

THE COUNCIL

*Minutes of the Proceedings for the
STATED MEETING
of
Thursday, June 17, 2021, 1:46 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	Keith Powers
Alicka Ampry-Samuel	Vanessa L. Gibson	Antonio Reynoso
Diana Ayala	Mark Gjonaj	Kevin C. Riley
Inez D. Barron	Barry S. Grodenchik	Carlina Rivera
Joseph C. Borelli	Robert F. Holden	Ydanis A. Rodriguez
Justin L. Brannan	Ben Kallos	Deborah L. Rose
Selvena N. Brooks-Powers	Peter A. Koo	Helen K. Rosenthal
Fernando Cabrera	Karen Koslowitz	Rafael Salamanca, Jr
Margaret S. Chin	Bradford S. Lander	Mark Treyger
Robert E. Cornegy, Jr	Stephen T. Levin	Eric A. Ulrich
Laurie A. Cumbo	Mark D. Levine	Paul A. Vallone
Darma V. Diaz	Farah N. Louis	James G. Van Bramer
Ruben Diaz, Sr.	Alan N. Maisel	Kalman Yeger
Eric Dinowitz	Steven Matteo	
Daniel Dromm	Carlos Menchaca	
Mathieu Eugene	I. Daneek Miller	
Oswald Feliz	Francisco P. Moya	

Absent for this Stated Meeting held on June 17, 2021: Council Member Perkins.

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

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

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

There were 48 Council Members marked present at this virtual Stated Meeting held on June 17, 2021.

INVOCATION

The Invocation was delivered by Rev. Mark E. Erson, Pastor, who serves as a spiritual leader at St. John's Lutheran Church, located at 81 Christopher Street, New York, NY 10014.

Speaker Johnson, Public Advocate Williams,
Majority Leader Cumbo and Members of the Council,
thank you very much for honoring me
to be with you again in this capacity.
I bring you greetings
from the people of St. John's Lutheran Church
in the West Village of Manhattan
serving in the shadow of the Stonewall National Monument.
It is especially a privilege to be here in this month
as we celebrate the pride that has grown over the years
in the LGBTQIA plus community.
We have journeyed from uprising to fuller inclusion,
from hidden behind stone walls and closet doors
to greater participation in the wider community,
but clearly the work is not done.
In addition, events and revelations of this past year
have brought new awareness of the need
for the work that must also be done
for other marginalized and opposed communities,
that it all might live in peace and dignity, and so we pray.
We pray to a power that is greater than us,
the wisdom that is deeper than ours.

Let us pray.

Creator and divine presence,
we call you by different names,
yet we share your call to live as you
imagine in the wonder of all that you have made,
and we are united by your challenge
to build communities of justice and peace.
We give you thanks for the privilege to serve.
We give you thanks for those who lead
with courage, mercy, and wisdom.
Be present at this time,
in this gathering that expands miles.

Open our hearts to those who are vulnerable.
Open our minds to creatively address
the needs of every member of our community.
Open our ears to the hear the stories
of those who live a different life from our own.
Open our eyes to see those
who the world judges invisible and insignificant.
Open our hands to reach out in love and welcome.
Kindle and feed the fire that burns in each one of us
so that your light might fill every corner,
warm every chill and guide every step.
In the name of love,
for the sake of your peace and your justice,
Amen.

The Speaker (Council Member Johnson) 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 the number of coronavirus deaths in New York City had reached 33,358 as of June 16, 2021. He also acknowledged that a tragic milestone was reached on June 15, 2021 when COVID-19 deaths in the United States reached 600,000. As the re-opening of the city is celebrated, the Speaker (Council Member Johnson) reiterated that it was important to remember those who lost their lives to the virus and to urge more New Yorkers to get vaccinated.

The Speaker (Council Member Johnson) acknowledged the deaths of two first responders who had recently passed away from 9/11-related illnesses: retired NYPD Police Officer Steven L. Rodriguez who died on June 9, 2021 at the age of 67; and retired FDNY firefighter Anthony Malfi who passed away on June 8, 2021.

The Speaker (Council Member Johnson) acknowledged the death of Herb Sturz. Mr. Sturz passed away on June 10, 2021 at age of 90. He was a founding member of the Vera Institute of Justice and was considered a pioneer in the ongoing efforts to close Rikers Island. The Speaker (Council Member Johnson) noted that Mr. Sturz also had worked with the Open Society and was a key component of the coalition that formed the Litman Commission. He expressed his gratitude to the late Mr. Sturz for everything that he had accomplished for the city.

The Speaker (Council Member Johnson) acknowledged the death of Federal Judge Robert Katzmann. He passed away on June 9, 2021 at the age of 68. The Speaker (Council Member Johnson) noted that Judge Katzmann had recently completed a seven year term as Chief Judge of the U.S. Court of Appeals for the Second Circuit and was considered one of the country's leading jurists. He added that the Council had worked closely with Judge Katzmann in regard to funding the Immigrant Family Unity Project in the Immigrant Justice Court. On behalf of the Council, the Speaker (Council Member Johnson) extended his deepest sympathies to Judge Katzmann's wife Jennifer Callahan and to his family.

The Speaker (Council Member Johnson) acknowledged the death of retired Federal Judge Jack B. Weinstein. He passed away on June 15, 2021 at the age of 99. Judge Weinstein had served as a U.S. District Court Judge in the Eastern District of New York. The Speaker (Council Member Johnson) noted that Judge Weinstein was a true believer in the rehabilitation of people convicted of a crime. He added that he had worked in the Brooklyn Federal court system for more than fifty years and had retired in 2020 at the age of 98.

The Speaker (Council Member Johnson) asked for a Moment of Silence in memory of the individuals named above.

At this point, a Moment of Silence was observed.

* * *

ADOPTION OF MINUTES

Council Member Brooks-Powers moved that the Minutes of the Stated Meeting of May 12, 2021 be adopted as printed.

During the Discussion of General Orders segment of this Stated Meeting, the Public Advocate (Mr. Williams) was recognized by the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) pursuant to New York City Charter section 24-e. The Public Advocate (Mr. Williams) spoke briefly in support of Int. No. 1572-B which was a bill that he had introduced and was before the Council for a vote that day. Int. No. 1572-B dealt with requiring a citywide equitable development data tool as well as racial equity reports on housing and opportunity.

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Finance

Report for Int. No. 1859

Report of the Committee on Finance in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to the sunset provisions for the alternative exemption for veterans.

The Committee on Finance, to which the annexed proposed local law was referred on January 23, 2020 (Minutes, page 137), respectfully

REPORTS:

I. Introduction

On June 17, 2021, the Committee on Finance, chaired by Council Member Daniel Dromm, will hold a second hearing on Int. No. 1859, which would eliminate the sunset provisions for the alternative exemption for veterans. At the first hearing on June 11, 2021, the Committee heard testimony from representatives from the Department of Finance (DOF). The legislation has not been amended.

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II. Background

a. Veterans in New York City

According to the New York City Department of Veterans' Services, New York City is home to over 200,000 veterans and their families.¹ Queens is home to the largest total number of veterans, followed by Brooklyn, Manhattan, the Bronx and Staten Island. However, Staten Island has the highest proportion of veterans within the five boroughs, with 42.6 veterans per 1,000 residents, followed by both the Bronx and Queens (24.1 each), Manhattan (22.7) and Brooklyn (19.5).² This population represents service eras from World War II to Iraq and Afghanistan. The Housing Assistance Council estimates that the home-ownership rate of veterans across New York State is 74.7 percent.³ This is less than the veteran homeownership rate nationally, which is 82 percent.⁴ However, it is considerably more than the national rate of 63 percent, and the overall New York City rate of 31 percent.⁵ Nearly one in ten homes in New York State is occupied by veterans.⁶

¹ Testimony of the New York City Department of Veterans Services, before the New York City Council Committee on Finance jointly with the Committee on Veterans re the Fiscal 2022 Preliminary Budget, Mar. 23, 2021, *available at*:

<https://legistar.council.nyc.gov/View.ashx?M=F&ID=9269387&GUID=8EB0B065-74C9-43E8-8FE6-65435920BEDB>.

² New York State Comptroller, "State Support for New York's Veterans," Nov. 2015, *available at*:

http://www.osc.state.ny.us/reports/other/veterans_11_2015.pdf

³ Housing Assistance Council, "Supporting Veterans in New York," 2019, *available at*:

http://veteransdata.info/states/2360000/NEW_YORK.pdf

⁴ Testimony of James H. Danis II, CMB, AMP, on behalf of the Mortgage Bankers Association, President, Residential Mortgage Corporation, Fayetteville, NC, before the House Committee on Veterans' Affairs regarding the Loan Guaranty Program, May 20, 2010, *available at*:

<https://archives-veterans.house.gov/witness-testimony/james-h-danis-ii-cmb-amp>.

⁵ NYU Furman Center / Citi, Report on Homeownership & Opportunity in New York City, Aug. 5, 2016, *available at*:

http://furmancenter.org/files/NYUFurmanCenterCiti_HomeownershipOpportunityNYC_AUG2016.pdf.

⁶ *Id.*

b. The Alternative Veterans Exemption

The New York State Legislature enacted the Alternative Veterans Exemption (the “Exemption”) in 1984.⁷ Previously, the only veterans’ exemption present in the Real Property Tax Law was the so-called “eligible funds” exemption, the availability of which was contingent upon the purchase of real property with specified public monies.⁸ The Alternative Veterans Exemption is instead based on a percentage of assessed value (subject to maximum levels of exemption) of the primary residence of a veteran.⁹

The Exemption is available to property (including cooperative apartments) owned by qualifying veterans (or certain members of their family) who served during specified periods of war or under certain other conditions.¹⁰ Eligibility is limited to the following categories of veterans:¹¹

- Those who served on active duty in the United States armed services during World War II (December 7, 1941-December 31, 1946), the Korean War (June 27, 1950-January 31, 1955), the Vietnam War (February 28, 1961-May 7, 1975), or the Persian Gulf Conflict (on or after August 2, 1990).
- Those who did not serve during a period of war but received an Armed Forces expeditionary medal, a Navy expeditionary medal, a Marine Corps expeditionary medal, or a Global War on Terrorism expeditionary medal.
- An active member of the Armed Forces reserves who received an honorable discharge or release from active duty (other than active duty for training) and whose active duty was “significant and full-time.”
- Additionally, Local Law 69 of 2000 extended the Exemption to gold star parents.¹²

In general, a qualified wartime veteran’s property receives an exemption of 15% of its assessed value, not to exceed the maximum levels adopted.¹³ An additional 10% exemption is available to eligible veterans who served in a combat zone;¹⁴ and an additional exemption is available for eligible disabled veterans, where the exemption is equal to the product of 50 percent of the veteran’s disability rating received from the United States Department of Veterans Affairs.¹⁵ The Exemption in New York City

In 1997, the State passed enabling legislation authorizing the City to enact a local law increasing the dollar limitations set forth in Section 458-a.¹⁶ Local Law 82 of 1997 increased the dollar limitations for the period of war to the lesser of \$45,000 or \$45,000 multiplied by the latest class ratio (as established by the Commissioner of the New York State Department of Taxation and Finance); the combat zone exemption to the lesser of \$30,000 or \$30,000 multiplied by the latest class ratio; and the disability exemption to the lesser of \$150,000 or \$150,000 multiplied by the latest class ratio.¹⁷

The Council next increased the dollar limitations in 2005, pursuant to authorization by State law.¹⁸ Local Law 136 of 2005 increased the dollar limitations for the “period of war” exemption to the lesser of \$54,000 or \$54,000 multiplied by the latest class ratio; for the “combat zone” exemption to the lesser of \$36,000 or \$36,000 multiplied by the latest class ratio; and for the “disability” exemption to the lesser of \$180,000 or \$180,000 multiplied by the latest class ratio.¹⁹

⁷ Chapter 525 of the New York Laws of 1984.

⁸ New York State Department of Taxation and Finance, *Assessor’s Manual: Alternative Veterans Exemption*, Vol. 4 Part 1 (May 31, 2016), available at: https://www.tax.ny.gov/research/property/assess/manuals/vol4/pt1/sec4_01/p9_guide.htm

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² L.L. 69/2000. A “Gold Star Parent” is defined as the parent of a child who died in the line of duty while serving in the United States armed forces during a period of war.” New York State Real Property Tax Law 458-a(7)(a)

¹³ New York State Real Property Tax Law 458-a(2)(a)

¹⁴ *Id.* at 458-a(2)(b). This is documented by the award of a United States campaign ribbon or service medal, or the Armed Forces expeditionary medal, Navy expeditionary medal, Marine Corps expeditionary medal, or Global War on Terrorism expeditionary medal.

Id.

¹⁵ *Id.* at 458-a(2)(c). Where a person who served during a period of war died in service of a service-connected disability, the person is deemed to have been assigned a compensation rating of 100%. *Id.*

¹⁶ Chapter 417 of the Laws of 1997

¹⁷ L.L. 82/1997

¹⁸ Chapter 256 of the Laws of 2005

¹⁹ L.L. 136/2005

Until 2013, the Exemption was not applicable to the school rate part of the property tax rate. Governor Andrew Cuomo signed legislation in December of that year which authorized school districts in New York State to extend the Exemption to the school rates.²⁰ As New York City does not have a school board, it did not have the option to adopt this change. However, on September 28, 2016, Governor Andrew Cuomo signed legislation (A.9688/S.7121) that authorized the City, through local law, to extend the Exemption to the school rate.²¹

The Council and Mayor agreed to extend the Exemption to the school rate as part of the Fiscal 2018 Adopted Budget negotiations.²² This was codified in Local Laws 120 and 128 of 2017. Local Law 120 extends the Exemption to the school rate.²³ Local Law 128 decreases the maximum exemption amount allowable for veterans who served during a specified period of conflict, veterans who served in a combat zone and disabled veterans, from \$54,000, \$36,000, and \$180,000 respectively, multiplied by the latest class ratio, to \$48,000, \$32,000, and \$160,000, respectively, multiplied by the latest class ratio.²⁴ At the time, the Council's Finance Division staff projected that the joint impact of these two laws would be to add an average savings of \$595 per year per veteran household on top of the average existing exemption of \$545 per year.²⁵ Both laws include a sunset provision, whereby they would no longer be in effect after June 30, 2022.

Int. No. 1859 proposes to eliminate the sunset provisions and thereby make permanent the 2017 changes to the City's alternative exemption for veterans.

III. Legislative Analysis

a. Analysis of Int. No. 1859 (Sponsored by Council Member Matteo)

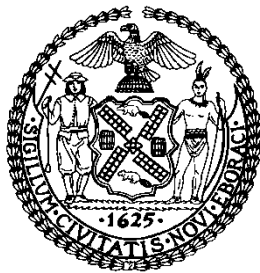
Int. No. 1859 would eliminate the sunset provisions relating to the alternative exemption for veterans as established by Local Laws 120 and 128 of 2017.

Section 1 would remove the repeal date of local law number 120 for the year 2017.

Section 2 would remove the repeal date of local law number 128 for the year 2017.

Section 3 would provide that the law takes effect immediately.

The following is the text of the Fiscal Impact Statement for Int. No. 1859:)



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

INTRO. NO: 1859

COMMITTEE: Finance

²⁰ Chapter 518 of the Laws of 2013

²¹ Chapter 332 of the Laws of 2016

²² Council of the City of New York, *Fiscal Year 2018 Adopted Expense Budget: Adjustment Summary/Schedule C 84* (June 6, 2017), available at <http://council.nyc.gov/budget/wp-content/uploads/sites/54/2017/03/FY-2018-Schedule-C-Cover-Template-FINAL-MERGE.pdf>

²³ Local Law 120 of 2017.

²⁴ Local Law 128 of 2017.

²⁵ Fiscal Impact Statements for Local Laws 120 and 128 of 2017.

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the sunset provisions for the alternative exemption for veterans. **SPONSOR(S):** Council Members Matteo, Yeger, Koslowitz, Ampry-Samuel and Holden.

SUMMARY OF LEGISLATION: The property tax operates as a combination of two sub-categories: the school tax portion and the non-school tax portion. Prior to Fiscal 2018, the alternative veterans' exemption applied only to the non-school tax portion. In June 2017, the Council passed Local Law 120 and Local Law 128 which extended the alternative veterans' exemption to the school tax portion and adjusted the maximum exemption amounts, respectively, with the cumulative effect of expanding the alternative veterans' exemption for all beneficiaries. Local Laws 120 and 128 each contained a sunset provision of June 30, 2022. Introduction 1859 would eliminate the sunset provisions, thereby making permanent the expansion of the alternative veterans' exemption.

EFFECTIVE DATE: This legislation would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY 23
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: Assuming that the school tax portion of the property tax remains consistent with its historical ratio of roughly 58 percent of the overall property tax, the Finance Division expects that this legislation would result in \$23.6 million in foregone revenue for Fiscal 2023. The amount of foregone revenue would increase slightly in subsequent years in line with assessed value growth of recipient properties.

However, these revenue reductions are already assumed in OMB's financial plan for Fiscal 2023 and the outyears. Consequently, the passage of this legislation would have no impact on the current outyear revenue forecasts; it would simply codify the existing assumptions therein. Therefore, the fiscal impact of this legislation is \$0, despite the aforementioned revenue reduction beginning in Fiscal 2023.

IMPACT ON EXPENDITURES: It is not anticipated that this legislation would impact expenditures.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

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

ESTIMATE PREPARED BY: Andrew Wilber, Economist, NYC Council Finance Division

ESTIMATE REVIEWED BY: Emre Edev, Assistant Director, NYC Council Finance Division
Rebecca Chasan, Senior Counsel, NYC Council Finance Division

LEGISLATIVE HISTORY: Intro. 1859 was introduced by the Council on January 23, 2020 and was referred to the Committee on Finance. The Committee held a hearing on the bill on June 11, 2021 and the bill was laid over. The Committee will vote on Intro. 1859 on June 17, 2021 and upon successful vote by the Committee, the legislation will be submitted to the full Council for a vote on June 17, 2021.

DATE PREPARED: June 11, 2021.

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 1859:)

Int. No. 1859

By Council Members Matteo, Yeger, Koslowitz, Ampry-Samuel, Holden, Brooks-Powers and Gennaro.

A Local Law to amend the administrative code of the city of New York, in relation to the sunset provisions for the alternative exemption for veterans

Be it enacted by the Council as follows:

Section 1. Section 2 of local law number 120 for the year 2017 is amended to read as follows:

§ 2. This local law takes effect July 1, 2017, except that if it becomes law subsequent to such date, this local law is retroactive to and deemed to have been in full force and effect as of July 1, 2017[, and shall expire and be deemed repealed on June 30, 2022].

§ 2. Section 2 of local law number 128 for the year 2017 is amended to read as follows:

§ 2. This local law takes effect on the same day as a local law amending the administrative code of the city of New York relating to the alternative exemption for veterans, as proposed in introduction number 1304 for the year 2016, takes effect[, and shall expire and be deemed repealed on the same day as such local law].

§ 3. This local law takes effect immediately.

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, JAMES F. GENNARO, SELVENA N. BROOKS-POWERS, STEVEN MATTEO; Committee on Finance, June 17, 2021 (Remote Hearing). *Other Council Members Attending: Council Members Perkins and Yeger.*

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

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

Report for Res. No. 1671

Report of the Committee on Finance in favor of a Resolution to establish that the discount percentage for early payment of real estate taxes be set at one-half of one percent per annum for Fiscal Year 2022.

The Committee on Finance, to which the annexed preconsidered resolution was referred on June 17, 2021, respectfully

REPORTS:

Under current law, the City provides a discount for property owners who pay their property tax bills early. To receive a discount on the *entire* tax bill, both semi-annual and quarterly taxpayers have to pay the entire tax bill prior to the date the July 1st installment could be paid without interest. For quarterly taxpayers, if the taxpayer does not pay the entire tax bill upfront, but instead pays the last three quarters in full on or before October 15th,

the discount is calculated at a rate of two-thirds of the discount percentage. If the last two quarters (due in January and April) are paid in full on or before January 15th, the taxpayer receives a discount equal to one-third of the discount percentage. A tax installment paid after the January 15th due date is not eligible for a discount.

The New York City Council is charged with the responsibility of setting the discount percentages for the early payment of real estate taxes prior to the dates on which such taxes become due and payable. Specifically, §1519-a(7)(b) of the New York City Charter provides that not later than the 13th day of May in each year, the New York City Banking Commission (the “Banking Commission”) shall send a written recommendation to the Council of a proposed discount percentage for the ensuing fiscal year.

Further, §1519-a(7)(c) of the New York City Charter provides that the New York City Council may adopt a discount percentage by resolution no earlier than the 14th day of May.

If the Council does not set a discount rate, the default discount rate, which is set by §1519-a(7)(d) of the New York City Charter will apply. The default discount rate is a formula equaling the annualized interest rate on six-month United States treasury bills, as reported by the Board of Governors for the Federal Reserve System plus seventy-five basis points, the sum of which is divided by four for the last business day of April preceding the ensuing fiscal year.

The Banking Commission forwarded to the Council, by letter dated May 13, 2021, its recommendation that the discount percentage for early payment of real estate taxes for Fiscal Year 2021 be set at one-half of one percent (0.5%) per annum.

As required by Local Law 30 of 2015, the Banking Commission included with its recommendations a report detailing the factors considered when determining the recommendation. For the Fiscal Year 2022 recommendation, the Banking Commission considered the City’s cash balances, the estimated savings from fewer issuances of property tax statements, current interest rates, and discount rates offered by other municipalities.

Pursuant to Charter §1519-a(7)(c), the Council adopts the Banking Commission’s recommendation and establishes that the discount percentage for early payment of real estate taxes shall be set at one-half of one percent (0.5%) per annum for Fiscal Year 2022.

The discount percentage the Council established for early payment of Fiscal Year 2022 real estate taxes is the same as it was for Fiscal Year 2021.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1671:)

Preconsidered Res. No. 1671

Resolution to establish that the discount percentage for early payment of real estate taxes be set at one-half of one percent per annum for Fiscal Year 2022.

By Council Member Dromm.

Whereas, Pursuant to section 1519-a(7)(b) of the New York City charter, the Banking Commission is required to recommend to the City Council, not later than the 13th day of May, the proposed discount percentage allowed for early payment of real estate taxes; and

Whereas, Section 1519-a(7)(c) of the New York City charter provides that the Council may adopt a discount percentage for early payment of real estate taxes no earlier than the 14th day of May; and

Whereas, The Banking Commission forwarded its recommendation to the Council, by letter dated May 13, 2021, that the discount percentage for early payment of real estate taxes for Fiscal Year 2022 be set at one-half of one percent per annum; now, therefore, be it

Resolved, That the Council of the City of New York establishes that the discount percentage for early payment of real estate taxes be set at one-half of one percent per annum for Fiscal Year 2022.

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, JAMES F. GENNARO, SELVENA N. BROOKS-POWERS, STEVEN MATTEO; Committee on Finance, June 17, 2021 (Remote Hearing). *Other Council Members Attending: Council Members Perkins and Yeger.*

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

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

Report for L.U. No. 808

Report of the Committee on Finance in favor of a Resolution approving 50th Street HDFC.GHPP.FY21, Block 782, Lot 56; Brooklyn, Community District No. 7, Council District No. 38.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on June 17, 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:)

June 17, 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
Noah Brick, Assistant Counsel, Finance Division

RE: Finance Committee Agenda of June 17, 2021 – Resolutions approving a tax exemption for four Land Use items (Council Districts 6, 7, 9, 10, 27, 28 and 38)

Item 1: 50th Street HDFC

50th Street HDFC is comprised of two adjacent rental buildings, with a total of 48 residential units. The residential units include eight one-bedroom units, 21 two-bedroom units, 12 three-bedroom units, and seven four-bedroom units (inclusive of one superintendent unit).

The building is owned and managed by 50th Street Housing Development Fund Corporation (“HDFC”). The project will support the moderate rehabilitation and energy and water efficiency needs of the buildings, roof replacement, parapet and façade repairs, masonry work, window replacement, plumbing, and energy efficiency and water conservation upgrades. ; formalize affordability restrictions through a regulatory agreement; and provide a full 40-year Article XI tax exemption. The property currently benefits from an Article XI tax exemption that is set to expire in 2028. The new 40-year Article XI tax exemption will run conterminously on both buildings in the project and will replace the existing Article XI tax exemptions effective the date of closing. The sponsor is aiming to close on the HPD construction loan in 2021. The HDFC will finance the rehabilitation of the building with loans from the Community Preservation Corporation (CPC) and New York City Department of Housing Preservation and Development (“HPD”).

HPD is requesting that the Council approve a full, 40-year Article XI property tax exemption to support affordability. The HDFC, the New York City Housing Development Corporation (“HDC”) and HPD would enter into a regulatory agreement that would require that 28 units be leased to households with incomes up to 50 percent of the Area Median Income (“AMI”), and that 19 units be leased to households with incomes up to 70 percent of the AMI.

Summary:

- Borough – Brooklyn
- Block 782, Lot 56
- Council District – 38
- Council Member – Menchaca
- Council Member approval – Yes
- Number of buildings – 2
- Number of units – 48 (including one superintendent unit)
- Type of exemption – Article XI, full, 40 years
- Population – affordable rental housing
- Sponsor – 50th Street HDFC, Fifth Avenue Committee
- Purpose – preservation
- Cost to the city - \$2.5 million
- Housing Code Violations
 - Class A – 0
 - Class B – 0
 - Class C – 0
- AMI target – 28 units at 50% of AMI; 19 units at 70% of AMI.

Item 2: JOE Uptown LLC.YR15.FY21

JOE Uptown is a project comprised of 35 buildings with 374 residential units. The item currently being considered by the Council relates to a portion of the overall project, specifically the “Central Harlem 203k HDFC” and “610 West 178th Street HDFC” portfolios which combined consist of eight buildings and 47 residential units. The residential units include three studio units, 19 one-bedroom units, six two-bedroom units, 16 three-bedroom units, and three four-bedroom units. J-51 benefits.

The project is seeking financing for a moderate rehabilitation, including roof replacement/resealing, facade repairs, metal repairs/painting, stoop repairs, and boiler replacements. Tenants have also received Aging-in-Place Surveys, and Sponsor will be required to make the requested accessibility upgrades as requested in the survey. Under the proposed project, JOE Uptown CATCH HDFC would acquire the buildings and JOE Uptown LLC (“Company”) would be the owner and manage the buildings. The HDFC and the Company (collectively,

“Owner”) would finance the acquisition and rehabilitation of the buildings with loans from HPD, HDC, and a private lending institution.

HPD is requesting that the Council approve a full, 40-year Article XI property tax exemption to support the continued affordability for the buildings that will be reduced by an amount equal to any concurrent J-51 Benefits. The Owner, HPD and HDC would enter into a regulatory agreement that would require that the 47 units be leased to households with incomes up to 60 percent of the AMI.

Summary:

- Borough – Manhattan
- Block 1718, Lot 134; Block 1915, Lot 51; Block 1916, Lots 9 and 13; Block 1940, Lot 128; Block 2118, Lot 56; Block 2123, Lot 89; Block 2144, Lot 38
- Council District – 7, 9, 10
- Council Member – Perkins, Levine, Rodriguez
- Council Member approval – Yes
- Number of buildings – 8
- Number of units – 47
- Type of exemption – Article XI, full, 40 years
- Population – affordable rental housing
- Sponsor – JOE Uptown CATCH HDFC, Inc.; JOE Uptown LLC; JOE New York City Corporation
- Purpose – preservation
- Cost to the city - \$8.2 million
- Housing Code Violations
 - Class A – 17
 - Class B – 48
 - Class C – 14
- AMI target – 47 units at 60% of AMI

Item 3: Carroll-Burke HDFC.PLP.FY22

Carroll-Burke is comprised of ten buildings with a total of 219 units that is owned by five separate HDFCs. The residential units consist of five studio units, 49 one-bedroom units, 101 two-bedroom units, 49 three-bedroom units, and ten four-bedroom units (including five superintendent units).

Currently, all the HDFCs receive Article XI property tax exemptions that will expire, respectively, in 2028, 2029, and 2034. In addition, a portion of the buildings receive J-51 benefits.

Under the proposed project, Carroll-Burke HDFC (“Owner”) would acquire the buildings, and would finance the acquisition and rehabilitation of the buildings with loans from HPD and a private lending institution. The scope of the rehabilitation includes concrete, masonry improvements, new apartment entrance doors, window replacements, bathroom and kitchen work, roof replacements, plumbing, new HVAC systems, new intercom and surveillance systems, rooftop solar installations, new interior stairs, joist replacements, new electrical wiring, and elevator modernization.

HPD is requesting that the Council approve a full, 40-year Article XI property tax exemption to support affordability. The Owner and HPD would enter into a regulatory agreement that would require that 30 units be leased to households with incomes up to 50 percent of the AMI; 61 units be leased to households with incomes up to 60 percent of the AMI; 26 units be leased to households with incomes up to 70 percent of the AMI; 49 units be leased to households with incomes up to 85 percent of the AMI; and 48 units be leased to households with incomes up to 50 percent of the AMI.

Summary:

- Borough – Bronx
- Block 2948, Lots 8 and 47; Block 2952, Lots 7, 9, and 12; Block 2955, Lot 36; Block 2957, Lots 1, 9, 11, and 34; Block 2958, Lot 62
- Council District – 6
- Council Member – Salamanca
- Council Member approval –Yes
- Number of buildings – 10
- Number of units – 219
- Type of exemption – Article XI, full, 40 years
- Population – affordable rental housing
- Sponsor – Carroll-Burke HDFC, Aquinas Housing Corporation
- Purpose – preservation
- Cost to the city - \$15.3 million
- Housing Code Violations
 - Class A – 124
 - Class B – 335
 - Class C – 150
- AMI target – 30 units at 50% of AMI; 61 units at 60% of AMI; 26 units at 70% of AMI; 49 units at 85% of AMI; 48 units at 50% of AMI.

Item 4: Habitat Net Zero Homes

Habitat for Humanity New York City’s Habitat Net Zero Homes project will consist of 10 single-family detached homes and six single-family semi-attached homes in Southeast Queens.

Currently the New York City Housing Authority (“NYCHA”) owns 13 vacant, dilapidated, single-family homes located at these sites and the properties receive a full property tax exemption on account of their ownership by NYCHA. Under the proposed project, NYCHA will initially convey the legal interest in the properties to Habitat Net Zero HDFC and the beneficial interest to Habitat Net Zero LLC. Ten of the vacant homes will be demolished and rebuilt as modular structures and the remaining three homes will be gut rehabilitated. After completion of construction and sale of the beneficial interest in each property, the HDFC interest, subject to the proposed tax exemption, will transfer from Habitat Net Zero HDFC to Interboro Community Land Trust HDFC.

HPD is requesting that the Council approve a full, 40-year Article XI property tax exemption for the Habitat Net Zero HDFC. HPD would enter into a regulatory agreement with Habitat Net Zero HDFC and LLC, which would transfer to the Community Land Trust HDFC that would limit homeowner income to 90 percent of the AMI.

Summary:

- Borough – Queens
- Block 10841, Lot 1; Block 10868, Lot 26; Block 11055, Lot 21; Block 11070, Lot 147; Block 11074, Lot 54; Block 11099, Lots 62 and 76; Block 11127, Lot 44; Block 11656, Lot 67; Block 11670, Lot 40; Block 11795, Lot 68; Block 12014, Lot 3; Block 12017, Lot 49
- Council Districts – 27, 28
- Council Member – Miller, Adams
- Council Member approval –Yes
- Number of buildings – 13
- Number of units – 16
- Type of exemption – Article XI, full, 40 years

- Population – affordable homeownership housing
- Sponsor – Habitat for Humanity New York City, Habitat Net Zero Homes HDFC, Interboro Community Land Trust
- Purpose – new construction
- Cost to the city – \$1.2 million
- Housing Code Violations
 - Class A – 1
 - Class B – 5
 - Class C – 0
- AMI target – 16 units at 90% of AMI

(For text of the coupled resolutions for L.U. No. 808, please see below; for text of the remaining coupled resolutions, please see, respectively, the Report of the Committee on Finance for L.U. Nos. 809, 810, and 811 printed in these Minutes)

Accordingly, this Committee recommends the adoption of L.U. Nos. 808, 809, 810, and 811.

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

Res. No. 1672

Resolution approving an exemption from real property taxes for property located at (Block 782, Lot 56) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 808).

By Council Member Dromm.

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated March 30, 2021 that the Council take the following action regarding a housing project located at (Block 782, Lot 56) Brooklyn (“Exemption Area”):

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

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

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

RESOLVED:

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

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Effective Date” shall mean the date that HPD and the Owner enter into the Regulatory Agreement.
 - b. “Exemption Area” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 782, Lot 56 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 50th Street Housing Development Fund Corporation 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 the exemption from real property taxation for the Exemption Area approved by the New York City Council on May 16, 1995 (Resolution No. 987).
 - i. "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner that is executed on or after February 1, 2021 and that establishes certain controls upon the operation of the Exemption Area during the term of the New Exemption.
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 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 buildings on the Exemption Area that exist on the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

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

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, JAMES F. GENNARO, SELVENA N. BROOKS-POWERS, STEVEN MATTEO; Committee on Finance, June 17, 2021 (Remote Hearing). *Other Council Members Attending: Council Members Perkins and Yeger.*

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

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

Report for L.U. No. 809

Report of the Committee on Finance in favor of a Resolution approving JOE Uptown LLC.YR15.FY21, Block 1718, Lot 134, Block 1915, Lot 51, Block 1916, Lots 9 and 13, Block 1940, Lot 128, Block 2118, Lot 56, Block 2123, Lot 89, Block 2144, Lot 38; Manhattan, Community District No. 10 and 12, Council District No. 7, 9, and 10.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on June 17, 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. 808 printed in these Minutes)

Accordingly, this Committee recommends its adoption

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

Res. No. 1673

Resolution approving an exemption from real property taxes for property located at (Block 1718, Lot 134; Block 1915, Lot 51; Block 1916, Lots 9 and 13; Block 1940, Lot 128; Block 2118, Lot 56; Block 2123, Lot 89; Block 2144, Lot 38) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 809).

By Council Member Dromm.

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated May 24, 2021 that the Council take the following action regarding a housing project located at (Block 1718, Lot 134; Block 1915, Lot 51; Block 1916, Lots 9 and 13; Block 1940, Lot 128; Block 2118, Lot 56; Block 2123, Lot 89; Block 2144, Lot 38) Manhattan (“Exemption Area”):

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

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

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

RESOLVED:

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

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Company” shall mean JOE Uptown LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - b. “Effective Date” shall mean the 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.
 - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - d. “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1718, Lot 134, Block 1915, Lot 51, Block 1916, Lots 9 and 13, Block 1940, Lot 128, Block 2118, Lot 56, Block 2123, Lot 89, and Block 2144, Lot 38 on the Tax Map of the City of New York.
 - e. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - f. “HDC” shall mean the New York City Housing Development Corporation.
 - g. “HDFC” shall mean JOE Uptown CATCH Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - h. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - i. “J-51 Benefits” shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect on the Effective Date.
 - j. “Owner” shall mean, collectively, the HDFC and the Company.

- k. “Regulatory Agreement” shall mean the regulatory agreement between either (i) HPD and the Owner, or (ii) HPD, HDC and the Owner, that is executed on or after March 1, 2021 and that establishes certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Notwithstanding any provision hereof to the contrary:
 - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
 - c. Nothing herein shall entitle the 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.
4. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, (a) nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities, and (b) the J-51 Benefits shall remain in effect, but the Exemption shall be reduced by the amount of such J-51 Benefits.

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, JAMES F. GENNARO, SELVENA N. BROOKS-POWERS, STEVEN MATTEO; *Committee on Finance, June 17, 2021 (Remote Hearing). Other Council Members Attending: Council Members Perkins and Yeger.*

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

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

Report for L.U. No. 810

Report of the Committee on Finance in favor of a Resolution approving Carroll-Burke HDFC.PLP.FY22, Block 2948, Lots 8 and 47, Block 2952, Lots 7, 9, and 12, Block 2955, Lot 36, Block 2957, Lots 1, 9, 11, and 34, Block 2958, Lot 62; Bronx, Community District No. 6, Council District No. 17.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on June 17, 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. 808 printed in these Minutes)

Accordingly, this Committee recommends its adoption

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

Res. No. 1674

Resolution approving an exemption from real property taxes for property located at (Block 2948, Lots 8 and 47; Block 2952, Lots 7, 9, and 12; Block 2955, Lot 36; Block 2957, Lots 1, 9, 11, and 34; Block 2958, Lot 62) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 810).

By Council Member Dromm.

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated May 24, 2021 that the Council take the following action regarding a housing project located at (Block 2948, Lots 8 and 47; Block 2952, Lots 7, 9, and 12; Block 2955, Lot 36; Block 2957, Lots 1, 9, 11, and 34; Block 2958, Lot 62) Bronx (“Exemption Area”):

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

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

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

RESOLVED:

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

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.

- b. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2948, Lots 8 and 47, Block 2952, Lots 7, 9, and 12, Block 2955, Lot 36, Block 2957, Lots 1, 9, 11, and 34, and Block 2958, Lot 62 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 Carroll-Burke Housing Development Fund Corporation 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. “J-51 Benefits” shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect on the Effective Date.
 - g. “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - h. “Owner” shall mean the HDFC.
 - i. “Prior Exemption” shall mean the exemptions from real property taxation for the Exemption Area approved by the New York City Council on June 29, 1994 (Resolution No. 484), March 21, 1995 (Resolution No. 917), June 28, 1995 (Resolution No. 1101), October 5, 1995 (Resolution No. 1277), and January 18, 1996 (Resolution No. 1457).
 - j. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner that is executed on or after April 1, 2021 and that establishes certain controls upon the operation of the Exemption Area during the term of the New Exemption.
2. The Prior Exemption shall terminate with respect to the Exemption Area upon the Effective Date.
 3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
 4. 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 buildings on the Exemption Area that exist on the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 - d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked as of the Effective Date.
5. In consideration of the New Exemption, the owner of the Exemption Area shall, for so long as the New Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, (a) nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities, and (b) the J-51 Benefits shall remain in effect, but the New Exemption shall be reduced by the amount of such J-51 Benefits.

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, JAMES F. GENNARO, SELVENA N. BROOKS-POWERS, STEVEN MATTEO; Committee on Finance, June 17, 2021 (Remote Hearing). *Other Council Members Attending: Council Members Perkins and Yeger.*

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

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

Report for L.U. No. 811

Report of the Committee on Finance in favor of a Resolution approving Habitat Net Zero Homes, Block 10841, Lot 1, Block 10868, Lot 26, Block 11055, Lot 21, Block 11070, Lot 147, Block 11074, Lot 54, Block 11099, Lots 62 and 76, Block 11127, Lot 44, Block 11656, Lot 67, Block 11670, Lot 40, Block 11795, Lot 68, Block 12014, Lot 3, Block 12017, Lot 49; Queens, Community District No. 10, 12, and 13, Council District No. 27 and 28.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on June 17, 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. 808 printed in these Minutes)

Accordingly, this Committee recommends its adoption

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

Res. No. 1675

Resolution approving an exemption from real property taxes for property located at (Block 10841, Lot 1; Block 10868, Lot 26; Block 11055, Lot 21; Block 11070, Lot 147; Block 11074, Lot 54; Block 11099, Lots 62 and 76; Block 11127, Lot 44; Block 11656, Lot 67; Block 11670, Lot 40 ; Block 11795, Lot 68; Block 12014, Lot 3; Block 12017, Lot 49) Queens, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 811).

By Council Member Dromm.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated June 11, 2021 that the Council take the following action regarding a housing project located at (Block 10841, Lot 1; Block 10868, Lot 26; Block 11055, Lot 21; Block 11070, Lot 147; Block 11074, Lot 54; Block 11099, Lots 62 and 76; Block 11127, Lot 44; Block 11656, Lot 67; Block 11670, Lot 40 ; Block 11795, Lot 68; Block 12014, Lot 3; Block 12017, Lot 49) 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 “Sponsor”) is a duly organized housing development fund company under Article XI of the Private Housing Finance Law;

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

RESOLVED:

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

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Company” shall mean Habitat Net Zero LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - b. “CLT HDFC” shall mean CLT Interboro CLT Housing Development Fund Corporation or a community land trust housing development fund company that acquires all or a portion of the Exemption Area with the prior written consent of HPD.
 - c. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
 - d. “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - e. “Exemption Area” shall mean the real property located in the Borough of Queens, City and State of New York, identified as Block 10841, Lot 1, Block 10868, Lot 26, Block 11055, Lot

21, Block 11070, Lot 147, Block 11074, Lot 54, Block 11099, Lots 62 and 76, Block 11127, Lot 44, Block 11656, Lot 67, Block 11670, Lot 40, Block 11795, Lot 68, Block 12014, Lot 3, and Block 12017, Lot 49 on the Tax Map of the City of New York.

- f. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned, leased or controlled by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - g. “HDFC” shall mean Habitat Net Zero Homes Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - h. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - i. “Owner” shall mean either (i) the HDFC and the Company, or (ii) the CLT HDFC.
 - j. “Regulatory Agreement” shall mean the regulatory agreement(s) between HPD and 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. Notwithstanding any provision hereof to the contrary:
 - a. The Exemption shall terminate with respect to all or any portion of the Exemption Area 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 fee interest in the land in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, (v) any interest in the buildings in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD that is required pursuant to the Regulatory Agreement(s), or (vi) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that have a new permanent certificate of occupancy or a temporary certificate of occupancy for all of the residential areas on or before five years from the Effective Date.

- c. Nothing herein shall entitle the HDFC, CLT HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
4. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation.

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, JAMES F. GENNARO, SELVENA N. BROOKS-POWERS, STEVEN MATTEO; Committee on Finance, June 17, 2021 (Remote Hearing). *Other Council Members Attending: Council Members Perkins and Yeger.*

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

Report of the Committee on Governmental Operations

Report for Int. No. 2257

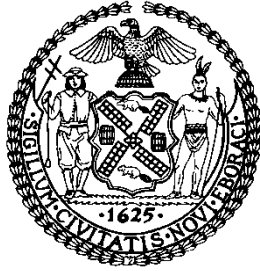
Report of the Committee on Governmental Operations in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to the recording of certain orders, requirements, decisions, determinations, resolutions and restrictive declarations issued by the board of standards and appeals.

The Committee on Governmental Operations, to which the annexed proposed local law was referred on April 22, 2021 (Minutes, page 880), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Governmental Operations for Int. No. 2313-A printed below in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 2257:



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

PROPOSED INT. NO. 2257

COMMITTEE: Governmental Operations

TITLE: 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.

SPONSORS: Council Members Cabrera, Kallos and Rosenthal.

SUMMARY OF LEGISLATION: This bill would require the Board of Standards and Appeals (BSA), upon issuing a decision affecting the use of a parcel of land, to cause a copy of the decision to be recorded in the county in which the property is located. This would ensure that BSA decisions affecting property in Manhattan, Brooklyn, Queens, and the Bronx would be available in the Automatic City Register Information System (ACRIS), and BSA decisions affecting property in Staten Island would be available in the electronic recording system maintained by the Richmond County Clerk.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because the relevant agencies would use existing resources to accomplish its requirements.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCES OF INFORMATION: New York City Council Finance Division
Mayor’s Office of Legislative Affairs
Board of Standards and Appeals

ESTIMATE PREPARED BY: Sebastian Palacio Bacchi, Senior Financial Analyst

ESTIMATE REVIEWED BY: Nathaniel Toth, Deputy Director
John Russell, Unit Head
Stephanie Ruiz, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 2257 on April 22, 2021 and was referred to the Committee on Governmental Operations (Committee). A hearing on the legislation was held by the Committee on June 8, 2021, and the legislation was laid over. The legislation will be considered by the Committee on June 17, 2021. Upon a successful vote by the Committee, Proposed Int. No. 2257 will be submitted to the full council for a vote on June 17, 2021.

DATE PREPARED: June 10, 2021

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 2257:)

Int. No. 2257

By Council Members Cabrera, Kallos, Rosenthal, Rivera and Louis.

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.

FERNANDO CABRERA, *Chairperson*; YDANIS A. RODRIGUEZ, BEN KALLOS, STEPHEN T. LEVIN, ALAN N. MAISEL, BILL PERKINS, KEITH POWERS, KALMAN YEGER, DARMA V. DIAZ; Committee on Governmental Operations, January 28, 2021 (Remote Hearing). *Other Council Members Attending: Council Members Dromm and Rose.*

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. 2313-A

Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to the establishment of an office of ethnic and community media and requirements regarding agency spending on advertising.

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on May 12, 2021 (Minutes, page 1427), respectfully

REPORTS:

I. INTRODUCTION

On June 17, 2021, the Committee on Governmental Operations, chaired by Council Member Fernando Cabrera, will hold a second hearing and vote on the following legislation: Proposed Int. No. 2313-A, sponsored by Council Member Ydanis Rodriguez, in relation to the establishment of an office of ethnic and community media and requirements regarding agency spending on advertising; and Int. No. 2257, sponsored by Council Member Fernando Cabrera, in relation to the recording of certain orders, requirements, decisions, determinations, resolutions and restrictive declarations issued by the Board of Standards and Appeals (“BSA”).

II. BACKGROUND

A. *Ethnic and Community Media in New York City*

New York City is known as a “melting pot” of the world, home to communities of nearly every race, ethnicity, religion and national origin. Over 200 languages are spoken across the five boroughs while 22 percent of all New Yorkers have limited English proficiency.¹ According to 2019 census data, 36.7 percent of the City’s population is foreign-born.² The City is also comprised of a great number of neighborhoods and other identity-based communities that make an 8.3 million-person metropolis³ easier to navigate and feel like home.

The City has a vast network of ethnic and community-based media outlets that serve as a voice and source of information for communities across the five boroughs. According to the Center for Community Media (“CCM”) at City University of New York’s (“CUNY”) Craig Newmark Graduate School of Journalism, there are upwards of 300 ethnic and community-based media outlets in the New York metro area, publishing in 39 different languages.⁴ The Mayor’s Office maintains a list of over 280 outlets operating in the City.⁵ These community media outlets serve as a vital and trusted source of news and information for their communities, many of whom do not speak English and face challenges accessing City services and information.

1. *Center for Community Media’s 2013 Study*

In 2013, CCM conducted a study on the City’s advertising spending in ethnic and community media. City advertising includes public messaging by City agencies related to topics such as health, education, transportation,

¹ NYC MAYOR’S OFFICE OF IMMIGRANT AFFAIRS (MOIA), *State of Our Immigrant City, Annual Report for Calendar Year 2020* (2020), <https://www1.nyc.gov/assets/immigrants/downloads/pdf/MOIA-Annual-Report-for-2020.pdf> at 20-21.

² *Id.* at 14.

³ QuickFacts, New York City, New York, UNITED STATES CENSUS BUREAU, <https://www.census.gov/quickfacts/newyorkcitynewyork> (last visited June 2, 2021).

⁴ Many Voices, One City, The Guide to the Community Media of Metropolitan New York, CUNY CRAIG NEWMARK GRADUATE SCHOOL OF JOURNALISM, <http://directory.ccm.journalism.cuny.edu/> (last visited June 2, 2021).

