affordable rental housing
- Sponsor – Astoria Towers HDFC, Astoria and 110th Street Associates L.P.
- Purpose – preservation
- Cost to the city – \$4.2 million
- Housing Code Violations
 - Class A – 0
 - Class B – 0
 - Class C – 0
- AMI target – 11 units at 50% of AMI; 19 units at 65% of AMI; 31 units at 100% of AMI.

Item 2: Clermont Area

Clermont Area is a 41 unit limited equity cooperative building located in the Clinton Hill neighborhood of Brooklyn. The residential units include 22 one-bedroom units, seven two-bedroom units, two three-bedroom units, and 10 four-bedroom units (inclusive of a superintendent unit). All the units, except the superintendent's unit, are occupied by cooperative members.

The building is owned and managed by Clermont Area HDFC. The property had previously received an Article IV property tax exemption that expired in 2013 and currently there are no regulatory agreements or deed restrictions controlling the property. Under the proposed project, the HDFC will receive a loan from HPD for the moderate rehabilitation and energy and water improvements.

HPD is requesting that the Council approve a full, 40-year tax exemption to support affordable homeownership. The exemption would be retroactive to 2013, when the Article IV property tax exemption expired. The HDFC and HPD would enter into a regulatory agreement that would require that the sale of vacant units, once they become available, be restricted to households earning up to 120 percent of AMI.

Summary:

- Borough – Brooklyn
- Block 1961, Lot 27
- Council District – 35
- Council Member – Cumbo
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 41 (including one superintendent unit)
- Type of exemption – Article XI full, 40 years
- Population – affordable homeownership
- Sponsor – Clermont Area Housing Development Fund Company, Inc.
- Purpose – preservation
- Cost to the city – \$2.5 million
- Housing Code Violations
 - Class A – 3
 - Class B – 4
 - Class C – 1
- AMI target – 120% of AMI (income)

(For text of the coupled resolution for L.U. No. 756, please see the Report of the Committee on Finance for L.U. No. 756 printed in these Minutes; for the coupled resolution for L.U. No. 755, please see below:)

Accordingly, this Committee recommends the adoption of L.U. Nos. 755 and 756.

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

Res. No. 1612

Resolution approving an exemption from real property taxes for property located at (Block 1961, Lot 27) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 755).

By Council Member Dromm

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated March 16, 2021 that the Council take the following action regarding a housing project located at (Block 1961, Lot 27) Brooklyn (“Exemption Area”):

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

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

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

RESOLVED:

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

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Effective Date” shall mean March 20, 2013.
 - b. “Exemption Area” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 1961, Lot 27 on the Tax Map of the City of New York.
 - c. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - d. “HDFC” shall mean Clermont Area Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - e. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - f. “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - g. “Owner” shall mean the HDFC.
 - h. “Prior Exemption” shall mean any exemption from real property taxation for the Exemption Area pursuant to the Private Housing Finance Law or the General Municipal Law that was in effect prior to the Effective Date.

- i. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption on or after the date such Regulatory Agreement is executed.
2. The Prior Exemption shall terminate upon the Effective Date.
3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
4. Notwithstanding any provision hereof to the contrary:
 - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
 - b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 - d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked as of the Effective Date.
5. In consideration of the New Exemption, the owner of the Exemption Area shall (a) execute and record the Regulatory Agreement, and (b) for so long as the New Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, SELVENA N. BROOKS-POWERS, STEVEN MATTEO; Committee on Finance, April 22, 2021 (Remote Hearing).

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

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

Report for L.U. No. 756

Report of the Committee on Finance in favor of a Resolution approving Astoria Towers, Block 1704, Lots 12 and 172; Queens, Community District No. 3, Council District 21.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on April 22, 2021 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. 755 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1613

Resolution approving an exemption from real property taxes for property located at (Block 1704, Lots 12 and 172) Queens, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 756).

By Council Member Dromm

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated March 16, 2021 that the Council take the following action regarding a housing project located at (Block 1704, Lots 12 and 172) Queens (“Exemption Area”):

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

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

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

RESOLVED:

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

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that either (A) HPD and the Owner, or (B) HPD, HDC and the Owner, enter into the Regulatory Agreement.
 - b. “Exemption” shall mean the exemption from real property taxation provided hereunder.

- c. “Exemption Area” shall mean the real property located in the Borough of Queens, City and State of New York, identified as Block 1704, Lots 12 and 172 on the Tax Map of the City of New York.
 - d. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - e. “Gross Rent” shall mean the gross potential rents from all residential, commercial, and community facility units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
 - f. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
 - g. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to one and two-tenths percent (1.20%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
 - h. “HDC” shall mean the New York City Housing Development Corporation.
 - i. “HDFC” shall mean Astoria Towers Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - j. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - k. “Owner” shall mean, collectively, the HDFC and the Partnership.
 - l. “Partnership” shall mean Astoria and 110th Street Associates L.P. or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - m. “Regulatory Agreement” shall mean the regulatory agreement between either (i) HPD and the Owner, or (ii) HPD, HDC 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 Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption

from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.

4. Notwithstanding any provision hereof to the contrary:
 - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
 - c. Nothing herein shall entitle the HDPC, 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*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, SELVENA N. BROOKS-POWERS, STEVEN MATTEO; Committee on Finance, April 22, 2021 (Remote Hearing).

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

Report of the Committee on Health

Report for Int. No. 1524-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 use of pesticides by city agencies.

The Committee on Health, to which the annexed proposed amended local law was referred on April 18, 2019 (Minutes, page 1525), respectfully

REPORTS:

I. Introduction

On April 22, 2021, the Committee on Health, chaired by Council Member Mark Levine, held a vote on Int. No. 1524-A, a local law to amend the administrative code of the city of New York, in relation to the use of pesticides by City agencies. The legislation was previously heard on January 29, 2019, at which the Committee received testimony from the New York City Department of Health and Mental Hygiene (DOHMH), the New York City Parks Department (NYC Parks), advocates, and other interested parties. On April 22, 2021, the Committee passed this legislation by a vote of eight in the affirmative, zero in the negative, and zero abstentions.

II. Background

Pesticides are chemical or biological substances designed to destroy, control or repel a variety of living organisms, and include substances such as insecticides (insect control), herbicides (weed control), fungicides (mold or fungus control) and rodenticides (rodent control). Because pesticides are considered poisons, their use is regulated by federal¹ and State law,² through the Environmental Protection Agency (EPA) and the New York State Department of Environmental Conservation (DEC), respectively.³ While pesticides are useful to society because they can kill potential disease-causing organisms, insects, weeds and other pests, they also pose significant risks to humans, animals and the environment if not properly used and regulated.⁴

Serious concerns regarding the potential health risks of pesticide use and exposure exist. Typical pesticide exposure may result from occupational exposure, from residues that have contaminated food and drinking water for the general population, and substantial exposure that may occur in or around the home.⁵ Negative environmental effects, including water, soil and air contamination from leaching and runoff, and detrimental effects on wildlife, fish and plant life can also occur, depending on the toxicity and dosage of the pesticide that was applied.⁶

¹ See Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) 7 U.S.C. §136 et seq. Under FIFRA, all pesticides distributed or sold in the United States must be registered and licensed by the EPA. Before a pesticide is registered under FIFRA, the applicant must show, that using the pesticide according to specifications "will not generally cause unreasonable adverse effects on the environment." Under FIFRA, the term "unreasonable adverse effects on the environment" means: "(1) any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide, or (2) a human dietary risk from residues that result from a use of a pesticide in or on any food inconsistent with the standard under section 408 of the Federal Food, Drug, and Cosmetic Act."

² See Article 33 of the New York State Environmental Conservation Law (ECL) Section 33-0101 - 33-1503.

³ See State of New York Office of the Attorney General, "Citizens' Guide to Pesticide Notification Laws in New York State," p. 1.

⁴ See Californians for Pesticide Reform, Pesticides and Human Health, <https://www.pesticidereform.org/pesticides-human-health/>; see also Beyond Pesticides, Impacts of Pesticides on Wildlife, <https://www.beyondpesticides.org/programs/wildlife>.

⁵ *Pesticide Exposure, Safety Issues, and Risk Assessment Indicators*, Christos A. Damalas and Ilias G. Eleftherohorinos, *International Journal of Environmental Research and Public Health*, May 2011.

⁶ *Id.*

Primarily, the effects of a pesticide vary with the duration of exposure, which can be acute (a single exposure or multiple exposures within a short period of time); sub-chronic (repeated exposure over a longer period of time); or chronic (repeated exposure over a very long period of time).⁷ Acute effects in humans may result from accidents or the misuse of a pesticide product and can often include eye irritation, skin irritation, skin sensitization and neurotoxicity.⁸ Sub-chronic effects can take weeks or months of frequently repeated exposure to smaller doses to manifest themselves, and can include oral, dermal, inhalation or nervous system damage.⁹ For chronic exposure, pesticides have cumulative effects on the body that might not appear in the short or medium term, but can eventually manifest themselves as a chronic effect with permanent damage, such as the development of cancer or birth defects in the children of pregnant women.¹⁰

In 2005, the Council passed Local Law 37 (LL37), which set forth requirements related to the use of pesticides on City property by City agencies, with the overall goal of reducing the City's use of hazardous pesticides.¹¹ At the time, the City was the largest municipality in the nation to regulate the use of pesticides on city-owned and leased property. LL 37 prohibited the use of pesticides on city owned or leased property meeting any of three criteria:

- 1) Pesticides classified as Toxicity Category 1 by the United States Environmental Protection Agency (EPA);
- 2) Pesticides classified as known, likely, probable or possible human carcinogens by the Office of Pesticide Programs of the EPA as of April 1, 2005; and
- 3) Pesticides classified as developmental toxins by the California Office of Environmental Health Hazard Assessment (COEHHS) as of April 1, 2005.

LL 37 also exempts certain pesticides from its requirements and created a waiver process where a City agency could apply to the commissioner of DOHMH for a waiver from any of the LL 37 requirements.¹² Additionally, LL 37 (i) created an Interagency Pest Management Committee, composed of various agencies and headed by DOHMH, to meet semi-annually and share pest management information and strategies and to plan future reductions in pesticide use by issuing an updated annual plan on pesticide reduction; (ii) requires that, by February 1 of each year, DOHMH issue a report to the Council listing changes made to the list of pesticides classified as human carcinogens, likely to be carcinogenic to humans, known/likely carcinogens, probable human carcinogens or possible human carcinogens by the office of pesticide programs of the EPA; (iii) requires any City agency or contractor applying pesticides on City-owned or leased property to post a notice at publicly

⁷ *Pesticide Toxicology, Evaluating Safety and Risk*, Purdue University Cooperative Extension Services, available at www.extension.purdue.edu/extmedia/PPP/PPP-40.pdf

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ Local Law 37/2005, <https://nyc.legistar.com/LegislationDetail.aspx?ID=442059&GUID=F7B4E5B7-6685-4EF8-B09C-8B4886723369&Options=ID|Text|Search=37>.

¹² Section 17-1205 of the New York City Administrative Code exempts the following:

- (1) pesticides otherwise lawfully used for the purpose of maintaining a safe drinking water supply at drinking water treatment plants, wastewater treatment plants, reservoirs, and related collection, distribution and treatment facilities;
- (2) anti-microbial pesticides;
- (3) pesticides applied to professional sports playing fields, golf courses or used to maintain water quality in swimming pools;
- (4) pesticides used for the purpose of maintaining heating, ventilation and air conditioning systems, cooling towers and other industrial cooling and heating systems;
- (5) pesticides used for the purpose of rodent control in containerized baits or placed directly into rodent burrows or placed in areas inaccessible to children or pets;
- (6) pesticides or classes of pesticides classified by the United States environmental protection agency as not requiring regulation under the federal insecticide, fungicide and rodenticide act, and therefore exempt from such regulation when intended for use, and used only in the manner specified;
- (7) biological pesticides; and
- (8) boric acid and disodium tetrahydrate, silica gels, diatomaceous earth, and nonvolatile insect bait in tamper resistant containers.

In determining whether to grant or deny a request for a waiver, the commissioner must consider whether application of the requirements of LL 37 would, in the absence of the waiver, be unreasonable with respect to (i) the magnitude of the infestation, (ii) the threat to public health, (iii) the availability of effective alternatives and (iv) the likelihood of exposure of humans to the pesticide. The term of any waiver cannot exceed one year.

accessible locations on such site at least twenty-four hours prior to any such application, except where applications require immediate action for public health reasons; and (iv) requires City agencies that use pesticides to keep records, for a minimum of three years, of each pesticide application by such agency, or by a contractor.¹³

In the most recent Integrated Pest Management update submitted to the Council, DOHMH noted that the Pest Management Committee continues to meet twice a year, and DOHMH offers several programs and trainings to promote best practices.¹⁴ DOHMH offers free Integrated Pest Management training to city agencies and to the public. In 2015, over 300 people participated in 21 half-day training events.¹⁵ DOHMH also held two Rodent Academy seminars in 2015, with 97 participants from several City agencies and two separate seminars for NYCHA staff.¹⁶

The Council also passed Local Law 54 of 2007 (LL 54), which amended LL 37 to require City agencies to report their pesticide use to DOHMH by February 1 of each year, and for DOHMH to issue a summary report to the Council and the Mayor by May 1 of each year. The report must summarize the information reported to DOHMH, disaggregated by agency, regarding the “number of times each pesticide was used, the total amount of each pesticide used, and the Toxicity Category for each pesticide as determined by the United States environmental protection agency.”¹⁷

According to the latest report DOHMH submitted pursuant to LL 54:¹⁸

- In 2016, 36 municipal agencies reported their pesticide use to DOHMH in a format that enabled summarization within and across agencies.
- Pesticides were applied a total of 284,248 times by City agencies in 2018, a total of 7,228 gallons and 156,540 pounds of solid pesticides being used.
- As in previous years, cockroaches were the most commonly targeted pests in 2018, with rats, mice, bed bugs and mosquitos making up the top 5 pests by number of total applications.
- Most liquid pesticide products used by City agencies were fungicides (51% by volume), while most solid products (41% by weight) were insecticides. Excluding DOHMH mosquito larviciding that was conducted to prevent the spread of West Nile Virus and other mosquito-borne diseases, most solid pesticides products (63% by weight) were rodenticides.
- Insecticides were the most frequently applied type of pesticide, accounting for nearly 67% of all applications.
- The volume of all liquid insecticides decreased 10% in 2018, compared with 2017. This decline was due to a reduction in the number and volume of pyrethroids applications targeting roaches and bedbugs mostly from declines in use at NYCHA.
- Liquid pyrethroid products targeting cockroaches decreased 11% from 2017 to 2018, reversing increases since 2015. Treatments targeting bedbugs also decreased slightly.

¹³ Local Law 37/2005, <https://nyc.legistar.com/LegislationDetail.aspx?ID=442059&GUID=F7B4E5B7-6685-4EF8-B09C-8B4886723369&Options=ID|Text|Search=37>.

¹⁴ See, New York City Department of Health and Mental Hygiene, “An Update on Integrated Pest Management in New York City (2015),” July 2016.

¹⁵ *Id.*

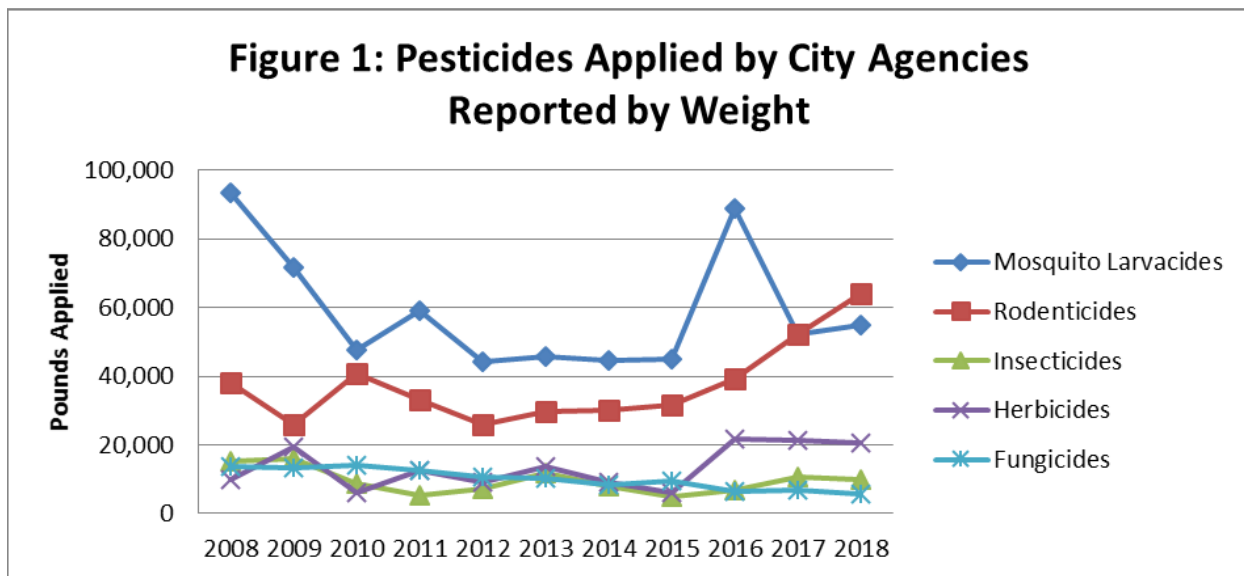
¹⁶ *Id.*

¹⁷ Administrative Code §17-1208(b).

¹⁸ See, New York City Department of Health and Mental Hygiene, “Pesticide Use by New York City Agencies in 2018.”

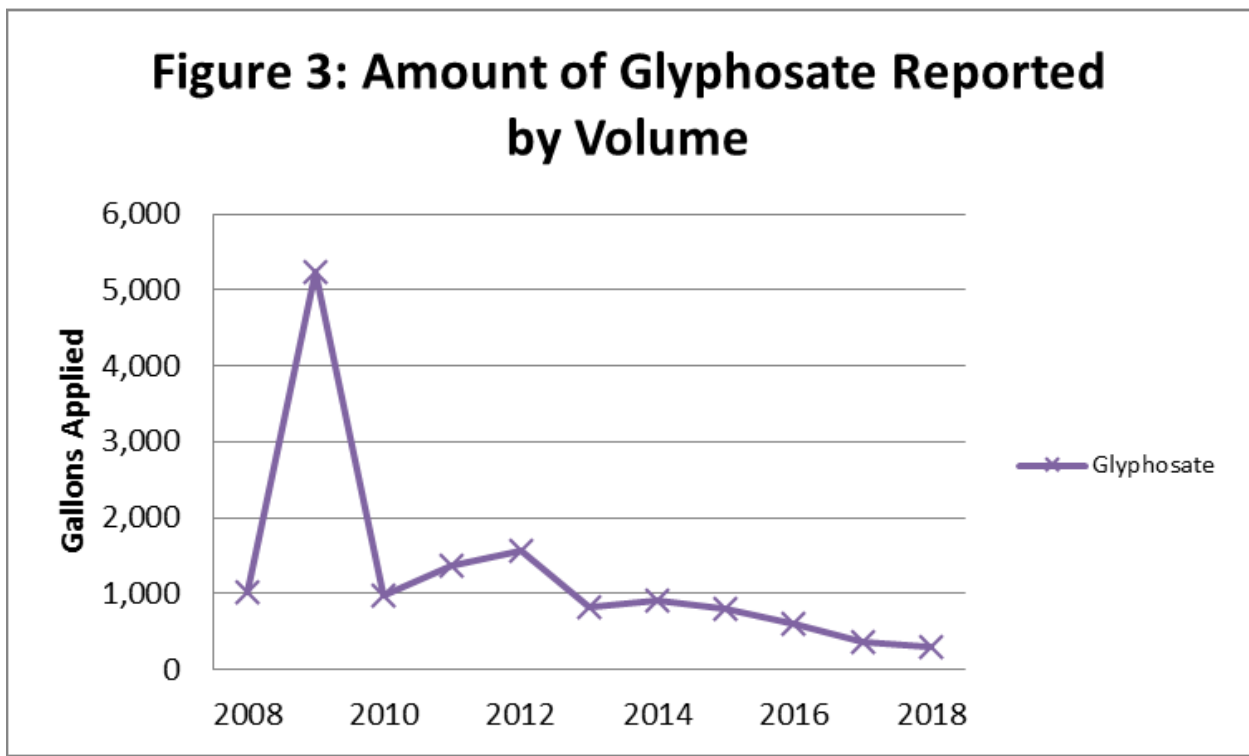
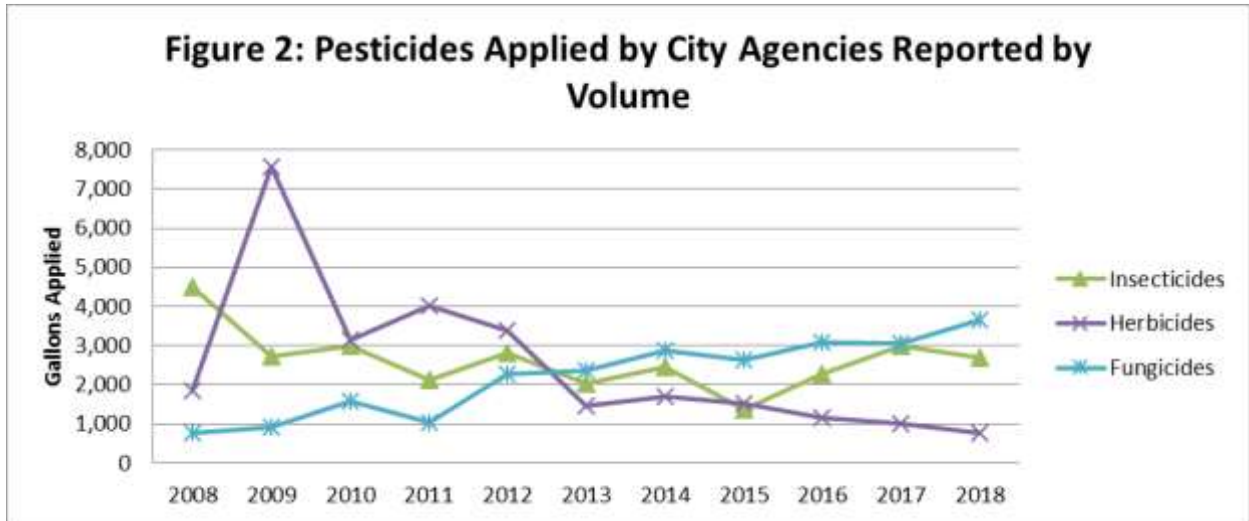
- The use of solid mosquito larvicide by weight increased by 5% compared with 2017 after a steep increase in 2016 in response to Zika virus. Based on extensive mosquito surveillance in 2016 and 2017, the Health Department does not expect local Zika transmission.
- “Best Management Practices” (BMP) insecticide products include gel and bait insecticides with little potential for human exposure. They accounted for 36% of insecticide applications in 2018. BMP applications to treat cockroaches declined slightly in 2018 after more than doubling in 2017.
- Liquid herbicide product use continued to decline in 2018. Volume declined 22%, mostly due to reduced use of glyphosate products.
- The use of solid herbicide products in 2018 was similar to 2017, due to continued use of outdoor granular turf formulations, mainly on golf courses and large institutional lawns.
- The Parks Department no longer applies pre-emergent herbicides near roadways and along walkways and perimeters of city parks.
- Use of solid rodenticide products increased 23% by weight 6% in the number of applications citywide compared with 2017. The DOHMH continue high levels of use for neighborhood rat ‘indexing’ and control.
- City agencies are not the only users of pesticides in New York City. The State summarizes pesticide use by commercial and private applicators. Comparing City agencies’ use in 2013 (the last year New York State released its data), local government use accounts for an estimated 3% of the total volume of liquid pesticides, and 19% of the total weight of solid pesticides applied within the five boroughs of the City.

Below are figures from the latest report submitted by DOHMH showing trends from 2008 through 2018 in the use of pesticides by city agencies and by type of pesticide, with solid and liquid products reported by weight and volume, respectively.¹⁹



¹⁹ See, New York City Department of Health and Mental Hygiene, “Pesticide Use by New York City Agencies in 2018”.

*WNV (West Nile Virus) Larvacides: mosquito control program larvicides are charted separately from other insecticides because they represent a large proportion of city insecticide use, and because their year-to-year use varies more with weather than other insecticides.



III. Analysis of Int. No. 1524-A

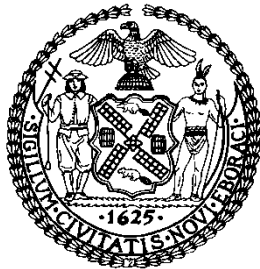
Int. No. 1524-A would expand the list of prohibited pesticides to also include pesticides classified as a human carcinogen (or likely or probable to be) by the Office of Pesticides Programs of the United States Environmental Protection Agency, pesticides classified by the California Office of Environmental Health Hazard Assessment as a developmental toxin, and pesticides containing active ingredients listed as known, probable or possible carcinogenic to humans by the International Agency for Research on Cancer of the World Health Organization as of the effective date of this portion of this local law.

The bill would also ban the use of any pesticide other than a biological pesticide on any playground or park, as well as any other property under the jurisdiction of the Department of Parks and Recreation, except for limited exceptions, including: pesticides used to control invasive species listed on the New York state invasive plant list, harmful plant species as defined by the New York State Department of Environmental Conservation, pesticides used when the use of an alternative would be a worker safety hazard related to vehicular traffic, and others. DOHMH would be required to report on any efforts city agencies have undertaken to reduce or eliminate the use of pesticides used for these exceptions.

Finally, Int. No. 1524-A would also require relevant agencies to notify the relevant Borough President, Council Member and Community Board about any waiver request for the application of pesticides that they have submitted to DOHMH.

Since its initial hearing, the bill created an additional notice and reporting requirement for any agency that requests a waiver. Additionally, the list of prohibited pesticides was expanded.

The following is the text of the Fiscal Impact Statement for Int. No. 1524-A:)



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

PROPOSED INTRO. NO: 1524-A

COMMITTEE: Health

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the use of pesticides by City agencies.

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

SUMMARY OF LEGISLATION: Proposed Intro. No. 1524-A would prohibit City agencies from applying to any property owned or leased by the City any chemically based pesticide, with some limited exceptions, including: pesticides used to control invasive species listed on the New York State invasive plant list, harmful plant species as defined by the New York State Department of Environmental Conservation, pesticides used when the use of an alternative would be a worker safety hazard related to vehicular traffic, and others.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2022

FISCAL IMPACT STATEMENT:

	Effective FY21	FY Succeeding Effective FY22	Full Fiscal Impact FY22
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is anticipated that the proposed legislation would have no impact on revenues.

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of Intro No. 1524-A as the designated agency would utilize existing resources to comply with the requirements of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Lauren Hunt, Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director, NYC Council Finance Division
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 on April 18, 2019 and was referred to the Committee on Health. A hearing was held by the Committee on Health on January 29, 2020, and the bill was laid over. The legislation was amended, and the amended version, Proposed Intro. No. 1524-A, will be considered on April 22, 2021. Upon successful vote by the Committee on Health, Proposed Intro. No. 1524-A will be submitted to the full Council for a vote on April 22, 2021.

DATE PREPARED: April 16, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1524-A:)

Int. No. 1524-A

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

A Local Law to amend the administrative code of the city of New York, in relation to the use of pesticides by city agencies

Be it enacted by the Council as follows:

Section 1. Section 17-1201 of chapter 12 of title 17 of the administrative code of the city of New York, as added by local law number 37 for the year 2005, is amended to read as follows:

§ 17-1201 Application. This chapter shall apply to all pest control activities on property owned or leased by the city, whether such activities are performed by city employees, contractors, [or] subcontractors *or any person acting under the direction of such city agency or contractor.*

§ 2. Section 17-1202 of chapter 12 of title 17 of the administrative code of the city of New York, as added by local law number 37 for the year 2005, is amended to read as follows:

§ 17-1202 Definitions. For the purposes of this chapter only, the following terms [shall] have the following meanings:

[(1) “Anti-microbial pesticide” shall mean] *Anti-microbial pesticide. The term “anti-microbial pesticide” means:*

[i]1. disinfectants intended to destroy or irreversibly inactivate infectious or other undesirable bacteria, pathogenic fungi, or viruses on surfaces or inanimate objects;

[ii]2. sanitizers intended to reduce the number of living bacteria or viable virus particles on inanimate surfaces, in water, or in air;

[iii]3. bacteriostats intended to inhibit the growth of bacteria in the presence of moisture;

[iv]4. sterilizers intended to destroy viruses and all living bacteria, fungi and their spores, on inanimate surfaces;

[v]5. fungicides and fungistats intended to inhibit the growth of, or destroy, fungi (including yeasts), pathogenic to humans or other animals on inanimate surfaces; and

[vi]6. commodity preservatives and protectants intended to inhibit the growth of, or destroy bacteria in or on raw materials (such as adhesives and plastics) used in manufacturing, or manufactured products (such as fuel, textiles, lubricants, and paints), but not those utilized in the pulp and paper process or cooling towers.

[(2) “Biological pesticide” shall mean] *Biological pesticide. The term “biological pesticide” means a pesticide which is a naturally occurring substance that controls pests and microorganisms.*

[(3) “City agency” shall mean] *City agency. The term “city agency” means a city, county, borough, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury.*

[(4) “Contractor” shall mean] *Contractor. The term “contractor” means any person or entity that enters into a contract with a city agency, or any person or entity that enters into an agreement with such person or entity to perform work or provide labor or services related to such contract.*

Park or other property under the jurisdiction of the department of parks and recreation. The term “park or other property under the jurisdiction of the department of parks and recreation” means public parks, beaches, waters and land under water, pools, boardwalks, marinas, playgrounds, recreation centers and all other property under the jurisdiction, charge or control of the department of parks and recreation.

[(5) “Pest” shall mean] *Pest. The term “pest” means:*

[i]1. any insect, rodent, fungus, or weed; or

[ii]2. any other form of terrestrial or aquatic plant or animal life or virus, bacteria or other microorganism (except viruses, bacteria or other microorganisms on or in living human or other living animals) which the commissioner of environmental conservation declares to be a pest.

[(6) “Pesticide” shall mean] *Pesticide. The term “pesticide” means:*

[i]1. any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest; or

[ii]2. any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

Playground. The term “playground” means an outdoor area open to the public where children play, which contains play equipment such as a sliding board, swing, jungle gym, sandbox, or see-saw, or which is designated as a play area.

Synthetic substance. The term “synthetic substance” means any substance, other than those naturally occurring in a plant, animal or mineral, that is formulated or manufactured by a chemical process.

§ 3. Section 17-1203 of chapter 12 of title 17 of the administrative code of the city of New York, as added by local law number 37 for the year 2005, is amended to read as follows:

§ 17-1203 Reduction of pesticide use. a. Effective six months after the enactment of the local law that added this section, no city agency or contractor shall apply to any property owned or leased by the city any pesticide classified as Toxicity Category I by the United States environmental protection agency as of April 1, 2005, provided that for any pesticide classified as Toxicity Category I by the United States environmental protection

agency after April 1, 2005, no such agency or contractor shall apply such pesticide after six months of its having been so classified, except as provided for in sections 17-1205 or 17-1206 of this chapter.

b. [Effective twelve months after the enactment of the local law that added this section,] *Except as provided for in sections 17-1205 or 17-1206 of this chapter*, no city agency or contractor shall apply to any property owned or leased by the city:

1. any pesticide classified as a human carcinogen, likely to be carcinogenic to humans, a known/likely carcinogen, a probable human carcinogen, or a possible human carcinogen by the office of pesticide programs of the United States environmental protection agency as of April 1, 2005;

2. *any pesticide classified as a human carcinogen, likely to be carcinogenic to humans, a known/likely carcinogen, a probable human carcinogen, or a possible human carcinogen by the office of pesticides programs of the United States environmental protection agency as of the effective date of this clause*[except as provided for in sections 17-1205 or 17-1206 of this chapter].

c. [Effective eighteen months after enactment of the local law that added this section,] *Except as provided for in sections 17-1205 or 17-1206 of this chapter*, no city agency or contractor shall apply to any property owned or leased by the city:

1. any pesticide classified by the California office of environmental health hazard assessment as a developmental toxin as of April 1, 2005[.];

2. *any pesticide classified by the California office of environmental health hazard assessment as a developmental toxin as of the effective date of this clause; or*

3. *any pesticide containing active ingredients listed as known, probably or possibly carcinogenic to humans by the international agency for research on cancer of the world health organization as of the effective date of this clause*[except as provided for in sections 17-1205 or 17-1206 of this chapter].

d. *Effective eighteen months after the enactment of the local law that added this subdivision, no city agency, contractor or any person acting under the direction of such city agency or contractor shall apply to any playground, or park or other property under the jurisdiction of the department of parks and recreation any pesticide other than a biological pesticide except as provided for in sections 17-1205 and 17-1206 of this chapter.*

e. *The commissioner may promulgate regulations designating additional pesticides that pose risks to the public health similar to those posed by the pesticides regulated under this section, and providing that the use of such additional pesticides by city agencies and their contractors shall be subject to limitations set forth in such regulations.*

[d]f. On [February] *June* 1, [2007] 2022, and every [February] *June* 1 thereafter, the department shall submit to the City Council a report listing changes made to the [list] *lists* of pesticides [classified as a human carcinogen, likely to be carcinogenic to humans, a known/likely carcinogen, a probable human carcinogen, or a possible human carcinogen by the office of pesticide programs of the United States environmental protection agency and the list of pesticides classified as developmental toxins by the California office of environmental health hazard assessment after April 1, 2005] *named in subdivisions b and c since the date of the last report submitted pursuant to this section*. Such reports shall also include, for each pesticide added to or removed from such classifications, whether and to what extent such pesticide is used by city agencies or contractors in the city of New York, *as well as any efforts city agencies have undertaken to reduce or eliminate the use of pesticides pursuant to paragraphs 11, 12, 13 and 14 in section 17-1205*.

§ 4. Section 17-1205 of chapter 12 of title 17 of the administrative code of the city of New York, as added by local law number 37 for the year 2005, is amended to read as follows:

§ 17-1205 Exemptions. a. The restrictions established pursuant to section 17-1203 of this chapter shall not apply to the following:

[(1)] 1. pesticides otherwise lawfully used for the purpose of maintaining a safe drinking water supply at drinking water treatment plants, wastewater treatment plants, reservoirs, and related collection, distribution and treatment facilities;

[(2)] 2. anti-microbial pesticides;

[(3)] 3. pesticides applied to professional sports playing fields, golf courses or used to maintain water quality in swimming pools;

[(4)] 4. pesticides used for the purpose of maintaining heating, ventilation and air conditioning systems, cooling towers and other industrial cooling and heating systems;

[(5)] 5. pesticides used for the purpose of rodent control in containerized baits or placed directly into rodent burrows or placed in areas inaccessible to children or pets;

[(6)] 6. pesticides or classes of pesticides classified by the United States environmental protection agency as not requiring regulation under the federal insecticide, fungicide and rodenticide act, and therefore exempt from such regulation when intended for use, and used only in the manner specified;

[(7)] 7. biological pesticides; [and]

[(8)] 8. boric acid and disodium tetrahydrate, silica gels, diatomaceous earth, and nonvolatile insect bait in tamper resistant containers[.];

9. *synthetic substances listed as allowed on the United States department of agriculture national list of allowed and prohibited substances;*

10. *non-synthetic substances, unless listed as prohibited on the United States department of agriculture national list of allowed and prohibited substances;*

11. *pesticides used to control invasive plant species listed on the New York state invasive plant list in areas that the agency responsible for the property maintains for purposes other than public access;*

12. *pesticides used to control harmful plant species, as defined by the New York state department of environmental conservation, found growing on City property maintained for purposes of public access;*

13. *pesticides used when the agency responsible for the property determines alternative treatments to be a worker safety hazard related to vehicular traffic; and*

14. *pesticides used to comply with a state or federal mandate or permit requirement.*

§ 5. Section 17-1206 of chapter 12 of title 17 of the administrative code of the city of New York, as added by local law number 37 for the year 2005, is amended to read as follows:

§ 17-1206 Waiver. Any city agency, including the department, is authorized to apply to the commissioner for a waiver of the restrictions established pursuant to section 17-1203 of this chapter. Such application shall be in a form and manner prescribed by the commissioner and shall contain such information as the commissioner deems reasonable and necessary to determine whether such waiver should be granted. *Upon submitting an application for a waiver, the agency requesting the waiver shall notify by email the president of the borough in which pesticides may be applied pursuant to such waiver, the council member in whose district pesticides may be applied pursuant to such waiver, and the community board for the community district in which pesticides may be applied pursuant to such waiver, and publish notification of such waiver request in the City Record.* In determining whether to grant or deny a request for a waiver, the commissioner shall consider whether the application of 17-1203 would be, in the absence of the waiver, unreasonable with respect to (i) the magnitude of the infestation, (ii) the threat to public health, (iii) the availability of effective alternatives and (iv) the likelihood of exposure of humans to the pesticide. Such waiver may be issued with respect to one or multiple applications and may be granted for a term deemed appropriate by the commissioner, provided, however, that such term shall not exceed one year. Within thirty days of granting a waiver, the department shall *post the waiver application in its entirety to the department's website, and the agency receiving the waiver shall notify by email the president of the borough in which pesticides will be applied pursuant to such waiver, the council member in whose district pesticides will be applied pursuant to such waiver, and the community board for the community district in which pesticides will be applied pursuant to such waiver, and* provide the pest management committee, as established by section 1204 of this chapter, with a copy of such waiver.

§ 6. This local law takes effect immediately, provided that the prohibition on use of any pesticide the use of which was not prohibited prior to the enactment of this local law shall take effect 180 days after the effective date.

MARK D. LEVINE, *Chairperson*; MATHIEU EUGENE; INEZ D. BARRON ALICKA AMPRY-SAMUEL, ROBERT F. HOLDEN, KEITH POWERS, DARMA V. DIAZ, SELVENA N. BROOKS-POWERS; Committee on Health, April 22, 2021 (Remote Hearing).

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

Report for Int. No. 1748-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 department of health and mental hygiene to conduct a public information and outreach campaign regarding medically unnecessary treatments or interventions on individuals born with intersex traits or variations in sex characteristics.

The Committee on Health, to which the annexed proposed amended local law was referred on October 17, 2019 (Minutes, page 3390), respectfully

REPORTS:**I. INTRODUCTION**

On April 22, 2021, the Committee on Health, chaired by Council Member Mark Levine, held a vote on Introduction Number 1748-A (Int. No. 1748-A). The legislation was previously heard at a joint hearing of this Committee with the Committee on Women and Gender Equity, chaired by Council Member Helen Rosenthal, on October 28, 2020, at which the Committee received testimony from the New York City (NYC) Department of Health and Mental Hygiene (DOHMH), the NYC Commission on Gender Equity (CGE), advocacy groups, health professionals and other interested parties. On April 22, 2021, the Committee passed this legislation by a vote of eight in the affirmative, zero in the negative, and zero abstentions.

II. BACKGROUND*Reproductive Health*

Reproductive health, broadly defined, refers to the health and social conditions of human reproductive systems during all life stages.¹ This includes, but is not limited to:

- Family planning services and counseling, terminating a pregnancy (also known as abortion), birth control, emergency contraception, sterilization and pregnancy testing;
- Fertility-related medical procedures;
- Sexual health education;
- Access to medical services and information; and
- Sexually transmitted disease prevention, testing and treatment.²

While this Committee Report adopts a broader definition in the interest of understanding the full spectrum of issues relating to reproductive health, it should be noted and is perhaps not surprising that many definitions of reproductive health focus more narrowly on addressing the reproductive health needs of women.³ These definitions include, but are not limited to, those addressing reproductive decisions—whether a woman seeks to reproduce or avoid reproduction, the impact of the process of reproduction on health and the associated issues

¹ National Institute of Environmental Health Sciences, *Reproductive Health*, the National Institute of Health (n.d.), available at <https://www.niehs.nih.gov/health/topics/conditions/repro-health/index.cfm>; See NYC Commission on Human Rights, *FACT SHEET: Protections Against Employment Discrimination Based on Sexual and Reproductive Health Decisions* (n.d.), available at https://www1.nyc.gov/assets/cchr/downloads/pdf/publications/SexualReproHealthDecisions_KYR_8.20.2019.pdf; See, e.g., Mahmoud Fathalla, *Promotion of Research in Human Reproduction: Global Needs and Perspectives*, 3 HUM. REPROD. 7, 7 (1988) (defining reproductive health as requiring, among other things, “that people have the ability to reproduce and the ability to regulate their fertility”).

² NYC Commission on Human Rights, *FACT SHEET: Protections Against Employment Discrimination Based on Sexual and Reproductive Health Decisions* (n.d.), available at https://www1.nyc.gov/assets/cchr/downloads/pdf/publications/SexualReproHealthDecisions_KYR_8.20.2019.pdf.

³ See Rebecca Cook, Bernard Dickens & Mahmoud Fathala, *Reproductive Health and Human Rights: Integrating Medicine, Ethics and Law*, 14-18 (2003) (explaining the importance of gender differences in the context of reproductive health).

related to a woman's autonomy, privacy and agency over such decisions.⁴

The World Health Organization (WHO) identifies 17 “Reproductive Health Indicators” which further provide a framework for assessing the state of reproductive health.⁵ These WHO indicators include:

1. The total fertility rate;
2. Contraceptive prevalence;
3. The maternal mortality ratio;
4. The percentage of women attended by health personnel during pregnancy;
5. The percentage of births attended by skilled health personnel;
6. The number of facilities with basic obstetric care;
7. The number of facilities with comprehensive obstetric care;
8. The perinatal mortality rate;
9. The percentage of live births with low birth weight;
10. The positive syphilis serology in pregnant women;
11. The percentage of anemia in pregnant women;
12. The percentage of obstetric admissions owing to abortion;
13. The percentage of women with genital cutting, also known as female genital mutilation or female circumcision (“FGM/C”)⁶;
14. The percentage of women who report trying for a pregnancy for two years or more;
15. The incidence of urethritis in men;
16. HIV prevalence in pregnant women; and
17. Knowledge of HIV-prevention practices.⁷

Research has shown that deficiencies in these indicators are largely conditions that can be alleviated with a combination of better access to health services, improvement in economic and social conditions and increased protections for those seeking reproductive health care services.⁸ Accordingly, in recent years, important measures have been established at the federal, state and local levels to ensure that the right to receive reproductive health services are protected, a process often referred to as reproductive justice.⁹ Generally speaking,

⁴ See, e.g., Ruth Bader Ginsburg, *Some Thoughts on Autonomy and Equality in Relation to Roe v. Wade*, 63 N.C. L. REV. 375, 383 (1985) (noting that a woman's ability to control her reproductive capacity is equivalent to her ability to take autonomous charge of her life); Lance Gable, *Reproductive Health as a Human Right*, 60 Case W. Res. L. Rev. 957, 957 (Summer 2020).

⁵ World Health Organization [hereinafter “WHO”], *Reproductive Health Indicators for Global Monitoring*, WHO Second Interagency Meeting, Geneva, Switz., 20-23 (July 17-19, 2000), available at http://whqlibdoc.who.int/hq/2001/WHO_RHR_01.19.pdf; See also, Ritu Sadana, *Definition and Measurement of Reproductive Health*, 80 BULL. WHO. 407 (2002); Lance Gable, *Reproductive Health as a Human Right*, 60 Case W. Res. L. Rev. 957, 957 (Summer 2020).

⁶ Note: This paper utilizes the term “female genital cutting,” rather than “female genital mutilation” to give deference to the affected women and girls, often migrants, who live in the midst of a dominant discourse categorizing them as “mutilated” and sexually disfigured. While “female circumcision” is another common term, “female genital mutilation” is also referenced in recognition of the fact that it is the most commonly used term, including in terms of usage in legislation and treaties. Further, while this paper also utilizes the acronym FGC, FGM is also often shortened to FGM/C in recognition of updated and current language. See S. Johnsdotter, *The Impact of Migration on Attitudes to Female Genital Cutting and Experiences of Sexual Dysfunction Among Migrant Women with FGC*, 10(1) CURRENT SEXUAL HEALTH REPORTS 18-24 (2018), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5840240/>; S. Fried, A. Mahmoud Warsame, V. Berggren, E. Isman & A. Johansson, *Outpatients' Perspectives on Problems and Needs Related to Female Genital Mutilation/Cutting: a Qualitative Study from Somaliland*, 2013(1) OBST. AND GYN. INTL (2013), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3784275/>; U.S. Department of Health and Human Services, Office on Women's Health, *Female Genital Mutilation or Cutting* (n.d.), available at <https://www.womenshealth.gov/a-z-topics/female-genital-cutting>; New York Department of Health, *Female Genital Mutilation/Female Circumcision Reference Card for Health Care Providers* (n.d.), available at https://www.health.ny.gov/community/adults/women/female_circumcision/providers.htm (explaining why it is “more appropriate” to use FGC/FC than FGM).

⁷ WHO, *Reproductive Health Indicators for Global Monitoring*, WHO Second Interagency Meeting, Geneva, Switz., 20-23 (July 17-19, 2000), available at http://whqlibdoc.who.int/hq/2001/WHO_RHR_01.19.pdf; See also, Ritu Sadana, *Definition and Measurement of Reproductive Health*, 80 BULL. WHO. 407, 407 (2002).

⁸ Lance Gable, *Reproductive Health as a Human Right*, 60 Case W. Res. L. Rev. 957, 957 (Summer 2020).

⁹ See, e.g., Elizabeth Nash, Lizamarie Mohammed, Zohra Ansari-Thomas, and Olivia Cappello, *Laws Affecting Reproductive Health and Rights: State Policy Trends at Midyear, 2018*, Guttmacher Institute (July 2018) , available at <https://www.guttmacher.org/article/2018/07/laws-affecting-reproductive-health-and-rights-state-policy-trends-midyear-2018>.

reproductive justice seeks to ensure reproductive rights,¹⁰ or the rights of individuals to have access to sexual and reproductive healthcare and autonomy in sexual and reproductive decision-making.¹¹ The Council currently provides approximately \$1.3 million in discretionary funding for a range of services related to reproductive and sexual health services.¹²

III. ISSUES AND CONCERNS

a. Contraception / Non-Surgical & Long-Acting Reversible Contraceptives (LARC)

Long Acting Reversible Contraception refers to several FDA-approved methods of birth control that are intended to last for at least several years without requiring any user action (such as taking a daily pill).¹³ Long Acting Reversible Contraceptive (LARC) methods include intrauterine contraceptives, implants, and injections, and are considered the most effective form of birth control in preventing unwanted pregnancy, beside abstinence.¹⁴ Despite its efficacy, only 5.8% of adolescents and women ages 15–19 have ever used a LARC method, with 3% ever using an IUD and 2.8% ever using a contraceptive implant.¹⁵ Some barriers to use of LARC methods by young women and adolescents include lack of familiarity or understanding about LARCs, lack of access, low parental acceptance, high costs of initiation, and obstetrician–gynecologists’ and other health care providers’ misconceptions about the safety of LARC use in adolescents.¹⁶ When cost barriers were eliminated and the LARC method was explained, research found that more than two thirds of females aged 14–20 years chose a LARC method.¹⁷

In May 2016, then Speaker Melissa Mark-Viverito published the Young Women’s Initiative (YWI) Report and Recommendations.¹⁸ One of the recommendations in the report was to “create a dedicated fund for access to contraceptives, including long-acting reversible contraception (LARC), which incorporates culturally relevant counseling, focuses on patient choice and integrates age- and developmentally-appropriate support for young people.”¹⁹ At the time of this announcement, of the 145 School Based Health Centers (SBHCs) serving over 345 schools in the five boroughs of New York City, only 50 high school sites provided comprehensive reproductive health services including “on-site dispensing of hormonal and long-acting reversible contraception.”²⁰ At around the same time, DOHMH began a “#MaybetheIUD campaign” to promote LARC methods as an accessible option for young people wanting to prevent unwanted pregnancy.²¹ The YWI fund utilized Colorado’s privately-funded Colorado Family Planning Initiative as a model.²² In total, the fund set aside \$365,000 to provide LARCs at no cost to clients who were uninsured, ineligible for Medicaid, or otherwise lacking the resources to pay out of

¹⁰ See, e.g., National Council of Jewish Women, *Understanding Reproductive Health, Rights, and Justice* (n.d.), available at <https://www.ncjw.org/wp-content/uploads/2017/12/RJ-RH-RR-Chart.pdf>.

¹¹ Amnesty International USA, *Reproductive Rights: A Fact Sheet* (2007), available at <https://web.archive.org/web/20070714111432/http://www.amnestyusa.org/women/pdf/reproductiverights.pdf>.

¹² This includes Long Acting Reversible Contraceptives (LARC) and abortion access: \$702,900 for the Dedicated Contraceptive Fund, \$378,070 for the Reproductive and Sexual Health Services Initiative, and an additional \$250,000 for the New York Abortion Access fund. The New York City Council, “Fiscal Year 2011 Adopted Expense Budget Adjustment Summary / Schedule C,” (June 30, 2020), available at <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2020/06/Fiscal-2021-Schedule-C-Cover-REPORT-Final.pdf>.

¹³ See, e.g., “Long-Acting Reversible Contraception: Intrauterine Device and Implant,” The American College of Obstetricians and Gynecologists, available at <https://www.acog.org/Patients/FAQs/Long-Acting-Reversible-Contraception-Intrauterine-Device-and-Implant?IsMobileSet=false#methods>.

¹⁴ See *id.*; see also, “About LARCs,” Planned Parenthood, available at <https://www.plannedparenthood.org/planned-parenthood-mar-monte/patient-resources/long-acting-reversible-contraception-2>.

¹⁵ “ACOG Committee Opinion,” The American College of Obstetricians and Gynecologists, Number 735, May 2018, available at <https://www.acog.org/Clinical-Guidance-and-Publications/Committee-Opinions/Committee-on-Adolescent-Health-Care/Adolescents-and-Long-Acting-Reversible-Contraception?IsMobileSet=false>.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ New York City Council, “New York City Young Women’s Initiative: Report and Recommendations” (May 2016), available at <https://www.ggenyc.org/wp-content/uploads/2018/11/YWI-Report-and-Recommendations.pdf>.

¹⁹ *Supra* note 15 at 10.

²⁰ *Id.* at 33.

²¹ *Id.* at 39.

²² *Id.*

pocket.²³ Funding was used to cover applicable LARC service fees or to purchase LARCs, using the Title X Family Planning Program, the 340B Drug Pricing Program, and any other cost-saving programs available.²⁴

Currently, DOHMH maintains several health clinics centered on patient sexual health, immunization, and Tuberculosis (TB) services.²⁵ The Department's eight sexual health clinics provide low- to no-cost services for sexually transmitted infections (STIs), and accept all types of insurance, including:

- Medicare Part B
- Fee-for-Service Medicaid
- Medicaid Managed Care
- Affinity Health Plan
- AmeriChoice
- Amerigroup
- EmblemHealth (GHI/HIP)
- Healthfirst
- HealthPlus Amerigroup
- MetroPlus.²⁶

Additionally, if an interested party has no health insurance or cannot pay the fee, they may still receive health services through these clinics.²⁷ Currently, due to the COVID-19 pandemic, these sexual health clinics are only serving patients at a reduced capacity, as sites are being utilized for COVID testing.²⁸

b. Breastfeeding

In 2018, the City Council passed Local Law 185, which requires employers covered by the Human Rights Law to provide lactation rooms, as well as refrigerators, in reasonable proximity to work areas for the purposes of expressing and storing breast milk,²⁹ and Local Law 186, which requires employers in the City to establish, and distribute to all new employees, policies describing lactation room accommodations, including the process by which an employee can request such accommodation.³⁰ Additionally, Local Law 186 requires the NYC Commission on Human Rights to establish and make available a model lactation room accommodation policy.³¹

These laws, which went into effect in March 2019, expand the rights of working mothers in the workplace.³² This includes acknowledgement of workplace barriers to expressing breast milk, including allowing for milk expression in the work schedule, accommodations to express and store milk, and workplace support.³³ While efforts to improve breastfeeding practices are often stymied by a lack of information, cultural and family traditions, and stigmatization of women in public places and at the workplace, studies consistently show that breast milk is generally safe, clean and includes antibodies,³⁴ and that breastfed children are more likely to survive and thrive.³⁵ Moreover, breastmilk substitutes constitute a \$70 billion industry dominated by a few

²³ *Id.* at 109.

²⁴ *Id.*

²⁵ "NYC Health Clinics," DOHMH, available at <https://www1.nyc.gov/site/doh/services/allclinics.page>.

²⁶ "Sexual Health Clinics," DOHMH, available at <https://www1.nyc.gov/site/doh/services/sexual-health-clinics.page>.

²⁷ *Id.*

²⁸ *Id.*

²⁹ 2018 N.Y.C. Local Law No. 185, N.Y.C. Admin. Code §§17-199.1

³⁰ 2018 N.Y.C. Local Law No. 186, N.Y.C. Admin. Code §§8-107.

³¹ *Id.*

³² NYC Commission on Human Rights, Law: "Lactation Accommodations" (n.d.), available at <https://www1.nyc.gov/site/cchr/law/lactation.page>.

³³ 2018 N.Y.C. Local Law No. 185, N.Y.C. Admin. Code §§17-199.1; 2018 N.Y.C. Local Law No. 186, N.Y.C. Admin. Code §§8-107.

³⁴ Nigel C. Rollins, et al., "Why invest, and what it will take to improve breastfeeding practices?" *The Lancet* (Jan. 20, 2016), available at [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(15\)01044-2/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(15)01044-2/fulltext).

³⁵ United Nations, Office of the High Commissioner: *Joint statement by the UN Special Rapporteurs on the Right to Food, Right to Health, the Working Group on Discrimination against Women in law and in practice, and the Committee on the Rights of the Child in support of increased efforts to promote, support and protect breast-feeding*, News (n.d.), available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20871&LangID=E>.

American and European companies, and increasing breastfeeding rates for infants younger than six months of age to 90 percent in the U.S. could save the American healthcare systems at least \$2.45 billion.³⁶

According to DOHMH, breastfeeding rates differ by race/ethnicity, poverty, neighborhood poverty and age in NYC.³⁷ As such, the City has been working to promote breastfeeding through several initiatives, including a Baby Café in Brownsville, Brooklyn, to provide spaces for pregnant and breastfeeding mothers to meet other parents and to learn from lactation consultants on staff, the compilation of an online accessible breastfeeding toolkit for businesses, as well as a list of breastfeeding-friendly spaces throughout the five boroughs.³⁸ Improving access helps to normalize breastfeeding, which is beneficial for both mother and baby.³⁹

c. Unnecessary and Harmful Medical Procedures: Preventing Surgeries on Intersex Youth

People who are intersex are born with sex characteristics that do not fit typical binary notions of male or female bodies.⁴⁰ Intersex is an umbrella term used to describe a wide range of natural bodily variations, including variations concerning one's genitals, gonads, and chromosome patterns.⁴¹ Intersex traits can be visible at birth, become apparent at puberty, or may not be physically apparent at all.⁴² According to estimates listed by the United Nations, between 0.05 percent and 1.7 percent of the population is born with intersex traits.⁴³

Children born with variations in their sex characteristics are often subjected to "normalizing" surgeries that are irreversible, risky, and medically unnecessary.⁴⁴ Such procedures can cause permanent infertility, pain, incontinence, loss of sexual sensation, and lifelong mental suffering, including depression.⁴⁵ The surgeries are often performed when the child is too young to consent.⁴⁶ Despite their risks and lack of medical necessity, surgeries continue today, including in New York City.⁴⁷ There is much advocacy around promoting education and awareness of the harms of such surgeries, resulting in more medical professionals and institutions condemning the practice, as well as cities and states attempting to outlaw the surgeries outright.⁴⁸

³⁶ Andrew Jacobs, "Opposition to Breast-Feeding Resolution by U.S. Stuns World Health Officials" *New York Times* (Jul. 8, 2018), available at <https://www.nytimes.com/2018/07/08/health/world-health-breastfeeding-ecuador-trump.html>.

³⁷ NYC Department of Health and Mental Hygiene, *Epi Data Brief* (Aug. 2015), available at <https://www1.nyc.gov/assets/doh/downloads/pdf/epi/databrief57.pdf>.

³⁸ NYC Department of Health and Mental Hygiene, *Health Department Recognizes Breastfeeding-Friendly Spaces in Brooklyn, Launches Breastfeeding Toolkit and Baby Cafes*, *News* (Aug. 23, 2018), available at <https://www1.nyc.gov/site/doh/about/press/pr2018/pr069-18.page>.

³⁹ United Nations, Office of the High Commissioner: *Joint statement by the UN Special Rapporteurs on the Right to Food, Right to Health, the Working Group on Discrimination against Women in law and in practice, and the Committee on the Rights of the Child in support of increased efforts to promote, support and protect breast-feeding*, *News* (n.d.), available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20871&LangID=E>.

⁴⁰ Fact Sheet Intersex, Free & Equal, The United Nations for LGBT Equality, available at <https://www.unfe.org/wp-content/uploads/2017/05/UNFE-Intersex.pdf>

⁴¹ *Id.* Kaiser Family Foundation (Nov. 21, 2018), available at <https://www.kff.org/womens-health-policy/issue-brief/proposed-changes-to-title-x-implications-for-women-and-family-planning-providers/>.

⁴² *Id.* Kaiser Family Foundation (Nov. 21, 2018), available at <https://www.kff.org/womens-health-policy/issue-brief/proposed-changes-to-title-x-implications-for-women-and-family-planning-providers/>.

⁴³ *Id.* Laurie Sobel, et al., "Proposed Changes to Title X: Implications for Women and Family Planning Providers" Kaiser Family Foundation (Nov. 21, 2018), available at <https://www.kff.org/womens-health-policy/issue-brief/proposed-changes-to-title-x-implications-for-women-and-family-planning-providers/>.

⁴⁴ *Intersex Children*, Human Rights Watch, available at <https://www.hrw.org/topic/childrens-rights/intersex-children#> New York Abortion Access Fund, *About* (n.d.), available at <https://www.nyaaf.org/about/>.

⁴⁵ Fact Sheet Intersex, Free & Equal, The United Nations for LGBT Equality, available at <https://www.unfe.org/wp-content/uploads/2017/05/UNFE-Intersex.pdf>

⁴⁶ Human Rights Watch, "I Want to Be Like Nature Made Me": *Medically Unnecessary Surgeries on Intersex Children in the US*, available at <https://www.hrw.org/report/2017/07/25/i-want-be-nature-made-me/medically-unnecessary-surgeries-intersex-children-us>

⁴⁷ Carrie Battan, *Leading Cornell Doctor Performing Genital Cutting*, *The Nation*, June 21, 2020, available at <https://www.thenation.com/article/archive/leading-cornell-doctor-performing-genital-cutting/> & Jael Goldfine, *Intersex Activists Marched in NYC to #EndIntersexSurgery*, *Paper*, October 29, 2018, available at <https://www.papermag.com/end-intersex-surgery-2616342004.html?rebelltitem=20#rebelltitem20>

⁴⁸ Nora Neus, *Bill proposed by NY state senator would ban medically unnecessary surgeries on intersex children*, *CNN*, November 8, 2019, available at <https://www.cnn.com/2019/11/08/health/ny-bill-bans-intersex-surgery-children/index.html>; Muri Assunção, *Chicago hospital apologizes for performing genital surgery on intersex infants: 'Approach was harmful and wrong'*, *The NY Daily News*, August 1, 2020, available at <https://www.nydailynews.com/news/national/ny-chicago-hospital-apologizes-genital-surgery-intersex-infants-20200801-ixm75peugfh2jolunx5exfztmu-story.html>; & Shefali Luthra, *Boston Children's Hospital will no longer perform two types of intersex surgery on children*, *the 19th*, October 21, 2020, available at <https://19thnews.org/2020/10/boston-childrens-hospital-will-no>

d. Female Genital Cutting

Female Genital Cutting (FGC), also known as Female Genital Mutilation, is defined by the WHO as “all procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons.”⁴⁹ FGC is a historical and cultural practice performed in over 30 countries, including in the United States.⁵⁰ FGC is practiced in households across educational and socioeconomic divides, and occurs among many religious groups⁵¹ for various sociocultural reasons, varying from one region and ethnic group to another.⁵² While FGC is condemned as a human rights violation by many international treaties and conventions,⁵³ where it is practiced, FGC is often performed in line with social norms “to ensure that girls are socially accepted and marriageable, and to uphold their status and honor and that of the entire family.”⁵⁴ Other historical reasons and purposes expressed for the practice, beyond safeguarding virginity before marriage or enhancing fertility, range from cleanliness and beauty to acting as a rite of passage into adulthood.⁵⁵

However, FGC has no known health benefits, and women and girls who have undergone FGC procedures are at great risk of suffering both short- and long-term health complications, including increased risks during childbirth, psychological trauma, and even death.⁵⁶ Further, the painful and traumatic procedure is performed mainly on children and adolescents between the ages of infancy and 15 and without anesthetic.⁵⁷ It is therefore also frequently performed without full, informed consent, with or without coercion.⁵⁸ Accordingly, FGC has been widely recognized as a violation of basic human rights, including the principles of equality and non-discrimination on the basis of sex, the right to life when the procedure results in death, and the right to freedom from torture or cruel, inhumane or degrading treatment or punishment, as well as the rights of the child.⁵⁹

[longer-perform-two-types-of-intersex-surgery-on-children/?utm_source=STAT+Newsletters&utm_campaign=2304913877-MR_COPY_01&utm_medium=email&utm_term=0_8cab1d7961-2304913877-151778981](https://www.who.int/news-room/fact-sheets/detail/female-genital-mutilation)

⁴⁹ WHO, *Female Genital Mutilation: Key Facts* (Jan. 31, 2018), available at <http://www.who.int/news-room/fact-sheets/detail/female-genital-mutilation>.

⁵⁰ Note: The United Nations Children Fund reports that FGC is found in countries beyond those listed in many guides and the 29 that the United Nations covers, and the total worldwide number is unknown. United Nations Children’s Fund (hereinafter UNICEF), *Female Genital Mutilation/Cutting: A Statistical Overview and Exploration of the Dynamics of Change* (2013), available at <https://data.unicef.org/resources/female-genital-mutilationcutting-statistical-overview-exploration-dynamics-change/>; WHO, *Supra* note 49; See Owolabi Bjälkander, Donald S. Grant, Vanja Berggren, Heli Bathija & Lars Almroth, *Female Genital Mutilation in Sierra Leone: Forms, Reliability of Reported Status, and Accuracy of Related Demographic and Health Survey Questions*, 2013(1) OBSTETRICS AND GYN INTL 1–14 (2013), available at <https://www.hindawi.com/journals/ogi/2013/680926/>.

⁵¹ Population Reference Bureau (hereinafter PRB), *Female Genital Mutilation/Cutting: Data and Trends Update 2014 – Infographic* (2014), available at <https://www.prb.org/infographic-fgm/>.

⁵² WHO, *Care of Girls & Women Living with Female Genital Mutilation: A Clinical Handbook* (2018), 16-7, available at <http://apps.who.int/iris/bitstream/handle/10665/272429/9789241513913-eng.pdf?ua=1>.

⁵³ See, e.g., Human Rights Watch, *They Took Me and Told Me Nothing: Female Genital Mutilation in Iraqi Kurdistan* (2010), 1, 8, available at <https://www.lawschool.cornell.edu/womenandjustice/upload/They-Took-Me-and-Told-Me-Nothing.pdf> (describing several international treaties, including a Convention of the Elimination of All Forms of Discrimination, or CEDAW, Committee decision in 1990 calling on all states to eradicate FGC).

⁵⁴ UNICEF, *Female Genital Mutilation/Cutting: A Statistical Overview and Exploration of the Dynamics of Change* (2013), available at <https://data.unicef.org/resources/female-genital-mutilationcutting-statistical-overview-exploration-dynamics-change/>; WHO, *Reproductive Health Indicators for Global Monitoring, WHO Second Interagency Meeting*, Geneva, Switz., 20-23 (July 17-19, 2000), available at http://whqlibdoc.who.int/hq/2001/WHO_RHR_01.19.pdf.

⁵⁵ WHO, *Reproductive Health Indicators for Global Monitoring, WHO Second Interagency Meeting*, Geneva, Switz., 20-23 (July 17-19, 2000), available at http://whqlibdoc.who.int/hq/2001/WHO_RHR_01.19.pdf.

⁵⁶ WHO, *Reproductive Health Indicators for Global Monitoring, WHO Second Interagency Meeting*, Geneva, Switz., 20-23 (July 17-19, 2000), available at http://whqlibdoc.who.int/hq/2001/WHO_RHR_01.19.pdf.

⁵⁷ B.D. Williams-Breault, *Eradicating Female Genital Mutilation/Cutting: Human Rights-Based Approaches of Legislation, Education, and Community Empowerment*, HEALTH AND HUMAN RIGHTS JOURNAL (Aug. 2018), available at https://www.hhrjournal.org/2018/08/eradicating-female-genital-mutilation-cutting-human-rights-based-approaches-of-legislation-education-and-community-empowerment/#_edn49; Equality Now, *End FGM* (n.d.), available at https://www.equalitynow.org/end_fgm?locale=en.

⁵⁸ B.D. Williams-Breault, *Eradicating Female Genital Mutilation/Cutting: Human Rights-Based Approaches of Legislation, Education, and Community Empowerment*, HEALTH AND HUMAN RIGHTS JOURNAL (Aug. 2018), available at https://www.hhrjournal.org/2018/08/eradicating-female-genital-mutilation-cutting-human-rights-based-approaches-of-legislation-education-and-community-empowerment/#_edn49.

⁵⁹ B.D. Williams-Breault, *Eradicating Female Genital Mutilation/Cutting: Human Rights-Based Approaches of Legislation, Education, and Community Empowerment*, HEALTH AND HUMAN RIGHTS JOURNAL (Aug. 2018), available at https://www.hhrjournal.org/2018/08/eradicating-female-genital-mutilation-cutting-human-rights-based-approaches-of-legislation-education-and-community-empowerment/#_edn49.

It is estimated that over 200 million women and girls worldwide have experienced FGC.⁶⁰ According to the United Nations Population Fund (UNFPA), if the current rate continues, a further 68 million girls could be subjected to FGC by 2030.⁶¹ In the U.S., the risk for FGC is especially high in areas with substantial ties to countries where FGC is legal or frequently practiced.⁶² According to the Population Reference Bureau (PRB), a nonprofit organization specializing in statistical collection and supply, approximately ten percent of the at-risk women and girls in the U.S. (or 48,000) live in New York, which is second only to California.⁶³ Additionally, most women and girls at risk of FGC in this country reside in cities or suburbs of large metropolitan areas, and the New York-Newark-Jersey City Metro Area ranks first among all metropolitan areas in the country, with an estimated 65,893 women and girls at risk of FGC.⁶⁴

e. Access to Abortion

While New York was the first state in the country to make abortion legal in 1971, if a pregnant woman requested it,⁶⁵ it was not until the New York state legislature passed and Governor Cuomo signed the Reproductive Health Act (RHA)⁶⁶ into law in 2019 that the full protections provided under *Roe v. Wade*⁶⁷ were codified into New York state law.⁶⁸ The RHA did not enact any major changes in the way abortion is provided in New York, but it is significant in that it brought New York into line with *Roe v. Wade* by:

- Removing abortion from the state Penal Code,⁶⁹
- Legalizing abortions performed after 24-weeks' gestation in cases of fetal non-viability or threat to a woman's health;⁷⁰
- Expanding upon those who can provide abortions to include health-care professionals other than doctors, such as nurse practitioners and physician assistants;⁷¹ and

⁶⁰ The United Nations Population Fund (hereinafter UNFPA), *Female Genital Mutilation (FGM) - Frequently Asked Questions* (Feb. 2018), available at <https://www.unfpa.org/resources/female-genital-mutilation-fgm-frequently-asked-questions>.

⁶¹ UNFPA, *UNFPA-UNICEF Joint Programme to Eliminate Female Genital Mutilation* (Feb. 6, 2018), available at <https://www.unfpa.org/unfpa-unicef-joint-programme-eliminate-female-genital-mutilation>.

⁶² Samantha Allen, *New York Cracks Down on Female Genital Mutilation*, THE DAILY BEAST (Dec. 2, 2015), available at <https://www.thedailybeast.com/new-york-cracks-down-on-female-genital-mutilation?ref=scroll>.

⁶³ PRB, *Female Genital Mutilation/Cutting: Data and Trends Update 2014 – Infographic* (2014), available at <https://www.prb.org/infographic-fgm/>.

⁶⁴ Note: When considering New Jersey, 13 percent of all women and girls at risk of FGC live in the NYC metropolitan area, see PRB, *Female Genital Mutilation/Cutting: Data and Trends Update 2014 – Infographic* (2014), available at <https://www.prb.org/infographic-fgm/>; Samantha Allen, *New York Cracks Down on Female Genital Mutilation*, THE DAILY BEAST (Dec. 2, 2015), available at <https://www.thedailybeast.com/new-york-cracks-down-on-female-genital-mutilation?ref=scroll>.

⁶⁵ See Julia Jacobs, “Remembering an Era Before Roe, When New York Had the ‘Most Liberal’ Abortion Law” *New York Times* (Jul. 19, 2018), available at <https://www.nytimes.com/2018/07/19/us/politics/new-york-abortion-roe-wade-nyt.html>

⁶⁶ Formerly Assembly Bill 1748 / Senate Bill 2796. New York State Senate, *Reproductive Health Act* (last visited Jan. 27, 2020), available at <https://www.nysenate.gov/issues/reproductive-health-act>.

⁶⁷ In 1973, the U.S. Supreme Court case *Roe v. Wade* ruled that the Constitution of the United States protects a pregnant woman's liberty to choose to have an abortion without excessive government restriction. See *Roe v. Wade*, 410 U.S. 113 (1973).

⁶⁸ See American Civil Liberties Union of New York, “Legislative Memo: Reproductive Health Act” (Jan. 23, 2019), available at <https://www.nyclu.org/en/legislation/legislative-memo-reproductive-health-act>.

⁶⁹ New York Senate, *Reproductive Health Act* (last visited Jan. 27, 2020), available at <https://www.nysenate.gov/issues/reproductive-health-act>; See Christina Cauterucci, *New York State Still Bans Abortions After 24 Weeks. A Proposed Law Could Offer Exceptions*, SLATE (May 25, 2017), available at <https://slate.com/human-interest/2017/05/new-york-state-still-bans-abortions-after-24-weeks-a-proposed-law-could-offer-exceptions.html>.

⁷⁰ Or, an “Act to amend the public health law, in relation to enacting the reproductive health act and revising existing provisions of law regarding abortion; to amend the penal law, the criminal procedure law, the county law and the judiciary law, in relation to abortion; to repeal certain provisions of the public health law relating to abortion; to repeal certain provisions of the education law relating to the sale of contraceptives; and to repeal certain provisions of the penal law relating to abortion.” See New York State Senator Liz Krueger, *Senate Bill S2796* (2017-2018), available at <https://www.nysenate.gov/legislation/bills/2017/S2796>; New York State Panel Law (last visited Jan. 27, 2020), available at <http://ypdcrime.com/penal.law/article125.htm#p125.05>.

⁷¹ New York State Senator Liz Krueger, *Senate Bill S2796* (2017-2018), available at <https://www.nysenate.gov/legislation/bills/2017/S2796>.

- Repealing Public Health Law § 4164,⁷² which required an abortion after the 12th week of pregnancy be performed in a hospital and only on an in-patient basis, and repealing Penal Law §§ 125.40, 125.45, 125.50, 125.55 and 125.60, related to homicide, self-abortion, and related offenses.⁷³

It is estimated that nearly one in four women in the U.S. will have an abortion in their lifetimes.⁷⁴ In an age where the cost of unintended pregnancies continues to be high, and can be prevented through proper sex education, access to contraception and abortion,⁷⁵ and surgical abortion is one of the safest surgical procedures for women in the U.S.,⁷⁶ the RHA provides enhanced protections for women and ensures access to safe, legal abortion in New York.⁷⁷

f. Title X

Title X, officially known as Public Law 91-572 or “Population Research and Voluntary Family Planning Programs,” is the sole federal program dedicated to family planning services.⁷⁸ Title X was created to promote positive birth outcomes and healthy families by allowing individuals to decide the number and spacing of their children, and provides funds assist low-income patients with accessing services such as contraceptive counseling and testing for sexually transmitted infections.⁷⁹ Title X has recently undergone substantial changes, the effects of which are still being ascertained.

On June 1, 2018, the Trump Administration issued a proposed rule change for the federal Title X family planning program that would make significant changes to the program and to the types of providers that qualify for funding.⁸⁰ A final Title X Rule was issued by the Department of Health and Human Services (HHS) on February 22, 2019 and finalized on March 4, 2019.⁸¹ The current regulation has five major provisions: (1)

⁷² Public Health Law § 4164, available at <https://codes.findlaw.com/ny/public-health-law/pbh-sect-4164.html>.

⁷³ See New York Penal Law § 125.05, § 125.20, § 125.40-60.

⁷⁴ Rebecca Wind, *Abortion is a Common Experience for U.S. Women, Despite Dramatic Declines in Rates*, GUTTMACHER INSTITUTE (Oct. 19, 2017), available at <https://www.guttmacher.org/news-release/2017/abortion-common-experience-us-women-despite-dramatic-declines-rates>.

⁷⁵ See James Trussell, “The Cost of Unintended Pregnancy in the United States” (3)75 *Contraception*, 163, 163 (2007), available at <https://doi.org/10.1016/j.contraception.2006.11.009>.

⁷⁶ The National Academies of Science, Engineering and Medicine, *The Safety and Quality of Abortion Care*

in the United States (Mat. 2018), available at <http://nationalacademies.org/hmd/reports/2018/the-safety-and-quality-of-abortion-care-in-the-united-states.aspx>; Guttmacher Institute; Tracy Weitz et al., *Safety of Aspiration Abortion Performed by Nurse Practitioners, Certified Nurse Midwives, and Physician Assistants under a California Legal Waiver*, 103(3) *AMERICAN JOURNAL OF PUBLIC HEALTH* 454–461 (2013).

⁷⁷ See ACLU of New York, *What You Need to Know about the Reproductive Health Act* (last visited October 26, 2020), available at <https://www.nyclu.org/en/campaigns/what-you-need-know-about-reproductive-health-act>; New York State Senator Liz Krueger, *FAQs about the Reproductive Health Act* (Feb. 12, 2019), available at <https://www.nysenate.gov/newsroom/articles/2019/liz-krueger/faqs-about-reproductive-health-act>.

⁷⁸ See New York Penal Law § 125.05, § 125.20, § 125.40-60.

⁷⁹ *Id.*

⁸⁰ U.S. Federal Register, *Compliance With Statutory Program Integrity Requirements, A Proposed Rule by the Health and Human Services Department: “Compliance With Statutory Program Integrity Requirements”* (Jun. 1, 2018), available at <https://www.federalregister.gov/documents/2018/06/01/2018-11673/compliance-with-statutory-program-integrity-requirements>.

⁸¹ U.S. Department of Health & Human Services, Office of Population Affairs, *Title X Statutes, Regulations, and Legislative Mandates* (n.d.), available at <https://opa.hhs.gov/grant-programs/title-x-service-grants/title-x-statutes-regulations-and-legislative-mandates>.

service;⁸² (2) training;⁸³ (3) research;⁸⁴ (4) information and education;⁸⁵ and (5) the prohibition of abortion.⁸⁶ While the Administration highlights that non-directive pregnancy counseling, including non-directive counseling on abortion, is permitted under the rule,⁸⁷ reproductive health advocates have expressed concerns about restrictions to health providers that receive federal Title X funds under the regulations and the “domestic gag rule” created by the rule’s provision on abortion.⁸⁸ Advocates explain that in addition to restricting abortion access, the regulations:

- Block the availability of federal funds to family planning providers like Planned Parenthood that also offer abortion services;⁸⁹
- Curtail counseling and referrals to abortion services by Title X funded providers;⁹⁰
- Eliminate current requirements that Title X sites offer a broad range of medically approved family planning methods and non-directive pregnancy options counseling that includes information about prenatal care/delivery, adoption, and abortion;⁹¹ and

⁸² See section 1001, U.S. Department of Health & Human Services, Office of Population Affairs, Title X Statutes, Regulations, and Legislative Mandates (n.d.), available at <https://opa.hhs.gov/grant-programs/title-x-service-grants/title-x-statutes-regulations-and-legislative-mandates> (explaining that, “grants under Section 1001 assist in the establishment and operation of voluntary family planning projects which provide a broad range of acceptable and effective family planning methods and related preventive health services that include natural family planning methods, infertility services, and services for adolescents; highly effective contraceptive methods; breast and cervical cancer screening and prevention services that correspond with nationally recognized standards of care; STD and HIV prevention education, counseling, testing, and referral; adolescent abstinence counseling; and other preventive health services. The broad range of services does not include abortion as a method of family planning.”).

⁸³ See section 1003, U.S. Department of Health & Human Services, Office of Population Affairs, Title X Statutes, Regulations, and Legislative Mandates (n.d.), available at <https://opa.hhs.gov/grant-programs/title-x-service-grants/title-x-statutes-regulations-and-legislative-mandates> (explaining that, “grants under Section 1003 provide training for personnel working in family planning services projects described under Section 1001. The purpose of this training is to promote and improve the delivery of family planning services. Read more about the National Training Centers.”).

⁸⁴ See section 1004, U.S. Department of Health & Human Services, Office of Population Affairs, Title X Statutes, Regulations, and Legislative Mandates (n.d.), available at <https://opa.hhs.gov/grant-programs/title-x-service-grants/title-x-statutes-regulations-and-legislative-mandates> (explaining that, “grants and contracts under Section 1004 provide for projects for research in the biomedical, contraceptive development, behavioral, and program implementation fields related to family planning and population. Projects under this Section conduct data analysis and related research and evaluation on issues of interest to the family planning field, as well as research into specific topic areas related to service delivery improvement. Research on male reproductive health has been a focus of applied research activities since 1997. All research activities funded under Section 1004 support ensuring and improving the quality of family planning services. Read more about Title X Service Delivery Improvement activities.”).

⁸⁵ See Section 1005, U.S. Department of Health & Human Services, Office of Population Affairs, Title X Statutes, Regulations, and Legislative Mandates (n.d.), available at <https://opa.hhs.gov/grant-programs/title-x-service-grants/title-x-statutes-regulations-and-legislative-mandates> (explaining that, “grants and contracts under Section 1005 provide for the development and dissemination of informational and educational materials including the OPA website and the Title X family planning clinic locator database.”).

⁸⁶ See Section 1008; U.S. Department of Health & Human Services, Office of Population Affairs, Title X Statutes, Regulations, and Legislative Mandates (n.d.), available at <https://opa.hhs.gov/grant-programs/title-x-service-grants/title-x-statutes-regulations-and-legislative-mandates> (explaining that, “none of the funds appropriated under this title shall be used in programs where abortion is a method of family planning.”); U.S. Department of Health & Human Services, HHS Press Office “HHS Releases Final Title X Rule Detailing Family Planning Grant Program (Feb. 22, 2019), available at <https://www.hhs.gov/about/news/2019/02/22/hhs-releases-final-title-x-rule-detailing-family-planning-grant-program.html>; Note: Cuts to Title X eligibility also affects 340B funding, which allows health centers to negotiate significantly better drug pricing.

⁸⁷ U.S. Department of Health & Human Services, HHS Press Office “HHS Releases Final Title X Rule Detailing Family Planning Grant Program (Feb. 22, 2019), available at <https://www.hhs.gov/about/news/2019/02/22/hhs-releases-final-title-x-rule-detailing-family-planning-grant-program.html>.

⁸⁸ See U.S. Department of Health & Human Services, Office of Population Affairs, *Title X Service Grants* (n.d.), available at <https://opa.hhs.gov/grant-programs/title-x-service-grants>; Office of NYC Comptroller Scott M. Stringer, *Title X Funding in NYC: A Critical Resource That Must Be Protected* (Aug. 2017), available at https://comptroller.nyc.gov/wp-content/uploads/documents/Title_X_Funding_in_NYC.pdf; Public Law 91-572 (Dec. 25, 1970).

⁸⁹ Note: Sites that do not offer abortion services may still qualify for Title X funds, but may decide not to participate because of concerns about clinical standards of care, medical liability, and burdensome administrative requirements. See Laurie Sobel, et al., “Proposed Changes to Title X: Implications for Women and Family Planning Providers” Kaiser Family Foundation (Nov. 21, 2018), available at <https://www.kff.org/womens-health-policy/issue-brief/proposed-changes-to-title-x-implications-for-women-and-family-planning-providers/>.

⁹⁰ Laurie Sobel, et al., “Proposed Changes to Title X: Implications for Women and Family Planning Providers” Kaiser Family Foundation (Nov. 21, 2018), available at <https://www.kff.org/womens-health-policy/issue-brief/proposed-changes-to-title-x-implications-for-women-and-family-planning-providers/>.

⁹¹ *Id.*

- Direct new funds to faith-based and other organizations that promote fertility awareness and abstinence as methods of family planning.⁹²

When the Federal government implemented the “gag rule” that would have undermined the integrity of family planning programs in August 2019, at least six states,⁹³ including New York,⁹⁴ and a number of organizations, such as Planned Parenthood and Public Health Solutions,⁹⁵ who receive funding through Title X, formally withdrew from the Title X program.⁹⁶ To help make up for the \$25 million per year in Title X grants that the two grantees of Title X in New York, Public Health Solutions (PHS) and the New York State Department of Health (NYSDOH), were no longer receiving,⁹⁷ and ensure that New Yorkers continued to have access to sexual and reproductive health services, New York State included \$14.2 million in funding for such services in the Fiscal 2021 State Budget.⁹⁸ However, funding gaps remain, and advocates have expressed concern that limiting providers has major repercussions for low-income women across the country that rely on them for their family planning care.⁹⁹

IV. BILL ANALYSIS

Int. No. 1748-A

This bill would require DOHMH to conduct a public information and outreach campaign regarding the provision of medically unnecessary treatments and interventions performed on individuals born with intersex traits or variations in sex characteristics. As part of this campaign, DOHMH would create and distribute educational materials and resources for parents and guardians of individuals born with intersex traits or variations in sex characteristics, for medical practitioners, and for community partners. The department would consult with individuals and organizations with expertise in intersex traits or variations in sex characteristics, including individuals who are intersex or have variations in sex characteristics, in the development of such public information and outreach campaign.

Since its initial hearing, the bill expanded to include all individuals born with intersex traits or variations in sex characteristics, rather than just focusing on infants. Additionally, DOHMH is now required to consult with experts in developing its campaign.

⁹² *Id.*

⁹³ Carter Sherman, *6 States Are Now Rejecting Federal Money Because of Trump's Abortion 'Gag Rule,'* VICE NEWS (Aug. 30, 2019), available at <https://www.vice.com/en/article/ne8n8b/6-states-are-now-rejecting-federal-money-because-of-trumps-abortion-gag-rule>.

⁹⁴ Andy Babusik, *New York State Says "No" to Trump's "Gag Rule" for Title X Funding,* FOX (Aug. 28, 2019), available at <http://www.wicz.com/story/40976715/new-york-state-says-no-to-trumps-gag-rule-for-title-x-funding>.

⁹⁵ See, e.g., Sarah MacCammon, *Planned Parenthood Withdraws From Title X Program Over Trump Abortion Rule,* NPR (Aug. 19, 2019), available at <https://www.npr.org/2019/08/19/752438119/planned-parenthood-out-of-title-x-over-trump-rule>; Public Health Solutions, *Statement from PHS President and CEO, Lisa M. David Rejecting Title X Funding* (Aug. 2, 2019), available at <https://www.healthsolutions.org/blog/statement-from-phs-president-ceo-lisa-m-david-rejecting-title-x-funding/>.

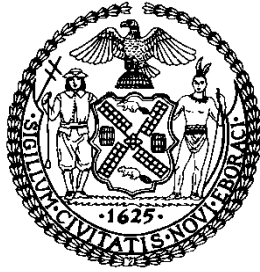
⁹⁶ See Jennifer Calfas, *States Look to Fill Funding Gaps for Clinics Providing Abortions,* WALL STREET JOURNAL (Feb. 14, 2020), available at <https://www.wsj.com/articles/states-look-to-fill-funding-gaps-for-clinics-providing-abortions-11581718953>.

⁹⁷ PHS sub-grantees included organizations like Community Health Network (CHN) and Planned Parenthood of New York (PPNY), while 11 hospitals in NYC receive funding through NYSDOH. Together, NYSDOH and PHS.

⁹⁸ New York State, *Making Progress Happen: FY 2021 Executive Budget* (2020), available at <https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/FY2021BudgetBook.pdf>.

⁹⁹ Ruth Dawson, *Trump Administration's Domestic Gag Rule Has Slashed the Title X Network's Capacity by Half* (Feb. 5, 2020), available at <https://www.gutmacher.org/article/2020/02/trump-administrations-domestic-gag-rule-has-slashed-title-x-networks-capacity-half#>; Judith M. Orvos, *Impact of Title X changes on family planning access for Texas teens,* Contemporary OB/GYN (Mar. 5, 2020), available at <https://www.contemporaryobgyn.net/view/impact-title-x-changes-family-planning-access-texas-teens>; Laurie Sobel, et al., *Proposed Changes to Title X: Implications for Women and Family Planning Providers* Kaiser Family Foundation (Sep. 20, 2019), available at <https://www.kff.org/womens-health-policy/issue-brief/data-note-impact-of-new-title-x-regulations-on-network-participation/>.

(The following is the text of the Fiscal Impact Statement for Int. No. 1748-A)



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

PROPOSED INTRO. NO: 1748-A

COMMITTEE: Health

TITLE: A local law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to conduct a public information and outreach campaign regarding medically unnecessary treatments or interventions on individuals born with intersex traits or variations in sex characteristics.

SPONSORS: Council Members Dromm, Rivera, Van Bramer, Ayala, Louis, Rosenthal, Menchaca, Kallos, Chin, Powers, Holden and Levine.

SUMMARY OF LEGISLATION: Proposed Intro. No. 1748-A would require the Department of Health and Mental Hygiene (DOHMH) to conduct a public information and outreach campaign regarding the provision of medically unnecessary treatments and interventions performed on individuals born with intersex traits or variations in sex characteristics. As part of the campaign, DOHMH would create informational materials and resources that may be distributed parents and guardians of individuals born with intersex traits—that is, a person born with reproductive or sexual anatomy that does not fit the typical definitions of male or female. DOHMH would consult with individuals and organizations with expertise in intersex traits or variations in sex characteristics, including individuals who are intersex or have variations in sex characteristics, in the development of such public information and outreach campaign.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2022

FISCAL IMPACT STATEMENT:

	Effective FY21	FY Succeeding Effective FY22	Full Fiscal Impact FY22
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is anticipated that the proposed legislation would have no impact on revenues.

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of Intro No. 1748-A. DOHMH estimates the legislation would cost \$75,000 to produce and distribute new materials to comply with the requirements of this legislation, but the agency has sufficient resources to cover the cost of expense.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Lauren Hunt, Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on October 17, 2019 and was referred to the Committee on Health. A hearing was held by the Committee on Health, jointly with the Committee on Women and Gender Equity on October 28, 2020, and the bill was laid over. The legislation was amended, and the amended version, Proposed Intro. No. 1748-A, will be considered on April 22, 2021. Upon successful vote by the Committee on Health, Proposed Intro. No. 1748-A will be submitted to the full Council for a vote on April 22, 2021.