⁵ See Community and Ethnic Media Outlet Directory 2021, NYC MAYOR’S OFFICE OF MEDIA AND ENTERTAINMENT (MOME), <https://docs.google.com/spreadsheets/d/12EC4nsZwjPiffT34xVvYAZeC89rRO9GHC5urB--A5M/edit#gid=1934481737> (last visited June 15, 2021); see also Community and Ethnic Media Print and Digital Outlet Directory, NYC OPEN DATA, <https://data.cityofnewyork.us/City-Government/Community-and-Ethnic-Media-Print-and-Digital-Outlet/gc4z-q69i> (last visited June 2, 2021).

economic development and job opportunities. CCM found that in Fiscal Year 2012, the City spent \$18 million on advertising, and only 18 percent of that spending went toward ad placements in ethnic and community media outlets.⁶ The rest went to ads in mainstream English-language publications like *The New York Times*, the *New York Post*, the *New York Daily News*, *amNY*, and *MetroNY*.⁷ This breakdown in the advertising budget appeared insufficient to meet the City's responsibility to reach diverse communities of New Yorkers to convey important messages. The report noted that at the time, the combined circulation of the more than 270 community publications it identified was about 4.5 million, or 55 percent of the City's population.⁸ In one thirteen-month period, Spanish language outlets received less than four percent of the City's total advertising spending, despite Hispanics making up over 28 percent of the City's population.⁹

The report also noted that the City had two long-standing contractual relationships with two ad placement firms – Miller Advertising Agency and Creative Media Agency – that City agencies were required to use to place their ads.¹⁰ While City agencies did have the authority to direct these firms on where to place their ads, agencies often did not have the marketing expertise or knowledge to direct their ads toward specific community outlets, and deferred to the ad placement firms to make those decisions on their behalf.¹¹ The vast majority of these firms' ad placement spending went to mainstream media outlets and disproportionately little went to community media outlets.¹²

CCM's report highlighted the City's insufficient use of ethnic and community-based media to disseminate vital public messaging to diverse communities and called for the City to improve. Since 2013, the de Blasio Administration has made efforts to increase the City's advertising spending for ethnic and community outlets. In 2014, his Administration created a new role – the Mayor's Director of Community and Ethnic Media.¹³ In 2015, the Administration relied heavily on ethnic and community media to advertise IDNYC, the new municipal identification program. The City spent \$340,000 on ethnic and community media ad buys, which represented 64 percent of the campaign's total print advertising spending.¹⁴ In 2018, the Department of Consumer Affairs spent 27 percent of its Paid Sick Leave campaign ad money on ethnic and community media.¹⁵ In its 2019 annual report, the Mayor's Office of Immigrant Affairs ("MOIA") reported that, "since the Mayor took office in 2013, the City ... increased its ad spending with ethnic and community media outlets by over 220 percent from \$850,000 in FY2013 to \$2.74 million in FY18."¹⁶ The Administration said it continued to advertise in ethnic and community media to inform the public about various City initiatives and services, including IDNYC, NYC Care, Pre-K for All, and Thrive NYC.¹⁷

In January 2016, the Council's Committee on Immigration held an oversight hearing on how the City could support ethnic media to ensure that immigrant New Yorkers received information on local matters. On the day of the hearing, the Mayor's Office, in partnership with the City Council and the CUNY School of Journalism, announced the creation of an online directory of ethnic and community media to assist the City in placing ads in non-mainstream outlets.¹⁸ The Administration also said that it would require internal reporting from agencies to MOIA on their community media advertising to help the City improve its record and hold itself accountable.¹⁹

⁶ CENTER FOR COMMUNITY AND ETHNIC MEDIA, *Getting the Word Out (Or Not): How and Where New York City Advertises* (March 2013), <http://cdn.journalism.cuny.edu/blogs.dir/601/files/2013/03/CCEMAdvertisingReport.pdf> at 2.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.* at 6.

¹¹ *Id.*

¹² *Id.* at 7.

¹³ CENTER FOR COMMUNITY MEDIA, *NYC Ads Boost Community News Outlets* (Dec. 2020),

<https://cdn.nycitynewsservice.com/blogs.dir/1067/files/2020/12/ABIRReport2020.pdf> at 8.

¹⁴ Samar Khurshid, *Just Ahead of Oversight Hearing, City Announces Ethnic Media Plan*, GOTHAM GAZETTE (Jan. 28, 2016),

<https://www.gothamgazette.com/topics-newestopinions/6120-just-ahead-of-oversight-hearing-city-announces-ethnic-media-plan>

¹⁵ *Id.*

¹⁶ NYC MAYOR'S OFFICE OF IMMIGRANT AFFAIRS (MOIA), *State of Our Immigrant City, Annual Report for Calendar Year 2019*

(2019), <https://www1.nyc.gov/assets/immigrants/downloads/pdf/MOIA-Annual-Report-for-2019.pdf> at 75.

¹⁷ *Id.*

¹⁸ Khurshid, *supra* note 13.

¹⁹ MOIA Commissioner Nisha Agarwal, *Testimony* (Jan. 27, 2016),

<https://legistar.council.nyc.gov/View.ashx?M=F&ID=4228801&GUID=19C0C79E-AD8C-45DB-A90C-5CC30EADCFC6>.

These measures came at a time when many critics said that the City was not doing enough to disseminate its messaging through ethnic and community outlets.²⁰

2. *Executive Order 47 of 2019*

In May 2019, Mayor de Blasio issued Executive Order 47 of 2019 (“EO 47”), a directive intended to ensure that City agencies devoted a significant share of their advertising resources toward ethnic and community media. EO 47 directed all Mayoral City agencies to ensure that by the end of Fiscal Year 2020 and every year after that, at least 50 percent of their annual print and digital publication advertising spending go towards community and ethnic media outlets, defined as:

any print or digital publication that is created for communities of people based on native language, race, color, gender, national origin, ethnicity, religion, sexual orientation, disability or immigrant status; targets a discrete neighborhood, or a geographic region, or a population that may or may not typically receive information from mainstream publications because of their exclusive use of a foreign language; or falls within specifically tailored subject matter as determined by the New York City Mayor’s Office.²¹

The EO also provided that the Mayor’s Office of Operations would work with several entities not under direct Mayoral control—specifically, the City’s Department of Education (“DOE”), the New York City Health + Hospitals Corporation (“H+H”), and the New York City Housing Authority (“NYCHA”)—to implement the provisions of the EO.²² To ensure agencies had ready access to a list of vetted community outlets, the EO directed the Mayor’s Director of Community and Ethnic Media to develop and maintain a list of approved community and ethnic media outlets that agencies could use at their discretion.²³ Finally, the EO provided that agency staff who work on advertising are required to participate in regular trainings by the Mayor’s Office, and agencies are required to submit an annual data report on print and digital ad spending to the Mayor’s Office, including the total amount spent on advertising and total amount spent on community and ethnic media advertising.²⁴

3. *CCM’s Advertising Boost Initiative*

In January 2020, CCM launched the Advertising Boost Initiative (“ABI”) to serve as a resource and bridge between ethnic and community media outlets and City agencies and advertising agencies.²⁵ Acting as a liaison between media outlets and City agencies, the program connected community media outlets with City agency marketing directors, offered trainings and guides, kept community media apprised of upcoming City advertising campaigns, as well as familiarized City agency marketing staff with community outlets.²⁶ ABI reports that since its inception, it connected a group of 110 community media outlets in all five boroughs with 51 City agencies, establishing what they termed “a new symbiotic public information and civic engagement ecosystem.”²⁷ CCM maintains its own directory of over 300 ethnic and community media outlets, and they report that they are working closely with the Mayor’s Office to consolidate their directory with the EO 47 list the Mayor’s Office maintains.²⁸

²⁰ Kurshid, *supra* note 13. See also testimony before the Committee on Immigration, Jan. 27, 2016,

<https://legistar.council.nyc.gov/View.ashx?M=F&ID=4228801&GUID=19C0C79E-AD8C-45DB-A90C-5CC30EADCFC6>.

²¹ N.Y.C. Mayor. Exec. Order No. 47, available at <https://www1.nyc.gov/assets/mome/pdf/mayor-executive-order-47.pdf>.

²² *Id.*

²³ *Id.* This list is available at: <https://docs.google.com/spreadsheets/d/12EC4nsZwjPilffT34xVyYAZeC89rRO9GHC5urB--A5M/>

²⁴ *Id.* This report is available at: <https://www1.nyc.gov/assets/operations/downloads/pdf/reporting/Community-and-Ethnic-Media-FY-2020-Agency-Compliance-Report.pdf>; Underlying data set is available here: <https://data.cityofnewyork.us/City-Government/Executive-Order-47-Community-and-Ethnic-Media-Agen/9tn4-3mgm>

²⁵ Advertising Boost Initiative, CENTER FOR COMMUNITY MEDIA, <https://www.journalism.cuny.edu/centers/center-community-media/advertising-boost-initiative/> (last visited June 2, 2021).

²⁶ *Id.*

²⁷ CENTER FOR COMMUNITY MEDIA, *supra* note 13 at 3.

²⁸ *Id.* at 10.

4. *Ethnic and Community-Based Media during the 2020 Census and COVID-19*

The year 2020 was extremely challenging for New York City, the country, and the world. Two events in particular required unprecedented engagement of ethnic and community media to disseminate important and life-saving public information: the 2020 U.S Census and the COVID-19 pandemic. The 2020 U.S Census was a once-in-a-decade population count used to determine representation in Congress and allocate billions of dollars in federal funding. The City invested an unprecedented \$40 million into census outreach to ensure that all New Yorkers were aware of the census and were fully counted.²⁹ As trusted and accessible information sources for diverse communities, ethnic and community media outlets were an important part of the City's outreach strategy, and the Mayor's NYC Census 2020 office prioritized them in its census campaign plan.³⁰ In Fiscal Year 2020, NYC Census 2020 spent nearly \$1.9 million on paid advertising in ethnic and community media, or nearly 100 percent of its total paid media spending.³¹

Beginning in March 2020, the COVID-19 pandemic devastated New York City, killing tens of thousands of people. As the City went into lockdown and City agencies altered services in response to the crisis, it was imperative that all New Yorkers be kept abreast of rapidly changing public health guidance. MOIA reported that it increased its regular communication with ethnic and community media outlets by compiling digests of key updates from the Mayor's Office and City agencies, including programmatic updates and policy changes, health guidance, upcoming deadlines to apply for resources and assistance, and more.³² MOIA also worked with City agencies to produce and translate columns for ethnic and community media that provided information about COVID-19.³³ Starting in April 2020, MOIA began hosting ethnic and community media virtual roundtables to provide an opportunity for the City to clarify and drive reporting on COVID-19 guidance and resources from trusted messengers to their communities.³⁴ In 2020, the Department of Health and Mental Hygiene ("DOHMH") spent the most of any City agency on paid advertising, with approximately \$3.8 million, or 90 percent, of its paid advertising going to ethnic and community media outlets.³⁵ The H+H system had the third highest ad spending (after NYC Census 2020), and 71 percent of that spending went to ethnic and community media outlets.³⁶

5. *Progress Since EO 47*

Overall, EO 47 has been a success, and City spending on ethnic and community media ad buys as a share of total ad spending has increased dramatically since 2013. According to data provided by the Mayor's Office, in Fiscal Year 2020, City agencies spent a total of \$9.9 million on paid advertising in ethnic and community media, representing 84 percent of their total paid advertising budgets.³⁷ This is a far cry from the 18 percent of total ad spending on ethnic and community media in 2013. Out of the 40 agencies that spent money on advertising in FY20, 35 of them achieved the 50 percent threshold for spending on community media, pursuant to EO47.³⁸ This is compared to only four agencies that met that threshold in 2013.³⁹ As noted previously, DOHMH, NYC Census 2020, and H+H were the top three agency spenders, and the top ten spenders all spent 100 percent of their ad spending on ethnic and community media.⁴⁰

²⁹ NYC Mayor, "Mayor de Blasio, Speaker Johnson, City University of New York Announce the New York City Complete Count Fund, a \$19 Million Investment to Support Community-Based Census Education and Organizing" [Press Release], Sept. 24, 2019, <https://www1.nyc.gov/office-of-the-mayor/news/440-19/mayor-de-blasio-speaker-johnson-city-university-new-york-the-new-york-city-complete>.

³⁰ See NYC CENSUS 2020, *NYC Census 2020: Our Plan to Ensure a Complete Count* (Jan. 2020), <https://www1.nyc.gov/assets/census/downloads/Our-Plan-to-Ensure-a-Complete-Count.pdf>.

³¹ Executive Order 47 - Community and Ethnic Media Agency Ad Spend, NYC OPEN DATA, <https://data.cityofnewyork.us/City-Government/Executive-Order-47-Community-and-Ethnic-Media-Agen/9tn4-3mgm/data> (last visited June 3, 2021).

³² MOIA, *supra* note 1 at 52.

³³ *Id.*

³⁴ *Id.*

³⁵ Executive Order 47 - Community and Ethnic Media Agency Ad Spend, *supra* note 31.

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ CENTER FOR COMMUNITY MEDIA, *supra* note 13 at 13.

⁴⁰ Executive Order 47 - Community and Ethnic Media Agency Ad Spend, *supra* note 31.

According to a December 2020 analysis of this data by CCM, City advertising money went to more than 220 community media outlets in all neighborhoods and all five boroughs, in 36 non-English languages.⁴¹ Over 185 outlets saw dramatic increases in revenues from City ads, revenue that in many cases kept the publications solvent after having lost local business advertising during the COVID-19 shutdown.⁴²

In light of the success of EO 47, publishers of over 230 community media publications wrote an open letter to City and State leaders on November 17, 2020, calling for a continued commitment to spending at least 50 percent of government advertising budgets on community media outlets and the codification of EO 47.⁴³

B. The Board of Standards and Appeals

The BSA was originally established as an “independent board to grant ‘relief’ from the zoning code.”⁴⁴ In 1916, New York City adopted its first comprehensive zoning resolution (“Zoning Resolution”). The first citywide zoning code in the United States,⁴⁵ it created a regulatory framework for developing large swaths of the City.⁴⁶ Recognizing that there would be instances where individual parcels of land might be unduly restricted by the regulations, the 1916 resolution created a Board of Appeals with the power to vary the application of the new zoning resolution on individual properties, subject to certain criteria.⁴⁷ By creating a mechanism for relief, the City could avoid claims that it had unconstitutionally taken private property, while maintaining its ability to regulate the use and development of private property through its overall zoning code.⁴⁸

1. Composition

The BSA is comprised of five commissioners, each appointed by the Mayor for a term of six years.⁴⁹ Of these five members, one must be a professional planner, one a registered architect, and one a professional engineer, each with ten years of professional experience.⁵⁰ Both the chair and vice-chair of the BSA are designated by the Mayor, but must satisfy the requisite experience to serve as the planner, the architect, or the engineer.⁵¹ No more than two of the BSA’s commissioners may reside in any one borough.⁵²

2. Powers of the BSA

Today, the BSA is empowered by the City Charter to interpret the meaning or applicability of the Zoning Resolution, Building Code, Fire Code, Multiple Dwelling Law, and Labor Law, with respect to the usage of private property.⁵³ As discussed above, this includes the ability to “vary” the provisions of these regulations in certain instances.⁵⁴ The ability for the government to grant such relief on an individual basis is necessary to satisfy the takings clause of the Fifth Amendment to the United States Constitution.⁵⁵ In that role, the BSA can

⁴¹ CENTER FOR COMMUNITY MEDIA, *supra* note 13 at 1.

⁴² *Id.* at 3.

⁴³ “An Open Letter to NY City and State Leaders,” *available at* https://docs.google.com/document/d/187hFPbZyfg8B2vx_f9cyKDEnyrvlYRJv1VVdYHVGD4o/edit; *See also* Sarah Bartlett and Julie Sandorf, *How New York City is Saving Its Local News Outlets*, NEW YORK TIMES (May 20, 2021), <https://www.nytimes.com/2021/05/20/opinion/newspapers-New-York-City.html>

⁴⁴ ABOUT BSA, BOARD OF STANDARDS AND APPEALS, <https://www1.nyc.gov/site/bsa/about/about.page> (last visited Jun. 1, 2021).

⁴⁵ ABOUT ZONING, NYC PLANNING, <https://www1.nyc.gov/site/planning/zoning/background.page> (last visited Jun. 7, 2021).

⁴⁶ *Id.*

⁴⁷ City of New York, Building Zone Resolution, adopted July 25, 1916, Art. 5 §20, *available at* <https://www1.nyc.gov/assets/planning/download/pdf/about/city-planning-history/zr1916.pdf>.

⁴⁸ ABOUT BSA, *supra* note 44.

⁴⁹ NYC Charter § 659(a).

⁵⁰ NYC Charter § 659(b).

⁵¹ *Id.*

⁵² *Id.*

⁵³ NYC Charter §666; ABOUT BSA, *supra* note 44.

⁵⁴ *See* NYC Charter §666.

⁵⁵ *See* ABOUT BSA, *supra* note 44. The takings clause prohibits the taking of private property for public use without just compensation. U.S. Const. amend. V. For this purpose, a government regulation that limits the use of private property to such a degree that the landowner is effectively deprived of all economically reasonable use or value of their property constitutes a taking. *See Penn Central Transportation Co. v. New York City*, 438 U.S. 104 (1978).

act “as a safety valve by releasing restrictions in certain instances from their possible confiscatory effect in depriving a property owner of a proper use of his property while at the same time requiring him to pay taxes thereupon.”⁵⁶

Specifically, when the application of a provision of the Zoning Resolution to an individual parcel of property results in “practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the provisions of [the Zoning Resolution],” the BSA may “vary or modify the provision so that the spirit of the law shall be observed, public safety secured and substantial justice done.”⁵⁷ In order to grant such a variance, however, the BSA must make five specific findings:

- (a) “that there are unique physical conditions . . . peculiar to and inherent in the particular zoning lot; and that, as a result of such unique physical conditions, practical difficulties or unnecessary hardship arise in complying strictly with the use or bulk provisions of the Resolution; and that the alleged practical difficulties or unnecessary hardship are not due to circumstances created generally by the strict application of such provisions in the neighborhood or district in which the zoning lot is located;⁵⁸
- (b) “that because of such physical conditions there is no reasonable possibility that a development, enlargement, extension, alteration or change of use on the zoning lot in strict conformity with the provisions of this Resolution will bring a reasonable return, and that the grant of a variance is therefore necessary to enable the owner to realize a reasonable return from such zoning lot; this finding shall not be required for the granting of a variance to a non-profit organization;⁵⁹
- (c) “that the variance, if granted, will not alter the essential character of the neighborhood or district in which the zoning lot is located; will not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare;⁶⁰
- (d) “that the practical difficulties or unnecessary hardship claimed as a ground for a variance have not been created by the owner or by a predecessor in title; however, where all other required findings are made, the purchase of a zoning lot subject to the restrictions sought to be varied shall not itself constitute a self-created hardship; and⁶¹
- (e) “that within the intent and purposes of this Resolution, the variance, if granted, is the minimum variance necessary to afford relief; and to this end, the Board may permit a lesser variance than that applied for.”⁶²

If all of the above findings are made, the BSA may grant a variance. However, all determinations approving a variance must set forth each of the required findings, while all determinations disapproving a variance must disclose which of the findings were not satisfied, and each finding must be “supported by substantial evidence or other data considered by the Board in reaching its decision.”⁶³

The BSA is also empowered to grant “special permits” for specified uses, or for the modification of use and bulk regulations in appropriate cases.⁶⁴ Special permits that affect use regulations are granted to permit a certain use in a district where that use might not otherwise be allowed, such as an auto service station in designated commercial districts,⁶⁵ or an electric or gas utility substation in a residence district.⁶⁶ The uses that may be permitted, and the conditions under which they may be permitted, are enumerated within the Zoning Resolution.⁶⁷ Special permits that affect bulk regulations include the enlargement of single- and two-family residences in designated areas of Brooklyn, enlargement of non-residential buildings, and modification of

⁵⁶ *New York City Hous. Auth. v. Foley*, 32 Misc. 2d 41, 47 (Sup. Ct. Kings Co. 1961).

⁵⁷ NYC Zoning Resolution § 72-21 (“Findings Required for Variances”), available at <https://zr.planning.nyc.gov>.

⁵⁸ NYC Zoning Resolution § 72-21(a).

⁵⁹ NYC Zoning Resolution § 72-21(b).

⁶⁰ NYC Zoning Resolution § 72-21(c).

⁶¹ NYC Zoning Resolution § 72-21(d).

⁶² NYC Zoning Resolution § 72-21(e).

⁶³ NYC Zoning Resolution § 72-21.

⁶⁴ NYC Charter § 666(10).

⁶⁵ NYC Zoning Resolution § 73-211.

⁶⁶ NYC Zoning Resolution § 73-14.

⁶⁷ See NYC Zoning Resolution § 73-01, *et seq.*

community facility uses.⁶⁸

Although granting variances and special permits are among the most common of the powers exercised by the BSA, and discussed by the public, the BSA exercises other powers as well. For example, the BSA can renew, or “vest,” building permits that have lapsed due to zoning changes or common law doctrine, if the work is determined to have commenced under validly-issued permits, tangible change occurred, and economic loss would result due to significant expenditure or irrevocable financial commitment.⁶⁹ The BSA can also extend the term of previously-approved variances and special permits, or modify previous approvals.⁷⁰ The BSA may grant waivers of certain provisions of the New York State General City Law, such as of the prohibition of building in the bed of any street identified on an official map,⁷¹ or to grant certificate of occupancy for buildings that do not front on a mapped street.⁷² Finally, one of the more often used powers of the BSA is to hear and decide appeals to decisions rendered by the Department of Buildings, or any City agency that has jurisdiction over the use of land or use or bulks of buildings, for which the BSA may reverse, affirm or modify such decisions.⁷³

A mechanism for public input is required for the exercising of certain powers of the BSA. For example, prior to the consideration of applications for variances or special permits, Community Boards (“CB”) and Borough Boards are to review such applications under a process codified in the City Charter.⁷⁴ This process begins with the BSA forwarding a copy of the application to the affected CB, and to the Borough Board if the application involves land in multiple districts in a borough, which then must either conduct a public hearing, submit a recommendation to the BSA, or waive the right to do so.⁷⁵ The CB and Borough Board, among others, are also required to be afforded a right to appear before the BSA for the purpose of proposing arguments or submitting evidence in support of or in opposition to the application.⁷⁶ While all such arguments are ultimately advisory, following 2017 reforms described below, the BSA must respond to them in its final written decisions.⁷⁷ These written decisions are filed with the City Planning Commission and with the affected CB or Borough Board, and are made available on the BSA’s website.⁷⁸ The City Planning Commission has standing to challenge final determinations by the BSA via a proceeding brought pursuant to Article 78 of the New York State Civil Practice Law and Rules, or in any similar proceeding⁷⁹

3. *Recent reforms*

In 2017, the Council passed a package of nine local laws in relation to the BSA.⁸⁰ Local Law 82 of 2017 requires the BSA, in its final written decisions, to refer to relevant arguments and evidence submitted to the BSA by a CB or Borough Board, or others, and to describe the extent to which the BSA considered such arguments or evidence in reaching its final determination.⁸¹ Local Law 83 of 2017 further requires the BSA to provide a response when it makes a determination contrary to that of a CB or Borough board.⁸²

Local Law 84 of 2017 requires the BSA to provide a notification to the owner of record when a variance issued after December 31, 2013 is about to expire.⁸³ Such notification must go out six months prior to the expiration.⁸⁴ Use of such property after the expiration of the variance may be a violation of the certificate of

⁶⁸ See NYC Zoning Resolution § 73-60, *et seq.*

⁶⁹ See NYC Zoning Resolution § 11-30, *et seq.* See also BZY AND COMMON LAW CASES, FREQUENTLY ASKED QUESTIONS, BOARD OF STANDARDS AND APPEALS, <https://www1.nyc.gov/site/bsa/about/frequently-asked-questions.page> (last visited Feb. 13, 2019).

⁷⁰ See NYC Zoning Resolution § 11-40, *et seq.*

⁷¹ N.Y. Gen. City Law § 35.

⁷² N.Y. Gen. City Law § 36(2).

⁷³ NYC Zoning Resolution § 72-11.

⁷⁴ NYC Charter § 668(c).

⁷⁵ *Id.*

⁷⁶ NYC Charter § 666(9).

⁷⁷ *See id.*

⁷⁸ NYC Charter § 668(e); BSA DECISIONS, BOARD OF STANDARDS AND APPEALS, <https://www1.nyc.gov/site/bsa/applications/bsa-decisions.page> (last visited Feb. 13, 2019).

⁷⁹ NYC Charter § 668(h).

⁸⁰ See generally Rey Mashayekhi, *City Council Seeks to Reform the ‘Most Powerful Agency That No One Has Heard of,’* COMMERCIAL OBSERVER (Oct. 11, 2017), <https://commercialobserver.com/2017/10/battle-over-nyc-board-of-standards-and-appeals>.

⁸¹ NYC Charter § 666(9).

⁸² NYC Charter § 668(d).

⁸³ NYC Admin. Code § 25-209.

⁸⁴ *Id.*

occupancy, and the BSA's notification must inform the owner that the BSA may not extend the term of the variance until any penalties for such a violation are paid.⁸⁵

Local Law 93 of 2017 requires that certain copies of an application or application material that are required to be mailed to a Council Member, Borough President, CB, or City agency be sent using a method that provides proof of delivery, and that such proof be provided to the BSA, which in turn must note on its website when such proof of delivery has been received.⁸⁶

Local Law 101 of 2017 requires the Department of City Planning to publicly post the name and contact information of the employee acting as a coordinator with the BSA, and to post a record of each application for a variance or a special permit for which the Department provided testimony, as well as a copy of such testimony.⁸⁷ The BSA must also post a link to such testimony on its website.⁸⁸

Local Law 102 of 2017 requires that the BSA have access to the advice of a State certified general real estate appraiser with no less than five years' experience in analyzing and auditing real estate investments.⁸⁹

Local Law 103 of 2017 imposes certain standards regarding the BSA application process, as well as establishes a civil penalty of not more than \$15,000 for making false statements to the BSA.⁹⁰ Certain materials must be included with applications, including a notarized certification that the statements in the materials are correct, a neighborhood character study if a claim of uniqueness of physical conditions is being made, and a financial analysis by a qualified real estate professional.⁹¹ Such financial analysis must contain market-based acquisition costs, any appraisals of the property provided by the applicant as part of an application to a government entity within the five years prior, hard and soft costs, and proof of attempts to obtain financing where relevant.⁹² Any materials presented by an applicant at a CB or Borough Board public hearing must also be supplied to the BSA.⁹³ Testimony delivered by an applicant at a public hearing held by the BSA on the application must be sworn or affirmed under oath.⁹⁴ The BSA must report to the Department of Investigation any information concerning a written instrument that contains a false statement that was presented to the BSA with the knowledge or belief that it would be part of the BSA's records.⁹⁵ Any person who notifies the BSA of a false statement violation, prior to receiving notice of the potential violation, shall not be subject to civil penalty.⁹⁶

Local Law 104 of 2017 requires the BSA to report information about applications for variances and special permits, and appeals of decisions regarding variances and special permits, to the Council twice per year.⁹⁷

Local Law 105 of 2017 further requires the BSA to compile data on the location of variances and special permit applications since January 1, 1998 into a publically-available data set.⁹⁸ The data set is provided to the City's Department of Information Technology and Telecommunications for inclusion on an interactive map that will allow users to filter the view of such data by variance, type of special permit, year of filing of variances and special permits, and year of decision by BSA on variances and special permits.⁹⁹

Finally, Local Law 11 of 2020 requires the BSA to send a notice of expiration of a special permit to the owner of record of the subject property no later than six months prior to the date of expiration.¹⁰⁰ The Law additionally requires that expiration notices for both special permits and variances be additionally forward to the CB of the community district in which the subject property is located.¹⁰¹

⁸⁵ *Id.*

⁸⁶ NYC Charter § 668(i).

⁸⁷ NYC Charter § 191(b)(9).

⁸⁸ NYC Charter § 668(j).

⁸⁹ NYC Charter § 668(a).

⁹⁰ *See* NYC Charter §§ 668 and 670.

⁹¹ NYC Charter § 668(a)-(b).

⁹² NYC Charter § 668(b)(2).

⁹³ NYC Charter § 668(c)(2).

⁹⁴ NYC Charter § 668(d).

⁹⁵ NYC Charter § 668(g).

⁹⁶ NYC Charter § 670(d).

⁹⁷ NYC Admin. Code § 25-208.

⁹⁸ NYC Charter § 668(k).

⁹⁹ *Id.*

¹⁰⁰ NYC Admin. Code §25-209. Local Law 84 of 2017 required the BSA to provide a notice of expiration of a variance, but not a special permit.

¹⁰¹ *Id.*

III. LEGISLATIVE ANALYSIS

Proposed Int. No. 2313-A

Proposed Int. 2123-A (Rodriguez) would codify and expand upon EO 47. Specifically, the bill would require each mayoral agency to seek to direct at least 50 percent of its total spending on advertising to ethnic and community media outlets, provided that the agency may apply to the Executive Director of Ethnic and Community Media for an annual waiver of this goal. This requirement would not apply to the extent it conflicts with any other law requiring the mayoral agency to publish or distribute notices in media outlets. For the purpose of this bill, the term “ethnic and community media outlet” would include any print or digital publication or television or radio outlet that: (1) serves particular communities of people based on native language, race, color, gender, national origin, ethnicity, religion, sexual orientation, disability or immigrant status; (2) targets a discrete neighborhood, geographic region, or population within the City rather than the City as a whole; or (3) falls within a specifically tailored subject matter, as determined by the Executive Director of Ethnic and Community Media.

Proposed Int. No. 2313-A would also establish an Office of Ethnic and Community Media headed by an Executive Director. The Executive Director would be permitted to appoint deputies and staff within available appropriations, one of which would have to be a citywide marketing manager. Under the bill, the Executive Director of Ethnic and Community Media would be responsible for: advising and assisting the Mayor in coordinating the communication of government-related information to the public; facilitating communication between mayoral agencies to assist them in delivering consistent information to the public via ethnic and community media outlets; monitoring mayoral agencies’ distribution of advertising resources in accordance with the requirements of this bill; assisting public entities other than mayoral agencies in their discretionary efforts to comply with the requirements of this bill; developing and maintaining a list of ethnic and community media outlets for mayoral agencies to use at their discretion; creating forms for requests for waivers from the requirements of this bill; and holding at least one annual training for city officers and employees responsible for purchasing advertising.

Each year, the Executive Director of Ethnic and Community Media would be required to report, for each mayoral agency as well as the Department of Education, the New York City Health and Hospitals Corporation, and the New York City Housing Authority: (i) the total amount such entity paid to any media outlets (including but not limited to ethnic and community media outlets) over the past year; and (ii) the total amount such entity paid to ethnic and community media outlets over the past year.

Proposed Int. No. 2313-A would take effect 45 days after it becomes law.

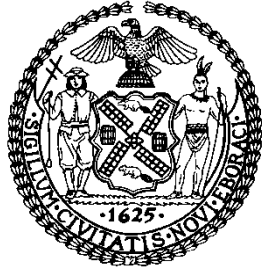
Int. No. 2257

Int. No. 2257 (Cabrera) would require the BSA, upon issuing a decision affecting the use of a parcel of land, to cause a copy of the decision to be recorded in the county in which the property is located. This would ensure that BSA decisions affecting property in Manhattan, Brooklyn, Queens, and the Bronx would be available in the Automatic City Register Information System (“ACRIS”), and BSA decisions affecting property in Staten Island would be available in the electronic recording system maintained by the Richmond County Clerk. Each recorded notice would be required to include the borough, block, and lot number of the affected property as set forth on the tax map.

Int. No. 2257 would also give the BSA authority, where it determines it to be in the public interest, to record decisions rendered prior to the effective date of the bill in a manner and timeframe at its discretion.

This local law would take effect immediately.

(The following is the text of the Fiscal Impact Statement for Int. No. 2313-A:)



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

PROPOSED INT. NO. 2313-A

COMMITTEE: Governmental Operations

TITLE: A Local Law to amend the New York city charter, in relation to the establishment of an office of ethnic and community media and requirements regarding agency spending on advertising.

SPONSORS: Council Members Rodriguez, the Speaker (Council Member Johnson), Feliz, Kallos, Lander and Chin (in conjunction with the Brooklyn Borough President).

SUMMARY OF LEGISLATION: This bill would require the establishment of an Office of Ethnic and Community Media, responsible for coordinating agency advertising to the City’s diverse communities. This bill would also require agencies to devote 50 percent of their advertising spending – including print and digital publications and television and radio outlets – to ethnic and community media.

EFFECTIVE DATE: This local law would take effect 45 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 impact on expenditures resulting from the enactment of this legislation because the relevant agencies would use existing resources to accomplish its requirements.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Sebastian Palacio Bacchi, Senior Financial Analyst

ESTIMATE REVIEWED BY: Nathaniel Toth, Deputy Director
John Russell, Unit Head
Stephanie Ruiz Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 2313 on May 12, 2021 and was referred to the Committee on Governmental Operations (Committee). A hearing on the legislation was held by the Committee on June 8, 2021, and the legislation was laid over. The legislation was subsequently

amended, and the amended version, Proposed Int. No. 2313-A, will be considered by the Committee on June 17, 2021. Upon a successful vote by the Committee, Proposed Int. No. 2313-A will be submitted to the full Council for a vote on June 17, 2021.

DATE PREPARED: June 10, 2021.

(For text of Int. No. 2257 and its Fiscal Impact Statement, please see the Report of the Committee on Governmental Operations for Int. No. 2257 printed in these Minutes; for text of Int. No. 2313-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 2257 and 2313-A.

(The following is the text of Int. No. 2313-A:)

Int. No. 2313-A

By Council Members Rodriguez, the Speaker (Council Member Johnson), Feliz, Kallos, Lander, Chin, Brooks-Powers, Barron, Rivera, Louis and Rose (in conjunction with the Brooklyn Borough President).

A Local Law to amend the New York city charter, in relation to the establishment of an office of ethnic and community media and requirements regarding agency spending on advertising

Be it enacted by the Council as follows:

Section 1. The New York city charter is amended by adding a new chapter 77 to read as follows:

*CHAPTER 77
OFFICE OF ETHNIC AND COMMUNITY MEDIA*

§ 3300. Office of ethnic and community media; executive director. There shall be an office of ethnic and community media. Such office may, but need not, be established in the executive office of the mayor and may be established as a separate office, within any other office of the mayor or within any department, the head of which is appointed by the mayor. Such office shall be headed by an executive director of ethnic and community media who shall be appointed by the mayor or, if the office is established within a department, designated by the head of such department.

§ 3301. Definitions. As used in this chapter, the following terms have the following meanings:

Ethnic and community media outlet. The term “ethnic and community media outlet” means any media outlet that:

(1) serves particular communities of people based on native language, race, color, gender, national origin, ethnicity, religion, sexual orientation, disability or immigrant status;

(2) targets a discrete neighborhood, geographic region or population within the city rather than the city as a whole; or

(3) falls within a specifically tailored subject matter, as determined by the executive director.

Executive director. The term “executive director” means the executive director of ethnic and community media.

Mayoral agency. The term “mayoral agency” means (i) any agency the head of which is appointed by the mayor, (ii) any agency headed by a board, commission or other multi-member body, the majority of the membership of which is appointed by the mayor and (iii) the office of the mayor.

Media outlet. The term “media outlet” means a publication that provides news or other media content through print or digital means, and any television or radio outlet.

§ 3302. Powers and duties. The executive director shall have the power and duty to perform the following functions related to ethnic and community media:

- a. Advise and assist the mayor in coordinating the communication of government-related information to the public.*
- b. Facilitate communication between mayoral agencies to assist such agencies in delivering consistent information via community and ethnic media outlets to the public.*
- c. Monitor mayoral agencies' distribution of advertising resources in accordance with section 3303.*
- d. Assist public entities, including but not limited to the department of education, the New York city health and hospitals corporation and the New York city housing authority in their discretionary efforts to satisfy the requirements set forth in section 3303.*
- e. Develop and maintain a list of ethnic and community media outlets for mayoral agencies to use at their discretion. The executive director shall publish guidelines setting forth a process for the development of this list.*
- f. Create forms for requests for waivers pursuant to section 3303.*
- g. During the calendar year beginning January 1, 2022 and at least once each year thereafter, prepare and submit to the mayor and the speaker of the council a report on the annual advertising for the preceding fiscal year of each mayoral agency, the department of education, the New York city health and hospitals corporation and the New York city housing authority, and with respect to each such entity, such report shall include, but need not be limited to, the total amount paid by each entity to media outlets for advertising and the total amount each entity paid to ethnic and community media outlets for advertising. With respect to mayoral agencies, such report shall include any waivers issued pursuant to section 3303. The department of education and mayoral agencies shall provide appropriate data to the office of ethnic and community media to complete such report. In developing such report, the department shall seek the cooperation and assistance of the New York city housing authority and the New York city health and hospitals corporation.*
- h. Hold at least one annual training for city officers and employees responsible for purchasing advertising.*
- i. Delegate these powers and duties to any individuals designated in writing as deputies of the executive director.*

§ 3303. Advertising on ethnic and community media. a. Each mayoral agency shall seek to direct at least 50 percent of its total spending on advertising to ethnic and community media outlets, provided that a mayoral agency may apply to the executive director for an annual waiver of this goal. Any such application shall provide a particularized explanation regarding the public purpose that would be served by the issuance of a waiver. If a waiver is granted by the executive director, it shall be posted on a website managed or operated by the city together with the explanation for the waiver.

b. To the extent subdivision a of this section conflicts with a mayoral agency's obligation to issue notices required by law to be posted or distributed in media outlets, the terms of subdivision a of this section shall not apply. In implementing the requirements of subdivision a of this section, a mayoral agency shall omit the publication cost of such legally required notices from its total advertising budget before calculating its required ethnic and community media outlet spending pursuant to subdivision a.

§ 3304. Deputies. The executive director may appoint deputies and staff within available appropriations. One of these positions shall be a citywide marketing director, who shall report to the executive director.

§ 2. This local law takes effect 45 days after it becomes law.

FERNANDO CABRERA, *Chairperson*; YDANIS A. RODRIGUEZ, BEN KALLOS, STEPHEN T. LEVIN, ALAN N. MAISEL, BILL PERKINS, KEITH POWERS, DARMA V. DIAZ; Committee on Governmental Operations, June 17, 2021 (Remote Hearing). *Other Council Members Attending: Council Members Dromm and Rose.*

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

Report of the Committee on Land Use

Report for Int. No. 1572-B

Report of the Committee on Land Use 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 a citywide equitable development data tool and racial equity reports on housing and opportunity.

The Committee on Land Use, to which the annexed proposed amended local law was referred on May 29, 2019 (Minutes, page 1918), respectfully

REPORTS:

I. INTRODUCTION

On June 16, 2021, the Committee on Land Use voted to approve Int. No. 1572-B. A public hearing with testimony by the Public Advocate Mr. Williams, representatives of the Department of Housing Preservation and Development and the Department of City Planning, as well as advocates, experts, and stakeholders was held on Proposed Int. No. 1572-A on January 11, 2021.

II. BACKGROUND

Analyses of potential disparities between racial and ethnic groups are regularly employed in many types of planning and policy across the country as a tool to help decision makers understand and combat racial disparities and further institutionalize the goal of equity. For example, the Federal Transportation Administration requires Metropolitan Planning Organizations (MPOs) to undertake racial equity studies as part of regional transportation plans and to analyze the equity implications of any proposed significant changes in service or fares.¹ The National League of Cities' most recent Municipal Action Guide for advancing racial equity broadly recommends examining data by race/ethnicity to help inform policymaking.² And many individual cities are now incorporating a racial equity lens into aspects of planning and policy through specific racial equity studies or checklist tools. For example, as part of Seattle's comprehensive plan, the city has used a "Growth and Equity Analysis" to inform the citywide growth strategy and the implications of planning for additional density in particular neighborhoods and evaluate whether or not and to what extent impacts could disproportionately harm or benefit historically marginalized populations.³

In New York, the de Blasio administration released the final "Where We Live" plan in October 2020 that included extensive analysis of disparities between racial/ethnic groups in New York City across a wide range of indicators including housing, health, social, and economic data points. The "Where We Live" report also advanced specific policy recommendations, including one to "include a description of racial characteristics of the project area into the analyses that accompany and underpin the environmental review for proposed land use changes."⁴ In addition, the administration annually reports on Social Equity Indicators and citywide disparities as required by Charter Section 16.

¹US Department of Transportation, Federal Transit Administration. Circular FTA C 4702.1B: Title VI Requirements and Guidelines for FTA Recipients. (October 2012). Available at https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_Title_VI_FINAL.pdf; New York Metropolitan Transportation Council. Plan 2040, Appendix 4: Environmental Justice and Title VI. Available at <https://www.nymtc.org/portals/0/pdf/Appendix4.pdf>

² National League of Cities. Municipal Action Guide Advancing Racial Equity in Your City. Available at <https://www.nlc.org/wp-content/uploads/2017/10/NLC-MAG-on-Racial-Equity.pdf>

³Seattle Office of Planning and Community Development. Seattle 2035: Growth and Equity: Analyzing Impacts on Displacement and Opportunity Related to Seattle's Growth Strategy. (May 2016). Available at <https://www.seattle.gov/Documents/Departments/OPCD/OngoingInitiatives/SeattlesComprehensivePlan/FinalGrowthandEquityAnalysis.pdf>

⁴ Mayor Bill de Blasio. Where We Live NYC: Fair Housing Together. (October 2020). Available at <https://www1.nyc.gov/assets/hpd/downloads/pdfs/wwl-plan.pdf>

In recent years, many advocates for racial equity and fair housing have become increasingly critical of the City's land use process and the apparent lack of consideration for these goals in land use policymaking. Advocates often point to the extensive rezonings that took place under the Bloomberg administration and the clear pattern identified by a 2010 Furman Center report wherein upzoned areas were disproportionately home to lower-income Black and Latinx renters when compared to the more heavily white, homeowner downzoned areas.⁵

Advocates also contend that Bloomberg-era rezonings—which added density to lower-income communities of color such as Greenpoint-Williamsburg (2005) and Fourth Avenue (2003)—accelerated gentrification and displacement in ways that might have been avoided or reduced if studies of potential disparities had been undertaken. Studies of racial/ethnic disparities may have led to greater consideration for anti-displacement policy, more deeply affordable housing and/or stronger inclusionary zoning tools, and for housing density to be further concentrated in affluent neighborhoods instead of in communities of color vulnerable to displacement.⁶

While the de Blasio administration has taken a clear public position against exclusionary downzonings, the six neighborhoods the administration has thus far upzoned with Mandatory Inclusionary Housing—East New York, downtown Far Rockaway, East Harlem, Inwood, the Jerome Avenue corridor in the Bronx, and Bay Street corridor in Staten Island—are all lower-income communities of color.

As New Yorkers continue to push for fair housing and racial equity, developing tools to achieve these goals in the context of the land use approval process is of the utmost importance.⁷

III. SUMMARY OF INT. 1572-B

To help inform land use policy decisions, this legislation proposes to require a citywide equitable development data tool (“data tool”) and racial equity reports on housing and opportunity (“racial equity reports”). The data tool will be produced by the Department of City Planning and Department of Housing Preservation and Development and put online for public use with citywide, boroughwide, community district, and neighborhood-level data in the following categories: demographic conditions, economic security, neighborhood quality of life and access to opportunity, housing security/affordability/quality and housing production. It will also include a Displacement Risk Index comprised of indicators of population vulnerability, housing conditions, and neighborhood change that will deliver information to the public on housing vulnerability and the risk of displacement. The equitable development data tool will present this data disaggregated by race and ethnicity where possible (for example – median income for White, Black, Latino, and Asian households, not just all households), and with a historical look-back for trends wherever such data is available. It will help establish a new shared understanding of conditions in the city and inform our land use and housing policy to help better address the inequality and challenges facing communities of color.

Beginning June 2022, applicants requiring land use changes that propose residential projects 50,000 sqf or larger, non-residential projects 200,000 sqf or larger, citywide zoning text amendments affecting five or more community districts, or certain downzonings or historic districts will be required to use the equitable development data tool to complete a racial equity report on housing and opportunity. Reports will be released at the start of public review and are separate from CEQR documents and procedures.

Specifically, covered applications are: those that propose to amend the zoning resolution and would affect five or more community districts, those that designate historic districts and affect at least four city blocks, those ULURP applications that seek approval to acquire or dispose land for a non-residential project with at least 50,000 square feet, those ULURP applications that seek approval to acquire or dispose of land for a residential project for a building containing 50,000 square feet of floor area and excluding preservation projects, those ULURP applications that propose to increase residential floor area by at least 50,000 square feet, those ULURP

⁵ Furman Center for Real Estate and Urban Policy. How Have Recent Rezonings Affected the City's Ability to Grow? (March 2010). Available at https://furmancenter.org/files/publications/Rezonings_Furman_Center_Policy_Brief_March_2010.pdf

⁶ Churches United for Fair Housing. Zoning and Racialized Displacement in NYC. Available at <https://static1.squarespace.com/static/5dc0429de5717c7ff1caead0/t/5de6c0e683bec649d37ab0cc/1575403753814/Zoning+and+Racialize+d+Displacement+in+NYC.pdf>

⁷ Sadeef Ali Kully. Call for City to Assess Racial Impact as it Reviews Impact of Real-Estate Development. City Limits. (January 15, 2019). Available at <https://citylimits.org/2019/01/15/call-for-city-to-assess-racial-impact-as-it-reviews-impact-of-real-estate-development/>

applications that propose to increase permitted non-residential floor area by at least 200,000 square feet, or ULURP applications that propose to decrease permitted floor area or the number of housing units on at least four contiguous city blocks. However, in addition to the foregoing, in manufacturing districts, a ULURP application for a zoning map change or a special permit, or a zoning text amendment which would change floor area allowed for uses in manufacturing districts or the use regulations of a manufacturing district, related to a building containing at least 100,000 square feet of non-residential floor area, would also be required to provide a racial equity report.

The applicant will pull data from the Equitable Development Data Tool approximating a half mile radius study area and present the data in a report. The report will include a “community profile” of existing conditions in the local area by the categories of data included in the equitable development data tool. The report will also include a narrative statement of how the proposed project relates to the City’s fair housing plan (Where We Live) and equitable economic development goals.

In addition, residential projects will have to state the expected rents for all units (including market-rate and affordable) and the household incomes needed to afford the units without incurring housing cost burden. The data presented from the equitable development data tool will provide new insights on the race/ethnicity of the households that are able to afford the expected units and what kinds of households have been applying for and securing units through HPD lotteries in the area.

Non-residential projects proposing specific uses (like a new hospital or tech company headquarters) will have to analyze the projected number of jobs likely to be created by sector or occupation and the race/ethnicity and educational attainment of the workforce in those sectors.