DATE PREPARED: April 16, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1748-A:)

Int. No. 1748-A

By Council Members Dromm, Rivera, Van Bramer, Ayala, Louis, Rosenthal, Menchaca, Kallos, Chin, Powers, Holden, Levine and Adams.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to conduct a public information and outreach campaign regarding medically unnecessary treatments or interventions on individuals born with intersex traits or variations in sex characteristics

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 17-199.16 to read as follows:

§ 17-199.16 Public information and outreach campaign on medically unnecessary treatments on individuals born with intersex traits or variations in sex characteristics. a. Definitions. For the purposes of this local law, the following terms have the following meanings:

Intersex traits or variations in sex characteristics. The term “intersex traits or variations in sex characteristics” means the umbrella term for differences in reproductive or sex anatomy that may appear in an individual’s chromosomes, genitals, secondary sex characteristics, or internal organs such as testes or ovaries, and may be identified at birth, or may not be discovered until puberty or later in life.

Medically unnecessary. The term “medically unnecessary” means a treatment or intervention on the sex characteristics of an individual born with intersex traits or variations in sex characteristics that may be safely deferred until that individual can provide informed consent. For purposes of this section, psychological factors do not constitute medical necessity for a treatment or intervention on the sex characteristics of an individual born with intersex traits or variations in sex characteristics until and unless the individual has themselves identified psychological factors as relevant to decision-making.

b. The department shall conduct a public information and outreach campaign designed to address the provision of medically unnecessary treatments and interventions performed on individuals born with intersex traits or variations in sex characteristics. Such outreach shall at a minimum include (i) creating educational

materials for parents and guardians of individuals born with intersex traits or variations in sex characteristics; (ii) creating resources for medical practitioners; (iii) identifying community outreach partners, stakeholders and opportunities; and (iv) distributing materials and resources. The department shall consult with individuals and organizations with expertise in intersex traits or variations in sex characteristics, including individuals who are intersex or have variations in sex characteristics, in the development of such public information and outreach campaign. The department shall begin implementation of such public information and outreach campaign within one year of the effective date of this section.

§ 2. This local law takes effect immediately.

MARK D. LEVINE, *Chairperson*; MATHIEU EUGENE; INEZ D. BARRON ALICKA AMPRY-SAMUEL, ROBERT F. HOLDEN, KEITH POWERS, DARMA V. DIAZ, SELVENA N. BROOKS-POWERS; Committee on Health, April 22, 2021 (Remote Hearing).

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

Report for the Committee on Parks and Recreation

Report for Int. No. 1988-A

Report of the Committee on Parks and Recreation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to prohibiting vehicles on boardwalks.

The Committee on Parks and Recreation to which the annexed proposed amended local law was referred on June 25, 2020 (Minutes, page 1189), respectfully

REPORTS:

INTRODUCTION

On April 21, 2021, the Committee on Parks and Recreation, chaired by Council Member Peter Koo, held a hearing to vote Int. No. 1888-A, sponsored by Council Member Treyger, in relation to prohibiting vehicles on boardwalks and Int. No. 1959-A, sponsored by Council Member Rodriguez, in relation to the establishment of the office of sports, wellness and recreation. At this hearing, the Committee voted 14 in favor, 0 opposed and 0 abstentions on the bills. Int. No. 1888-A was originally heard at a hearing held on April 12, 2021, during which the Committee received testimony from the Department of Parks and Recreation (DPR), advocates and other interested parties. More information about this bill, along with the materials for that hearing, can be accessed [here](#). Int. No. 1959-A was originally heard at a hearing held on February 22, 2021, during which the Committee received testimony from the Department of Parks and Recreation (DPR), advocates and other interested parties. More information about this bill, along with the materials for that hearing, can be accessed [here](#).

LEGISLATION

Below is a brief summary of the legislation being considered today by this Committee. This summary is intended for informational purposes only and does not substitute for legal counsel. For more detailed information, you should review the full text of the bill, which is attached below.

Int. No. 1888-A, A Local Law to amend the administrative code of the city of New York, in relation to prohibiting vehicles on boardwalks

Int. No. 1888-A would prohibit all non-City owned or non-authorized motor vehicles from being used on City elevated boardwalks. It would also require that authorized city employees or contractors only use small utility vehicles under 2,400 pounds for activities on wooden boardwalks unless larger vehicles are necessary for construction, maintenance or public safety needs. Unauthorized persons who operate a motor vehicle on an elevated boardwalk would be subject to a misdemeanor punishable by up to 90 days imprisonment or a \$1,000 fine or both, and be subject to a civil penalty between \$500 and \$1,000.

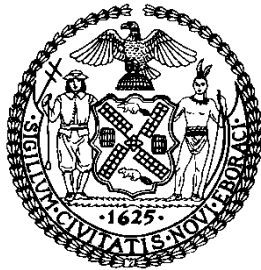
This local law would take effect immediately.

Int. No. 1959-A, A Local Law to amend the New York city charter, in relation to the establishment of the office of sports, wellness and recreation

Int. No. 1959-A would require the Mayor to establish an Office of Sports, Wellness and Recreation. The Office would be charged with the authority to promote and enhance sports-related opportunities for youth and to promote the role of sports in education. It would also be responsible for recommending ways to promote and organize youth sports events, identifying barriers to the growth and development of extracurricular and school-based youth sports programs, recommending ways to expand athletic and recreational opportunities for youth, particularly for those from under-resourced communities, collecting demographic data from public and private entities operating youth sports programs, and furthering the City's commitment to health, wellness, and social development through extracurricular and school-based sports and recreation programs. Affiliated within the Office, there would be a 17 member Advisory Board chosen from the public, private and non-profit sectors, as well as from higher education institutions and sports institutions located in the city, to advise the director of the Office in furthering its mission. The Office would regularly consult with various City agencies in performing its duties and would submit an annual report to the Mayor and Council on its activities and recommendations.

This local law would take effect 90 days after it becomes law.

The following is the text of the Fiscal Impact Statement for Int. No. 1888-A:)



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

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INT. NO: 1888-A

COMMITTEE: Parks and Recreation

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to prohibiting vehicles on boardwalks.

SPONSOR(S): By Council Member Treyger.

SUMMARY OF LEGISLATION: Proposed Intro. No. 1888-A would prohibit all non-City owned or non-authorized motor vehicles from being used on City elevated boardwalks. It would also require that authorized City

employees or contractors only use small utility vehicles under 2,400 pounds for activities on wooden boardwalk unless larger vehicles are necessary for construction, maintenance or public safety needs. Unauthorized persons who operate a motor vehicle on an elevated boardwalk would be subject to a misdemeanor punishable by up to 90 days imprisonment or a \$1,000 fine, or both, and a civil penalty between \$500 and \$1,000.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2022.

FISCAL IMPACT STATEMENT:

	Effective FY21	FY Succeeding Effective FY22	Full Fiscal Impact FY22
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: Because full compliance with this local law is anticipated, it is estimated that there would be no impact on revenues as a result of this legislation.

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because the agencies responsible for compliance with this local law would use existing resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Monika Bujak Legislative Financial Analyst

ESTIMATE REVIEWED BY: Chima Obichere, Unit Head
Nathan Toth, Deputy Director
Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on February 11, 2020 as Intro. No. 1888 and was referred to the Committee on Parks and Recreation (the Committee). A hearing was held by the Committee on April 12, 2021 and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 1888-A, will be considered by the Committee on April 21, 2021. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on April 22, 2021.

DATE PREPARED: April 20, 2021.

Accordingly, this Committee recommends the adoption of Int. Nos. 1888-A and 1959-A.

(The following is the text of Int. No. 1888-A:)

Int. No. 1888-A

By Council Members Treyger, Gennaro, Koo and Brooks-Powers.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting vehicles on boardwalks

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-108.2 to read as follows:

§ 18-108.2 Vehicles prohibited on boardwalks. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Authorized person. The term “authorized person” means an employee or contractor of the city engaged in the performance of such person’s assigned duties.

Elevated boardwalk. The term “elevated boardwalk” means a footpath, walkway or causeway built above sand or marshy ground along a beach or waterfront.

Motor vehicle. The term “motor vehicle” means a vehicle designed to be operated or driven upon a public highway which is propelled by any power other than muscular power or a utility vehicle, except motor vehicle shall not mean an electrically-driven mobility device operated or driven by a person with a disability.

Utility vehicle. The term “utility vehicle” means a vehicle that is propelled by any power other than muscular power and is designed to perform maintenance work and carry small loads of equipment.

b. No person other than an authorized person may operate a motor vehicle on an elevated boardwalk under the jurisdiction of the commissioner.

c. Authorized persons shall only use utility vehicles that weigh under 2400 pounds and carry no more than six people when operating a motor vehicle on a principally wooden elevated boardwalk, except that authorized persons may use other motor vehicles if necessary to provide public safety, maintenance or construction services.

d. Any person who violates subdivision b of this section shall be guilty of a misdemeanor punishable by not more than 90 days imprisonment or by a fine of not more than \$1,000 or by both such fine and imprisonment. Such person shall also be liable for a civil penalty of not less than \$500 nor more than \$1,000.

§ 2. This local law takes effect immediately.

PETER A. KOO, Chairperson; JAMES G. VAN BRAMER MARK D. LEVINE, JUSTIN L. BRANNAN, MARK GJONAJ, FRANCISCO P. MOYA, CARLINA RIVERA, ROBERT HOLDEN, DARMA V. DIAZ, KEVIN C. RILEY, JAMES F. GENNARO, SELVENA N. BROOKS-POWERS, ERIC A. ULRICH, JOSEPH C. BORELLI; Committee on Parks and Recreation, April 22, 2021 (Remote Hearing).

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

Report for Int. No. 1959-A

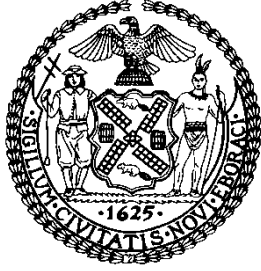
Report of the Committee on Parks and Recreation in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to the establishment of the office of sports, wellness and recreation.

The Committee on Parks and Recreation to which the annexed proposed amended local law was referred on May 28, 2020 (Minutes, page 1020), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Parks and Recreation for Int. No. 1888-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1959-A:



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

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INT. NO: 1959-A

COMMITTEE: Parks and Recreation

TITLE: A Local Law to amend the New York city charter, in relation to the establishment of the office of sports, wellness and recreation.

SPONSOR(S): By Council Member Rodriguez, the Speaker (Council Member Johnson), (in conjunction with the Manhattan and Brooklyn Borough Presidents), the Public Advocate (Mr. Williams), and Council Member Ampry-Samuel.

SUMMARY OF LEGISLATION: This bill would require the Mayor to establish an Office of Sports, Wellness and Recreation. The Office would be charged with the authority to promote and enhance sports-related opportunities for youth and to promote the role of sports in education. It would also be responsible for recommending ways to promote and organize youth sports events, identifying barriers to the growth and development of extracurricular and school-based youth sports programs, recommending ways to expand athletic and recreational opportunities for youth, particularly for those from under-resourced communities, collecting demographic data from public and private entities operating youth sports programs, and furthering the City's commitment to health, wellness, and social development through extracurricular and school-based sports and recreation programs. Affiliated within the Office, there would be an Advisory Board chosen from the public, private and non-profit sectors, as well as from higher education institutions and sports institutions located in the City to advise the director of the Office in furthering its mission. The Office would regularly consult with various City agencies in performing its duties and would submit an annual report advising to the Mayor and Council on its activities and recommendations.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

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

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Monika Bujak Legislative Financial Analyst

ESTIMATE REVIEWED BY: Chima Obichere, Unit Head
Nathan Toth, Deputy Director
Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on May 28, 2020 as Intro. No. 1959 and was referred to the Committee on Parks and Recreation (the Committee). A hearing was held by the Committee on February 22, 2021 and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 1959-A, will be considered by the Committee on April 21, 2021. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on April 22, 2021.

DATE PREPARED: April 20, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1959-A:)

Int. No. 1959-A

By Council Member Rodriguez, (in conjunction with the Manhattan and Brooklyn Borough Presidents), the Public Advocate (Mr. Williams) and Council Members Ampry-Samuel, Gennaro, Koo and Louis.

A Local Law to amend the New York city charter, in relation to the establishment of the office of sports, wellness and recreation

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 20-1 to read as follows:

§ 20-1 *Office of sports, wellness and recreation. a. Definitions. For the purposes of this section, the term "youth" means a person under the age of 18 years old.*

b. The mayor shall establish an office of sports, wellness and recreation. Such office shall be established as a separate office and not within another agency or office. Such office shall be headed by a director of sports, wellness and recreation, who shall be appointed by the mayor.

c. There shall be established an advisory board, which shall be composed of 17 members as follows:

- 1. Five members appointed by the mayor;*
- 2. Five members appointed by the speaker of the council;*
- 3. One member appointed by the public advocate;*
- 4. One member appointed by the comptroller; and*
- 5. One member appointed by each borough president.*

d. Members of such advisory board should be chosen from the public, private and non-profit sectors, as well as from higher education institutions and sports institutions located in the city. All initial appointments required by subdivision c of this section shall be made no later than 45 days after the effective date of this local law. Any vacancy on such advisory board shall be filled in the manner of original appointment.

e. The advisory board may make recommendations to the director of sports, wellness and recreation on matters relating to the activities and operations of the office.

f. Powers and duties. The director of sports, wellness and recreation shall have the power to:

- 1. Strategize and submit recommendations to enhance and promote competitive sports among all New York city youth by providing need-based access to quality competitive sport training with the goal of developing high-performance in sports;*

2. *Make recommendations for organizing and attracting youth sports tournaments, events, and other sporting activities, including the expansion of city-sponsored tournaments and events for and youth;*
 3. *Identify barriers to the growth and development of extracurricular and school-based youth sports, recreation and competitive sports programs;*
 4. *Collect demographic and social investment data, to the extent available, from all institutions whether public, private, non-profit, higher education or any other educational institution running sports programs in New York city. Such data shall be anonymized and include information of racial, ethnic, sex, gender identity, disability, level of education, income and residency of participants of such sports programs, as well as data that includes information on which programs are offered to participants free of charge or at a cost, and the level of financial support or aid that is offered for programs that are not free of charge;*
 5. *Maximize the use of anonymized demographic data to promote sports-related opportunities to youth who have had limited access to participating and achieving success in organized sports and recreation due to their sex, gender identity, disability or residency in under-resourced communities;*
 6. *Determine availability of potential resources for entities involved with organized and youth sports and recreation, with a particular focus on outdoor and indoor fields, courts and facilities;*
 7. *Recommend ways to expand opportunities for youth, particularly for those from under-resourced communities, transitioning from informal recreational sporting activities to organized high school athletic programs, and from organized high school athletic programs to college athletic programs;*
 8. *Identify training resources for coaches seeking positions with organizations sponsoring extracurricular and school-based sports and recreation programs;*
 9. *Recommend ways to further the city's commitment to health, wellness, and social development through extracurricular and school-based sports and recreation programs;*
 10. *Expand adaptive sports and inclusive recreation opportunities for youth with disabilities;*
 11. *Research, and where appropriate engage in, private and public partnership opportunities to support extracurricular and school-based sports, competitive sports programs, and recreation programs;*
 12. *Identify and recommend sources of public and private funding that can provide additional resources to community based organizations that operate competitive sports programs in the city;*
 13. *Identify how large sports institutions in the private sector, sports community based organizations, philanthropic foundations and higher education institutions can contribute to the development of competitive youth sports in the city; and*
 14. *Perform such other relevant duties as the mayor may assign or that the office identifies as a result of its work.*
- g. In performing the duties of the office, the director shall regularly consult with the commissioner of parks and recreation, or their designee; the commissioner of health and mental hygiene, or their designee; the director of the mayor's office for people with disabilities, as established pursuant to executive order number 17 of 1990, as amended, or its successor office or agency, or their designee; the commissioner of youth and community development, or their designee; the chancellor of the city school district, or their designee; and any other agency or office the director deems necessary to further the duties of the office.*
- h. The office shall annually submit no later than January 31 to the mayor and speaker of the council a report on its findings and recommendations and shall post such report on a website established by such office.*
- § 2. This local law takes effect 90 days after it becomes law.

PETER A. KOO, Chairperson; JAMES G. VAN BRAMER MARK D. LEVINE, JUSTIN L. BRANNAN, MARK GJONAJ, FRANCISCO P. MOYA, CARLINA RIVERA, ROBERT HOLDEN, DARMA V. DIAZ, KEVIN C. RILEY, JAMES F. GENNARO, SELVENA N. BROOKS-POWERS, ERIC A. ULRICH, JOSEPH C. BORELLI; Committee on Parks and Recreation, April 22, 2021 (Remote Hearing).

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

Report of the Committee on Rules, Privileges and Elections

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. 1608

Report of the Committee on Rules, Privileges and Elections in favor of approving a Resolution adding a rule to the Rules of the Council in relation to collective bargaining.

The Committee on Rules, Privileges and Elections, to which the annexed preconsidered resolution was referred on April 22, 2021 and which same resolution was coupled with the resolution shown below, respectfully

REPORTS:

Title: Resolution adding a rule to the Rules of the Council in relation to collective bargaining.

ANALYSIS: Before the Committee, for its consideration, is a proposed addition 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 vote of the Council body at the next Stated meeting. The Rules Committee proposes to recommend a new rule related to collective bargaining at the next Stated meeting.

BACKGROUND:

In the fall of 2019, the Council was notified of an effort by an association of Council employees to unionize employees of the Council. The employees called themselves the "Association of Legislative Employees" or "ALE."

Subsequently, ALE pursued unionization efforts of two Central Staff titles in the Council's Finance Division, Senior Legislative Financial Analysts and Legislative Financial Analysts and the non-Central Staff title of Council Member Aides. In January 2020, ALE requested that the Council voluntarily recognize these titles as bargaining units.

On December 7, 2020, the Council, through the City's Office of Collective Bargaining, filed a Notice of Voluntary Recognition notifying the Board of Certification of the City's Office of Collective Bargaining that the Council "recognizes the Association of Legislative Employees as the exclusive collective bargaining representative to represent employees in the Legislative Financial Analyst and Senior Legislative Financial Analyst Titles, and respectfully requests that a certification be issued as soon as practicable."

On January 4, 2021, the City's Office of Collective Bargaining certified the Council's recognition of ALE as the bargaining representative of the two Finance Division titles effective on that date.

ALE next presented the Council with a letter dated February 18, 2021 signed by at least 29 Council Members urging the Council to authorize the Speaker to voluntarily recognize the title of Council Member Aides as a bargaining unit. The Speaker had previously voiced his public support of this effort.

The Rule being considered today would specify (and eliminate any doubt as to) the Speaker's authority to voluntarily recognize the title of Council Member Aides as well as the Speaker's authority over all other matters related to collective bargaining.

Chapter II of the Rules of the Council

The Resolution would amend Chapter II of the Rules of the Council entitled "Speaker: and Other Officers," by adding a new Rule, 2.90 as detailed below.

Rule 2.90 would provide that all matters related to collective bargaining, including recognition, negotiation, administration and enforcement of collective bargaining agreements and/or any other agreements the Council may reach with unions or employee organizations representing Council employees are within the jurisdiction of the Speaker.

The rule would take effect immediately.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1608:)

Preconsidered Res. No. 1608

Resolution adding a rule to the Rules of the Council in relation to collective bargaining.

By Council Members Koslowitz and Kallos.

Section 1. The Rules of the Council are amended by adding a new rule, 2.90 to read as follows:

2.90. Collective Bargaining. All collective bargaining matters including recognition, negotiation, administration and enforcement of collective bargaining agreements and/or other agreements the Council may reach with unions or employee organizations representing council employees shall be within the jurisdiction of the Speaker.

§2. This rule shall take effect immediately.

KAREN KOSLOWITZ, *Chairperson*; MARGARET S. CHIN, DEBORAH L. ROSE, MARK TREYGER, PAUL A. VALLONE, ADRIENNE E. ADAMS, KEITH POWERS, THE SPEAKER (COUNCIL MEMBER COREY D. JOHNSON); Committee on Rules, Privileges and Elections, April 22, 2021 (Remote Hearing).

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

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

Report for Res. No. 1609

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

The Committee on Rules, Privileges and Elections, to which the annexed preconsidered resolution was referred on April 22, 2021, respectfully

REPORTS:

PRECONSIDERED RES. NO. 1609: By Council Member Karen Koslowitz

SUBJECT: Preconsidered resolution amending Rule 7.00 of the Rules of the Council in relation to changes in membership and chairmanships of the Standing Committees of the Council.

ANALYSIS: Before the Committee, for its consideration, are proposed changes to the membership and chairmanships 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") pursuant to Rules 7.00(a) and 7.70(a), followed by a majority vote of all Council Members pursuant to Rules 7.00(a) and 10.20.

See attached for the changes to membership.

(For the related Standing Committees of the Council listing as of April 22, 2021 following the adoption of the resolution below, please refer to the attachments section of [the Res. No. 1609 of 2021 legislative file](https://council.nyc.gov) found on the New York City Council website at <https://council.nyc.gov>)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1609:)

Preconsidered Res. No. 1609

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

STANDING COMMITTEES**Aging**Dinowitz**Civil Service and Labor**

[Dromm]

Dinowitz**Consumer Affairs and Business Licensing**Dinowitz**Education**

[Ulrich]

[Levine]

DinowitzFeliz**Environmental Protection**Gennaro, Chair**Finance**Feliz**Fire and Emergency Management**Levine**General Welfare**Feliz**Health**Feliz**Immigration**Feliz**Land Use**Feliz**Mental Health, Disabilities and Addiction**Dinowitz**Oversight and Investigations**Dinowitz**Parks and Recreation**Dinowitz**Public Housing**Feliz

Sanitation and Solid Waste ManagementFeliz**Small Business**Dinowitz**State and Federal Legislation**Ulrich**Youth Services**Feliz

KAREN KOSLOWITZ, *Chairperson*; MARGARET S. CHIN, DEBORAH L. ROSE, MARK TREYGER, PAUL A. VALLONE, ADRIENNE E. ADAMS, KEITH POWERS, THE MINORITY LEADER (STEVEN MATTEO), THE SPEAKER (COUNCIL MEMBER COREY D. JOHNSON); Committee on Rules, Privileges and Elections, April 22, 2021 (Remote Hearing).

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

GENERAL ORDERS CALENDAR

Report for L.U. No. 733 & Res. No. 1614

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 200029 ZMK (737 Fourth Avenue Rezoning) submitted by 737 Fourth Avenue, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16d, changing from an M1-1D District to an R8A District, establishing within the proposed R8A District a C2-4 District, and establishing a Special Enhanced Commercial District (EC-1), Borough of Brooklyn, Community District 7, Council District 38.

The Committee on Land Use, to which the annexed Land Use item was referred on February 25, 2021 (Minutes, page 458) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on March 25, 2021 (Minutes, page 639), respectfully

REPORTS:

SUBJECT

BROOKLYN CB-7 - TWO APPLICATIONS RELATED TO 737 FOURTH AVENUE REZONING

C 200029 ZMK (Pre. L.U. No. 733)

City Planning Commission decision approving an application submitted by 737 Fourth Avenue, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16d:

1. changing from an M1-1D District to an R8A District property bounded by 24th Street, a line 100 feet southeasterly of 4th Avenue, 25th Street, and 4th Avenue;
2. establishing within the proposed R8A District a C2-4 District bounded by 24th Street, a line 100 feet southeasterly of 4th Avenue, 25th Street, and 4th Avenue;
3. establishing a Special Enhanced Commercial District (EC-1) bounded by 24th Street, a line 100 feet southeasterly of 4th Avenue, 25th Street, and 4th Avenue;

as shown on a diagram (for illustrative purposes only) dated September 14, 2020, and subject to the conditions of CEQR Declaration E-575.

N 200030 ZRK (Pre. L.U. No. 734)

City Planning Commission decision approving an application submitted by 737 Fourth Avenue, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, extending the boundary of Special Enhanced Commercial District 1 in Article XIII, Chapter 2 (Special Enhanced Commercial District), and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing Area, Borough of Brooklyn, Community District 7.

INTENT

To approve an amendment to rezone the Project Area (Block 652, Lots 1 and 7) from M1-1D to R8A/C2-4 and extend the Special Enhanced Commercial District (EC-1) and amend zoning text to establish the Project Area as a Mandatory Inclusionary Housing (“MIH”) area and by including the Project Area within the Special Enhanced Commercial District (EC-1) to facilitate a mixed-use development containing 142 dwelling units, of which approximately 35 would be designated permanently affordable under Option 1 of the Mandatory Inclusionary Housing (MIH) Program, and approximately 8,600 square feet of commercial floor area on the ground floor, at 737 Fourth Avenue in the Sunset Park neighborhood of Community District 7, Brooklyn.

PUBLIC HEARING

DATE: February 23, 2021

Witnesses in Favor: Thirty-four

Witnesses Against: Five

SUBCOMMITTEE RECOMMENDATION

DATE: March 16, 2021

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on L.U. No. 733 and approve with modifications the decision of the City Planning Commission on L.U. No. 734.

In Favor:

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

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: March 23, 2021

The Committee recommends that the Council approve the attached resolutions.

In Favor:

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

Against:

None.

Abstain:

None.

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The City Planning Commission filed a letter dated April 5, 2021, with the Council on April 8, 2021, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 1614

Resolution approving the decision of the City Planning Commission on ULURP No. C 200029 ZMK, a Zoning Map amendment (Preconsidered L.U. No. 733).

By Council Members Salamanca and Moya.

WHEREAS, 737 Fourth Avenue, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16d, changing from an M1-1D District to an R8A District, establishing within the proposed R8A District a C2-4 District, and establishing a Special Enhanced Commercial District (EC-1), which in conjunction with the related action would facilitate a mixed-use development containing 142 dwelling units, of which approximately 35 would be designated permanently affordable under Option 1 of the Mandatory Inclusionary Housing (MIH) Program, and approximately 8,600 square feet of commercial floor area on the ground floor, at 737 Fourth Avenue in the Sunset Park neighborhood of Community District 7, Brooklyn (ULURP No. C 200029 ZMK), (the "Application");

WHEREAS, the City Planning Commission filed with the Council on February 19, 2021, its decision dated February 3, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to application N 200030 ZRK (Pre. L.U. No. 734), a zoning text amendment to designate an MIH area with Options 1 and 2, and to include the Project Area within the EC-1 District;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on February 23, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued August 17th, 2020 (CEQR No. 19DCP127K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-575) (the "Negative Declaration").

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-575) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 200029 ZMK,

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

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 16d:

1. changing from an M1-1D District to an R8A District property bounded by 24th Street, a line 100 feet southeasterly of 4th Avenue, 25th Street, and 4th Avenue;
2. establishing within the proposed R8A District a C2-4 District bounded by 24th Street, a line 100 feet southeasterly of 4th Avenue, 25th Street, and 4th Avenue;
3. establishing a Special Enhanced Commercial District (EC-1) bounded by 24th Street, a line 100 feet southeasterly of 4th Avenue, 25th Street, and 4th Avenue;

as shown on a diagram (for illustrative purposes only) dated September 14, 2020, and subject to the conditions of the CEQR Declaration E-575, Borough of Brooklyn, Community District 7.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, JOSEPH C. BORELLI; Committee on Land Use, March 23, 2021 (Remote Hearing). *Other Council Members Attending: Council Members Menchaca, Brooks-Powers and Van Bramer.*

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

Report for L.U. No. 734 & Res. No. 1615

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 200030 ZRK (737 Fourth Avenue Rezoning) submitted by 737 Fourth Avenue, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, extending the boundary of Special Enhanced Commercial District 1 in Article XIII, Chapter 2 (Special Enhanced Commercial District), and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 7, Council District 38.

The Committee on Land Use, to which the annexed Land Use item was referred on February 25, 2021 (Minutes, page 459) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on March 25, 2021 (Minutes, page 641), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 733 & Res. No. 1614 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 1615

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 200030 ZRK, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 734).

By Council Members Salamanca and Moya.

WHEREAS, 737 Fourth Avenue, LLC, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, extending the boundary of Special Enhanced Commercial District 1 in Article XIII, Chapter 2 (Special Enhanced Commercial District), and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing Area, which in conjunction with the related action would facilitate the construction of a mixed-use building containing a total of approximately 142 residential dwelling units and 8,600 square feet of ground floor commercial space at 737 Fourth Avenue in the Sunset Park neighborhood of Brooklyn, Community District 7, (ULURP No. N 200030 ZRK), (the "Application");

WHEREAS, the City Planning Commission filed with the Council on February 19, 2021, its decision dated February 3, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to application C 200029 ZMK (Pre. L.U. No. 733), a zoning map amendment to change an M1-1D zoning district to an R8A/C2-4 zoning district;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on February 23, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued August 17th, 2020 (CEQR No. 19DCP127K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-575) (the "Negative Declaration").

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-575) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 200030 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter underlined is new, to be added;

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

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

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

Matter within # # is defined in Section 12-10;
*** indicates where unchanged text appears in the Zoning Resolution.

ARTICLE XIII
Special Purpose Districts

* * *

Chapter 2
Special Enhanced Commercial District

* * *

132-11
Special Enhanced Commercial Districts Specified

The #Special Enhanced Commercial District# is mapped in the following areas:

- (a) #Special Enhanced Commercial District# 1

The #Special Enhanced Commercial District# 1 (EC-1) is established on November 29, 2011, on the following #designated commercial streets# as indicated on #zoning maps# 16c and 16d:

- (1) Fourth Avenue, in the Borough of Brooklyn, generally between ~~24th~~ 25th Street and Atlantic Avenue.

* * *

APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

BROOKLYN

* * *

Brooklyn Community District 7

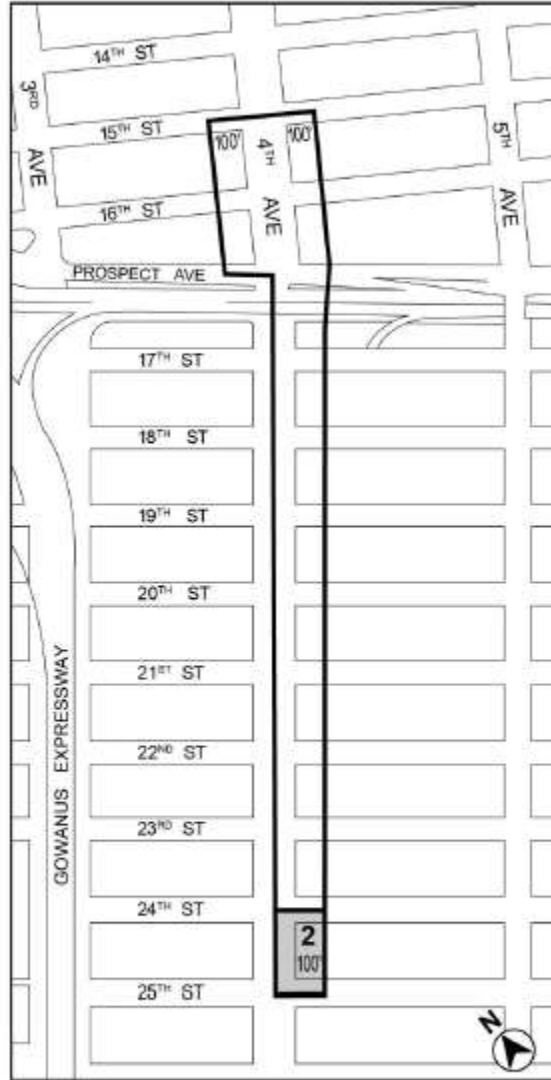
Map 1 – [date of adoption]

[EXISTING MAP]



[PROPOSED MAP]

Map 1 – [Date of adoption]



- Inclusionary Housing designated area
- Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3)
Area 2 – [date of adoption] MIH Program Option 1 and Option 2

Portion of Community District 7, Brooklyn

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, JOSEPH C. BORELLI; Committee on Land Use, March 23, 2021 (Remote Hearing). *Other Council Members Attending: Council Members Menchaca, Brooks-Powers and Van Bramer.*

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 1524-A - | Use of pesticides by city agencies. |
| (2) | Int 1673-A - | City agency food waste prevention plans. |
| (3) | Int 1675-B - | Distribution of information regarding summer meals. |
| (4) | Int 1680-A - | Requirements regarding the production, processing, distribution and consumption of food in the city. |
| (5) | Int 1748-A - | Department of Health and Mental Hygiene to conduct a public information and outreach campaign regarding medically unnecessary treatments or interventions. |
| (6) | Int 1888-A - | Prohibiting vehicles on boardwalks. |
| (7) | Int 1959-A - | Establishment of the Office of Sports, Wellness and Recreation. |
| (8) | Res 1603 - | New designation and changes in the designation of certain organizations to receive funding in the Expense Budget (Transparency Resolution). |
| (9) | Res 1604 - | Amendment to the District Plan of the Queens Plaza/Court Square Business Improvement District that provides for a change in the method of assessment. |
| (10) | Res 1605 - | Amendment to the District Plan of the Flatbush Avenue Business Improvement District that authorizes additional services for the district and changes the method of assessment. |
| (11) | Res 1608 - | Adding a rule to the Rules of the Council in relation to collective bargaining . |
| (12) | Res 1609 - | Amending Rule 7.00 of the Rules of the Council in relation to changes in membership of the Standing Committees and Subcommittees of the Council. |

- (13) **L.U. 733 & Res 1614 - App. C 200029 ZMK (737 Fourth Avenue Rezoning)** Borough of Brooklyn, Community District 7, Council District 38.
- (14) **L.U. 734 & Res 1615 - App. N 200030 ZRK (737 Fourth Avenue Rezoning)** Borough of Brooklyn, Community District 7, Council District 38.
- (15) **L.U. 755 & Res 1612 - Clermont Area, Block 1961, Lot 27; Brooklyn, Community District No. 2, Council District 35.**
- (16) **L.U. 756 & Res 1613 - Astoria Towers, Block 1704, Lots 12 and 172; Queens, Community District No. 3, Council District 21.**

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, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **49**.

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

The following was the vote recorded for **Int. No. 1748-A:**

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Moya, Perkins, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **45**.

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

Abstention – Miller and Yeger - **2**.

The following was the vote recorded for **Int. No. 1959-A**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **46**

Negative –Borelli, Yeger, and the Minority Leader (Council Member Matteo) - **3**.

The following was the vote recorded for **Preconsidered Res. No. 1603**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **48**.

Abstention – Lander – **1**.

The following was the vote recorded for **Preconsidered Res. No. 1608**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **47**.

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

The following was the vote recorded for **L.U. No. 733 & Res. No. 1614 and L.U. No. 734 & Res. No. 1615**:

Affirmative – Adams, Ampry-Samuel, Ayala, Borelli, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **48**.

Abstention – Barron – **1**.

*The following Introductions were sent to the Mayor for his consideration and approval:
Int. Nos. 1524-A, 1673-A, 1675-B, 1680-A, 1748-A, 1888-A, and 1959-A.*

RESOLUTIONS

presented for voice-vote

The following are the respective Committee Reports for each of the Resolutions referred to the Council for a voice-vote pursuant to Rule 8.50 of the Council:

Report for voice-vote item Res. No. 1372

Report of the Committee on Public Safety in favor of approving a Resolution calling upon the United States Congress to pass, and the President to sign, H.R. 1280, the George Floyd Justice in Policing Act of 2021.

The Committee on Public Safety, to which the annexed resolution was referred on July 28, 2020 (Minutes, page 1386), respectfully

REPORTS:

I. INTRODUCTION

On April 22, 2021, the Committee on Public Safety, chaired by Council Member Adrienne Adams, will hold a hearing on Reso. No. 1372-2020, in resolution calling upon the U.S. Congress and the President to sign H.R. 7120/S. 3912, otherwise known as the George Floyd Justice in Policing Act of 2020.

II. BACKGROUND

On July 17, 2014, Staten Island resident Eric Garner was killed after an interaction with NYPD Officer Daniel Pantaleo related to an arrest for selling untaxed cigarettes. During this interaction, Officer Pantaleo used what is commonly known as a “chokehold” on Mr. Garner, and a video of Pantaleo using this “chokehold” filmed by a bystander, while Mr. Garner repeatedly stated “I can’t breathe,” was widely distributed in mainstream and social media.¹ A Staten Island Grand Jury declined to indict officer Pantaleo for any criminal charges.² Over five years after Mr. Garner’s death, Officer Pantaleo was fired by the New York Police Department.³

On May 25 2020, in Minneapolis, Minnesota, George Floyd was killed by a Minneapolis police officer who knelt on his back and neck while he was face down on the ground for over 8 minutes while he repeatedly told them he could not breathe.⁴ The four officers on scene, who were arresting Mr. Floyd in relation to a counterfeit \$20 bill⁵, were fired the day after the incident.⁶ The officer responsible for kneeling on Mr. Floyd’s neck, Derek Chauvin, was charged with second-degree murder, third-degree murder, second-degree manslaughter, and convicted on all counts on April 20, 2021,⁷ while the other three are charged with aiding in Mr. Floyd’s death.⁸

¹ E.g., Mark Morales, David Shortell and Holly Yan, “Chants of ‘I can’t breathe!’ erupt as the officer in the Eric Garner case won’t face federal charges,” CNN, July 19, 2019, available at <https://www.cnn.com/2019/07/17/us/eric-garner-no-federal-charges-against-officer-reaction/index.html>

² “Grand Jury Declines to Indict NYPD Officer in Eric Garner Chokehold Death,” NBC, December 3, 2014, available at: <https://www.nbcnewyork.com/news/local/grand-jury-decision-eric-garner-staten-island-chokehold-death-nypd/1427980/>

³ “Daniel Pantaleo, Officer Who Held Eric Garner in Chokehold, Is Fired,” NYTimes, August 19, 2019, available at: <https://www.nytimes.com/2019/08/19/nyregion/daniel-pantaleo-fired.html>

⁴ “8 Minutes and 46 Seconds: How George Floyd Was Killed in Police Custody,” NYTimes, May 31, 2020, available at: <https://www.nytimes.com/2020/05/31/us/george-floyd-investigation.html>

⁵ “What Happened in the Chaotic Moments Before Heorge Floyd Died,” NYTimes, May 29, 2020, available at: <https://www.nytimes.com/2020/05/29/us/derek-chauvin-george-floyd-worked-together.html>

⁶ “‘I Can’t Breathe’: 4 Minneapolis Officers Fired After Black Man Dies in Custody,” NYTimes, May 26, 2020, available at: <https://www.nytimes.com/2020/05/26/us/minneapolis-police-man-died.html>

⁷ “Derek Chauvin Trial: Chauvin Found Guilty of Murdering George Floyd,” NYTimes, April 20, 2021, available at: <https://www.nytimes.com/live/2021/04/20/us/derek-chauvin-verdict-george-floyd>

⁸ “New Charges for Former Minneapolis Police Officers as Protests Persist,” NYTimes, June 3, 2020, available at: <https://www.nytimes.com/2020/06/03/us/george-floyd-officers-charged.html>

These incidents, as well as many others, and a history of tension between police departments and communities of color, prompted widespread protests across the country and in New York City over the summer of 2020.⁹ This popular unrest has raised questions regarding the regulation of the conduct of police officers.¹⁰ One issue that has risen to the forefront of public discourse and consciousness is qualified immunity, a doctrine created by courts that shields public officials who are performing discretionary functions from civil liability.¹¹

III. ANALYSIS

On June 6, 2020 California Representative Karen Bass and New Jersey Senator Cory Booker introduced H.R. 7120 and S. 3912 to the U.S. House of Representatives and the Senate.¹² The bill's purpose is to "enhance public safety, ensure police accountability, and repair frayed police-community relations."¹³ Among the bill's numerous provisions, of particular note is the elimination of qualified immunity for federal, state and local law enforcement officers, a broadening of the Department of Justice's ability to investigate both individual officers and law enforcement offices, the creation of a national law enforcement misconduct registry, a ban on the use of chokeholds and no-knock warrants in drug cases, regulations regarding the sale of military-grade equipment to local law enforcement agencies, and easing the restrictions against prosecuting law enforcement officers for misconduct.¹⁴ On March 3, 2021 the House passed H.R. 7120 by a vote of 220 to 212.¹⁵ S. 3912 has not yet been voted on by the Senate.

This sweeping overhaul of the federal government's relationship to policing incorporates numerous reforms that the Council has passed over the past year. Int. 2220,¹⁶ passed by the Council on March 25, 2021, created a local right of action for excessive force without qualified immunity for local law enforcement officers. Similarly, on June 8, 2020 the Council passed Local Law 66 of 2020,¹⁷ which made it a crime for officers to restrain an individual by sitting, kneeling or standing on their back or chest or by restricting their ability to inhale.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1372:)

Res. No. 1372

Resolution calling upon the United States Congress to pass, and the President to sign, H.R. 1280, the George Floyd Justice in Policing Act of 2021.

By Council Members Cumbo, Chin, Louis, Rivera, Reynoso, D. Diaz, Miller, Adams, Van Bramer, Ayala, Brooks-Powers, Cornegy, Gibson, Lander, Menchaca, Barron, Rose, Moya, Salamanca, Rodriguez, Ampry-Samuel, Rosenthal, Perkins, Koslowitz and Riley.

⁹ "Why the Killing of George Floyd Sparked an American Uprising," *Time*, June 4, 2020, available at:

<https://time.com/5847967/george-floyd-protests-trump/>

¹⁰ Congressional Research Service, *Policing the Police: Qualified Immunity and Considerations for Congress*, CONGRESSIONAL RESEARCH SERVICE (June 25, 2020), at 1, available at <https://crsreports.congress.gov/product/pdf/LSB/LSB10492>.

¹¹ *See id.*

¹² H.R. 7120 and S. 3912, available at: <https://www.congress.gov/bill/116th-congress/house-bill/7120>

¹³ "George Floyd Justice in Policing Act of 2020" Committee Report, pages 37-38, available at:

<https://www.congress.gov/116/crpt/hrpt434/CRPT-116hrpt434.pdf>

¹⁴ *Id.*

¹⁵ "The House passes a policing overhaul bill named for George Floyd, whose death spurred nationwide protests," Nicholas Fandos, Catie Edmondson and Karen Zraick, *NYTimes*, March 4, 2021 available at: <https://www.nytimes.com/2021/03/04/us/george-floyd-act.html>

¹⁶ Int. 2220-2021, available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4771043&GUID=32ED0C83-7506-45F9-81AA-F5144FCA193A&Options=&Search=>

¹⁷ Int. 536-B, available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3343958&GUID=B782804F-680A-4156-9E64-8BF88CF7BBD8>

Whereas, H.R. 1280, the George Floyd Justice in Policing Act of 2021, sponsored by Representative Karen Bass, was introduced in the U.S. House of Representatives and Senate to hold police accountable, end racial profiling, change the culture of law enforcement, empower impacted communities, and build trust between law enforcement and communities by addressing systemic racism and bias across the country to help save lives; and

Whereas, H.R. 1280, was introduced in the wake of numerous uprisings across America, including in New York City, spurred by the reported involvement of police in the unjust killings of Black Americans across the country, including George Floyd, who died after Officer Derek Chauvin kneeled on his neck for nearly nine minutes in Minneapolis Minnesota and Breonna Taylor, who was shot eight times by officers executing a no-knock warrant in her home in Louisville Kentucky, among several other victims; and

Whereas, The Justice in Policing Act of 2021, will, if made law, improve police accountability by holding police accountable in court, eliminating qualified immunity for law enforcement; bolstering federal and state abilities to investigate police misconduct; requiring data collection on police misconduct and use-of-force; mandating the use of body cameras; and making lynching a federal crime; and

Whereas, This legislation will also transform law enforcement culture, by prohibiting all racial and religious profiling; creating accreditation standards for police departments; banning chokeholds and no-knock warrants; limiting military-grade equipment transfers to state and local law enforcement; and empowering communities to create new public safety approaches through grants for community based organizations; and

Whereas, The U.S. House of Representatives has already passed H.R. 1280 and the Senate and President should immediately follow suit; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass, and the President to sign, H.R. 1280, the George Floyd Justice in Policing Act of 2021.