This bill would take effect immediately, however the equitable development data tool would not be required to be available for public use until April 1, 2022, and racial equity reports on housing and opportunity will not be required for applications submitted prior to June 1, 2022.

All racial equity reports would require an executive summary written in plain language as well as a summary of data on the existing conditions and trends of the prior two decades in the community as well as a comparison of community data with the rest of the borough and citywide. The racial equity report will also estimate of the number of construction jobs to be created by the project.

Project applicants that do not provide a racial equity report will be identified on the city website, and those required to receive a racial equity report will be notified that the report was not submitted.

IV. ANALYSIS OF LEGISLATION

The bill was introduced as Int. No. 1572 at a stated meeting on May 9, 2019. Int. 1572 would have required that any Environmental Impact Statement (EIS) filed in connection with an application subject to the Uniform Land Use Review Procedure (ULURP) include an analysis of racial impacts and compliance with affirmatively furthering fair housing regulations, as provided by the Department of Housing and Urban Development (HUD). HUD has repealed these regulations since introduction.⁸

The bill was subsequently amended as Proposed Int. No.1572-A so that it would not change the form or substance of any EIS. This bill required ULURP applicants with large projects (e.g. it involves at least four adjacent blocks of real property, proposes to increase permitted floor area by at least 50,000 square feet, or proposes a conversion of use of at least 50,000 square feet) to prepare a racial disparity report on existing demographic, social, economic, and housing conditions of the project area, information about units to be built in residential projects, and expected sectors and occupations of jobs in non-residential projects.

The bill was subsequently amended as Proposed Int. No. 1572-B. Bill section one would amend the administrative code to add new sections 27-117 and 27-118, titled “Equitable development data tool” and “Racial equity report on housing and opportunity”, respectively. Subdivisions a of each new section set forth defined terms applicable therein. Such defined terms primarily relate to levels of affordability. The implementing agency is defined as the department of housing preservation and development and department of city planning for purposes of the equitable development data tool, and as an agency designated by the mayor for purposes of racial equity reports.

⁸ Federal Department of Housing and Urban Development. FR-6228-F-01 Preserving Community and Neighborhood Choice. (August 2020). Available at <https://beta.regulations.gov/document/HUD-2020-0053-0001>

The bill added to Int. No. 1572-A by requiring in subdivision b of new section 27-117 that a source for the racial equity reports be created in the form of an equitable development data tool to be developed and published for public use and be accessible on the city's website. Data in the data tool will be updated at least annually and be presented at the following levels of geography: (1) a neighborhood level to be determined by the department, where statistically reliable data is available, (2) public use microdata area or community district, where statistically reliable data is available, (3) boroughwide and (4) citywide. Subdivision b also requires that the tool be capable of generating reports for any such level of geography, and permits additional levels of geography to be added to the tool, if statistically reliable data is available.

Subdivision c of new section 27-117 provides that the equitable development data tool will include data relating to these categories: (1) demographic conditions, (2) household economic security, (3) neighborhood quality of life and access to opportunity, (4) housing security, affordability and quality, (5) housing production and (6) a displacement risk index. The data will include breakdowns by race and Hispanic origin where available and include data over the previous two decades to allow for analyses over time. There is also a list of data points and indicators that are required to be included within each category.

Subdivision d of new section 27-117 provides that the data tool will be available to the public starting April 1, 2022 after a public hearing on a draft tool.

Subdivision e of new section 27-117 provides that the methodologies and indicators comprising the equitable development data tool be updated as new data sources and analytical tools are developed. Source data shall be provided on the website where the tool is available to the public, as well as information on statistical reliability and methodology for establishment of the displacement risk index.

In addition to adding the equitable development data tool, Int. No. 1572-B specifies, in subdivision b of new section 25-118, the types of projects that require a racial equity report. The types of projects that require a racial equity report are those submitted pursuant to section 201 of the charter for a citywide amendment to the zoning resolution affecting five or more community districts, applications submitted for designation of historic districts pursuant to section 3020 of the charter affecting at least four city blocks, and for applications submitted pursuant to subdivision a of section 197-c of the charter that seek approval for (i) an acquisition or disposition of land to facilitate a non-residential project containing at least 50,000 square feet of floor area, (ii) an acquisition or disposition of land to facilitate a residential project, other than a residential project consisting of a building to be preserved, provided that such equity report shall only be required related to a building in such project containing at least 50,000 square feet of floor area, (iii) an increase in permitted residential floor area of at least 50,000 square feet, (iv) an increase in permitted non-residential floor area by at least 200,000 square feet or (v) a decrease in permitted floor area or number of housing units on at least four contiguous city blocks. However, in addition to the foregoing, any application seeking approval of change to the permitted floor area for any use in a manufacturing district or change to the use regulations of a manufacturing district, whether by change to the zoning map pursuant to section 197-c of the charter, change to the text of the zoning resolution pursuant to section 201 of the charter, or by special permit pursuant to section 197-c of the charter, related to a building in such project containing at least 100,000 square feet of floor area, shall also be required to submit a racial equity report. Subdivision b also includes requirements for distributing the racial equity report. The report will be provided to the affected community board and borough president, the affected council member, the public advocate and the speaker of the council, and will also promptly be posted on the website of an agency designated by the mayor.

Subdivision c of new section 25-118 sets forth the required contents of the racial equity report. The contents include an executive summary written in plain language, for all reports. For residential projects, other than historic districts, the second section of the report will provide the affordability of expected housing and the incomes that would be needed to avoid housing cost burden. For non-residential projects other than historic districts, where the project is use-specific, the second section must include job projections by sector or occupation, median wage levels, and the racial and ethnic composition and educational attainment of the workforce for jobs in that sector or occupation. For projects other than zoning text amendments, the community profile must be provided. The community profile is defined in subdivision a of section 25-118 as data for a local study area drawn from the equitable development data tool required by section 25-117. The community profile data must be compared with borough and citywide data for all categories, data and indicators in the equitable development data tool, and disaggregated by race and Hispanic origin. For projects with residential floor area, other than a designation of a historic district, such community profile will provide a summary of the distribution

of households by income levels disaggregated by race and Hispanic origin, as well as data on affordable housing lottery applicants and awardees. All projects will be required to state how the proposed project relates to the goals and strategies to affirmatively further fair housing and promote equitable access to opportunity with reference to the city's fair housing plan, as set forth in agency rules. All projects will also be required to provide an estimate of the number of construction jobs created.

Last, subdivision d of section 25-118 provides that if a racial equity report is not submitted, that information will be posted on the city website, and the above-mentioned parties that would receive the report will be informed that the report was not completed.

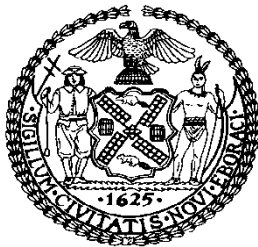
Bill section two would provide that no private right of action shall be created to enforce the provisions of new section 25-118.

Bill section three would provide that the local law takes effect immediately.

UPDATE

On June 16, 2021, the Committee on Land Use passed Int. No. 1572-B by a vote of 18 in the affirmative, zero in the negative, with zero abstentions.

(The following is the text of the Fiscal Impact Statement for Int. No. 1572-B:)



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

PROPOSED INT. NO: 1572-B

COMMITTEE: Land Use

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring a citywide equitable development data tool and racial equity reports on housing and opportunity.

SPONSORS: The Public Advocate (Mr. Williams) and Council Members Salamanca, Reynoso, Chin, Levine, Levin, Lander, Menchaca, Van Bramer, Kallos, Rosenthal, Louis, Ampry-Samuel, Adams, Gibson, Miller, Barron, Rose, Cornegy, Moya, Koo, Ayala, Riley, Cumbo, and D. Diaz.

SUMMARY OF LEGISLATION: Proposed Int. No. 1572-B would require the creation of an online citywide equitable development data tool. This data tool would present development data at the neighborhood, borough, and citywide levels including, but not limited to, demographic conditions, household economic security, neighborhood quality of life and access to opportunity, housing security, affordability and quality, housing production, and a displacement risk index. The data tool would be created no later than April 1, 2022 by the Department of Housing Preservation Development (HPD) and the Department of City Planning (DCP) and would be updated yearly. In addition, this bill would also require the submission of a racial disparity report for certain land use applications affecting a minimum number of adjacent blocks or floor area. The substance of racial equity reports would vary by application type, but all would include a statement of how the proposed project relates to the goals and strategies to affirmatively further fair housing and promote equitable access to opportunity. Residential projects would state the expected rents for market rate and affordable units and the incomes needed to afford them without incurring housing cost burden.

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	\$250,000	\$250,000
Net	\$0	\$250,000	\$250,000

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

IMPACT ON EXPENDITURES: It is anticipated that there would be some impact on expenditures related to the implementation of the equitable development data tool. Previous data collection work of this scale cost the City \$250,000 to cover the necessary staff lines and associated other than personal service (OTPS).

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council, Finance Division

ESTIMATE PREPARED BY: Luke Zangerle, Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on May 29, 2019 as Intro. No. 1572 and was referred to the Committee on Land Use (Committee). The legislation was amended after introduction. A hearing was held by the Committee on the amended version, Proposed Int. No. 1572-A, on January 11, 2021, and the bill was laid over. The legislation was subsequently amended a second time, and the amended version, Proposed Int. No. 1572-B, will be considered by the Committee on June 16, 2021. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on June 17, 2021.

DATE PREPARED: June 14, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1572-B:)

Int. No. 1572-B

By the Public Advocate (Mr. Williams) and Council Members Salamanca, Reynoso, Chin, Levine, Levin, Lander, Menchaca, Van Bramer, Kallos, Rosenthal, Louis, Ampry-Samuel, Adams, Gibson, Miller, Barron, Rose, Cornegy, Moya, Koo, Ayala, Riley, Cumbo, D. Diaz and Rivera.

A Local Law to amend the administrative code of the city of New York, in relation to requiring a citywide equitable development data tool and racial equity reports on housing and opportunity

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 25 of the administrative code of the city of New York is amended by adding new sections 25-117 and 25-118 to read as follows:

§ 25-117 *Equitable development data tool. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

Area median income. The term “area median income” means the income limits as defined annually by the United States department of housing and urban development (HUD) for the New York, NY HUD Metro FMA Area (HMFA).

Department. The term “department” means the department of housing preservation and development and the department of city planning.

Extremely low income (ELI) household. The terms “extremely low income household” and “ELI household” mean a household that has an income of no more than 30 percent of the area median income, adjusted for the size of the household.

Extremely low income affordable housing (ELI-AH) unit. The terms “extremely low income affordable housing unit” and “ELI-AH unit” mean a housing unit that is required to be affordable to an extremely low income household pursuant to a regulatory agreement, restrictive declaration or other similar instrument with a federal, state or local governmental entity or instrumentality.

Higher income (HI) household. The terms “higher income household” and “HI household” mean a household that has an income of more than 165 percent of the area median income, adjusted for the size of the household.

Low income (LI) household. The terms “low income household” and “LI household” mean a household that has an income of more than 50 percent but no more than 80 percent of the area median income, adjusted for the size of the household.

Low income affordable housing (LI-AH) unit. The terms “low income affordable housing unit” and “LI-AH unit” mean a housing unit that is required to be affordable to a low income household pursuant to a regulatory agreement, restrictive declaration or other similar instrument with a federal, state or local governmental entity or instrumentality.

Middle income (MIDI) household. The terms “middle income household” and “MIDI household” mean a household that has an income of more than 120 percent but no more than 165 percent of the area median income, adjusted for the size of the household.

Middle income affordable housing (MIDI-AH) unit. The terms “middle income affordable housing unit” and “MIDI-AH unit” mean a housing unit that is required to be affordable to a middle income household pursuant to a regulatory agreement, restrictive declaration or other similar instrument with a federal, state or local governmental entity or instrumentality.

Moderate income (MI) household. The terms “moderate income household” and “MI household” mean a household that has an income of more than 80 percent but no more than 120 percent of the area median income, adjusted for the size of the household.

Moderate income affordable housing (MI-AH) unit. The terms “moderate income affordable housing unit” and “MI-AH unit” mean a housing unit that is required to be affordable to a moderate income household pursuant to a regulatory agreement, restrictive declaration or other similar instrument with a federal, state or local governmental entity or instrumentality.

Rent burden. The term “rent burden” means household housing costs that exceed 30 percent of the household’s income.

Very low income (VLI) household. The terms “very low income household” and “VLI household” mean a household that has an income of more than 30 percent but no more than 50 percent of the area median income, adjusted for the size of the household.

Very low income affordable housing (VLI-AH) unit. The terms “very low income affordable housing unit” and “VLI-AH unit” mean a housing unit that is required to be affordable to a very low income household pursuant to a regulatory agreement, restrictive declaration or other similar instrument with a federal, state or local governmental entity or instrumentality.

b. Equitable development data tool. The department, with the cooperation of any other relevant agencies, shall develop and publish an equitable development data tool. The tool shall be available online for public use and any other use required by law. The tool shall be accessible through the city’s website, be updated by the department at least annually, and present the categories, data and indicators set forth in subdivision c of this section at the following levels of geography: (i) a neighborhood level to be determined by the department, where statistically reliable data is available, (ii) public use microdata area or community district, where statistically reliable data is available, (iii) boroughwide and (iv) citywide. The tool shall be capable of generating reports of

such data and indicators for any such level of geography. The department may include additional levels of geography, including census tracts, if statistically reliable data is available.

c. *Categories, data and indicators.* The equitable development data tool shall include, but need not be limited to, the following categories: (i) demographic conditions, (ii) household economic security, (iii) neighborhood quality of life and access to opportunity, (iv) housing security, affordability and quality, (v) housing production and (vi) a displacement risk index. Where available, such data shall be disaggregated by race and Hispanic origin, and include data for such categories for the prior two decades to describe recent trends over time. The department, with the cooperation of any other relevant agencies, may identify data and indicators for each category, provided that such data and indicators shall include, to the extent available, the following:

1. Demographic conditions, including but not limited to race and Hispanic origin, limited English speaking households, foreign born population and age;

2. Household economic security, including but not limited to median household income, distribution of households by income levels corresponding to ELI, VLI, LI, MI, MIDI, and HI households, labor force participation, employment by occupation or industry sector, average wages by occupation or industry sector, and educational attainment;

3. Neighborhood quality of life and access to opportunity, including but not limited to health outcomes, access to open space, indicators of public safety, indicators of school quality, indicators of access to transit and employment opportunities;

4. Housing security, affordability and quality, including but not limited to median rent, median home value, housing tenure, share of housing units that are rent-stabilized, share of housing units that are income-restricted, share of households that are rent-burdened, share of housing units affordable to ELI, VLI, LI, MI, MIDI and HI households, residential eviction cases filed in housing court and residential evictions executed by city marshals pursuant to a warrant issued in accordance with section 749 of the real property actions and proceedings law, share of housing units with three or more maintenance deficiencies, share of housing units that are overcrowded, affordable housing lottery applicants and awardees as described in the most recent report required by section 26-2602 and number of individuals and families in the shelter system operated by the department of homeless services or a provider under contract or similar agreement with the department of homeless services by community district based on last known address of such individuals or families, where known.

5. Housing production, including but not limited to total additions and subtractions to housing units; ELI-AH, VLI-AH, LI-AH, MI-AH and MIDI-AH unit production; ELI-AH, VLI-AH, LI-AH, MI-AH and MIDI-AH unit preservation; and portion of area that is within historic districts; and

6. A displacement risk index comprised of indicators of population vulnerability, housing conditions and neighborhood change, including but not limited to race and Hispanic origin, income, English language proficiency, share of housing units that are renter-occupied, share of housing units that are rent-stabilized, share of housing units that are income-restricted, share of households experiencing rent burden, trends in housing prices and rents, and share of housing units with three or more maintenance deficiencies.

d. *Availability.* The equitable development data tool shall be available for public use by April 1, 2022, provided that the department shall release a draft equitable development data tool before such date and shall hold a public hearing regarding such draft tool not fewer than 60 days after such release.

e. *Updates of methodologies and indicators.* The department, with the cooperation of any other relevant agencies, shall update the methodologies and indicators comprising the equitable development data tool as new data sources and analytical tools are developed. The website where the tool is available to the public shall include the sources for all data used in the tool, information about limitations or statistical reliability of such data, information about the methodology used to select and weigh the indicators included in the displacement risk index and any necessary explanation about such data that is unavailable or unreliable at any level of geography described in subdivision b of this section. Whenever the department updates such a methodology or indicators the department shall post on such website a description of the update and the reasons for the update.

§ 25-118 Racial equity report on housing and opportunity. a. *Definitions.* For the purposes of this section, the following terms have the following meanings:

Area median income. The term "area median income" has the meaning given to that term in section 25-117.

Community profile. The term “community profile” means data for a local study area drawn from the equitable development data tool required by section 25-117. Such community profile shall include all categories, data and indicators available from such equitable development data tool for a local study area that best approximates a half-mile radius of the project area based on aggregation of public use microdata areas or community districts or a neighborhood level of geography to be determined by the department.

Department. The term “department” means an agency or agencies designated by the mayor to administer this section.

Extremely low income (ELI) household. The terms “extremely low income household” and “ELI household” have the meaning given to those terms in section 25-117.

Extremely low income affordable housing (ELI-AH) unit. The terms “extremely low income affordable housing unit” and “ELI-AH unit” have the meaning given to those terms in section 25-117.

Floor area. The term “floor area” has the meaning given to that term in section 12-10 of the zoning resolution.

Higher income (HI) household. The terms “higher income household” and “HI household” have the meaning given to those terms in section 25-117.

Housing cost burden. The term “housing cost burden” means household housing costs that exceed 30 percent of the household’s income.

Low income (LI) household. The terms “low income household” and “LI household” have the meaning given to those terms in section 25-117.

Low income affordable housing (LI-AH) unit. The terms “low income affordable housing unit” and “LI-AH unit” have the meaning given to those terms in section 25-117.

Manufacturing. The term “manufacturing” has the meaning given to that term in section 12-10 of the zoning resolution.

Manufacturing district. The term “manufacturing district” has the meaning given to that term in section 12-10 of the zoning resolution.

Middle income (MIDI) household. The terms “middle income household” and “MIDI household” have the meaning given to those terms in section 25-117.

Middle income affordable housing (MIDI-AH) unit. The terms “middle income affordable housing unit” and “MIDI-AH unit” have the meaning given to those terms in section 25-117.

Moderate income (MI) household. The terms “moderate income household” and “MI household” have the meaning given to those terms in section 25-117.

Moderate income affordable housing (MI-AH) unit. The terms “moderate income affordable housing unit” and “MI-AH unit” have the meaning given to those terms in section 25-117.

Preserved. The term “preserved” means received physical rehabilitation or financial operating assistance for existing buildings, or both, in exchange for affordability for existing and future tenants.

Residential. The term “residential” has the meaning given to that term in section 12-10 of the zoning resolution.

Very low income (VLI) household. The terms “very low income household” and “VLI household” have the meaning given to those terms in section 25-117.

Very low income affordable housing (VLI-AH) unit. The terms “very low income affordable housing unit” and “VLI-AH unit” have the meaning given to those terms in section 25-117.

b. *Racial equity report on housing and opportunity.* For an application submitted on or after June 1, 2022, an applicant shall file, in accordance with this subdivision, a racial equity report described in this section. Such report shall be required for all applications submitted pursuant to section 201 of the charter for a citywide amendment to the zoning resolution affecting 5 or more community districts, applications submitted for designation of historic districts pursuant to section 3020 of the charter affecting at least 4 city blocks, and for applications submitted pursuant to subdivision a of section 197-c of the charter that seek approval for (i) an acquisition or disposition of land to facilitate a non-residential project containing at least 50,000 square feet of floor area, (ii) an acquisition or disposition of land to facilitate a residential project, other than a residential project consisting of a building to be preserved, provided that such equity report shall only be required related to a building in such project containing at least 50,000 square feet of floor area, (iii) an increase in permitted residential floor area of at least 50,000 square feet, (iv) an increase in permitted non-residential floor area by at least 200,000 square feet or (v) a decrease in permitted floor area or number of housing units on at least four

contiguous city blocks. However, in addition to the foregoing, any application seeking approval of change to the permitted floor area for any use in a manufacturing district or change to the use regulations of a manufacturing district, whether by change to the zoning map pursuant to section 197-c of the charter, change to the text of the zoning resolution pursuant to section 201 of the charter, or by special permit pursuant to section 197-c of the charter, related to a building in such project containing at least 100,000 square feet of floor area, shall be subject to the requirements of this section. Within nine days of such application being certified or referred by the department of city planning or, in the case of an application for designation of historic districts, within 15 days of such application being designated by the landmarks preservation commission, the department shall provide copies of the racial equity report to the affected community board and borough president, as defined in section 196 of the charter, the affected council member, the public advocate and the speaker of the council, and shall also promptly post such report on its website. The racial equity report need not be updated if a project changes after an application has been certified or referred by the department of city planning or designated by the landmarks preservation commission. The department, with the cooperation of other relevant agencies, shall establish minimum standards for the preparation of the racial equity report and may establish by rule guidance for applicants preparing the report.

c. Contents of racial equity report. A racial equity report filed pursuant to this section shall include:

1. For all projects, a first section comprised of an executive summary written in plain language.
2. For projects with residential floor area other than a designation of a historic district, a second section listing the number of ELI-AH, VLI-AH, LI-AH, MI-AH and MIDI-AH units and units that are not income-restricted that are expected to be created and their expected rents or prices, as well as the household incomes needed to afford such units without incurring housing cost burden.
3. For projects with non-residential floor area when specific non-residential uses are being proposed, other than the designation of a historic district, a second section listing the projected number of jobs in each sector or occupation, median wage levels of such jobs based on the most recently available quarterly census data on employment and wages or other publicly available data, and the racial and ethnic composition and educational attainment of the workforce for the projected sectors of such jobs.
4. For all projects other than applications submitted pursuant to section 201 of the charter, the community profile, including a summary of the data on existing conditions and of trends in the prior two decades, and comparison of the community profile for the local study area with the borough and citywide data obtained from the equitable development data tool required by section 25-117, for all categories, data and indicators provided therein, and disaggregated by race and Hispanic origin. For projects with residential floor area, other than a designation of a historic district, such community profile shall first include a summary of the distribution of households by income levels corresponding to ELI, VLI, LI, MI, MIDI and HI households disaggregated by race and Hispanic origin, and of the available data on affordable housing lottery applicants and awardees as described in the most recent report required by section 26-2602.
5. For all projects, a narrative statement by the applicant of how the proposed project relates to the goals and strategies to affirmatively further fair housing and promote equitable access to opportunity identified within the city's fair housing plan that is indicated in the department's rules.

6. For all projects, an estimate of the number of construction jobs to be created by the project.

d. Failure to provide racial equity report. 1. The department shall identify on its website any application for which an applicant does not submit a racial equity report as required by this section. The department shall promptly notify any person required to receive such report pursuant to subdivision b of this section that such report was not timely filed, and if such report is subsequently filed, shall notify any such person of such filings.

2. This section shall not be construed to create a private right of action to enforce its provisions.

§ 3. This local law takes effect immediately.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, June 16, 2021 (Remote Hearing).

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

Report for L.U. No. 790

Report of the Committee on Land Use in favor of approving, as modified, Application number C 190118 ZMX (909 Castle Hill Avenue Rezoning) submitted by 510 East Realty Inc., pursuant to Section 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 7a, changing from an R3-2 District to an R6B and establishing within the proposed R6B District a C1-3 District, Borough of the Bronx, Community District 9, Council District 18.

The Committee on Land Use, to which the annexed Land Use item was referred on May 12, 2021 (Minutes, page 1431) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

**BRONX CB-9 – TWO APPLICATIONS RELATED TO 909 CASTLE HILL AVENUE
REZONING**

C 190118 ZMX (L.U. No. 790)

City Planning Commission decision approving an application submitted by 510 East Realty Inc., pursuant to Sections 197-c and 201 of the NYC Charter for the amendment of the Zoning Map, Section No. 7a:

1. changing from an R3-2 District to an R6B property bounded by Quimby Avenue, Castle Hill Avenue, Story Avenue, a line 180 feet westerly of Castle Hill Avenue, a line midway between Quimby Avenue and Story Avenue, and a line 80 feet westerly of Castle Hill Avenue; and
2. establishing within the proposed R6B District a C1-3 District bounded by Quimby Avenue, Castle Hill Avenue, Story Avenue, and a line 80 feet westerly of Castle Hill Avenue; as shown on a diagram (for illustrative purposes only) dated December 14, 2020, and subject to the conditions of CEQR Declaration E-596.

as shown on a diagram (for illustrative purposes only) dated December 14, 2020 and subject to the conditions of CEQR Declaration E-596.

N 210096 ZRX (L.U. No. 791)

City Planning Commission decision approving an application submitted by 510 East Realty Inc., pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

INTENT

To approve an amendment to rezone the Project Area from R3-2 zoning district to an R6B/C1-3 and amend the zoning text to establish the Project Area as an MIH Area utilizing Options 1 and 2 to facilitate the

construction of a mixed-use building containing a total of approximately 35 units of affordable housing, nine of which would be permanently affordable at 909 Castle Hill Avenue in the Castle Hill neighborhood of Bronx Community District 9.

PUBLIC HEARING

DATE: May 19, 2021

Witnesses in Favor: Four

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: June 1, 2021

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on L.U. No. 790 and approve with modifications the decision of the City Planning Commission on L.U. No. 791.

In Favor:

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

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: June 16, 2021

The Committee recommends that the Council approve the attached resolutions.

In Favor:

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

Against

None

Abstain:

None.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, June 16, 2021 (Remote Hearing).

Approved with Modifications and Referred to the City Planning Commission pursuant to-Section 197-(d) of the New York City Charter.

Report for L.U. No. 791

Report of the Committee on Land Use in favor of approving, as modified, Application number N 210096 ZRX (909 Castle Hill Avenue Rezoning) submitted by 510 East Realty Inc., pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of the Bronx, Community District 9, Council District 18.

The Committee on Land Use, to which the annexed Land Use item was referred on May 12, 2021 (Minutes, page 1431) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 790 printed in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, June 16, 2021 (Remote Hearing).

Approved with Modifications and Referred to the City Planning Commission pursuant to-Section 197-(d) of the New York City Charter.

Report for L.U. No. 792

Report of the Committee on Land Use in favor of approving Application number C 200298 ZSK (West 16th Street Special Permit) submitted by Bedford Carp Realty III, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 106-32(a) of the Zoning Resolution to allow a commercial use (Use Group 16 use) not permitted by the provisions of Section 106-31 (Special Provisions for As-of-Right New Buildings for Use Group M or Commercial Use) to facilitate the development of a 2-story commercial warehouse building, on property located 2706 West 16th Street (Block 6995, Lot 74), in an M1-2 District, within the Special Coney Island Mixed Use District, Borough of Brooklyn, Community District 13, Council District 47.

The Committee on Land Use, to which the annexed Land Use item was referred on May 12, 2021 (Minutes, page 1432) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****BROOKLYN CB - 13****C 200298 ZSK**

City Planning Commission decision approving an application submitted by Bedford Carp Realty III, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 106-32(a) of the Zoning Resolution to allow a commercial use (Use Group 16 use) not permitted by the provisions of Section 106-31 (Special Provisions for As-of-Right New Buildings for Use Group M or

Commercial Use) to facilitate the development of a 2-story commercial warehouse building, on property located 2706 West 16th Street (Block 6995, Lot 74), in an M1-2 District, within the Special Coney Island Mixed Use District, Borough of Brooklyn, Community District 13.

INTENT

To grant an approval of the special permit pursuant to ZR Section 106-32(a) to allow a Use Group 16 commercial warehouse on a street within the Special Coney Island Mixed Use District where Use Group 16 warehouse are not permitted as-of-right to facilitate the development of an approximately 9,950-square-foot, two-story commercial warehouse in a M1-2 zoning district within the Special Coney Island Mixed Use District at 2706 West 16th Street located in the Coney Island neighborhood of Brooklyn, Community District 13.

PUBLIC HEARING

DATE: June 1, 2021

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: June 16, 2021

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

In Favor:

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

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: June 16, 2021

The Committee recommends that the Council approve the attached resolution.

In Favor:

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

Against:

None

Abstain:

None.

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

Res. No. 1676

Resolution approving the decision of the City Planning Commission on ULURP No. C 200298 ZSK, for the grant of a special permit (L.U. No. 792).

By Council Members Salamanca and Moya.

WHEREAS, Bedford Carp Realty III, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 106-32(a) of the Zoning Resolution to allow a commercial use (Use Group 16 use) not permitted by the provisions of Section 106-31 (Special Provisions for As-of-Right New Buildings for Use Group M or Commercial Use) to facilitate the development of a 2-story commercial warehouse building, on property located 2706 West 16th Street (Block 6995, Lot 74), in an M1-2 District, within the Special Coney Island Mixed Use District, Borough of Brooklyn, Community District 13 (ULURP No. C 200298 ZSK) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on May 10, 2021, its decision dated May 5, 2021 (the “Decision”) on the Application;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 106-32(a) of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on June 1, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued December 14th, 2020 (CEQR No. 20DCP112K) (the “Negative Declaration”).

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 200298 ZSK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

1. The property that is the subject of this application (C 200298 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by Joseph M. Morace A.I.A, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
CPC-001	Zoning Data	July 7, 2020
CPC-002	Site Plan & Zoning Data	July 7, 2020

CPC-003	First Floor Plan	July 7, 2020
CPC-004	Building Sections	July 7, 2020

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operating and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the restrictions, agreements, terms or conditions of this resolution the provisions of which shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure or breach of any of the conditions referred to above, may constitute grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, renewal or extension of the special permit hereby granted.
6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's action or failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, June 16, 2021 (Remote Hearing).

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

Report for L.U. No. 797

Report of the Committee on Land Use in favor of approving Application No. C 210149 ZMX (Crab Shanty Restaurant – 361 City Island Avenue Rezoning) submitted by SHAR-JO Rest. Inc., d/b/a/ Crab Shanty, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 4d, by establishing within an existing R3A District a C1-2 District, Borough of the Bronx, Community District 10, Council District 13).

The Committee on Land Use, to which the annexed Land Use item was referred on May 12, 2021 (Minutes, page 1639) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT**BRONX CB - 10****C 210149 ZMX**

City Planning Commission decision approving an application submitted by SHAR-JO Rest. Inc., d/b/a/ Crab Shanty, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 4d, by establishing within an existing R3A District a C1-2 District bounded by a line 100 feet northerly of Tier Street, City Island Avenue, Tier Street and a line 120 feet westerly of City Island Avenue, as shown on a diagram (for illustrative purposes only) dated December 14, 2020, and subject to the conditions of CEQR Declaration E-594.

INTENT

To approve an amendment to establish a C1-2 commercial overlay within an existing R3A zoning district located at 361 City Island Avenue (Block 5633, p/o Lot 120, Lot 122, p/o Lot 124, p/o Lot 127, and p/o Lot 137 in City Island, Bronx, Community District 10.

PUBLIC HEARING**DATE:** May 19, 2021**Witnesses in Favor:** One**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** June 1, 2021

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

In Favor:

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

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** June 16, 2021

The Committee recommends that the Council approve the attached resolution.

In Favor:

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

Against:

None

Abstain:

None.

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

Res. No. 1677

Resolution approving the decision of the City Planning Commission on ULURP No. C 210149 ZMX, a Zoning Map amendment (Preconsidered L.U. No. 797).

By Council Members Salamanca and Moya.

WHEREAS, SHAR-JO Rest. Inc., d/b/a/ Crab Shanty, 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. 4d, by establishing within an existing R3A District a C1-2 District in the Bronx, Community District 10 (ULURP No. C 210149 ZMX) (the "Application");

WHEREAS the City Planning Commission filed with the Council on May 14, 2021 its decision dated May 5, 2021 (the "Decision") on the Application;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on May 19, 2020;

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 December 14th, 2020 (CEQR No. 21DCP045X), which includes an (E) designation related to Air Quality (E-594) (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-594) 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 210149 ZMX, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 4d, by establishing within an existing R3A District a C1-2 District bounded by a line 100 feet northerly of Tier Street, City Island Avenue, Tier Street

and a line 120 feet westerly of City Island Avenue, as shown on a diagram (for illustrative purposes only) dated December 14, 2020, and subject to the conditions of CEQR Declaration E-594.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, June 16, 2021 (Remote Hearing).

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

Report for L.U. No. 798

Report of the Committee on Land Use in favor of approving Application number 20215024 HAX (Melrose Open Door) submitted by the Department of Housing Preservation and Development requesting approval of an exemption from real property taxation pursuant to Article XI of the Private Housing Finance Law, for properties located at 881 Brook Ave. (Block 2365, Lot 23), 672 St. Ann's Ave. (Block 2617, Lot 20), 675 Eagle Ave. (Block 2617, Lot 70), 901 Eagle Ave. (Block 2620, Lot 46), 667 Cauldwell Ave. (Block 2624, Lot 73), 1175 Tinton Ave (Block 2662, Lot 27), 840-842 Tinton Ave. (Block 2667, Lots 1 and 2), 1109 Intervale Ave. (Block 2692, Lot 73), 1048 Faile Ave. (Block 2748, Lot 24), 959 Home St. (Block 2979, Lot 1), 1298 Hoe Ave. (Block 2987, Lot 14), 1013 Home St. (Block 2993, Lot 33), Borough of the Bronx, Community Districts 1, 2, and 3, Council District 17.

The Committee on Land Use, to which the annexed Land Use item was referred on May 27, 2021 (Minutes, page 1640) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BRONX CBs - 1, 2, and 3

20215024 HAX

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of Article XI of the Private Housing Finance Law for approval of a new real property tax exemption for property located at Block 2365, Lot 23; Block 2617, Lots 20 and 70; Block 2620, Lot 46; Block 2624, Lot 73; Block 2662, Lot 27; Block 2667, Lots 1 and 2; Block 2692, Lot 73; Block 2748, Lot 24; Block 2979, Lot 1; Block 2987, Lot 14; and Block 2993, Lot 33, and termination of the prior exemption, Borough of the Bronx, Community Districts 1, 2, and 3, Council District 17.

INTENT

To approve a new real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law and terminate the prior exemption for the Exemption Area which contains 12 multiple dwellings known as Melrose Open Door which will provide homeownership housing for low income families.

PUBLIC HEARING**DATE:** June 2, 2021**Witnesses in Favor:** Three**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** June 15, 2021

The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development.

In Favor:

Riley, Koo, Barron, Miller, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** June 16, 2021

The Committee recommends that the Council approve the attached resolution.

In Favor:

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

Against:

None

Abstain:

None.

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

Res. No. 1678

Resolution approving a new tax exemption pursuant to Article XI of the Private Housing Finance Law and termination of the prior tax exemption for property located at Block 2365, Lot 23; Block 2617, Lots 20 and 70; Block 2620, Lot 46; Block 2624, Lot 73; Block 2662, Lot 27; Block 2667, Lots 1 and 2; Block 2692, Lot 73; Block 2748, Lot 24; Block 2979, Lot 1; Block 2987, Lot 14; and Block 2993, Lot 33, Community Districts 1, 2, and 3, Borough of the Bronx (L.U. No. 798; Non-ULURP No. 20215024 HAX).

By Council Members Salamanca and Riley.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council on May 6, 2021 its request dated May 6, 2021 that the Council approve a new real

property tax exemption pursuant to Section 577 of the Private Housing Finance Law (the “Tax Exemption Request”) and termination of the prior exemption of property located at Block 2365, Lot 23; Block 2617, Lots 20 and 70; Block 2620, Lot 46; Block 2624, Lot 73; Block 2662, Lot 27; Block 2667, Lots 1 and 2; Block 2692, Lot 73; Block 2748, Lot 24; Block 2979, Lot 1; Block 2987, Lot 14; and Block 2993, Lot 33, Community Districts 1, 2 and 3, Borough of the Bronx, Council District 17 (the “Exemption Area”);

WHEREAS, upon due notice, the Council held a public hearing on the Tax Exemption Request on June 2, 2021; and

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

RESOLVED:

Pursuant to Section 577 of the Private Housing Finance Law, the Council approves an exemption of the Exemption Area from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “CLT” shall mean CLT Interboro CLT Housing Development Fund Corporation or a community land trust that acquires all or a portion of the Exemption Area with the prior written consent of HPD.
 - b. “Coop HDFC” shall mean Melrose Co-op Owners Housing Development Fund Corporation or a housing development fund company that acquires all or a portion of the Exemption Area and/or a leasehold interest in all or a portion of the Exemption Area with the prior written consent of HPD.
 - c. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the HDFC enter into the Regulatory Agreement.
 - d. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2365, Lot 23, Block 2617, Lots 20 and 70, Block 2620, Lot 46, Block 2624, Lot 73, Block 2662, Lot 27, Block 2667, Lots 1 and 2, Block 2692, Lot 73, Block 2748, Lot 24, Block 2979, Lot 1, Block 2987, Lot 14, and Block 2993, Lot 33 on the Tax Map of the City of New York.
 - e. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned, leased or controlled by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - f. “HDFC” shall mean MHANY Melrose 2021 Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - g. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - h. “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.

- i. “Owner” shall mean either (i) HDFC, or (ii) CLT and Coop HDFC.
 - j. “Prior Exemption” shall mean the exemption from real property taxation for a portion of the Exemption Area approved by the New York City Council on September 12, 2018 (Resolution No. 526).
 - k. “Regulatory Agreement” shall mean the regulatory agreement(s) between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
2. The Prior Exemption shall terminate with respect to the Exemption Area upon the Effective Date.
 3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
 4. 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 or in the leasehold interest of the Coop HDFC 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 buildings on the Exemption Area that have a new permanent certificate of occupancy or a temporary certificate of occupancy for all of the residential areas on or before five years from the Effective Date.
 - c. Nothing herein shall entitle the HDFC, CLT, Coop HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 - d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked as of the Effective Date.
 5. In consideration of the New Exemption, the owner of the Exemption Area shall, for so long as the New Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, June 16, 2021 (Remote Hearing).

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

Report for L.U. No. 799

Report of the Committee on Land Use in favor of approving Application number 20215025 HAX (Melrose Open Door) submitted by the Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law requesting the waiver of the area designation requirement of Section 693 of the General Municipal and the requirements of Sections 197-c and 197-d of the Charter, and approval of a project as an Urban Development Action Area Project for property located at 1048 Faile Street (Block 2748, Lot 24), Borough of the Bronx, Community District 2, Council District 17.

The Committee on Land Use, to which the annexed Land Use item was referred on May 27, 2021 (Minutes, page 1640) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BRONX CB - 2

20215025 HAX

Application 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 disposition of city-owned property located at 1048 Faile Street (Block 2748, Lot 24), Community District 2, Council District 17.

INTENT

To approve the project area of the waiver of the area designation requirements of Section 693 of the General Municipal Law, waiver of the requirements of Sections 197-c and 197-d and approval of the project for the UDAAP and disposition of City-owned property to facilitate the new construction of approximately one building containing a total of approximately four cooperative units.

PUBLIC HEARING

DATE: June 2, 2021

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION**DATE:** June 15, 2021

The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development.

In Favor:

Riley, Koo, Barron, Miller, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** June 16, 2021

The Committee recommends that the Council approve the attached resolution.

In Favor:

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

Against:

None

Abstain:

None.

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

Res. No. 1679

Resolution approving an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law for property located at 1048 Faile Street (Block 2748, Lot 24), Borough of the Bronx; and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, Community District 2, Borough of the Bronx (L.U. No. 799; 20215025 HAX).

By Council Members Salamanca and Riley.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 6, 2021 its request dated May 6, 2021 that the Council approve an Urban Development Action Area Project (the "Project") located at 1048 Faile Street (Block 2748, Lot 24), Community District 2, Borough of the Bronx (the "Disposition Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to Section 693 of the General Municipal Law;

- 3. Waive the requirements of Sections 197-c and 197-d of the Charter pursuant to Section 694 of the General Municipal Law; and
- 4. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.

WHEREAS, the Project is to be developed on land that is an eligible area as defined in Section 692 of the General Municipal Law, consists solely of the rehabilitation or conservation of existing private or multiple dwellings or the construction of one to four unit dwellings, and does not require any change in land use permitted under the New York City Zoning Resolution;

WHEREAS, the Council held a public hearing on the Project on June 2, 2021; and

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

RESOLVED:

The Council finds that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council waives the designation requirement of the Disposition Area as an Urban Development Action Area pursuant to Section 693 of the General Municipal Law.

The Council waives the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law.

The Council approves the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.

The Project shall be developed in a manner consistent with the Project Summary that HPD has submitted to the Council on May 6, 2021, a copy of which is attached hereto.

ATTACHMENT:

PROJECT SUMMARY

- 1. **PROGRAM:** OPEN DOOR PROGRAM
- 2. **PROJECT:** Melrose Open Door CB2
- 3. **LOCATION:**
 - a. **BOROUGH:** Bronx
 - b. **COMMUNITY DISTRICT:** 2

- c. **COUNCIL DISTRICT:** 17
- d. **DISPOSITION AREA:** BLOCKS LOTS
2748 24
4. **BASIS OF DISPOSITION PRICE:** Nominal. Sponsor will pay one dollar per tax lot and deliver a note and mortgage for the remainder of the appraised value (“Land Debt”).
5. **TYPE OF PROJECT:** New Construction
6. **APPROXIMATE NUMBER OF BUILDINGS:** 1
7. **APPROXIMATE NUMBER OF UNITS:** 4
8. **HOUSING TYPE:** Cooperative Units. If homes remain unsold at the end of the Marketing Period and HPD determines in writing that (i) sale is not feasible within a reasonable time, and (ii) a rental fallback is the best available alternative, then the unsold homes may be rented in accordance with the written instructions of HPD.
9. **ESTIMATE OF INITIAL PRICE:** Sales prices will be affordable to families with annual household incomes between up to 80% and 110% of the area median income (AMI).
10. **LIENS FOR LAND DEBT/CITY SUBSIDY:** Each of the Land Debt and the amount of any construction financing provided through loans from the City (“City Subsidy”) will be secured by a mortgage on the Disposition Area. Upon conversion to a cooperative, the HDFC cooperative and/or CLT will repay the Land Debt and City Subsidy, if any, attributable to the property by delivering one or more notes and mortgages and/or a conditional grant agreement to the City. At such time, HPD may unsecure or forgive all or a portion of the Land Debt, and unsecure, but not forgive, all or a portion of the City Subsidy, based on the appraised value of a homeownership unit and/or, in the case of forgiveness of Land Debt, if HPD determines that the forgiveness is necessary to reduce the taxable consideration for a unit. The sum evidenced by the note and secured by the mortgage will be reduced to zero upon maturity of the Land Debt and City Subsidy, respectively, if the owner has complied with the program’s restrictions.
11. **INCOME TARGETS:** Families with annual household incomes between up to 80% and 110% of AMI.
12. **PROPOSED FACILITIES:** None
13. **PROPOSED CODES/ORDINANCES:** None

- 14. ENVIRONMENTAL STATUS:** Negative Declaration
- 15. PROPOSED TIME SCHEDULE:** Approximately 24 months from closing to completion of construction.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, June 16, 2021 (Remote Hearing).

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

Report for L.U. No. 800

Report of the Committee on Land Use in favor of approving Application number 20210155 HUX (Melrose Open Door) submitted by the Department of Housing Preservation and Development (HPD), pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter, for the first amendment to the Mott Haven North Urban Renewal Plan, Borough of the Bronx, Community District 1, Council District 17.

The Committee on Land Use, to which the annexed Land Use item was referred on May 27, 2021 (Minutes, page 1640) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BRONX CB-1 – TWO APPLICATIONS RELATED TO MELROSE OPEN DOOR CD 1

C 210155 HUX (L.U. No. 800)

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter, for the first amendment to the Mott Haven North Urban Renewal Plan in the Bronx, Community District 1.

C 210154 HAX (L.U. No. 801)

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:

- a) The designation of property located at 672 St. Ann's Avenue and 675 Eagle Avenue (Block 2617, Lots 20 and 70), 667 Cauldwell Avenue (Block 2624, Lot 73) and 840-842 Tinton Avenue (Block 2667, Lots 1 and 2) as an Urban Development Action Area Designation for such area; and
 - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate development of four buildings containing approximately 28 affordable housing units, Borough of the Bronx, Community District 1.

INTENT

To approve the first amendment to the Mott Haven North Urban Renewal Plan and approve an urban development action area designation, project approval, and disposition of city-owned property located at 672 St. Ann's Avenue and 675 Eagle Avenue (Block 2617, Lots 20 and 70), 667 Cauldwell Avenue (Block 2624, Lot 73), and 840-842 Tinton Avenue (Block 2667, Lots 1 and 2), to facilitate development of four buildings containing approximately 28 affordable dwelling units in the Melrose neighborhood of Bronx, Community Board 1.

PUBLIC HEARING

DATE: June 2, 2021

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: June 15, 2021

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

In Favor:

Riley, Koo, Barron, Miller, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** June 16, 2021

The Committee recommends that the Council approve the attached resolutions.

In Favor:

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

Against:

None

Abstain:

None.

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

Res. No. 1680

Resolution approving the First Amended Urban Renewal Plan for the Mott Haven North Urban Renewal Area and approving the decision of the City Planning Commission on ULURP No. C 210155 HUX (L.U. No. 800).

By Council Members Salamanca and Riley.

WHEREAS, the Department of Housing Preservation and Development, filed an application pursuant to Section 505 of Article 15 of the General Municipal Law of New York State (Urban Renewal) and Section 197-c of the New York City Charter, for the first amendment to the Mott Haven North Urban Renewal Plan for the Mott Haven North Urban Renewal Area, which in conjunction with the related action would facilitate the development of four residential buildings containing a total of 28 affordable homeownership units in the Melrose neighborhood of Bronx, Community District 1 (ULURP No. C 210155 HUX) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on May 14, 2021, its decision dated May 5, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to application C 210154 HAX (L.U. No. 801), an Urban Development Action Area Project (UDAAP) designation, project approval and disposition of City-owned property to a developer to be selected by HPD;

WHEREAS, the New York City Department of Housing Preservation and Development submitted to the Council on May 6, 2021 its request for approval of the First Amended Urban Renewal Plan for the Mott Haven North Urban Renewal Area, dated May 6, 2021 (the "Plan");

WHEREAS, the City Planning Commission has certified that the Plan for the Area is an appropriate plan for the Area and complies with provisions of Article 15 of the General Municipal Law, and conforms to the comprehensive community plan for the development of the municipality as a whole and is consistent with local objectives;

WHEREAS, the City Planning Commission has certified its unqualified approval of the Plan pursuant to Section 505 of the General Municipal Law;

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

WHEREAS, the Plan is subject to review and action by the Council pursuant to Section 505 of the General Municipal Law;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on June 2, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued December 10th, 2020 (CEQR No. 19HPD084X) (the “Negative Declaration”).

RESOLVED:

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

Pursuant to Section 197-d of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 210155 HUX, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Council finds that the Area is a substandard or insanitary area, or is in danger of becoming a substandard or insanitary area, and tends to impair or arrest the sound growth and development of the municipality;

The Council finds that the financial aid to be provided to the municipality is necessary to enable the project to be undertaken in accordance with the Plan;

The Council finds that the Plan affords maximum opportunity to private enterprise, consistent with the sound needs of the municipality as a whole, for the undertaking of an urban renewal program;

The Council finds that the Plan conforms to a comprehensive community plan for the development of the municipality as a whole;

The Council finds that there is a feasible method for the relocation of families and individuals displaced from the Area into decent, safe and sanitary dwellings, which are or will be provided in the Area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities, at rents or prices within the financial means of such families or individuals, and reasonably accessible to their places of employment;

The Council finds that the undertaking and carrying out of the urban renewal activities in stages is in the best public interest and will not cause any additional or increased hardship to the residents of the Area;

The Council approves the designation of the Area pursuant to Section 504 of the General Municipal Law; and

The Council approves the amendment of the Plan pursuant to Section 505 of the General Municipal Law and Section 197-d of the Charter.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, June 16, 2021 (Remote Hearing).

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

Report for L.U. No. 801

Report of the Committee on Land Use in favor of approving Application number C 20210154 HAX (Melrose Open Door) submitted by the Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for approval of the designation of an Urban Development Action Area and approval of an Urban Development Action Area Project, and pursuant to Section 197-c of the New York City Charter for approval of the disposition of the City-owned property located at 672 St. Anns Avenue (Block 2617, Lot 20), 675 Eagle Avenue (Block 2617, Lot 70), 667 Cauldwell Avenue (Block 2624, Lot 73), 840-842 Tinton Avenue (Block 2667, Lots 1 & 2), Borough of the Bronx, Community District No. 1, Council District 17.

The Committee on Land Use, to which the annexed Land Use item was referred on May 27, 2021 (Minutes, page 1641) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 800 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1681

Resolution approving the application submitted by the Department of Housing Preservation and Development (“HPD”) and the decision of the City Planning Commission, ULURP No. C 210154 HAX, approving the designation of an Urban Development Action Area, an Urban Development Action Area Project, and the disposition of property located at 672 St. Anns Avenue (Block 2617, Lot 20), 675 Eagle Avenue (Block 2617, Lot 70), 667 Cauldwell Avenue (Block 2624, Lot 73), and 840-842 Tinton Avenue (Block 2667, Lots 1 and 2), Borough of the Bronx, Community District 1, to a developer selected by HPD (L.U. No. 801; C 210154 HAX).

By Council Members Salamanca and Riley.

WHEREAS, the City Planning Commission filed with the Council on May 14, 2021 its decision dated May 5, 2021 (the “Decision”), on the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) regarding city-owned property located at 672 St. Anns Avenue (Block 2617, Lot 20), 675 Eagle Avenue (Block 2617, Lot 70), 667 Cauldwell Avenue (Block 2624, Lot 73), and 840-842 Tinton Avenue (Block 2667, Lots 1 and 2), (the “Project Area”), approving:

- a) pursuant to Article 16 of the General Municipal Law of New York State the designation of Disposition Area as an Urban Development Action Area;

- b) pursuant to Article 16 of the General Municipal Law of New York State an Urban Development Action Area Project for the Disposition Area (the "Project"); and
- c) pursuant to Section 197-c of the New York City Charter the disposition of the Disposition Area to a developer to be selected by the New York City Department of Housing Preservation and Development;

which in conjunction with the related action would facilitate the construction of four building with 28 affordable residential units space in the Melrose neighborhood of Bronx, Community District 1 (ULURP No. C 210154 HAX) (the "Application");

WHEREAS, the Application is related to application C 210155 HUX (L.U. No. 800), an amendment to the Mott Haven North Urban Renewal Plan (URP);

WHEREAS, the City Planning Commission has certified its unqualified approval of UDAAP pursuant to Article 16 of the General Municipal Law;

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

WHEREAS, by letter dated May 6, 2021 and submitted to the Council on May 6, 2021, HPD submitted its requests (the "HPD Requests") respecting the Application including the submission of the project summary for the Project (the "Project Summary");

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision on June 2, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued December 10th, 2020, (CEQR No. 19HPD084X) (the "Negative Declaration").

RESOLVED:

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

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report C 210154 HAX and incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission and the HPD Requests.

Pursuant to Article 16 of the General Municipal Law of the New York State, based on the environmental determination and the consideration described in the report C 210154 HAX and incorporated by reference herein, the Council approves the Decision of the City Planning Commission and the HPD Requests.

The Council finds that the present status of the Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an urban development action area project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council approves the designation of the Area as an urban development action area pursuant to Section 693 of the General Municipal Law.

The Council approves the Project as an urban development action area project pursuant to Section 694 of the General Municipal Law and subject to the terms and conditions of the Project Summary.

The Council approves the disposition of the Disposition Area under Section 197-d of the New York City Charter, to a developer to be selected by the New York City Department of Housing Preservation and Development for the development of the Project consistent with the Project Summary.

ATTACHMENT:

PROJECT SUMMARY

- | | | |
|--|--|--------------------|
| 1. PROGRAM: | OPEN DOOR PROGRAM | |
| 2. PROJECT: | Melrose Open Door CB1 | |
| 3. LOCATION: | | |
| a. BOROUGH: | Bronx | |
| b. COMMUNITY DISTRICT: | 1 | |
| c. COUNCIL DISTRICT: | 17 | |
| d. DISPOSITION AREA: | <u>BLOCKS</u> | <u>LOTS</u> |
| | 2617 | 20 |
| | 2617 | 70 |
| | 2624 | 73 |
| | 2667 | 1 |
| | 2667 | 2 |
| 4. BASIS OF DISPOSITION PRICE: | Nominal. Sponsor will pay one dollar per tax lot and deliver a note and mortgage for the remainder of the appraised value ("Land Debt"). | |
| 5. TYPE OF PROJECT: | New Construction | |
| 6. APPROXIMATE NUMBER OF BUILDINGS: | 4 | |
| 7. APPROXIMATE NUMBER OF UNITS: | 28 | |
| 8. HOUSING TYPE: | Cooperative Units. If homes remain unsold at the end of the Marketing Period and HPD determines in writing that (i) sale is not feasible within a reasonable time, and (ii) a rental fallback is the best available alternative, then the unsold homes may be rented in accordance with the written instructions of HPD. | |

- 9. ESTIMATE OF INITIAL PRICE:** Sales prices will be affordable to families with annual household incomes at or below 110% of the area median income (AMI).
- 10. LIENS FOR LAND DEBT/CITY SUBSIDY:** Each of the Land Debt and the amount of any construction financing provided through loans from the City ("City Subsidy") will be secured by a mortgage on the Disposition Area. Upon conversion to a cooperative, the HDFC cooperative and/or CLT will repay the Land Debt and City Subsidy, if any, attributable to the property by delivering one or more notes and mortgages and/or a conditional grant agreement to the City. At such time, HPD may unsecure or forgive all or a portion of the Land Debt, and unsecure, but not forgive, all or a portion of the City Subsidy, based on the appraised value of a homeownership unit and/or, in the case of forgiveness of Land Debt, if HPD determines that the forgiveness is necessary to reduce the taxable consideration for a unit. The sum evidenced by the note and secured by the mortgage will be reduced to zero upon maturity of the Land Debt and City Subsidy, respectively, if the owner has complied with the program's restrictions.
- 11. INCOME TARGETS:** Families with annual household incomes at or below 110% of AMI.
- 12. PROPOSED FACILITIES:** None
- 13. PROPOSED CODES/ORDINANCES:** None
- 14. ENVIRONMENTAL STATUS:** Negative Declaration
- 15. PROPOSED TIME SCHEDULE:** Approximately 24 months from closing to completion of construction.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, June 16, 2021 (Remote Hearing).

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

Report for L.U. No. 802

Report of the Committee on Land Use in favor of approving Application number 20210156 HAX (Melrose Open Door) submitted by the Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for approval of the designation of an Urban Development Action Area and approval of an Urban Development Action Area Project, and pursuant to Section 197-c of the New York City Charter for approval of the disposition of the City-owned property located at 881 Brook Avenue (Block 2365, Lot 23), 901 Eagle Avenue (Block 2620, Lot 46), 959 Home Street (Block 2979, Lot 1), 1298 Hoe Avenue (Block 2987, Lot 14), 1013 Home Street (Block 2993, Lot 33), Borough of the Bronx, Community District 3, Council District 17.

The Committee on Land Use, to which the annexed Land Use item was referred on May 27, 2021 (Minutes, page 1641) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****BRONX CB - 3****C 210156 HAX**

City Planning Commission decision approving an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 881 Brook Avenue (Block 2365, Lot 23), 901 Eagle Avenue (Block 2620, Lot 46), 959 Home Street (Block 2979, Lot 1), 1298 Hoe Avenue (Block 2987, Lot 14), and 1013 Home Street (Block 2993, Lot 33) as an Urban Development Action Area; and
 - b) Urban Development Action Area for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such properties to a developer to be selected by HPD;

to facilitate the development of nine buildings containing approximately 32 affordable dwelling units, Borough of the Bronx, Community District 3.

INTENT

To approve the urban development action area designation, project approval, and disposition of city-owned property pursuant to Article 16 of the General Municipal Law to facilitate the development of nine residential buildings containing a total of 32 affordable residential units in the Melrose and Morrisania neighborhood of Bronx, Community District 3.

PUBLIC HEARING**DATE:** June 2, 2021**Witnesses in Favor:** Three**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** June 15, 2021

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

In Favor:

Riley, Koo, Barron, Miller, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** June 16, 2021

The Committee recommends that the Council approve the attached resolution.

In Favor:

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

Against:

None

Abstain:

None.

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

Res. No. 1682

Resolution approving the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) and the decision of the City Planning Commission, ULURP No. C 210156 HAX, approving the designation of an Urban Development Action Area, an Urban Development Action Area Project, and the disposition of property located at 881 Brook Avenue (Block 2365, Lot 23), 901 Eagle Avenue (Block 2620, Lot 46), 959 Home Street (Block 2979, Lot 1), 1298 Hoe Avenue (Block 2987, Lot 14), and 1013 Home Street (Block 2993, Lot 33), Borough of the Bronx, Community District 3, to a developer selected by HPD (L.U. No. 802; C 210156 HAX).

By Council Members Salamanca and Riley.

WHEREAS, the City Planning Commission filed with the Council on May 14, 2021 its decision dated May 5, 2021 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) regarding city-owned property located at 881 Brook Avenue (Block

2365, Lot 23), 901 Eagle Avenue (Block 2620, Lot 46), 959 Home Street (Block 2979, Lot 1), 1298 Hoe Avenue (Block 2987, Lot 14), and 1013 Home Street (Block 2993, Lot 33), (the "Project Area"), approving:

- a) pursuant to Article 16 of the General Municipal Law of New York State the designation of Disposition Area as an Urban Development Action Area;
- b) pursuant to Article 16 of the General Municipal Law of New York State an Urban Development Action Area Project for the Disposition Area (the "Project"); and
- c) pursuant to Section 197-c of the New York City Charter the disposition of the Disposition Area to a developer to be selected by the New York City Department of Housing Preservation and Development;

to facilitate the development of nine residential buildings containing a total of 32 affordable residential units in the Melrose and Morrisania neighborhood of Bronx, Community District 3 (ULURP No. C 210156 HAX) (the "Application");

WHEREAS, the City Planning Commission has certified its unqualified approval of UDAAP pursuant to Article 16 of the General Municipal Law;

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

WHEREAS, by letter dated May 6, 2021 and submitted to the Council on May 6, 2021, HPD submitted its requests (the "HPD Requests") respecting the Application including the submission of the project summary for the Project (the "Project Summary");

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision and the HPD Requests on June 2, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued December 10th, 2020, (CEQR No. 19HPD084X) (the "Negative Declaration").

RESOLVED:

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

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report C 210156 HAX and incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission and the HPD Requests.

Pursuant to Article 16 of the General Municipal Law of the New York State, based on the environmental determination and the consideration described in the report C 210156 HAX and incorporated by reference herein, the Council approves the Decision of the City Planning Commission and the HPD Requests.

The Council finds that the present status of the Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an urban development action area project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council approves the designation of the Area as an urban development action area pursuant to Section 693 of the General Municipal Law.

The Council approves the Project as an urban development action area project pursuant to Section 694 of the General Municipal Law and subject to the terms and conditions of the Project Summary.

The Council approves the disposition of the Disposition Area under Section 197-d of the New York City Charter, to a developer to be selected by the New York City Department of Housing Preservation and Development for the development of the Project consistent with the Project Summary.

ATTACHMENT:

PROJECT SUMMARY

- 1. **PROGRAM:** OPEN DOOR PROGRAM
- 2. **PROJECT:** Melrose Open Door CB3
- 3. **LOCATION:**
 - a. **BOROUGH:** Bronx
 - b. **COMMUNITY DISTRICT:** 3
 - c. **COUNCIL DISTRICT:** 17
 - d. **DISPOSITION AREA:**

<u>BLOCKS</u>	<u>LOTS</u>
2365	23
2620	46
2979	1
2987	14
2993	33
- 4. **BASIS OF DISPOSITION PRICE:** Nominal. Sponsor will pay one dollar per tax lot and deliver a note and mortgage for the remainder of the appraised value (“Land Debt”).
- 5. **TYPE OF PROJECT:** New Construction
- 6. **APPROXIMATE NUMBER OF BUILDINGS:** 5
- 7. **APPROXIMATE NUMBER OF UNITS:** 32
- 8. **HOUSING TYPE:** Cooperative Units. If homes remain unsold at the end of the Marketing Period and HPD determines in writing that (i) sale is not feasible within a reasonable time, and (ii) a rental fallback is the best available

alternative, then the unsold homes may be rented in accordance with the written instructions of HPD.

- 9. ESTIMATE OF INITIAL PRICE:** Sales prices will be affordable to families with annual household incomes at or below 110% of the area median income (AMI).
- 10. LIENS FOR LAND DEBT/CITY SUBSIDY:** Each of the Land Debt and the amount of any construction financing provided through loans from the City ("City Subsidy") will be secured by a mortgage on the Disposition Area. Upon conversion to a cooperative, the HDFC cooperative and/or CLT will repay the Land Debt and City Subsidy, if any, attributable to the property by delivering one or more notes and mortgages and/or a conditional grant agreement to the City. At such time, HPD may unsecure or forgive all or a portion of the Land Debt, and unsecure, but not forgive, all or a portion of the City Subsidy, based on the appraised value of a homeownership unit and/or, in the case of forgiveness of Land Debt, if HPD determines that the forgiveness is necessary to reduce the taxable consideration for a unit. The sum evidenced by the note and secured by the mortgage will be reduced to zero upon maturity of the Land Debt and City Subsidy, respectively, if the owner has complied with the program's restrictions.
- 11. INCOME TARGETS:** Families with annual household incomes at or below 110% of AMI.
- 12. PROPOSED FACILITIES:** None
- 13. PROPOSED CODES/ORDINANCES:** None
- 14. ENVIRONMENTAL STATUS:** Negative Declaration
- 15. PROPOSED TIME SCHEDULE:** Approximately 24 months from closing to completion of construction.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, June 16, 2021 (Remote Hearing).

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

Report for L.U. No. 803

Report of the Committee on Land Use in favor of approving Application number C 20210173 HAK (Bed Stuy Central and North Phase II) submitted by the Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law of New York State for the designation of an Urban Development Action Area and approval of an Urban Development Action Area Project for such area, and pursuant to Section 197-c of the New York City Charter for the disposition of City-owned property to a developer selected by HPD, for properties located at 187 and 187R Chauncey Street (Block 1687, Lots 76 and 176), 772 Myrtle Avenue (Block 1754, Lot 16), 890 Myrtle Avenue (Block 1755, Lot 40), and 119-125 Vernon Avenue (Block 1755, Lots 54, 55, 56, and 57), Borough of Brooklyn, Community District 3, Council District 36.

The Committee on Land Use, to which the annexed Land Use item was referred on May 27, 2021 (Minutes, page 1641) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****BROOKLYN CB - 3****C 210173 HAK**

City Planning Commission decision approving an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 187 and 187R Chauncey Street (Block 1687, Lots 76 and 176), 772 Myrtle Avenue (Block 1754, Lot 16), 890 Myrtle Avenue (Block 1755, Lot 40), 119-125 Vernon Avenue (Block 1755, Lots 54, 55, 56, and 57) as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such properties to a developer to be selected by HPD;

to facilitate the development of four buildings containing approximately 45 affordable housing units and commercial space, Borough of Brooklyn, Community District 3.

INTENT

To approve the urban development action area designation, project approval, and disposition of city-owned property pursuant to Article 16 of the General Municipal Law to facilitate the development of four residential buildings containing a total of 45 affordable residential units and ground floor commercial space in the Bedford-Stuyvesant neighborhood of Brooklyn, Community District 3.

PUBLIC HEARING**DATE:** June 2, 2021**Witnesses in Favor:** Four**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** June 15, 2021

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

In Favor:

Riley, Koo, Barron, Miller, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** June 16, 2021

The Committee recommends that the Council approve the attached resolution.

In Favor:

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

Against

None

Abstain:

None.

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

Res. No. 1683

Resolution approving the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) and the decision of the City Planning Commission, ULURP No. C 210173 HAK, approving the designation of an Urban Development Action Area, an Urban Development Action Area Project, and the disposition of property located at 187 and 187R Chauncey Street (Block 1687, Lots 76 and 176), 772 Myrtle Avenue (Block 1754, Lot 16), 890 Myrtle Avenue (Block 1755, Lot 40), and 119-125 Vernon Avenue (Block 1755, Lots 54, 55, 56, and 57), Borough of Brooklyn, Community District 3, to a developer selected by HPD (L.U. No. 803; C 210173 HAK).

By Council Members Salamanca and Riley.

WHEREAS, the City Planning Commission filed with the Council on May 14, 2021 its decision dated May 5, 2021 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development ("HPD") regarding city-owned property located at 187 and 187R Chauncey Street (Block 1687, Lots 76 and 176), 772 Myrtle Avenue (Block 1754, Lot 16), 890 Myrtle Avenue (Block 1755, Lot 40), and 119-125 Vernon Avenue (Block 1755, Lots 54, 55, 56, and 57), (the "Project Area"), approving:

- a) pursuant to Article 16 of the General Municipal Law of New York State the designation of Disposition Area as an Urban Development Action Area;
- b) pursuant to Article 16 of the General Municipal Law of New York State an Urban Development Action Area Project for the Disposition Area (the "Project"); and
- c) pursuant to Section 197-c of the New York City Charter the disposition of the Disposition Area to a developer to be selected by the New York City Department of Housing Preservation and Development;

to facilitate the development of four residential buildings containing a total of 45 affordable residential units and ground floor commercial space in the Bedford-Stuyvesant neighborhood of Brooklyn, Community District 3 (ULURP No. C 210173 HAK) (the "Application");

WHEREAS, the City Planning Commission has certified its unqualified approval of UDAAP pursuant to Article 16 of the General Municipal Law;

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

WHEREAS, by letter dated May 5, 2021 and submitted to the Council on May 5, 2021, HPD submitted its requests (the "HPD Requests") respecting the Application including the submission of the project summary for the Project (the "Project Summary");

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision and the HPD Requests on June 2, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued March 5th, 2020, (CEQR No. 18HPD078K) (the "Negative Declaration").

RESOLVED:

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

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report C 210173 HAK and incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission and the HPD Requests.

Pursuant to Article 16 of the General Municipal Law of the New York State, based on the environmental determination and the consideration described in the report C 210173 HAK and incorporated by reference herein, the Council approves the Decision of the City Planning Commission and the HPD Requests.

The Council finds that the present status of the Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an urban development action area project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council approves the designation of the Area as an urban development action area pursuant to Section 693 of the General Municipal Law.

The Council approves the Project as an urban development action area project pursuant to Section 694 of the General Municipal Law and subject to the terms and conditions of the Project Summary.

The Council approves the disposition of the Disposition Area under Section 197-d of the New York City Charter, to a developer to be selected by the New York City Department of Housing Preservation and Development for the development of the Project consistent with the Project Summary.

ATTACHMENT:

PROJECT SUMMARY

- | | | |
|--|--|--------------------|
| 1. PROGRAM: | OPEN DOOR PROGRAM | |
| 2. PROJECT: | Bed Stuy Central & North Phase II | |
| 3. LOCATION: | | |
| a. BOROUGH: | Brooklyn | |
| b. COMMUNITY DISTRICT: | 3 | |
| c. COUNCIL DISTRICT: | 36 | |
| d. DISPOSITION AREA: | <u>BLOCKS</u> | <u>LOTS</u> |
| | 1687 | 76 and 176 |
| | 1754 | 16 |
| | 1755 | 40 |
| | 1755 | 54, 55, 56, and 57 |
| 4. BASIS OF DISPOSITION PRICE: | Nominal. Sponsor will pay one dollar per tax lot and deliver a note and mortgage for the remainder of the appraised value ("Land Debt"). | |
| 5. TYPE OF PROJECT: | New Construction | |
| 6. APPROXIMATE NUMBER OF BUILDINGS: | 4 | |
| 7. APPROXIMATE NUMBER OF UNITS: | 45 | |
| 8. HOUSING TYPE: | Cooperative Units. If homes remain unsold at the end of the Marketing Period and HPD determines in | |

writing that (i) sale is not feasible within a reasonable time, and (ii) a rental fallback is the best available alternative, then the unsold homes may be rented in accordance with the written instructions of HPD.

- 9. ESTIMATE OF INITIAL PRICE:** Sales prices will be affordable to families with annual household incomes between 80% and 130% of the area median income (AMI).
- 10. LIENS FOR LAND DEBT/CITY SUBSIDY:** Each of the Land Debt and the amount of any construction financing provided through loans from the City ("City Subsidy") will be secured by a mortgage on the Disposition Area. Upon conversion to a cooperative, the cooperative corporation will repay the Land Debt and City Subsidy, if any, attributable to the property by delivering a note and mortgage and/or conditional grant agreement to the City. At such time, HPD may unsecure or forgive all or a portion of the Land Debt, and unsecure, but not forgive, all or a portion of the City Subsidy, based on the appraised value of a homeownership unit and/or, in the case of forgiveness of Land Debt, if HPD determines that the forgiveness is necessary to reduce the taxable consideration for a unit. The sum evidenced by the note and secured by the mortgage will be reduced to zero upon maturity of the Land Debt and City Subsidy, respectively, if the owner has complied with the program's restrictions.
- 11. INCOME TARGETS:** Families with annual household incomes between 80% and 130% of AMI.
- 12. PROPOSED FACILITIES:** Approximately 3,850 square feet of commercial space
- 13. PROPOSED CODES/ORDINANCES:** None
- 14. ENVIRONMENTAL STATUS:** Negative Declaration
- 15. PROPOSED TIME SCHEDULE:** Approximately 18 months from closing to completion of construction.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, June 16, 2021 (Remote Hearing).

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

Report for L.U. No. 804

Report of the Committee on Land Use in favor of approving Application number 20215026 HAK (Bed Stuy Central and North Phase II) submitted by the Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law requesting approval of an exemption from real property taxation for properties located at 187 and 187R Chauncey Street (Block 1687, Lots 76 and 176), 772 Myrtle Avenue (Block 1754, Lot 16), 890 Myrtle Avenue (Block 1755, Lot 40), and 119-125 Vernon Avenue (Block 1755, Lots 54, 55, 56, and 57), Borough of Brooklyn, Community District 3, Council District 36.

The Committee on Land Use, to which the annexed Land Use item was referred on May 27, 2021 (Minutes, page 1642) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****BROOKLYN CB - 3****20215026 HAK**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of Article XI of the Private Housing Finance Law for approval of a real property tax exemption, for property located at 187 & 187R Chauncey Street (Block 1687, Lots 76 and 176), 772 Myrtle Avenue (Block 1754, Lot 16), 890 Myrtle Avenue (Block 1755, Lot 40), and 119 - 125 Vernon Avenue (Block 1755, Lots 54, 55, 56, and 57), Borough of Brooklyn, Community District 3, Council District 36.

INTENT

To approve a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law, which consists of the new construction of approximately four buildings containing a total of approximately 45 cooperative units and approximately 3,850 square feet of commercial space on the Disposition Area.

PUBLIC HEARING**DATE:** June 2, 2021**Witnesses in Favor:** Four**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** June 15, 2021

The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development.

In Favor:

Riley, Koo, Barron, Miller, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: June 16, 2021

The Committee recommends that the Council approve the attached resolution.

In Favor:

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

Against:

None

Abstain:

None.

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

Res. No. 1684

Resolution approving a tax exemption pursuant to Article XI of the Private Housing Finance Law (L.U. No. 804; Non-ULURP No. 20215026 HAK).

By Council Members Salamanca and Riley.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council on May 5, 2021 its request dated May 5, 2021 that the Council approve a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (the “Tax Exemption Request”) for property located at 187 & 187R Chauncey Street (Block 1687, Lots 76 and 176), 772 Myrtle Avenue (Block 1754, Lot 16), 890 Myrtle Avenue (Block 1755, Lot 40), and 119 - 125 Vernon Avenue (Block 1755, Lots 54, 55, 56, and 57), Community District 3, Borough of Brooklyn, Council District 36 (the “Exemption Area”);

WHEREAS, the Tax Exemption Request is related to application C 210173 HAK (L.U. No. 803), an urban development action area designation, project approval, and disposition of city-owned property;

WHEREAS, upon due notice, the Council held a public hearing on the Tax Exemption Request on June 2, 2021; and

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

RESOLVED:

Pursuant to Section 577 of the Private Housing Finance Law, the Council approves an exemption of the Exemption Area from real property taxes as follows:

- a. For the purposes hereof, the following terms shall have the following meanings:

- (1) “Company” shall mean Bed Stuy Best LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - (2) “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
 - (3) “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - (4) “Exemption Area” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 1687, Lots 76 and 176; Block 1754, Lot 16; and Block 1755, Lots 40, 54, 55, 56, and 57 on the Tax Map of the City of New York.
 - (5) “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.
 - (6) “HDFC” shall mean Restored Homes Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - (7) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - (8) “Owner” shall mean, collectively, the HDFC and the Company.
 - (9) “Regulatory Agreement” shall mean the regulatory agreement(s) between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
- b. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
- c. Notwithstanding any provision hereof to the contrary:
- (1) 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 60 days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 - (2) The Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that have a permanent certificate of occupancy or a temporary

certificate of occupancy for all of the residential areas on or before five years from the Effective Date.

- (3) 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. 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.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, June 16, 2021 (Remote Hearing).

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

Report for L.U. No. 805

Report of the Committee on Land Use in favor of approving Application number 20185028 PAR (72-H Transfer of Block 3930, Lot 50) submitted by the Department of Citywide Administrative Services pursuant to Section 72-H of the General Municipal Law for the transfer of City-owned property to the United States of America, acting by and through the National Park Service, for property located at Bock 3930, Lot 50, Borough of Staten Island, Community District 2, Council District 50.

The Committee on Land Use, to which the annexed Land Use item was referred on May 27, 2021 (Minutes, page 1642) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

STATEN ISLAND CB - 2

20185028 PAR

Application submitted by the Department of Citywide Administrative Services pursuant to Section 72-H of the General Municipal Law for the transfer of City-owned property to the United States of America, acting by and through the National Park Service, for property located at Bock 3930, Lot 50 for the purpose of use as an enhanced swamp and public access path pursuant to the environmental mitigation required by the South Shore Staten Island Coastal Storm Risk Management environmental review.

INTENT

To transfer with a total of 297,533 square feet or 6.83 acres of City-owned property known as Block 3930, Lot 50 to the United States of America acting by and through the National Park Service for the use as an enhanced swamp and public access path.

PUBLIC HEARING

DATE: June 2, 2021

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: June 15, 2021

The Subcommittee recommends that the Land Use Committee approve the transfer of City-owned property known as Block 3930, Lot 50 to the United States of America acting by and through the National Park Service.

In Favor:

Riley, Koo, Barron, Miller, Treyger.

Against: **Abstain**
None None

COMMITTEE ACTION

DATE: June 16, 2021

The Committee recommends that the Council approve the attached resolution.

In Favor:

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

Against: **Abstain:**
None None.

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

Res. No. 1685

Resolution approving the proposed transfer of City-owned property bounded by the southeastern terminus of Otis Avenue, Block 3905/Lots 1 and 41, Block 3904/Lot 1, the southeastern terminus of Bryant Avenue, and Block 3930/Lots 10 and 90 to the United States of America, acting by and through National Park Service for the purpose that the entire property be used as an enhanced swamp and public access path, Community Board 2, Borough of Staten Island (20215028 PAR; L.U. No. 805).

By Council Members Salamanca and Riley.

WHEREAS, the New York City Department of Citywide Administrative Services (“DCAS”) filed with the Council on May 20, 2021, pursuant to Section 72-h of the General Municipal Law, notice of the Mayor’s authorization dated April 27, 2021 of the disposition of real property bounded by the southeastern terminus of Otis Avenue, Block 3905/Lots 1 and 41, Block 3904/Lot 1, the southeastern terminus of Bryant Avenue, and Block 3930/Lots 10 and 90 in the borough of Staten Island, known as Block 3930, Lot 50, to the United States of America, acting by and through National Park Service, and upon terms and conditions set forth in the Mayor’s resolution authorizing the disposition, a copy of which is attached hereto (the “Disposition”);

WHEREAS, the Disposition is subject to review and action by the Council pursuant to Section 72-h of the New York State General Municipal Law;

WHEREAS, upon due notice, the Council held a public hearing on the Disposition on June 2, 2021;

WHEREAS, the Council has considered the policy issues relating to the Disposition; and

WHEREAS, the Council has considered the relevant environmental issues relating to the Disposition including that all of the property shall be used as an enhanced swamp and public access path pursuant to the environmental mitigation required by the South Shore Staten Island Coastal Storm Risk Management environmental review;

RESOLVED:

Pursuant to Section 72-h of the General Municipal Law, the Council approves the Disposition upon the terms and conditions set forth in the Mayor’s resolution authorizing the Disposition.

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**THE MAYOR
CITY OF NEW YORK
APRIL 14, 2021
CALENDAR NO. 6**

WHEREAS, a duly noticed Voluntary Public Hearing in the matter of a transfer of property was held and closed by the Mayor on Wednesday, April 14, 2021 (Cal. No. 6);

WHEREAS, the Voluntary Public Hearing was closed without public testimony or amendment;

WHEREAS, as certified below, a duly noticed Voluntary Public Hearing in the matter of the Department of Citywide Administrative Services, on behalf of the New York City Mayor’s Office of Resiliency, proposes the transfer of a City-owned property known as Block 3930, Lot 50 in the Borough of Staten Island to the United States of America, acting by and through the National Park Service pursuant to NYS General Municipal Law Section 72-h was held and closed by the Mayor on Wednesday, April 14, 2021 (Cal. No. 6). This property is bounded by the southeastern terminus of Otis Avenue, Block 3905 Lots 1 & 41, Block 3904 Lot 1, the southeastern terminus of Bryant Avenue, and Block 3930 Lots 10 & 90 in New Dorp., Staten Island with a total of 297,533 square feet or 6.83 acres. All of the Property shall be used as an enhanced swamp and public access path pursuant to the environmental mitigation required by the South Shore Staten Island Coastal Storm Risk Management environmental review in perpetuity and, if the Property or any portion thereof ceases to be used or maintained for such purposes, all right, title and interest to all or any portion of the Property shall automatically revert to the City. Consideration for this action is \$1.00.

CERTIFICATION by the Mayor’s Office of Contract Services/Public Hearings Unit of the actions at, and final disposition of, the Real Property Public Hearing held on Wednesday April 14, 2021 (Cal. No. 6).

JACQUELINE GALORY
Name

HEARING SECRETARY
Title

APRIL 27, 2021
Date

NOW, after due consideration, and if not disapproved by the City Council within thirty days following receipt of notice of this authorization, the Mayor hereby authorizes the Department of Citywide Administrative Services, on behalf of the Mayor’s Office of Resiliency to conduct this real estate transaction described in the Calendar of Public Hearing on Real Property Acquisitions and Dispositions, dated Wednesday, April 14, 2021 (Cal. No. 6). A copy of the calendar is annexed thereto.

1 Parcel
Borough of Staten Island
Block 3930, Lot 50

4/27/2021

Date

DocuSigned by:
Simon, Daniel
3005C7209A454CD...

Daniel Symon
Director, Mayor’s Office of Contract Services

BOROUGH OF STATEN ISLAND
No. 6

R – 00766

VOLUNTARY PUBLIC HEARING in the matter of the proposed transfer by the Department of Citywide Administrative Services, on behalf of the New York City Mayor’s Office of Resiliency, of a City-owned property known as Block 3930, Lot 50 in the Borough of Staten Island to the United States of America, acting by and through the National Park Service pursuant to NYS General Municipal Law Section 72-h. This property is bounded by the southeastern terminus of Otis Avenue, Block 3905 Lots 1 & 41, Block 3904 Lot 1, the southeastern terminus of Bryant Avenue, and Block 3930 Lots 10 & 90 in New Dorp, Staten Island with a total of 297,533 square feet or 6.83 acres. All of the Property shall be used as an enhanced swamp and public access path pursuant to the environmental mitigation required by the South Shore Staten Island Coastal Storm Risk Management environmental review in perpetuity and, if the Property or any portion thereof ceases to be used or maintained for such purposes, all right, title and interest to all or any such portion of the Property shall automatically revert to the City. Consideration for this action is \$1.00.

Wednesday, April 14, 2021

10

<u>Block</u>	<u>Lot(s)</u>	<u>Location</u>	<u>Lot Size</u>	<u>Zoning</u>
3930	50	Bounded by the southeastern terminus of Otis Avenue, Block 3905 Lots 1 & 41, Block 3904 Lot 1, the southeastern terminus of Bryant Avenue, and Block 3930 Lots 10 & 90	297,533 square feet (Irreg.)	R3-2

If approved by the Mayor of the City of New York, and not disapproved by the City Council, the Department of Citywide Administrative Services, on behalf of the New York City Mayor’s Office of Resiliency, shall be authorized to conduct this real estate transaction with the Federal Government pursuant to NYS General Municipal Law Section 72-h.

Close the Hearing.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, June 16, 2021 (Remote Hearing).

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

Report for L.U. No. 806

Report of the Committee on Land Use in favor of approving Application number C 210063 ZMX (St. Joseph's-1949 Bathgate Avenue) submitted by St. Joseph Apartments LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3d, by changing from an R6A District to an R7D District property bounded by East 178th Street, Bathgate Avenue, a line 220 feet southerly of East 178th Street, and Washington Avenue, Borough of the Bronx, Community District 6, Council District 15.

The Committee on Land Use, to which the annexed Land Use item was referred on May 27, 2021 (Minutes, page 1642) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****BRONX CB-6 - TWO APPLICATIONS RELATED TO ST. JOSEPH'S-1949 BATHGATE AVENUE****C 210063 ZMX (L.U. No. 806)**

City Planning Commission decision approving an application submitted by St. Joseph Apartments, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3d, by changing from an R6A District to an R7D District property bounded by East 178th Street, Bathgate Avenue, a line 220 feet southerly of East 178th Street, and Washington Avenue, Borough of the Bronx, Community District 6, as shown on a diagram (for illustrative purposes only) dated March 1, 2021, and subject to the conditions of CEQR Declaration E-602.

N 210062 ZRX (L.U. No. 807)

City Planning Commission decision approving an application submitted by St. Joseph Apartments, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of The Bronx, Community District 6.

INTENT

To approve the amendment to rezone the Project Area which contains the Development Site (Block 3043, Lots 10, 16, 22, and 23) and portions of two lots (Block 3043, p/o of Lots 8 and 30 that are not owned by the applicant) from an R6A zoning district to an R7D zoning district and to amend the zoning text to establish the Project Area as a Mandatory Inclusionary Housing ("MIH") area utilizing Options 1 and 2 to facilitate the construction of an 11-story residential development containing 287 affordable units and supportive services at 1949 Bathgate Avenue in the Tremont neighborhood of Bronx, Community District 6.

PUBLIC HEARING**DATE:** June 1, 2021**Witnesses in Favor:** Seven**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** June 16, 2021

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on L.U. Nos. 806 and 807.

In Favor:

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

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** June 16, 2021

The Committee recommends that the Council approve the attached resolutions.

In Favor:

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

Against:

None

Abstain:

None.

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

Res. No. 1686

Resolution approving the decision of the City Planning Commission on ULURP No. C 210063 ZMX, a Zoning Map amendment (L.U. No. 806).

By Council Members Salamanca and Moya.

WHEREAS, St. Joseph Apartments, 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. 3d, by changing from an R6A District to an R7D District, which in conjunction with the related action would facilitate the construction of an 11-story residential development containing 287 affordable units and supportive services at 1949 Bathgate Avenue in the Tremont neighborhood of Bronx, Community District 6, (ULURP No. C 210063 ZMX) (the "Application");

WHEREAS the City Planning Commission filed with the Council on May 21, 2021 its decision dated May 19, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to application N 210062 ZRX (L.U. No. 807), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on June 1, 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 on March 1, 2021 (CEQR No. 21DCP081X), which includes an (E) designation to avoid the potential for significant adverse impacts related to air quality and hazardous materials impacts (E-602) (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-602) 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 210063 ZMX, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 3d, by changing from an R6A District to an R7D District property bounded by East 178th Street, Bathgate Avenue, a line 220 feet southerly of East 178th Street, and Washington Avenue, Borough of the Bronx, Community District 6, as shown on a diagram (for illustrative purposes only) dated March 1, 2021, and subject to the conditions of CEQR Declaration E-602.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, June 16, 2021 (Remote Hearing).

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

Report for L.U. No. 807

Report of the Committee on Land Use in favor of approving Application number N 210062 ZRX (St. Joseph's-1949 Bathgate Avenue) submitted by St Joseph Apartments LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of the Bronx, Community District 6, Council District 15.

The Committee on Land Use, to which the annexed Land Use item was referred on May 27, 2021 (Minutes, page 1642) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 806 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1687

Resolution approving the decision of the City Planning Commission on Application No. N 210062 ZRX, for an amendment of the text of the Zoning Resolution (L.U. No. 807).

By Council Members Salamanca and Moya.

WHEREAS, St. Joseph Apartments, LLC, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related action would facilitate the construction of an 11-story residential development containing 287 affordable units and supportive services at 1949 Bathgate Avenue in the Tremont neighborhood of the Bronx, Community District 6 (ULURP No. N 210062 ZRX), (the "Application");

WHEREAS, the City Planning Commission filed with the Council on May 21, 2021, its decision dated May 19, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to application C 210063 ZMX (L.U. No. 806), a zoning map amendment to change an R6A zoning district to an R7D 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 June 1, 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 on March 1, 2021 (CEQR No. 21DCP081X), which includes an (E) designation to avoid the potential for significant adverse impacts related to air quality and hazardous materials impacts (E-602) (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-602) 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 210062 ZRX, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Matter underlined is new, to be added;

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

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

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

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

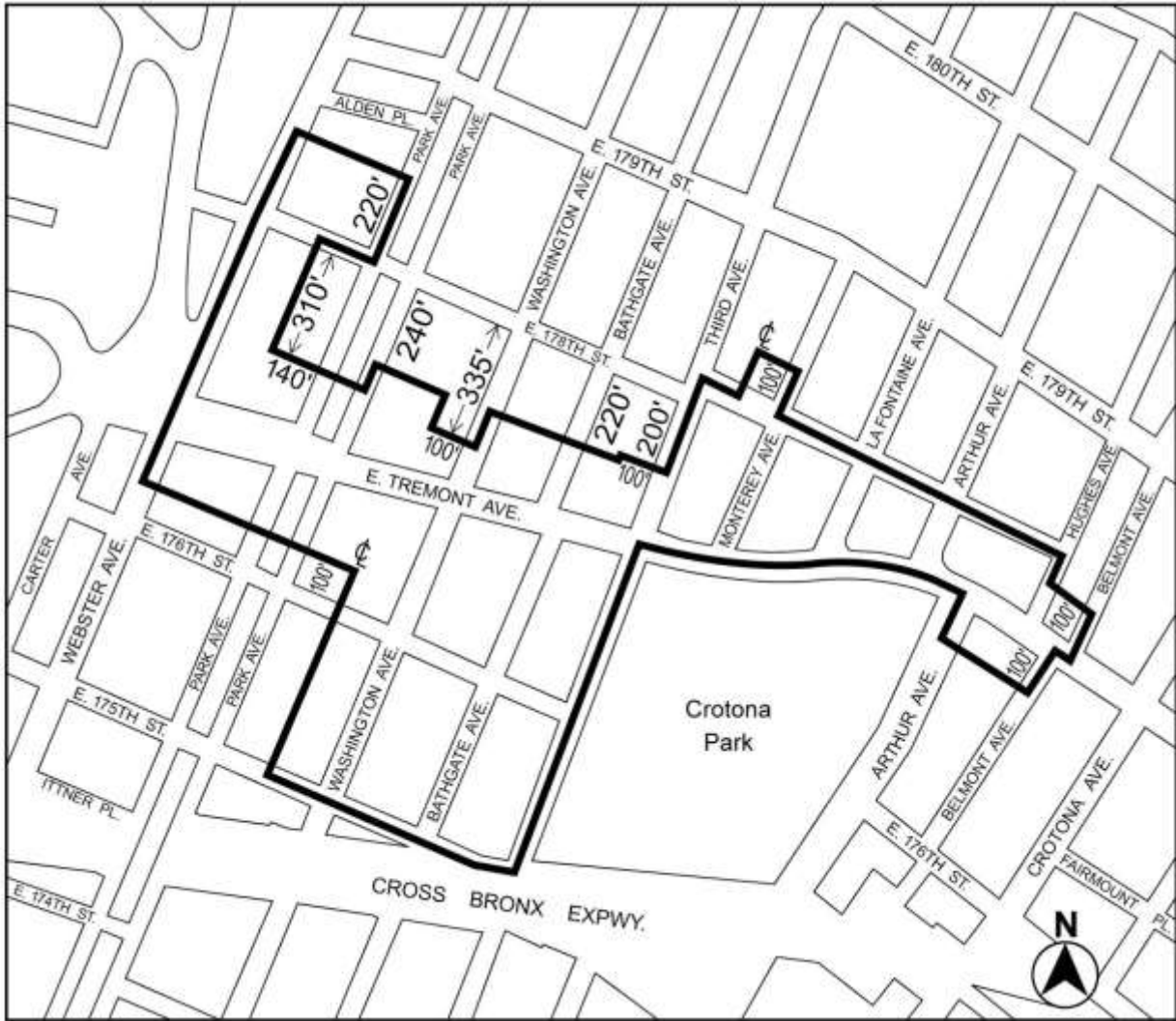
THE BRONX

* * *

The Bronx Community District 6

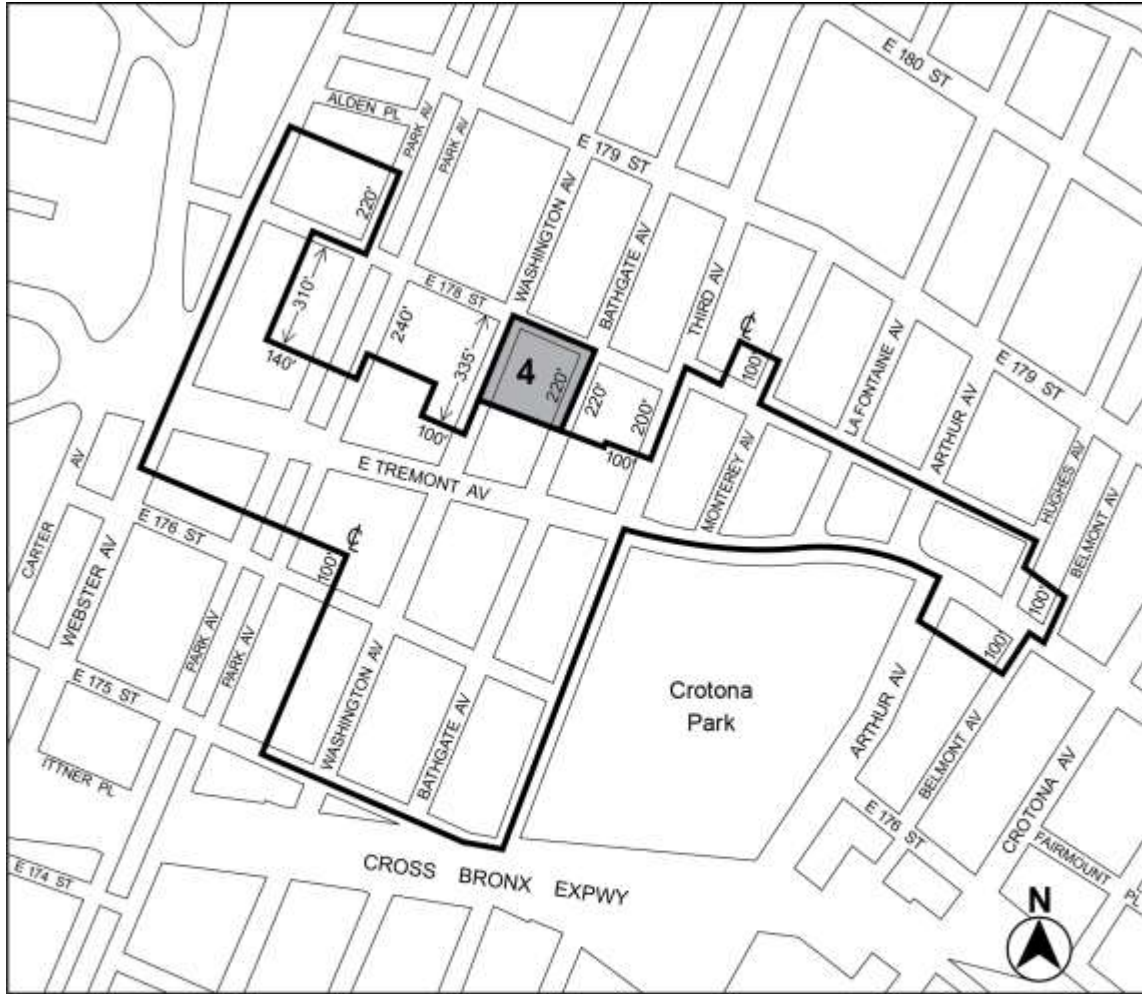
Map 3 – [date of adoption]


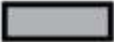
[EXISTING MAP]



 *Inclusionary Housing designated area*

[PROPOSED MAP]



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

Area 4 – [date of adoption] – MIH Program Option 1 and Option 2

Portion of Community District 6, The Bronx

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, June 16, 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 Land Use and had been favorably reported for adoption.

Report for Preconsidered L.U. No. 812

Report of the Committee on Land Use in favor of approving Application number 20215029 SCM (860-Seat Primary and Intermediate School Facility) submitted pursuant to Section 1732 of the New York School Construction Authority Act, for approval of a proposed site selection for a new, approximately 860-Seat Primary and Intermediate School Facility located at 3761 10th Avenue (Block 2198, Lots 1 and 5), Borough of Manhattan, Council District 10, Community School District 6.