ADRIENNE E. ADAMS, *Chairperson*; YDANIS A. RODRIGUEZ, FERNANDO CABRERA, VANESSA L. GIBSON, CARLOS MENCHACA, I. DANEEK MILLER, JUSTIN L. BRANNAN, KEITH POWERS, KEVIN C. RILEY; Committee on Public Safety, April 22, 2021 (Remote Hearing). *Other Council Members Attending: Council Members Barron and Cumbo.*

The following 4 Council Members formally noted their intention to vote negative on this item:
Council Members Borelli, Holden, Ulrich, and the Minority Leader (Council Member Matteo).

The following 2 Council Members formally noted their intention to abstain from voting on this item:
Council Members Vallone and Yeger.

Adopted by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Int. No. 2252

By The Speaker (Council Member Johnson) and Council Members Rosenthal, Riley, Ayala, Ampry-Samuel, Rose, Moya, Gibson, Treyger, Kallos, Grodenchik, Brannan, Van Bramer, Levine, Brooks-Powers, Gennaro and Dinowitz.

A Local Law to amend the administrative code of the city of New York, in relation to requiring employers at certain city economic development projects and city human services contractors to enter into labor peace agreements

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 6 of the administrative code of the city of New York is amended by adding a new section 6-145 to read as follows:

§ 6-145 *Labor peace agreements for human services contracts. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

City service contract. The term “city service contract” means any written agreement between any entity and a contracting agency whereby a contracting agency is committed to expend or does expend funds and the principal purpose of such agreement is to provide human services where the value of the agreement is greater than the city’s small purchases limit pursuant to section 314 of the charter. This definition shall not include contracts awarded pursuant to the emergency procurement procedure as set forth in section 315 of the charter.

City service contractor. The term “city service contractor” means any entity or person that enters into a city service contract with a contracting agency. An entity shall be deemed a city service contractor for the duration of the city service contract that it receives or performs.

City service subcontractor. The term “city service subcontractor” means any entity or person, including, but not limited to, a temporary services, staffing or employment agency or other similar entity, that is engaged by a city service contractor to assist in performing any of the services to be rendered pursuant to a city service contract. This definition does not include any contractor or subcontractor that merely provides goods relating to a city service contract or that provides services of a general nature (such as relating to general office operations) to a city service contractor which do not relate directly to performing the services to be rendered pursuant to the city service contract. An entity shall be deemed a city service subcontractor for the duration of the period during which it assists the city service contractor in performing the city service contract.

Comptroller. The term “comptroller” means the comptroller of the city.

Contracting agency. The term “contracting agency” means the city, a city agency, the city council, a county, a borough, or other office, position, administration, department, division, bureau, board, commission, corporation, or an institution or agency of government, the expenses of which are paid in whole or in part from the city treasury or the department of education.

Covered employer. The term “covered employer” means a city service contractor or a city service subcontractor.

Covered employee. The term “covered employee” means an employee of a city service contractor or city service subcontractor that directly renders human services in performance of a city service contract.

Employee. The term “employee” means any person who performs work on a full-time, part-time, temporary or seasonal basis and includes employees, independent contractors, and contingent or contracted workers, including persons made available to work through the services of a temporary services, staffing or employment agency or similar entity.

Entity or Person. The term “entity” or “person” means any individual, sole proprietorship, partnership, association, joint venture, limited liability company, corporation or any other form of doing business.

Human services. The term “human services” means social services including but not limited to day care, foster care, home care, health or medical services, housing and shelter assistance, preventive services, youth

services, senior centers, employment training and assistance, vocational and educational programs, legal services and recreation programs.

Labor organization. The term “labor organization” has the same meaning as set forth in subdivision (5) of section 152 of title 29 of the United States code.

Labor peace agreement. The term “labor peace agreement” means an agreement between a covered employer and a labor organization that represents employees who perform the type(s) of work to be performed pursuant to the city service contract, where such agreement requires that the covered employer and the labor organization and its members agree to the uninterrupted delivery of services to be rendered pursuant to the city service contract and to refrain from actions intended to or having the effect of interrupting such services.

b. Contracting agencies shall require each covered employer to enter into a labor peace agreement with a labor organization that seeks to represent its covered employees for the duration of the city service contract.

c. 1. Prior to the award or renewal of a city service contract, the applicant for award or renewal shall provide to the extent permitted by law the awarding contracting agency a certification containing the following information:

(a) The name, address and telephone number of the chief executive officer of the applicant;

(b) A statement that, if the city service contract is awarded or renewed, the applicant agrees to comply with the requirements of this section, and with all applicable federal, state and local laws;

(c) To the extent permitted by law, a record of any instances during the preceding five years in which the applicant has been found by a court or government agency to have violated federal, state or local laws regulating labor relations, or to the extent permitted by law, in which any government body initiated a judicial action, administrative proceeding or investigation of the applicant in regard to such laws; and

(d) An acknowledgement that a finding by a contracting agency that the applicant has violated the requirements of this section may result in action necessary to ensure continuity of services provided to the city, including cancellation or rescission of the city service contract.

The certification shall be signed under penalty of perjury by an officer of the applicant and shall be annexed to and form a part of the city service contract. The certification and the city service contract shall be public documents and the contracting agency shall make them available to the public upon request for inspection and copying pursuant to the state freedom of information law.

2. A city service contractor shall each year throughout the term of the city service contract submit to the contracting agency an updated certification, identifying any, if any exist, changes to the current certification.

d. 1. The comptroller shall monitor, investigate and audit the compliance by all contracting agencies, and provide covered employers and employees with the information and assistance necessary to ensure that the provisions of this section are implemented.

2. The mayor or the mayor’s designee shall promulgate implementing rules and regulations as appropriate and consistent with this section and may delegate such authority to the comptroller.

3. The comptroller and the mayor shall ensure that the information set forth in the certifications required to be submitted under subdivision c of this section is integrated into and contained in the city’s contracting and financial management database established pursuant to section 6-116.2. Such information shall to the extent permitted by law be made available to the public. Provided, however, that the comptroller and the mayor may agree to restrict from disclosure to the public any information from the certifications required under subdivision c of this section that is of a personal nature.

4. The comptroller shall submit annual reports to the mayor and the city council summarizing and assessing the implementation and enforcement of this section during the preceding year and include such information in the summary report on contracts required under section 6-116.2.

e. 1. Contracting agencies shall comply with and enforce the requirements of this section. The requirements of this section shall be a term and condition of any city service contract. No contracting agency may expend city funds in connection with any city service contract that does not comply with the requirements of this section.

2. Every city service contract shall have annexed to it the following materials which shall form a part of the specifications for and terms of the city service contract:

(a) A provision obligating the city service contractor to comply with all applicable requirements under this section;

(b) The certification required under subdivision c of this section; and

(c) A provision providing that: (i) Failure to comply with the requirements of this section may constitute a material breach by the city service contractor of the terms of the city service contract; (ii) Such failure shall be determined by the contracting agency; and (iii) If, within 30 days after or pursuant to the terms of the city service contract, whichever is longer, the city service contractor and/or subcontractor receives written notice of such a breach, the city service contractor fails to cure such breach, the city shall have the right to pursue any rights or remedies available under the terms of the city service contract or under applicable law, including termination of the contract.

f. 1. Whenever the comptroller has reason to believe that a covered employer or other person has not complied with the requirements of this section, or upon a verified complaint in writing from an interested party, the comptroller shall conduct an investigation to determine the facts relating thereto. Based upon such investigation, hearing and findings, the comptroller shall report the results of such investigation and hearing to the contracting agency, which shall, after providing the covered employer an opportunity to cure any violations, where appropriate issue an order, determination or other disposition. Such disposition may:

(a) Direct the filing or disclosure of any records that were not filed or made available to the public as required by this section;

(b) Direct payment of the sums withheld at the commencement of the investigation and the interest that has accrued thereon to the covered employer; or

(c) Cancel the applicable city service contract upon engaging a city service contractor to provide the services in compliance with this section.

In assessing an appropriate remedy, due consideration shall be given to the size of the covered employer's business, the covered employer's good faith, the gravity of the violation, the history of previous violations and the failure to comply with recordkeeping, reporting or other requirements.

2. Before issuing an order, determination or any other disposition, the comptroller or contracting agency, as applicable, shall give notice thereof together with a copy of the complaint, or a statement of the facts disclosed upon investigation, which notice shall be served personally or by mail on any person or covered employer affected thereby. The comptroller or contracting agency, as applicable, may negotiate an agreed upon stipulation of settlement or refer the matter to the office of administrative trials and hearings for a hearing and disposition. Such person or covered employer shall be notified of a hearing date by the office of administrative trials and hearings and shall have the opportunity to be heard in respect to such matters.

3. When, pursuant to the provisions of this section, a final disposition has been entered against a covered employer in two instances within any consecutive six year period determining that such covered employer has failed to comply with the requirements of this section, such covered employer, and any principal or officer of such covered employer who knowingly participated in such failure, shall be ineligible to submit a bid on or be awarded any city service contract for a period of five years from the date of the second disposition.

4. In circumstances where a city service contractor fails to perform in accordance with any of the requirements of this section and there is a continued need for the service, a contracting agency may obtain from another source the required service as specified in the original contract, or any part thereof, and may charge the non-performing city service contractor for any difference in price resulting from the alternative arrangements, may assess any administrative charge established by the contracting agency, and may, as appropriate, invoke such other sanctions as are available under the contract and applicable law.

g. The provisions of this section shall not apply to any existing city service contract entered into prior to the enactment of the local law that added this section. Where a city service contract is renewed or extended after the effective date of the local law that added this section, such renewal or extension shall be deemed new city service contracts and shall trigger coverage under this section if the terms of the renewed or extended city service contract otherwise meet the requirements for coverage under this section.

§ 2. Chapter 1 of title 6 of the administrative code of the city of New York is amended by adding a new section 6-146 to read as follows:

§ 6-146 Labor peace agreements for city economic development projects. a. Definitions. For the purposes of this section, the following terms have the following meanings:

City economic development entity. The term "city economic development entity" means a local development corporation, not-for-profit corporation, public benefit corporation, or other entity that provides or administers economic development benefits and with which the department of small business services serves as a liaison pursuant to paragraph b of subdivision 1 of section 1301 of the charter.

Comptroller. The term “comptroller” means the comptroller of the city.

Covered employer. The term “covered employer” means an employer that is any of the following:

1. A financial assistance recipient;
2. Any tenant, subtenant, leaseholder or subleaseholder of the financial assistance recipient who occupies property improved or developed with financial assistance;
3. Any concessionaire. For purposes of this section, concessionaire shall include any contractor, subcontractor, or tenant operating on property improved or developed with financial assistance; or
4. Any person or entity that contracts or subcontracts with a financial assistance recipient to perform work for a period of more than 90 days on the premises of the financial assistance recipient or on the premises of property improved or developed with financial assistance including but not limited to temporary services or staffing agencies, food service contractors, and other on-site service contractors.

Employee. The term “employee” means any person employed by a covered employer within the city. This definition includes persons performing work on a full-time, part-time, temporary or seasonal basis, and includes employees, independent contractors, and contingent or contracted workers, including persons made available to work through the services of a temporary services, staffing or employment agency or similar entity. Provided, however, that if the financial assistance is targeted to particular real property, then only persons employed at the real property to which the financial assistance pertains shall be deemed employees.

Entity or Person. The term “entity” or “person” means any individual, sole proprietorship, partnership, association, joint venture, limited liability company, corporation or any other form of doing business.

Financial assistance. The term “financial assistance” means assistance that is provided to a financial assistance recipient for the improvement or development of real property, economic development, job retention and growth, or other similar purposes, and that is provided either (a) directly by the city, or (b) indirectly by a city economic development entity and that is paid in whole or in part by the city, and that at the time the financial assistance recipient enters into a project agreement with the city or city economic development entity is expected to have a total present financial value of one million dollars or more. Financial assistance includes, but is not limited to, cash payments or grants, bond financing, tax abatements or exemptions (including, but not limited to, abatements or exemptions from real property, mortgage recording, sales and use taxes, or the difference between any payments in lieu of taxes and the amount of real property or other taxes that would have been due if the property were not exempted from the payment of such taxes), tax increment financing, filing fee waivers, energy cost reductions, environmental remediation costs, write-downs in the market value of building, land, or leases, or the cost of capital improvements undertaken for the benefit of a project subject to a project agreement. Financial assistance shall include only discretionary assistance that is negotiated or awarded by the city or by a city economic development entity, and shall not include as-of-right assistance, tax abatements or benefits, such as those under the Industrial and Commercial Abatement Program, the J-51 Program, and other similar programs. Any tax abatement, credit, reduction or exemption that is given to all persons who meet criteria set forth in the state or local legislation authorizing such tax abatement, credit, reduction or exemption shall be deemed to be as-of-right (or non-discretionary); further, the fact that any such tax abatement, credit, reduction or exemption is limited solely by the availability of funds to applicants on a first come, first served or other non-discretionary basis set forth in such state or local law shall not render such abatement, credit, reduction or exemption discretionary. Where assistance takes the form of leasing city property at below-market lease rates, the value of the assistance shall be determined based on the total difference between the lease rate and a fair market lease rate over the duration of the lease. Where assistance takes the form of loans or bond financing, the value of the assistance shall be determined based on the difference between the financing cost to a borrower and the cost to a similar borrower who does not receive financial assistance from the city or a city economic development entity. All determinations of the existence or the amount of financial assistance in a land sale or ground lease transaction shall be based on an independent appraisal acceptable to the city or city economic development entity of the value of the land or ground lease.

Financial assistance recipient. The term “financial assistance recipient” means any entity or person that receives financial assistance, or any assignee or successor in interest of real property improved or developed with financial assistance, including any entity to which financial assistance is conveyed through the sale of a condominium, but shall not include any entity who is exempt under subdivision d of this section.

Labor organization. The term “labor organization” has the same meaning as set forth in subdivision (5) of section 152 of title 29 of the United States code.

Labor peace agreement. The term “labor peace agreement” means an agreement between a covered employer and a labor organization that represents individuals who perform the type(s) of work to be performed on the premises of property improved or developed with financial assistance, where such agreement requires that the covered employer and the labor organization and its members agree to the uninterrupted performance of work on the premises of the property improved or developed with financial assistance and to refrain from actions intended to or having the effect of interrupting such work.

Not-for-profit organization. The term “not-for-profit organization” means an entity that is either incorporated as a not-for-profit corporation under the laws of the state of its incorporation or exempt from federal income tax pursuant to subdivision c of section 501 of the United States internal revenue code.

Project agreement. The term “project agreement” means a written agreement between the city or a city economic development entity and a financial assistance recipient pertaining to a project. A project agreement shall include an agreement to lease property from the city or a city economic development entity.

Small business cap. The term “small business cap” means three million dollars; provided that, beginning in 2015 and each year thereafter, the small business cap shall be adjusted contemporaneously with the living wage rate and using the methodology set forth in paragraph (9) of subdivision b of section 6-134.

b. Financial assistance recipients shall require each covered employer operating on the premises of property improved or developed with financial assistance to enter into a labor peace agreement with a labor organization that seeks to represent its employees.

c. The requirements of this section shall apply for the term of the financial assistance or for 10 years, whichever is longer, from the date of commencement of the project subject to a project agreement or the date the project subject to a project agreement commences operations, whichever is later.

d. The requirements established under this section shall not apply to the following entities or persons except with respect to the reporting requirements set forth in paragraph 2 of subdivision e of this section:

1. Any otherwise covered employer that is an entity that has annual consolidated gross revenues that are less than the small business cap or the revenues of which are included in the consolidated gross revenues of an entity having annual consolidated gross revenues that are less than the small business cap, in each case calculated for the fiscal year preceding the fiscal year in which the project agreement is entered into and determined in accordance with generally accepted accounting principles.

2. Any otherwise covered employer that is a not-for-profit organization.

3. Any otherwise covered employer whose principal industry conducted at the project location is manufacturing, as defined by the North American Industry Classification System.

4. Any otherwise covered employer operating on the premises of a project where residential units comprise more than 75% of the project area, and no less than 75% of the residential units are affordable for families earning less than 125% of the area median income.

5. Any otherwise covered employer operating on the premises of a project where residential units comprise more than 75% of the project area, and all of the residential units are subject to rent regulation.

e. 1. Each financial assistance recipient shall provide to the comptroller and the city or city economic development entity that executed the project agreement an annual certification, executed under penalty of perjury, confirming notification to all covered employers operating on its premises that such employers must comply with all requirements of this section, providing the names, addresses and telephone numbers of such employers, and affirming its obligation to assist the city to investigate and remedy non-compliance of such employers. Where there are multiple covered employers operating on the premises of a financial assistance recipient, each covered employer shall, prior to commencing work at such premises, provide a statement agreeing to comply with the requirements of this section. All statements shall be certified by the chief executive or chief financial officer of the covered employer, or the designee of any such person. A violation of any provision of such certified statements shall constitute a violation of this section by the party committing the violation of such provision.

2. An otherwise covered employer that qualifies for an exemption from the requirements of this section under subdivision d of this section shall provide a statement, executed under penalty of perjury, certifying that such employer qualifies for an exemption and specifying the basis for that exemption. Such an employer shall update or withdraw such statement on a timely basis if its eligibility for the claimed exemption should change.

3. The city or city economic development entity that executed the project agreement shall maintain for four years all certifications submitted pursuant to this subdivision and make them available for public inspection.

f. 1. The comptroller shall monitor covered employers' compliance with the requirements of this section. Whenever the comptroller has reason to believe there has been a violation of this section, or upon a verified complaint in writing from an interested party, the comptroller shall conduct an investigation to determine the facts relating thereto. Based upon such investigation, hearing and findings, the comptroller shall report the results of such investigation and hearing to the mayor or the mayor's designee, who shall, after providing the covered employer an opportunity to cure any violations, where appropriate issue an order, determination or other disposition. Such disposition may:

(a) Direct the filing or disclosure of any records that were not filed or made available to the public as required by this section;

(b) Direct payment of the sums withheld at the commencement of the investigation and the interest that has accrued thereon to the financial assistance recipient; and

(c) Declare ineligible to receive financial assistance or prohibit from operating as a covered employer on the premises of a financial assistance recipient or on real property improved or developed with financial assistance any person against whom a final disposition has been entered in two instances within any consecutive six year period determining that such person has failed to comply with the requirements of this section.

In assessing an appropriate remedy, due consideration shall be given to the gravity of the violation, the history of previous violations, the good faith of the covered employer and the failure to comply with recordkeeping, reporting or other requirements.

2. Before issuing an order, determination or any other disposition, the mayor or the mayor's designee shall give notice thereof, together with a copy of the complaint, which notice shall be served personally or by mail on any person affected thereby. The mayor or the mayor's designee may negotiate an agreed upon stipulation of settlement or refer the matter to the office of administrative trials and hearings for a hearing and disposition. Such covered employer shall be notified of a hearing date by the office of administrative trials and hearings, or other appropriate tribunal, and shall have the opportunity to be heard in respect to such matters.

3. Upon determining that a covered employer is not in compliance, and where no cure is effected and approved by the mayor or the mayor's designee, the city or city economic development entity shall take such actions against such covered employer as may be appropriate and provided for by law, rule or contract, including but not limited to: (i) declaring the financial assistance recipient who has committed a violation in default of the project agreement; (ii) imposing sanctions; and (iii) recovering from such covered employer the financial assistance disbursed or provided to such covered employer, including but not limited to requiring repayment of any taxes or interest abated or deferred.

g. The provisions of this section shall not apply to any financial assistance that was provided prior to the enactment of the local law that added this section, nor shall they apply to any project agreement that was entered into or to any project for which an inducement resolution was adopted in furtherance of entering into a project agreement prior to the enactment of the local law that added this section, except that extension, renewal, amendment or modification of such project agreement occurring on or after the enactment of the local law that added this section that results in the grant of any additional financial assistance to the financial assistance recipient shall make the financial assistance recipient and any other covered employers operating on the premises of the financial assistance recipient or at the real property improved or developed with financial assistance subject to the requirements of this section.

§ 3. This local law does not apply to city service contracts entered into or projects authorized or financial assistance awarded prior to the effective date of this local law. This local law shall not be applied in a manner that interferes with contracts or agreements entered into by the city or a city economic development entity before the effective date of this local law.

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

Referred to the Committee on Civil Service and Labor.

Int. No. 2253

By The Speaker (Council Member Johnson) and Council Members Powers and Rivera.

A Local Law in relation to creating a pilot program to establish micro-distribution centers for distributing goods via sustainable modes of transportation

Be it enacted by the Council as follows:

Section 1. Micro-Distribution Center Pilot. a. For the purposes of this section, the following terms have the following meanings:

Bicycle. The term “bicycle” has the same meaning as set forth in section 102 of the vehicle and traffic law or any successor provision.

Bicycle with electric assist. The term “bicycle with electric assist” has the same meaning as set forth in section 102-c of the vehicle and traffic law or any successor provision.

Commercial vehicle. The term “commercial vehicle” means a motor vehicle designed, maintained, or used primarily for the transportation of property, provided that such vehicle:

(i) bears commercial plates, where commercial plates or equivalent registration plates from other states or countries are permissible for purposes of this section;

(ii) is permanently altered by having all seats and seat fittings, except the front seats, removed to facilitate the transportation of property, except that for vehicles designed with a passenger cab and a cargo area separated by a partition, the seating capacity within the cab will not be considered in determining whether the vehicle is properly altered.

(iii) displays the registrant's name permanently affixed in characters at least three inches high on both sides of the vehicle, with such display being in a color contrasting with that of the vehicle and placed approximately midway vertically on doors or side panels.

Commercial vehicle operator. The term “commercial vehicle operator” means an individual, corporation, partnership, association, municipality, or other legal entity that either on behalf of itself or others, utilizes a commercial vehicle to deliver packages, parcels, papers, or articles of any type.

Department. The term “department” means the department of transportation.

Sustainable modes of transportation. The term “sustainable modes of transportation” means bicycles, bicycles with electric assist, electric scooters, electric vehicles, hand trucks and any other modes designated as sustainable by the department.

b. No later than January 1, 2022 the department shall establish a pilot program to create micro-distribution centers. Such micro-distribution centers shall be used exclusively for transferring goods from commercial vehicles to sustainable modes of transportation that distribute such goods to their final delivery points.

c. The department shall establish at least 12 micro-distribution centers, which shall be no less than 800 square feet in size. In establishing such centers, the department shall consult with operators of commercial vehicles that conduct deliveries.

d. The department shall make electric vehicle charging infrastructure available at no fewer than 3 micro-distribution centers.

e. The department shall establish an online reservation system that allows commercial vehicle operators to reserve the use a micro-distribution center for commercial distribution activity via sustainable modes of transportation. The department shall require such operators to register with the department and pay a registration fee, to be determined by the department.

f. It shall be unlawful for a commercial vehicle operator to access and use a micro-distribution center without having properly registered with the department and secured a reservation. Notwithstanding any other provision of law, failure to comply shall result in monetary liability or the removal of such unauthorized vehicle, or both, as determined by the department.

g. It shall be unlawful to use non-sustainable modes of transportation to distribute goods from a micro-distribution center. Notwithstanding any other provision of law, failure to comply shall result in monetary liability or the removal of such non-sustainable modes of transportation, or both, as determined by the department.

h. No later than June 1, 2022, the department shall post on its website, and submit to the speaker of the council and the mayor, a report that includes, at a minimum, the following information:

1. the number of participating commercial vehicle operators who registered and utilized a micro-distribution center, the size of participating operators, the total number of reservations disaggregated by micro-distribution center, and the types of sustainable modes of transportation used to distribute goods;
 2. a summary of the feedback received from participating operators, including but not limited to, satisfaction with the program and modification recommendations, if any;
 3. recommendations on how such program could be improved, if any;
 4. recommendations on whether such program should be continued or modified; and
 5. recommendations for the expansion of such program.
- § 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 2254

By Council Member Brannan.

A Local Law to amend the administrative code of the city of New York, in relation to a text message hotline for survivors of domestic and gender-based violence

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 3-174 to read as follows:

§ 3-174 *Text message hotline. The office shall implement a system to provide domestic and gender-based violence hotline services by text message. Such text message communications shall remain confidential.*

§ 2. This local law takes effect 120 days after it becomes local law except that the director of the office to end domestic and gender-based violence may take such measures as are necessary for its implementation before such date.

Referred to the Committee on Women and Gender Equity.

Int. No. 2255

By Council Member Cabrera.

A Local Law in relation to requiring reporting on participation by minority and women-owned business enterprises in city contracts for services during the COVID-19 state of emergency, and providing for the repeal of such provision upon the expiration thereof

Be it enacted by the Council as follows:

Section 1. a. Definitions. As used in this local law, the following terms have the following meanings:

Agency. The term “agency” has the meaning given such term in paragraph (1) of subdivision c of section 6-129 of the administrative code of the city of New York.

City chief procurement officer. The term “city chief procurement officer” has the meaning given such term in paragraph (7) of subdivision c of section 6-129 of the administrative code of the city of New York.

Contract. The term “contract” has the meaning given such term in paragraph (11) of subdivision c of section 6-129 of the administrative code of the city of New York.

COVID-19 state of emergency. The term “COVID-19 state of emergency” means the state of emergency declared by the mayor's emergency executive order number 98, published March 12, 2020, as extended.

MBE. The term “MBE” means a minority-owned business enterprise certified in accordance with section 1304 of the city Charter.

WBE. The term “WBE” means a women-owned business enterprise certified in accordance with section 1304 of the city Charter.

b. Reports required. No later than the first day of each month, the city chief procurement officer, in consultation with the division of economic and financial opportunity within the department of small business services, shall prepare and submit a report to the speaker of the council on the total number of MBEs and WBEs that obtained, as of the date that is 15 days or earlier before the date of the submission of the report, a contract with the city to provide services necessary to assist city residents as a result of the circumstances of the COVID-19 state of emergency.

c. Information to be included in reports. A report submitted under subdivision b shall include, but not be limited to, information on any contract for the provision or delivery of food necessary to assist city residents as a result of the circumstances of the COVID-19 state of emergency. The information in the reports shall be disaggregated by agency, council district and race/ethnicity and gender. Each report shall include the dollar value of each contract awarded and indicate changes and additions of information from an immediately preceding report submitted pursuant to this local law.

d. Agency information. Each agency shall submit to the city chief procurement officer such information as is necessary for the city chief procurement officer to complete the reports required by subdivision b. The city chief procurement officer shall provide guidance to agencies on means of compliance with this subdivision.

§ 2. This local law takes effect 30 days after it becomes law and expires and is deemed repealed 90 days after the date on which the state of emergency declared by the mayor's emergency executive order number 98, published March 12, 2020, as extended, has expired.

Referred to the Committee on Contracts.

Int. No. 2256

By Council Member Cabrera.

A Local Law to amend the New York city charter, in relation to requiring the department of cultural affairs to report on access of low-income households to cultural institutions and to develop a plan to improve access

Be it enacted by the Council as follows:

Section 1. Chapter 67 of the New York city charter is amended by adding a new section 2508 to read as follows:

§ 2508. *Access to cultural institutions. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

Discount program. The term “discount program” means a program that provides New York city residents discounted or free admission to cultural institutions in the city, including, but not limited to, the IDNYC card program, cool culture family pass and culture pass or successor programs.

Low-income household. The term “low-income household” means a household whose annual gross household income is not in excess of 250 percent of the federal poverty guidelines as updated periodically in the federal register by the United States department of health and human services pursuant to subsection (2) of section 9902 of title 42 of the United States code.

b. Annual report. No more than 90 days after the effective date of the local law that added this section, and annually thereafter, the commissioner shall submit a report to the mayor and the speaker of the council on the access of low-income households to cultural institutions, and shall post such report on the department’s website. Such report shall include, but not be limited to, the following:

1. *The efforts that the department and cultural institutions have made to improve the access of low-income households to cultural institutions, including, but not limited to, changes in admissions policies, outreach, free or reduced-price visits and discount programs;*

2. *Data regarding the access of low-income households to cultural institutions, including, but not limited to, the admission rates of such households to cultural institutions, if any; and*

3. *Any challenges faced by the department, cultural institutions or relevant stakeholders regarding low-income households' access to cultural institutions and the efforts to address such challenges.*

c. *Access plan. No more than 90 days after the initial report required by subdivision b, the commissioner shall, in consultation with the commissioner of social services and relevant stakeholders, develop and submit to the mayor and the speaker of the council recommendations regarding how to improve the access of low-income households to cultural institutions and a plan to implement such recommendations. The commissioner shall post such recommendations and plan on the department's website and report on the progress of such plan in the reports required by subdivision b.*

d. *The reports and plan required by this section shall not contain any personally identifiable information.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Int. No. 2257

By Council Members Cabrera and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to the recording of certain orders, requirements, decisions, determinations, resolutions and restrictive declarations issued by the board of standards and appeals

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-210 to read as follows:

§ 25-210 *Notice of board decisions. a. Upon issuance of any order, requirement, decision, determination, resolution or restrictive declaration affecting real property, the board shall timely record in the office of the register of the city of New York in the county in which the subject property lies, or in the case of property within the county of Richmond, in the office of the clerk of such county, notice of such order, requirement, decision, determination, resolution or restrictive declaration.*

b. *The board may, where it determines it to be in the public interest, record notices of orders, requirements, decisions, determinations, resolutions and restrictive declarations affecting real property rendered prior to the effective date of the local law that added this section in a manner and within a period of time to be determined by the board.*

c. *Each notice recorded pursuant to this section shall include the borough, block and lot number of the affected property as set forth on the tax map.*

d. *Failure to record notice of an order, requirement, decision, determination, resolution or restrictive declaration of the board affecting real property in the office of the register of the city of New York in the county in which a subject property lies, or in the case of property within the county of Richmond, in the office of the clerk of such county, shall not affect the validity of such order, requirement, decision, determination, resolution or restrictive declaration.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 2258

By Council Member Cabrera.

A Local Law to amend the administrative code of the city of New York, in relation to information about certain community land trusts*Be it enacted by the Council as follows:*

Section 1. Section 26-2001 of the administrative code of the city of New York, as amended by local law number 63 for the year 2019, is amended by adding a new subdivision c to read as follows:

c. No later than January 1, 2022 and by January 1 of each year thereafter, the commissioner of the supervising agency shall submit to the mayor, the speaker of the council, and post on its website, a report on regulatory agreements entered into between the supervising agency and community land trusts, pursuant to subdivision b of this section during the 12 month period prior to the date of the report. The report shall include, but need not be limited to, the following:

1. A description of any outreach conducted by the supervising agency to existing community based organizations that have expressed interest in creating community land trusts in order to promote the execution of regulatory agreements between the community based organization and the supervising agency;

2. A description of any technical or financial assistance provided by the supervising agency to existing community based organizations that have expressed interest in creating community land trusts;

3. A description of any outreach conducted by the supervising agency to existing community land trusts in order to promote the execution of regulatory agreements between the community land trust and the supervising agency;

4. A description of any technical or financial assistance provided by the supervising agency to existing community land trusts;

5. The name of each community land trust that has executed a regulatory agreement with the agency during the reporting period;

6. For each regulatory agreement executed during the reporting period, the following:

(a) The address, including block and lot, of each property over which such a regulatory agreement was executed;

(b) The date such regulatory agreement was executed;

(c) A description of the terms of such regulatory agreement; and

(d) The commencement date and expiration date of such regulatory agreement; and

7. A list of any and all requests for proposals, or requests for expression of interest, that include preferences for proposals that incorporate a community land trust model, including copies of such requests.

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Res. No. 1598

Resolution calling upon the New York State legislature to pass and the governor to sign S4872, the Post Traumatic Prison Disorder Shawanna W76337 Act, requiring the New York State Department of Corrections and Community Supervision to provide mental health services for incarcerated individuals with post-traumatic prison disorder.

By Council Member Cabrera.

Whereas, Post-Traumatic Prison Disorder refers to the psychological harm caused by prolonged incarceration; and

Whereas, Senate bill S4872, known as the “Post Traumatic Prison Disorder Shawanna W76337 Act,” sponsored by Senator Brian Benjamin, seeks to amend the corrections law to require the Department of Corrections and Community Supervision (DOCCS) to develop an individualized "transitional accountability plan" that would provide clinical intervention for post-traumatic prison disorder for incarcerated individuals; and

Whereas, According to the latest Releases and Discharges from Incarceration Report by DOCCS, in 2018, 22,238 incarcerated individuals were released or discharged from DOCCS custody; and

Whereas, Over 13,000 released individuals were identified as first releases or those who were released to the community for the first time on their current sentence, of which 42% were committed from New York City; and

Whereas, Over 1,000 first releases in 2018 had spent between 10 to 20 or more years in prison; and

Whereas, The DOCCS partners with the New York State Office of Mental Health (OMH) to provide special programs along a continuum of care such as crisis intervention, individual short and long term counseling and group counseling for incarcerated individuals with a mental illness; and

Whereas, In 2017, there were over 10,000 incarcerated people being served by OMH in DOCCS, representing more than 20% of the prison population; and

Whereas, Research shows evidence that the negative psychological effects on people in prison can include a dependence on institutional structure and contingencies, hypervigilance, interpersonal distrust, suspicion, alienation, social withdrawal and isolation; and

Whereas, Formerly incarcerated individuals may also experience a diminished sense of self-worth and personal value, an incorporation of exploitative norms of prison culture and post-traumatic stress reactions to the pains of imprisonment; and

Whereas, According to DOCCS 2020 Mental Health Specialized Supervision Standards Directive, it is DOCCS policy to provide a community reintegration program to eligible persons with mental illness on parole, conditional release and post-release supervision; and

Whereas, However, the mental health service requirements of DOCCS Directive do not explicitly cover treatment that recognizes the unique symptoms and needs associated with Post Traumatic Prison Disorder for incarcerated or formerly incarcerated individuals who experience psychological trauma as a result of their incarceration; and

Whereas, S4872 amends the corrections law to require mental health services to be included in the incarcerated individual's transitional accountability plan beginning in the first week of admission to a correctional facility and sets out the minimum specifications for the plan, to include screening and assessment, and clinical intervention for post-traumatic prison disorder; and

Whereas, In the event such services are not available at a facility, S4872 requires that the incarcerated individual will be transferred to a facility that does have such capacity; and

Whereas, S4872 also requires DOCCS to develop a program for all personnel to provide them with basic competencies for mental health trauma and submit an annual report to the governor and legislature on the number of incarcerated individuals screened for mental health and trauma; and

Whereas, S4872 further amends the corrections law to require DOCCS to provide discharge plans for all incarcerated individuals that are tailored to address the person's individual needs upon reentry and reintegration into society upon release, and include completed Medicaid enrollment for those eligible, required medications sufficient to cover the period of transition, written coordination between the department and health care providers including the transfer of health care records, as well as a release plan for those deemed eligible for intervention of post-traumatic prison disorder along with specified further assistance such as, mental health services, therapeutic programming, family counseling, housing information, job placement and money management; and

Whereas, Finally, S4872 requires DOCCS to submit a one-time report on the state of mental health care within the corrections system to the governor and legislature by the end of 2021; 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 S4872, the Post Traumatic Prison Disorder Shawanna W76337 Act, requiring the New York State Department of Corrections and Community Supervision to provide mental health services for incarcerated individuals with post-traumatic prison disorder.

Referred to the Committee on Criminal Justice.

Res. No. 1599

Resolution calling on the New York State Legislature to pass, and the Governor to sign, an amendment to the New York State Penal and Criminal Procedure laws to increase penalties for the crime of forcible touching committed against a peace officer, police officer, firefighter and emergency medical services professional.

By Council Member Cabrera.

Whereas, The brave first responders of the New York City Fire Department (FDNY), New York City Police Department (NYPD) and the FDNY's Emergency Medical Services (EMS) protect the safety, health and well-being of the residents of New York City, as well as individuals who work in and visit the City; and

Whereas, The bravery and work ethic of the City's first responders has been nationally recognized throughout the COVID-19 pandemic, as they face medical and emotional trauma on a daily basis; and

Whereas, EMS workers are the frontline of the City's health and medical emergencies, accounting for 66 percent of the daily 911 volume; and

Whereas, Prior to the COVID-19 pandemic, sex crimes were on the rise, with misdemeanor sex crime reports rising about 37 percent from 2014 to 2018, according to NYPD's crime statistics; and

Whereas, A review by New Solutions: A Journal of Environmental and Occupational Health Policy found that between 53 and 93 percent of EMS workers experience verbal or physical violence during their career, with 14 percent reporting sexual harassment and three percent reporting sexual assault; and

Whereas, Under New York Penal Law § 130.52, forcible touching of any person is treated as a Class A misdemeanor, with a maximum penalty of one year in jail; and

Whereas, New York Penal Law § 120.08 imposes a higher penalty for non-sexual assault on a peace officer, police officer, firefighter or emergency medical services professional by making it a Class C felony, punishable by up to 15 years in prison; and

Whereas, Enactment of a similar law in relation to sex offenses would evince the State's commitment to protecting first responders from forcible touching and sexual abuse; and

Whereas, New York law should do everything it can to help first responders do their jobs safely and effectively including by increasing the penalty for committing forcible touching against a peace officer, police officer, firefighter or emergency medical services professional to a felony offense; 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, an amendment to the New York State Penal and Criminal Procedure laws to increase penalties for the crime of forcible touching committed against a peace officer, police officer, firefighter or emergency medical services professional.

Referred to the Committee on Public Safety.

Int. No. 2259

By Council Member Cornegy

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

Be it enacted by the Council as follows:

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

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

Commissioner. The term “commissioner” means the commissioner of buildings.

Department. The term “department” means the department of buildings.

b. Notwithstanding the provisions of any other law or rule, building gas piping systems in community districts 2, 5, 7, 13, and 18 in each borough required to be periodically inspected pursuant to article 318 of chapter 3 of title 28 of the administrative code of the city of New York shall be inspected on or between January 1, 2021 and June 30, 2022, provided that the inspection requirements, including due dates for inspecting gas piping systems and submitting certification forms to the department in section 103-10 of title 1 of the rules of the city of New York shall apply after June 30, 2022.

c. Notwithstanding the provisions of any other law or rule, for building gas piping systems in community districts 2, 5, 7, 13, and 18 in each borough required to be periodically inspected pursuant to article 318 of chapter 3 of title 28 of the administrative code of the city of New York that are inspected on or between January 1, 2021 and December 31, 2021, such building owners may submit the certification form to the department later than 120 days following the building’s inspection date or later than 180 days following the building’s inspection date, as applicable, but in no event shall the certification form be submitted later than June 30, 2022.

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

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

f. As soon as practicable, but no later than June 1, 2021, the department shall conduct targeted outreach and education regarding the provisions of this section, which shall at a minimum include notifying building owners in community districts 2, 5, 7, 13, and 18 in each borough and posting information on the department’s website.

g. Notices and educational materials distributed pursuant to subdivision f of this section shall be prepared in plain language using words with common everyday meanings, and made available in all of the designated citywide languages, as defined in section 23-1101 of the administrative code of the city of New York. Such notices and educational materials shall include, but not be limited to:

1. Information regarding the requirements of article 318 of chapter 3 of title 28 of the administrative code of the city of New York, and to which buildings such article applies; and

2. Best practices related to hiring a plumber to perform a gas piping system inspection as set forth in article 318 of chapter 3 of title 28 of the administrative code of the city of New York.

§ 2. This local law takes effect immediately and subdivisions b and c of section one are retroactive to and deemed to have been in full force and effect as of January 1, 2021.

Referred to the Committee on Housing and Buildings.

Int. No. 2260

By Council Members Cornegy and Cabrera.

A Local Law to amend the administrative code of the city of New York, in relation to reporting on air quality in subway stations

Be it enacted by the Council as follows:

Section 1. Subchapter 6 of chapter 1 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-145.1 to read as follows:

§ 24-145.1 *Subway air quality. a. Definitions. For purposes of this section, the following terms have the following meanings:*

Regulated air contaminant. The term “regulated air contaminant” means oxides of nitrogen, volatile organic compounds, sulfur dioxide, particulate matter, carbon monoxide, carbon dioxide, polycyclic aromatic hydrocarbons or any other air contaminant for which a national ambient air quality standard has been promulgated, or any air contaminant that is regulated under section 112 of the clean air act, as amended.

Subway station. The term “subway station” means an underground train station in the city under the jurisdiction of the metropolitan transportation authority, the port authority of New York and New Jersey or any of their subsidiaries.

b. The department shall test the air for regulated air contaminants in each subway station in the city on at least five days per year. The department shall also investigate the sources of such regulated air contaminants in consultation with any relevant federal, state and local agencies and authorities.

c. No later than one year after the effective date of the local law that added this section, and annually thereafter, the department shall submit to the mayor and the council a report on the air quality in subway stations in the prior year. The department shall include in such annual report:

- 1. The results of the tests for regulated air contaminants in each subway station;*
- 2. Any findings about the sources of such regulated air contaminants; and*
- 3. Its recommendations for improving air quality in subway stations.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 2261

By Council Members Cornegy and Levine (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, the New York city plumbing code, the New York city building code, the New York city mechanical code and the New York city fuel gas code, in relation to bringing such codes and related provisions of law up to date with the 2015 editions of the international building, mechanical, fuel gas and plumbing codes, with differences that reflect the unique character of the city, clarifying and updating administration and enforcement of such codes and the 1968 code and repealing chapters 2 and 35, appendices K and M, section N102 of appendix N, appendices P and Q, and section R103.3 figures 1A and 1B of appendix R of the New York city building code, chapter 15 and appendix A of the New York city mechanical code and chapter 8 of the New York city fuel gas code in relation thereto

(For text of the 2,913 page bill, please refer to the attachment section of [the Int. No. 2261 of 2021 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>)

Referred to the Committee on Housing and Buildings.

Int. No. 2262

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

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

Be it enacted by the Council as follows:

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

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

[Exception] Exceptions:

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

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

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

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

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

§ 4. This local law takes effect immediately and shall apply to stand-off brackets installed or in use on or after such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 2263

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

A Local Law to amend the New York city building code, in relation to the definition of major building

Be it enacted by the Council as follows:

Section 1. The definition of “major building” in section 3302.1 of chapter 33 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

MAJOR BUILDING. An existing or proposed building [10] 7 or more stories or [125 feet (38 100 mm)] 75 feet (22 860 mm) or more in height, or an existing or proposed building with a building footprint of 100,000 square feet (30 480 m²) or more regardless of height, or an existing or proposed building so designated by the commissioner due to unique hazards associated with the construction or demolition of the structure.

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

Referred to the Committee on Housing and Buildings.