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on June 17, 2021 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 12

20215029 SCM

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 860-Seat Primary and Intermediate School Facility replacing a leased space currently occupied by two organizations presently known as PS18M and PSMS278M located at 3761 10th Avenue (Block 2198, Lots 1 and 5), Borough of Manhattan, Council District 10, Community School District 6.

INTENT

To approve the site plan for the construction of a new, approximately 860-Seat Primary and Intermediate School facility to accommodate students in Community School District No. 6.

PUBLIC HEARING

DATE: June 15, 2021

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: June 15, 2021

The Subcommittee recommends that the Land Use Committee approve the Site Plan.

In Favor:

Riley, Koo, Barron, Miller, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: June 16, 2021

The Committee recommends that the Council approve the attached resolution.

In Favor:

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

Against:

None

Abstain:

None.

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

Res. No. 1688

Resolution approving the site plan for a new, approximately 860-Seat Primary and Intermediate School Facility located at 3761 10th Avenue (Block 2198, Lots 1 and 5) Community District 12, Borough of Manhattan (Non-ULURP No. 20215029 SCM; Preconsidered L.U. No. 812).

By Council Members Salamanca and Riley.

WHEREAS, the New York City School Construction Authority submitted to the Council on June 11, 2021, a site plan pursuant to Section 1732 of the New York State Public Authorities Law for a new, approximately 860-Seat Primary and Intermediate School Facility located at 3761 10th Avenue (Block 2198, Lots 1 and 5), Community District 12, Borough of Manhattan, to accommodate students in Community School District No. 6 (the “Site Plan”);

WHEREAS, the Site Plan is subject to review and action by the Council pursuant to Section 1732 of the New York State Public Authorities Law;

WHEREAS, upon due notice, the Council held a public hearing on the Site Plan on June 15, 2021;

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued on May 21, 2021, (SEQR Project Number 21-005) (the “Negative Declaration”); and

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

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment as

set forth in the Negative Declaration.

Pursuant to Section 1732 of the Public Authorities Law, the Council approves the Site Plan.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, June 16, 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 Sanitation and Solid Waste Management

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

Report for Int. No. 2253

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

The Committee on Sanitation and Solid Waste Management, to which the annexed preconsidered proposed local law was referred on April 22, 2020 (Minutes, page 876), respectfully

REPORTS:

I. INTRODUCTION

On June 17, 2021 the Committee on Sanitation and Solid Waste Management (the Committee), chaired by Council Member Antonio Reynoso held a hearing on Int. No 2353, which would make various amendments to Local Law 55 of 2019 (Local Law 55). Local Law 55 was enacted on March 18, 2019.

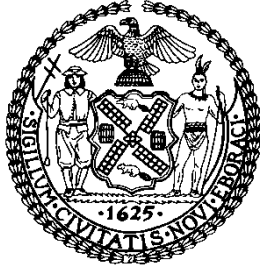
II. INT. NO. 2353

Local Law 55 authorized the Business Integrity Commission (BIC) to establish standards for the registration of unions representing drivers and helpers in the private carting industry. Local Law 55 currently allows BIC to regulate all trade waste unions. This bill would limit the unions in the private carting industry that are subject to BIC's regulation to those unions that represent employees in the putrescible trade waste industry. This bill would take effect immediately.

III. UPDATE

On June 17, 2021, the Committee held a vote on Int. No. 2353. Int. No. 2353 passed with 7 in the affirmative, 0 in the negative, and 0 abstentions. Thus, the Committee recommends adoption.

(The following is the text of the Fiscal Impact Statement for Int. No. 2353:)



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

PRECONSIDERED INTRO. NO. 2353

COMMITTEE: Sanitation and Solid Waste
Management

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

SPONSOR: Council Member Reynoso.

SUMMARY OF LEGISLATION: Preconsidered would clarify the requirement that the Business Integrity Commission (BIC) issue and establish standards for the registration of labor unions in the putrescible trade waste industry.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2022

FISCAL IMPACT STATEMENT:

	Effective FY21	FY Succeeding Effective FY22	Full Fiscal Impact FY22
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Jonathan Seltzer, Senior Financial Analyst

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

LEGISLATIVE HISTORY: This legislation will be considered as a preconsidered introduction by the Committee on Sanitation and Solid Waste Management on June 17, 2021. Upon a successful vote by the Committee, this preconsidered introduction will be introduced to the full Council and then be submitted to the full Council for a vote on June 17, 2021.

DATE PREPARED: June 15, 2021.

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 2353:)

Preconsidered Int. No. 2353

By Council Members Reynoso, Kallos and Louis.

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

Be it enacted by the Council as follows:

Section 1. Section 16-503 of the administrative code of the city of New York, as amended by local law number 55 for the year 2019, is amended to read as follows:

§ 16-503 Functions. The commission shall be responsible for the licensing, registration and regulation of businesses that remove, collect or dispose of trade waste[,] and trade waste brokers[, and]. *The commission shall also be responsible for the registration and regulation of labor unions or labor organizations that represent or seek to represent employees directly involved in the collection, removal, transportation or disposal of putrescible trade waste. The commission shall not be responsible for the registration and regulation of labor unions or labor organizations that represent or seek to represent employees directly involved only in the collection, removal, transportation or disposal of one or more of the following: non-putrescible waste, including construction and demolition debris; medical waste; electronic waste; textiles; yard waste collected by landscapers; waste removed by junk haulers or one-time bulk waste services; grease; paper that is collected for the purpose of shredding or destruction; or organic waste that is collected exclusively by a micro-hauler licensee, as that term is defined in rules promulgated by the commission.*

§ 2. Subdivision i of section 16-504 of the administrative code of the city of New York, as added by local law number 55 for the year 2019 and relettered by local law number 199 for the year 2019, is amended to read as follows:

i. To issue and establish standards for the registration of labor unions or labor organizations [representing or seeking to represent employees directly involved in the collection, removal, transportation or disposal of trade waste] *subject to the jurisdiction of the commission pursuant to section 16-503* and for suspending or disqualifying officers of such unions or organizations.

§ 3. Subdivision c of section 16-505 of the administrative code of the city of New York, as added by local law number 55 for the year 2019, is amended to read as follows:

c. A labor union or labor organization [representing or seeking to represent employees directly involved in the collection, removal, transportation or disposal of waste] *subject to the jurisdiction of the commission pursuant to section 16-503* shall, within the time period prescribed by the commission, register with the commission and shall disclose information to the commission as the commission may by rule require, including but not limited to the names of all officers and agents of such union or organization; provided, however, that no labor union or labor organization shall be required to furnish information pursuant to this section which is already included in a report filed by such labor union or labor organization with the secretary of labor pursuant to 29

U.S.C. § 431, et seq., or § 1001, et seq., if a copy of such report, or of the portion thereof containing such information, is furnished to the commission; and provided further that this section shall not apply (i) to a labor union or labor organization representing or seeking to represent clerical or other office workers, or (ii) to affiliated national or international labor unions of local labor unions that are required to register pursuant to this provision. *In addition, notwithstanding any inconsistent provision of this chapter, including the provisions of section 16-503, if the commission inquires in writing of a labor union or labor organization that represents employees involved in the collection, removal, transportation or disposal of trade waste as to whether that labor union or labor organization represents employees at any company that collects, removes, transports or disposes of putrescible trade waste, such labor union or labor organization must respond to the commission within 30 days in a sworn, written statement, and, if the labor union or labor organization represents employees at any company that collects, removes, transports or disposes of putrescible waste, identify the company or companies.*

§ 4. Subdivision g of section 16-509 of the administrative code of the city of New York, as added by local law number 55 for the year 2019, is amended by to read as follows:

g. The commission may, after notice and the opportunity to be heard, disqualify an officer of a labor union or labor organization *subject to the jurisdiction of the commission pursuant to section 16-503* from holding office when such person: (i) has failed, by the date prescribed by the commission, to be fingerprinted or to provide truthful information in connection with the reporting requirements of subdivisions c and d of section 16-505; (ii) is the subject of a pending indictment or criminal action against such officer for a crime which bears a direct relationship to the trade waste industry, in which case the commission may defer a determination until a decision has been reached by the court before which such action is pending; (iii) has been convicted of a crime which, under the standards set forth in article 23-A of the correction law, bears a direct relationship to the trade waste industry, in which case the commission shall also consider the bearing, if any, that the criminal offense or offenses will have on the fitness of the officer to perform his or her responsibilities, the time which has elapsed since the occurrence of the criminal offense or offenses; the seriousness of the offense or offenses, and any information produced by the person, or produced on his or her behalf, in regard to his or her rehabilitation or good conduct; (iv) has been convicted of a racketeering activity or associated with a person who has been convicted of a racketeering activity, including but not limited to the offenses listed in subdivision one of section nineteen hundred sixty-one of the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. § 1961, et seq.) or of an offense listed in subdivision one of section 460.10 of the penal law, as such statutes may be amended from time to time, when the officer knew or should have known of such conviction; or (v) has associated with any member or associate of an organized crime group, as identified by a federal, state or city law enforcement or investigative agency, when the officer knew or should have known of the organized crime associations of such person. An officer required to disclose information pursuant to subdivisions c and d of section 16-505 may submit to the commission any material or explanation which such officer believes demonstrates that such information does not reflect adversely upon the officer's good character, honesty and integrity. If the commission determines pursuant to this subdivision that there are sufficient grounds to disqualify a person from holding office in a labor union or labor organization, the commission shall suspend such person from holding office pending a final determination and, in the event such person is disqualified, such suspension shall continue pending resignation or vacatur of or removal from office.

§ 5. Subdivision k of section 16-509 of the administrative code of New York, as added by local law 55 for the year 2019, is amended to read as follows:

k. Notwithstanding any other provision of this chapter to the contrary, the provisions of this section shall apply to any labor union or labor organization *otherwise subject to the jurisdiction of the commission pursuant to section 16-503* and representing or seeking to represent employees of businesses required to be licensed or registered pursuant to this chapter.

§ 6. This local law takes effect immediately.

ANTONIO REYNOSO, *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN, JUSTIN L. BRANNAN, KEVIN C. RILEY, JAMES F. GENNARO; OSWALD FELIZ; Committee on Sanitation and Solid Waste Management, June 17, 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 Small Business

Report for Int. No. 2233-A

Report of the Committee on Small Business 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 reducing penalties and allowing opportunities to cure for certain violations, to repeal chapter 4-B of title 16 of such code, relating to the recycling of plastic carryout bags and film plastic, to repeal section 20-117 of such code, relating to disclosure of a security breach by a licensee of the department of consumer and worker protection, to repeal section 20-118 of such code, relating to notification of the department of consumer and worker protection by a licensee of a judgment regarding identity theft, to repeal section 20-212 of such code, relating to the licenses required to operate an amusement device, gaming café, and amusement arcade, to repeal 20-213 of such code, relating to the fees for such licenses, to repeal subchapter 13 of chapter 2 of title 20 of such code, relating to the licensing of auctioneers by the department of consumer and worker protection, to repeal sections 20-297.2, 20-297.3, and 20-297.4 of such code, relating to the licensing of laundries, to repeal subdivision e of section 20-634 of such code, relating to the collection of written statements from applicants for a license by the commissioner of the department of consumer and worker protection to the advisory task force, to repeal subchapter 16 of chapter 2 of title 20 of such code, relating to the licensing of persons who are conducting a sale of goods, wares or merchandise, to repeal section 20-348 of such code, relating to permitting conduct of games of bingo after 6 p.m. on Sundays, to repeal subchapter 2 of chapter 4 of title 20 of the administrative code of the city of New York, relating to the sale of charcoal, to repeal subchapter 4 of chapter 4 of title 20 of such code, relating to the sale of chopped meat, to repeal subchapter 6 of chapter 4 of title 20 of such code, relating to the sale of processed meats or meat products, to repeal subchapter 9 of chapter 4 of title 20 of such code, in relation to the sale of plumbing fixtures that do not comply with section 604.4 of the New York city plumbing code, to repeal subchapter 10 of chapter 4 of title 20 of such code, in relation to the sale of water supply control valves, to repeal subchapter 11 of chapter 4 of title 20 of such code, in relation to the sale of gauges that utilize mercury, to repeal section 20-713 of such code, in relation to the display of the current selling price of prescription drugs

The Committee on Small Business, to which the annexed proposed amended local law was referred on February 25, 2021 (Minutes, page 394), respectfully

REPORTS:

I. Introduction

On June 17, 2021, the Committee on Small Business, chaired by Council Member Mark Gjonaj, held a vote on Proposed Int. No. 2233-A, in relation to reducing penalties and allowing opportunities to cure for certain violations, and Proposed Int. No. 2234-A, in relation to establishing a temporary program to resolve outstanding judgments imposed by the environmental control board. This is the second hearing on these bills. The first hearing was held on March 1, 2021, at which time the Committee heard testimony from the Department of Small Business Services (SBS), small business advocates, chambers of commerce, Business Improvement Districts, and other members of the public. At the vote on June 17, the Committee voted 7 in favor, 0 opposed and 0 abstentions on the bill.

II. Background

In late December 2019, a new virus, SARS-CoV-2, was detected in Wuhan, China and by January 30, 2020, the World Health Organization (WHO) declared that COVID-19, the disease caused by the SARS-CoV-2 virus, was now a Public Health Emergency of International Concern (PHEIC).¹ As of June 15, 2021, COVID-19 has infected over 176 million people across 219 countries and territories, and has killed over 3.8 million people.² In the United States alone, there have been over 33 million infections and over 600,000 deaths.³ To date, New York City has had over 950,000 infections and over 33,000 deaths.⁴

The progressive nature by which the virus spreads has caused governments across the globe to shutdown businesses, schools, religious and cultural institutions, and mandate various levels of social isolation. While these measures have helped to limit the spread of the virus, stay-at-home orders have had a catastrophic impact on economic markets, particularly small businesses that thrive from regular contact with their community and neighbors.

A survey of approximately 600 small businesses conducted in September 2020 by Comcast Business found that 86 percent of respondents experienced a decline in business revenue in 2020, with 70 percent projecting that they could lose up to half their annual revenue in 2020.⁵ Further, since the pandemic began, only 21 percent of businesses surveyed report having resumed normal operations, and 53 percent predict that it will take about six months to a year to return to what was previously considered “normal.”⁶

Limitations on City Businesses in Response to COVID-19

As businesses were subject to operational restrictions and New Yorkers stayed home to stop the spread of the virus, consumer spending declined in the City. In late March 2020, consumer spending dropped 44 percent year-over-year, according to Mastercard.⁷ The Manhattan Chamber of Commerce reported that foot traffic in Manhattan at the end of August was down nearly 40 percent compared to pre-COVID times.⁸ According to the research firm Opportunity Insights, small business revenues dropped over 70 percent in New York City in early April in comparison to January 2020.⁹ As of December 30, 2020, small business revenues were still down over 53 percent in comparison to January 2020.¹⁰

The drastic drop in consumer spending in the City and resulting loss in revenue for businesses has made it difficult for business owners to continue paying rent. The Hospitality Alliance surveyed over 400 restaurants, bars, nightclubs and event venues in NYC about their rent obligations in October. The resulting report found that approximately 88 percent of respondents could not pay their full rent in October, while around 59 percent of landlords did not waive rent payments for restaurants, bars and night clubs.¹¹ The current outlook for many small businesses is dire as they experience massive revenue declines but must continue paying the same fixed costs, such as rent, as pre-COVID times.

Thousands of small businesses have closed in New York due to their inability to continue paying their fixed costs. According to a report by City Comptroller Scott Stringer, at least 2,800 small businesses closed

¹ World Health Organization “Rolling updates on coronavirus disease (COVID-19)”, updated April 18, 2020, <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/events-as-they-happen>.

² Johns Hopkins University of Medicine, Coronavirus Resource Center, <https://coronavirus.jhu.edu/>.

³ *Id.*

⁴ N.Y.C. Department of Health and Mental Hygiene, COVID-19: Data, <https://www1.nyc.gov/site/doh/covid/covid-19-data-totals.page>.

⁵ “Most Business Owners Feel Prepared for Second COVID-19 Wave,” Comcast Business, September 29, 2020, <https://corporate.comcast.com/press/releases/small-business-owners-prepared-second-wave-covid-19-comcast-business>.

⁶ *Id.*

⁷ Partnership for New York City “A Call for Action and Collaboration”, July 2020, pg. 14, <https://pfnyc.org/research/a-call-for-action-and-collaboration/>.

⁸ Manhattan Chamber of Commerce, “Indicators of Progress,” <https://www.nycindicators.com/>.

⁹ Opportunity Insights, Percent Change in Small Business Revenue, <https://tracktherecovery.org/>.

¹⁰ *Id.*

¹¹ N.Y.C. Hospitality Alliance, October 2020 Rent Survey, <https://thenycalliance.org/assets/documents/informationitems/22Rtf.pdf>.

permanently between March 1st and July 10th.¹² The Partnership for New York City predicts that as many as a third of the 230,000 small businesses in New York City may never reopen.¹³

As small businesses have shut their doors, the livelihoods they generate for both employees and business owners have disappeared. The unemployment rate in the City, at 11.4 percent as of December 2020,¹⁴ was 7.8 percentage points higher than the previous December,¹⁵ and may continue to be high even after the pandemic subsides as thousands of small businesses might permanently close. Labor statistics from the New York State Department of Labor indicate that employment in the “Food Services and Drinking Places” industries are down 43.4 percent in December 2020 as compared to December 2019,¹⁶ and employment in “Full Service Restaurants” is down 55.3 percent.¹⁷ Many “retail trade” businesses are also down. For example, employment in “clothing and clothing accessories stores” is down 36.9 percent,¹⁸ with “clothing stores” specifically down 49.9 percent.¹⁹ Employment in “furniture and home furnishings stores” is down 27.3 percent,²⁰ and in “sport, goods, hobby, book, and music stores,” it is down 17.6 percent.²¹ Employment in the “personal and laundry services” sector, which includes barbershops, hair salons and the other personal care businesses, is down 30.7 percent in December 2020 as compared to December 2019.²²

A Partnership for New York City report from July 2020 classifies an estimated 679,000 accommodation and food service jobs as vulnerable to loss – the most of any sector in the city – 58 percent coming from small businesses that employ fewer than 100 people.²³ The survival of the small business economy is essential to ensure the City can have a strong, equitable economic recovery from the financial collapse caused by the pandemic.

III. Regulatory Review and Reforms

New York City’s small businesses have long struggled to remain in compliance with the many regulations and requirements necessary to lawfully conduct business in the City. As illustrated below, City agencies that regulate small issue tens of thousands of violations each year.²⁴ While many of these agencies do not exclusively regulate small businesses—for example, the Department of Buildings regulates residential buildings and construction sites—many regularly interact with small businesses and have a significant number of laws and rules that apply to them.

¹² N.Y.C. Comptroller Scott M. Stringer, “Save Main Street: A Crash Program to Help Save NYC Small Businesses”, August 5, 2020, https://comptroller.nyc.gov/wp-content/uploads/documents/Save_Main_Street_8_5_20.pdf.

¹³ Partnership for New York City, “A Call for Action and Collaboration”, July 2020, pg. 4, <https://pfnyc.org/research/a-call-for-action-and-collaboration/>.

¹⁴ N.Y. State Department of Labor, “Labor Statistics for the New York City Region”, <https://www.labor.ny.gov/stats/nyc/>.

¹⁵ *Id.*

¹⁶ See New York State Department of Labor, *Labor Statistics for the New York City Region: NYC Current Employment Statistics (CES) Latest Month*, <https://www.labor.ny.gov/stats/nyc/> (last accessed on January 21, 2020).

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ “A Call for Action and Collaboration”, Partnership for New York City, July 2020, pg. 34, <https://pfnyc.org/wp-content/uploads/2020/07/actionandcollaboration.pdf>. See also McKinsey & Company, “Lives and livelihoods: Assessing the near-term impact of COVID-19 on US workers,” April 2, 2020, <https://www.mckinsey.com/industries/public-and-social-sector/our-insights/lives-and-livelihoods-assessing-the-near-term-impact-of-covid-19-on-us-workers> (projecting that the food services industry has the highest number of vulnerable jobs nationwide – Exhibit 3).

²⁴ N.Y.C. Mayor’s Office of Operations, Mayor’s Management Reports Fiscal Year 2015 through Preliminary Fiscal Year 2021, <https://www1.nyc.gov/site/operations/performance/mmr.page>.

Violations Issued Each Fiscal Year

Agency	Violation definition	Fiscal Year 2013²⁵	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016	Fiscal Year 2017	Fiscal Year 2018	Fiscal Year 2019	Fiscal Year 2020
Health	ECB violations received at OATH	N/A ²⁶	N/A	26,850	28,916	34,973	68,228	38,339	21,452
Sanitation	Violations issued for dirty sidewalks	28,690	39,975	49,828	64,693	65,272	55,913	59,904	56,844
Transportation	Total violations issued	27,382	33,843	34,266	67,065	46,285	48,937	50,315	39,828
Consumer Affairs	Total summonses issued	23,326	19,888	11,923	14,291	15,971	15,152	16,338	11,020
Environmental Protection	Total violations issued	13,262	14,077	15,284	14,753	16,149	12,851	21,394	19,839
Buildings	DOB violations issued	65,189	82,753	65,215	61,393	89,430	79,422	80,874	96,969

In response to the continued out-cry from small businesses on the need for regulatory relief, on February 20, 2020, Mayor de Blasio announced that the City would allow small business owners an opportunity to address select violations within a specified time frame in lieu of paying a penalty for the violation.²⁷ The proposed relief was limited to a list of seventy-five violations that fall within the jurisdiction of the Department of Buildings, Department of Environmental Protection, Department of Transportation, and Department of Consumer and Worker Protection. Notably, the Department of Health and Mental Hygiene, which issues violations to restaurants, was not included. In addition to allowing businesses to correct the issue by allowing for cure periods, the Administration also proposed eliminating fines associated with first-time violations for a subset of the seventy-five violations, but did not include the lowering of any subsequent fines.

The City Council reviewed the list of proposed amendments and subsequently conducted its own thorough review of violations that most commonly plague small businesses. This undertaking took on new meaning and urgency when the COVID-19 pandemic brought the city to a standstill in March 2020.

²⁵ The City's fiscal year begins on July 1 and ends June 30. For example, "FY13" covers the period from July 1, 2012 through June 30, 2013.

²⁶ In FY19, the City changed the information reported regarding violations. "All summonses issued" was changed to "ECB violations received at the Office of Administrative Trials and Hearings" and the data for that indicator was revised for FY2015 through FY2019 to show only ECB violations and no longer includes Department of Health and Mental Hygiene Tribunal summonses.

²⁷ N.Y.C. Mayor Bill de Blasio, Press Release, February 20, 2020, <https://www1.nyc.gov/office-of-the-mayor/news/090-20/fix-it-don-t-fine-it-city-expands-relief-small-businesses#/0>.

As it became clear that the pandemic-related shutdown of small businesses would be months long, the City Council held a series of public hearings and stakeholder meetings to explore ways in which it could support area small businesses through the easing of inspections and regulations, as well as loan and grant programs that could provide direct financial assistance.

Business owners from across the five boroughs made clear that the City's complicated and diffuse regulatory scheme was often difficult to understand, ever changing, and draconian in their penalty schemes. As the Council explored ways by which to provide relief to small businesses, one thing became clear – penalties associated with regulatory violations that did not pose a hazard to public health or safety were crushing small businesses now more than ever.

Speaking about the immediate need for regulatory reform in a February 21, 2021 New York Post article, Andrew Rigie, Director of the New York City Hospitality Alliance, stated that even “[w]hile cracking down on quality of life issues, the city must be more forgiving when it comes to slapping businesses with penalties and fines for minor infractions.”²⁸ In 2020, the Alliance released a “Policy Blueprint for Reimagining and Rebuilding the NYC Restaurant and Nightlife Industry After Covid-19” which, among other recommendations, included a recommendation that the City shift enforcement so that “inspectors educate businesses first, by explaining why a violation exists and how to correct and prevent it.” The blueprint continues stating that the “goal should be to reduce fines, increase education and compliance, and provide a warning or cure period before a fine is levied for any violations that do not pose an imminent hazard to the public.”²⁹

Amnesty Programs

There are two types of notices of violation sent to the Environmental Control Board (ECB) by issuing agencies for adjudication: 1) compliance violations, which require corrective action, and 2) non-compliance violations, which require the payment of a penalty, but no corrective action. Both require a hearing for adjudication, but 90% of the outstanding ECB docketed judgments are non-compliance violations.³⁰

A respondent may answer a notice of violation by either: 1) paying the ticket (online, by mail, or in person); or 2) having a hearing before an ECB hearing officer (with options to do so by phone, mail, or online in some cases).³¹ If a respondent chooses to have a hearing, after the conclusion of the hearing, the hearing officer will issue a decision and order, which will either result in dismissal of the notice of violation because the charges could not be upheld or in the upholding of the charges finding the subject of the notice to be in violation.³² If the respondent is found to be in violation, then the ECB hearing officer will set a penalty.

If a respondent fails to either pay the ticket on time or fails to appear or proceed at a hearing, then the respondent will be in default. Upon default, the hearing officer or board will render a decision and order in the absence of the respondent, which will take effect immediately.³³ Notice of such order is sent to the respondent.

Once a respondent is found to be in violation and to owe a penalty, or once a default judgment is entered, ECB sends request-for-payment notices to the respondent. If a respondent was found in default, the respondent is responsible for paying the base penalty, any default penalty (such penalties vary by issuing agency), and interest on the base penalty and default penalty, which begins accruing immediately. If a respondent was found to be in violation after a hearing, the respondent is responsible for paying the base penalty, but interest will not begin to accrue until and if the judgment is docketed.³⁴

ECB docketed default judgments in civil court when respondents fail to remit payment.³⁵ Once the judgment is docketed, a lien is placed on the respondent's real property and the City may use other enforcement tools

²⁸ Gabrielle Fonrouge, Nolan Hicks, and Reuven Fenton, *New York City businesses are barely hanging on*, N.Y. Post, February 21, 2021, <https://nypost.com/2021/02/21/nyc-businesses-are-barely-hanging-on-amid-covid-19/>.

²⁹ N.Y.C. Hospitality Alliance, *Reimagining a Rebuilding NYC Hospitality*, <https://thenycalliance.org/information/updated-9-point-mitigation-and-support-plan>.

³⁰ See *Debt Resulting from ECB Judgments: An Overview*, at 10, provided by the Department of Finance, dated June 2014. On file with the Finance Committee.

³¹ See the website of the Office of Administrative Trials and Hearings, *Frequently Asked Questions*, available at <http://www.nyc.gov/html/oath/html/ecb/faq.shtml> (last accessed November 10, 2015).

³² See Section 3-57(a) of Title 48 of the Rules of the City of New York.

³³ See Section 3-81(b) of Title 48 of the Rules of the City of New York.

³⁴ Interest on docketed judgments accrues at a rate of 9% per annum, unless otherwise provided for by law. See Section 5004 of the New York Civil Practice Law and Rules.

³⁵ ECB sends undocketed cases to the Law Department.

available to it for collection, as set forth in the New York Civil Practice Law and Rules and the New York City Civil Court Act.³⁶ After the judgment is docketed in civil court, then ECB forwards those cases to the Department of Finance (DOF) for collection.

In order to provide immediate relief for small businesses that have defaulted on penalties owed to the City, the Council will consider Proposed Int. 2234-A, which would require the Commissioner of Finance to establish a temporary program to resolve outstanding judgments imposed by the ECB. Subject to certain conditions, default penalties and associated accrued interest would be waived, respondents would be able to resolve judgments docketed during the pandemic by paying just 25% of the imposed penalties, and for judgments docketed prior to March 7, 2020 respondents would pay 75% of the imposed penalties. The Council previously authorized amnesty programs in 2009 and 2016.

IV. Bill Analysis

After conducting a year-long review of the extensive network of laws and regulations applicable to the City's small businesses, the Council now proposes two pieces of legislation that would expand the number of violations for which a cure period is allowed and for which penalties may be waived in certain instances.

A detailed list of the violations for which Int. 2233-A would propose relief is included below.

Int. No. 2233-A

Acknowledging the draconian inspections and penalties for regulatory violations that plagued small business owners well before the pandemic, Int. 2233-A would provide civil penalty relief from certain sanitation, health, transportation, consumer affairs, noise control and buildings violations. It would set fixed penalties at the bottom of existing penalty ranges, lower existing penalty ceilings (or sometimes set a lower fixed amount), or lower existing fixed penalties. In certain instances, the bill would allow a cure period for a first violation, or it would eliminate the civil penalty for a first violation. This bill would also clarify that submission of proof of cure for consumer affairs and health violations is an admission of liability only if the proof is accepted by the relevant agency, repeal a number of requirements and prohibitions in the Administrative Code to provide relief for small businesses, and make an administrative change to the storefront registry filing requirement.

Int. No. 2234-A

Section one of this bill would require the Commissioner of Finance to establish a temporary program to resolve outstanding judgments issued by the Environmental Control Board. Subject to certain conditions, default penalties and associated accrued interest would be waived, respondents would be able to resolve judgments docketed prior to March 7, 2020 by payment of 75% of the imposed penalties without payment of accrued interest, and respondents would be able to resolve judgments docketed on or after March 7, 2020 by payment of 25% of the imposed penalties without payment of accrued interest. The program would last for 90 days in fiscal year 2022 and the Commissioner would be able to extend the program for an additional 90 days. Judgments entered in the 90 days leading up to the start of the program would be ineligible for resolution. Respondents who made certain partial penalty payments prior to the start of the program would be eligible to resolve the associated judgments.

Section two states that the bill would take effect immediately.

³⁶ See generally Article 52 of the New York Civil Practice Law and Rules and Article 16 of the New York City Civil Courts Act. Enforcement tools include, but are not limited to, income execution, wage garnishment, and sale of personal and real property.

Sanitation violations addressed in Int. 2233-A

<u>Provision</u>	<u>Violation</u>	<u>Current Penalties</u>	<u>Proposed Long-Term Relief</u>
Ad Code § 10-119	Illegal posting of handbill/notice	\$75 penalty for <u>1st</u> offense. (\$75-\$150 Ad Code penalty range) \$150 penalty for <u>2nd</u> offense. (\$150-\$250 Ad Code penalty range for <u>2nd/subsequent</u>)	--\$75 for 1st offense --\$150 for 2nd and each subsequent offense
Ad Code § 10-169(b)(1)	Failure to display owner information on publicly accessible collection bin (bin owner)	\$50 penalty for <u>1st</u> offense. \$100 for <u>2nd/subsequent</u> offense.	<u>First offense – cure allowed via Corrective Action Request (CAR)</u> (within 30 days of service of CAR request for all proposed Sanitation CARs) --\$50 for 1st offense, if not cured --\$100 for each subsequent offense
Ad Code § 10-169(b)(2)	Placement of publicly accessible collection bin on city property, property maintained by the City, or public sidewalk or roadway (bin owner)	\$250 penalty for <u>1st</u> offense. \$500 for <u>2nd/subsequent</u> offense.	<u>First offense – cure allowed via CAR</u> --\$100 for 1st offense, if not cured --\$350 for each subsequent offense
Ad Code § 10-169(b)(2)	Attaching or enclosing publicly accessible collection bin to city property, property maintained by the City, or on public sidewalk or roadway (bin owner)	\$500 penalty for <u>1st</u> offense. \$1,000 for <u>2nd/subsequent</u> offense.	<u>First offense – cure allowed via CAR</u> --\$350 for 1st offense, if not cured --\$850 for each subsequent offense
Ad Code § 10-169(b)(4)	Failure to maintain publicly accessible collection bin in a clean and neat condition (property owner)	\$50 penalty for <u>1st</u> offense. \$100 for <u>2nd</u> offense.	<u>First offense – cure allowed via CAR</u> --\$50 for 1st offense, if not cured --\$100 for each subsequent offense
Ad Code § 10-169(b)(4)	Failure to maintain publicly accessible collection bin in a clean and neat condition (bin owner)	\$50 penalty for <u>1st</u> offense. \$100 for <u>2nd/subsequent</u> offense.	<u>First offense – cure allowed via CAR</u> --\$50 for 1st offense, if not cured --\$100 for each subsequent offense

Ad Code § 10-169(b)(5)	Failure to register publicly accessible collection bin with DSNY (bin owner)	\$50 penalty for 1st offense. \$100 for 2nd offense.	<u>First offense – cure allowed via CAR</u> --\$50 for 1st offense, if not cured --\$100 for each subsequent offense
Ad Code § 16-116(b)	Failure to post trade waste removal sign or registration number	**Current Rules penalty does not specify actual penalty amount, but says \$0 mitigation for 1st violation and default of \$100. 1st penalty for violation of subdivision a is \$100. (\$50-\$100 Ad Code penalty range)	<u>First offense – cure allowed via CAR</u> --\$50 penalty (for first violation, if not cured)
Ad Code § 16-118(2)(a)	Sidewalk obstruction	\$100 penalty. (\$50-\$250 Ad Code penalty range for 1st violation)	--\$50 for 1st offense --\$100 for 2nd --\$100 for 3rd/subsequent offense
Ad Code § 16-118(2)(a)	Dirty Area	\$100 penalty. (\$50-\$250 Ad Code penalty range for 1st violation)	--\$50 for 1st offense --\$100 for 2nd --\$100 for 3rd/subsequent offense
Ad Code § 16-118(2)(a)	Failure to Clean 18” Into Street	\$100 penalty. (\$50-\$250 Ad Code penalty range for 1st)	--\$50 for 1st offense --\$100 for 2nd --\$100 for 3rd/subsequent offense
Ad Code § 16-118(3)	Certain materials that can be blown by wind can't be exposed, nor mats shaken/cloths cleaned, in a place where particles can pass into a public place	\$100 penalty for 1st offense. (\$50-\$250 Ad Code penalty range) \$250 penalty for 2nd offense. (\$250-\$350 Ad Code penalty range) \$350 for 3rd offense. (\$350-450 Ad Code penalty range for 3rd/subsequent)	--\$50 for 1st offense --\$100 for 2nd --\$100 for 3rd/subsequent offense
Ad Code § 16-120(a)	Uncovered receptacles (owner, lessee, agent, occupant, person who manages/controls building)	\$100 penalty for 1st offense. (\$25-\$100 Ad Code penalty range) \$100 for 2nd offense. (\$100-\$200 Ad Code penalty range) \$200 for 3rd offense. (\$200-\$300 Ad Code penalty range for 3rd/subsequent)	--\$50 for 1st offense --\$100 for 2nd offense --\$200 for 3rd/subsequent offense

Ad Code § 16-120(a)	Improper Disposal (owner, lessee, agent, occupant, person who manages/controls building)	\$100 penalty for 1st offense. (\$25-\$100 Ad Code penalty range) \$100 for 2nd offense. (\$100-\$200 Ad Code penalty range) \$200 for 3rd offense. (\$200-\$300 Ad Code penalty range for 3rd/subsequent)	--\$50 for 1st offense --\$100 for 2nd offense --\$200 for 3rd/subsequent offense
Ad Code § 16-120(a)	Insufficient Receptacles (owner, lessee, agent, occupant, person who manages/controls building)	\$100 penalty for 1st offense. (\$25-\$100 Ad Code penalty range) \$100 for 2nd offense. (\$100-\$200 Ad Code penalty range) \$200 for 3rd offense. (\$200-\$300 Ad Code penalty range for 3rd/subsequent)	--\$50 for 1st offense --\$100 for 2nd offense --\$200 for 3rd/subsequent offense
Ad Code § 16-120(b)	Separation and weight (owner, lessee, agent, occupant, person who manages/controls building)	\$100 penalty for 1st offense. (\$25-\$100 Ad Code penalty range) \$100 for 2nd offense. (\$100-\$200 Ad Code penalty range) \$200 for 3rd offense. (\$200-\$300 Ad Code penalty range for 3rd/subsequent)	--\$50 for 1st offense --\$100 for 2nd offense --\$200 for 3rd/subsequent offense
Ad Code § 16-120(c)	Storage of receptacles (owner, lessee, agent, occupant, person who manages/controls building)	\$100 penalty for 1st offense. (\$25-\$100 Ad Code penalty range) \$100 for 2nd offense. (\$100-\$200 Ad Code penalty range) \$200 for 3rd offense. (\$200-\$300 Ad Code penalty range for 3rd/subsequent)	--\$50 for 1st offense --\$100 for 2nd offense --\$200 for 3rd/subsequent offense
Ad Code § 16-120(d)	Loose rubbish (owner, lessee, agent, occupant, person who manages/controls building)	\$100 penalty for 1st offense. (\$25-\$100 Ad Code penalty range) \$100 for 2nd offense. (\$100-\$200 Ad Code penalty range) \$200 for 3rd offense. (\$200-\$300 Ad Code penalty range for 3rd/subsequent)	--\$50 for 1st offense --\$100 for 2nd offense --\$200 for 3rd/subsequent offense

Ad Code 16-127	Subdivision a - earth, rocks, and rubbish (owner/occupant of lot adjoining sidewalk or roadway, or agent of such owner or occupant)	Cure already exists (3/20 days). \$100 penalty. (\$25-\$100 Ad Code penalty range)	Cure already exists (3/20 days). --New Penalty: \$50/violation
Ad Code § 16-308(g)	Improper dispersal of yard waste (business generating yard waste)	\$250 penalty for 1st offense. \$1000 for 2nd offense. \$2500 for 3rd offense	First offense – cure allowed via CAR --\$250 for 1st offense --\$500 for 2nd offense --\$1000 for 3rd/subsequent offense
Ad Code § 16-329	Restrictions on sale or use of certain expanded polystyrene items	\$250 penalty for 1st offense. \$500 for 2nd offense. \$1000 for 3rd offense.	--\$150 for 1st offense --\$250 for 2nd offense --\$500 for 3rd/subsequent offense
Ad Code § 16-453(b)	Operator of store to maintain records indicating weight collected and transported - plastic carryout bags and film plastic)	\$100 penalty for 1st offense. \$700 for 2nd offense. \$1000 for 3rd offense.	REPEAL of chapter 4-B of Ad Code title 16
Ad Code § 16-453(c)	Operator of store to provide annual report to DSNY re: plastic carryout bags and film plastic	\$100 penalty for 1st offense. \$700 for 2nd offense. \$1000 for 3rd offense.	REPEAL of chapter 4-B of Ad Code title 16

Health violations addressed in Int. 2233-A

<u>Provision</u>	<u>Violation</u>	<u>Current Penalties</u>	<u>Proposed Long-Term Relief</u>
Ad Code § 17-144 / NYCHC § 3.09	No person shall commit or maintain a nuisance as defined in Ad Code § 17-142 (relief drafted for Food Service Establishment (FSE))	\$1000 for FSE	For violation in a manner that does not present an imminent or public health hazard: 1st violation cure (*within 7 days after NOV issuance for all proposed Health cures unless indicated otherwise). \$500 penalty.
Ad Code § 17-192(b) / NYCHC § 81.08(a)	Food Service Establishment: Cooking oil, shortening, margarine contains 0.5 grams or more of artificial trans fat	\$200	1st violation cure. \$100 penalty.
Ad Code § 17-192(d) (new) / NYCHC 81.08(c)	The original label, or other acceptable documentation, for food products to determine whether food contains artificial trans fat not maintained on site	\$200	1st violation cure. \$100 penalty.
Ad Code § 17-199.11	Food service establishment providing prohibited beverage options for children's meals	\$200 maximum penalty set in Ad Code (no penalty set in Rules)	1st violation cure. \$100 penalty.
Ad Code § 17-307.1	Supervisory licenses	1st violation: \$25-\$50 Ad Code range 2nd violation: \$50-\$100 Ad Code range 3rd violation: \$100-\$200 Ad Code range Subsequent violation: \$500 Ad Code ceiling)	1st violation: \$25 2nd violation: \$50 3rd violation: \$100 Subsequent violation: \$250

<p>Ad Code § 17-311 (except subdivision c)</p>	<p>Mobile Food Vendors: Requirements for food vendors to display license or permit plate and letter grade</p>	<p>1st violation: \$50 (\$25-\$50 Ad Code range) 2nd violation: \$100 (\$50-\$100 Ad Code range) 3rd violation: \$250 (\$100-\$200 Ad Code range) Subsequent violation: \$500 (\$500 Ad Code ceiling)</p>	<p>1st violation cure. 1st violation: \$25 2nd violation: \$50 3rd violation: \$100 Subsequent violation: \$250</p>
<p>Ad Code § 17-311(c)</p>	<p>Mobile Food Vendors: Failure to firmly affix a letter grade to a vehicle/pushcart in a conspicuous place</p>	<p>1st violation: \$50 (\$25-\$50 Ad Code range) 2nd violation: \$100 (\$50-\$100 Ad Code range) 3rd violation: \$250 (\$100-\$200 Ad Code range) Subsequent violation: \$500 (\$500 Ad Code ceiling)</p> <p>But see 24 RCNY § 6-19 below (potential policy decision to set higher penalty).</p>	<p>1st violation cure. \$500 penalty (reconciliation of Ad Code penalty scheme and \$1000 penalty for violation of 24 RCNY § 6-19 (below)).</p>
<p>24 RCNY § 6-19 (seems to be under 17-311(c))</p>	<p>Mobile Food Vendors: Current letter grade or Grade Pending card not posted</p>	<p>\$1000 for first violation. Note: This violation seems to be controlled by Ad Code § 17-311(c).</p>	<p>1st violation cure. \$500 penalty (reconciliation of this Rules penalty and Ad Code penalty scheme for Ad Code § 17-311).</p>

<p>NYCHC § 89.07(d) (seems to be under 17-311 - but not under 17-311(c))</p>	<p>Mobile Food Vendors: Failure to display license and/or permit documentation</p>	<p>\$200 Note: This violation seems to be controlled by Ad Code § 17-311 above, but this penalty set in the Rules lies outside the range assigned to this violation for 1st and 2nd violations by 17-325.</p>	<p><u>1st</u> violation cure. <u>1st</u> violation: \$25 <u>2nd</u> violation: \$50 <u>3rd</u> violation: \$100 <u>Subsequent</u> violation: \$250</p>
<p>Ad Code § 17-311(d)</p>	<p>Mobile Food Vendors: Green Cart vendor failed to carry map showing authorized vending areas</p>	<p><u>1st</u> violation: \$25-\$50 <u>2nd</u> violation: \$50-\$100 <u>3rd</u> violation: \$100-\$200 <u>Subsequent</u> violation: Not more than \$500</p>	<p><u>1st</u> violation cure. <u>1st</u> violation: \$25 <u>2nd</u> violation: \$50 <u>3rd</u> violation: \$100 <u>Subsequent</u> violation: \$250</p>
<p>Ad Code § 17-312</p>	<p>Mobile Food Vendors: Food vendor failing to notify Commissioner of change in information provided on application</p>	<p><u>1st</u> violation: \$25-\$50 <u>2nd</u> violation: \$50-\$100 <u>3rd</u> violation: \$100-\$200 <u>Subsequent</u> violation: Not more than \$500</p>	<p><u>1st</u> violation: \$25 <u>2nd</u> violation: \$50 <u>3rd</u> violation: \$100 <u>Subsequent</u> violation: \$250</p>
<p>Ad Code § 17-313</p>	<p>Mobile Food Vendors: Food vendor bookkeeping requirements</p>	<p><u>1st</u> violation: \$25-\$50 <u>2nd</u> violation: \$50-\$100 <u>3rd</u> violation: \$100-\$200 <u>Subsequent</u> violation: Not more than \$500</p>	<p><u>1st</u> violation: \$25 <u>2nd</u> violation: \$50 <u>3rd</u> violation: \$100 <u>Subsequent</u> violation: \$250</p>

Ad Code § 17-314(a)	<p>Mobile Food Vendors:</p> <p>Food vendor failing to make pushcart available for inspection</p>	<p>1st violation: \$25-\$50 2nd violation: \$50-\$100 3rd violation: \$100-\$200 Subsequent violation: Not more than \$500</p>	<p>1st violation: \$25 2nd violation: \$50 3rd violation: \$100 Subsequent violation: \$250</p>
Ad Code § 17-314(b)	<p>Mobile Food Vendors:</p> <p>Food vendor failing to provide Commissioner with addresses and names of food suppliers and where vendor stores food</p>	<p>1st violation: \$25-\$50 2nd violation: \$50-\$100 3rd violation: \$100-\$200 Subsequent violation: Not more than \$500</p>	<p>1st violation: \$25 2nd violation: \$50 3rd violation: \$100 Subsequent violation: \$250</p>
Ad Code § 17-314(c)	<p>Mobile Food Vendors:</p> <p>Prohibition against anyone other than licensed food vendor from using pushcart</p>	<p>1st violation: \$25-\$50 2nd violation: \$50-\$100 3rd violation: \$100-\$200 Subsequent violation: Not more than \$500</p>	<p>1st violation: \$25 2nd violation: \$50 3rd violation: \$100 Subsequent violation: \$250</p>
Ad Code § 17-314(d)	<p>Mobile Food Vendors:</p> <p>Requirement that food vendor surrender license, permit, and plate, upon revocation, suspension, termination or expiration of license or permit</p>	<p>1st violation: \$25-\$50 2nd violation: \$50-\$100 3rd violation: \$100-\$200 Subsequent violation: Not more than \$500</p>	<p>1st violation: \$25 2nd violation: \$50 3rd violation: \$100 Subsequent violation: \$250</p>

<p>Ad Code § 17-315(a)</p>	<p>Mobile Food Vendors: Pushcart not properly located on sidewalk</p>	<p>1st violation: \$50 (\$25-\$50 Ad Code range) 2nd violation: \$100 (\$50-\$100 Ad Code range) 3rd violation: \$250 (\$100-\$200 Ad Code range) Subsequent violation: \$500 (\$500 Ad Code ceiling)</p>	<p>1st violation cure. 1st violation: \$25 2nd violation: \$50 3rd violation: \$100 Subsequent violation: \$250</p>
<p>Ad Code § 17-315(b)</p>	<p>Mobile Food Vendors: Pushcart against building</p>	<p>1st violation: \$50 (\$25-\$50 Ad Code range) 2nd violation: \$100 (\$50-\$100 Ad Code range) 3rd violation: \$250 (\$100-\$200 Ad Code range) Subsequent violation: \$500 (\$500 Ad Code ceiling)</p>	<p>1st violation cure. 1st violation: \$25 2nd violation: \$50 3rd violation: \$100 Subsequent violation: \$250</p>
<p>Ad Code § 17-315(c)</p>	<p>Mobile Food Vendors: Items not all properly within pushcart</p>	<p>1st violation: \$50 (\$25-\$50 Ad Code range) 2nd violation: \$100 (\$50-\$100 Ad Code range) 3rd violation: \$250 (\$100-\$200 Ad Code range) Subsequent violation: \$500 (\$500 Ad Code ceiling)</p>	<p>1st violation: \$25 2nd violation: \$50 3rd violation: \$100 Subsequent violation: \$250</p>

Ad Code § 17-315(d)	Mobile Food Vendors: Pushcart located against display window of fixed location business, or by entranceway or exit	1st violation: \$50 (\$25-\$50 Ad Code range) 2nd violation: \$100 (\$50-\$100 Ad Code range) 3rd violation: \$250 (\$100-\$200 Ad Code range) Subsequent violation: \$500 (\$500 Ad Code ceiling)	1st violation: \$25 2nd violation: \$50 3rd violation: \$100 Subsequent violation: \$250
Ad Code § 17-316	Mobile Food Vendors: Prohibition against selling food to an unlicensed food vendor for resale	1st violation: \$25-\$50 2nd violation: \$50-\$100 3rd violation: \$100-\$200 Subsequent violation: Not more than \$50	1st violation: \$25 2nd violation: \$50 3rd violation: \$100 Subsequent violation: \$250
Ad Code § 17-377(b)	Renumbered subdivision (b): Requirement that pet shop permit be placed in a clean, transparent cover or frame and displayed to the public	\$500 per day	1st violation cure. \$100 daily penalty.
Ad Code § 17-504(f)	Workplace Smoke-Free Air Act (SFAA) policy not prominently posted in workplace	1st violation: \$400 (\$200-\$400 Ad Code range) 2nd violation: \$500 (\$500-\$1,000 Ad Code range) 3rd violation: \$1000 (\$1,000-\$2,000 Ad Code range)	If the workplace does not permit smoking anywhere, and is in full compliance with Ad Code § 17-506(a) "No Smoking" signage requirements: Unlimited cure (within 30 days after NOV issuance) 1st violation: \$50 2nd violation: \$100 Subsequent violation: \$150
Ad Code § 17-1303	Requiring child care provider display their service inspection report	\$1000 (24 RCNY § 3-04(a) - posting of performance summary cards)	1st violation cure. \$500 penalty.