Int. No. 2264

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

A Local Law to amend the New York city building code, in relation to cold-formed steel construction

Be it enacted by the Council as follows:

Section 1. Table 1704.3.4 of chapter 17 of the New York city building code, as added by local law number 8 for the year 2008 is amended to read as follows:

**TABLE 1704.3.4
REQUIRED VERIFICATION AND INSPECTION OF
COLD-FORMED STEEL LIGHT-FRAME CONSTRUCTION**

Verification and inspection	Continuous	Periodic	Referenced Standard	Code Reference
1. Material Verification:				
a. Verify that identification markings conform to AISI S200 and as specified in the approved construction documents.		X	AISI 200, Section A5.4	
b. Verify that material is clean, straight and undamaged.		X		
2. Inspection of general framing:				

a. Verify that member sizes conform to the approved construction documents.		X		
b. Verify that member layout conforms to the approved construction documents.		X		
c. Verify that proper bearing lengths are provided in accordance with approved construction documents.		X		
d. Verify that punched holes and sheared or flame cut edges of material in members are clean and free from notches and burred edges.		X		
3. Inspection of framing connections and anchorages:				
a. Verify that screws, bolts, and other fasteners conform to approved construction document requirements for diameter, length, quantity, spacing, edge distance, and location.		X	AISI S200, Section D	
b. Verify that manufactured connectors, such as joist hangers, caps, straps, clips, ties, hold-downs, and anchors conform to approved construction document requirements for manufacturer, type, gauge, and fastener requirements.		X	AISI S200, Section D	
4. Inspection of welding:				
a. Inspect welds in accordance with Table 1704.3.		X	AWS D1.3	
5. Bracing:				
a. Verify that temporary bracing, shoring, jacks, etc., are installed, modified , and not removed until no longer necessary, in accordance with the approved construction documents and approved erection drawings, <i>as required by Sections 3305.6.6.8 and 3305.6.7.5.</i>		X		
b. Verify that permanent bracing, web stiffeners, bridging, blocking, wind bracing, etc., are installed in accordance with the approved construction documents and approved erection drawings, <i>as required by Sections 3305.6.6.8 and 3305.6.7.5.</i>		X		
c. Where a cold-formed steel truss clear span is 60 feet (18 288 mm) or greater, the special inspector shall verify that the temporary installation restraint/bracing and the permanent individual truss member restraint/bracing are installed in accordance with the approved truss submittal package.		X		2210.3.4

§2. Section BC 3305 of chapter 33 of the New York city building code is amended by adding a new section 3305.6 to read as follows:

3305.6 Cold-formed steel light-frame construction. *The installation of cold-formed steel light-frame construction, the installation of decking on cold-formed steel light-frame construction, as well as the use of such framing and decking during construction or demolition operations shall be in accordance with the requirements of AISI S240 and the following sections. The design of cold-formed steel light-frame construction and decking on cold-formed steel light-frame construction shall meet the requirements of Chapter 22.*

3305.6.1 Cutting, notching, and splicing. *Cutting, notching, and splicing of cold-formed steel structural members shall be performed only in accordance with specifications as indicated on drawings, including but not limited to erection drawings, approved by a registered design professional.*

3305.6.2 Uniform bearing surface. *A uniform bearing surface shall be provided under cold-formed steel structural members. In no case shall the gap between the bottom track and the uniform bearing surface exceed ¼ of an inch (6.4 mm). Leveling shall be subject to the approval of a registered design professional and shall be achieved through the use of either load bearing shims or grout.*

3305.6.3 Corrosion protection. *The following precautions shall be taken to prevent corrosion of cold-formed steel structural members:*

1. *Dissimilar metals shall not be used in direct contact with cold-formed steel framing members unless approved for that application by the registered design professional of record for the cold-formed steel framing system.*
2. *Cold-formed steel framing members shall not be embedded in concrete unless approved for that application by the registered design professional of record for the cold-formed steel framing system.*
3. *Fasteners shall have a corrosion-resistant treatment, or be manufactured from material not susceptible to corrosion.*
4. *Welded connections shall be protected with a treatment, approved by the registered design professional of record for the cold-formed steel framing system, to retain corrosion resistance of the welded area.*

3305.6.4 Screw connections. *Screw fasteners in cold-formed steel structural members shall extend through the steel connection with a minimum of three exposed threads.*

3305.6.4.1 Stripped screws in direct tension prohibited. *Stripped screws in direct tension shall not be permitted.*

3305.6.4.2 Stripped screws in shear connections. *Stripped screws in shear connections shall only be permitted if the number of stripped screw fasteners does not exceed 25% of the total number of fasteners in the connection.*

3305.6.5 In-line framing. *Each joist, rafter, truss, and structural wall stud (above or below) shall be aligned vertically in accordance with the limits depicted in Figure B1.2.3-1 of AISI S240.*

Exception: *The alignment tolerance depicted in Figure B1.2.3-1 of AISI S240 shall not be required to be met when a structural load distribution member is specified in accordance with the approved construction documents.*

3305.6.6 Joists, decking, and shoring and bracing. *Joists, temporary decking, permanent decking, and shoring and bracing for joists and decking shall be installed in accordance with the requirements of Section 3305.6.6.1 through 3305.6.6.9.*

3305.6.6.1 Installed as indicated on drawings. Joists, temporary decking, permanent decking, and shoring and bracing for joists and decking shall be installed as indicated on drawings, including but not limited to erection drawings, approved by a registered design professional. Such drawings shall be specific to the site and shall, at a minimum, indicate the following details:

1. Joists;
2. Permanent decking material;
3. Allowable temporary decking material;
4. Members and fasteners, including bridging, strapping, stiffeners, and placement of diaphragm;
5. Shoring and bracing, whether permanent or temporary, for joists, trusses, and decking, through all phases of work, including interim sequences;
6. Allowable designated temporary loading areas, or if no designated temporary loading areas are specified, include a note that no temporary loading is allowed;
7. Types of materials and maximum loads allowed in each temporary loading area;
8. The permissible live and construction loads of the decking (temporary and permanent) and structure outside of temporary loading areas;
9. The minimum spacing of deck screws required for loading of the deck (temporary and permanent) during construction; and
10. Conditions to be satisfied before temporary shoring and bracing can be removed.

3305.6.6.2 Lateral bracing of floor joists. Floor joists shall be laterally braced. Types of bracing to maintain structural integrity include but are not limited to steel straps screwed to top and bottom flanges, bridging between joists, web reinforcement, cross bracing, diagonal strap bracing, wall anchorage, or any other details as specified on the approved drawings.

3305.6.6.3 Ceiling joists and roof trusses. Ceiling joists and roof trusses shall be installed in accordance with one of the following:

1. With full bearing over the width of the bearing wall beneath;
2. Minimum 1 1/2 inch (38 mm) bearing end condition; or
3. In accordance with design drawings approved by a registered design professional.

3305.6.6.4 Account for all loads during construction. Framing and decking, whether temporary or permanent, shall be designed to sustain all anticipated loads to be imposed by construction activity, including construction loads, concentrated loading caused by material delivery, and loads generated by the movement of material and equipment.

3305.6.6.5 Bracing and shoring for temporary loading areas. Bracing and shoring shall be provided for all temporary loading areas and shall be designed to support the maximum load allowed in the temporary loading area. In no case shall the required shoring be designed for a construction load of less than 100 psf. Bracing and shoring shall ultimately bear upon permanent structure or earth capable of sustaining the loads transmitted. The design shall also specify the criteria for the removal of any temporary bracing or shoring.

3305.6.6.6 Floor joists to be braced prior to installation of decking. No decking or section of decking shall be placed on a joist until the joist has been fully installed and braced in accordance with Sections 3305.6.5 and 3305.6.6.

3305.6.6.7 Placing loads on cold-formed steel. Loads shall be placed on cold formed steel in accordance with section 3305.6.7.

3305.6.6.8 Removal or modification of temporary shoring and bracing. No temporary shoring or bracing shall be removed until the cold-formed steel special inspector required by Chapter 17 has

verified the shoring or bracing is no longer required in accordance with item number 10 of Section 3305.6.6.1. Modifications to temporary shoring or bracing shall be verified by the special inspector. In addition to the documentation required by Chapter 17, the special inspector shall document the verification in accordance with the checklist required by Section 3305.6.8.

3305.6.6.9 Deviations. *Deviations from the drawings required by Section 3305.6.6.1 that are not immediately corrected shall be brought to the attention of the registered design professional who prepared the drawings.*

3305.6.7 Placing loads on cold-formed steel. *The placing of loads during construction or demolition work on cold-formed steel framing or on decking on cold-formed steel framing shall be in accordance with the requirements of Sections 3305.6.7.1 through 3305.6.7.6.*

3305.6.7.1 System in place. *No person, material, or equipment shall be permitted on any joist, temporary decking, or permanent decking, until all members, fasteners, shoring, and bracing have been installed as indicated on the drawings required by Section 3305.6.6.1.*

3305.6.7.2 Maximum loads. *Loading shall not exceed that as indicated on the drawings required by Section 3305.6.6.1.*

3305.6.7.3 Placed as indicated on plans. *Construction loads shall only be placed in areas and to the extent as indicated on the drawings required by Section 3305.6.6.1.*

3305.6.7.4 Marking the temporary loading area. *Temporary loading areas shall be clearly marked on the deck by spray paint or equivalent means. The markings shall indicate the boundaries of the loading area and the maximum loads allowed in the temporary loading area as specified in the drawings required by Section 3305.6.6.1.*

3305.6.7.5 Verification by special inspector. *No construction load shall be placed on a floor or portion of a floor until the temporary or permanent decking for the floor or such portion is in place and the cold-formed steel special inspector required by Chapter 17 has verified compliance with Section 3305.6.6, including but not limited to the drawings required by Section 3305.6.6.1. At a minimum this special inspection shall be performed at least once for each floor. In addition to the documentation required by Chapter 17, the special inspector shall document the verification in accordance with the checklist required by Section 3305.6.8.*

3305.6.7.6 Verification inspection by a competent person. *Immediately prior to the placement of any person, material, or equipment on a section of cold-formed steel framing for the first time, or on a section of decking on cold-formed steel framing for the first time, a competent person designated by the construction superintendent, or where the project does not require a construction superintendent, a competent person designated by the permit holder, shall determine that the structure is ready to receive the person, material, or equipment by performing an inspection that:*

1. *Verifies compliance with applicable drawings, specifications, and regulations, including but not limited to the approved construction documents, the erection drawings, the manufacturer specifications, and the requirements of Section 3305.6;*
2. *Ascertain the weight of the material or equipment to be placed, and determines it does not exceed that specified in the drawings required by Section 3305.6.6.1;*
3. *Confirms that any special inspections for the cold-formed steel required by Chapter 17 and Section 3305.6 have been successfully completed; and*
4. *Verifies compliance with the requirements of Sections 3305.6.7.1 through 3305.6.7.4.*

3305.6.7.6.1 Record of designation of competent person. *The designation of the competent person required by Section 3305.6.7.6 shall be recorded in the construction superintendent's log required by Section 3301.13.13, or where the project does not require a construction superintendent, the designation of the competent person shall be documented in the form of a notarized letter on the letterhead of the permit holder. The record letter shall state the name and contact information of the competent person, the date of designation, and shall be signed and dated by the permit holder, the competent person and the person who designated the competent person.*

3305.6.7.6.2 Record of inspection. *The results of the inspection shall be documented in accordance with the checklist required by Section 3305.6.8.*

3305.6.7.6.3 Does not diminish responsibility. *The designation of a competent person does not alter or diminish any obligation imposed upon the construction superintendent or the permit holder to maintain a safe site and ensure compliance with the requirements of this code.*

3305.6.8 Inspection checklist. *The results of the verification inspections required by Sections 3305.6.6.8, 3305.6.7.5, and 3305.6.7.6 shall be documented on a verification inspection checklist signed and dated by the person who performed the inspection. The verification inspection checklist shall be developed by the designer who prepared the drawings required by Section 3305.6.6.1.*

§3. This local law shall take effect 120 days after it becomes law. This local law shall not apply to applications for construction document approval filed prior to such effective date, except that it shall apply to permits issued prior to such effective date upon renewal. The commissioner of buildings may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Res. No. 1600

Resolution calling upon the State Legislature to pass, and the Governor to sign, A.5782/S.176, which would establish the New York Public Banking Act, and A.3309/S.3016, which would establish an Empire State Public Bank.

By Council Members Cornegy, Levine, Lander, Powers, Rosenthal, Rivera, Kallos, Yeger and D. Diaz.

Whereas, Each year, New York State pays millions of taxpayer dollars to the financial industry in the form of banking fees, bonding fees, interest, commissions and other payments, simply for the privilege of utilizing their banking services; and

Whereas, Private banks use municipal and state deposits to earn money for themselves and their shareholders by speculating in the market with these deposits; and

Whereas, Since 1999, with the repeal of the federal Banking Act of 1933, commonly referred to as the Glass-Steagall Act, which required the separation of commercial and investment banking activities, municipal and state deposits held in for-profit banks are now permitted to be co-mingled with speculative commercial investment; and

Whereas, The Great Recession of 2008 resulted in losses for both individuals and governments, while for-profit banks still made money in the form of commissions, fees, interest and other payments; and

Whereas, the COVID-19 pandemic exposed how private banks could not and/or were unable to respond to providing banking services to unbanked and under-banked communities or the needs of the small businesses and Minority & Women Business Enterprises, particularly when it came to securing PPP loans to non-clients or refinancing student loan debts.

Whereas, New York State has a fiduciary responsibility to its taxpayers to ensure their tax dollars are used in the most efficient manner possible; and

Whereas, New York State Assembly Member Victor Pichardo has introduced A.5782 and New York State Senator James Sanders Jr. has introduced S.176, which would establish the New York Public Banking Act to authorize the lending of public credit to public banks and public ownership of stock in public banks, for the public purposes of achieving cost savings, strengthening local economies, supporting community economic development, and addressing infrastructure and housing needs for localities; and

Whereas, According to the memorandum in support, the legislation would create a safe and appropriate regulatory framework for cities and counties seeking to establish public banks and additionally would allow the State Department of Financial Services (DFS) to issue special-purpose public bank charters; and

Whereas, This is significant because under current law, localities seeking to establish public banks must apply for a commercial bank charter which, according to the New Economy Project, forces local governments to retrofit their public bank business models into a regulatory system that was designed for private, for-profit enterprises; and

Whereas, With special-purpose charters issued by DFS, municipalities create democratically-controlled financial institutions that meet the needs of New York's communities, including achieving cost savings, strengthening local economies, supporting community economic development, and addressing local infrastructure and housing needs; and

Whereas, In addition, New York State Assembly Member Phil Steck has introduced A.3309 and New York State Senator Luis Sepúlveda has introduced S.3016, which would establish the Empire State Public Bank to use the State's depository assets to generate additional benefit for the people and the economy of the state, including access to low-cost capital to build up our infrastructure, sustain and build affordable housing, spur economic development, to lower the total cost of education in the form of low-interest student loans, and subsidize the state general fund in the form of bank dividends and profits; and

Whereas, According to the memorandum in support, a public bank for New York would ensure that tax revenues will stay in the possession of the taxpaying public, allowing for significantly more transparency, utilizing a higher percentage per dollar of these funds directly for the benefit of the residents of New York State, and paying any profits made from investing those funds to the taxpayers, via the general fund instead of to a for-profit bank and its shareholders and principal officers; and

Whereas, New York taxpayer funds should be put to use for sole benefit of the taxpayers for New York State in the form of economic development, infrastructure, affordable housing and education, and the dividends and earnings on these deposits should be paid to the taxpayers of the state of New York; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the State Legislature to pass, and the Governor to sign, A.5782/S.176, which would establish the New York Public Banking Act, and A.3309/S.3016, which would establish an Empire State Public Bank.

Referred to the Committee on Finance.

Int. No. 2265

By Council Members Cumbo, Chin and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to stove safety knobs

Be it enacted by the Council as follows:

Section 1. Section 27-2046.4 of the administrative code of the city of New York, as added by local law number 117 for the year 2018, is amended to read as follows:

§ 27-2046.4 Stovetop protection. a. An owner of a unit in a multiple dwelling shall provide the tenant with *the option of either permanent stove safety knobs with integrated locking mechanisms or stove knob covers*, for each knob located on the front of each gas-powered stove to tenants in each dwelling unit in which the owner

knows or reasonably should know a child under six years of age resides, except where such owner has documented proof that there is no available *permanent stove safety knob with an integrated locking mechanism* or stove knob cover that is compatible with the knobs on such stove. Such *permanent stove safety knobs with integrated locking mechanisms* or stove knob covers shall be made available within thirty days of such owner providing the notice required in subdivision b of this section unless such owner has previously made such *permanent stove safety knobs with integrated locking mechanisms* or stove knob covers available to the tenant and the tenant has not requested a replacement.

b. 1. Such owner shall provide an annual notice to each tenant of a unit regarding the owner's obligation to provide *permanent stove safety knobs with integrated locking mechanisms* or stove knob covers pursuant to subdivision a of this section. Such notice shall inform the tenant of [his or her] *the tenant's* option to refuse *permanent stove safety knobs with integrated locking mechanisms* or stove knob covers.

2. Upon being provided with such notice, a tenant may notify such owner, in writing, that such tenant refuses *permanent stove safety knobs with integrated locking mechanisms* or stove knob covers. If the tenant does not notify the owner, in writing, that the tenant refuses *permanent stove safety knobs with integrated locking mechanisms* or stove knob covers, the owner will make the *permanent stove safety knobs with integrated locking mechanisms* or stove knob covers available to the tenant pursuant to subdivision a of this section.

3. An owner [will] *shall* keep a record of: (i) written notifications of refusal of *permanent stove safety knobs with integrated locking mechanisms* or stove knob covers received from a tenant of a dwelling unit, (ii) the owner's attempts to provide *permanent stove safety knobs with integrated locking mechanisms* or stove knob covers to tenants pursuant to subdivision a of this section, (iii) units for which *permanent stove safety knobs with integrated locking mechanisms* or stove knob covers were made available, and (iv) tenants who have requested *permanent stove safety knobs with integrated locking mechanisms* or stove knob covers.

c. No owner shall refuse a written request of a tenant of such dwelling unit to provide *permanent stove safety knobs with integrated locking mechanisms* or stove knob covers, regardless of whether making such covers available is required pursuant to this section.

d. Any owner who is required to provide permanent stove safety knobs with integrated locking mechanisms or stove knob covers pursuant to this section who fails to do so shall be liable for a class B hazardous violation, provided that it shall be an exception to a violation where (i) the owner provides documented proof that there is no available *permanent stove safety knob with an integrated locking mechanism* or stove knob cover that is compatible with [the knobs on] such stove or (ii) the owner has already fulfilled two requests for replacement *permanent stove safety knobs with integrated locking mechanisms* or stove knob covers within the previous year.

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner of housing preservation and development shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Housing and Buildings.

Res. No. 1601

Resolution calling on the Federal Emergency Management Agency to use its planned \$9.6 billion investment to green and harden Puerto Rico's power grid by helping to transition the island to renewable energy.

By Council Member D. Diaz.

Whereas, On February 25, 2021, Puerto Rico and New York City have a strong connection, with New York City historically having one of the largest population of people of Puerto Rican origin within the United States (U.S.) outside Puerto Rico; and

Whereas, The U.S. Census Bureau's 2019 American Community Survey 1-Year Estimate shows 669,605 people of Puerto Rican origin living in the five boroughs, which is more than any other city in the U.S. mainland; and

Whereas, In September 2017, Hurricanes Irma and Maria swept through Puerto Rico two weeks apart, causing billions of dollars in damage, taking thousands of lives, and leaving millions of Puerto Ricans without power and clean water; and

Whereas, On January 7, 2020, a 6.4 magnitude earthquake struck the island, leading to several aftershocks that significantly damaged the nation's two largest power plants and left two-thirds of its residents without power, with U.S. Geological Survey experts estimating that aftershocks from this earthquake will persist for years to decades, albeit with decreasing frequency; and

Whereas, On January 14, 2020, New York City Mayor Bill de Blasio responded to the earthquakes' impact, calling Puerto Rico "our sixth borough," highlighting the strong connection between New York City and Puerto Rico; and

Whereas, In September 2020, Puerto Rico was promised nearly \$13 billion in federal disaster funding, of which \$9.6 billion was meant to help the Puerto Rico Electric Power Authority (PREPA) repair and replace transmission and distribution lines, power generation systems, and make other improvements to its power grid; and

Whereas, According to the U.S. Energy Information Administration's (EIA) profile of Puerto Rico, approximately 75% of the energy generated in Puerto Rico has come from imported petroleum products, with roughly 50% of its electricity from petroleum-fired power plants, 29% from imported natural gas, 19% from coal and only 2.5% from renewable energy sources, according to fiscal year 2020 sources; and

Whereas, The EIA profile also noted that most of Puerto Rico's population is concentrated in the north of the island, while its highly centralized power grid and largest generating plants are in the south, making Puerto Rico's power system highly reliant on 2,400 miles of transmission and 30,000 miles of distribution lines; and

Whereas, The Hurricanes Irma and Maria destroyed most of that transmission and distribution infrastructure in 2017, while the January 2020 earthquake significantly damaged Puerto Rico's two largest power plants, both of which are natural gas power plants, leading to an increased dependence on petroleum for power and demonstrating a need for renewable energy sources and a more resilient energy infrastructure and power grid system; and

Whereas, The Puerto Rico Energy Public Policy Act was signed into law by the Governor of Puerto Rico in April 2019, after passage of the legislation by both houses of the Legislative Assembly of Puerto Rico, and mandates that PREPA has to obtain 40% of its electricity from renewable resources by 2025, 60% by 2040, and 100% by 2050, while also phasing out coal-fired generation by 2028; and

Whereas, In December of 2020, PREPA submitted their ten-year Infrastructure Modernization Plan to the Federal Emergency Management Agency (FEMA) to detail how it plans to use its \$9.6 billion allocation and included within that plan \$853 million for the construction of new natural gas generation infrastructure, undermining its own renewable energy and grid resiliency goals; and

Whereas, According to a February 2021 report from the Institute for Energy Economics and Financial Analysis, an Ohio-based clean energy think tank, and CAMBIO, a Puerto Rican nonprofit, under their advanced energy model, Puerto Rico could achieve 75% renewable energy in 15 years and 100% household resiliency, where households would have access to electricity thanks to on-site power generation in the event of a large power grid failure, by 2035 with no need for investment in new fossil fuel-based power plants and utilize the \$9.6 billion in federal funding to cost-effectively start implementing the plan, reducing electric systems costs to less than 15 cents per kilowatt-hour by 2035 compared to 21 cents per kilowatt-hour in 2019; and

Whereas, Puerto Rico's utilization of this \$9.6 billion in relief funding for transitioning its power grid to increase resiliency and renewable energy production would not only reduce its dependence on expensive imported petroleum goods, but also provide a model for U.S. states and territories as they look to transition their electrical grids; and

Whereas, Senate Majority Leader Charles Schumer and Congressional Representatives Alexandria Ocasio-Cortez and Nydia M. Velázquez, along with 14 other federal House and Senate members sent a letter to FEMA imploring the agency to ensure that the funding is used solely for expanding Puerto Rico's renewable energy generation and improving power grid resiliency; now, therefore, be it

Resolved, That the Council of the City of New York calls on the Federal Emergency Management Agency to use its planned \$9.6 billion investment to green and harden Puerto Rico's power grid by helping to transition the island to renewable energy.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Int. No. 2266

By Council Member Dromm.

A Local Law to amend the administrative code of the city of New York, in relation to requiring district attorneys to report on retained and seized property

Be it enacted by the Council as follows:

Section 1. Title 9 of the administrative code of the city of New York is amended by adding a new chapter 4 to read as follows:

*CHAPTER 4
DISTRICT ATTORNEYS*

§ 9-401 Definitions. As used in this chapter, the following terms have the following meanings:

Office. The term “office” means an office of a district attorney or the special narcotics prosecutor.

Retained property. The term “retained property” means: (i) property other than U.S. currency that the office has obtained an ownership interest in; or (ii) U.S. currency that the office has obtained an ownership interest in that has been transferred to the general fund of the city pursuant to section 14-140, either because the ownership interest in such currency has been waived or forfeited or because such. currency remains unclaimed after the applicable legal period for claiming such currency has expired.

Seized property. The term “seized property” means property over which the office has obtained custody pursuant to section 14-140, the ownership of which has not been adjudicated, that is held for safekeeping, as arrest evidence, for forfeiture or as investigatory evidence.

§ 9-402 Reporting.

a. Each office shall submit an annual report to the council and the office of criminal justice, and post such report on such office’s website. Such reports shall be submitted within 30 days of January 1 each year, starting in 2022, and shall include the following information for retained and seized property during the previous calendar year:

1. The dollar amount of U.S. currency that has become property retained by the office after a settlement agreement entered into between the office and claimants for such currency;

2. The dollar amount of U.S. currency that has become property retained by the office after a judgment in a civil forfeiture proceeding;

3. The dollar amount of U.S. currency returned by the office to the claimant following a dismissal, judgment, or settlement in a civil forfeiture proceeding pursuant to section 14-140;

4. The number of registered motor vehicles that have become property retained by the office after a settlement or judgement in a civil forfeiture proceeding;

5. The revenue generated by liquidation of registered motor vehicles that have become retained property, the number of such vehicles liquidated, and the entity contracted to liquidate such vehicles on behalf of the office;

6. The revenue generated by liquidation of retained property, other than registered motor vehicles and U.S. currency, and the entity contracted to liquidate such property on behalf of the office; and

7. The total amount of seized property in the form of U.S. currency, disaggregated by:

(a) The dollar amount of such U.S. currency classified and held for safekeeping, disaggregated by the police precinct and month in which such property was vouchered, and also disaggregated by the dollar amount returned to claimants;

(b) The dollar amount of such U.S. currency classified and held as arrest evidence, disaggregated by the police precinct and month in which such property was vouchered, and also disaggregated by the dollar amount returned to claimants;

(c) The dollar amount of such U.S. currency held for forfeiture, disaggregated by the police precinct and month that such property was vouchered, and also disaggregated by the dollar amount returned to claimants;

(d) The dollar amount of such U.S. currency held as investigatory evidence, disaggregated by the borough, police precinct and month that such property was vouchered, and also disaggregated by the dollar amount returned to claimants;

b. Reports required pursuant to subdivision a of this section shall be stored permanently and accessible from each office's website, and shall be provided in a format that permits automated processing.

§ 2. Title 9 of the administrative code of the city of New York is amended by adding a new section 9-307 to read as follows:

§ 9-307 District attorney reporting. No later than 45 days from January 1 of each year, starting in 2022, the office shall provide to the council and publish on its website an annual report on district attorneys. This report shall consist of the information required pursuant to section 9-402 aggregated for all district attorneys, and published in a manner that permits the comparison of such information for such district attorneys.

§ 3. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 2267

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 amending the district plan of the Flatbush Avenue business improvement district to authorize additional services for the district and to change the method of assessment upon which the district charge is based

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-435.1 to read as follows:

§ 25-435.1 Flatbush Avenue business improvement district; amendments to the district plan. 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 additional services for the Flatbush Avenue business improvement district and to authorize a change in the method of assessment upon which the district charge in the Flatbush Avenue business improvement district is based, and the council having determined further that the tax and debt limitations prescribed in section 25-412 of chapter four of this title will not be exceeded by such change, there are hereby authorized in the Flatbush Avenue business improvement district such changes as set forth in the amended district plan required to be filed with the city clerk pursuant to subdivision b of this section.

b. Immediately upon adoption of this local law, the council shall file with the city clerk the amended district plan setting forth the authorization of additional services and containing the change in the method of assessment authorized by subdivision a of this section.

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

Referred to the Committee on Finance.

Int. No. 2268

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 amending the District Plan of the Queens Plaza/Court Square business improvement district to change the method of assessment upon which the district charge is based

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-467.4 to read as follows:

§ 25-467.4 *Queens Plaza/Court Square business improvement district; amendment of the district plan. 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 a change in the method of assessment upon which the district charge in the Queens Plaza/Court Square business improvement district is based, and the council having determined further that the tax and debt limitations prescribed in section 25-412 of chapter four of this title will not be exceeded by such change, there is hereby authorized in such district such change as is set forth in the amended district plan required to be filed with the city clerk pursuant to subdivision b of this section.*

b. Immediately upon adoption of this local law, the council shall file with the city clerk the amended district plan containing the change in the method of assessment authorized by subdivision a of this section.

§ 2. This local law shall take effect on June 30, 2021, provided that if it shall have become a law subsequent to such day, this local law shall take effect immediately and shall be retroactive to and deemed to have been in full force and effect as of June 30, 2021.

Referred to the Committee on Finance.

Res. No. 1602

Resolution calling upon the New York state legislature to pass and the Governor to sign, legislation requiring utility companies (including gas, electric, water, internet and telecommunications) to prorate customer bills to compensate for disruptions in service.

By Council Member Dromm.

Whereas, For most New Yorkers, at least thirty percent of their income is spent on housing and basic (electric, gas, water) utilities; and

Whereas, New York ranks as the fifth most expensive state in the country for utility bills, and residents pay more, on average, for electricity, gas and internet services; and

Whereas, It is not surprising then that New York City is one of the most expensive places in the world to live; and

Whereas, Unfortunately, even though New Yorkers are paying some of the highest prices in the country for their utilities, they do not necessarily receive the best service or most satisfying customer experience; and

Whereas, According to data from the Office of the New York Attorney General, utility-related complaints, which include those against electricity, water, gas, phone, cable and internet service providers, were in the top five most-common complaints in 2019; and

Whereas, Earlier this year, Verizon Fios customers in New York, and along the whole northeast of the country, experienced internet outages over a number of hours; and

Whereas, Such outages are frustrating at the best of times, but now, during the COVID-19 pandemic when people are forced to work and study mostly online, these outages are incredibly disruptive; and

Whereas, The consequences for electricity outages are even more severe; and

Whereas, Over the past few summers, New Yorkers have experienced numerous power outages, often during searing heatwaves; and

Whereas, The consequences of these outages can be deadly and, adding to the injustice, not distributed equally; and

Whereas, For instance, in New York, Black residents are the victims in a majority of heat-related deaths, despite only comprising around a quarter of the city's population; and

Whereas, Such deaths are largely preventable when cooling is available, accessible and affordable; and

Whereas, Even when the impact of utility outages is not life-threatening, from a consumer perspective, it is trying and disruptive; and

Whereas, Even more frustrating for customers is that, in most instances, they continue to be billed, even when there are service disruptions; and

Whereas, While it is sometimes possible to get a credit or refund for interrupted services, often customers will have to negotiate for refunds, adding further frustration and hassle; and

Whereas, In some jurisdictions, the law provides for customer reimbursements if there are utility outages; and

Whereas, Seattle, for example, offers cable customers a bill of rights that stipulates a range of compensation amounts for various problems with services; and

Whereas, In New York state, the Department of Public Service, which regulates utilities such as electric, gas, steam, water, cable and telecommunications, dictates that cable customers who experience an outage of more than four hours are entitled to prorated compensation, provided the customer applies for the reimbursement; and

Whereas, At present, no such regulations exist for electricity or steam utilities in New York, although Senator Michael Gianaris has introduced S.86, which would establish reimbursement mandates for these customers in the event that they experience service disruptions; and

Whereas, Until there are comprehensive regulations, utility customers are left with little recourse in securing compensation for outages, outside of negotiating with the utility company for a refund; and

Whereas, This gives utility companies little incentive to improve their service; and

Whereas, In the United Kingdom, the government communications regulator (Ofcom), which oversees television, radio, video on demand, cellphone and landline, and postal services, set up their compensation scheme to consciously tackle this consumer protection issue; and

Whereas, Prior to the April 2019 implementation of the compensation scheme, Ofcom found that there were more than seven million cases of customers suffering from delayed repairs, loss of service and other consumer issues, but that compensation was only paid out in small amounts in about one in seven cases; and

Whereas, By establishing a mandate for automatic compensation, however, utility companies are put on notice that their poor service will result in customer reimbursements and thus, encourages these companies to improve service; and

Whereas, Customers in New York deserve the same kinds of protections for all of their utilities; and

Whereas, Living in one of the most expensive cities in the world should guarantee reliable service of essential amenities, such as electricity, internet, gas, water and telecommunications; and

Whereas, When this cannot be guaranteed, customers should at least feel certain that they will be compensated for service interruptions; now, therefore, be it

Resolved, That the New York state legislature pass and the Governor sign, legislation requiring utility companies (including gas, electric, water, internet and telecommunications) to prorate customer bills to compensate for disruptions in service.

Referred to the Committee on Consumer Affairs and Business Licensing.

Preconsidered Res. No. 1603

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

By Council Member Dromm.

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

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

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

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2020 Expense Budget by approving the new designation and the changes in the designation for certain organizations receiving local and youth discretionary funding in accordance therewith; and

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

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

Resolved, That the City Council approves the changes in the designation of certain organizations receiving youth discretionary funding pursuant to the Fiscal 2021 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 3; and be it further

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

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 5; and be it further

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

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 7; and be it further

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

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

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

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

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

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

Resolved, That the City Council approves sets forth the change in the designation of a certain organization receiving funding pursuant to the Art a Catalyst for Change Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 14; and be it further

Resolved, That the City Council approves the new designation and the change in the designation of a certain organization receiving funding pursuant to the Immigrant Health Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 15; and be it further

Resolved, That the City Council approves the new designation and the change in the designation of a certain organization receiving funding pursuant to the Senior Centers, Programs, and Enhancements Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 16; and be it further

Resolved, That the City Council approves the new designation and the change in the designation of a certain organization receiving funding pursuant to the Naturally Occurring Retirement Communities (NORCs) Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 17; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the SU-CASA Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 18; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Educational Programs for Students Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 19; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 20; and be it further

Resolved, That the City Council approves the new designation and the change in the designation of a certain organization receiving youth discretionary funding in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 21; and be it further

Resolved, That the City Council approves the amendment of the description for the Description/Scope of Services for certain organizations receiving local, youth, and aging discretionary funding and funding for a certain initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 22.

Resolved, That the City Council approves the amendment of the description for the Description/Scope of Services for a certain organization receiving local discretionary funding in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 23.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for text of the Exhibit Charts, please refer to the attachments section of [the Res. No. 1603 of 2021 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>).

Preconsidered Res. No. 1604

Resolution concerning an amendment to the district plan of the Queens Plaza/Court Square Business Improvement District that provides for a change in the method of assessment upon which the district charge is based, and setting the date, time and place for the public hearing of the local law authorizing such change.

By Council Member Dromm.

Whereas, pursuant to the authority granted by chapter 4 of title 25 of the Administrative Code of the City of New York (the "BID Law"), the City established the Queens Plaza/Court Square Business Improvement District (the "District") in the Borough of Queens; and

Whereas, pursuant to Local Law No. 82 for the year 1990, the City Council assumed responsibility for adopting legislation relating to Business Improvement Districts; and

Whereas, pursuant to Section 25-410(b) of the BID Law, an amendment to the District Plan that provides for any change in the method of assessment upon which the district charge is based may be adopted by local law, provided that the City Council determines, after a public hearing, that it is in the public interest to authorize such change and that the tax and debt limits prescribed in Section 25-412 of the BID Law will not be exceeded by such change; and

Whereas, the District wishes to amend the District Plan in order to provide for a change in method of assessment upon which the district charge is based; and

Whereas, pursuant to Section 25-410(b) of the BID Law, the City Council is required to give notice of the public hearing by publication of a notice in at least one newspaper having general circulation in the district specifying the time when and the place where the hearing will be held; now, therefore, be it

Resolved, that the Council of the City of New York, pursuant to Section 25-410(b) of the BID Law, hereby directs that:

- (i) May 13, 2021 is the date and the City Council Remote Hearing, Virtual Room 1, is the place and 9:00 a.m. is the time for a public hearing (the "Public Hearing") to hear all persons interested in the legislation that would authorize a change in the method of assessment upon which the district charge in the Queens Plaza/Court Square Business Improvement District is based; and
- (ii) On behalf of the City Council and pursuant to Section 25-410(b) of the BID Law, the District Management Association of the Queens Plaza/Court Square Business Improvement District is hereby authorized to publish in a newspaper of general circulation in the district, not less than ten (10) days prior to the Public Hearing, a notice stating the time and place of the Public Hearing.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered Res. No. 1605

Resolution concerning an amendment to the District Plan of the Flatbush Avenue Business Improvement District that authorizes additional services for the district and changes the method of assessment upon which the district charge is based, and setting the date, time and place for the public hearing of the local law authorizing such changes as set forth in the amended District Plan of the Flatbush Avenue Business Improvement District.

By Council Member Dromm.

Whereas, pursuant to chapter 4 of title 25 of the Administrative Code of the City of New York (the "BID Law"), the City established the Flatbush Avenue Business Improvement District in the City of New York; and

Whereas, pursuant to Local Law No. 82 for the year 1990, the City Council assumed responsibility for adopting legislation relating to Business Improvement Districts; and

Whereas, pursuant to Section 25-410(b) of the BID Law, an amendment to the District Plan that provides for additional improvements or services provided or any change in the method of assessment upon which the district charge is based may be adopted by local law, provided that the City Council determines, after a public hearing, that it is in the public interest to authorize such change and that the tax and debt limits prescribed in Section 25-412 of the BID Law will not be exceeded by such change; and

Whereas, the Flatbush Avenue Business Improvement District wishes to amend the District Plan in order to authorize additional services in the District and change the method of assessment upon which the district charge is based; and

Whereas, pursuant to Section 25-410(b) of the BID Law, the City Council is required to give notice of the public hearing by publication of a notice in at least one newspaper having general circulation in the district specifying the time when and the place where the hearing will be held; now, therefore, be it

Resolved, that the Council of the City of New York, pursuant to Section 25-410(b) of the BID Law, hereby directs that:

- (i) May 13, 2021 is the date and the City Council Remote Hearing, Virtual Room 1, is the place and 9:00 a.m. is the time for a public hearing (the "Public Hearing") for a public hearing (the "Public Hearing") to hear all persons interested in the legislation that would authorize additional services in the District and a change in the method of assessment upon which the district charge in the District is based; and
- (ii) On behalf of the City Council and pursuant to Section 25-410(b) of the BID Law, the District Management Association of the Flatbush Avenue Business Improvement District is hereby authorized to publish in a newspaper of general circulation in the district, not less than ten (10) days prior to the Public Hearing, a notice stating the time and place of the Public Hearing.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Res. No. 1606

Resolution calling upon the Federal government to take appropriate action to forgive at least \$50,000 in student debt, and to take other necessary steps to address the educational loan crisis.

By Council Member Dromm.

Whereas, The United States (U.S.) Federal Reserve estimates that, in quarter three of 2020, 45.3 million Americans owed more than \$1.7 trillion in student loan debt; and

Whereas, U.S. student loan debt is now the second highest consumer debt category, and the amount owed represents an increase of nearly four percent compared to quarter three of 2019, as well as about a 102 percent increase over the past decade; and

Whereas, In New York City, an estimated one million adults have at least one student loan, and collectively New Yorkers owe \$34.8 billion; and

Whereas, In March 2020, following the outbreak of the novel coronavirus ("COVID-19") pandemic, the U.S. Office of Federal Student Aid began to provide temporary relief on federal student loans, including the suspension of loan payments, stopping collections on defaulted loans, and issuing a zero percent interest rate; and

Whereas, With the passage of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”), that temporary relief has been extended three times, currently through at least September 30, 2021; and

Whereas, During his campaign, President Joseph Biden proposed creating a program that would offer \$10,000 of undergraduate or graduate student debt relief for every year of national or community service, up to five years; and

Whereas, A broad coalition of over 325 civil rights groups, consumers rights organizations, and labor unions have asked President Biden to cancel student loan debt, with many lawmakers, including U.S. Senate Majority Leader Charles Schumer, calling for \$50,000 in forgiveness; and

Whereas, In February 2021, President Biden said he will not cancel \$50,000 of student loans by executive order and has since maintained that the U.S. Congress, which controls federal spending, should cancel student loans; and

Whereas, While the U.S. Congress has carved out some exceptions, such as for Public Service Loan Forgiveness and disability discharges, the cancellation of debt, including student loan debt, is often a taxable event for the borrower and can leave them with a significant tax liability; and

Whereas, Moreover, according to U.S. Department of Education data, 99 percent of Public Service Loan Forgiveness program applicants were rejected in 2018; and

Whereas, In March 2021, President Biden signed his new stimulus package, the American Rescue Plan Act of 2021, which includes a provision that exempts all student loan forgiveness from taxation through January 1, 2026; and

Whereas, The exemption is broad and includes government-held federal student loans, federally-guaranteed Federal Family Education Loan program student loans and private student loans, and sponsors of the stimulus package believe that it creates a pathway for President Biden to cancel student debt; and

Whereas, According to an August 2020 Roosevelt Institute study, student debt, as a federal policy, has reproduced and worsened the racial wealth gap and economic inequality; and

Whereas, In March 2021, President Biden also announced the reinterpretation of a program established in 2016 to help borrowers who were misled, defrauded, or otherwise harmed by their often for-profit educational institutions, resulting in the cancellation of \$1 billion in debt; and

Whereas, The racial gap in student debt between Black and white borrowers tripled for recent graduates just four years after graduation and more than quadrupled 12 years later; 20 years after starting school, the median white borrower had paid off 94 percent of their education debt, while the median Black borrower still owed 95 percent of their debt; and

Whereas, Studies show that not only could student debt cancellation significantly increase Black and Latinx household wealth and help close the racial wealth gap, but it could also provide immediate relief to millions who are struggling because of the COVID-19 pandemic and recession; and

Whereas, Student debt cancellation can also boost the country’s struggling economy by encouraging higher home-buying rates and stability, better college completion rates, and greater small business creation; and

Whereas, In addition to student debt cancellation, the Federal government must take bold action to check the greed of educational and financial institutions that created this crisis; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Federal government to take appropriate action to forgive at least \$50,000 in student debt, and to take other necessary steps to address the educational loan crisis.

Referred to the Committee on Higher Education.

Preconsidered Res. No. 1607

Resolution calling on the State Legislature to pass, and the Governor to sign, legislation that would expand eligibility for the Disability Rent Increase Exemption to include certain categories of immigrant New Yorkers who are currently excluded.

By Council Member Dromm.

Whereas, The Disability Rent Increase Exemption (DRIE) program, administered by the New York City Department of Finance, is a means-tested benefit that allows New York tenants living with a disability to apply for an exemption to future rent increases; and

Whereas, DRIE provides critical relief to those who are unable to earn a livable income due to a disability, by granting a property tax credit to the owner that covers the future rent increase; and

Whereas, DRIE, implemented in 2005, helps reduce displacement and keep individuals living with a disability in their homes; and

Whereas, DRIE eligibility relies on an income threshold, proof that the applicant is the primary leaseholder, and proof of disability, in addition to a minimum age of 18; and

Whereas, To prove disability, DRIE applicants must receive one of several types of income assistance: federal social security disability insurance (SSDI), supplemental security income (SSI), disability pension or compensation through the United States Department of Veterans Affairs or the United States Postal Service, or retain previous eligibility for a federally administered disability benefit and currently receive medical assistance based on a determination of disability; and

Whereas, Most forms of disability income assistance are restricted to United States citizens and certain eligible categories of immigrants; and

Whereas, Eligible categories of immigrants include individuals who reside in the United States under certain humanitarian categories, have maintained lawful permanent residence for 5 years and received 40 qualified quarters of earnings, or have served in the United States' armed forces; and

Whereas, As a result, many immigrants living with disabilities are ineligible for federal income assistance and additionally excluded from the DRIE program; and

Whereas, American Community Survey data from 2019 estimates that 6.8 percent of New York City's population lives with a disability, and as many as 208,620 of those individuals are foreign-born; and

Whereas, In New York City, immigrants are disproportionately affected by the housing affordability crisis: 22 percent of immigrant New Yorkers live in overcrowded households as compared to 16.4 percent of U.S.-born New Yorkers; and

Whereas, Further, foreign-born New Yorkers who have not naturalized experience severe household overcrowding: 17.1 percent of those with an immigration status and 33 percent of undocumented New Yorkers live in overcrowded households; and

Whereas, Median rents in New York City have increased 4 percent year over year from 2005 to 2017, while incomes have increased just 1.9 percent for single adults and up to 3.4 percent for a married couple with two children, in that same time frame; and

Whereas, Non-citizen foreign born New Yorkers are disproportionately rent-burdened: 53 percent of status-holders and 52 percent of undocumented New Yorkers pay more than 30 percent of their income towards housing costs, as compared to 48 percent of U.S.-born New Yorkers; and

Whereas, It is past time to extend the DRIE program to immigrant New Yorkers living with a disability who are in critical need of housing assistance and would be eligible for the program but for their lack of qualifying immigration status; and

Whereas, The Senior Citizen Rent Increase Exemption (SCRIE) program, a parallel rent assistance means-tested benefit available to New Yorkers over the age of 62, provides the same relief without relying on benefit receipt restricted to certain categories of immigrants; now, therefore, be it,

Resolved, That the Council of the City of New York calls on the State Legislature to pass, and the Governor to sign, legislation that would expand eligibility for the Disability Rent Increase Exemption to include certain categories of immigrant New Yorkers who are currently excluded.

Adopted by the Council (preconsidered and approved by the Committee on Immigration).

Int. No. 2269

By Council Member Gjonaj.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the use of pet-friendly materials to address ice on roadways

Be it enacted by the Council as follows:

Section 1. Paragraph 4 of subdivision b of section 16-124.1 of the administrative code of the city of New York, as added by local law 28 for the year 2011, is amended to read as follows:

(4) How the department plans to address the following types of tasks during a snow event: (i) plowing and/or removal of snow and ice from streets within each borough; (ii) plowing and/or removal of snow and ice from curb cuts and pedestrian medians at intersections on primary streets; (iii) plowing and/or removal of snow and ice from crosswalks, sidewalks adjacent to parks and bus stops; and (iv) dispersal of [salt,] *ice melting materials*, sand or other [material] *materials that may be applied to roads in icy or snowy conditions, which shall not include materials that harm or irritate animals*; and

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

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 2270

By Council Member Holden.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to designate parking spots on streets

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-162.6 to read as follows:

§ 19-162.6 *Permissible street parking. a. By no later than April 1, 2023, where practicable, the department shall provide markings on city streets in all areas classified as commercial districts pursuant to the zoning resolution of the city of New York, to designate each space where a motor vehicle is permitted to park.*

b. Within 60 days of the effective date of the local law that added this section, the commissioner shall post on the department's website guidance to motorists relating to street markings and shall promulgate updated rules regarding parking of motor vehicles on city streets.

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

Referred to the Committee on Transportation.

Int. No. 2271

By Council Member Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to environmentally preferable purchasing by city agencies, and by repealing paragraph 30 of subdivision a of section 6-301 of such code concerning the definition of power supply, by repealing and replacing subdivision e of section 6-306 of such code concerning power-supply standards for computer products procured by

city agencies, and by repealing subdivision e of section 6-317 of such code concerning a program to recognize certain city agency contractors in connection with packaging reduction guidelines

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 6-301 of the administrative code of the city of New York is amended by adding a new paragraph (20-a) to read as follows:

(20-a) “EPEAT” means the electronic product environmental assessment tool, as defined in paragraph (18) of this subdivision.

§ 2. Paragraph 30 of subdivision a of section 6-301 of the administrative code of the city of New York is REPEALED.

§ 3. Paragraph (2) of subdivision a of section 6-302 of the administrative code of the city of New York, as added by local law number 118 for the year 2005, is amended to read as follows:

(2) purchased or leased by any contractor pursuant to any contract with any agency where the director has designated such contract as one subject to this chapter *in accordance with the provisions of this section and section 6-303*, in whole or in part; or

§ 4. Paragraph (8) of subdivision a of section 6-303 of the administrative code of the city of New York, as added by local law number 118 for the year 2005, is amended to read as follows:

(8) where the contracting agency finds that the inclusion of a specification otherwise required by sections 6-306 or 6-310 of this chapter would not be consistent with such agency’s ability to obtain the highest quality product at the lowest possible price through a competitive procurement, provided that in making any such finding the contracting agency shall consider life-cycle cost-effectiveness *and shall submit to the director, before awarding a contract on which consideration of life-cycle cost-effectiveness is based, a report on the details of the methodology and conclusion of the analysis upon which such agency has relied to make such finding*; and

§ 5. Paragraph (9) of subdivision a of section 6-303 of the administrative code of the city of New York, as added by local law number 118 for the year 2005, is amended to read as follows:

(9) where the contracting agency finds that the inclusion of a specification otherwise required by subchapters 5 [or], 6 or 8 of this chapter would not be consistent with such agency’s ability to obtain the highest quality product at the lowest possible price through a competitive procurement, provided that in making any such finding the contracting agency shall consider the health and safety benefits of such specification *and shall submit to the director, before awarding a contract on which consideration of health and safety benefits is based, a report on the details of the health and safety considerations of such agency*.

§ 6. Subdivision a of section 6-304 of the administrative code of the city of New York, as added by local law number 118 for the year 2005, is amended to read as follows:

a. [develop, establish, as appropriate, by promulgation of] *promulgate rules and other guidance for the purpose of establishing and [implement] implementing environmental purchasing standards, in addition to those set forth in this chapter, the purpose of which shall be to: conserve energy and water; eliminate reliance on virgin materials and increase the use of recycled and reused materials, as well as recyclable and reusable materials; [reduce] eliminate reliance on hazardous substances, with an emphasis on persistent, bioaccumulative and toxic chemicals; [decrease] achieve net-zero greenhouse gas emissions; improve indoor and outdoor air quality; promote end-of-life management; [and reduce] eliminate waste; and account for and reduce the negative effects for the environment, and generate positive effects for the environment, of city purchases of goods and services;*

§ 7. Subdivision e of section 6-304 of the administrative code of the city of New York, as added by local law number 118 for the year 2005, is amended to read as follows:

e. monitor agency compliance with the city’s environmental purchasing standards *and publish on the city’s website all annual reports submitted pursuant to paragraph (2) of subdivision a of section 6-305*; and

§ 8. Paragraph (1) of subdivision f of section 6-304 of the administrative code of the city of New York, as added by local law number 118 for the year 2005, is amended to read as follows:

(1) the total value of [goods] contracts entered into by any agency that:

(i) comply with one or more city environmental purchasing standards[;], *and for each such contract, the standards applied;*

(ii) *are not subject to city environmental purchasing standards;*

(iii) are subject to an exemption or waiver pursuant to section 6-303, disaggregated by the specific exemption or waiver; and

(iv) do not comply with one or more city environmental purchasing standards.

§ 9. Paragraph (5) of subdivision f of section 6-304 of the administrative code of the city of New York, as added by local law number 118 for the year 2005, is amended to read as follows:

(5) [any material] *all* changes to the city's environmental purchasing standards since the last publication of such report, including any new, updated or revised rules established or determinations made by the director, *a detailed summary of any ongoing review pursuant to subdivision b of this section and, if no updates or revisions have been made to the city's environmental purchasing standards pursuant to such subdivision during the two years preceding such report, a detailed explanation for the determination that such updates or revisions were not necessary, including an assessment of any updates or revisions considered and rejected;*

§ 10. Paragraph (2) of subdivision a of section 6-305 of the administrative code of the city of New York, as added by local law number 118 for the year 2005, is amended to read as follows:

(2) submit an annual report [as required by the director] detailing such compliance, *which report shall include all reports required for exemptions claimed in the prior year pursuant to paragraphs (8) or (9) of subdivision a of section 6-303.*

§ 11. Subdivision e of section 6-306 of the administrative code of the city of New York is REPEALED and a new subdivision e is added to read as follows:

e. Beginning on the effective date of this subdivision, unless prior to such date the director determines that products that would comply with this subdivision are not available in sufficient quantities and upon reasonable terms, an agency may only purchase or lease a desktop computer, desktop-derived server, laptop, electronic notebook, computer tablet, or other such similar computer product if such product meets applicable EPEAT standards, unless no EPEAT standard for such product exists. The director shall investigate the feasibility of purchasing such products prior to the effective date of this subdivision. In the event that this subdivision does not apply after such effective date as a result of a determination of the director, the director shall reconsider such determination annually and, where applicable as a result of any such reconsideration, the requirement in this subdivision shall take effect as soon as practicable thereafter.

§ 12. Subdivision f of section 6-306 of the administrative code of the city of New York, as added by local law number 118 for the year 2005, is amended to read as follows:

f. No lamp purchased or leased by any agency shall be an incandescent lamp, *including but not limited to a halogen lamp* [if a more energy efficient lamp is available that provides sufficient lumens and is of an appropriate size for the intended application].

§ 13. Subdivisions a and b of section 6-307 of the administrative code of the city of New York, as added by local law number 119 for the year 2005, is amended to read as follows:

a. Notwithstanding section 6-302 of this chapter, this section shall apply to [any] *every* computer, printer, facsimile machine [or],₂ photocopy machine *and all other office equipment* owned or leased by any agency *that contains power management software that may be calibrated to achieve energy savings.*

b. The power management software options of [any] *every* computer, printer, facsimile machine,₂ [or] photocopy machine *and other piece of office equipment* that contains such software shall be calibrated to achieve the highest energy savings practicable.

§ 14. Section 6-311 of the administrative code of the city of New York, as added by local law number 120 for the year 2005, is amended to read as follows:

§ 6-311 Reuse or recycling of electronic devices. By January 1, 2008, unless otherwise directed by a subsequent local law, the city shall develop a plan for the reuse or recycling of any covered electronic device purchased or leased by any agency. *The city shall post such plan and any updates thereto on the website of the office of contract services.*

§ 15. Subdivision b of section 6-312 of the administrative code of the city of New York, as added by local law number 120 for the year 2005, is amended to read as follows:

b. No new covered electronic device purchased or leased by any agency shall contain any hazardous substance in any amount exceeding that proscribed by the director through rulemaking. In developing such rules, the director shall consider European Union directive 2002/95/EC [and],₂ any subsequent material directive issued by the European Parliament and the Council of the European Union, *and any other relevant standard issued by another governing body.*

§ 16. The section heading of section 6-315 of the administrative code of the city of New York, as added by local law number 120 for the year 2005, is amended to read as follows:

§ 6-315 [Miscellaneous] *Other Hazardous Materials*.

§ 17. Section 6-316 of the administrative code of the city of New York, as added by local law number 118 for the year 2005, is amended to read as follows:

§ 6-316 Green cleaning products. a. Beginning June 1, 2009, the city shall purchase and use green cleaning products to the *maximum* extent [and in the manner that such use is] *practicable as* determined [to be feasible through the pilot program established pursuant to the local law that added subchapter 6 of this chapter or through any other testing and evaluation conducted] by the director. Such green cleaning products shall meet the health and environmental criteria for the relevant product category as established by the director [under the pilot program or any such criteria as updated or revised by the director].

b. [No later than June 1, 2009, the] *The* director shall publish *on the department's website* a list of green cleaning products that may be purchased by the city to comply with this section. [At least once annually,] *The director shall review* such list [shall be reviewed and revised, if necessary] *and make appropriate revisions no later than June 1 of each year.*

§ 18. Subdivision a of section 6-317 of the administrative code of the city of New York, as added by local law number 51 for the year 2011, is amended to read as follows:

a. The director [of citywide environmental purchasing], after consultation with the mayor's office of long term planning and sustainability, shall establish packaging reduction guidelines for contracts entered into by city agencies for the purchase of goods. *The director shall review such guidelines and make appropriate revisions no later than June 1 of each year.*

§ 19. Subdivision c of section 6-317 of the administrative code of the city of New York, as added by local law number 51 for the year 2011, is amended to read as follows:

c. The director [of citywide environmental purchasing] shall make such guidelines available to all city agencies and publish such guidelines on the city's website.

§ 20. Subdivision e of section 6-317 of the administrative code of the city of New York is REPEALED.

§ 21. Chapter 3 of title 6 of the administrative code of the city of New York is amended by adding a new subchapter 8 to read as follows:

SUBCHAPTER 8 FURNITURE

§ 6-318 Furniture. a. *The city shall purchase and use environmentally preferable furniture in its facilities.*

b. *The director shall promulgate rules with specifications for furniture to meet the requirements of this section. When drafting those rules, the director shall consider the standards and ecolabels recommended by the United States environmental protection agency and any more stringent applicable standard promulgated by a government agency or other organization concerned with the development of environmental standards.*

c. *The director shall review the rules required by this section at least annually and shall revise them as needed.*

d. *Rules for the purchase of environmentally preferable furniture shall be in addition to any other provisions of this chapter that apply to the purchase of furniture.*

§ 22. This local law takes effect 180 days after it becomes law. The director of citywide environmental purchasing, in collaboration with other relevant agencies, shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Contracts.

Int. No. 2272

By Council Member Kallos.

A Local Law in relation to agency purchasing of textiles, including required reporting on the supply chain for such textiles, and to establish a task force to recommend legislation and policy for environmentally preferable purchasing, use and disposal of such textiles

Be it enacted by the Council as follows:

Section 1. Definitions. For purposes of this local law, the following terms have the following meanings:

Agency. The term “agency” means a city, county, borough, or other office, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury, unless otherwise specified.

City. The term “city” means the city of New York.

Director. The term “director” means the director of citywide environmental purchasing, unless otherwise specified.

Task force. The term “task force” means the task force established by this local law.

Textile. The term “textile” has its common meaning, and includes cloth, fabric and other flexible materials made of animal skin, hair, fur or fleece; plants; minerals; or synthetic materials.

Textile good. The term “textile good” means a good made in whole or in part of textiles.

§ 2. Report on agency purchases of textiles. a. Information to be reported. The director shall prepare a report of the following information regarding agency purchases of textile goods for the 4 years preceding the effective date of this local law:

1. A list of such goods, as categorized by the director pursuant to paragraph 1 of subdivision b of this section, and the following information for each such good:

(a) The textiles found in the textile good;

(b) The location where the finished textile good was produced;

(c) The location where each textile component of the finished textile good was produced or processed, if different from the location where the finished textile good was produced, including the following stages in the supply chain and any others, if traceable, as applicable: (i) raw material production or extraction; (ii) fiber manufacturing, including scouring; (iii) slaughter, tanning, dressing or dyeing; (iv) weaving, spinning, knitting or felting; and (v) cutting and sewing;

(d) The average time such textile good is used for agency purposes before disposal;

(e) How such textile good is disposed of, including whether it is recycled or landfilled and, if recycled, the secondary use; and

(f) Whether any textile component of such textile good is biodegradable, and if so, by what measure, in what conditions and the effective rate of biodegradation;

2. The total value of contracts for such textile goods, in the aggregate and disaggregated by agency, textile and additional textile content information required pursuant to paragraph 3 of subdivision b of this section;

3. The total volume of such textile goods in units designated by the director, in the aggregate and disaggregated by textile and additional textile content information required pursuant to paragraph 3 of subdivision b of this section; and

4. A list of vendors authorized to sell such textile goods to employees of agencies, and for each such vendor, the textile goods offered for sale and the agency for whose employees such textile goods are offered for sale.

b. Additional reporting specifications. For purposes of the report required in subdivision a of this section:

1. The director shall determine how to categorize textile goods for the purpose of reporting information about such goods in an organized, consistent and accurate manner, and to facilitate comparison of such goods by terms required by this local law. At the most general level, examples of textile goods include, but are not necessarily limited to, uniforms and other apparel, including footwear, regalia and other accessories; upholstery; blankets; and industrial use textiles. For purposes of reporting, the director shall categorize textile goods with as much specificity as necessary to meet the requirements and further the purposes of this local law.

2. Examples of textiles found in textile goods include, but are not necessarily limited to, polyester, nylon, cotton, wool, leather, fur, silk, alpaca, modal, viscose, acrylic, hemp, polyurethane leather, polyvinyl chloride (PVC) and blends thereof, provided that the composition of blends shall be specified.

3. For each textile good referenced in the report, the director shall further report:

- (a) Whether the textile good is composed in whole or in part of a virgin textile;
- (b) Whether the textile good includes recycled textiles, and if so, the percentage of recycled content;
- (c) Whether the textile good includes organic textiles, and if so, the percentage of organic content; and
- (d) Whether the textile good includes animal-derived textiles, and if so, the species and the country of origin.

4. Claims of the nature or content of textiles shall include a reference to the certification, standard or other proof of such content.

5. Locations shall be reported as specifically as practicable, including the name of the factory or mill, if applicable.

6. For purposes of all reports required by this local law, agency purchases of goods shall be deemed to include purchases by agency employees from authorized vendors.

c. When due; missing information. The director shall submit the report prepared pursuant to subdivision a of this section to the speaker of the council and publish it on the city's website no later than 180 days after the effective date of this local law. If additional time is needed to obtain required information, the director shall ask the speaker of the council for leave to submit a supplementary report. Any such supplemental report shall be submitted to the speaker of the council and published on the city's website no later than 1 year after the effective date of this local law. In all reports required by this section, the director shall describe the efforts made to obtain any missing required information and explain why such information cannot be obtained.

§ 3. Task force. a. Task force established. There shall be a task force to develop environmentally preferable purchasing guidelines for textiles, and to make recommendations for legislation and policy that would reduce the negative effects of agency consumption of textiles, which may include recommendations regarding agency textile use and waste management, and regulation of authorized vendors of agency-purchased textiles. Such guidelines shall serve the following purposes:

1. To conserve, protect and rehabilitate resources, including land, timber, water and energy, and to promote the efficient use thereof;

2. To eliminate reliance on virgin textiles, with an emphasis on virgin textiles that require intensive land and water resources for production, and to increase the use of recycled and reused textiles, recyclable and reusable textiles, and biodegradable textiles;

3. To eliminate reliance on textiles that have significant negative environmental impact based on criteria considered in Task 2, set forth in subdivision b of this section;

4. To eliminate the use of and exposure to hazardous substances, including bioaccumulative and toxic chemicals found in textiles, including chromium, formaldehyde and PVC;

5. To achieve net-zero greenhouse gas emissions, or a negative rate thereof, with respect to agency consumption of textiles;

6. To promote environmentally responsible use and end-of-life management of agency-purchased textiles;

7. To eliminate waste;

8. To eliminate public spending on textiles that are the result of environmental degradation;

9. To educate textile-purchasing agencies of false or misleading claims of environmentally preferable textiles and to prevent or prohibit the purchase of textiles falsely or misleadingly marketed as environmentally preferable; and

10. To in any other way practicable account for and reduce the negative effects, and generate positive effects, for the environment, of agency textile purchases.

b. Tasks. The task force shall complete the following tasks in the following order:

1. Task 1; assessment of needs. The task force shall comprehensively assess agency needs for textiles and forecast, as practicable, such needs for textiles in the 10 years following the effective date of this local law. In undertaking this task, the task force shall use reports published pursuant to section two of this local law, in addition to any other appropriate resource.

2. Task 2; consideration of options. The task force shall identify and consider the textiles available to meet the needs identified pursuant to task 1. The task force shall make best efforts to thoroughly consider innovative textiles, as well as innovative production methods of textiles and textile goods. The task force shall prioritize for

consideration textiles that maximize the opportunity to reduce the negative effects, and to produce positive effects, of agency textile purchases for the environment. In undertaking this task, the task force shall compare textiles across the following criteria:

(a) Ability to meet agency needs;
 (b) Financial cost;
 (c) Availability;
 (d) Environmental impact, as can be assessed along the supply-chain and the life-cycle of the textile by the following indicators, provided that indicators set forth in clauses (1), (13), (15), (16) and (19) shall be given the greatest weight in such assessment:

(1) Climate change;
 (2) Ozone depletion;
 (3) Human toxicity;
 (4) Photochemical oxidant formation;
 (5) Particulate matter formation;
 (6) Ionizing radiation;
 (7) Terrestrial acidification;
 (8) Freshwater eutrophication;
 (9) Marine eutrophication;
 (10) Terrestrial ecotoxicity;
 (11) Freshwater ecotoxicity;
 (12) Marine ecotoxicity;
 (13) Agricultural land occupation;
 (14) Urban land occupation;
 (15) Natural land transformation;
 (16) Water depletion;
 (17) Metal depletion;
 (18) Fossil depletion;
 (19) Biodiversity;
 (20) Impact on endangered or threatened species; and
 (21) Any other indicator of environmental impact for which a methodology of measurement is available, as agreed upon by the task force;

(e) Whether such textile is made of virgin or recycled materials, and such textile's capability to be recycled by any means, including mechanical or chemical, in whole or in part; and

(f) The potential for end-of-life management of such textile that will eliminate reliance on landfill, ensure conditions for environmentally responsible and managed decomposition, and promote reuse and recyclability.

3. Task 3; creation of guidelines. The task force shall create guidelines for environmentally preferable purchasing of textiles based on the task force's findings and conclusions in tasks 1 and 2. Guidelines may be agency-specific, as appropriate. In addition, such guidelines may include guidance for (i) extending the use phase of textiles; (ii) reducing the environmental impact of the use phase of textiles; and (iii) environmentally preferable methods of disposal. In undertaking this task, the task force may consider third-party standards and certifications for claims of recycled, organic or other forms of environmentally responsible content, and may incorporate them in such guidelines if the task force determines that such standards or certifications promote the purposes of environmentally preferable purchasing. The task force may also consider relevant expert materials. Among the third-party standards, certifications and other expert materials that the task force may consider are:

- (a) The HIGG Material Sustainability Index;
- (b) The Global Organic Textile Standard;
- (c) The Cradle to Cradle Certification;
- (d) The United Nations Environment Programme Life Cycle Sustainability Assessment;
- (e) The Bluesign Certification; and
- (f) The Global Recycled Standard.

4. Task 4; final report. (a) No later than 1 year after the first meeting of the task force and publication of the first report required in section one of this local law, the task force shall submit a report to the mayor and the speaker of the council setting forth in detail the task force's findings and conclusions, and any supporting

methodology and analysis, that form the basis of the task force's guidelines for environmentally preferable purchasing of textiles. Such report shall contain the guidelines created pursuant to task 3 and any recommendations for legislation or policy, and the identification of barriers thereto, for implementing such guidelines. Such report shall include recommendations for city management of agency-purchased textile waste, or a superior alternative.

(b) The director shall publish the task force's report on the city's website no later than 5 days after its submission to the mayor and the speaker of the council.

5. Task 5; additional costs. In addition to the tasks and reporting duties set forth in this subdivision, the task force shall consider and assess information about other costs, including social costs, relevant to the production and processing of agency-purchased textiles, including, but not limited to: (i) information, or the lack thereof, about the working conditions of laborers at any step in the supply chain of such textiles, including the availability of employer-provided benefits, information on laborers' wages, the existence of collective bargaining rights, and workplace procedures and protections to address and safeguard laborer health and safety, including employer processes or policies for addressing claims of harassment and bullying; (ii) the effects of such conditions on laborer health; (iii) the impact of textile production and processing on the communities in which such industry takes place; and (iv) any other criteria relevant to considering the effects, whether environmental, social, economic or otherwise, of agency purchases of textile goods. The task force shall identify where such effects are interrelated or co-constitutive. The task force shall prepare a report of its findings and conclusions in connection with such assessment, and the task force may make recommendations for legislation and policy, and identify barriers to such legislation and policy, to account for and address the full range of costs associated with agency textile purchases. Such report shall be appended to the report required in Task 4 and published accordingly.

c. Membership. 1. The task force shall be composed of the following members:

- (a) The director or the director's designee, who shall serve as chair;
- (b) The comptroller or the comptroller's designee;
- (c) The commissioner of citywide administrative services, or such commissioner's designee;
- (d) The commissioner of sanitation, or such commissioner's designee;
- (e) The commissioner of environmental protection, or such commissioner's designee;
- (f) The chair of the procurement policy board, or such chair's designee;
- (g) The director of long-term planning and sustainability, or such director's designee;
- (h) The director of the office of minority and women-owned business enterprises, or such director's designee;

(i) (1) Nine persons, five of whom shall be appointed by the mayor and four of whom shall be appointed by the speaker of the council, who shall meet the following criteria:

(A) Each such person shall have demonstrated expertise in one or more of the following subject matters: (i) assessment of the environmental impact of textiles; (ii) innovative textiles and product design; or (iii) textile waste management;

(B) No such person shall be an employee of a government agency;

(C) No such person shall be in the business of producing or processing fibers or other materials used in textile goods purchased by agencies; and

(D) No such person shall be a representative of a trade group in the textile goods industry.

(2) In appointing such persons, the mayor and the speaker of the council shall make best efforts to ensure that such persons represent diverse expertise in subject matter areas relevant to the tasks set forth in subdivision b of this section. There shall be at least one person appointed for each subject matter specified in item (A) of clause (1) of this subparagraph.

2. The mayor may invite officers and representatives of relevant federal, state and local agencies and authorities to participate in the work of the task force.

3. All appointments required by this section shall be made no later than 180 days after the effective date of this local law.

4. Each member of the task force shall serve at the pleasure of the officer who appointed the member. In the event of a vacancy on the task force, a successor shall be appointed in the same manner as the original appointment for the remainder of the unexpired term. Members of the task force shall serve without compensation.

d. Meetings. 1. The chair shall convene the first meeting of the task force no later than 15 days after the last member has been appointed, except that where not all members of the task force have been appointed within the time specified in subdivision c, the chair shall convene the first meeting of the task force within 10 days of the appointment of a quorum.

2. The task force shall invite experts and stakeholders to attend its meetings and to provide testimony and information relevant to its duties.

3. At the first meeting of the task force, the task force shall determine, by majority vote of its members, the frequency with which it shall meet in order to ensure fulfillment of its duties pursuant to this local law.

4. The meeting requirement of paragraph 3 of this subdivision shall be suspended when the task force completes all tasks required in subdivision b of this section.

e. Termination. The task force shall terminate 180 days after the date on which it completes task 4 pursuant to subdivision b of this section.

§ 4. Agency support. a. In general. Each agency affected by this local law shall provide appropriate staff and resources to support the work of such agency, the director and the task force related to the requirements and duties set forth in this local law.

b. Agency representatives. The head of each agency that requires such agency's employees to wear a uniform shall designate from among such agency's employees a representative with knowledge of the technical specifications for such agency's uniform apparel and accessories, to assist the members of the task force, as necessary, in fulfillment of the duties imposed by this local law.

§ 5. Effective date. This local law takes effect 180 days after it becomes law. The director of citywide environmental purchasing, in collaboration with other relevant agencies, shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Contracts.

Int. No. 2273

By Council Member Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to the installation of solar-powered waste receptacles

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-143 to read as follows:

§ 16-143 *Solar-powered waste receptacles. a. The commissioner shall install solar-powered waste receptacles on street corners in areas with high population density or high pedestrian traffic, as determined by the commissioner, at a rate of no fewer than 1000 corners annually until such waste receptacles have been installed on every street corner in every such area. Each community board may recommend to the commissioner street corners that should be prioritized for installation of such waste receptacles.*

b. The solar-powered waste receptacles installed pursuant to subdivision a shall:

- 1. Be openable by use of a foot pedal;*
- 2. Be designed to minimize rodent access and harborage; and*
- 3. Have solar panels elevated above the top of the receptacle.*

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

Referred to the Committee on Sanitation and Solid Waste Management.

Preconsidered Res. No. 1608

Resolution adding a rule to the Rules of the Council in relation to collective bargaining.

By Council Members Koslowitz and Kallos.

Section 1. The Rules of the Council are amended by adding a new rule, 2.90 to read as follows:

2.90. Collective Bargaining. All collective bargaining matters including recognition, negotiation, administration and enforcement of collective bargaining agreements and/or other agreements the Council may reach with unions or employee organizations representing council employees shall be within the jurisdiction of the Speaker.

§2. This rule shall take effect immediately.

Adopted by the Council (preconsidered and approved by the Committee on Rules, Privileges and Elections).

Preconsidered Res. No. 1609

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

STANDING COMMITTEES**Aging**

Dinowitz

Civil Service and Labor

[Dromm]

Dinowitz

Consumer Affairs and Business Licensing

Dinowitz

Education

[Ulrich]

[Levine]

Dinowitz

Feliz

Environmental Protection

Gennaro, Chair

Finance

Feliz

Fire and Emergency Management

Levine

General WelfareFeliz**Health**Feliz**Immigration**Feliz**Land Use**Feliz**Mental Health, Disabilities and Addiction**Dinowitz**Oversight and Investigations**Dinowitz**Parks and Recreation**Dinowitz**Public Housing**Feliz**Sanitation and Solid Waste Management**Feliz**Small Business**Dinowitz**State and Federal Legislation**Ulrich**Youth Services**Feliz

Adopted by the Council (preconsidered and approved by the Committee on Rules, Privileges and Elections).

Int. No. 2274

By Council Member Louis.

A Local Law to amend the New York city charter, in relation to the creation of a database to facilitate the civilian complaint review board's access to police department records

Be it enacted by the Council as follows:

Section 1. Paragraph 1 of subdivision (d) of section 440 of the New York city charter, as amended by a vote of the electors on November 5, 2019, is amended to read as follows:

1. It shall be the duty of the police department to provide such assistance as the board may reasonably request, to cooperate fully with investigations by the board, and to provide to the board upon request records and other materials which are necessary for investigations undertaken pursuant to this section, except such records

or materials that cannot be disclosed by law. *In furtherance of this duty, the police department shall provide such assistance and access to records and other materials as the department of information technology and telecommunications requires to create and maintain the database required by subdivision s of section 1072.*

§ 2. Paragraph 2 of subdivision q and subdivision r of section 1072 of the New York city charter, as amended by local law number 39 for the year 2013, are amended, and a new subdivision s is added to read as follows:

2. Parking regulations. The information related to paragraph (1) of this subdivision shall be searchable and sortable by time, date and borough, except that street closures for crane operations, construction work and paving operations shall have the notation “subject to closure” during times where closure has been permitted and approved but where such closure may or may not occur on a particular day. All information required by this subdivision shall be available on the city’s website as soon as practicable but in no case less than one week prior to any such closure or change, except closures which were applied for or planned less than one week prior to any such closure or change, which shall be available on such interactive map within seventy-two hours of the permit and approval of such closure. Where a permitted and approved street closure is due to a special event, the sponsor of the event with appropriate contact information shall be provided as part of such interactive map. For the purposes of this subdivision, special event shall mean any street fair, block party or festival on a public street(s) where such activity may interfere with or obstruct the normal use by vehicular traffic of such street(s); [and]

r. to provide to the public, at no charge on the city's website, an interactive crime map that, for each segment of a street bounded by one or more intersections and/or a terminus, shall visually display the aggregate monthly, yearly and year-to-date totals for the current and the most recent prior calendar years for each class of crime that is reported to the New York city police department, or for which an arrest was made, including crimes that occurred in parks and subway stations. Such map shall be searchable by address, zip code, and patrol precinct. All information required by this subdivision shall be available on the city's website as soon as practicable but in no case more than one month after a crime complaint has been filed. The mayor shall ensure that all agencies provide the department with such assistance and information as the department requires to compile and update the interactive crime map[.]; and

s. to create and maintain a computerized database of records and other materials of the police department to facilitate direct access to any records and other materials that may be requested by the civilian complaint review board pursuant to paragraph 1 of subdivision (d) of section 440. Access to such database shall be given only to the civilian complaint review board for the purpose of reviewing records and other materials in fulfillment of the civilian complaint review board’s duties set forth in section 440. The civilian complaint review board shall keep confidential such records and other materials except where disclosure is required by law. No administrative privileges to amend, edit or alter records and materials stored in such database shall be given to the civilian complaint review board.

§ 3. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 2275

By Council Member Miller.

A Local Law to amend the administrative code of the city of New York, in relation to bus lane restrictions

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-162.6 to read as follows:

§ 19-162.6 Bus lane restrictions. a. Signage. *The department shall post signs indicating the days and hours during which bus lane restrictions are in effect for all streets that are subject to any such restrictions. The department shall post at least one such sign on every block that is subject to such a restriction and shall make all such signs clearly visible from the street.*

b. Publication. The department shall publish and maintain on its website the days and hours during which bus lane restrictions are in effect for all streets that are subject to any such restrictions. Such publication shall at a minimum be searchable by street name.

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

Referred to the Committee on Transportation.

Int. No. 2276

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

A Local Law to amend the New York city building code, in relation to construction superintendents, and repealing sections 3310.8.3 and 3310.8.6 of the New York city building code in relation to inspections required by site safety managers or coordinators, and in relation to reasonable prudence required by site safety managers or coordinators to ensure safety

Be it enacted by the Council as follows:

Section 1. Section 3301.13.1 of chapter 33 of the New York city building code, as added by local law number 81 for the year 2017, is amended to read as follows:

3301.13.1 Site safety plan. For jobs that require the designation of a primary construction superintendent pursuant to Section 3301.13.3, a site safety plan that meets the applicable requirements of Article 110 of Chapter 1 of Title 28 of the *Administrative Code* shall be kept on site and made available to the department upon request. Prior to the commencement of work, the permit holder must submit a statement to the department attesting that the site safety plan meets the requirements of Article 110 of Chapter 1 of Title 28 of the *Administrative Code* and coordinates with the scope of work intended.

Exception: For a major building subject to the provisions of Section 3310, the site safety plan requirements of Section 3310.3 shall apply.

§ 2. The definition of “approved documents” in section 3301.13.2 of chapter 33 of the New York city building code, as added by local law number 81 for the year 2017, is amended to read as follows:

Approved documents. For the purpose of this section, approved documents include construction documents as defined by this code, and any and all documents that set forth the location and entire nature and extent of the work proposed with sufficient clarity and detail to show that the proposed work conforms to the provisions of this code and other applicable laws and rules. In addition to construction documents, such documents include, but are not limited to, site safety plans, tenant or occupant protection plans, shop drawings, specifications, manufacturer's instructions and standards that have been accepted by the design professional of record or such other design professional retained by the owner for this purpose.

§ 3. Section 3301.13.3 of chapter 33 of the New York city building code, as added by local law number 81 for the year 2017, is amended to read as follows:

3301.13.3 Designation of primary construction superintendent. The permit holder shall designate a primary construction superintendent, who shall carry out all duties and responsibilities assigned to the construction superintendent by this chapter and rules promulgated by the commissioner, and notify the department of such designation prior to the commencement of work, [in a form and manner acceptable to the department,] for the following types of jobs:

1. The construction of a new building;
2. The full demolition of an existing building;

3. An alteration to an existing building that involves one or more of the following:
 - 3.1 A vertical enlargement;
 - 3.2 A horizontal enlargement;
 - 3.3 The alteration or demolition of more than 50 percent of the floor area of the building during the course of work over any 12 month period;
 - 3.4 The removal of one or more floors during the course of work over any 12 month period;
 - 3.5 Work that requires a special inspection for underpinning; or
 - 3.6 Work that requires a special inspection for the protection of sides of excavations; or
4. Other jobs that pose an enhanced risk to the public and property, as determined by the commissioner.

[Exceptions: Notwithstanding the above, a construction superintendent is not required for:

1. Work listed in Section 3310.1, for which a site safety manager or coordinator must be designated.]
2. Work which solely involves the construction of a new 1-, 2-, or 3-family building.]

Exception: A construction superintendent is not required for work that solely involves a 1-, 2-, or 3-family building, or an accessory use to such building, provided the permit holder for such work is registered as a general contractor in accordance with Article 418 of Chapter 4 of Title 28 of the *Administrative Code*.

§ 4. Section 3301.13.6 of chapter 33 of the New York city building code, as added by local law number 81 for the year 2017, is amended to read as follows:

3301.13.6 Limitations on the designation of primary or alternate construction superintendents. An individual may only be designated as a primary or alternate construction superintendent for that number of jobs for which he or she can adequately perform all required duties. No individual may be designated as the primary construction superintendent on more than ten jobs.

Exceptions:

1. If one of the jobs for which the construction superintendent is designated as a primary construction superintendent is on a building that meets the definition of a major building, the individual may only be designated as the primary construction superintendent for that job and may not serve as the primary construction superintendent for any other job.
2. Notwithstanding exception number 1, beginning on January 1, 2022, no individual may be designated as the primary construction superintendent for more than five jobs.
3. Notwithstanding exception number 1, beginning on January 1, 2024, no individual may be designated as the primary construction superintendent for more than three jobs.
4. Notwithstanding exception number 1, beginning on January 1, 2026, no individual may be designated as the primary construction superintendent for more than one job.
5. A construction superintendent designated as the primary construction superintendent at a job site may serve as a non-primary construction superintendent at another job site, provided there is no work requiring the presence of such individual occurring at the job site for which the individual has been designated as the primary construction superintendent.
6. Subject to the approval of the commissioner, a construction superintendent may serve as the primary construction superintendent for multiple non-major building jobs located on the same lot or on contiguous lots.

§ 5. Section 3301.13.7 of chapter 33 of the New York city building code, as added by local law number 81 for the year 2017, is amended to read as follows:

3301.13.7 Duties of construction superintendents. The duties of a construction superintendent shall include:

1. Acting in a reasonable and responsible manner to maintain a safe job site and [assure] ensure compliance with this chapter and any rules promulgated thereunder at each job site for which the construction superintendent is responsible;
2. To the extent that a registered design professional or special inspection agency is not responsible, the construction superintendent must [assure] ensure compliance with the approved documents at each job site for which the construction superintendent is responsible;
3. Fulfilling the duties of a superintendent of construction assigned by Chapter 1 of Title 28 of the Administrative Code at each job site for which the construction superintendent is responsible; and
4. Visiting each job site for which the construction superintendent is responsible each day when active work is occurring[.]; or, beginning January 1, 2026, where Section 3301.13.6 requires the construction superintendent to be dedicated to one job, being present at the job site for which the construction superintendent is responsible during all times when active work is occurring.

Exception: The construction superintendent is not required to be present at the site during the following activities, provided no other work is in progress:

1. Surveying that does not involve the disturbance of material, structure, or earth;
2. Use of a hoist to transport personnel only;
3. Use of a material hoist that is fully enclosed within the perimeter of the building;
4. Finish trowelling of concrete floors;
5. When personnel are provided for temporary heat, light, or water; or
6. Truck deliveries to the site where the sidewalk is closed and the entrance gate is within that closed sidewalk area.

§ 6. Section 3301.13.8 of chapter 33 of the New York city building code, as added by local law number 81 for the year 2017, is amended to read as follows:

3301.13.8 Inspection by the construction superintendent. Each time the construction superintendent visits a job site for which he or she is responsible, the construction superintendent must inspect all areas and floors where construction or demolition work, and ancillary activity, is occurring, and:

1. Verify work is being conducted in accordance with sound construction/demolition practices;
2. Verify compliance with the approved documents; and
3. Verify compliance with this [section] chapter and any rules promulgated thereunder.

Exception: Where a site safety manager or coordinator has been designated for the job in accordance with Section 3310, the construction superintendent does not need to perform the inspections required by this section. Site safety inspections shall be performed by the site safety manager or coordinator in accordance with Section 3310.

§ 7. Section 3301.13.9 of chapter 33 of the New York city building code, as added by local law number 81 for the year 2017, is amended to read as follows:

3301.13.9 Correcting unsafe conditions. In the event the construction superintendent discovers work or conditions at a job site for which he or she is responsible that [is] are not being conducted in accordance with sound construction/demolition practices, not in compliance with approved documents, or not in compliance with this [section] chapter and any rules promulgated thereunder, the construction superintendent must take all appropriate action to correct the unsafe work or condition, including but not limited to immediately [notify] notifying the person or persons responsible for creating the unsafe work or condition, [order] and ordering the person or persons to correct the unsafe work or condition, to cease operations, or to leave the job site. [and take all appropriate action to ensure the unsafe condition is corrected.] Where [an] unsafe work or a condition relates to an item which a registered design professional or special inspection agency is responsible for implementing or verifying, the construction superintendent must also notify the responsible registered design professional or special inspection agency of the unsafe work or condition. All such unsafe conditions, work, notices, orders, and corrective [work] action must be recorded in the log required by Section 3301.13.13.

§ 8. Section 3301.13.10 of chapter 33 of the New York city building code, as added by local law number 81 for the year 2017, is amended to read as follows:

3301.13.10 Notification of conditions to the department. The construction superintendent must immediately notify the department[, in a form and manner acceptable to the department,] when he or she discovers, at any job site for which the construction superintendent is responsible, any of the conditions listed in Section 3310.8.2.1. Notification to the department does not relieve the construction superintendent of their obligations under Section 3301.13.9.

Exception: Where a site safety manager or coordinator has been designated for the job in accordance with Section 3310, the construction superintendent does not need to provide the notification required by this section. Notifications shall be made by the site safety manager or coordinator in accordance with Section 3310.

§ 9. Section 3301.13.11 of chapter 33 of the New York city building code, as added by local law number 81 for the year 2017, is amended to read as follows:

3301.13.11 Reporting of accidents and damage to adjoining property. The construction superintendent must immediately notify the department[, in a form and manner acceptable to the department,] of any accident at any job site for which the construction superintendent is responsible, or any damage to adjoining property caused by construction or demolition activity at the job site.

Exception: Where a site safety manager or coordinator has been designated for the job in accordance with Section 3310, the construction superintendent does not need to provide the notification required by this section. Notifications shall be made by the site safety manager or coordinator in accordance with Section 3310.

§ 10. Section 3301.13.12 of chapter 33 of the New York city building code, as added by local law number 81 for the year 2017, is amended to read as follows:

3301.13.12 Competent person. The construction superintendent must designate a competent person for each job site for which the construction superintendent is responsible and ensure such competent person is present at the designated job site at all times active work occurs. The designation of a competent person does not alter or diminish any obligation imposed upon the construction superintendent. The competent person must carry out orders issued by the construction superintendent; be able to identify unsanitary, hazardous or dangerous conditions; take prompt corrective measures to eliminate such conditions; immediately report to

the construction superintendent accidents at the job site or any damage to adjoining property caused by construction or demolition activity at the job site; and be able to effectively communicate workplace instructions and safety directions to all workers at the site.

Exception: Beginning January 1, 2026, where Section 3301.13.6 requires the construction superintendent to be dedicated to one job, the designation of a competent person is not authorized. In the event the primary construction superintendent cannot be present at the job site while active work is occurring, an alternate construction superintendent shall act on behalf of the primary construction superintendent in accordance with Section 3301.13.5.

§ 11. Section 3301.13.13 of chapter 33 of the New York city building code, as added by local law number 81 for the year 2017, is amended to read as follows:

3301.13.13 Log. The construction superintendent must maintain a log at each job site for which the construction superintendent is responsible. Such log must be made available to the commissioner upon request. The construction superintendent must complete such log prior to departing the job site [and shall sign and date each day's log entry.], or, where the job occurs on a building that meets the definition of a major building, by the end of the day. [Such log must be organized and recorded in a form and manner acceptable to the department.] Each day's log entry must be signed and dated by the construction superintendent. Such log must contain, at a minimum, the following information:

1. The presence of the construction superintendent at the job site as evidenced by their printed name and signature and a notation indicating the times of arrival at, and departure from the site, which must be recorded immediately after arriving at the site and immediately prior to leaving the site, respectively;
2. The general progress of work at the job site, including a summary of that day's work activity;
3. The construction superintendent's activities at the job site, including areas and floors inspected;
4. Any unsafe condition(s) observed pursuant to Section 3301.13.9, and the time and location of such unsafe condition(s);
5. Orders and notice given by the construction superintendent pursuant to Section 3301.13.9, including the names of individuals issued orders or notices, any refusals to comply with orders or respond to notices given, follow up action taken by the construction superintendent, and where the condition giving rise to the order or notice is corrected, the nature of the correction;
6. Any violations, stop work orders, or summonses issued by the department, including date issued and date listed or dismissed;
7. Any accidents or damage to adjoining property caused by construction or demolition activity at the job site; [and]
8. The name of the competent person designated in accordance with Section 3301.13.12, along with an accompanying signature of the competent person. If the construction superintendent assigns a new competent person, the date and time of this change, along with the name of the new competent person, must be recorded, accompanied by the signature of the new competent person. If the construction superintendent is not at the job site when this occurs, the new competent person must instead make the log entry, which the construction superintendent must sign and date upon his or her next visit to the job site[-];
9. All construction superintendent personnel changes, accompanied by the signature of the new construction superintendent. Construction superintendent personnel changes include, but are not limited to: a change to the primary construction superintendent; an alternate construction superintendent acting in the place of the primary construction superintendent; or a new alternate construction superintendent taking over for the previous alternate construction superintendent; and
10. A record of the weekly safety meeting required by Section 3301.13.18, including date and time of meeting, summary of issues discussed, and the names and affiliation of those who attended.

§ 12. Section 3301.13.16 of chapter 33 of the New York city building code, as added by local law number 81 for the year 2017, is amended to read as follows:

3301.13.16 Obligation of others. Nothing in this [rule] section is intended to alter or diminish any obligation otherwise imposed by law on others, including but not limited to, the owner, permit holder, construction manager, general contractor, contractor, materialman, architect, engineer, land surveyor, site safety manager, site safety coordinator, concrete safety manager, or other party involved in a construction project to engage in sound engineering, design, and construction practices, and to act in a reasonable and responsible manner to maintain a safe job site.

§ 13. Section BC 3301.13 of chapter 33 of the New York city building code is amended by adding a new section 3301.13.18 to read as follows:

3301.13.18 Weekly safety meeting. The construction superintendent shall, for each job site for which the construction superintendent is responsible, lead a safety meeting with the designated representative of the general contractor, construction manager, and each subcontractor to ascertain that all contractors and subcontractors are complying with the applicable provisions of this chapter, the site safety plan, and the tenant or occupant protection plan. Where a site safety manager or coordinator has been designated for the job in accordance with Section 3310, the site safety manager or coordinator shall also attend the meeting. Such meeting shall occur at least once a week while active work is occurring.