Ad Code § 17-1304	Applicant for a new or renewal permit to operate child care service must disclose of whether a serious injury or death of a child has occurred during their care (corresponding to NYCHC § 47.09(b))	Seems like \$200 (24 RCNY § 3-06(1) - for violations of Article 47 of the Health Code for which a fixed penalty isn't established)	\$1000 (policy choice).
Ad Code § 17-1507(a)	Food Service Establishment: Requiring food service establishment display healthy eating information created by the department.	\$500 maximum penalty (added in 2019).	1st violation cure.
Ad Code § 17-1508(a) (new) / part of NYCHC § 81.51(b)	Food Service Establishment: Inspection letter grade card or grade pending card not conspicuously posted	\$500 if not conspicuously posted; \$1000 if not posted at all	\$500 penalty.
Chapters 1 and 15 of Ad Code title 17; any rules promulgated by DOHMH or NYCHC provisions	Food Service Establishment: Failure to post a sign, poster, image, card or other required information, or by failing to display any permit, license or certification, except if DOHMH determines that sign/poster/image/card/other required information is required to be posted in order to mitigate a risk of immediate death or serious injury to the general public or establishment patrons	Current \$200 penalties for signage violations like failure to post wash hands signs (NYCHC § 81.21(c))	1st violation cure. \$100 penalty.
Ad Code § 17-1509 (new) / part of NYCHC § 81.15(a)	Food Service Establishment: Food protection certificate not held by supervisor of food operations	\$600	\$400 penalty.

Ad Code § 17-1510(a)(1) (new) / part of NYCHC § 81.13(b)	Food Service Establishment: Effective hair restraint not worn in area where food is prepared	\$200 for 1-2 employees observed \$250 for 3 employees observed \$300 for 4+ employees observed	<u>No first fine</u> \$100 for 1-2 employees observed \$125 for 3 employees observed \$150 for 4+ employees observed
Ad Code § 17-1510(b)(1) (new) / part of NYCHC § 81.13(h)	Food Service Establishment: Eating or drinking from open container in food preparation, food storage, or dishwashing area	\$200 for 1-2 employees observed \$250 for 3 employees observed \$300 for 4+ employees observed	<u>No first fine</u> \$100 for 1-2 employees observed \$125 for 3 employees observed \$150 for 4+ employees observed
Ad Code § 17-1510(c)(1) (new) / part of NYCHC § 81.27(c)	Food Service Establishment: Wiping cloths not stored in sanitizing solution	\$200	<u>No first fine</u> \$100 penalty.
Ad Code § 17-1511(a) (new) / part of NYCHC § 81.23(b)	Food Service Establishment: Facility not vermin-proof	\$200	<u>1st</u> violation cure. \$100 penalty.
Ad Code § 17-1511(b) (new) / part of NYCHC § 81.24(a), (c)	Food Service Establishment: Garbage and waste stored for removal; containers to be cleaned after emptying	\$200	<u>1st</u> violation cure. \$100 penalty.

Ad Code § 17-1512(a) (new) / part of NYCHC § 81.07(b)	Food Service Establishment: Food packages that are swollen, leaking, rusted or otherwise damaged shall be discarded or returned to their distributor. If such packages are to be returned to their distributor, they shall be segregated from intact packages and clearly labeled "Do Not Use" while stored at the establishment.	\$200	For failure to discard or segregate food packages that are dented but not swollen/leaking/rusted/otherwise damaged: <u>No first fine</u> \$50 penalty.
Ad Code § 17-1513(a) (new) / part of NYCHC § 81.17(d)(1)	Food Service Establishment: Food contact surfaces not properly maintained	\$200	<u>1st</u> violation cure. \$100 penalty.
Ad Code § 17-1514(a) (new) / part of NYCHC § 81.20(a), (b)	Food Service Establishment: Plumbing not properly installed	\$200	<u>1st</u> violation cure. \$100 penalty.
Ad Code § 17-1515(a) (new) / part of NYCHC § 81.19(a)	Food Service Establishment: Lighting insufficient/inadequate	\$200	<u>1st</u> violation cure. \$100 penalty.
Ad Code § 17-1516 (new) / part of NYCHC § 81.17(e)	Food Service Establishment: Improper non-food contact surfaces	\$200	<u>1st</u> violation cure. \$100 penalty.
Ad Code § 17-1517 (a) (new) / part of NYCHC § 81.19(b)	Food Service Establishment: Bulb not shielded or shatterproof in areas where there is extreme heat/temperature changes or where accidental contact may occur	\$200	<u>1st</u> violation cure. \$100 penalty.
Ad Code § 17-1703(c) / 24 RCNY § 5-03(g)	Pet Shops: Conspicuous posting that	\$500 per day.	<u>1st</u> violation cure. \$100 per day.

	dog/cat source and treatment info is available		
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Transportation violations addressed in Int. 2233-A

<u>Provision</u>	<u>Violation</u>	<u>Current Penalties</u>	<u>Proposed Long-Term Relief</u>
Ad Code § 10-127	Commercial vehicle operating on City streets must permanently display the name and address of owner in letters and numerals plainly marked on both sides and not less than 3 inches in height		Revision of local marking requirements to not be more burdensome than federal (49 CFR sec. 390.21) and NYS truck marking requirements
Ad Code § 19-108	Failure to have DOT permit on site or in field office	\$50 penalty, \$150 default (\$5,000 maximum penalty set in Ad Code).	<u>First violation – cure allowed via Corrective Action Request (CAR)</u> (within 30 days for all proposed Transportation CARs) \$75 maximum penalty
Ad Code § 19-124(a)	Erecting a canopy without DOT permit.	\$100 penalty, \$300 default (\$5,000 maximum penalty set in Ad Code).	\$300 maximum penalty
Ad Code § 19-124(b)	Failure to display permit for canopy.	\$5,000 maximum penalty set in Ad Code (no specific penalty in Rules).	\$75 maximum penalty
Ad Code § 19-124(e)	Displaying prohibited advertisement on canopy.	\$5,000 maximum penalty set in Ad Code (no specific penalty set in Rules).	\$75 maximum penalty
Ad Code § 19-124.1(a) (new) / 34 RCNY § 2-14(b)(1)	Displaying or installing banners without DOT permit	\$150 penalty, \$450 default penalty (\$5,000 maximum penalty set in Ad Code).	\$450 maximum penalty
Ad Code § 19-124.1(c) (new) / 34 RCNY § 2-14(b)(1)	Displaying prohibited advertisement on banner.	\$5,000 maximum penalty set in Ad Code (no specific penalty set in Rules).	<u>First violation – cure allowed via CAR</u> \$75 maximum penalty

Ad Code § 19-125(a)	Erecting a post or pole without permit.	\$100 penalty, \$300 default (\$5,000 maximum penalty set in Ad Code).	\$300 maximum penalty
Ad Code § 19-125(c)	Erecting an unauthorized barber pole	Unclear: \$100 penalty, \$300 default for post/pole/lamppost without DOT permit/consent. \$5,000 maximum penalty set in Ad Code (no specific penalty set in Rules).	\$150 maximum penalty
Ad Code § 19-127	Failure to properly label handtruck.	\$5,000 maximum penalty set in Ad. Code (no specific penalty set in Rules).	<u>1st violation – cure allowed via CAR</u> \$75 maximum penalty
Ad Code § 19-128.1(c)(2)	Newsrack owner/person in control - submission of certain newsrack info to Commissioner of Transportation	Penalty/Default \$375/\$500 for 1-99 racks \$550/750 for 100-249 racks \$1,100/\$1,500 for 250-499 racks \$1,700/\$2,250 for 500-749 racks \$2,300/\$3,000 for 750-999 racks \$3000/\$4,000 for 1,000+ racks Ad Code penalty range is \$250-\$500 for 1-99 newsracks.	\$250 penalty for 1-99 racks.

Ad Code § 19-128.1(d)	Newsrack owner/person in control - failure to maintain insurance	Penalty/Default \$375/\$500 for 1-99 racks \$550/750 for 100-249 racks \$1,100/\$1,500 for 250-499 racks \$1,700/\$2,250 for 500-749 racks \$2,300/\$3,000 for 750-999 racks \$3000/\$4,000 for 1,000+ racks Ad Code penalty range is \$250-\$500 for 1-99 newsracks.	\$250 penalty for 1-99 racks.
Ad Code § 19-128.1(e)(1) / 34 RCNY § 2-08(e)(2)	Newsrack owner/person in control - failure to repaint/remove graffiti and inaccurately certified graffiti removal info	Penalty/Default \$375/\$500 for 1-99 racks \$550/750 for 100-249 racks \$1,100/\$1,500 for 250-499 racks \$1,700/\$2,250 for 500-749 racks \$2,300/\$3,000 for 750-999 racks \$3000/\$4,000 for 1,000+ racks Ad Code penalty range is \$250-\$500 for 1-99 newsracks.	\$250 penalty for 1-99 racks.
Ad Code § 19-128.1(e)(1) / 34 RCNY § 2-08(e)(2)	Newsrack owner/person in control - failure to maintain accurate logs/records and provide them to DOT as per paragraph	Penalty/Default \$375/\$500 for 1-99 racks \$550/750 for 100-249 racks \$1,100/\$1,500 for 250-499 racks \$1,700/\$2,250 for 500-749 racks \$2,300/\$3,000 for 750-999 racks \$3000/\$4,000 for 1,000+ racks Ad Code penalty range is \$250-\$500 for 1-99 newsracks.	\$250 penalty for 1-99 racks.

Ad Code § 19-136(j)	Improper placement or maintenance of coin-operated ride	\$150 penalty, \$500 default (Ad Code says Health/Consumer Affairs penalties).	\$300 maximum penalty.
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Consumer Affairs violations addressed in Int. 2233-A

<u>Provision</u>	<u>Violation</u>	<u>Current Penalties</u>	<u>Proposed Long-Term Relief</u>
Ad Code Title 20 Chapter 1 (§§ 20-101 - 20 - 108)	License Enforcement	1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500 \$100/day for lack of license (Ad Code §20-105(b)(1)) \$500 penalties for 6 RCNY sec. 1-121 (injurious conduct by licensee)	1st violation: \$175 penalty 2nd violation: \$300 penalty Subsequent violation: \$500 penalty \$100/day for lack of license undisturbed
Ad Code § 20-117	Licensee disclosure of security breach; notification requirements	No specific penalties in Ad Code or RCNY	Repealed.
Ad Code § 20-118	Notifications regarding identity theft	\$100	Repealed.
Ad Code Title 20 Chapter 2 Subchapter 3 --> Moved to Chapter 4 Subchapter 3-A (§§ 20-211 - 20-216 renumbered §§ 20-626 - 20-630)	Amusement Devices, Arcades and Operators	Generally: 1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500 See below for existing penalties for specific provisions.	1st violation: \$175 penalty 2nd violation: \$300 penalty Subsequent violation: \$500 penalty Subchapter was moved from Chapter 2 Licenses to Chapter 4 Regulation of Commodities and Services
Ad Code §§ 20-212, 20-213	Amusement Devices, Arcades and Operators - license required; fees		Repealed.

Ad Code § 20-214(a)(4) --> Renumbered 20-627(a)(4)	Amusement operator fails to notify DCWP amusement device accidents	\$500 penalty	\$500 penalty
Ad Code § 20-216(a) and (d) --> Renumbered § 20-629(a) and (d)	Location of player-operated amusement devices and prohibition on minors entering certain premises where located.	1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500 \$500 Ad Code maximum penalty for violation of 20-216	1st violation cure 1st violation: \$175 penalty 2nd violation: \$300 penalty Subsequent violation: \$500 penalty
Ad Code § 20-216(c) --> Renumbered § 20-629(c)	Permitting persons under 18 years old from remaining in the arcade (5-9 devices) during school hours.	1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500 \$500 Ad Code maximum penalty for violation of 20-216	No first fine 1st violation: \$0 2nd violation: \$175 penalty Subsequent violation: \$300 penalty
Ad Code Title 20 Chapter 2 Subchapter 6 (§§ 20-223 - 20-227.1)	Sidewalk café license holder in violation of this subchapter, the terms and conditions of such license and/or a revocable consent or rules promulgated by the commissioner pursuant to this subchapter (Seems to cover provisions like 6 RCNY §§ 2-53 (physical criteria), 2-53(d) (improper signs), 2-54 (physical criteria for enclosed sidewalk cafes), 2-55 (physical criteria for unenclosed), 2-55(c) (improper awning), 2-57(h) (improper illumination) and more)	For violations committed by a holder of a license: 1st violation: \$200-\$1,000 Ad Code range (& same range for each addnl violation occurring on same day) 2nd violation: \$500-\$2,000 Ad Code range Subsequent violation: \$1,000-\$4,000 Ad Code range Rules: 1st violation: \$750 2nd violation: \$1,500 3rd violation: \$4,000 Subsequent violation: \$4,000 Ad Code allows suspension/revocation and sealing at a certain violation number; not interfering with that.	1st violation cure 1st violation: \$200 penalty (& same for each addnl violation occurring on same day) 2nd violation: \$500 penalty Subsequent violation: \$1,000 penalty

<p>Ad Code § 20-224(a)</p>	<p>Operating a sidewalk café without license</p>	<p>1st violation: \$200-\$1,000 Ad Code range (and same range for each addnl violation occurring on same day) 2nd/subsequent violation: \$500-\$2,000 Ad Code range</p> <p>Rules: 1st violation: \$750 2nd violation: \$1,500 3rd/subsequent violation: \$2,000</p> <p>Ad Code § 20-105(b)(1) \$100/day lack of license does not seem to apply.</p>	<p>1st violation cure</p> <p>1st violation: \$200 penalty (same for each addnl violation occurring on same day) Subsequent violation: \$500 penalty</p>
<p>Ad Code Title 20 Chapter 2 Subchapter 7 (§§ 20-228 - 20-241.1)</p>	<p>Sidewalk Stands</p>	<p>1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500</p> <p>Exceptions: --lack of license (20-105(b)(1) \$100/day) --stoop line stand restrictions (20-237 - dimensions, lease for selling of merchandise - subject to subch. 25 (meaning 27)/chapter 2/title 20 or subch. 2/ch.3/title 17 penalties) --enforcement - disassembly (20-240.1 - subject to subch. 25 (meaning 27)/chapter 2/title 20 or subch. 2/ch.3/title 17 penalties)</p>	<p>1st violation: \$175 penalty 2nd violation: \$300 penalty Subsequent violation: \$500 penalty</p> <p>Exceptions unchanged</p>
<p>Ad Code § 20-231 / 6 RCNY § 2-66(a)</p>	<p>Display or offering for sale of merchandise from any public space adjacent to a newsstand or from any portion of a newsstand exterior, the affixation of materials to a newsstand or the location of sales made at a newsstand</p>	<p>1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500</p>	<p>1st violation cure</p> <p>1st violation: \$175 penalty 2nd violation: \$300 penalty Subsequent violation: \$500 penalty</p>

Ad Code § 20-231(b)	Items other than newspapers/prepaid telecommunications/etc. may be offered from sale from a newsstand if they are sold for less than \$10, but apparel/jewelry/handbags/etc. cannot be offered for sale from a newsstand, and if food items are offered from sale they must be prepackaged	1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500	No first fine 1st violation: \$0 2nd violation: \$175 penalty Subsequent violation: \$300 penalty
Ad Code § 20-231(h)(1) / 6 RCNY § 2-66(d)	Newsstand licensee shall not make structural alteration in newsstand design or dimension / No newsstand may be operated unless its design has been approved by the Art Commission	1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500	1st violation cure 1st violation: \$175 penalty 2nd violation: \$300 penalty Subsequent violation: \$500 penalty
Ad Code § 20-231(i) / 6 RCNY § 2-66(b)	Newsstand licensee shall not place advertising on exterior side of newsstand and shall not interfere with the view of advertising placed by franchisee on newsstand exterior / No advertising shall be placed on newsstand other than exterior advertising placed by franchisee	1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500	1st violation cure 1st violation: \$175 penalty 2nd violation: \$300 penalty Subsequent violation: \$500 penalty
Ad Code § 20-232	Newsstand license may be revoked upon finding that the location listed in the license was not utilized for 2+ consecutive months or that the licensee is not using the stand primarily for the sale of newspapers and periodicals	Revocation of license.	30-day correction period
Ad Code § 20-233(b) / 6 RCNY § 2-70.2(g)	Improper use of a stoop line stand	1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500	1st violation cure 1st violation: \$175 penalty 2nd violation: \$300 penalty Subsequent violation: \$500 penalty

<p>Ad Code § 20-237(b)</p>	<p>Failure to comply with specific stoop line stand length and width restrictions</p>	<p>1st violation cure exists 1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500</p>	<p>1st violation cure exists 1st violation: \$175 penalty 2nd violation: \$300 penalty Subsequent violation: \$500 penalty</p>
<p>Ad Code Title 20 Chapter 2 Subchapter 8 (§§ 20-242 - 20-247)</p>	<p>Sightseeing Guides</p>	<p>1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500 Exceptions: --improper documentation on receipts: 6 RCNY § 2-71 1st violation: \$260 2nd violation: \$450 Subsequent violation: \$500 --operating without a license: 20-105(b)(1) \$100 a day</p>	<p>1st violation: \$175 penalty 2nd violation: \$300 penalty Subsequent violation: \$500 penalty Penalty for operating without a license unchanged</p>

<p>Ad Code Title 20 Chapter 2 Subchapter 9</p> <p>(§§ 20-248 - 20-266)</p>	<p>Pedicabs</p>	<p>1st violation: \$375 (\$200-\$500 Ad Code range) 2nd violation: \$900 (\$500-\$1,000 Ad Code range) Subsequent violation: \$4000 (\$1,000-\$4,000 Ad Code range)</p> <p>Exceptions: --insurance and intoxication violations: 20-253, 20-259(b)(6) 1st violation: \$500 2nd violation: \$1,000 Subsequent violation: \$4,000</p> <p>Seems like 20-105(b)(1) \$100/day for lack of license does not apply.</p>	<p>1st violation: \$200 penalty 2nd violation: \$500 penalty Subsequent violation: \$1,000 penalty</p> <p>Exceptions: --20-253 (operating without insurance) --20-259(b)(6) and (7) (operation while impaired or without valid driver's license), --20-259(d) (reporting of accidents), --20-259(e) (obeying NYPD when exigent circumstances):</p> <p>1st violation: \$500 2nd violation: \$1,000 Subsequent violation: \$4,000</p>
<p>Ad Code § 20-254(a)(13), (14), (15) / 6 RCNY § 2-425</p>	<p>Failure to comply with signage requirements for pedicabs</p>	<p>1st violation: \$375 2nd violation: \$900 Subsequent violation: \$4000</p>	<p>1st violation cure</p> <p>1st violation: \$200 penalty 2nd violation: \$500 penalty Subsequent violation: \$1,000 penalty</p>
<p>Ad Code § 20-255(d), (e)</p>	<p>Failure to securely affix registration plate, non-complying registration plate</p>	<p>1st violation: \$375 2nd violation: \$900 Subsequent violation: \$4000</p>	<p>1st violation cure</p> <p>1st violation: \$200 penalty 2nd violation: \$500 penalty Subsequent violation: \$1,000 penalty</p>

Ad Code § 20-265(b) (rules promulgated under this section) / 6 RCNY § 2-424	Improper advertisements placed on pedicab (Commissioner can promulgate rules - violation of such rules)	1st violation: \$375 2nd violation: \$900 Subsequent violation: \$4000	1st violation cure 1st violation: \$200 penalty 2nd violation: \$500 penalty Subsequent violation: \$1,000 penalty
Ad Code Title 20 Chapter 2 Subchapter 11 (§§ 20-264 - 20-275.1)	Dealers in Second-Hand Articles	1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500 ((\$500 Ad Code penalty ceiling) Exceptions: --Certain violations concerning the contract terms and financing of second-hand automobiles for which the penalty is: §§ 20-268.1 - 20-268.5 1st violation: \$750 (\$500-\$1,000 Ad Code range) 2nd violation: \$900 (\$500-\$1,000 Ad Code range) Subsequent violation: \$1,000 (\$500-\$1,000 Ad Code range) --posting of secondhand automobile prices (see 20-271(b) below)	1st violation: \$175 penalty 2nd violation: \$300 penalty Subsequent violation: \$500 penalty Penalties for violations concerning contract terms and financing of second-hand automobiles unchanged
Ad Code § 20-270	Failure to have a sign informing the public that new articles and second-hand articles are both sold within the store.	1st violation cure 1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500 ((\$500 Ad Code penalty ceiling)	1st violation cure already exists 1st violation: \$175 penalty 2nd violation: \$300 penalty Subsequent violation: \$500 penalty

Ad Code § 20-271(a)	Failure to label second-hand articles as not new	<p>1st violation cure</p> <p>1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500 (\$500 Ad Code penalty ceiling)</p>	<p>1st violation cure already exists</p> <p>1st violation: \$175 penalty 2nd violation: \$300 penalty Subsequent violation: \$500 penalty</p>
Ad Code Title 20 Chapter 2 Subchapter 12 (§§ 20-276 - 20-277.2)	Pawnbrokers	<p>1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500</p> <p>Exception: --20-105(b)(1) \$100/day for lack of license</p>	<p>1st violation: \$175 penalty 2nd violation: \$300 penalty Subsequent violation: \$500 penalty</p> <p>Exception unchanged</p>
Ad Code § 20-277.1(b), (d) (new) / 6 RCNY § 5-222(b), (d)	Pawnbroker failure to have "Read your ticket" signage, or failure to display enlarged reproduction of pawn ticket.	<p>1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500</p>	<p>1st violation cure</p> <p>1st violation: \$175 penalty 2nd violation: \$300 penalty Subsequent violation: \$500 penalty</p>
Ad Code Title 20 Chapter 2 Subchapter 13 (§§ 20-278 - 20-290)	Auctioneers	<p>1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500</p> <p>Exception: --20-105(b)(1) \$100/day for lack of license</p>	Repealed.

Ad Code § 20-280	Failure to post license during auction	1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500	Repealed.
Ad Code § 20-282	Improper auction advertising	1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500	Repealed.
Ad Code Title 20 Chapter 2 Subchapter 14.1 --> Moved to Title 20 Chapter 4 Subchapter 3-B (§§ 20-297.1 - 20-297.7 renumbered §§ 20-631 - 20-635)	Laundries	1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500 Exception: --20-105(b)(1) \$100/day for lack of license	1st violation: \$175 penalty 2nd violation: \$300 penalty Subsequent violation: \$500 penalty Laundry licensing requirement repealed so exception no longer relevant. Moved from Chapter 2 Licenses to Chapter 4 Regulation of Commodities and Services.
Ad Code §§ 20-297.2 - 20-297.4	Laundries - License required, application, fee/bond, advisory task force – written statements		Repealed.
Ad Code § 20-297.5(a) --> Renumbered § 20-632(a)	Laundries - failure to label handcarts and pushcarts	1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500	Repealed.

<p>Ad Code § 20-297.5(b) and (f) --> Renumbered § 20-632 (a) and (d)</p>	<p>Laundries - failure to have laundry operator's name and address on bills, tickets, cards, advertising or stationery, or on vehicles used by for delivery</p>	<p>1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500</p>	<p>1st violation cure 1st violation: \$175 penalty 2nd violation: \$300 penalty Subsequent violation: \$500 penalty</p>
<p>Ad Code § 20-297.5 (c) (one part) --> Renumbered § 20-632(b)</p>	<p>Laundries - charges to consumers must state consumer name and address</p>	<p>1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500</p>	<p>Repealed.</p>
<p>Ad Code § 20-297.5 (c) (remainder) --> Renumbered § 20-632(b)</p>	<p>Laundries - failure to accurately state charges and clearly display computation of charge.</p>	<p>1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500</p>	<p>No first fine 1st violation: \$0 2nd violation: \$175 penalty Subsequent violation: \$300 penalty</p>
<p>Ad Code § 20-297.7 --> Renumbered § 20-634</p>	<p>Laundries - advisory task force</p>	<p>N/A</p>	<p>Subdivision e relating to applicant written statements repealed.</p>

<p>Ad Code Title 20 Chapter 2 Subchapter 16</p> <p>(§§ 20-308 - 20-319)</p>	<p>Sales</p>	<p>1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500</p> <p>Exceptions: --failure to meet the requirements for advertising or improper advertising for which the penalties are:</p> <p>1st violation: \$260 2nd violation: \$450 Subsequent violation: \$500</p> <p>--20-105(b)(1) \$100/day for lack of license</p>	<p>Repealed.</p>
<p>Ad Code § 20-316</p>	<p>Failure to display sales license</p>	<p>1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500</p>	<p>Repealed.</p>
<p>Ad Code Title 20 Chapter 2 Subchapter 17</p> <p>(§§ 20-320 - 20-332)</p>	<p>Garages and Parking Lots</p>	<p>1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500</p> <p>\$500 maximum penalty set by Ad Code</p> <p>Exception: --20-105(b)(1) \$100/day for lack of license</p>	<p>1st violation: \$175 penalty 2nd violation: \$300 penalty Subsequent violation: \$500 penalty</p> <p>Exception unchanged</p>
<p>Ad Code § 20-324(b) / 6 RCNY §§ 2-161(g)(2)(i), (iv); (g)(3)(ii)</p>	<p>Garages and parking lots - failure to post the required rates signs</p> <p>20-324(b) - post rate sign at entrance 2-161(g)(2)(i) - improper rate signs, must be posted at entrance 2-161(g)(2)(iv) - post rate sign where charges are paid 2-161(g)(3)(ii) - conspicuous display of Manhattan parking tax surcharge exemption</p>	<p>1st violation cure exists</p> <p>1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500</p> <p>\$500 maximum penalty set by Ad Code</p>	<p>1st violation cure exists</p> <p>1st violation: \$175 penalty 2nd violation: \$300 penalty Subsequent violation: \$500 penalty</p>

Ad Code § 20-326	Garages and parking lots - Failure to meet the requirement(s) of claim check(s)	1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500 \$500 maximum penalty set by Ad Code	No first fine 1st violation: \$0 2nd violation: \$175 penalty Subsequent violation: \$300 penalty
Ad Code § 20- 327.1(b)(1)	Garages and parking lots - Failure to provide device to secure bicycles	1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500 \$500 maximum penalty set by Ad Code	1st violation cure 1st violation: \$175 penalty 2nd violation: \$300 penalty Subsequent violation: \$500 penalty
Ad Code § 20- 327.1(b)(2)	Garages and parking lots - Bicycle parked in garage or parking lot not 2 feet or more from any vehicle	1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500 \$500 maximum penalty set by Ad Code	No first fine 1st violation: \$0 2nd violation: \$175 penalty Subsequent violation: \$300 penalty
Ad Code § 20- 327.1(g) / 6 RCNY § 2- 161(g)(2)(viii)	Garages and parking lots - failure to display bicycle parking rates	1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500 \$500 maximum penalty set by Ad Code	1st violation cure 1st violation: \$175 penalty 2nd violation: \$300 penalty Subsequent violation: \$500 penalty
Ad Code Title 20 Chapter 2 Subchapter 19 (§§ 20-338 - 20- 358)	Bingo Licensing Law	1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500 Assuming 20-105(b)(1) \$100/day for lack of license applies.	1st violation: \$175 penalty 2nd violation: \$300 penalty Subsequent violation: \$500 penalty Assumed exception is unchanged.
Ad Code § 20-346	Bingo playing room: Relief applies only to failure to conspicuously display a license upon premises where bingo is to be conducted	1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500	1st violation cure 1st violation: \$175 penalty 2nd violation: \$300 penalty Subsequent violation: \$500 penalty
Ad Code § 20-348	Conducting bingo games prior to 6 p.m. on Sunday		Repealed.

Ad Code § 20-349	Admission of or participation by persons under eighteen to bingo game	1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500	No first fine 1st violation: \$0 2nd violation: \$175 penalty Subsequent violation: \$300 penalty
Ad Code Title 20 Chapter 2 Subchapter 24 (§§ 20-410 - 20-424)	Electronic or Home Appliance Service Dealers	1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500 Exceptions: -- violations addressed by § 20-417(6) and (7) below --20-105(b)(1) \$100/day for lack of license	1st violation: \$175 penalty 2nd violation: \$300 penalty Subsequent violation: \$500 penalty Lack of license penalty exception unchanged
Ad Code § 20-417(6) (new) / 6 RCNY § 2-253	Electronic or home appliance service dealer: New codification of requirement that license be displayed.	1st violation: \$260 2nd violation: \$450 Subsequent violation: \$500	1st violation cure 1st violation: \$175 penalty 2nd violation: \$300 penalty Subsequent violation: \$500 penalty
Ad Code § 20-417(7) (new) / 6 RCNY § 2-262	Codification of requirement that licensee carry insurance	\$500	\$500 penalty
Ad Code Title 20 Chapter 2 Subchapter 27 (§§ 20-452 - 20-474.3)	General Vendors	1st violation: \$50 (\$25-50 Ad Code range) 2nd violation: \$100 (\$50-100 Ad Code range) 3rd violation: \$200 (\$100-\$250 Ad Code range) Subsequent violation: \$500 (\$500 Ad Code maximum penalty) Exception: --operating without a license for which the Ad Code penalty range is \$250-\$1,000 + \$250/day for unlicensed (Rules set at \$250, and at \$1000 for continued unlicensed activity + \$250/day)	1st violation: \$25 penalty 2nd violation: \$50 penalty 3rd violation: \$100 penalty Subsequent violation: \$250 penalty Exception: --\$250 for operating without a license --\$1000 + \$250/day for continued unlicensed activity

<p>Ad Code § 20-461(b)</p>	<p>General vendors - failure to wear license conspicuously while vending</p>	<p>1st violation: \$50 (\$25-50 Ad Code range) 2nd violation: \$100 (\$50-100 Ad Code range) 3rd violation: \$200 (\$100-\$250 Ad Code range) Subsequent violation: \$500 (\$500 Ad Code maximum penalty)</p>	<p>No first fine 1st violation: \$0 2nd violation: \$25 penalty 3rd/subsequent violation: \$50 penalty</p>
<p>Ad Code Title 20 Chapter 2 Subchapter 29 (§§ 20-484 - 20-487)</p>	<p>Electronic Stores</p>	<p>1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500 (Ad Code range for subchapter is \$250-1000) Exceptions: --failure to display selling price (20-485.5(b), see below): ----20-105(b)(1) \$100/day for lack of license</p>	<p>1st violation: \$175 penalty 2nd violation: \$300 penalty Subsequent violation: \$500 penalty Exceptions: --failure to display selling price (20-485.5(b) penalty changes, see below Penalty for operating without a license unchanged</p>
<p>Ad Code § 20-485.5(a)</p>	<p>Electronic store license not posted in a conspicuous location</p>	<p>1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500 (Per Ad Code, 20-708 penalties apply, so \$250-500 range)</p>	<p>1st violation cure 1st violation: \$175 penalty 2nd violation: \$300 penalty Subsequent violation: \$500 penalty</p>

Ad Code § 20-485.5(b)	The total selling price of items not displayed at point of exposure	<p>1st violation: \$185 2nd violation: \$225 Subsequent violation: \$250</p> <p>\$25-\$250 Ad Code range (no distinction between violation number) set for violation of 20-708</p>	<p>1st violation cure</p> <p>See 20-708 penalty amendments - 1st violation: \$50 penalty 2nd violation: \$175 penalty Subsequent violation: \$250 penalty</p>
Ad Code § 20-485.5(c)	Receipt did not include the required information	<p>1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500</p> <p>(Per Ad Code, 20-708 penalties apply, so \$250-500 range)</p>	<p>No first fine</p> <p>1st violation: \$0 2nd violation: \$175 penalty Subsequent violation: \$300 penalty</p>
Ad Code Title 20 Chapter 3 (§§ 20-571 - 20-594)	Weights and Measures	<p>1st violation: \$75 2nd violation: \$90 Subsequent violation: \$100</p> <p>\$100 penalty (or penalty ceiling?) set by Ad Code</p> <p>Exceptions: --State law violations, not touching</p>	<p>1st violation: \$50 penalty 2nd violation: \$75 penalty Subsequent violation: \$100 penalty</p> <p>Exceptions unchanged</p>
Ad Code § 20-595 (new) / 6 RCNY § 3-12 / 6 RCNY § 3-24(f)(2)	Weights and measures - codification of requirement that information on containers be displayed in English, and that "for customer use" signs be posted	<p>1st violation: \$75 2nd violation: \$90 Subsequent violation: \$100</p> <p>\$100 penalty (or penalty ceiling?) set by Ad Code</p>	<p>1st violation cure</p> <p>1st violation: \$50 penalty 2nd violation: \$75 penalty Subsequent violation: \$100 penalty</p>
Ad Code Title 20 Chapter 4 Subchapter 2 (§§ 20-609 - 20-610)	Charcoal		Repealed.
Ad Code Title 20 Chapter 4 Subchapter 4 (§§ 20-667 - 20-671)	Hamburgers and chopped meat		Repealed.

<p>Ad Code §§ 20-668, 20-669</p>	<p>Standard for hamburger; sale of custom ground meat</p>	<p>1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500</p> <p>Note: These penalties are set by 6 RCNY § 6-44 (sale of prepackaged meat penalty schedule). Addressing penalty amounts in bill just to address potential mixup in the Rules.</p>	<p>Repealed.</p>
<p>Ad Code § 20-670 / 6 RCNY § 4-41</p>	<p>Prepackaged Meat Penalty - Failure to meet the requirement(s) of custom meat grinding</p>	<p>1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500</p> <p>Note: These penalties are set by 6 RCNY § 6-44 (sale of prepackaged meat penalty schedule), however they exceed what is permitted by 6 RCNY § 4-41(g) re: meat grinding, which sets a \$100 penalty ceiling.</p>	<p>Repealed.</p>
<p>Ad Code § 20-672 (with new subdivision g) / 6 RCNY § 4-55 / 6 RCNY § 4-63</p>	<p>Sales of Petroleum - price displays; out of order signs</p>	<p>1st violation: \$500 2nd violation: \$1,000 Subsequent violation: \$5,000</p> <p>\$500-\$10,000 Ad Code range (no distinction between violation number)</p>	<p>1st violation cure Penalties unchanged</p>
<p>Ad Code Title 20 Chapter 4 Subchapter 6 (§§ 20-676 - 20-681)</p>	<p>Sale of Meats</p>	<p>All violations: \$100</p> <p>\$100 Ad Code maximum penalty</p>	<p>Repealed.</p>
<p>Title 20 Chapter 4 Subchapter 7 (§§ 20-682 - 20-683)</p>	<p>Sale of Prepackaged Meats</p>	<p>1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500</p> <p>\$500 Ad Code maximum penalty</p>	<p>1st violation: \$300 penalty 2nd violation: \$400 penalty Subsequent violation: \$500 penalty</p>

Ad Code § 20-682(b)	Sale of prepackaged meats - failure to post a sign stating that refunds and returns are accepted	1st violation: \$375 2nd violation: \$450 Subsequent violation: \$500	1st violation cure 1st violation: \$300 penalty 2nd violation: \$400 penalty Subsequent violation: \$500 penalty
Ad Code Title 20 Chapter 4 Subchapter 8 (§§ 20-684 - 20-688)	Perishable Foods	1st violation: \$125 2nd violation: \$225 Subsequent violation: \$250 \$25-\$250 Ad Code range	1st violation: \$100 penalty 2nd violation: \$175 penalty Subsequent violation: \$225 penalty
Ad Code Title 20 Chapter 4 Subchapter 9 (§§ 20-689 - 20-690)	Water-Saving Plumbing Fixtures		Repealed.
Ad Code § 20-689	Sale of a plumbing fixture that does not comply with Plumbing Code § 604.4 (maximum flow and water consumption)	\$500 Ad Code maximum penalty	Repealed.
Ad Code § 20-691(a), (b)	Cash register price displays not visible	1st violation: \$110 2nd violation: \$135 Subsequent violation: \$150 \$100-\$150 Ad Code range	1st violation cure 1st violation: \$50 penalty 2nd violation: \$100 penalty Subsequent violation: \$150 penalty
Ad Code Title 20 Chapter 4 Subchapter 10 (§§ 20-694 - 20-695)	Thermal-Shock Protection Devices		Repealed.
Ad Code Title 20 Chapter 4 Subchapter 11 (§§ 20-696 - 20-697)	Gauges Utilizing Mercury		Repealed.

Ad Code § 20-708 / 6 RCNY § 3-21(a)	Failure to display total selling price by tag or sign	<p>1st violation: \$185 2nd violation: \$225 Subsequent violation: \$250</p> <p>\$25-\$250 Ad Code range, which also applies to 20-485.5(b) (see above)</p>	<p>1st violation cure</p> <p>1st violation: \$50 penalty 2nd violation: \$175 penalty Subsequent violation: \$250 penalty (also applies to 20-485.5(b) (see above))</p>
Ad Code § 20-708.1(b)	Improper item pricing	<p>1st violation cure</p> <p>1st violation: \$18 each for the first 20 violations (\$25 Ad Code maximum penalty) 2nd violation: \$45 each for the first 20 violations (\$50 Ad Code maximum penalty) Subsequent violation: \$50 each for the first 20 violations (\$50 Ad Code maximum penalty)</p>	Unchanged (penalties amended recently)
Ad Code § 20-709	Failure to display price per measure	<p>1st violation: \$185 2nd violation: \$225 Subsequent violation: \$250</p> <p>\$25-\$250 Ad Code range</p>	<p>1st violation: \$50 penalty 2nd violation: \$175 penalty Subsequent violation: \$250 penalty</p>
Ad Code § 20-713	Display of prescription drug prices	<p>1st violation: \$375 (\$250-\$500 Ad Code range) 2nd violation: \$675 (\$500-\$750 Ad Code range) Subsequent violation: \$750 (\$500-\$750 Ad Code range)</p>	Repealed.
Ad Code § 20-713.1	Display of information relating to emergency contraception	<p>1st violation: \$375 (\$250-\$500 Ad Code range) 2nd violation: \$675 (\$500-\$750 Ad Code range) Subsequent violation: \$750 (\$500-\$750 Ad Code range)</p>	<p>1st violation: \$175 penalty 2nd violation: \$500 penalty Subsequent violation: \$750 penalty</p>

Ad Code Title 20 Chapter 5 Subchapter 4 (§§ 20-716 - 20-722)	Information with Respect to Room Air Conditioners	\$25-\$250 per day Ad Code range	<u>No first fine</u> \$25 per day penalty
Ad Code Title 20 Chapter 5 Subchapter 6 (§§ 20-727 - 20-729)	Availability for Sale of Advertised Merchandise	<u>1st</u> violation cure exists <u>1st</u> violation: \$75 <u>2nd</u> violation: \$90 <u>Subsequent</u> violation: \$100 \$25-\$100 Ad Code range	<u>1st</u> violation cure exists <u>1st</u> violation: \$25 penalty <u>2nd</u> violation: \$50 penalty <u>Subsequent</u> violation: \$100 penalty
Ad Code Title 20 Chapter 5 Subchapter 10 (§§ 20-745 - 20-748)	Information Regarding Redemption of Beverage Containers	<u>1st</u> violation cure exists \$250 Ad Code maximum penalty	<u>1st</u> violation cure exists (added language to make clear that cure applies to all violations of subchapter) \$150 penalty
Ad Code § 20-746	Failure to post sign summarizing rights and obligations of redeemers	<u>1st</u> violation cure \$250 maximum penalty	<u>1st</u> violation cure exists \$150 penalty
Ad Code Title 20 Chapter 5 Subchapter 11 (§§ 20-749 - 20-753)	Posting of Prices in Retail Service Establishments	<u>1st</u> violation: \$185 (\$50- \$250 Ad Code range) <u>2nd</u> violation: \$450 (\$100-\$500 Ad Code range) <u>Subsequent</u> violation: \$500 (\$100-\$500 Ad Code range)	<u>1st</u> violation: \$50 penalty <u>2nd</u> violation: \$100 penalty <u>Subsequent</u> violation: \$250 penalty

<p>Ad Code §§ 20-750, § 20-751 / 6 RCNY § 2-134(a)(1) / 6 RCNY § 5-70(a)</p>	<p>20-750 - display of service prices 20-751 - disclosure of base prices</p> <p>5-70(a) - A retail service establishment failing to display a price list conspicuously in a place readily visible to customers at the point at which orders are placed and/or payment is made</p> <p>2-134(a)(1) - laundry licensee must post display price list</p>	<p>1st violation cure exists for violation of § 20-750(c) only (differing prices based on gender)</p> <p>1st violation: \$185 (\$50-\$250 Ad Code range) 2nd violation: \$450 (\$100-\$500 Ad Code range) Subsequent violation: \$500 (\$100-\$500 Ad Code range)</p>	<p>1st violation cure for all of § 20-750 and § 20-751 (appear to cover 5-70(a) and 2-134(a)(1))</p> <p>1st violation: \$50 penalty 2nd violation: \$100 penalty Subsequent violation: \$250 penalty</p>
<p>Ad Code Title 20 Chapter 5 Subchapter 24 (new) / 6 RCNY § 5-46(d)</p> <p>(new §§ 20-861 - 20-862)</p>	<p>Car rental business failure to display sign informing consumers of their rights with respect to reservations</p>	<p>1st violation: \$260 2nd violation: \$315 Subsequent violation: \$350</p> <p>(Currently falls under Consumer Protection Law penalty schedule in the Rules)</p>	<p>1st violation cure (20-861)</p> <p>1st violation: \$150 penalty 2nd violation: \$250 penalty Subsequent violation: \$350 penalty</p>

Environmental Protection violations addressed in Int. 2233-A

<u>Provision</u>	<u>Violation</u>	<u>Current Penalties</u>	<u>Proposed Long-Term Relief</u>
Ad Code § 24-218(a-1)	Causing or permitting unreasonable noise for commercial activities or purposes or through a device installed within or upon a building	1st offense: \$350-\$100 Ad Code penalty range (\$350 set in Rules) 2nd offense: \$700-\$2000 Ad Code penalty range (\$700 set in Rules) 3rd/subsequent offense: \$1050-\$3000 Ad Code penalty range (\$1050 set in Rules)	1st offense: \$350 2nd offense: \$700 3rd/subsequent offense: \$1050
Ad Code § 24-218.1(d)	Notice regarding use of mobile telephones in a place of public performance	1st, 2nd & 3rd/subsequent offenses: \$50	No first fine 1st offense: \$0 2nd offense: \$50 3rd/subsequent offense: \$50
Ad Code § 24-227	Circulation devices	Existing 1st violation cure (45 days) 1st offense: \$0-\$875 Ad Code penalty range (set at \$560/\$0 in Rules) 2nd offense: \$440-\$1750 Ad Code penalty range (set at \$1120 in Rules) 3rd/subsequent offense: \$660-\$2625 Ad Code penalty range (set at \$1680 in Rules)	1st violation cure period changed to 30 days (instead of existing 45, for consistency with other DEP cures), and respondent can apply for 30 more days to cure Clarifying that Commissioner does not have discretion to allow 1st violation cure. 1st offense: \$220 2nd offense: \$440 3rd/subsequent offense: \$660

<p>Ad Code § 24-231(a)</p>	<p>Made/caused/permitted music from commercial establishment in excess of permitted levels</p>	<p>Existing cure for <u>1st</u> offense (30 days), with application for 30 extra days for undue hardship available. <u>1st</u> offense: \$0-\$8000 Ad Code penalty range (Rules set at \$3200) <u>2nd</u> offense: \$4000-\$16000 Ad Code penalty range (Rules set at \$6400) <u>3rd/subsequent</u> offense: \$6000-\$24000 Ad Code penalty range (Rules set at \$9600)</p>	<p>Respondent can apply for 30 more days to cure (language substituted for "undue hardship")</p> <p>Clarifying that Commissioner does not have discretion to allow cure.</p> <p><u>1st</u> offense: \$2000 <u>2nd</u> offense: \$4000 <u>3rd/subsequent</u> offense: \$6000</p>
<p>Ad Code § 24-231(d)</p>	<p>Violation of variance from limits set forth in 24-231(a) (commercial music)</p>	<p>Rules penalty schedule seems to indicate that <u>1st</u> violation cure is currently only allowed for violation of subd (a) (general prohibition of certain sound levels)</p> <p><u>1st</u> offense: \$560 penalty (\$220-\$875 Ad Code penalty range) <u>2nd</u> offense: \$1120 (\$440-\$1750 Ad Code penalty range) <u>3rd</u> offense: \$1680 (\$660-\$2625 Ad Code penalty range)</p>	<p>Making clear that 1st violation cure is allowed for violation of subd (d) (Commissioner-granted variance).</p> <p>Respondent can apply for 30 more days to cure (language substituted for "undue hardship")</p> <p>Also clarifying that Commissioner does not have discretion to allow cure.</p> <p><u>1st</u> offense: \$560 <u>2nd</u> offense: \$1120 <u>3rd</u> offense: \$1680</p>
<p>Ad Code § 24-232</p>	<p>Excessive noise from sound source @ commercial or business establishment</p>	<p><u>1st</u> offense: \$440-\$1400 Ad Code penalty range <u>2nd</u> offense: \$880-\$2800 Ad Code penalty range <u>3rd/subsequent</u> offense: \$1320-\$4200 Ad Code penalty range</p>	<p><u>1st</u> violation cure (*within 30 days after NOV issuance for all proposed EP cures) and respondent can apply for 30 more days to cure</p> <p><u>1st</u> offense: \$440 <u>2nd</u> offense: \$880 <u>3rd/subsequent</u> offense: \$1320</p>

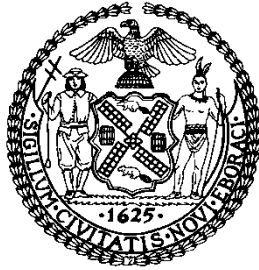
Ad Code § 24-237(d)	Improper use of sound signal device (food vendor)	1st offense: \$350-\$1000 Ad Code penalty range (\$350 set in Rules) 2nd offense: \$700-\$2000 Ad Code penalty range (\$700 set in Rules) 3rd/subsequent offense: \$1050-\$3000 Ad Code penalty range (\$1050 set in Rules)	1st offense: \$350 2nd offense: \$700 3rd/subsequent offense: \$1050
Ad Code § 24-238(a)	Improper audible burglar alarm/no automatic termination - owner of building or motor vehicle	1st offense: \$220-\$875 Ad Code penalty range (Rule set at \$280) 2nd offense: \$440-\$1750 Ad Code penalty range (Rules set at \$560) 3rd/subsequent offense: \$660-\$2625 Ad Code penalty range (Rules set at \$840)	1st offense: \$220 2nd offense: \$440 3rd/subsequent offense: \$660
Ad Code § 24-242(a)	Operating lawn care devices at unauthorized times or so as to create unreasonable noise	1st offense: \$220-\$875 Ad Code penalty range (Rules set at \$220) 2nd offense: \$440-\$1750 Ad Code penalty range (Rules set at \$440) 3rd/subsequent offense: \$660-\$2625 Ad Code penalty range (Rules set at \$660)	1st offense: \$220 2nd offense: \$440 3rd offense: \$660
Ad Code § 24-242(b)	Operation of leaf blower without muffler	1st offense: \$220-\$875 Ad Code penalty range (Rules set at \$220) 2nd offense: \$440-\$1750 Ad Code penalty range (Rules set at \$440) 3rd/subsequent offense: \$660-\$2625 Ad Code penalty range (Rules set at \$660)	1st offense: \$220 2nd offense: \$440 3rd offense: \$660

Ad Code § 24-244(b)	Unreasonable noise from sound reproduction device for commercial/bus. advert. Purposes	<p>1st offense: \$440-\$1750 Ad Code penalty range (Rules set at \$700)</p> <p>2nd offense: \$880-\$3500 Ad Code penalty range (Rules set at \$1400)</p> <p>3rd/subsequent offense: \$1320-\$5250 Ad Code penalty range (Rules set at \$2100)</p>	<p>1st offense: \$440</p> <p>2nd offense: \$880</p> <p>3rd/subsequent offense: \$1320</p>
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Buildings violations addressed in Int. 2233-A

<u>Provision</u>	<u>Violation</u>	<u>Current Penalties</u>	<u>Proposed Long-Term Relief</u>
Ad Code § 28-105.11	Failure to post or properly post permit for work at premises.	Class 2, \$625 standard penalty.	1st violation cure
Ad Code § 28-301.1	Failure to maintain sign in accordance with Title 27, Title 28, ZR, RCNY	Class 2, \$1,250 standard penalty.	1st violation cure
Ad Code § 28-303.7	Failure to file complete boiler inspection report	Class 2, \$650 standard penalty	1st violation cure
ZR § 32-64	Sign(s) in specified C District exceed(s) surface area restrictions.	Class 2, \$1,250 standard penalty.	1st violation cure
ZR § 32-652	Sign in specified D District extends beyond street line limitation	Class 2, \$1,250 standard penalty	1st violation cure
ZR § 32-653	Prohibited sign on awning/canopy/marquee in C District	Class 2, \$1,250 standard penalty	1st violation cure
ZR Misc.	Miscellaneous sign violation under the Zoning Resolution	Class 2, \$1,250 standard penalty.	1st violation cure

(The following is the text of the Fiscal Impact Statement for Int. No. 2233-A:)



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

PROPOSED INT. NO.: 2233-A
COMMITTEE: Small Business

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to reducing penalties and allowing opportunities to cure for certain violations.