§ 14. Section 3310.5 of chapter 33 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

3310.5 Site safety manager or coordinator to be designated. [One or more] A primary site safety [managers] manager shall be designated[, as necessary, to ensure compliance with the site safety plan and all site safety requirements as specified in this chapter. Such site safety manager or managers shall be designated] by the owner, agent, construction manager, or general contractor. [All] Where more than one site safety manager is to serve at the site, all such entities shall agree to designate one such site safety manager as the primary site safety manager, or where there is only one site safety manager, such manager shall automatically be designated as the primary site safety manager. [Such] The primary site safety [manager(s)] manager shall carry out all duties and responsibilities assigned to the site safety manager or coordinator by this chapter and rules promulgated by the commissioner, and shall be certified by the department in accordance with Article 402 of Chapter 4 of Title 28 of the *Administrative Code*.

Exception: [One or more] A site safety [coordinators] coordinator, certified by the department in accordance with the requirements of Article 403 of Chapter 4 of Title 28 of the *Administrative Code*, may be designated in lieu of a site safety manager for the construction, vertical or horizontal enlargement, or full or partial demolition of a major building, provided such building:

1. Is less than 15 stories or 200 feet (60 960 mm) in height; and
2. Has a building footprint of 100,000 square feet (30 480 m²) or less.

§ 15. Section 3310.8 of chapter 33 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

3310.8 Site safety manager's and coordinator's duties. The site safety manager or coordinator shall monitor compliance with the site safety plan, the tenant or occupant protection plan, and the [safety] requirements of this chapter and any rules promulgated thereunder by performing the duties required by Sections 3310.8.1 through 3310.8.6 and by performing all other safety duties assigned by the owner or general contractor to meet legal requirements.

§ 16. Section 3310.8.1 of chapter 33 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

3310.8.1 Meetings. [The site safety manager or coordinator shall, at a minimum, meet on a weekly basis with the designated representative of each subcontractor to ascertain that all subcontractors are complying with the applicable provisions of this chapter.] The requirements of Section 3301.13.18 shall apply.

§ 17. Section 3310.8.2 of chapter 33 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

3310.8.2 Notification of violations. In the event the site safety manager or coordinator discovers a violation of this chapter or any rules promulgated thereunder, the site safety plan, or the tenant or occupant protection plan, he or she shall immediately notify the person or persons responsible for creating the violation, whether these persons are employed by the general contractor or by subcontractors. If the site safety manager or coordinator is unable to obtain the cooperation of these persons in correcting the violation, he or she shall immediately inform the direct supervisor of the person or company responsible for creating the violation and request that the supervisor order the necessary corrective action. If such supervisor is not present at the site or is otherwise unavailable, or if informing the direct supervisor does not result in the violation being corrected, the site safety manager or coordinator shall notify the construction superintendent, or if the job does not require a construction superintendent, any other supervisory personnel of the permit holder or any other responsible manager or officer of the permit holder. All such violations and corrective work shall be recorded in the daily log.

§ 18. Section 3310.8.2 of chapter 33 of the New York city building code is amended by adding a new section 3310.8.2.1.2 to read as follows:

3310.8.2.1.2 Notification of construction superintendent. For a job that requires a construction superintendent, upon notification of the above conditions to the department, the site safety manager or coordinator shall notify the construction superintendent of the condition and that notification has been made to the department.

§ 19. Section 3310.8.3 of chapter 33 of the New York city building code is REPEALED and replaced with a new section 3310.8.3 to read as follows:

3310.8.3 Inspections. Site safety inspections shall be performed and documented as required by Sections 3310.8.3.1 through 3310.8.3.4.

3310.8.3.1 Spot checks. The site safety manager or coordinator shall personally perform spot checks of the site on a regular basis throughout the day for compliance with the site safety plan, the tenant or occupant protection plan, the requirements of this chapter, and any rules promulgated thereunder.

3310.8.3.2 Enumerated inspections. The following inspections shall be performed by the site safety manager or coordinator, or by one or more individuals designated by the site safety manager or coordinator and certified as a site safety manager or coordinator in accordance with Chapter 4 of Title 28 of the *Administrative Code*:

1. Daily, weekly, and other checks as specified in rules promulgated by the commissioner.
2. Daily checks to ensure that a standpipe system is available and in a state of readiness at all times for use by firefighting personnel by verifying:
 - 2.1. That valves are in place at each story below the construction floor;
 - 2.2. That standpipes are connected to a water source or fire department connection; and
 - 2.3. That fire department hose connections are free from obstruction and are marked by a red light and sign that reads, "Standpipe Connection."

3. Weekly checks to verify that no breach exists in the standpipe system by visually tracing the standpipe, including risers, cross connections and fire department connections.

3310.8.3.3 Delegation. Nothing in this code shall be read to prohibit the site safety manager from delegating enumerated inspections to an individual certified as a site safety coordinator at a site where a primary site safety manager is required; however, the site safety manager or coordinator may not delegate their general responsibility to perform spot checks of the site throughout the day. Delegation does not relieve the site safety manager or coordinator from the responsibility to ensure such inspections are adequately performed.

3310.8.3.4 Record of inspections. A record of all such inspections shall be maintained by such site safety manager or coordinator in the site safety log in accordance with Section 3310.8.4.

§ 20. Section 3310.8.4 of chapter 33 of the New York city building code is amended by adding a new section 3310.8.4.3 to read as follows:

3310.8.4.3 Review and signature by the construction superintendent. Prior to the start of the subsequent work day, the previous day’s entries in the site safety log shall be reviewed by the construction superintendent, and an entry shall be made in the site safety log, signed and dated by the construction superintendent, that he or she has reviewed all of the previous day’s entries.

§ 21. Section 3310.8.6. of chapter 33 of the New York city building code is REPEALED and reserved.

§ 22. This local law shall take effect on January 1, 2022 and shall apply to permits issued or renewed on or after such date, provided that the commissioner of buildings may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 2277

By Council Member Powers.

A Local Law to amend the administrative code of the city of New York, in relation to commercial loading zones

Be it enacted by the Council as follows:

Section 1. Title 19 of the administrative code of the city of New York is amended by adding a new section 19-159.5 to read as follows:

§ 19-159.5 *Temporary commercial loading zones.* a. *For the purposes of this section, the following terms have the following meanings:*

Commercial loading zone. *The term “commercial loading zone” has the same meaning as such term is defined in section 19-170.1.*

Commercial vehicle. *The term “commercial vehicle” means a motor vehicle designed, maintained, or used primarily for the transportation of property, provided that such vehicle:*

(i) bears commercial plates, where commercial plates or equivalent registration plates from other states or countries are permissible for purposes of this section;

(ii) is permanently altered by having all seats and seat fittings, except the front seats, removed to facilitate the transportation of property, except that for vehicles designed with a passenger cab and a cargo area separated

by a partition, the seating capacity within the cab will not be considered in determining whether the vehicle is properly altered.

(iii) displays the registrant's name permanently affixed in characters at least three inches high on both sides of the vehicle, with such display being in a color contrasting with that of the vehicle and placed approximately midway vertically on doors or side panels.

Temporary commercial loading zone. The term “temporary commercial loading zone” means a commercial loading zone intended to be used for a limited period of time during which construction staging prevents or otherwise affects use of a commercial loading zone.

b. Any permit issued by the commissioner authorizing work affecting a street segment or intersection that has a commercial loading zone shall include a stipulation requiring that the applicant shall not occupy or otherwise inhibit the use of a commercial loading zone in the affected street segment or intersection. In the event that a construction loading zone must be occupied or otherwise obstructed, the applicant shall maintain a temporary commercial loading zone, unless the commissioner determines that maintenance of a temporary commercial loading zone would significantly disrupt traffic flow, public safety or would be otherwise impractical. The applicant shall specify the particular manner in which the temporary commercial loading zone for such street segment or intersection will be maintained, provided that such temporary commercial loading zone is located within 100 feet of the original commercial loading zone and clearly identified on posted signage.

c. Upon approving an application for a permit authorizing construction staging affecting a street segment that has a commercial loading zone, the department shall provide notice, through electronic means, to the affected borough president, the council member of the affected council district and the district manager of the affected community board. Such notice shall include the following information:

1. The name and contact information of the applicant;
2. The anticipated start and end dates of the work;
3. The location, nature and extent of the work to be performed;
4. The permit type;
5. The location and nature of the temporary commercial loading zone or mitigation measures; and
6. Contact information for a department office where questions may be directed.

d. In the event a permittee violates any stipulation required by subdivision b of this section, the commissioner may revoke or refuse to renew such permit pursuant to subdivision e of section 19-103 or take any other action authorized by law.

§ 2. Paragraph 2 of subdivision f of section 19-162.3 of the administrative code of the city of New York, as added by local law number 9 for the year 2020, is amended to read as follows:

2. Parking with a city-issued parking permit shall not be permitted in the following areas, in addition to any areas designated by rule or specified on or programmed into the permit:

(g) bridges and highways; [and]

(h) carsharing parking spaces[.]; and

(i) commercial loading zones within the area south of and including 60th street in the borough of Manhattan.

§ 3. Subdivision a of section 19-170 of the administrative code of the city of New York, as added by local law 25 of 1988 and amended by chapter 458 of the laws of 2010, is amended to read as follows:

a. When parking is not otherwise restricted, no person shall park a commercial vehicle in excess of three hours[.], unless such parking is regulated by a parking meter. The maximum time for such metered parking on a single block shall be a total of eight hours, unless otherwise indicated by a posted sign. For purposes of this section, commercial vehicle [shall] means a motor vehicle designed, maintained, or used primarily for the transportation of property[.]; provided that such vehicle:

1. bears commercial plates, where commercial plates or equivalent registration plates from other states or countries are permissible for purposes of this section;

2. is permanently altered by having all seats and seat fittings, except the front seats, removed to facilitate the transportation of property, except that for vehicles designed with a passenger cab and a cargo area separated by a partition, the seating capacity within the cab will not be considered in determining whether the vehicle is properly altered; and

3. displays the registrant's name permanently affixed in characters at least three inches high on both sides of the vehicle, with such display being in a color contrasting with that of the vehicle and placed approximately midway vertically on doors or side panels.

§ 4. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-170.1 to read as follows:

§ 19-170.1 *Commercial loading zones. a. Definitions. For purposes of this section, the following terms have the following meanings:*

Commercial loading zone. The term “commercial loading zone” means a portion of curb space at which no vehicle except a commercial vehicle, may stand or park for the purpose of making pickups, deliveries, or service calls pursuant to department rules and regulations, except where such space is a temporary commercial loading zone.

Commercial vehicle. The term “commercial vehicle” means a motor vehicle designed, maintained, or used primarily for the transportation of property, provided that such vehicle:

(i) bears commercial plates, where commercial plates or equivalent registration plates from other states or countries are permissible for purposes of this section;

(ii) is permanently altered by having all seats and seat fittings, except the front seats, removed to facilitate the transportation of property, except that for vehicles designed with a passenger cab and a cargo area separated by a partition, the seating capacity within the cab will not be considered in determining whether the vehicle is properly altered.

(iii) displays the registrant's name permanently affixed in characters at least three inches high on both sides of the vehicle, with such display being in a color contrasting with that of the vehicle and placed approximately midway vertically on doors or side panels.

Muni-meter. The term “muni-meter” means an electronic parking meter that dispenses timed receipts that must be displayed in a conspicuous place on a vehicle's dashboard.

Muni-meter payment receipt. The term “muni-meter receipt” means a receipt showing the amount of parking time purchased that is dispensed by an electronic parking meter.

Temporary commercial loading zone. The term “temporary commercial loading zone” means a commercial loading zone intended to be used for a limited period of time during which construction staging prevents or otherwise affects use of a commercial loading zone.

b. All commercial loading zones, except temporary commercial loading zones, shall be controlled by a muni-meter. No person shall park a commercial vehicle, whether attended or not, in a commercial loading zone:

1. without first purchasing the amount of parking time desired from a muni-meter, or from a valid electronic communication device as approved by the department;

2. without displaying a muni-meter payment receipt on the vehicle's dashboard where such requirement is indicated, unless such parking time was purchased through an authorized electronic communication device as approved by the department; or

3. in excess of the amount of time indicated on the muni-meter payment receipt, electronic communication device as approved by the department, or posted signs.

c. When parking is not otherwise restricted, no person shall park a commercial vehicle in a commercial loading zone or temporary commercial loading zone in excess of eight hours on a single block, unless otherwise indicated by a posted sign.

d. The parking rate for commercial vehicles shall be no less than \$6 for the first hour, and shall increase by no less than \$2 for each additional hour of parking.

e. The owner of a commercial vehicle shall be liable for a civil penalty of \$100 when parked in violation of this section.

f. The department may authorize non-vehicular modes of delivery to park in commercial loading zones, including, but not limited to, cargo bicycles.

§ 5. This local law takes effect 180 days after it becomes law, except that the department shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules and the installation of muni-meters, before such date.

Referred to the Committee on Transportation.

Int. No. 2278

By the Public Advocate (Mr. Williams) (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to the licensing of general contractors

Be it enacted by the Council as follows:

Section 1. Section 28-105.5.1 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended to read as follows:

§28-105.5.1 Applicant for permit. The applicant for a permit shall be the [person who] *designee of the approved general contractor business that performs the work or retains a subcontractor to perform the work* [or who retains a subcontractor to do the work] *or with respect to work performed by employees of a city agency, the designee of such agency.*

Exception: [For permits issued for plumbing work, fire protection and suppression work, and oil burner/boiler work, the applicant for such permits shall be the licensed master plumber, licensed master fire suppression piping contractor, or licensed oil-burning equipment installer, respectively, who performs the work.] *Permits for work required to be performed by licensees other than licensed general contractors.*

§ 2. Section 28-401.3 of the administrative code of the city of New York, is amended by adding and setting forth in alphabetical order in such section, definitions of “DESIGNEE”, “DIRECT SUPERVISION (LICENSED GENERAL CONTRACTOR)”, “GENERAL CONTRACTOR BUSINESS” and “GENERAL CONTRACTOR WORK”, to read as follows:

DESIGNEE. *A licensed general contractor who has sole authority and full responsibility for all general contractor work performed in conjunction with a general contractor business, or performed by employees of a city agency, and for the direct supervision of all employees of the business or city agency who perform such work.*

DIRECT SUPERVISION (LICENSED GENERAL CONTRACTOR). *Responsible control exercised by a designee, either personally or through one or more, but no more than three, levels of competent supervision over individuals performing general contractor work. Such individuals are not required to be in the direct employ of the general contractor business, except that such individuals performing work for or on behalf of a city agency shall be employees of that agency.*

GENERAL CONTRACTOR BUSINESS. *A sole proprietorship, partnership or corporation authorized by the commissioner to conduct general contractor work as defined in this section under a designee who is a licensed general contractor. The term “general contractor business” shall not be construed to mean a city agency that performs general contractor work.*

GENERAL CONTRACTOR WORK. *Work requiring a permit pursuant to this code to construct, enlarge, alter, repair, demolish, or remove any building or structure in the city, or change the use or occupancy of such building or structure or an open lot or portion thereof. The term “general contractor work” shall not be construed to mean work performed by an individual, corporation, partnership or other business entity that holds another license pursuant to this code or subchapter twenty-two of chapter two of title twenty of the administrative code, and that is exclusively within the scope of such license.*

§3. The term “GENERAL CONTRACTOR,” in section 28-401.3 of the administrative code of the city of New York, as added by local law number 8 for the year 2008, is amended and set forth in alphabetical order in such section, to read as follows:

LICENSED GENERAL CONTRACTOR. [An individual, corporation, partnership or other business entity that applies for a permit pursuant to this code to construct a new residential structure containing no more than three dwelling units.] *An individual who has satisfied the qualification requirements of this chapter for the general contractor license, who has been issued a license, and who is authorized under the provisions of this chapter to perform general contractor work in the city of New York.* The term “general contractor” shall not be construed to [include]mean an individual, corporation, partnership or other business entity that holds [a]another license pursuant to this code or subchapter twenty-two of chapter two of title twenty of the administrative code, and [enters into a contract to perform]performs work exclusively within the scope of such license, [nor shall it include an individual who constructs a residential structure containing no more than three dwelling units for his or her own occupancy,] or any subcontractors working for the *licensed* general contractor.

§4. Section 28-401.15 of title 28 of the administrative code of the city of New York, as added by local law number 8 for the year 2008 and amended by local law number 8 for the year 2009, is amended to read as follows:

28-401.15 Schedule of fees.

LICENSE TYPE	INITIAL FEE	RENEWAL FEE	ADDITIONAL FEES
Master rigger license.	\$200	\$150 triennially	Late-renewal fee: \$50 Reissuance fee: \$50
Special rigger license.	\$100	\$75 triennially	Late-renewal fee: \$50 Reissuance fee: \$50
Basic hoisting machine operator license (Class A).	\$150	\$150 triennially	Late-renewal fee: \$50 Reissuance fee: \$50
Basic hoisting machine operator license with endorsement to operate hoisting machinery without limitation or restriction (Class B).	\$200	\$150 triennially	Late-renewal fee: \$50 Reissuance fee: \$50
Special hoisting machine operator license (Class C).	\$100	\$75 triennially	Late-renewal fee: \$50 Reissuance fee: \$50
Concrete testing laboratory license.	\$100	\$75 annually	Late-renewal fee: \$50 Reissuance fee: \$50
Welder license.	\$50	\$45 triennially	Late-renewal fee: \$50 Reissuance fee: \$50
Master plumber license (certificate of competence).	\$200	\$150 triennially	Late-renewal fees: Up to 30 days late, \$50; From 31 days to five years late, \$100 for each year or part thereof. Reissuance fee: \$50
Master plumber license plate.	\$75	\$100 triennially	Replacement fee upon loss of plate, w/affidavit: \$100

Master plumber license seal.	\$50	\$75 triennially	Replacement fee upon loss of seal, w/affidavit: \$75
Journeyman plumber registration.	\$50		No renewal, no reissuance.
Master fire suppression piping contractor (class A, B or C) license (certificate of competence).	\$200	\$150 triennially	Late-renewal fees: Up to 30 days late, \$50; From 31 days to five years late, \$100 for each year or part thereof. Reissuance fee: \$50
Master fire suppression piping contractor (class A, B or C) license plate.	\$75	\$100 triennially	Replacement fee upon loss of plate, w/affidavit: \$100
Master fire suppression piping contractor (class A, B or C) license seal.	\$50	\$75 triennially	Replacement fee upon loss of seal, w/affidavit: \$75
Journeyman fire suppression piping installer registration.	\$50		No renewal, no reissuance.
Oil-burning equipment installer. License (class A or B).	\$100	\$75 triennially	Late-renewal fee: \$50 Reissuance fee: \$50
High-pressure boiler operating engineer license.	\$50	\$45 triennially	Late-renewal fee: \$50 Reissuance fee: \$50
Portable high-pressure boiler operating engineer license.	\$50	\$45 triennially	Renewal fee includes renewal fee for a hoisting machine operator license. Late-renewal fee: \$50 Reissuance fee: \$50
Master sign hanger license.	\$100	\$75 triennially	Late-renewal fee: \$50 Reissuance fee: \$50
Special sign hanger license.	\$100	\$75 triennially	Late-renewal fee \$50 Reissuance fee: \$50
Outdoor advertising company registration.	As provided by dept rules.	As provided by dept rules.	As provided by dept rules.
Filing representative registration.	As provided by dept rules.	As provided by dept rules.	As provided by dept rules.
Reinstatement of expired license, certificate of competence or certification without examination, if approved by commissioner, in addition to applicable renewal fees.	Same as initial license.		\$100 for each year or part thereof from date of expiration

Site safety coordinator certificate.	\$100	\$50	Late-renewal fee \$50 Reissuance fee: \$50
Site safety manager certificate.	\$300	\$150	Late-renewal fee \$50 Reissuance fee: \$50
[General contractor registration.]	[\$300]	[\$240 triennially]	[Late-renewal fee \$50 Reissuance fee: \$50]
Tower crane rigger license.	\$150	\$50 triennially	Late-renewal fee \$50 Reissuance fee: \$50
[Safety registration number (concrete contractor, demolition contractor, general contractor)]	[\$80 each]	[\$80 triennially]	[Late-renewal fee: \$50 Reissuance fee: \$50]
Lift director registration	As provided by dept rules.	As provided by dept rules.	As provided by dept rules.
<i>General contractor license.</i>	<i>As provided by dept rules.</i>	<i>As provided by dept rules.</i>	<i>As provided by dept rules.</i>

§5. Item 15 of section 28-401.19 of title 28 of the administrative code of the city of New York, as added by local law number 8 for the year 2008, is renumbered 16 and amended to read as follows, and section 28-401.19, as added by local law number 33 for the year 2007, is amended by adding a new item 15 to read as follows:

15. Failure to demonstrate fitness to engage in the trade for which the individual is licensed.

[15.]*16.* With respect to a general contractor [registration]*license or general contractor business*, upon a finding that the applicant, *designee* or [registrant or] a business entity in which one of the applicant’s or [registrant’s]*business’s* principals, officers or directors is a principal, officer or director has engaged in any of the acts set forth in items 1 through [14]*15* or any of the following:

[15.1.]*16.1.* Fraud, misrepresentation or bribery in securing a sign-off of work or a temporary or permanent certificate of occupancy.

[15.2.]*16.2.* A practice [on the part of the registrant]of [failure]*failing* to timely perform or complete its contracts [for the construction of new residential structures containing no more than three dwelling units], or the manipulation of assets or accounts, or fraud or bad faith.

[15.3.]*16.3.* Approval or knowledge [on the part of the registrant] of an act of omission, fraud, or misrepresentation committed by one or more agents or employees of the [registrant] *licensee*, and failure to report such act to the department.

[15.4. The applicant or registrant, or any of its principals, officers or directors, or any of its stockholders owning more than ten percent of the outstanding stock of the corporation has been convicted] *16.4 Conviction* of a crime which, in accordance with article twenty-three-a of the correction law, is

determined to have a direct relationship to such person's fitness or ability to perform any of the activities for which a [registration] *license* is required under this article.

[15.5. The applicant or registrant, or any of its principals, officers or directors has] *16.5. Has* been or is a principal, officer or director of a [registered] *licensed* general contractor *business* whose registration *or license* has been revoked.

§6 Section 28-401.19.4.2 of title 28 of the administrative code of the city of New York is REPEALED.

§7. Article 418 of title 28 of the administrative code of the city of New York, as added by local law number 8 for the year 2008 and amended by local law number 141 for the year 2013, is amended to read as follows:

ARTICLE 418
GENERAL CONTRACTOR [REGISTRATION]LICENSE

§28-418.1 Requirement of [registration] license. [On and after November 1, 2008, it] *It* shall be unlawful for a person to [conduct business as a general contractor] *perform general contractor work* unless such person holds a general contractor [registration] *license* in accordance with the provisions of this article *or such work is performed under the direct supervision of a person who holds such a license.*

§28-418.1.1 Expiration of [registration]license. A general contractor [registration]*license* shall expire on the third anniversary of such [registration]*license* or such other date as determined by the commissioner by rule so as to distribute the expiration dates of the [registrations]*licenses* evenly over the course of a year.

§28-418.2 Unlawful use of general contractor title. [On and after November 1, 2008, it] *It* shall be unlawful to use or cause to be used the title registered *or licensed* general contractor or any other title in a manner as to convey the impression that an individual, corporation, partnership or other business entity, or any person it employs, is a [registered] *licensed* general contractor, unless such individual, corporation, partnership or other business entity is [registered] *licensed* in accordance with the provisions of this article.

§28-418.3 Application requirements. An application for a general contractor [registration] *license* or renewal shall be made in writing to the commissioner on a form provided by the department and shall be accompanied by [the following:] *such documentation as required by the department.*

1. If the applicant is an individual: the applicant's full name, residence address, business address and business telephone number;
2. If the applicant is a corporation:
 - 2.1. The corporate name, address and telephone number of the applicant's principal office or place of business;
 - 2.2. The date and state of incorporation;
 - 2.3. The name, residence address and residence telephone number of all corporate officers and registered agents and any person owning an interest of ten percent or more in the corporation;
 - 2.4. Proof that the corporation is in good standing under the laws of the state of New York;
3. If the applicant is a partnership:
 - 3.1. The name, address and telephone number of the applicant's principal office or place of business;
 - 3.2. The name, residence address and residence telephone number of all partners;
4. The registration fee;
5. A verified statement that the applicant is financially solvent;
6. The name and address of the principal location from which the applicant has engaged in the business of general contracting at any time within the last five years;
7. If the applicant is not a sole proprietor, proof that the applicant is authorized to do business in the state of New York;

8. Proof of insurance as required by section 28-401.9;
9. The name and address of the officer, principal or director of the applicant who is primarily responsible for the registrant's compliance with the requirements of this code or any rule adopted there under;
10. Any other information that the commissioner may require.]

[§28-418.3.1]§28-418.4 Financial solvency. *Financial solvency is a requirement for all authorized general contractor businesses. For the purposes of this article, financial solvency shall mean that the [applicant's] operating capital of a general contractor business approved by the department pursuant to this article shall exceed twenty-five thousand dollars, or a higher amount as set forth in department rules, beginning 90 days prior to the license application.*

[§28-418.4]§28-418.5 Warranties. A warranty shall be provided to the buyer of a new one-, two- or three-family structure that accords with the provisions of article thirty-six-B of the New York state general business law, including the following:

1. One year from and after the warranty date the home will be free from defects due to a failure to have been constructed in a skillful manner;
2. Two years from and after the warranty date the plumbing, electrical, heating, cooling and ventilation systems of the home will be free from defects due to a failure by the builder to have installed such systems in a skillful manner; and
3. Six years from and after the warranty date the home will be free from material defects, including, but not limited to, any construction that is not in compliance with the building code or the zoning resolution of the city of New York.

[§28-418.4.1]§28-418.5.1 Modification prohibited. Except as otherwise provided in section seven hundred seventy-seven-b of such article thirty-six-B, no such warranty shall be modified or excluded in any way.

[§28-418.5]§28-418.6 Duties and responsibilities. Licensed general contractors shall be responsible for all work performed in accordance with permits issued under their license, and any associated work, including work performed by their subcontractors. The licensed general contractor shall comply with sections [28-418.5.1]§28-418.6.1 through [28-418.5.3]§28-418.6.3.

[§28-418.5.1]§28-418.6.1 Subcontractor information. The *licensed* general contractor shall be responsible for [providing information to the department about his or her subcontractors and the particular work they perform on jobs for which the department has issued permits to the general contractor. Such information shall be provided in a format and at the times specified in the rules of the department.] *maintaining a list that includes information about all permits obtained and all contractors or subcontractors performing work on any project permitted or requiring a permit under this code, including the contractor's or subcontractor's name and address, and, if applicable, their license number. If requested by the commissioner, the licensed general contractor shall produce this list within 24 hours of the request.*

[§28-418.5.2]§28-418.6.2 Technical reports. The *licensed* general contractor shall maintain at the work site such technical reports as specified in the rules of the department and shall make such reports available to department personnel on request.

[§28-418.5.3 Notice of pending disciplinary actions. The general contractor shall notify all of its suppliers of any pending suspension or revocation actions against such general contractor and shall provide an affidavit to the department stating that this notification has been made.]

§28-418.6.3 Submission of plan to reduce rate of hazardous violations. *The commissioner may require any licensed general contractor and general contractor business to provide the department with a plan to*

improve its rate of hazardous violations or to submit a formal site safety plan meeting the requirements of this code. The plan must be approved by the department and may include such measures as employment of a safety compliance officer, at the licensee's expense, to ensure compliance with the approved plan.

§28-418.7 Qualifications. An applicant for a general contractor license shall:

1. *Possess a valid Site Safety Training (SST) Supervisor Card.*
2. *Meet one of the following requirements:*
 - 2.1. *Has received, at minimum, a baccalaureate degree from an accredited four-year college or university in the field of engineering, architecture, construction management, building construction/demolition or a degree deemed substantially similar by the department and has at least one year of practical field experience in general construction on buildings; or*
 - 2.2. *Has a total of at least five years of practical experience working in a construction industry related field, at least three of which shall have been in general construction on buildings, and the balance shall have been in or relating to engineering, architecture, construction/demolition supervision, or construction/demolition project management, or functions deemed substantially similar by the department; or*
 - 2.3. *Is a New York State licensed Professional Engineer (PE) or Registered Architect (RA) in good standing with the state of New York and with the city of New York for a minimum of three years immediately prior to application.*

§28-418.8 General contractor business. *It shall be unlawful for any person to engage in the business of performing general contractor work unless such business is approved by the department in accordance with this section. The application for approval of a general contractor business under a licensed general contractor shall be filed with the commissioner, in such form as the commissioner may direct.*

1. *The application shall indicate the name and license number of the licensed general contractor who shall serve as the designee of such business, and, if the business is a partnership or corporation, the names of all other licensed general contractors associated with such business. Upon approval of such application the commissioner shall issue an authorization number to the business. The authorization number shall be included on all applications for permits and any other documents required to be filed with the department.*
2. *In the case of a partnership or corporation, only one licensed general contractor shall be the designee of such partnership or corporation.*
3. *A general contractor business, whether in the form of a corporation, a partnership or a sole proprietorship, may continue to engage in general contractor work only so long as the designee of such business identified on the application for approval of the general contractor business remains an officer, member, or shareholder owning 10% or more of company stock of such corporation, a partner of such partnership or the proprietor of such sole proprietorship, unless the department is notified of the change in the designee as provided in paragraph 4, below.*
4. *A general contractor business shall not change its name, business structure or name a new designee without prior notice to the department*
5. *A general contractor business shall comply with the financial solvency requirements in section 28-418.4.*

§28-418.9 Designee for general contractor business or city agency. Each general contractor business or city agency shall authorize one responsible designee who shall apply for permits on behalf of the business, or agency, be licensed pursuant to this article and shall comply with the following:

1. The designee shall have full responsibility over the general contractor work.
2. The designee shall be responsible for exercising direct supervision of the licensed general contractor business's operations, including any subcontractors retained to carry out permitted work, to ensure compliance with this chapter and the rules of the department.
3. After notification to the department, the designated general contractor may relinquish such authority and another licensed general contractor may be designated to fulfill the designee's duties and responsibilities on behalf of such general contractor business or city agency.

§28-418.9.1 Restriction. A designee for a city agency may not be a designee for any general contractor business at the same time.

§28-418.10 Status of general contractor registrations and safety registration numbers as of the effective date of this section. General contractor registrations and safety registration numbers that are active as of the effective date of this section shall be automatically converted to a general contractor license with the full authority to file permits until the expiration of such registration term. Individuals seeking to renew such general contractor license shall comply with the qualifications set out in section 28-418.7.

§28-418.11 Designees as of the effective date of this section. Individuals who hold general contractor registrations as of the effective date of this section will be automatically named the designee for their associated general contractor business or city agency. Businesses with individuals who hold associated safety registration numbers but do not also hold general contractor registrations, must submit the name of their designee to the department in such form and manner as determined by the commissioner. Designees may be changed for a general contractor business or city agency by a written notice to the department.

§28-418.12 Unregistered entities having or applying for permits to perform general contractor work as of the effective date of this section. Individuals, corporations, partnerships or other business entities not required to be registered in accordance with the law in effect prior to the effective date of this section performing general contractor work pursuant to permits issued prior to such effective date must obtain a general contractor license to continue work under such permit after such effective date, unless otherwise exempted. Permits will not be issued with respect to applications for permits for general contractor work filed prior to the effective date of this section, but not yet approved by the department by the effective date of this section, unless the applicant obtains a general contractor license prior to issuance of such permit.

§8. Article 420 of chapter 4 of title 28 of the administrative code of the city of New York is REPEALED.

§9. This local law takes effect three years after it becomes law, except that the commissioner of buildings may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 2279

By Council Member Reynoso.

A Local Law to amend the administrative code of the city of New York, in relation to expanding commercial loading zones

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-170.1 to read as follows:

§ 19-170.1 Commercial loading zones. a. Definitions. For purposes of this section, the following terms have the following meanings:

Commercial loading zone. The term “commercial loading zone” means a portion of curb space at which no vehicle may stand or park, except a commercial vehicle for the purpose of making pickups, deliveries, or service calls pursuant to department rules and regulations, except where such space is a temporary commercial loading zone.

Commercial vehicle. The term “commercial vehicle” means a motor vehicle designed, maintained, or used primarily for the transportation of property, provided that such vehicle:

(i) bears commercial plates, where commercial plates or equivalent registration plates from other states or countries are permissible for purposes of this section;

(ii) is permanently altered by having all seats and seat fittings, except the front seats, removed to facilitate the transportation of property, except that for vehicles designed with a passenger cab and a cargo area separated by a partition, the seating capacity within the cab will not be considered in determining whether the vehicle is properly altered.

(iii) displays the registrant's name permanently affixed in characters at least three inches high on both sides of the vehicle, with such display being in a color contrasting with that of the vehicle and placed approximately midway vertically on doors or side panels.

Large generator of truck traffic building. The term “large generator of truck traffic building” means a commercial building that is over 500,000 gross square feet in size.

Temporary commercial loading zone. The term “temporary commercial loading zone” means a commercial loading zone intended to be used for a limited period of time during which construction staging prevents or otherwise affects use of a commercial loading zone.

b. No later than June 1, 2022, the department shall designate as commercial loading zones at least 25 percent of curb space available for parking in census tracts with a population density of 75 people per acre or more, where such census tract includes at least one M1, M2, M3, C1, C2, C3, C4, C5, C6, C7, C8, R8, R9, or R10 zoning district as determined by the zoning resolution of the city of New York. Notwithstanding the foregoing, the department may determine that the designation of commercial loading zones in a particular census tract is not warranted because of existing access to loading berths or the existing availability of parking in which commercial vehicles are permitted.

c. 1. No later than December 1, 2021, the department shall submit to the mayor and the speaker of the council, and publish on its website, a report on expanding commercial loading zones. Such report, shall include, at a minimum: (1) the percentage of curb space designated as commercial loading zones and the number of commercial loading zones implemented; and (2) a plan for full implementation of the requirements set forth in subdivision b, including a discussion of actual or proposed changes to curbside parking policies necessary for implementation. Such plan shall be developed in consultation with affected residents and representatives from affected businesses, business improvement districts, trucking companies, and owners of large generator of truck traffic buildings.

2. No later than June 1, 2022, the department shall submit to the speaker of the council and the mayor, and publish on its website, a report detailing the full implementation of the requirements of subdivision b of this section, including changes made subsequent to the report issued pursuant to paragraph 1 of this subdivision, any determination that the designation of commercial loading zones in a particular census tract is not warranted and a justification for such determination, and any recommendations for further expanding commercial loading zones citywide.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 2280

By Council Member Reynoso.

A Local Law to amend the administrative code of the city of New York, in relation to requiring secure package storage in certain buildings

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 28 of the administrative code of the city of New York is amended by adding a new article 506 to read as follows:

*ARTICLE 506
SECURE PACKAGE STORAGE*

§ 28-506.1 Applicability. *This section shall apply to any class A multiple dwelling constructed after January 1, 2022, and any existing class A multiple dwelling undergoing “work not constituting minor alterations or ordinary repairs” as defined in section 28-105.4.2.1 after January 1, 2022.*

§ 28-506.2 Definitions. *For the purposes of this section, the term “secure package storage” means a designated room or locker used for the temporary storage of packages that is designed and secured to prevent unauthorized access.*

§ 28-506.3 Secure package storage. *The owner of a building to which this article is applicable shall make available secure package storage. The owner shall restrict access to building and property personnel, tenants, subtenants, and delivery service companies only.*

§ 28-506.4 General. *The location and description of such secure package storage shall be clearly identified on construction documents. The department shall adopt rules and/or reference standards governing the implementation and location of such secure package storage.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 2281

By Council Member Rivera.

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to creating an office of sustainable delivery systems and requiring large generator of truck traffic buildings to produce and implement a delivery and servicing plan

Be it enacted by the Council as follows:

Section 1. Chapter 26 of the New York city charter is amended by adding a new section 652 to read as follows:

§ 652. *Office of sustainable delivery systems. a. There shall be in the department an office of sustainable delivery systems. The office shall be headed by a director who shall be appointed by and shall report to the commissioner. The duties of the office shall include, but not be limited to:*

1. *overseeing implementation of sustainable freight and delivery systems laws and policies for existing buildings, new construction, and major renovations;*
2. *establishing and administering protocols for producing and implementing a delivery and servicing plan;*
3. *making recommendations about sustainable freight and delivery solutions in building development and management;*
4. *creating a step-by-step guide for owners on how to develop, amend, and assess the efficacy of a delivery and servicing plan;*
5. *providing technical assistance to owners as they develop, amend, implement, and evaluate a delivery and servicing plan including, but not limited to, creating step-by-step guide on how to produce and submit a delivery and servicing plan for owners;*
6. *creating an online portal for the submission of delivery and servicing plans by owners and that hosts informational materials including the step-by-step guide created pursuant to this section;*
7. *receiving, evaluating, and approving delivery and servicing plans;*
8. *inspecting large generator of truck traffic buildings annually to ensure proper reporting and implementation of delivery and servicing plans;*
9. *determining recommended penalties, including minimum penalties, for failure to timely submit complete delivery and servicing plans, failure to make available and utilize on-site loading docks and storage rooms, and failure to timely implement a reservation system for deliveries or institute off-peak or weekend delivery service for at least 50 percent of servicing trips and deliveries;*
10. *monitoring compliance with the requirements of article 323 of title 28 of the administrative code of the city of New York; and*
11. *developing recommendations, in coordination with the department of transportation, to improve sustainability outcomes and expand the number and types of buildings subject to delivery and servicing plan requirements.*

§ 2. Chapter 3 of title 28 of the administrative code of the city of New York is amended by adding a new article 323 to read as follows:

**ARTICLE 323
SUSTAINABLE DELIVERY AND SERVICING PLANS**

§ 28-323.1 **General.** *Plans to manage freight and servicing vehicle movements to and from a large generator of truck traffic building shall be developed, evaluated, implemented, and enforced in accordance with this article.*

§ 28-323.2 **Definitions.** *As used in this article, the following terms shall have the following meanings:*

CONSOLIDATION CENTER. *The term “consolidation center” means a site used to receive multiple deliveries for a single recipient and consolidate such deliveries so the goods may be delivered to the recipient in a single trip.*

DELIVERY AND SERVICING PLAN. *The term “delivery and servicing plan” means a document describing how freight and servicing vehicle movements to and from a site are managed.*

DEPARTMENT. *The term “department” means the department of buildings.*

DIRECTOR. *The term “director” means the director of the office of sustainable delivery systems.*

LARGE GENERATOR OF TRUCK TRAFFIC BUILDING. *The term “large generator of truck traffic building” means a commercial building that is over 500,000 gross square feet in size.*

OFFICE. *The term “office” means the office of sustainable delivery systems.*

OWNER. *The term “owner” means the owner of a large generator of truck traffic building.*

§ 28-323.3 Department Rules. *The department shall promulgate such rules as are necessary to carry out the provisions of this article in a timely manner, including establishing fees and penalties for violation of the provisions of this article.*

§ 28-323.4 Notice of requirements, deadlines, and penalties. *No later than the effective date of this local law, the department shall notify owners of existing or permitted large generator of truck traffic buildings of their requirement to submit a delivery and servicing plan developed pursuant to section 28-323.7.1 within 90 days from the effective date of this law, and annually thereafter. Such notice shall describe all requirements established pursuant to this article, pertinent deadlines, penalties for non-compliance, and technical assistance available to owners, provided that the failure of the department to notify any such owner shall not affect the obligation of such owner to comply with the requirements set forth in this article. Such notice shall also provide information about the technical assistance resources made available to owners by the department.*

§ 28-323.5 Technical Assistance. *The department shall provide technical assistance to owners of a large generator of truck traffic building with respect to fulfilling the requirements of this article. Such assistance may include, but need not be limited to, trainings, the provision of reference guides and templates, and a publicized telephone number and email address to receive direct questions. At a minimum, the department shall:*

1. *Notify owners of large generator of truck traffic buildings annually of their obligations pursuant to this article and the technical assistance resources made available to owners by the department including but not limited to, the step-by-step guide created pursuant to this section.*
2. *Establish an online portal to accept electronic submissions of delivery and servicing plans and that hosts department resources including, but not limited to, the step-by-step guide created pursuant to this section; and*
3. *Produce and make available to the public a step-by-step guide for producing delivery and servicing plans, which shall include, but not be limited to:*

3.1. *A checklist for gathering key data about deliveries, collections, and servicing trips, including trips relating to maintenance, cleaning and waste removal, and catering and vending. Such checklist shall include, but not be limited to, gathering information about: (i) delivery dates and times; (ii) delivery classifications such as delivery, collection, or servicing trip; (iii) type and size of goods, as applicable; (iv) time sensitive nature of deliveries disaggregated by delivery classification; (v) building tenant, department, or team generating the trip; (vi) delivery, collection, and servicing company names and modes of transportation; (vii) current on- and off-street loading and unloading practices; and (viii) access routes.*

3.2. *Guidance on how to identify the vehicle movements causing the greatest impact on traffic congestion and emissions and on how to assess where efficiencies might be made;*

3.3. *A list of suggested stakeholder interviews;*

3.4. *Recommendations and best practices for delivery and servicing plan actions and objectives including, but not limited to, the implementation of: (i) consolidation centers; (ii) ensuring access to safe and lawful loading and unloading locations on-site, including loading docks and storage rooms; (iii) delivery scheduling; (iv) joint tenant procurement and a centralized ordering system; (v) ways to reduce ad-hoc deliveries; (vi) ways to reduce waste collection trips; (vii) overnight and weekend deliveries; (viii) a centralized booking system for courier deliveries; (ix) procurement of vendors and suppliers that use low or no emission vehicles or modes of transportation; and (x) conducting periodic performance reviews.*

§ 28-323.6.1 Minimum requirements for truck traffic mitigation. *An owner of a large generator of truck traffic building shall implement the following truck traffic mitigation interventions, as described in the delivery and servicing plan approved by the department, within 90 days of such approval:*

1. *Provide suppliers, vendors, and couriers access to loading and unloading locations on-site including on-site loading docks, as well as storage rooms, to reduce the use of on-street parking for delivery and servicing trips and package loading and unloading; and*
2. *Implement at least one of the following interventions:*
 - 2.1. *Establish a delivery and servicing trip reservation system and require suppliers and vendors to utilize such system; or*
 - 2.2. *Retime deliveries so that, at a minimum, 50 percent of delivery and servicing trips to and from the site occur during off-peak traffic hours and weekends. For purposes of implementing this intervention, an owner shall not be required to ensure that building or tenant personnel are present to receive deliveries and may instead permit suppliers, vendors, and couriers to deposit deliveries on-site in a designated and secure area such as a storage room or other access-controlled area.*

§ 28-323.6.2 Civil penalty for failure to implement minimum requirements for truck traffic mitigation. *It shall be unlawful for the owner of a large generator of truck traffic building to fail to implement the interventions required pursuant to section 28-323.6.1. An owner subject to a violation for failure to comply shall be liable for a monetary penalty, as determined by the department.*

§ 28-323.7.1 Delivery and servicing plan requirement. *An owner of an existing or new large generator of truck traffic building shall produce and electronically submit a delivery and servicing plan to the department for approval as follows:*

1. *Existing buildings with a certificate of occupancy as of the effective date of this law shall submit a delivery and servicing plan to the department within 180 days of the effective date of this law, and annually thereafter.*
2. *Applicants for approval of construction documents filed on, or after, the effective date of this law shall file a complete delivery and servicing plan with the department within 180 days of receiving a certificate of occupancy, and annually thereafter.*

§ 28-323.7.2 Contents of delivery and servicing plan. *A delivery and servicing plan submitted pursuant to section 28-323.7.1 shall describe in detail all aspects of the proposed freight and servicing operations for the building with a focus on sustainability efforts including, but not limited to:*

1. *Reducing the number of delivery and servicing trips to and from the site, including through the consolidation of deliveries through streamlined tenant procurement and the use of consolidation centers;*
2. *Re-timing deliveries to promote deliveries during off-peak traffic hours and weekends;*
3. *Establishing a reservation system to facilitate efficient deliveries, and reduce traffic congestion and idling;*
4. *Providing access to safe and lawful loading and unloading locations including on-site loading docks and storage rooms; and*
5. *Prioritizing vendors and couriers that use low or no emissions modes of transportation for delivery and servicing trips to and from the site to reduce emissions produced by deliveries.*

§ 28-323.7.3 Department determination and resubmission of a delivery and servicing plan. *The department shall provide owners of large generator of truck traffic buildings a written determination indicating whether the submitted complete delivery and servicing plan is approved, or whether the department requires the owner to amend and resubmit the delivery and servicing plan with amendments. Where the department requires amendments, the owner shall resubmit an amended delivery and servicing plan within 60 days of receiving the department determination notice. The manner and timing issuing determinations to owners shall be established by the department by rule.*

§ 28-323.7.4 Civil penalty for failure to submit a complete delivery and servicing plan. *It shall be unlawful for the owner of a large generator of truck traffic building to fail to timely submit a complete delivery and servicing plan as required by section 28-323.7.1 on or before the applicable due date. A delivery and servicing plan shall not be considered complete unless the owner has included specific plans to comply with the requirements of section 28-323.7.2 An owner subject to a violation pursuant to this section shall be liable for a monetary penalty, as determined by the department.*

§ 28-323.7.5 Delivery and servicing plan implementation deadline. *An owner of a large generator of truck traffic building shall implement the complete delivery and servicing plan within 90 days from the date such plan was approved by the department.*

§ 28-323.8 Inspection. *The commissioner shall by rule establish staggered inspection cycles for buildings required to comply with this article. The department shall inspect each building required to comply with this article at least once every twelve months.*

§ 28-323.9 Department report. *No later than June 1, 2023 the department shall post on its website and submit to the mayor and the speaker of the council, a report that includes, but is not limited to, the following:*

1. *An itemized list of large generator of truck traffic buildings, including a description of building occupants;*
2. *A summary of the findings of building inspections, including statistics relating to violations disaggregated by violation type and borough;*
3. *A description of challenges relating to the implementation, administration, and enforcement of the provisions of this article;*
4. *Recommendations for:*
 - 4.1. *The frequency in which delivery and servicing plans should be updated by owners and resubmitted to the department;*
 - 4.2. *The frequency with which the department conducts inspections;*
 - 4.3. *The feasibility to create penalties for an owner's failure to reduce the frequency of delivery and service trips to and from the building, as well as for failure to reduce or consolidate the number of suppliers, vendors, and couriers.*
 - 4.4. *The feasibility of expanding the delivery and servicing plan requirements established pursuant to this article to commercial buildings smaller than 500,000 gross square feet in size and to residential buildings; and*
 - 4.5. *Recommendations and best practices for how commercial buildings that are not a large generator of truck traffic and business improvement districts that wish to create delivery and servicing plans voluntarily can analyze key data about deliveries to develop and adopt a delivery and servicing plan of their own. Additionally, recommendations for how the department can make the online portal and technical assistance resources available to entities that participate voluntarily.*

4.6. *Ways in which to improve the step-by-step guide for producing delivery and servicing plans, including, but not limited to, the feasibility of creating a step-by-step guide for commercial buildings smaller than 500,000 gross square feet and residential buildings.*

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

Referred to the Committee on Transportation.