Sponsors: By Council Members Gibson, The Speaker (Council Member Johnson), Gjonaj, Holden, Ayala, Brannan, Rosenthal, D. Diaz, Brooks-Powers, Yeger, Gennaro, Moya, Adams, Lander, Dinowitz and Borelli.

SUMMARY OF LEGISLATION: Proposed Int. No. 2233-A would provide civil penalty relief from certain sanitation, health, transportation, consumer affairs, noise control and buildings violations. It would set fixed penalties at the bottom of existing penalty ranges, lower existing penalty ceilings (or sometimes set a lower fixed amount), or lower existing fixed penalties. In certain instances, the bill would allow a cure period for a first violation, or it would eliminate the civil penalty for a first violation. This bill would also clarify that submission of proof of cure for consumer affairs and health violations is an admission of liability only if the proof is accepted by the relevant agency, repeal a number of requirements and prohibitions in the Administrative Code to provide relief for small businesses, and make an administrative change to the storefront registry filing requirement.

EFFECTIVE DATE: Provisions of this local law would have different effective dates, ranging from immediate effect to effect on June 15, 2022; rules for many provisions with future effective dates may be promulgated before such dates.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
Revenues (+)	(\$8,666,666)	(\$13,000,000)	(\$13,000,000)
Expenditures (-)	\$0	\$0	\$0
Net	(\$8,666,666)	(\$13,000,000)	(\$13,000,000)

IMPACT ON REVENUES: The civil penalty relief in the legislation includes resetting penalties at the bottom of existing penalty ranges, lowering existing penalty ceilings (or sometimes setting a lower fixed amount), or lowering existing fixed penalties. The enactment of such relief is estimated to result in a reduction in revenue. Many of the provisions would not take effect for 120 days, resulting in a partial year impact for

Fiscal 2022. The provision with the latest effective date would not take effect until June 15, 2022 and is estimated to result in a de minimis further reduction in revenue.

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation as the agencies impacted would be able to use existing resources to implement the provisions of this law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

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

ESTIMATE PREPARED BY: Aliya Ali, Principal Financial Analyst

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

LEGISLATIVE HISTORY: The Committee on Small Business (Committee) heard this legislation as preconsidered item on February 25, 2021, and the legislation was laid over. This legislation was introduced to the full Council as Int. No. 2233 on March 1, 2021 and was referred to the Committee. The legislation was subsequently amended and the amended version, Proposed Int. No. 2233-A, will be voted on by the Committee at a hearing on June 17, 2021. Upon successful vote by the Committee, Proposed Int. No. 2233-A will be submitted to the full Council for a vote on June 17, 2021.

DATE PREPARED: June 14, 2021.

(For text of Int. No. 2234-A and its Fiscal Impact Statement, please see the Report of the Committee on Small Business for Int. No. 2234-A printed in these Minutes; for text of Int. No. 2233-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 2233-A and 2234-A.

(The following is the text of Int. No. 2233-A:)

Int. No. 2233-A

By Council Members Gibson, The Speaker (Council Member Johnson), Gjonaj, Holden, Ayala, Brannan, Rosenthal, D. Diaz, Brooks-Powers, Yeger, Gennaro, Moya, Adams, Lander, Dinowitz, Rivera, Ampry-Samuel, Louis and Borelli.

A Local Law to amend the administrative code of the city of New York, in relation to reducing penalties and allowing opportunities to cure for certain violations, to repeal chapter 4-B of title 16 of such code, relating to the recycling of plastic carryout bags and film plastic, to repeal section 20-117 of such code, relating to disclosure of a security breach by a licensee of the department of consumer and worker protection, to repeal section 20-118 of such code, relating to notification of the department of consumer and worker protection by a licensee of a judgment regarding identity theft, to repeal section 20-212 of such code, relating to the licenses required to operate an amusement device, gaming café, and amusement arcade, to repeal 20-213 of such code, relating to the fees for such licenses, to repeal subchapter 13 of chapter 2 of title 20 of such code, relating to the licensing of auctioneers by the department of consumer and worker protection, to repeal sections 20-297.2, 20-297.3, and 20-297.4 of such code, relating to the licensing of laundries, to repeal subdivision e of section 20-634 of such code,

relating to the collection of written statements from applicants for a license by the commissioner of the department of consumer and worker protection to the advisory task force, to repeal subchapter 16 of chapter 2 of title 20 of such code, relating to the licensing of persons who are conducting a sale of goods, wares or merchandise, to repeal section 20-348 of such code, relating to permitting conduct of games of bingo after 6 p.m. on Sundays, to repeal subchapter 2 of chapter 4 of title 20 of the administrative code of the city of New York, relating to the sale of charcoal, to repeal subchapter 4 of chapter 4 of title 20 of such code, relating to the sale of chopped meat, to repeal subchapter 6 of chapter 4 of title 20 of such code, relating to the sale of processed meats or meat products, to repeal subchapter 9 of chapter 4 of title 20 of such code, in relation to the sale of plumbing fixtures that do not comply with section 604.4 of the New York city plumbing code, to repeal subchapter 10 of chapter 4 of title 20 of such code, in relation to the sale of water supply control valves, to repeal subchapter 11 of chapter 4 of title 20 of such code, in relation to the sale of gauges that utilize mercury, to repeal section 20-713 of such code, in relation to the display of the current selling price of prescription drugs

Be it enacted by the Council as follows:

Section 1. Section 10-121 of the administrative code of the city of New York, subdivision a of such section as amended by local law number 2 for the year 2003, subdivision b of such section as amended by local law number 29 for the year 2003, subdivision e of such section as added by local law number 111 for the year 1993 and subdivision g of such section as added by local law number 2 for the year 2003, is amended to read as follows:

§ 10-121 Violation. a. Any person convicted of a violation of any of the provisions of section 10-119 or 10-120 of the code shall be punished by a fine of not less than seventy-five dollars nor more than one hundred fifty dollars, for the first offense and not less than one hundred fifty dollars nor more than two hundred fifty dollars for the second and each subsequent offense within a twelve month period, plus the cost of the removal of the unauthorized signs, imprisonment for not more than ten days, or both; provided, however, that subdivision b of section 10-119 of the code shall not apply with respect to criminal prosecutions brought pursuant to this subdivision.

b. In the instance where the notice of violation, appearance ticket or summons is issued for breach of the provisions of section 10-119 [or 10-120] of the code and sets forth thereon civil penalties only, such process shall be returnable to the environmental control board, which shall have the power to impose the civil penalties of [not less than] seventy five dollars [nor more than one hundred fifty dollars] for the first offense and [not less than] one hundred fifty dollars [nor more than two hundred fifty dollars] for the second and each subsequent offense within a twelve month period. Anyone found to have violated the provisions of section 10-119 [or 10-120], in addition to any penalty imposed, shall be responsible for the cost of the removal of the unauthorized signs. Anyone found to have violated section 10-119 of this chapter by affixing any handbill, poster, notice, sign or advertisement to a tree by means of nailing or piercing the tree by any method shall have an additional penalty imposed equal to the amount of the original penalty.

c. *In the instance where the notice of violation, appearance ticket or summons is issued for breach of the provisions of section 10-120 of the code and sets forth thereon civil penalties only, such process shall be returnable to the environmental control board, which shall have the power to impose a civil penalty of not less than seventy five dollars nor more than one hundred fifty dollars for the first offense and not less than one hundred fifty dollars nor more than two hundred fifty dollars for the second and each subsequent offense within a twelve month period. Anyone found to have violated the provisions of section 10-120, in addition to any penalty imposed, shall be responsible for the cost of the removal of the signs that were torn down, defaced or destroyed.*

d. In the event that a violator fails to answer such notice of violation, appearance ticket or summons within the time provided therefor by the rules and regulations of the environmental control board, he or she shall become liable for additional penalties. The additional penalties shall not exceed fifty dollars for each violation.

[d]e. Any person found in violation of any of the provisions of section 10-119 or 10-120 of the code shall be liable for a civil penalty as provided for in [subdivision] *subdivisions b and c* of this section.

[e]f. Liability and responsibility for any civil penalty imposed pursuant to this section for any violation of section 10-119 or 10-120 of the code shall be joint and severable on the part of any corporation found to be liable

and responsible and its officers, principals, and stockholders owning more than ten percent of its outstanding voting stock.

g. For the purposes of imposing a criminal fine or civil penalty pursuant to this section, every handbill, poster, notice, sign or advertisement pasted, posted, painted, printed or nailed in violation of section 10-119 of the code or torn down, defaced or destroyed in violation of section 10-120 of the code, shall be deemed to be the subject of a separate violation for which a separate criminal fine or civil penalty shall be imposed.

§ 2. Subdivision b of section 10-127 of the administrative code of the city of New York is amended to read as follows:

b. Vehicles, markings of. Every commercial vehicle operating on the streets of the city shall at all times display permanently, plainly marked on both sides in letters and *any* numerals [not less than three inches in height] *in accordance with section 390.21 of title 49 of the code of federal regulations*, the name [and address] of the owner thereof. *The commissioner of transportation may promulgate rules imposing requirements or prohibitions relating to such markings, or both, applicable to such commercial vehicles, provided that any such requirements or prohibitions imposed by such commissioner shall not be more restrictive than any requirements or prohibitions applicable to such vehicles set forth in section 390.21 of title 49 of the code of federal regulations.*

§ 3. Subdivisions c and d of section 10-169 of the administrative code of the city of New York, as added by local law number 67 for the year 2014, are amended to read as follows:

c. Any person who violates the provisions of paragraph two of subdivision b of this section shall be liable for a civil penalty recoverable in a proceeding before the environmental control board of [two hundred fifty] *one hundred* dollars for the first offense and [five] *three hundred fifty* dollars for each subsequent offense within any eighteen-month period. Any person who violates the provisions of paragraph two of subdivision b of this section *or any rules promulgated pursuant thereto* by attaching or enclosing by any means any publicly accessible collection bin to or on any city property, or property maintained by the city, or on any public sidewalk or roadway, shall be liable for a civil penalty recoverable in a proceeding before the environmental control board of [five hundred] *three hundred fifty* dollars for the first offense and [one thousand] *eight hundred fifty* dollars for each subsequent offense within any eighteen-month period. For purposes of this section, each publicly accessible collection bin placed on any city property, or property maintained by the city, or on any public sidewalk or roadway, shall be deemed a separate violation.

d. Any person who violates the provisions of paragraphs one, four or five of subdivision b of this section *or any rules promulgated pursuant thereto* shall be liable for a civil penalty recoverable in a proceeding before the environmental control board of fifty dollars for the first offense and one hundred dollars for each subsequent offense within any eighteen-month period.

§ 4. Subdivision i of section 11-208.1 of the administrative code of the city of New York, as added by local law number 157 for the year 2019, is amended to read as follows:

i. The owner of a ground floor or second floor commercial premises, including of a designated class one property, as such terms are defined in subdivision a of section 11-3001, shall be required to file registration statements and supplemental registrations pursuant to subdivisions b, c and d of such section, [as part of] with the income and expense statement required to be submitted pursuant to this section.

§ 5. Subdivision f of section 11-3001 of the administrative code of the city of New York, as added by local law number 157 for the year 2019, is amended to read as follows:

f. The department of finance shall require the registration statements and supplemental registration required to be filed pursuant [this] *to* subdivisions b, c and d of this section to be filed [as part of] *with* the income and expense statement required to be submitted to such department pursuant to section 11-208.1.

§ 6. Paragraph (i) of subdivision d of section 16-116 of the administrative code of the city of New York, as amended by local law number 153 for the year 2013, is amended to read as follows:

(i) Except as provided in paragraph (ii) of this subdivision, violation of any of the provisions of this section or any rules promulgated pursuant thereto shall be punishable by a civil penalty of not less than fifty nor more than one hundred dollars, provided that a [first-time] violation of subdivision (b) of this section or any rules promulgated *pursuant thereto* by any owner, lessee or person in control of a commercial establishment shall be [mitigated to zero dollars if, on or before the initial return date stated on the notice of violation, such owner, lessee or person submits proof of having cured the violation at the hearing of such notice of violation. Any notice of violation, appearance ticket or summons issued for a violation of this section shall be returnable before the

environmental control board which shall impose the penalty herein provided] *punishable by a civil penalty of fifty dollars.*

§ 7. Paragraph a of subdivision 9 of section 16-118 of the administrative code of the city of New York, as amended by local law number 137 for the year 2018, is amended to read as follows:

a. (1) not less than 50 and not more than 250 dollars for a first violation, except that the civil penalty shall be not less than 250 and not more than 350 dollars for a second violation of subdivision [3,] 4 or 6 of this section within any 12 month period, and not less than 350 and not more than 450 dollars for a third or subsequent violation of subdivision [3,] 4 or 6 of this section within any 12 month period;

(2) *notwithstanding subparagraph (1) of paragraph a of this subdivision, 50 dollars for a first violation of paragraph (a) of subdivision 2 or of subdivision 3 of this section, or of any rules promulgated pursuant thereto, 100 dollars for a second violation of such paragraph or subdivision or of any rules promulgated pursuant thereto within any 12 month period, and 100 dollars for a third or subsequent violation of such paragraph or subdivision or of any rules promulgated pursuant thereto within any 12 month period;*

§ 8. Subdivision f of section 16-120 of the administrative code of the city of New York, as amended by local law number 135 for the year 2018, is amended to read as follows:

f. Any person violating the provisions of this section, except subdivision e, shall be liable for a civil penalty of [not less than \$25 nor more than \$100] \$50 for the first violation, [not less than] \$100 [nor more than \$200] for a second violation within any twelve-month period, and [not less than] \$200 [nor more than \$300] for a third or subsequent violation within any twelve-month period. Any person violating the provisions of paragraph (1) of subdivision e of this section shall be liable for a civil penalty of \$100 for the first violation, \$250 for a second violation within any twelve-month period, and \$350 for a third or subsequent violation within any twelve-month period. Any person violating the provisions of paragraph (2) of subdivision e of this section shall be liable for a civil penalty \$75 for the first violation, \$300 for a second violation within any twelve-month period, and \$400 for a third or subsequent violation within any twelve-month period.

§ 9. Subdivision e of section 16-127 of the administrative code of the city of New York is amended to read as follows:

e. Any person violating the provisions of this section shall be liable and responsible for a civil penalty of [not less than twenty-five dollars nor more than one hundred] *fifty dollars.*

§ 10. 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. *Corrective action request program. a. Definitions. For purposes of this section, the term “corrective action request” or “CAR” means a formal notice by the department that a condition is in violation of this title and that a request is being made for action to be taken by the respondent to whom such notice is addressed to correct the condition so described.*

b. No later than October 1, 2021, the commissioner shall create a program for the issuance of corrective action requests for certain first-time violations of this title.

c. Corrective action request. 1. The corrective action request shall provide notice of the nature of the violation and that the law authorizes civil penalties for such violation.

2. The department shall issue a corrective action request to a person in lieu of a notice of violation for a condition that would violate, for the first time, the following sections of this chapter:

(a) Paragraphs (1), (2), (4) and (5) of subdivision b of section 10-169;

(b) Subdivision b of section 16-116; and

(c) Subdivision g of section 16-308.

3. A corrective action request may be served by either of the following means:

(a) Personal service; or

(b) Service in accordance with clause (ii) of subparagraph (a) of paragraph 2 of subdivision d of section 1049-a of the charter of the city of New York. Notwithstanding any inconsistent provision of law, service pursuant to this subparagraph shall be complete on the date a copy of the corrective action request is mailed to the respondent.

4. Any corrective action requested by a corrective action request shall be performed within 30 days of service of such request pursuant to paragraph 3 of this subdivision, unless issuance of such corrective action request is protested as provided herein.

5. *Within 14 days after the date of service of the corrective action request pursuant to paragraph 3 of this subdivision, unless a different time is specified on such request, the respondent may protest the issuance of such request in the manner described on such request.*

6. *Protests shall be reviewed by the department and a final determination of the protest shall be made within a reasonable period of time.*

d. *On or before July 1, 2022, the commissioner shall report to the speaker of the council and the mayor about the program established pursuant to this section. Such report shall include, but not be limited to, the following information:*

1. *The number of corrective action requests issued and the resolution of such requests;*
2. *The number of notices of violations issued for the violations described in paragraph 2 of subdivision c.*
3. *The impact of the program on operations of the department, street cleanliness, and quality of life; and*
4. *Any recommendations for improvement of such program.*

§ 11. Subdivisions b and f of section 16-324 of the administrative code of the city of New York, subdivision b as amended by local law number 77 for the year 2013 and subdivision f as added by local law number 142 for the year 2013, are amended to read as follows:

b. Any person who violates subdivision g of section 16-308 of this chapter *or any rules promulgated pursuant thereto* shall be liable for a civil penalty in the amount of two hundred fifty dollars for the first violation, [one thousand] *five hundred* dollars for the second violation committed within a twelve-month period, and [two thousand five hundred] *one thousand* dollars for the third and each subsequent violation committed within a twelve-month period.

f. Any person who violates section 16-329 of this chapter or any rule promulgated pursuant thereto shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner, the commissioner of health and mental hygiene or the commissioner of consumer affairs, or in a proceeding before the environmental control board, the health tribunal at the office of administrative trials and hearings, or the administrative tribunal of the department of consumer affairs, in the amount of [two] one hundred fifty dollars for the first violation, [five] *two hundred fifty* dollars for the second violation committed on a different day within a period of twelve months, and [one thousand] *five hundred* dollars for the third and each subsequent violation committed on different days within a period of twelve months[, except that the department, the department of health and mental hygiene, and the department of consumer affairs shall not issue a notice of violation, but shall issue a warning and provide information on replacement material, for any violation that occurs before January first, two thousand sixteen].

§ 12. Chapter 4-B of title 16 of the administrative code of the city of New York is REPEALED.

§ 13. Section 17-144 of the administrative code of the city of New York is amended to read as follows:

§ 17-144 Nuisances; who is liable. a. It is hereby declared to be the duty, of which there shall be a joint and several liability, of every owner, part owner, person interested, and every lessee, tenant, and occupant, of, or in, any place, water, ground, room, stall, apartment, building, erection, vessel, vehicle, matter and thing in the city, and of every person conducting or interested in business therein or thereat, and of every person who has undertaken to clean any place, ground or street therein, and of every person, public officer, and board having charge of any ground, place, building or erection therein, to keep, place and preserve the same and every part, and the sewerage, drainage and ventilation thereof in such condition, and to conduct the same in such manner that it shall not be dangerous or prejudicial to life or health, subject to the health code and orders of the department.

b. *A food service establishment that violates this section or any rule promulgated thereunder in a manner that does not present an imminent health hazard or public health hazard, as such terms are defined in section 81.03 of the health code of the city of New York, shall be subject to a civil penalty of \$500; except that such food service establishment shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A food service establishment*

may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 14. Section 17-192 of the administrative code of the city of New York is amended by adding new subdivisions d, e and f to read as follows:

d. Labels required. Food service establishments and mobile food unit commissaries shall comply with the requirements set forth in subdivision (c) of section 81.08 of the health code of the city of New York regarding labeling for food products containing artificial trans fat.

e. Penalties. Any food service establishment or mobile food unit commissary that violates any of the provisions of this section or any rule promulgated pursuant thereto by the department shall be liable for a civil penalty of \$100. Where a food service establishment or mobile food unit commissary is found to have violated this section or any rule promulgated pursuant thereto by the department, the department shall commence a proceeding to recover any civil penalty authorized by this section by the service of a summons returnable to the office of administrative trials and hearings.

f. Cure permitted. Any food service establishment or mobile food unit commissary that violates this section or any rules promulgated thereunder shall not be subject to a civil penalty for a first-time violation if such establishment or commissary proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the office of administrative trials and hearings, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 15. Subdivision d of section 17-199.11 of the administrative code of the city of New York, as added by local law number 75 for the year 2019, is amended to read as follows:

d. Any food service establishment that violates any of the provisions of this section or any rule promulgated thereunder by the department shall be liable for a civil penalty [not to exceed \$200] of \$100. Where a person is found to have violated this section or any rule promulgated thereunder by the department, the department shall commence a proceeding to recover any civil penalty authorized by this section by the service of a summons returnable to the office of administrative trials and hearings.

§ 16. Section 17-199.11 of the administrative code of the city of New York is amended by adding a new subdivision f to read as follows:

f. Any food service establishment that violates this section or any rules promulgated thereunder shall not be subject to a civil penalty for a first-time violation if such person proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the office of administrative trials and hearings, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 17. Subdivision c of section 17-325 of the administrative code of the city of New York, paragraph 2 as amended by local law number 38 for the year 2013, is amended to read as follows:

c. 1. In addition to the penalties prescribed by subdivision a of this section, any person who violates, or any person aiding another to violate, the provisions of subdivision a, b, or c of section 17-307 of this subchapter shall be liable for a civil penalty of not less than one hundred fifty dollars nor more than one thousand dollars together with a penalty of one hundred dollars per day for every day during which the unlicensed business operated.

2. In addition to the penalties prescribed by subdivision b of this section, any person who violates any of the provisions of this subchapter, other than subdivision a, b, or c of section 17-307, or any of the rules and regulations promulgated hereunder shall be liable for a civil penalty as follows:

(a) For the first violation, a penalty of [not less than] twenty-five [nor more than fifty] dollars.

(b) For the second violation issued for the same offense within a period of two years of the date of a first violation, a penalty of [not less than] fifty dollars [nor more than one hundred dollars].

(c) For the third violation issued for the same offense within a period of two years of the date of a first violation, a penalty of [not less than] one hundred dollars [nor more than two hundred and fifty dollars], in addition to the remedy provided for in subdivision f of section 17-317 of this subchapter.

(d) For any subsequent violations issued for the same offense within a period of two years of the date of a first violation, a penalty of [not more than five hundred] *two hundred fifty* dollars.

3. *Notwithstanding paragraph 2 of this subdivision, any person that violates subdivision c of section 17-311 by failing to firmly affix a current letter grade or letter grade pending card to a vending vehicle or pushcart in a conspicuous place as required by rules of the department shall be liable for a civil penalty of five hundred dollars.*

4. *Any person that violates section 17-311 or subdivisions a or b of section 17-315, or any rules promulgated thereunder, shall not be subject to a civil penalty for a first-time violation if such person proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 17-311 or subdivisions a or b of section 17-315, or any rules promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the office of administrative trials and hearings, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.*

§ 18. Section 17-377 of the administrative code of the city of New York, as added by local law number 5 for the year 2015, is amended to read as follows:

[§17-377] § 17-377 Permit to be kept on premises; mutilation prohibited. *a.* A permit shall be kept on the premises designated on the permit.

[It] *b.* *Such permit* shall be placed in a clean, transparent cover or frame and displayed in such a manner as to be clearly visible to the public.

[It] *c.* *Such permit* shall be available for inspection at all times by the department.

d. No person shall mutilate, obstruct or tear down [a] *such* permit.

§ 19. Section 17-381 of the administrative code of the city of New York, as added by local law number 5 for the year 2015, is amended to read as follows:

[§17-381] § 17-381 Penalties. *a.* Any person found in violation of any provision of this subchapter, *other than subdivision b of section 17-377*, or any provision of any rule promulgated thereunder shall be subject to a civil penalty of five hundred dollars per day for each such violation. Each violation in connection with the sale of more than one animal shall be deemed a separate violation with respect to each animal offered for sale. A notice of violation served pursuant to this section shall be returnable at the environmental control board or any tribunal established within the office of administrative trials and hearings as designated by the commissioner.

b. *Any person found in violation of subdivision b of section 17-377 or any provision of any rule promulgated thereunder shall be subject to a civil penalty of one hundred dollars per day for each such violation.*

c. *Any person that violates subdivision b of section 17-377 or any rule promulgated thereunder shall not be subject to a civil penalty for a first-time violation if such person proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b of section 17-377 or any rules promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the office of administrative trials and hearings, of the determination*

that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 20. Subdivision e of section 17-508 of the administrative code of the city of New York, as amended by local law number 147 for the year 2017, is amended to read as follows:

e. 1. Every person who violates subdivisions a or b of this section shall, for a first violation thereof, be liable for a civil penalty of not less than two hundred dollars nor more than four hundred dollars; for a second violation, both of which were committed within a period of twelve months, be liable for a civil penalty of not less than five hundred dollars nor more than one thousand dollars; and for a third or subsequent violation, all of which were committed within a period of twelve months, be liable for a civil penalty of not less than one thousand dollars nor more than two thousand dollars. *Notwithstanding any provision of law in this paragraph to the contrary, where a person prohibits smoking and the use of electronic cigarettes in all indoor places of employment pursuant to subdivision a of section 17-504, and such person is in compliance with subdivision a of section 17-506 of this chapter, a violation of subdivision b of this section by such person for failure to comply with subdivision f of section 17-504 through failure to post a smoking and electronic cigarette use policy in the workplace shall, for a first violation thereof, make such person liable for a civil penalty of fifty dollars; for a second violation thereof, both of which were committed within a period of twelve months, liable for a civil penalty of one hundred dollars; and for a third or subsequent violation thereof, all of which were committed within a period of twelve months, liable for a civil penalty of one hundred fifty dollars.*

2. *Where a person prohibits smoking and the use of electronic cigarettes in all indoor places of employment pursuant to subdivision a of section 17-504, and such person is in compliance with subdivision a of section 17-506 of this chapter, such person shall not be subject to a civil penalty for a violation of subdivision b of this section for failure to comply with subdivision f of section 17-504 through failure to post a smoking and electronic cigarette use policy if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b of this section by failing to comply with subdivision f of section 17-504 through failure to post a smoking and electronic cigarette use policy or any rule or regulation issued thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the office of administrative trials and hearings, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.*

3. Every person who violates subdivision d of this section shall be liable for a civil penalty of one hundred dollars for each violation, except that every person who violates subdivision d of this section by smoking, or using an electronic cigarette, in a pedestrian plaza as prohibited by paragraph seven of subdivision c of section 17-503 or in a park or other property under the jurisdiction of the department of parks and recreation as prohibited by paragraph three of subdivision d of section 17-503 shall be liable for a civil penalty of fifty dollars for each violation. Every owner of a class A multiple dwelling who violates subdivision d-1 of this section, and every tenant-shareholder, condominium unit owner and tenant who violates subdivision d-2 of this section, shall be liable for a civil penalty of one hundred dollars for each violation, provided that a violation of paragraph two, three or four of subdivision d-1 shall be considered a single violation regardless of whether such owner failed to disclose a smoking policy, to provide notification of adoption of such policy or a material change to such policy, or to make available copies of such policy to more than one person.

§ 21. Subdivision b of section 17-513.2 of the administrative code of the city of New York, as added by local law number 147 for the year 2017, is amended to read as follows:

b. Class A multiple dwelling smoking policy requirement. The civil penalty provided in *paragraph 3 of subdivision e of section 17-508* shall be the sole remedy for violation of subdivision d-1 or d-2 of such section.

§ 22. Chapter 13 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-1307 to read as follows:

§ 17-1307 Penalties. a. *Any child care service found in violation of section 17-1303 or any provision of any rule promulgated thereunder shall be subject to a civil penalty of \$500 for each such violation.*

b. Any applicant for a new or renewal permit to operate a child care service found in violation of section 17-1304, or of any provision of any rule promulgated thereunder, for failing to disclose whether a serious injury or the death of a child in its care shall be subject to a civil penalty of \$1,000 for each such violation.

c. Any child care service that violates section 17-1303 or any rule promulgated thereunder shall not be subject to a civil penalty for a first-time violation if such child care service proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a child care service that has received, for the first time, a notice of violation of section 17-1303 or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A child care service may seek review, in the office of administrative trials and hearings, of the determination that the child care service has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 23. Section 17-1501 of the administrative code of the city of New York, as added by local law number 90 for the year 2013, is amended to read as follows:

§ 17-1501 Definitions. As used in this [Chapter] chapter, the following terms [shall] have the following meanings:

[a. “Consultative inspection”] *Consultative inspection.* The term “consultative inspection” means an educational sanitary inspection of a food service establishment that shall not result in fines or a grade.

[b. “Covered languages”] *Covered languages.* The term “covered languages” means Chinese, English, Haitian Creole, Korean, Bengali, Russian and Spanish, and any other language determined by the department.

[c. “Critical violations”] *Critical violations.* The term “critical violations” [shall have] has the meaning it is given in section 23-01 of title 24 of the rules of the city of New York.

[d. “Food service establishment”] *Food service establishment.* The term “food service establishment” means any establishment inspected pursuant to the restaurant grading program established pursuant to subdivision a of section 81.51 of the health code of the city of New York.

[e. “Food service establishment inspector”] *Food service establishment inspector.* The term “food service establishment inspector” means any individual employed by the department who as part of his or her duties conducts inspections of food service establishments pursuant to subdivision a of section 81.51 of the health code of the city of New York.

Food worker. The term “food worker” has the meaning it is given in section 81.03 of the health code of the city of New York.

[f. “General violations”] *General violations.* The term “general violations” [shall have] has the meaning it is given in section 23-01 of title 24 of the rules of the city of New York.

Grade card. The term “grade card” has the meaning it is given in section 23-01 of title 24 of the rules of the city of New York.

Grade pending card. The term “grade pending card” has the meaning it is given in section 23-01 of title 24 of the rules of the city of New York.

[g. “Imminent health hazard or public health hazard” shall have] *Imminent health hazard or public health hazard.* The term “imminent health hazard or public health hazard” has the meaning it is given in section 81.03 of the health code of the city of New York.

[h. “Initial inspection”] *Initial inspection.* The term “initial inspection” means the first sanitary inspection within an inspection cycle.

[i. “Inspection cycle”] *Inspection cycle.* The term “inspection cycle” means a series of related inspections of food service establishments consisting of at least an initial inspection and including, if triggered by the initial or any subsequent inspections within that cycle, a reinspection and any compliance inspections conducted by the department because of a previous inspection score in that cycle.

[j. “Notice of violation”] *Notice of violation.* The term “notice of violation” means a written notice issued by a food service establishment inspector alleging that there was a violation of law or regulation at the food service establishment on the day of the food service establishment inspection.

[k. “Sanitary inspection”] *Sanitary inspection.* The term “sanitary inspection” means any on-site review by the department of a food service establishment’s physical facilities, food handling operations, equipment,

sanitary condition, maintenance, and worker hygiene practices. The term may include, but shall not be limited to include, initial, reinspection, compliance and pre-permit inspections.

§ 24. Section 17-1507 of the administrative code of the city of New York, as added by local law number 138 for the year 2019, is amended to read as follows:

§ 17-1507 Required healthy eating information. a. Every food service establishment that sells food for consumption on its premises shall display public information messaging created by the department pursuant to subdivision b of this section in a conspicuous location within such establishment.

b. The department shall create public information messaging on healthy eating for all consumer, including but not specific to, individuals with diet-related conditions such as diabetes, heart disease and hypertension. Such messaging shall include, but not be specific to, the risks of excessive sugar and carbohydrate intake. The department shall make such messaging available to food service establishments in each of the designated citywide languages as defined in section 23-1101.

c. Any [person who] *food service establishment* that violates subdivision a of this section, or any rules promulgated pursuant to this section, shall be liable for a civil penalty of not more than \$500, recoverable in a proceeding before any tribunal established within the office of administrative trials and hearings or within any agency of the city of New York designated to conduct such proceedings.

d. Any food service establishment that violates subdivision a of this section or any rules promulgated thereunder shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 25. Chapter 15 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-1508 to read as follows:

§ 17-1508 Posting, signage and display violations. a. A food service establishment shall post a grade card or grade pending card in accordance with the requirements set forth in subdivision (b) of section 81.51 of the health code of the city of New York.

b. A food service establishment that fails to display or conspicuously display a grade card or grade pending card in violation of subdivision a of this section shall be subject to a civil penalty of \$500.

c. Except as provided by subdivision b of this section, a food service establishment that violates this chapter, chapter 1 of this title or any rule or provision of the health code of the city of New York promulgated pursuant to either chapter, failing to post or conspicuously post a sign, poster, image, card or other required information, or by failing to display or conspicuously display any permit, license or certification, shall be subject to a civil penalty of \$100; except that such food service establishment shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within 7 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

d. Subdivision c of this section does not apply to any violation by a food service establishment of this chapter, or chapter 1 of this title, or any rule or provision of the health code of the city of New York promulgated pursuant to either chapter, for failure to post a sign, poster, image, card or other required information to the extent the department determines that the posting of such sign, poster, image, card or other required information is

required in order to mitigate a risk of immediate death or serious injury to the general public or patrons of such establishment.

§ 26. Chapter 15 of title 17 of the administrative code of the city of New York is amended by adding new sections 17-1509, 17-1510, 17-1511, 17-1512, 17-1513, 17-1514, 17-1515, 17-1516, 17-1517 and 17-1518 to read as follows:

§ 17-1509 *Food protection. a. A person who is charged with the management or supervision of the operations of a food service establishment shall comply with the requirements set forth in subdivision (a) of section 81.15 of the health code of the city of New York regarding a food protection course and certification.*

b. A food service establishment that violates subdivision a of this section or any rule promulgated pursuant thereto shall be subject to a civil penalty of \$400.

§ 17-1510 *Personal hygiene and other food protection. a. Hair coverings. 1. A food worker shall comply with the requirements set forth in subdivision (b) of section 81.13 of the health code of the city of New York regarding hair restraints.*

2. A food service establishment that violates this subdivision or any rule promulgated thereunder shall be subject to the following penalties: for one or two such employees observed without hair coverings, \$100; for three such employees observed without hair coverings, \$125; and for four or more such employees observed without hair coverings, \$150; except that there shall be a civil penalty of \$0 imposed upon a food service establishment for a first-time violation of this subdivision or any rule or regulation issued thereunder. The notice of violation for such first-time violation shall inform the food service establishment of the provision of law or rule that the department believes the food service establishment violated, describes the conditions or activity that is the basis for the notice of violation, and advise the food service establishment that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties.

b. Eating and drinking. 1. A food worker shall comply with the requirements of subdivision (h) of section 81.13 of the health code of the city of New York regarding eating and drinking.

2. A food service establishment that violates this subdivision or any rule promulgated thereunder shall be subject to the following penalties: for one or two such employees observed to be in violation of this subdivision, \$100; for three such employees observed to be in violation of this subdivision, \$125; and for four or more such employees observed to be in violation of this subdivision, \$150; except that there shall be a civil penalty of \$0 imposed upon a food service establishment for a first-time violation of this subdivision or any rule or regulation issued thereunder. The notice of violation for such first-time violation shall inform the food service establishment of the provision of law or rule that the department believes the food service establishment violated, describe the conditions or activity that is the basis for the notice of violation, and advise the food service establishment that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties.

c. Storage of sanitizing cloths. 1. A food service establishment shall store cloths used for the sanitizing of food contact and non-food contact surfaces in accordance with the requirements set forth in subdivision (c) of section 81.27 of the health code of the city of New York.

2. A food service establishment that violates this subdivision or any rule promulgated thereunder shall be subject to a civil penalty of \$100; except that there shall be a civil penalty of \$0 imposed upon a food service establishment for a first-time violation of this subdivision or any rule or regulation issued thereunder. The notice of violation for such first-time violation shall inform the food service establishment of the provision of law or rule that the department believes the food service establishment violated, describe the conditions or activity that is the basis for the notice of violation, and advise the food service establishment that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties.

§ 17-1511 *Pests and garbage. a. Food service establishments shall conduct daily inspections for pests, as defined in subdivision (d) of section 151.01 of the health code of the city of New York, in accordance with the requirements set forth in subdivision (b) of section 81.23 of the health code of the city of New York.*

b. Food service establishments shall comply with the requirements set forth in subdivisions (a) and (c) of section 81.24 of the health code of the city of New York pertaining to garbage and waste disposal.

c. A food service establishment that violates this section or any rule promulgated pursuant to this section shall be subject to a civil penalty of \$100; except that such food service establishment shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within 7 days of the issuance of the notice of violation and prior to the commencement of an

adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 17-1512 Food packages. a. A food service establishment shall comply with the requirements set forth in subdivision (b) of section 81-07 of the health code of the city of New York regarding food packaging.

b. A food service establishment that violates this section or any rule promulgated thereunder shall be subject to a civil penalty of \$200.

c. Notwithstanding subdivision b of this section, a food service establishment that violates this section or any rule promulgated thereunder by failing to discard or return to the package distributor, or to segregate from other food packages, food packages that are dented but not swollen, leaking, rusted or otherwise damaged, shall be subject to a civil penalty of \$50; except that there shall be a civil penalty of \$0 imposed upon a food service establishment for such a violation that occurs for the first time. The notice of violation for such first-time violation shall inform the food service establishment of the provision of law or rule that the department believes the food service establishment violated, describe the conditions or activity that is the basis for the notice of violation, and advise the food service establishment that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties.

§ 17-1513 Food contact surfaces. a. A food service establishment shall comply with the requirements set forth in paragraph (1) of subdivision (d) of section 81.17 of the health code of the city of New York pertaining to food contact surfaces.

b. A food service establishment that violates this section or any rule promulgated pursuant thereto shall be subject to a civil penalty of \$100; except that such food service establishment shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within 7 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 17-1514 Plumbing. a. A food service establishment shall comply with the requirements set forth in section subdivisions (a) and (b) of section 81.20 regarding potable waste and disposal of sewage and liquid waste.

b. A food service establishment that violates this section or any rule promulgated pursuant to this section shall be subject to a civil penalty of \$100; except that such food service establishment shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 17-1515 Lighting. a. A food service establishment shall comply with the requirements set forth in subdivision (a) of section 81.19 of the health code of the city of New York regarding lighting.

b. A food service establishment that violates this section or any rule promulgated pursuant to this section shall be subject to a civil penalty of \$100; except that such food service establishment shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of cure within 15 days of receiving written notification of such determination.

§ 17-1516 Non-food contact surfaces. a. A food service establishment shall comply with the requirements set forth in subdivision (e) of section 81.17 of the health code of the city of New York regarding non-food contact surfaces.

b. A food service establishment that violates this section or any rule promulgated pursuant to this section shall be subject to a civil penalty of \$100; except that such food service establishment shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 17-1517 Bulbs. a. A food service establishment shall comply with the requirements set forth in subdivision (b) of section 81.19 regarding light bulb shielding.

b. A food service establishment that violates this section or any rule promulgated pursuant to this section shall be subject to a civil penalty of \$100; except that such food service establishment shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 17-1518 Rules. The commissioner may promulgate rules as necessary to implement the provisions of this chapter.

§ 27. Section 17-1707 of the administrative code of the city of New York, as added by local law number 5 for the year 2015, is amended to read as follows:

§ 17-1707 Violations and fines. a. Any person found in violation of any provision of this chapter, other than subdivision c of section 17-1703 of this chapter, or any provision of any rule promulgated thereunder shall be subject to a civil penalty of five hundred dollars per day for each such violation. Each violation in connection with the sale of more than one animal shall be deemed a separate violation with respect to each animal offered for sale. A notice of violation served pursuant to this section shall be returnable at the environmental control board or any tribunal established within the office of administrative trials and hearings as designated by the commissioner.

b. Any person found in violation of subdivision c of section 17-1703 of this chapter or any provision of any rule promulgated thereunder shall be subject to a civil penalty of one hundred dollars per day for each such violation. A notice of violation served pursuant to this section shall be returnable at the environmental control board or any tribunal established within the office of administrative trials and hearings as designated by the commissioner.

c. Any person that violates subdivision c of section 17-1703 or any rules promulgated pursuant thereto shall not be subject to a civil penalty for a first-time violation if such person proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision c of section 17-1703 or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the office of administrative trials and hearings, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 28. Section 19-108 of the administrative code of the city of New York, as added by local law number 104 for the year 1993, is amended to read as follows:

§ 19-108 Display of permit. a. A copy of any permit issued pursuant to this subchapter shall be kept on the site of the opening or use or at the designated field headquarters of the work with respect to which the permit was issued and shall be presented upon demand of a police officer or any authorized officer or employee of the department or of any other city agency.

b. Corrective action request. If the commissioner finds that a permittee has violated this section or any rules promulgated pursuant thereto for the first time, the commissioner shall notify the permittee of such violation and request that action be taken to correct such violation in such a manner within 30 days and shall afford such permittee an opportunity to contest the commissioner's finding in a manner set forth in the rules of the department. The commissioner may assess a fee for the administrative expense and the expense of additional inspections which the department may incur as a result of such violation.

§ 29. Subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-124.1 to read as follows:

§ 19-124.1 Banners. *a. Permit required. It shall be unlawful to install, place, affix or attach a banner on any property within the jurisdiction of the department without first obtaining a permit from the commissioner.*

b. Permit conditions. The commissioner may issue permits for the display of banners promoting cultural exhibits and events or public or historical events which foster tourism or enhance the image of the city. The commissioner may issue permits to business improvement districts, local development corporations or other organizations that have received commercial revitalization program funds from the department of small business services, otherwise known as CRP fund recipients, within the past year for the display of banners within the areas of the business improvement district, local development corporation or CRP fund recipient that are designed to provide information about such areas to the general public.

c. Advertising prohibited. Banners shall contain no advertisements. The trade name or logo of the sponsor of the event may be placed on the banner but shall occupy no more than ten percent of the banner in total. It shall be unlawful to install, place, affix or attach a banner on any property within the jurisdiction of the department which contains a sponsor trade name or logo without the specific prior authorization of the commissioner.

d. Obstruction of egress prohibited. No part of any banner shall be located beneath a fire escape or so located as to obstruct operation of fire escape drop ladders or counterbalanced stairs or so as to obstruct any exit from a building.

e. Rules. The commissioner may, except as otherwise provided by law, promulgate rules pertaining to banner permit conditions, permit fees, permit transferability and permit revocation, and for the design, installation, inspection, maintenance, and removal of banners on any property within the jurisdiction of the department as the commissioner may deem necessary for the safety and convenience of the public.

f. Corrective action request. If the commissioner finds that any person has violated subdivision c of this section or any rules promulgated pursuant thereto for the first time, the commissioner shall notify such person

of such violation and request that action be taken to correct such violation in such a manner within 30 days and shall afford such person an opportunity to contest the commissioner's finding in a manner set forth in the rules of the department. The commissioner may assess a fee for the administrative expense and the expense of additional inspections which the department may incur as a result of such violation.

§ 30. Section 19-127 of the administrative code of the city of New York, as amended by local law number 104 for the year 1993, is amended to read as follows:

§ 19-127 Use of hand trucks on the streets. *a.* It shall be unlawful for any person to use hand trucks for commercial purposes upon any street unless each hand truck shall have attached thereon a sign or plate displaying the name and address of the owner of the hand truck, in letters not less than one inch in size.

b. Corrective action request. If any person violates subdivision *a* of this section or any rules promulgated pursuant thereto for the first time, the commissioner shall notify such person of such violation and request that action be taken to correct such violation in such a manner within 30 days and shall afford such person an opportunity to contest the commissioner's finding in a manner set forth in the rules of the department. The commissioner may assess a fee for the administrative expense and the expense of additional inspection which the department may incur as a result of such violation.