Int. No. 2282

By Council Member Rodriguez and the Speaker (Council Member Johnson).

A Local Law to amend the administrative code of the city of New York, in relation to redesigning the truck route network to improve safety and reduce traffic congestion and emissions

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 19-192.1 to read as follows:

§ 19-192.1 *Redesigning Truck Routes. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

Daylighting. The term “daylighting” means street design elements, including the removal of parking, for enhancing the visibility of cross traffic and pedestrians for motorists within 25 feet of an intersection and the imposition of turn restrictions.

Large generator of truck traffic building. The term “large generator of truck traffic building” means a commercial building that is over 500,000 gross square feet in size.

b. Redesign. The department shall redesign the city truck route network to improve safety, increase visibility, reduce traffic congestion and emissions, and reduce vehicle miles traveled. In redesigning such network, the department shall consult with the department of city planning, the department of buildings, the economic development corporation, small business services, the department of citywide administrative services, affected residents, representatives from businesses, owners of large generator of truck traffic buildings, representatives from environmental and climate justice organizations, representatives from street safety organizations, industrial business zone administrators, and the trucking, logistics and last-mile delivery industries. In addition, the department shall seek input from relevant state and federal agencies, including, but not limited to, the port authority of New York and New Jersey.

d. Daylighting. In connection with the redesign, the department shall implement daylighting at each intersection adjacent to the truck route network to improve sight lines and turning radii.

c. Initial report. No later than November 1, 2021, the department shall publish on its website, and submit to the speaker of the council and the mayor, a report describing the proposed redesigned truck route network and explaining the reasons for the proposed route adjustments. The report shall include consideration of existing city and regional logistics and distribution center networks, as well as recent trends in freight, logistics, and deliveries. Additionally, the report shall include recommendations for improving logistics related to truck routes, including but not limited to changes to truck route signage and cost estimates for truck route signage replacement on all truck routes, changes to the New York city zoning resolution, changes to the New York city building code, improvements to and investments in logistics centers such as marine transfer stations, proposals for delivery consolidation and distribution, proposals to reduce vehicle miles travelled and congestion, street safety design changes, improved truck specifications and design, vehicle procurement policies, and state and federal agency coordination.

d. Public comment. Upon issuing the report, the department shall provide no fewer than 30 days for public review and comment on the proposed routes and recommendations.

e. Final report. After considering all public input, but no later than 90 days following the end of the public comment period, the department shall publish on its website, and submit to the speaker of the council and the mayor, a revised report describing the final redesigned truck route network and recommendation implementation timeline.

f. Implementation. No later than June 1, 2022, the department shall implement the redesigned truck route network, including the daylighting of every intersection adjacent to the truck route network.

g. Signage. No later than July 1, 2022, the department shall review all truck route signage and replace signage along such redesigned truck route network where deemed necessary for improved visibility.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Res. No. 1610

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.2757/A.6748, which would change the existing width restriction that makes most electric cargo bicycles illegal.

By Council Members Rodriguez and Grodenchik.

Whereas, The New York State Vehicle and Traffic Law defines a bicycle with electric assist (e-bike) as a bicycle that is no more than 36 inches wide; and

Whereas, As of 2020, New York State law allows for people to operate e-bikes on many streets in the State; and

Whereas, As e-bike use has increased, especially as a result of the novel coronavirus pandemic, many delivery companies and small businesses have sought to utilize cargo e-bikes instead of trucks for deliveries in dense areas, such as New York City, however, the current 36-inch width restriction under New York State law makes standard-sized cargo e-bikes illegal; and

Whereas, S.2757, introduced by New York State Senator Jessica Ramos, and A.6748, introduced by New York State Assemblymember Chantel Jackson, are in relation to e-bikes and e-scooters, and would, among other things, expand the width of e-bikes to 55 inches; and

Whereas, The expansion of the width of e-bikes to 55 inches under S.2757 and A.6748 would directly impact the way in which deliveries are made in New York City, and could decrease the number of trucks on the City's roads; and

Whereas, As e-bikes are now allowed to legally operate in New York City, a number of delivery companies have worked to expand cargo e-bike delivery services to accommodate for the more than 1.5 million packages delivered daily in the city, of which are mostly delivered by trucks, which cause a disproportionate amount of congestion, increased greenhouse gas emissions, and adds to the frequency of illegally parked or double-parked vehicles; and

Whereas, Research suggests that cargo e-bikes have shown to be a cleaner, safer and more efficient mode of urban freight delivery and passenger transport; and

Whereas, According to peer-reviewed research published in Research in Transportation Business and Management, cargo e-bikes: demand less space for loading and storing, are easier to maneuver in congested areas as compared to motorized vehicles, have lower emissions of greenhouse gases, produce less noise, have lower investment and operation costs as compared to motor vehicles, and have a positive public perception due to their environmental impact; and

Whereas, In December 2019, the New York City Department of Transportation announced a six-month pilot program with major freight delivery services, including Amazon, UPS, and DHL, that would utilize a total of 100 cargo e-bikes to make deliveries in midtown and downtown Manhattan, and encourage the use of low or no emission vehicles for last-mile freight delivery; and

Whereas, According to the New York City Department of Transportation, although promising, the program had limited participation, largely due to the width restriction on e-bikes under New York State law, which caused a number of participants who had made substantial investments in cargo bike fleets to be rendered non-compliant; and

Whereas, The passage of S.2757 and A.6748 would ultimately increase the number of cargo e-bikes statewide and in New York City by expanding the allowable width of an e-bike, which would, among other things, decrease vehicular greenhouse gas emissions, reduce congestion, increase pedestrian and cyclist safety, and ensure faster, more effective deliveries; 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, S.2757/A.6748, which would change the existing width restriction that makes most electric cargo bicycles illegal.

Referred to the Committee on Transportation.

Preconsidered Int. No. 2283

By Council Members Rosenthal and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to the city's reductions in greenhouse gas emissions

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 24-803 of the administrative code of the city of New York, as amended by local law number 147 for the year 2019, is amended to read as follows:

c. Carbon dioxide equivalent emission inventories. (1) No later than September 17, 2008, and no later than every September 17 thereafter, the office shall complete and post on its website an inventory and analysis of citywide emissions measured in carbon dioxide equivalent for the previous calendar year, and shall calculate the percentage change in citywide emissions measured in carbon dioxide equivalent for such calendar year, relative to such emissions for the base year for citywide emissions.

(2) No later than September 17, 2008, and no later than every September 17 thereafter, the office shall complete and post on its website an inventory and analysis of city government emissions measured in carbon dioxide equivalent for the fiscal year ending in the previous calendar year, and shall calculate the percentage change in city government emissions measured in carbon dioxide equivalent for such calendar year, relative to such emissions for the base year for city government emissions. *Such inventory and analysis shall include a list of current and future capital projects intended to reduce emissions from city government operations pursuant to paragraph (1) of subdivision b of this section, and, for each project, an estimate of the associated expected emissions reductions resulting from such project, a project timeline, the total projected budget for the project, and the schedule of planned commitments. Such inventory and analysis shall also include an estimate of the date by which the emissions reduction mandate pursuant to paragraph (1) of subdivision b shall be achieved.*

(3) *No later than September 17, 2021, and no later than every September 17 thereafter, the office shall complete and post on its website an inventory and analysis of greenhouse gas emissions from the portfolio of buildings owned or operated by the New York city housing authority measured in carbon dioxide equivalent for the fiscal year ending in the previous calendar year, and shall calculate the percentage change in greenhouse gas emissions from the portfolio of buildings owned or operated by the New York city housing authority measured in carbon dioxide equivalent for such calendar year, relative to such emissions for calendar year 2005. Such inventory and analysis shall include a list of current and future capital projects intended to reduce emissions from the portfolio of buildings owned or operated by the New York city housing authority pursuant to paragraph (3) of subdivision b of this section, and, for each project, an estimate of the associated expected emissions reductions resulting from such project, a project timeline, the total projected budget for the project,*

and the schedule of planned commitments. Such inventory and analysis shall also include an estimate of the date by which the emissions reduction goal pursuant to paragraph (3) of subdivision b shall be achieved.

§ 2. a. Definition. For purposes of this section, the term “capital commitment plan” means the capital commitment plan required to be published three times each year pursuant to paragraph 1 of subdivision d of section 219 of the New York city charter.

b. Until the emissions reductions pursuant to paragraphs (1) and (3) of subdivision b of section 24-803 of the administrative code of the city of New York are achieved, each capital project set forth in the capital commitment plan that is intended to reduce emissions in accordance with such mandates shall be so designated in the capital commitment plan.

§ 3. This local law takes effect immediately, except that section two of this local law expires and is deemed repealed after the emissions reductions pursuant to paragraphs (1) and (3) of subdivision b of section 24-803 of the administrative code of the city of New York have been achieved.

Referred to the Committee on Environmental Protection (preconsidered but laid over by the Committee on Environmental Protection).

Int. No. 2284

By Council Members Rosenthal, Kallos and Gennaro.

A Local Law to amend the administrative code of the city of New York, in relation to a survivor-centered response by the department of social services to complaints of sexual assault or harassment

Be it enacted by the Council as follows:

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

§ 21-145 *Response to complaints of sexual assault or harassment. a. Definitions. As used in this section, the following terms have the following meanings:*

Complaint. The term “complaint” means a complaint made by a client or by staff of a provider, and involving the staff, personnel or agents of the department, the department of homeless services or a provider.

Harassment. The term “harassment” means harassment, as defined under article 240 and consistent with the provisions of article 485 of the New York penal law, directed at a victim because of a belief or perception regarding the gender or sexual orientation of such victim, regardless of whether such belief or perception is correct.

Provider. The term “provider” means a community-based organization under contract or similar agreement with the department or the department of homeless services.

Relevant agencies. The term “relevant agencies” means the office to end domestic and gender-based violence, the commission on human rights and any other agency that the commissioner deems to be a relevant agency.

Sexual assault. The term “sexual assault” means conduct defined under article 130 of the New York penal law.

Survivor. The term “survivor” means a person who has experienced sexual assault or harassment.

Survivor assistance organization. The term “survivor assistance organization” means a community-based organization that provides trauma-informed assistance to survivors who are experiencing homelessness.

b. *Survivor-centered response. The commissioner, in consultation with relevant agencies, survivor assistance organizations and survivors, shall establish a survivor-centered response to complaints of sexual assault or harassment. The commissioner, or the commissioner’s designee, in a culturally appropriate and trauma-informed manner, shall:*

1. *Offer sexual assault and harassment resources to each survivor, which the commissioner shall identify, in collaboration with relevant agencies, survivor assistance organizations and survivors, and shall include, but not be limited to, crisis counseling and the survivor resource guide, required by subdivision c;*

2. *Conduct a follow-up call with each survivor regarding such resources;*
 3. *Assess each complaint of sexual assault or harassment, in consultation with the survivor and relevant agencies, to determine the next steps to take regarding the complaint, including, but not limited to, whether such complaint is referred to a provider or is independently investigated;*
 4. *Follow-up with each provider who has been referred a complaint of sexual assault or harassment, if any; and*
 5. *Every six months, review all complaints of sexual assault or harassment against providers and any settlements entered into by such providers in response to complaints of sexual assault or harassment, if any.*
- c. Survivor resource guide. In consultation with relevant agencies, survivor assistance organizations and survivors, the commissioner shall develop a resource guide to provide survivors with culturally competent sexual assault and harassment resources. The commissioner shall post such guide on the websites of the department and the department of homeless services and make such guide available, in the designated citywide languages, as defined in section 23-1101, to survivors, as required by subdivision b, providers and relevant department offices, including, but not limited to, the office of the ombudsman and the office of constituent services, established by section 21-142.2. The guide shall provide information on:*
1. *Sexual assault and harassment support programs and hotlines;*
 2. *Government benefits available to survivors of sexual assault or harassment;*
 3. *Social services, including, but not limited to, physical and mental health programs and low- or no-cost legal assistance;*
 4. *Addresses and phone numbers of rape crisis centers and hospitals with sexual assault forensic examiner programs approved by the New York state department of health; and*
 5. *Any other information that the commissioner deems relevant.*
- d. Training. No more than 30 days after the effective date of the local law that added this section, the commissioner shall, in collaboration with relevant agencies, survivor assistance organizations and survivors, develop and implement a training for staff employed by the department, the department of homeless services and providers on the survivor-centered response to complaints as required by this section.*
- e. Outreach. No more than 30 days after the effective date of the local law that added this section, the commissioner, in consultation with relevant agencies and providers, shall conduct culturally appropriate outreach in the designated citywide languages, as defined in section 23-1101, to alert the clients and staff of providers to this section. As part of such outreach, the commissioner shall:*
1. *Distribute informational flyers to the clients and staff of the providers; and*
 2. *Post signage in each shelter operated by the department or the department of homeless services, which shall be in a conspicuous location, visible to all residents and staff of such shelter and in the designated citywide languages, as defined in section 23-1101.*
- f. The department shall take steps to protect the privacy of a survivor, including, but not limited to, anonymizing any interagency communication.*
- g. The commissioner shall promulgate rules necessary and appropriate to the administration of this section.*
- § 2. This local law takes effect 120 days after it becomes law, except that the department of social services shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on General Welfare.

Int. No. 2285

By Council Members Rosenthal and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the establishment of standards and procedures to determine the existence of conflicts of interest and other misconduct concerning city contracts

Be it enacted by the Council as follows:

Section 1. Title 6 of the administrative code of the city of New York is amended by adding a new section 6-145 to read as follows:

§ 6-145 Conflicts of interest and misconduct concerning city contracts. a. As used in this section, the following terms have the following meanings:

City chief procurement officer. The term “city chief procurement officer” means the individual to whom the mayor has delegated authority to coordinate and oversee the procurement activity of mayoral agency staff, including the agency chief contracting officers and any offices that have oversight responsibility for procurement, and who is the head of the mayor’s office of contract services.

Contract. The term “contract” means any written agreement, purchase order or instrument by which the city is committed to expend or does expend funds in return for an interest in real property, work, labor, services, supplies, equipment, materials, construction, construction-related service or any combination of the foregoing, and includes a subcontract between a contractor and a subcontractor. Such term does not include a contract or subcontract resulting from an emergency procurement or that is a government-to-government procurement.

Contractor. The term “contractor” means a person, including but not limited to any natural person, sole proprietorship, partnership, joint venture or corporation, that enters into a contract with an agency or the council.

Covered contract. The term “covered contract” means a contract entered into on or after the effective date of the local law that added this section by a contractor and an agency or the council, that by itself or when aggregated with all contracts awarded to such contractor by any agency or the council during the immediately preceding 12 months has a value in excess of \$100,000.

Mayor’s office of contract services. The term “mayor’s office of contract services” means the office of contracts established within the office of the mayor by mayoral executive order number 114, dated April 13, 1988, as continued, amended or succeeded by executive order thereafter.

Subcontractor. The term “subcontractor” means a person, including but not limited to any natural person, sole proprietorship, partnership, joint venture or corporation, that is a party or a proposed party to a contract with a contractor.

b. 1. In consultation with the conflicts of interest board and the department of investigation, the city chief procurement officer shall establish standards and procedures to be used by a contractor that is a party to a covered contract for determining the existence of any conflict of interest:

(a) As set forth in chapter 68 of the charter, that may exist between a city employee and any officer or employee of such contractor that concerns such covered contract;

(b) As set forth in chapter 68 of the charter, that may exist between a city employee and any officer or employee of a subcontractor of such contractor that concerns such covered contract;

(c) That may exist otherwise for any officer or employee of such contractor that concerns such covered contract; and

(d) That may exist otherwise for any officer or employee of a subcontractor of such contractor that concerns such covered contract.

2. In consultation with the department of investigation, the city chief procurement officer shall also establish standards and procedures to be used by a contractor that is a party to a covered contract for determining the existence of any conduct involving corruption, criminal activity, gross mismanagement or abuse of authority that concerns such covered contract by any officer or employee of such contractor or by any officer or employee of a subcontractor of such contractor.

3. Within 7 days after the establishment of the standards and procedures pursuant to paragraphs 1 and 2 of this subdivision, the city chief procurement officer shall submit copies of such standards and procedures to the mayor and the speaker of the council.

c. The mayor’s office of contract services shall require an agency that is a party to a covered contract, or the council as a party to a covered contract, to include the standards and procedures established by the city chief procurement officer pursuant to paragraphs 1 and 2 of subdivision b of this section in such covered contract.

d. A contractor shall submit a certification to the mayor’s office of contract services when entering into a covered contract that such contractor has complied with the standards and procedures established by the city

chief procurement officer pursuant to paragraphs 1 and 2 of subdivision b of this section and included in such contract pursuant to subdivision c of this section, and that no conflict of interest, corruption, criminal activity, gross mismanagement or abuse of authority that concerns such covered contract exists with respect to its officers and employees and to officers and employees of its subcontractors.

e. Not later than July 1, 2022, and by July 1 annually thereafter, the city chief procurement officer shall post publicly online and submit to the mayor and the speaker of the council a report on certifications submitted by contractors pursuant to subdivision d of this section during the past 12 months, including but not limited to (i) a summary of all such certifications submitted during such period, including but not limited to the parties to and subject matter of the covered contracts for which such certifications were submitted; (ii) the number of such certifications submitted during such period as compared to the total number of covered contracts that took effect during such period and (iii) a description of any conflict of interest or conduct involving corruption, criminal activity, gross mismanagement or abuse of authority discovered by the mayor's office of contract services during such period in connection with a covered contract for which a contractor submitted such a certification.

§ 2. This local law takes effect 120 days after it becomes law, provided that it only applies to contract solicitations that occur on and after its effective date, and except that the procurement policy board shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Oversight and Investigations.

Int. No. 2286

By Council Member Salamanca.

A Local Law to amend the administrative code of the city of New York, in relation to requiring certain city employees to identify themselves during encounters with the public

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 10 of the administrative code of the city of New York is amended by adding a new section 10-174.1 to read as follows:

§ 10-174.1 Identification of city employees. a. Definitions. As used in this section, the term "covered employee" means an employee of the city who is authorized to issue summonses or notices of violation on behalf of the city.

b. Whenever a covered employee questions a person in the covered employee's official capacity as a city employee, such covered employee shall offer, to any person requesting identifying information:

1. A pre-printed business card;

2. A hand-written card, if such covered employee does not have an adequate number of pre-printed business cards in such employee's possession, which shall at a minimum identify the name, agency and supervisor of such covered employee; or

3. To provide such information verbally to such person and allow such person sufficient time to record such information when such covered employee does not have an adequate number of pre-printed business cards or hand-written cards in such employee's possession.

c. Any business card used by a covered employee to comply with this section shall be pre-printed and include, at a minimum:

1. The name, agency and supervisor of such covered employee; and

2. A phone number for the 311 customer service center and an indication that such phone number may be used to submit comments about the encounter between such covered employee and such person.

d. Each agency that employs covered employees shall develop a plan to ensure that covered employees have an adequate number of business cards and that such cards be replenished within 30 business days after such cards become unavailable.

e. A covered employee shall not be required to comply with this section where:

- 1. Such covered employee is engaged in an approved undercover activity or operation; or*
- 2. Exigent circumstances require immediate action by such employee.*

f. Nothing in this section or in the implementation thereof shall be construed to:

- 1. Restrict or limit any activity or proceeding regulated by the criminal procedure law or any other state law; or*
- 2. Create a private right of action on the part of any persons or entity against the city of New York, any agency, or any official or employee thereof.*

§ 2. Severability. If any portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this local law, which remaining portions shall continue in full force and effect.

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

Referred to the Committee on Governmental Operations.

Res. No. 1611

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.1141A/A.2409, establishing the New York Works Progress Program to support out of work artists.

By Council Member Van Bramer.

Whereas, According to the U.S. Bureau of Economic Analysis, the arts and culture industry contributed \$119.9 billion to the New York State economy as recently as 2019; and

Whereas, Since the onset of the COVID-19 pandemic, 62% of arts and cultural workers are unemployed according to Americans for the Arts; and

Whereas, According to a survey conducted by the Music Workers Alliance, between November and December 2020, 71% of musicians and DJs have lost three quarters or more of their income; and

Whereas, During times of economic turmoil, the U.S. government has instituted job programs, such as the New Deal's Works Progress Administration, which publicly commissioned music, painting, writing, theatre, sculpture, dance and other mediums of art under Federal Project Number One; and

Whereas, One of the founding principles of Federal Project Number One was, "In time of need the artist, no less than the manual worker, is entitled to employment"; and

Whereas, Similar programs have made the work of thousands of artists possible, including Doris Humphrey, Orson Welles, Aaron Douglas, Jackson Pollock and Aaron Copland; and

Whereas, New York Assemblymember Pat Fahy recognizes the employment crisis caused by the pandemic, having stated, "Nearly one-third of those under 35 are out of work with the majority in low-wage, retail sector, or gig-economy jobs," and emphasizing that a work program would provide young New Yorkers with jobs in the creative economy while also bolstering the state's arts and cultural institutions; and

Whereas, On January 7, 2021, Assemblymember Fahy and New York Senator Rachel May introduced legislation to establish the New York Works Progress Program, S.1141A/A.2409, which would provide pandemic recovery assistance for individuals who are out of work in the creative economy; and

Whereas, Supporting creative people and businesses can uphold the long-term livability and cultural vibrancy that makes New York City a destination for talent, business and investment; 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, S.1141A/A.2409, establishing the New York Works Progress Program to support out of work artists.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Int. No. 2287

By Council Members Yeger, Cornegy, Borelli, Cabrera, Holden, Salamanca, Brannan, Miller, Grodenchik, Louis, Adams and Gjonaj.

A Local Law in relation to the dismissal of summonses alleging violations of executive orders in connection with COVID-19 and the refund of monetary penalties paid in connection with such violations

Be it enacted by the Council as follows:

Section 1. a. Definitions. For purposes of this local law, the following terms have the following meanings: COVID-19. The term “COVID-19” means the 2019 novel coronavirus or 2019-nCoV.

Summons. The term “summons” means a document, including a notice of violation, which specifies charges forming the basis of an adjudicatory proceeding in the office of administrative trials and hearings.

COVID-19 executive order. The term “COVID-19” executive order means any executive order issued by the by the governor of New York or by the mayor of the city in connection with COVID-19.

b. The office of administrative trials and hearings shall dismiss any summons alleging a violation of any COVID-19 executive order.

c. The department of finance or another agency responsible for collecting payment of fines and penalties shall refund all sums that have been paid to the city as penalties in connection with any summons dismissed pursuant to subdivision b or any adjudicated violation of a COVID-19 executive order.

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Preconsidered L.U. No. 755

By Council Member Dromm:

Clermont Area, Block 1961, Lot 27; Brooklyn, Community District No. 2, Council District 35.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 756

By Council Member Dromm:

Astoria Towers, Block 1704, Lots 12 and 172; Queens, Community District No. 3, Council District 21.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 757

By Council Member Salamanca:

Application No. C 210109 HAK (New Penn Development I) submitted by the Department of Housing Preservation and Development (HPD), pursuant to Article 16 of the General Municipal Law of New York State and 197-c of the New York City Charter for the designation of an Urban Development Action Area and an Urban Development Action Area Project for such area, and the disposition of such property to a developer to be selected by HPD, for property located at 306 Pennsylvania Avenue (Block 3754, Lot 31), 392 Wyona Street (Block 3774, Lot 138), and 426 Wyona Street – 467 Vermont Street (Block 3791, Lot 25), Borough of Brooklyn, Community District 5, Council District 42.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions (preconsidered and approved by the Subcommittee on Landmarks, Public Stings and Dispositions).

Preconsidered L.U. No. 758

By Council Member Salamanca:

Application No. 20215019 HAK (New Penn Development II – UDAAP) submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for approval of an urban development action area project, and waiver of the area designation requirements and Sections 197-c and 197-d of the New York City Charter for property located at 791 Saratoga Avenue (Block 3583, Lot 27), 792 Rockaway Avenue (Block 3602, Lot 44), 429 Newport Street (Block 3833, Lot 47), 303 Hinsdale Street (Block 3767, Lot 5), 461 New Jersey Avenue (Block 3773, Lot 56), 432 Wyona Street (Block 3791, Lot 28), and 510 Vermont Street (Block 3790, Lot 49), Borough of Brooklyn, Community Districts 5 and 16, Council District 42.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions (preconsidered and approved by the Subcommittee on Landmarks, Public Stings and Dispositions).

Preconsidered L.U. No. 759

By Council Member Salamanca:

Application No. C 210195 HAX (97 West 169th Street) submitted by the Department of Housing Preservation and Development (HPD), pursuant to Article 16 of the General Municipal Law of New York State and 197-c of the New York City Charter for the designation of an Urban Development Action Area and an Urban Development Action Area Project for such area, and the disposition of such property to a developer to be selected by HPD, for property located at 97 West 169th Street (Block 2519, Lots 27 and 32), Borough of the Bronx, Community District 4, Council District 16.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions (preconsidered but laid over by the Subcommittee on Landmarks, Public Stings and Dispositions).

Preconsidered L.U. No. 760

By Council Member Salamanca:

Application No. 20215001 HIK [N 210282 HIK] (Harriet and Thomas Truesdell House) submitted by the Landmarks Preservation Commission regarding the landmark designation of the Harriet and Thomas Truesdell House, 227 Duffield Street (Block 146, Lot 15) (List No. 522/LP No. 2645), Borough of Brooklyn, Community District 2, Council District 33.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions (preconsidered but laid over by the Subcommittee on Landmarks, Public Stings and Dispositions).

Preconsidered L.U. No. 761

By Council Member Salamanca:

Application No. 20215020 HAM (Sendero Verde - Amended UDAAP) submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for an amendment to a previously approved urban development action area project located at 50 East 112th Street, 60 East 112th Street, 75 East 111th Street (Block 1617, Lots 20, 120, 125, and 140) (“Disposition Area”) (Formerly Lots 20, 22, 23, 25, 28, 29, 31, 33, 35, 37, 38, 39, 40, 41, 42, 43, 45, 46, 48, 50, 51, 52, 53, 54, 121, and 122), Borough of Manhattan, Community District 11, Council District 8.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions (preconsidered but laid over by the Subcommittee on Landmarks, Public Stings and Dispositions).

Preconsidered L.U. No. 762

By Council Member Salamanca:

Application No. 20215021 HAM (Sendero Verde - Amended Article XI) submitted by the New York City Department of Housing Preservation and Development for an amendment to a previously approved real property tax exemption for property located at Block 1617, Lot 120 (former Lots 20, 51, 52, 53, 54, p/o Lot 23, and p/o Lot 50), Borough of Manhattan, Community District 11, Council District 8.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions (preconsidered but laid over by the Subcommittee on Landmarks, Public Stings and Dispositions).

Preconsidered L.U. No. 763

By Council Member Salamanca:

Application No. N 200343 ZRK (Suydam Street Rezoning) submitted by Suydam, Inc. and 3210 Willoughby LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article XII, Chapter 3 (Special Mixed Use District) for the purpose of establishing a new Special Mixed Use District and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 4, Council District 34.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 764

By Council Member Salamanca:

Application No. C 210043 ZMK (135-137 Bedford Avenue) submitted by Dixon Advisory USA Inc., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13a, establishing within an existing R6A District a C1-4 District and establishing within an existing R6B District a C1-4 District, Borough of Brooklyn, Community District 1, Council District 33.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered and approved by the Subcommittee on Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 765

By Council Member Salamanca:

Application No. N 210095 ZRY (Zoning for Coastal Flood Resiliency) submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to modify the flood resiliency provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), and related Sections, Citywide.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered and approved by the Subcommittee on Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 766

By Council Member Salamanca:

Application No. C 210130 ZMK (Resilient Neighborhoods: Gerritsen Beach) submitted by NYC Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 29a, eliminating from within an existing R4 District a C1-2 District, eliminating from within an existing R4 District a C2-2 District, changing from an R4 District to an R4-1 District, changing from a C3 District to an R4-1 District, changing from an R4 District to a C3A District, changing from a C3 District to an C3A District, establishing within an existing R4 District a C2-3 District, and establishing a Special Coastal Risk District, Borough of Brooklyn, Community District 15, Council District 46.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered and approved by the Subcommittee on Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 767

By Council Member Salamanca:

Application No. N 210131 ZRK (Resilient Neighborhoods: Gerritsen Beach) submitted by the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article XIII, Chapter 7

(Special Coastal Risk District) to establish the Gerritsen Beach Special Coastal Risk District, Borough of Brooklyn, Community District 15, Council District 46.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered and approved by the Subcommittee on Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 768

By Council Member Salamanca:

Application No. N 210132 ZRK (Resilient Neighborhoods: Special Sheepshead Bay District) submitted by the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article IX, Chapter 4 (Special Sheepshead Bay District) to facilitate flood-resilient construction and open space design, Borough of Brooklyn, Community District 15, Council District 48.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered and approved by the Subcommittee on Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 769

By Council Member Salamanca:

Application No. C 210133 ZMQ (Resilient Neighborhoods: Old Howard Beach) submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 18b, changing from an R3-1 District to a R3X District, changing from an R3-2 District to an R3X District, and changing from an R3-2 District to an R3-1 District, Borough of Queens, Community District 10, Council District 32.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered and approved by the Subcommittee on Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 770

By Council Member Salamanca:

Application No. N 210126 ZRM (Governors Island Rezoning) submitted by Governors Island Corporation d/b/a The Trust for Governors Island, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to modify Article XIII, Chapter 4, expanding the Special Governors Island District, and to amend related Sections, Borough of Manhattan, Community District 1, Council District 1.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 771

By Council Member Salamanca:

Application No. C 210127 ZMM (Governors Island Rezoning) submitted by Governors Island Corporation d/b/a The Trust for Governors Island and NYC Small Business Services pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16a, changing from an R3-2 District to a C4-1 District and establishing a Special Governors Island District, Borough of Manhattan, Community District 1, Council District 1.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 772

By Council Member Salamanca:

Application No. N 210061 ZRK (86 Fleet Place Text) submitted by Red Apple Real Estate, pursuant to Section 201 of the New York City Charter for an amendment to the Zoning Resolution of the City of New York, modifying provisions of Article X, Chapter 1 (Special Downtown Brooklyn District), Borough of Brooklyn, Community District 2, Council District 35.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 773

By Council Member Salamanca:

Application No. C 200272 ZMQ (68-19 Woodhaven Boulevard Rezoning) submitted by 68-19 Rego Park, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 14b, changing from an R4 District to an R6A District, changing from a C8-1 District to an R6A District, and establishing within the proposed R6A District a C2-3 District, Borough of Queens, Community District 6, Council District 29.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 774

By Council Member Salamanca:

Application No. N 200273 ZRQ (68-19 Woodhaven Boulevard Rezoning) submitted by 68-19 Rego Park, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Community District 6, Council District 29.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 775

By Council Member Salamanca:

Application No. C 200274 ZMX (431 Concord Avenue Rezoning) submitted by Concord Realty, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6c, by changing from an existing M1-2 District to an R7D District, Borough of the Bronx, Community District 1, Council District 8.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 776

By Council Member Salamanca:

Application No. N 200275 ZRX (431 Concord Avenue Rezoning) submitted by Concord Realty, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of the Bronx, Community District 1, Council District 8.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Subcommittee on Zoning & Franchises).

L.U. No. 777

By Council Member Salamanca:

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

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 778

By Council Member Salamanca:

Application number N 210028 ZRX (Arthur Avenue Hotel Rezoning) submitted by 2461 Hughes Associates LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of the Bronx, Community District 6, Council District 15.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 779

By Council Member Salamanca:

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

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 780

By Council Member Salamanca:

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

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****Friday, April 23, 2021**Committee on Resiliency and Waterfronts jointly with the
Committee on Economic DevelopmentJustin Brannan, Chairperson
Paul Vallone, Chairperson**Oversight** - Port Safety and Resiliency in all Five Boroughs.**Proposed Int 1679-A** - By Council Members Vallone and Yeger - **A Local Law** in relation to evaluating shoreline protection structures throughout the city of New York.

Remote Hearing (Virtual Room 1).....11:00 a.m.

Committee on Contracts

Ben Kallos, Chairperson

Int 2271 - By Council Member Kallos - **A Local Law** to amend the administrative code of the city of New York, in relation to environmentally preferable purchasing by city agencies, and by repealing paragraph 30 of subdivision a of section 6-301 of such code concerning the definition of power supply, by repealing and replacing subdivision e of section 6-306 of such code concerning power-supply standards for computer products procured by city agencies, and by repealing subdivision e of section 6-317 of such code concerning a program to recognize certain city agency contractors in connection with packaging reduction guidelines.**Int 2272** - By Council Member Kallos - **A Local Law** in relation to agency purchasing of textiles, including required reporting on the supply chain for such textiles, and to establish a task force to recommend legislation and policy for environmentally preferable purchasing, use and disposal of such textiles.

Remote Hearing (Virtual Room 2).....1:00 p.m.

Tuesday, April 27, 2021Committee on Criminal Justice jointly with the
Committee on Women and Gender EquityKeith Powers, Chairperson
Darma V. Diaz, Chairperson**Oversight** - Women's Experiences in City Jails.**Int 1209** - By Council Members Rosenthal, Ampry-Samuel, Cornegy, Ayala and Yeger - **A Local Law** to amend the administrative code of the city of New York, in relation to permitting pregnant incarcerated individuals in department of correction custody to utilize doula and midwife services in the delivery room.**Int 1491** - By Council Members Rosenthal, Brannan, Chin, Lander and Yeger - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the commissioner of correction to develop a comprehensive training program for investigation of sexual crimes.**Int 1646** - By Council Members Rosenthal, Louis and Yeger - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of correction to use an electronic case management system to track investigations of sexual abuse.

Remote Hearing (Virtual Room 2)..... 10:00 a.m.

Committee on Land Use

Rafael Salamanca, Jr., Chairperson

All items reported out of the Subcommittees

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Remote Hearing (Virtual Room 1)..... 10:00 a.m.

★DeferredCommittee on Health jointly with the
Committee on Parks and Recreation

Mark Levine, Chairperson

Peter Koo, Chairperson

Oversight - Hart Island and the City's Public Burial Process & Assistance Program.

Remote Hearing (Virtual Room 3).....1:00 p.m.

Wednesday, April 28, 2021

Committee on Public Safety

Adrienne E. Adams, Chairperson

Oversight - Property Seizure and Arrest Evidence.

Remote Hearing (Virtual Room 1)..... 10:00 a.m.

Committee on Finance

Daniel Dromm, Chairperson

Int 2099 - By Council Members Levine, Powers, Yeger, Cornegy, Levin, Reynoso, Rivera, Rosenthal, Menchaca, Brannan, Lander, Van Bramer, Kallos, Gibson, Ayala, D. Diaz and the Public Advocate (Mr. Williams) - **A Local Law** to amend the New York city charter, in relation to reporting on moneys on deposit.

Proposed Int 2100-A - By Council Members Levine, Powers, Yeger, Cornegy, Levin, Reynoso, Rivera, Rosenthal, Menchaca, Brannan, Lander, Van Bramer, Kallos, Gibson, Ayala, D. Diaz and the Public Advocate (Mr. Williams) - **A Local Law** to amend the administrative code of the city of New York, in relation to the reporting on non-depository city financial services.

Int 2164 - By Council Members Rosenthal, Kallos, D. Diaz and Yeger - **A Local Law** to amend the New York city charter, in relation to providing notice of public meetings conducted by the banking commission.

Res 1600 - By Council Members Cornegy, Levine, Lander, Powers, Rosenthal and Rivera - **Resolution** calling upon the State Legislature to pass, and the Governor to sign, A.5782/S.176, which would establish the New York Public Banking Act, and A.3309/S.3016, which would establish an Empire State Public Bank.

Remote Hearing (Virtual Room 3)..... 11:00 a.m.

Committee on Contracts

Ben Kallos, Chairperson

Int 1995 - By Council Members Ayala, Moya, Levine, Rivera, Kallos, Reynoso, Lander, Powers, Van Bramer, Vallone, Chin, Gibson, Brannan, Adams, Salamanca, Koslowitz, Cabrera, Ampry-Samuel, Rosenthal, Holden, Gjonaj, Louis, Menchaca, Grodenchik, Cornegy, Treyger, Eugene, Barron, Gennaro and Yeger - **A Local Law** to amend the administrative code of the city of New York, in relation to shelter security guard trainings.

Int 2006 - By Council Members Moya, Ayala, Reynoso, Lander, Kallos, Rivera, Levine, Chin, Powers, Van Bramer, Gibson, Brannan, Adams, Salamanca, Koslowitz, Cabrera, Ampry-Samuel, Holden, Gjonaj, Louis, Menchaca, Grodenchik, Rosenthal, Cornegy, Treyger, Eugene, Barron, Gennaro and Yeger - **A Local Law** to amend the administrative code of the city of New York, in relation to establishing prevailing wage requirements for security guards at city-contracted shelters.

Int 2137 - By Council Members Kallos, Lander, Rosenthal and Chin - **A Local Law** to amend the administrative code of the city of New York, in relation to establishing prevailing wage requirements for city-contracted human service workers.

Remote Hearing (Virtual Room 2)..... 1:00 p.m.

Thursday, April 29, 2021

Stated Council Meeting (Virtual Room 1).....Agenda –1:30 p.m.

The following comments were among the remarks made by the Speaker (Council Member Johnson) during the Communication from the Speaker segment of this meeting:

The Speaker (Council Member Johnson) welcomed newly-sworn Council Members Dinowitz and Feliz to their first Stated Meeting as representatives of their respective districts in the Bronx. He noted that Council Member Dinowitz's district included Riverdale, Bedford Park, Kingsbridge, Norwood, Van Cortlandt Village, Wakefield, Woodlawn and a number of other neighborhoods. He also noted that Council Member Feliz's district included Fordham, Bedford Park, West Farms, Bathgate, East Tremont, Van Nest, Belmont, Allerton, Olinville, and Mount Hope. The Speaker (Council Member Johnson) congratulated them both and congratulated their families as well.

The Speaker (Council Member Johnson) wished everyone a Happy Earth Day and called for cooperation in achieving environmental justice. He noted the Council's legislative package that day included a bill banning the use of chemical pesticides from public property.

The Speaker (Council Member Johnson) acknowledged that the Council was voting on a Rules change during the Stated Meeting which would constitute the next step in recognizing a union that would engage in collective bargaining for Council aides (please see the Report of the Committee on Rules, Privileges and Elections for Res. No. 1608 printed in these Minutes). He added that this Rules change had come at the urging of more than thirty Council Members who signed a letter calling for voluntary recognition. The Speaker (Council Member Johnson) noted that the Council proudly supported labor and the union efforts of its vital staff.

The Speaker (Council Member Johnson) acknowledged that former Minneapolis police officer Derek Chauvin was found guilty on all counts in the murder of George Floyd. The verdict had been delivered earlier in the week on April 20, 2021. While noting that nothing would ever alleviate the pain and suffering of Mr. Floyd's family, he believed that the verdict handed down was a significant one. The Speaker (Council Member Johnson) hoped that this finding of guilt by the jury had brought some measure of comfort to Mr. Floyd's family and loved ones and to those who had witnessed his death. He noted that one such witness, 17-year old teenager Darnella Frazier, had filmed the brutal encounter and changed history. The Speaker (Council Member Johnson) concluded by expressing his hope that Mr. Floyd could now rest in peace.

Whereupon on motion of the Speaker (Council Member Johnson), the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) adjourned these virtual proceedings to meet again for the Stated Meeting of Thursday, April 29, 2021.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Notes: Council Member Constantinides resigned his office as of April 9, 2021 in order to become the chief executive officer of a non-profit organization (for resignation letter, please see M-298 of 2021 printed in these Minutes).

Eric Dinowitz and Oswald Feliz were sworn-in on April 15, 2021 by the City Clerk and Clerk of the Council (Mr. McSweeney) as the new Council Members representing, respectively, the 11th and 15th Districts in The Bronx.

Editor's Local Law Note: Int. Nos. 1591-B, 1839-A, 1849-A, 1852-A, 2046-A, 2225-A, 2230, and 2231, all adopted at the February 25, 2021 Stated Meeting, were returned unsigned by the Mayor on March 29, 2021. These items had become law on March 28, 2021 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Laws Nos. 31 to 38 of 2021, respectively.

Int. Nos. 864-A, 874-A, 2092-A, 2170-A, 2198-A, and 2236-A, all adopted at the March 18, 2021 Stated Meeting, were returned unsigned by the Mayor on April 19, 2021. These items had become law on April 18, 2021 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Laws Nos. 39 to 44 of 2021, respectively.