§ 31. Subparagraph (b) of paragraph 6 of subdivision f of section 19-128.1 of the administrative code of the city of New York, as amended by local law number 36 for the year 2004, is amended to read as follows:

(b) Any owner or person in control of one or more newsracks found by the board to have failed to certify, or to have failed to accurately demonstrate that such owner or person repainted or used best efforts to remove graffiti and other unauthorized writing, painting, drawing, or other markings or inscriptions, as required by paragraph one of subdivision e of this section, or failed to comply with any other requirements of such paragraph, or failed to comply with any provision of paragraph two of subdivision c of this section, or failed to maintain insurance as required by subdivision d of this section, shall be liable for a civil penalty determined in accordance with the number of newsracks such person owns or controls as follows:

Number of newsracks owned or controlled by such person	A violation of paragraph one of subdivision e, paragraph two of subdivision c or subdivision d of this section
Up to and including ninety-nine [newsracks] newsracks	Two hundred fifty [to five hundred] dollars
More than ninety-nine and less than two hundred fifty newsracks	Three hundred seventy-five to seven hundred fifty dollars
More than two hundred forty-nine and less than five hundred newsracks	Seven hundred fifty to one thousand five hundred dollars
More than four hundred ninety-nine and less than seven hundred fifty newsracks	One thousand one hundred twenty-five to two thousand two hundred fifty dollars
More than seven hundred forty-nine and less than one thousand newsracks	One thousand five hundred to three thousand dollars
One thousand or more newsracks	Two thousand to four thousand dollars

§ 32. Subdivision a of section 19-150 of the administrative code of the city of New York, as amended by local law number 4 for the year 2011, is amended to read as follows:

a. In addition to or as an alternative to the penalties set forth in section 19-149, any person who violates any of the provisions of this subchapter, or of section 24-521 of the code, or any order issued by or rule promulgated by the commissioner pursuant thereto or the terms or conditions of any permit issued pursuant thereto, or who causes, authorizes or permits such violation shall be liable for a civil penalty for each violation *as provided in subdivision b.* In the case of a continuing violation, each day's continuance shall be a separate and distinct offense[, except that in the case of a violation of section 19-133.1, failure to remove an ATM booth pursuant to an order issued in accordance with subdivision c of section 19-133.1 shall be subject to a civil penalty of not less than two thousand five hundred dollars nor greater than five thousand dollars for the first day of such violation and a civil penalty of five thousand dollars for every five days beyond the first day that such violation shall be in effect, and provided further that there shall be rebuttable presumption that the ATM booth has remained in place during each such five-day period] *unless otherwise provided in this subchapter.*

§ 33. Paragraph 1 of subdivision b of section 19-150 of the administrative code of the city of New York, as amended by local law number 5 for the year 2018, is amended to read as follows:

1. Except as *otherwise* provided in [subdivision c of this section] *this subchapter*, such civil penalty shall be determined in accordance with the following schedule:

Section of the Administrative Code	Maximum Civil Penalty (dollars)
19-102	10,000
19-107	10,000
<i>19-108</i>	75
19-109	10,000
19-111	5,000
19-112	5,000
19-113	5,000
19-115	5,000
19-116	5,000
19-117 [subd](a)	10,000
19-119	10,000
19-121	10,000
19-122	5,000
19-123	10,000
<i>19-124 (a)</i>	300
<i>19-124 (b)</i>	75
<i>19-124 (e)</i>	75
<i>19-124.1 (a)</i>	450
<i>19-124.1 (c)</i>	75
<i>19-125 (a)</i>	300
<i>19-125 (c)</i>	150
19-126	10,000
<i>19-127</i>	75
19-128	5,000
19-133	5,000
19-133.1	10,000
19-135	5,000
<i>19-136 (j)</i>	300
19-137	5,000
19-138	5,000
19-139	10,000
19-141	5,000
19-144	10,000
19-145	10,000
19-146	5,000
19-147	10,000
19-148	5,000
24-521	10,000
All other [Provisions] <i>provisions</i> of this subchapter and rules or orders relating thereto	5,000

§ 34. Sections 20-117 and 20-118 of the administrative code of the city of New York are REPEALED.

§ 35. Chapter 1 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-119 to read as follows:

§ 20-119 Penalties. Except as otherwise provided in this chapter, any person who violates any provision of this chapter or any rules promulgated pursuant to this chapter shall be subject to a civil penalty of: (i) one hundred seventy-five dollars for the first violation (ii) three hundred dollars for the second violation committed; and (iii) five hundred dollars for the third and any subsequent violation committed except that a person shall be subject to a civil penalty of zero dollars for a first-time violation of paragraph 2 of subdivision d of section 20-104 or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of paragraph 2 of subdivision d of section 20-104 or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal or the tribunal to which the department has delegated its adjudicatory authority, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 36. Subchapter 3 of chapter 2 of title 20 of the administrative code of the city of New York is renumbered as subchapter 3-A of chapter 4 of title 20 of such code, and sections 20-211, 20-214, 20-215, and 20-216 are renumbered as sections 20-626, 20-627, 20-628, and 20-629 respectively, and the heading of subchapter 3 of chapter 2 of title 20 of the administrative code of the city of New York, as added by local law 72 for the year 1995, is amended to read as follows:

SUBCHAPTER [3]3-A
AMUSEMENT DEVICES, ARCADES AND OPERATORS

§ 37. Sections 20-212 and 20-213 of the administrative code of the city of New York are REPEALED.

§ 38. Subdivisions h and i of section 20-626 of the administrative code of the city of New York, section 20-626 as renumbered by section thirty-six of this local law, subdivision h as added by local law number 72 for the year 1995 and subdivision i as added by local law number 58 for the year 2005, are amended to read as follows:

[h. "Affected community board" means the community board in which an amusement device or amusement arcade would be located if a license were to be granted pursuant to this subchapter.]

[i.] h. "Gaming cafe" is a place where, for a fee charged directly or indirectly, persons are provided access to three or more computers or electronic devices in which game software has been installed by or for the owner or operator for the purpose of playing a game on the premises.

§ 39. Section 20-627 of the administrative code of the city of New York, as added by local law number 72 for the year 1995, paragraphs (2) and (3) of subdivision a and subdivisions c and d as amended by local law number 58 for the year 2005, paragraph (3) of subdivision c as amended by local law number 45 for the year 2013 and paragraph (4) of subdivision c as added by local law number 59 for the year 2005, and as renumbered by section thirty-six of this local law, is amended to read as follows:

§ 20-627 [License requirements. a. Generally. (1) The application shall be made on a form to be provided by the commissioner and shall include such information as the commissioner shall deem pertinent.

(2) Every amusement device owner, gaming cafe owner or amusement arcade owner must submit to the department either a valid certificate of occupancy or an equivalent document duly issued by the department of buildings stating that the premises in which such amusement device, gaming cafe or amusement arcade is to be located is situated in an area which is zoned to permit such use or a valid, current permit or special permit has been granted by the appropriate city agency permitting such use at the given location. If such permit or special permit shall expire or be terminated for any reason during the pendency of any license, the licensee shall present to the department a new permit or special permit authorizing such continued use of the premises for an amusement device, gaming cafe or amusement arcade. If such new permit or special permit is not presented within ten days of the expiration of the prior permit or special permit, such amusement device license, gaming cafe or amusement arcade license shall be terminated automatically and without any requirement of notice or hearing by the department.

(3) Within fifteen days of receipt of a new application for a license to operate an amusement device, gaming cafe or an amusement arcade, the commissioner shall give notice of such new application to the affected community board and the council member for that district. The affected community board shall have fifteen days from receipt of the notification to comment on such application to the department.

(4) The commissioner shall promptly notify the affected community board and the council member for that district of the final disposition of any license application that was subject to comment by the community board under paragraph three of this subdivision.

b. Amusement Devices] *Amusement devices. a. Requirements for amusement devices.*

(1) [In order to apply for an amusement device license, the amusement device owner must present to the department a completed application at least thirty days before the amusement device is to be operated.

(2) Every amusement device owner must [submit with his or her license application for an amusement device proof that he or she has purchased] *purchase* insurance or [posted] *post* cash or other security in an amount not less one million dollars (\$1,000,000) per occurrence or a bond in an amount not less than two million five hundred thousand dollars (\$2,500,000) in the aggregate against liability for injury to persons arising out of the use of the amusement device. In addition, [the application must be accompanied by the] *every amusement device owner must maintain in such owner's possession for display at the commissioner's request* certificates of insurance for workers' compensation and disability coverage.

[(3)] (2) Every amusement device owner must [submit proof that] *ensure that all such amusement devices have undergone* an inspection [of the amusement device was made] by the department of buildings, and that such amusement [device] *devices have* passed an elevator and/or electrical control inspection, prior to the [issuance or renewal of a license] *first instance of operation of any such amusement devices.*

[(4)] (3) Every portable amusement device shall be equipped with a stairway on either or both sides thereof so that the stairway in use at any time for access to or egress from such portable amusement device shall at all times be within a reasonable distance from the sidewalk, such distance to be determined at the discretion of the commissioner. The operator of such portable amusement device shall not at any time permit any person to be admitted to the portable amusement device or to depart therefrom except by the stairway.

(4) Notification of accidents. Every amusement operator shall provide notice to the department of any accident relating to an amusement device within twenty-four hours after the occurrence of such accident, or immediately after such accident if any person sustains an injury requiring medical treatment or dies as a result of such accident. The commissioner shall set by rule the form and content of such notice and the manner in which such notice shall be transmitted to the department.

[c.] b. Amusement [Arcades and Gaming Cafes] *arcades and gaming cafes.*

(1) [The commissioner, at the time an amusement arcade or gaming cafe license application is made, may prescribe conditions for the operation of such amusement arcade or gaming cafe in order to minimize adverse effects on the surrounding area, including, but not limited to, prescribing hours of operation and requirements for security and supervision. After a license is granted, the commissioner may prescribe such conditions from time to time upon notice and opportunity to be heard.

(2) Each player-operated amusement device located within an amusement arcade or gaming cafe shall display a sign or signs, located and designed so as to be discernible by all players and prospective players, setting forth the rules of play, including the price of each game.

[(3)] (2) Where the amusement arcade or gaming cafe owner or the amusement operator in the amusement arcade or gaming cafe offers free games or prizes, signs shall be required to set out with clarity the number of wins or the score required to obtain a free game or prize; provided, however, that no amusement arcade or gaming cafe owner or amusement operator in the amusement arcade or gaming cafe shall offer money prizes or awards or such other prizes or awards which are redeemable or may be redeemed in money at the amusement arcade or gaming cafe or any other establishment, or which may be used as a credit or allowance or which may be exchanged for any money, credit or allowance. [Any license to operate an amusement arcade or gaming cafe issued pursuant to subdivision c of section 20-212 of this subchapter shall be revoked, after notice and hearing, where (i) the department finds that the owner or operator of such arcade or cafe or an employee thereof has permitted on the premises of such arcade or cafe the offering or distribution of such prizes or awards; or (ii) the owner or operator of such arcade or cafe, or an employee thereof, is convicted of violating any section of article 225 of the penal law or of a lesser offense in satisfaction of a criminal charge pursuant to article 225 of the penal law, for conduct occurring on the premises of such arcade or cafe.]

[4)] (3) No amusement arcade or gaming cafe owner or operator shall permit persons under the age of eighteen, unless such persons are otherwise exempt under New York State Education Law, to enter or remain in an amusement arcade or gaming cafe between the hours of nine a.m. through three p.m. on weekdays during the regularly scheduled school year for public schools. Such owners shall prominently display a sign stating that, unless exempt by New York State Education Law, persons under eighteen years of age are not to enter or remain on the premises at such times and that the truancy laws of the state of New York will be enforced.

[d.] c. Placement and [Operation] *operation*. No amusement device or player-operated amusement device or group of amusement devices and/or player-operated amusement devices shall be placed or operated in such a manner as to obstruct, or cause by the congregating of persons, an obstruction to, or interfere with, any public corridor or passageway, or to obstruct the entrance or exit to any premises. No amusement device or player-operated amusement device or group of amusement devices and/or player-operated amusement devices shall be placed on a public sidewalk in front of or adjacent to an amusement arcade or gaming cafe.

§ 40. Subdivision e of section 20-629 of the administrative code of the city of New York, section 20-629 as renumbered by section thirty-six of this local law, and subdivision e as amended by local law number 86 for the year 2009, is amended to read as follows:

e. Any person who violates the provisions of this section or any rules promulgated hereunder shall be guilty of a class B misdemeanor. In addition, the commissioner may, upon due notice, hold hearings to determine whether violations of the provisions of this section have occurred. Such notice shall contain a concise statement of the facts constituting the alleged violation and shall set forth the date, time and place of the hearing. Upon a finding of a violation of the provisions of this section, the commissioner shall be authorized to impose a civil penalty [of not more than five hundred dollars] *as provided in section 20-630 of this subchapter*.

§ 41. Subchapter 3-A of chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-630 to read as follows:

§ 20-630 *Penalties*. a. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) one hundred seventy-five dollars for the first violation; (ii) three hundred dollars for the second violation; and (iii) five hundred dollars for the third and any subsequent violation; except that a person shall be subject to a civil penalty of zero dollars for a first violation of subdivision a or d of 20-629 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision a or d of section 20-629 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

b. Notwithstanding any inconsistent provision of law, a civil penalty of zero dollars shall be imposed for a first violation of subdivision c of section 20-629 of this subchapter or any rule or regulation promulgated thereunder. The notice of violation for such first-time violation shall inform the respondent of the provision of law or rule that the department believes the respondent has violated, describe the condition or activity that is the basis for the notice of violation, and advise the respondent that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties. Any person who violates subdivision c of section 20-629 of this subchapter or any rule or regulation promulgated thereunder shall be subject to a civil penalty of one hundred seventy-five dollars for a second violation and a civil penalty of three hundred dollars for a third or subsequent violation.

c. Notwithstanding subdivision a of this section, any person who violates paragraph (4) of subdivision a of section 20-627 or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of five hundred dollars.

§ 42. Subdivisions a and b of section 20-227.1 of the administrative code of the city of New York, as added by local law number 8 for the year 2003, are amended to read as follows:

a. Any person found to be operating an unlicensed sidewalk cafe shall be liable for a civil penalty of [at least] two hundred [and not more than one thousand] dollars for the first violation, [at least] *and* two hundred [and not more than one thousand] dollars for each additional violation occurring on the same day; and [at least] five hundred [and not more than two thousand] dollars for the second violation and each subsequent violation at the same place of business within a two-year period. For purposes of this section, any violation for operating an unlicensed sidewalk cafe shall be included in determining the number of violations by any subsequent license holder at the same place of business unless the subsequent license holder provides the department with adequate documentation demonstrating that the subsequent license holder acquired the premises or business through an arm's length transaction as defined in subdivision f of this section and that the sale or lease was not conducted, in whole or in part, for the purpose of permitting the original license holder to avoid the effect of violations on the premises.

b. Any holder of a license found to be operating a sidewalk cafe in violation of this subchapter, the terms and conditions of such license and/or a revocable consent or rules promulgated by the commissioner pursuant to this subchapter, shall be liable for a civil penalty of [at least] two hundred [and not more than one thousand] dollars for the first violation, [at least] and two hundred [and not more than one thousand] dollars for each additional violation occurring on the same day; and [at least] five hundred [and not more than two thousand] dollars for the second violation, and [at least] one thousand [and not more than four thousand] dollars for each subsequent violation at the same place of business within a two-year period. In addition, for a third violation occurring on a different day and all subsequent violations occurring on different days at the same place of business within a two-year period, any person licensed to operate a sidewalk cafe at such place of business shall be subject to suspension or revocation of his or her sidewalk cafe license for such place of business. For purposes of this section, any such violation by any license holder at a place of business shall be included in determining the number of violations by any subsequent license holder at the same place of business unless the subsequent license holder provides the department with adequate documentation demonstrating that the subsequent license holder acquired the premises or business through an arm's length transaction as defined in subdivision f of this section and that the sale or lease was not conducted, in whole or in part, for the purpose of permitting the original license holder to avoid the effect of violations on the premises. A sidewalk cafe license shall be suspended or revoked at the same hearing at which a person is found liable for a third violation or subsequent violations at the same place of business within a two-year period.

§ 43. Section 20-227.1 of the administrative code of the city of New York is amended by adding a new subdivision i to read as follows:

i. Notwithstanding any inconsistent provision of this section, any person found to be operating an unlicensed sidewalk café or any holder of a license found to be operating a sidewalk cafe in violation of this subchapter, the terms and conditions of such license or a revocable consent, or rules promulgated by the commissioner pursuant to this subchapter shall be subject to a civil penalty of zero dollars for a first violation, if such person or holder of a license proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to such person or holder of a license who has received, for the first time, a notice of violation of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. Such person or holder of a license may seek review, in the department's administrative tribunal, of the determination that such person or holder of a license has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 44. Section 20-232 of the administrative code of the city of New York is amended to read as follows:

§ 20-232 Revocation. In addition to any other basis for revoking, a newsstand license may be revoked upon a finding by the commissioner that the location listed in [the] *such* license was not utilized for a period of two consecutive months or more or that the *newsstand* licensee is not using the stand primarily for the sale of newspapers and periodicals. *If the commissioner chooses to exercise such power of revocation, the commissioner shall first notify the licensee of an anticipated revocation in writing and afford the licensee thirty days from the date of such notification to correct the condition. The commissioner shall notify the licensee of such thirty-day period in writing. If the licensee proves to the satisfaction of the commissioner that the condition has been*

corrected within such thirty-day period, the commissioner shall not revoke such license. The commissioner shall permit such proof to be submitted to the commissioner electronically or in person. The licensee may seek review by the commissioner of the determination that the licensee has not submitted such proof within fifteen days of receiving written notification of such determination.

§ 45. Subdivision d of section 20-240.1 of the administrative code of the city of New York, as amended by local law number 153 for the year 2013, is amended to read as follows:

d. Any person who violates the provisions of this section or section 20-237 shall be considered to be an unlicensed general vendor or an unlicensed food vendor and shall be subject to the penalty and enforcement provisions of either subchapter [twenty-five] *twenty-seven* of chapter two of this title or subchapter two of chapter three of title seventeen of the code, whichever is applicable; except that a person shall not be subject to the civil penalty described above for a first-time violation of subdivision b of section 20-237 and any rule or regulation [issued] *promulgated* thereunder, if such person proves to the satisfaction of the department within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that he or she has cured the violation. The submission of proof of a cure, *if accepted by the department as proof that the violation has been cured*, shall be deemed an admission of liability for all purposes. The option of presenting proof of compliance shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b of section [20-327] *20-237* or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted to the department electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 46. Subchapter 7 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-241.2 to read as follows:

§ 20-241.2 *Penalties. a. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) one hundred seventy-five dollars for the first violation; (ii) three hundred dollars for the second violation; and (iii) five hundred dollars for the third and any subsequent violation.*

b. Notwithstanding any inconsistent provision of this section, a person shall be subject to a civil penalty of zero dollars for a first violation of (i) restrictions imposed pursuant to section 20-231 relating to the display or offering for sale of merchandise from any public space adjacent to a newsstand or from any portion of a newsstand exterior, the affixation of materials to a newsstand or the location of sales made at a newsstand; (ii) paragraph 1 of subdivision h of section 20-231 or any rule or regulation promulgated thereunder; (iii) subdivision i of section 20-231 or any rule or regulation promulgated thereunder; (iv) subdivision b of section 20-233 of this subchapter or any rule or regulation promulgated thereunder, or (v) subdivision (a) of section 2-66 of title 6 of the rules of the city of New York, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation for any violation described in (i) through (v). The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

c. Notwithstanding any inconsistent provision of this section, a civil penalty of zero dollars shall be imposed for a first violation of subdivision b of section 20-231 of this subchapter or any rule or regulation promulgated thereunder. The notice of violation for such first-time violation shall inform the respondent of the provision of law or rule that the department believes the respondent has violated, describe the condition or activity that is the basis for the notice of violation, and advise the respondent that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties. Any person who violates subdivision b of section 20-231 of this subchapter or any rule or regulation promulgated thereunder shall be subject to a civil penalty of one hundred seventy-five dollars for a second violation and a civil penalty of three hundred dollars for a third or subsequent violation.

§ 47. Subchapter 8 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-247.1 to read as follows:

§ 20-247.1 *Penalties.* Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) one hundred seventy-five dollars for the first violation; (ii) three hundred dollars for the second violation committed; and (iii) five hundred dollars for the third and any subsequent violation committed.

§ 48. Section 20-249 of the administrative code of the city of New York, as added by local law number 19 for the year 2007, subdivision j of such section as added by local law number 53 for the year 2009, is amended to read as follows:

§ 20-249 *Definitions.* Whenever used in this subchapter:

[a. “Family member” shall mean] *Family member.* The term “family member” means a member of the immediate family, including, but not limited to, a spouse, domestic partner, sibling, child, grandchild, parent or grandparent.

[b. “Owned” or “owns” shall mean] *Owned or owns.* The term “owned” or “owns” means possession with good legal title, or possession under a lease, reserve title contract, conditional sales agreement or vendor's agreement or similar agreement.

[c. “Pedicab” shall mean] *Pedicab.* The term “pedicab” means a bicycle as defined in the vehicle and traffic law or other device that is designed and constructed to transport or carry passengers, that is solely propelled by human power, and that is operated to transport passengers for hire.

[d. “Pedicab owner” or “owner” shall mean] *Pedicab owner or owner.* The term “pedicab owner” or “owner” means any person who owns one or more pedicabs in the city of New York.

[e. “Pedicab business” or “business” shall mean] *Pedicab business or business.* The term “pedicab business” or “business” means a pedicab owner who operates or authorizes the operation of one or more pedicabs in the city of New York.

[f. “Pedicab business license” shall mean] *Pedicab business license.* The term “pedicab business license” means a license issued by the commissioner pursuant to section 20-250.

[g. “Pedicab driver” shall mean] *Pedicab driver.* The term “pedicab driver” means any natural person who propels and operates a pedicab in the city of New York.

[h. “Pedicab driver license” shall mean] *Pedicab driver license.* The term “pedicab driver license” means a license issued by the commissioner to a pedicab driver to operate a pedicab.

[i. “Person” shall mean] *Person.* The term “person” means any natural person, firm, partnership, joint venture, corporation or association.

[j. “Registration plate” shall mean] *Registration plate.* The term “registration plate” means a unique identification tag issued by the commissioner pursuant to section 20-255.

§ 49. Subdivision b of section 20-263 of the administrative code of the city of New York, as added by local law number 19 for the year 2007, is amended to read as follows:

b. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty [that shall not be] of: (1) [less than] two hundred [nor more than five hundred] dollars for the first violation and for each additional violation committed on the same day; (2) [less than] five hundred [nor more than one thousand] dollars for the second violation committed, and each additional violation committed on the same day, within a [one year] *one-year* period; and (3) [less than] one thousand [nor more than four thousand] dollars for the third and any subsequent violation committed, and each additional violation committed on the same day, within a [one year] *one-year* period; provided that any person who violates section 20-253, paragraph 6 or 7 of subdivision b or subdivision d or e of section 20-259, or any rule or regulation promulgated thereunder, shall be subject to a civil penalty of: (1) five hundred dollars for the first violation; (2) one thousand dollars for the second violation committed, and each additional violation committed on the same day, within a one-year period; and (3) four thousand dollars for the third and any subsequent violation committed, and each additional violation committed on the same day, within a one-year period; and provided further that a person shall be subject to a civil penalty of zero dollars for a first violation of paragraph 13, 14 or 15 of subdivision a of section 20-254 or subdivision d or e of section 20-255 or any rule or regulation promulgated thereunder, or any rule or regulation promulgated pursuant to subdivision b of section 20-265 of this subchapter, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has

been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of paragraph 13, 14 or 15 of subdivision a of section 20-254 or subdivision d or e of section 20-255 of this subchapter or any rule or regulation promulgated thereunder, or any rule or regulation promulgated pursuant to subdivision b of section 20-265 of this subchapter. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination. The pedicab business that authorizes the operation of such pedicab shall be jointly and severally liable with the pedicab driver thereof, for the penalties imposed by this section.

§ 50. Subdivision b of section 20-275 of the administrative code of the city of New York, as amended by local law number 197 for the year 2017, is amended to read as follows:

b. Except as otherwise provided in this subchapter, any person who violates any of the provisions of this subchapter or any rule or regulation issued thereunder shall be subject to a civil penalty of [not more than] \$175 for the first violation, \$300 for the second violation and \$500 for [each] the third and any subsequent violation; except that a person shall not be subject to such civil penalty for a first-time violation of section 20-270 or 20-271 of this subchapter or any rule or regulation issued thereunder, if such person proves to the satisfaction of the department, within 30 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, *if accepted by the department as proof that the violation has been cured,* shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-270 or section 20-271 of this subchapter or any rule or regulation issued thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 51. Subchapter 12 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding new sections 20-277.1 and 20-277.2 to read as follows:

§ 20-277.1 *Tickets. a. Every pawn ticket issued by a pawnbroker shall include a notation in either of the following forms: "not accountable for loss of goods by fire or theft" or "protected against loss by fire or theft." The commissioner may adopt such rules and regulations to permit words having practically the same meaning as the foregoing.*

b. Every pawnbroker shall, in every possible way, call attention to the contents of the pawn ticket, including the placing in a prominent position in such pawnbroker's place of business of a sign reading: "Read your ticket."

c. In every case where a charge is made or a fee exacted for extra care, the pawnbroker shall specifically call the pledgor's attention to the said charge at the time the loan is made, and no such charge or fee shall be allowed unless such pledgor shall sign an agreement to pay such extra charge and the fee for such extra charge, as agreed upon, shall be plainly written on the face of the pawn ticket.

d. Every pawnbroker shall place in a prominent position in such pawnbroker's place of business a reproduction of the application for the pawn ticket and the front of the pawn ticket which have been enlarged to twice their normal size, and a reproduction of the back of the pawn ticket which has been enlarged to three times its normal size.

§ 20-277.2 *Penalties. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) one hundred seventy-five dollars for the first violation; (ii) three hundred dollars for the second violation; and (iii) five hundred dollars for the third and any subsequent violation; except that a person shall not be subject to such civil penalty for a first-time violation of subdivision b or d of section 20-277.1 of this subchapter, or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for*

the first time, a notice of violation of subdivision b or d of section 20-277.1, or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 52. Subchapter 13 of chapter 2 of title 20 of the administrative code of the city of New York is REPEALED.

§ 53. Subchapter 14.1 of chapter 2 of title 20 of the administrative code of the city of New York is renumbered as subchapter 3-B of chapter 4 of title 20 of such code, and sections 20-297.1, 20-297.5, 20-297.6, and 20-297.7 are renumbered as 20-631, 20-632, 20-633, and 20-634 respectively, and the heading of subchapter 14.1 of chapter 2 of title 20 of such code, as added by local law number 87 for the year 2016, is amended to read as follows:

SUBCHAPTER [14.1]3-B
LAUNDRIES

§ [20-297.1] 20-631 Definitions.

§ [20-297.2] License required.]

§ [20-297.3] Application.]

§ [20-297.4] Fee; bond.]

§ [20-297.5] 20-632 General provisions.

§ [20-297.6] 20-633 Additional provisions for industrial laundries and industrial laundry delivery.

§ [20-297.7] 20-634 Advisory task force.

§ 54. Sections 20-297.2, 20-297.3 and 20-297.4 of the administrative code of the city of New York are REPEALED.

§ 55. Section 20-631 of the administrative code of the city of New York, as added by local law number 87 for the year 2016 and as renumbered by section fifty-three of this local law, is amended to read as follows:

§ 20-631 Definitions. For the purposes of this subchapter, the following terms have the following meanings:

Industrial laundry. The term “industrial laundry” means (i) a facility used to provide laundry services to commercial clients, including but not limited to hotels, hospitals, restaurants, gyms and retail laundries, or (ii) a facility used to provide laundry services maintained or operated in connection with any commercial institution, including but not limited to any hotel, restaurant or gym. The term “industrial laundry” does not include the laundry facilities of any hospital or the laundry facilities of any residential dwelling intended for use exclusively by the owners, tenants or occupants of such dwelling.

Industrial laundry delivery. The term “industrial laundry delivery” means:

1. To transport laundry from a commercial client within the city to an industrial laundry within or outside the city for laundry services;
2. To transport laundry from a commercial client outside the city to an industrial laundry within the city for laundry services;
3. To transport laundry from an industrial laundry within the city to a commercial client within or outside the city after laundry services have been performed; or
4. To transport laundry from an industrial laundry outside the city to a commercial client within the city after laundry services have been performed.

Laundry. The term “laundry” means clothing, apparel, sheets, towels, linens and other fabrics that are intended for laundry services.

Laundry operator. The term “laundry operator” means any person who operates an industrial laundry, a retail laundry or a business that engages in industrial laundry delivery.

Laundry service. The term “laundry service” means washing, drying, starching or ironing laundry for a fee, and includes such services when they are provided along with or as an incident to the rental of clothing, apparel or other fabrics. The term “laundry service” does not include dry cleaning.

Retail laundry. The term “retail laundry” means (i) a business that provides laundry services to the general public; (ii) a business that stores or collects laundry for laundry services or delivery for the general public; or (iii) a business that offers self-service laundry machinery for direct use by the general public. The term “retail laundry” does not include the laundry facilities of any hospital or the laundry facilities of any residential dwelling intended for use exclusively by the owners, tenants or occupants of such dwelling.

[Successor. The term “successor” means any applicant for a license to operate an industrial laundry that satisfies two or more of the following criteria:

1. The applicant uses the same facility or workforce to offer substantially the same services as the predecessor industrial laundry.
2. The applicant shared in the ownership or otherwise exercised control over the management of the predecessor industrial laundry.
3. The industrial laundry employs in a managerial capacity any person who controlled the wages, hours or working conditions of the employees of the predecessor industrial laundry.
4. At least one of the principals of the applicant is a spouse, domestic partner, parent, stepparent, foster parent, adoptive parent, sibling, stepsibling, foster sibling, adoptive sibling, child, stepchild, foster child or adopted child of any owner, partner, officer or director of the predecessor industrial laundry, or of any person who had a financial interest in the predecessor industrial laundry.]

§ 56. Section 20-632 of the administrative code of the city of New York, as added by local law number 87 for the year 2016 and as renumbered by section fifty-three of this local law, is amended to read as follows:

§ 20-632 General provisions. a. [Each licensee shall attach to all handcarts and pushcarts a label or tag that displays, in letters not less than two inches in height, such licensee's name, address and license number.

b.] Bills, tickets, cards, advertising or stationery issued or distributed by any [licensee] *laundry operator* shall contain such [licensee's] *laundry operator's* name[,] and address [and license number].

[c.] *b.* Charges to laundry consumers shall state accurately and clearly the [name and address of the consumer and] computation of the laundry charge.

[d. Each retail laundry licensee, industrial laundry licensee and industrial laundry delivery licensee shall notify the commissioner within 30 days of any sale, assignment or change in ownership of such retail laundry, industrial laundry or business that engages in industrial laundry delivery.]

[e.] *c.* Each retail laundry where the general public may use self-service laundry machinery shall have on premises an attendant from 8:00 P.M. until closing or 6:00 A.M. the following day, whichever is earlier.

[f.] *d.* Each vehicle used for retail or industrial laundry delivery shall display, in letters no less than two inches in height, the [licensee's] *laundry operator's* name, business address and business telephone number [and the license number assigned by the commissioner].

§ 57. Section 20-633 of the administrative code of the city of New York, as added by local law number 87 for the year 2016 and as renumbered by section fifty-three of this local law, is amended to read as follows:

§ 20-633 Additional provisions for industrial laundries and industrial laundry delivery.

a. Minimum standards of cleanliness and hygiene.

1. In addition to complying with section [20-297.5] 20-632, each *operator of an* industrial laundry [licensee] shall:

(a) Launder all laundry using a detergent that is appropriate for each type of fabric;

(b) Handle, store and process laundered and unlaundered laundry in a manner that minimizes the spread of contaminants and keeps laundered articles clean; and

(c) Clean all work surfaces at regular intervals. Work surfaces include all surfaces in rooms where laundry is exposed to open air, including but not limited to laundry equipment, work stations, and floors, whether or not it is expected that laundry will come into direct contact with such surfaces.

2. No *operator of an* industrial laundry [licensee] may represent that laundry services have been provided when such laundry services in fact have not been provided.

3. Each *operator of an* industrial laundry [licensee] shall develop procedures for complying with the minimum standards of cleanliness and hygiene set forth in paragraph 1 of this subdivision and shall post such procedures in a conspicuous manner in all places where laundry services are processed.

b. Functional separation of laundered and unlaundered laundry. 1. In addition to complying with section [20-297.5] 20-632, each *operator of an* industrial laundry [licensee] and *each laundry operator engaged in* industrial laundry delivery [licensee] shall maintain functional separation of laundered and unlaundered laundry in accordance with the following requirements:

(a) Each *operator of an* industrial laundry [licensee] and *each laundry operator engaged in* industrial laundry delivery [licensee] shall enclose laundry in suitable containers before and after laundering and shall not allow containers that hold unlaundered laundry to be subsequently used for laundered laundry without first having been thoroughly cleaned and sanitized; and

(b) Each *operator of an industrial laundry* [licensee] shall store laundered laundry and unlaundered laundry in separate, clearly marked areas of the facility when such laundry is not actively being processed.

2. Each *operator of an industrial laundry* [licensee] and *each laundry operator engaged in industrial laundry delivery* [licensee] shall develop procedures for maintaining functional separation of laundered and unlaundered laundry as required by this subdivision and shall post such procedures in a conspicuous manner in all places where laundry services and industrial laundry delivery are provided.

§ 58. Subdivision e of section 20-634 of the administrative code of the city of New York is REPEALED.

§ 59. Subchapter 3-B of chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-635 to read as follows:

§ 20-635 *Penalties. a. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) one hundred seventy-five dollars for the first violation; (ii) three hundred dollars for the second violation; and (iii) five hundred dollars for the third and any subsequent violation committed; except that a person shall be subject to a civil penalty of zero dollars for a first violation of subdivision a or d of section 20-632 of this subchapter, or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within 30 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision a or d of section 20-632 of this subchapter, or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.*

b. Notwithstanding any inconsistent provision of this section, there shall be a civil penalty of zero dollars imposed for a first violation of subdivision b of section 20-632 of this subchapter or any rule or regulation promulgated thereunder. The notice of violation for such first violation shall inform the respondent of the provision of law or rule that the department believes the respondent has violated, describe the condition or activity that is the basis for the notice of violation, and advise the respondent that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties. Any person who violates subdivision b of section 20-632 of this subchapter or any rule or regulation promulgated thereunder shall be subject to a civil penalty of one hundred seventy-five dollars for a second violation and a civil penalty of three hundred dollars for a third or subsequent violation.

§ 60. Subchapter 16 of chapter 2 of title 20 of the administrative code of the city of New York is REPEALED.

§ 61. Section 20-332 of the administrative code of the city of New York, as added by local law number 153 for the year 2013, is amended to read as follows:

§ 20-332 *Violation. a. Any person who violates any of the provisions of this subchapter or any rule or regulation [issued] promulgated thereunder shall be subject to a civil penalty of [not more than] one hundred seventy-five dollars for the first violation, three hundred dollars for the second violation and five hundred dollars for [each] the third and any subsequent violation; except that a person shall [not] be subject to [such] a civil penalty of zero dollars for a first-time violation of subdivision b of section 20-324, paragraph 1 of subdivision b of section 20-327.1, or subdivision g of section 20-327.1 of this subchapter and any rule or regulation [issued] promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b of section 20-324, paragraph 1 of subdivision b of section 20-327.1, or subdivision g of section 20-327.1 of this subchapter or any rule or regulation [issued] promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the*

determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

b. Notwithstanding any inconsistent provision of this section, a person shall be subject to a civil penalty of zero dollars for a first violation of section 20-326 or paragraph 2 of subdivision b of section 20-327.1 of this subchapter or any rule or regulation promulgated thereunder. The notice of violation for such first violation shall inform the respondent of the provision of law or rule the department believes the respondent has violated, describe the condition or activity that is the basis for the notice of violation, and advise the respondent that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties. Any person who violates section 20-326 or paragraph 2 of subdivision b of section 20-327.1 of this subchapter shall be subject to a civil penalty of one hundred seventy-five dollars for a second violation and a civil penalty of three hundred dollars for a third or subsequent violation.

§ 62. Section 20-348 of the administrative code of the city of New York is REPEALED.

§ 63. Subchapter 19 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-359 to read as follows:

§ 20-359 Penalties. a. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) one hundred seventy-five dollars for the first violation; (ii) three hundred dollars for the second violation committed; and (iii) five hundred dollars for the third and any subsequent violation committed; except that a person shall be subject to a civil penalty of zero dollars for a first violation of section 20-346 of this subchapter or any rule or regulation promulgated thereunder by failing to conspicuously display a license upon the premises where a game is to be conducted at all times during the conduct thereof, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-346 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

b. Notwithstanding any other provision of this section, a person shall be subject to a civil penalty of zero dollars for a first violation of section 20-349 of this subchapter or any rule or regulation promulgated thereunder. The notice of violation for such first violation shall inform the respondent of the provision of law or rule that the department believes the respondent has violated, describe the condition or activity that is the basis for the notice of violation, and advise the respondent that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties. Any person who violates such section 20-349 or any rule or regulation promulgated thereunder shall be subject to a civil penalty of one hundred seventy-five dollars for a second violation and a civil penalty of three hundred dollars for a third or subsequent violation.

§ 64. Subchapter 24 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-415 to read as follows:

§ 20-415 Penalties. a. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) one hundred seventy-five dollars for the first violation; (ii) three hundred dollars for the second violation; and (iii) five hundred dollars for the third and any subsequent violation.

b. Notwithstanding subdivision a of this section, a person shall be subject to a civil penalty of zero dollars for a first violation of subdivision 6 of section 20-417 of this subchapter or any rule or regulation promulgated thereunder if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision 6 of section 20-417 of this subchapter or any rule

or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

c. Notwithstanding subdivision a of this section, the civil penalty for a violation of subdivision 7 of section 20-417 or any rule promulgated pursuant thereto shall be five hundred dollars.

§ 65. Section 20-417 of the administrative code of the city of New York is amended by adding new subdivisions 6 and 7 to read as follows:

6. A service dealer shall display in the area where electronic and home appliances are accepted for repair a sign that contains the identity of the service dealer, informs the customer of the customer's right to a written estimate of all repairs and indicates that no repair work may be done without the customer's authorization, in addition to any other information required by the commissioner. The commissioner shall promulgate such regulations as the commissioner determines necessary and appropriate for the proper implementation and enforcement of this subdivision.

7. A licensee shall at all times carry insurance which in the opinion of the commissioner is adequate to protect the public. The commissioner shall promulgate such regulations as the commissioner determines necessary and appropriate for the proper implementation and enforcement of this subdivision.

§ 66. Subdivision c of section 20-472 of the administrative code of the city of New York, paragraph 1 of subdivision c as amended by local law number 40 for the year 1988 and paragraph 2 of subdivision c as amended by local law number 38 for the year 2013, is amended to read as follows:

c. 1. In addition to the penalties prescribed by subdivision a of this section, any person who violates, or any person aiding another to violate, the provisions of section 20-453 of this subchapter shall be liable for a civil penalty of [not less than] two hundred fifty dollars [nor more than one thousand dollars] together with a penalty of two hundred fifty dollars per day for every day during which the unlicensed business operated; except that a person who violates, or any person aiding another to violate, the provisions of section 20-453 of this subchapter by engaging in continued unlicensed activity as defined by the commissioner, considering factors including but not limited to the frequency and duration of such unlicensed activity, shall be liable for a civil penalty of one thousand dollars together with a penalty of two hundred fifty dollars per day for every day during which the unlicensed business operated.

2. In addition to the penalties prescribed by subdivision b of this section, any person who violates any of the provisions of this subchapter, other than section 20-453, or any of the rules and regulations promulgated hereunder shall be liable for a civil penalty as follows:

(a) For the first violation, a penalty of [not less than] twenty-five [nor more than fifty] dollars.

(b) For the second violation issued for the same offense within a period of two years of the date of a first violation, a penalty of [not less than] fifty dollars [nor more than one hundred dollars].

(c) For the third violation issued for the same offense within a period of two years of the date of a first violation, a penalty of [not less than] one hundred dollars [nor more than two hundred and fifty dollars].

(d) For any subsequent violations issued for the same offense within a period of two years of the date of a first violation, a penalty of [not more than five] two hundred and fifty dollars.

§ 67. Subdivision c of section 20-472 of the administrative code of the city of New York is amended by adding a new paragraph 3 to read as follows:

3. Notwithstanding any inconsistent provision of this subdivision, a person shall be subject to a civil penalty of zero dollars for a first violation of subdivision b of section 20-461 of this subchapter or any rule or regulation promulgated thereunder. The notice of violation for such first violation shall inform the respondent of the provision of law or rule that the department believes the respondent has violated, describe the condition or activity that is the basis for the notice of violation, and advise the respondent that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties. Any person who violates subdivision b of section 20-461 or any rule or regulation promulgated thereunder shall be subject to a civil penalty of twenty-five dollars for a second violation and a civil penalty of fifty dollars for a third or subsequent violation.

§ 68. Paragraph 3 of subdivision b of section 20-485.5 of the administrative code of the city of New York, as added by local law number 38 for the year 1992, is amended to read as follows:

3. Notwithstanding the provisions of section 20-485.6 of this subchapter, the civil penalties imposed for a violation of this subdivision shall be those provided for violations of section 20-708 of this title; *except that a person shall be subject to a civil penalty of zero dollars for a first violation of subdivision b of section 20-485.5 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b of section 20-485.5 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.*

§ 69. Section 20-485.6 of the administrative code of the city of New York, as added by local law number 38 for the year 1992, is amended to read as follows:

§ 20-485.6 Violations. a. The civil penalties imposed pursuant to this section shall be in addition to any other sanctions and orders which may be imposed by the commissioner pursuant to this title including but not limited to such sanctions and orders which may be imposed pursuant to section 20-105 of this code.

b. Notwithstanding the provisions of subdivisions a and b of section 20-106 *and except as provided in paragraph 3 of subdivision b of section 20-485.5*, any person who violates any provision of this subchapter or any rules promulgated thereunder shall be subject to a civil penalty of [not less than two hundred and fifty dollars nor more than two thousand dollars for each violation,] *one hundred seventy-five dollars for the first violation, three hundred dollars for the second violation and five hundred dollars for the third and any subsequent violation, to be recovered in a civil action; except that a person shall be subject to a civil penalty of zero dollars for a first violation of subdivision a of section 20-485.5 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision a of section 20-485.5 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.*

c. *Notwithstanding any other provision of this section, a person shall be subject to a civil penalty of zero dollars for a first violation of subdivision c of section 20-485.5 of this subchapter or any rule or regulation promulgated thereunder. The notice of violation for such first-time violation shall inform the respondent of the provision of law or rule that the department believes the respondent has violated, describe the condition or activity that is the basis for the notice of violation, and advise the respondent that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties. Any person who violates subdivision c of section 20-485.5 or any rule or regulation promulgated thereunder shall be subject to a civil penalty of one hundred seventy-five dollars for a second violation and a civil penalty of three hundred dollars for a third or subsequent violation.*

§ 70. Subdivisions b and c of section 20-574 of the administrative code of the city of New York are amended to read as follows:

b. [Punishment. Any person who shall violate any such rules and regulations shall be liable to forfeit and pay a civil penalty in the sum of not more than one hundred dollars for each violation.

c.] Violations. Any person who shall violate any of such rules and regulations shall be guilty of an offense triable by a judge of the New York city criminal court, and punishable by a fine of not less than twenty-five dollars and not more than two hundred fifty dollars for each offense or by imprisonment not exceeding ten days, or by both.

§ 71. Section 20-593 of the administrative code of the city of New York is amended to read as follows:

§ 20-593 Punishment. Any person who shall violate any of the foregoing provisions for the regulation of *weights and measures or any rule or regulation promulgated thereunder shall forfeit and pay a penalty of fifty dollars for the first violation, seventy-five dollars for the second violation and one hundred dollars for [each and every such offense] the third and any subsequent violation; except that a person shall be subject to a civil penalty of zero dollars for a first-time violation of section 20-595 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-595 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.*

§ 72. Chapter 3 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-595 to read as follows:

§ 20-595 *Labels and signage. a. All information required by this chapter, or by rules and regulations promulgated thereunder, to appear on a container, as such term is used in this chapter and in any rules and regulations promulgated thereunder, shall be represented in the English language. A translation in any language other than English of such information may supplement the representation to provide fuller consumer information.*

b. Whenever it is required by law or rule that a scale, weighing or measuring device be provided for customer use, a prominent and conspicuous sign or poster shall be posted on or above the scale, weighing or measuring device stating that the device is for customer use and may be used to reweigh customer purchases, in language and in accordance with any other specifications that the commissioner shall set by rule.

§ 73. Subchapter 2 of chapter 4 of title 20 of the administrative code of the city of New York is REPEALED.

§ 74. Subchapter 4 of chapter 4 of title 20 of the administrative code of the city of New York is REPEALED.

§ 75. Section 20-672 of the administrative code of the city of New York is amended by adding a new subdivision g to read as follows:

g. Every gasoline or diesel motor fuel dispensing device that is not in proper working order shall be marked with a sign, placard or other display according to specifications that the commissioner shall set by rule.

§ 76. Paragraph 3 of subdivision a of section 20-674 of the administrative code of the city of New York, as added by local law number 31 for the year 1988, is amended to read as follows:

(3) In addition to the penalties prescribed by paragraph one of subdivision a of this section, any person who violates the provisions of this subchapter or any rules or regulations promulgated thereunder, other than sections 20-673.1 and 20-673.2 and any rules or regulations promulgated thereunder, shall be liable for a civil penalty of not less than five hundred dollars nor more than ten thousand dollars; *except that a person shall be subject to a civil penalty of zero dollars for a first violation of section 20-672 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-672 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.*

§ 77. Subchapter 6 of chapter 4 of title 20 of the administrative code of the city of New York is REPEALED.

§ 78. Section 20-683 of the administrative code of the city of New York is amended to read as follows:

§ 20-683 Punishment. Any person who shall violate any of the provisions of this subchapter shall be liable to forfeit and pay a civil penalty in the sum of [not more than] *three hundred dollars for the first violation, four*

hundred dollars for the second violation and five hundred dollars for [each violation] the third and any subsequent violation; except that a person shall be subject to a civil penalty of zero dollars for a first violation of subdivision b of section 20-682 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b of section 20-682 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 79. Section 20-688 of the administrative code of the city of New York is amended to read as follows:

§ 20-688 Penalties. Any person, firm, corporation or association or agent or employee thereof, who shall violate any of the provisions of this subchapter or of the regulations promulgated pursuant to section 20-686 shall pay a civil penalty of [not less than twenty-five dollars nor more than two hundred fifty dollars for each violation] *one hundred dollars for the first violation, one hundred seventy-five dollars for the second violation and two hundred twenty-five dollars for the third and any subsequent violation*; and shall, upon conviction thereof, be punished by a fine of not less than twenty-five nor more than two hundred fifty dollars for each such violation.

§ 80. Subchapter 9 of chapter 4 of title 20 of the administrative code of the city of New York, as added by local law number 29 for the year 1989, is REPEALED.

§ 81. Subdivision a of section 20-692 of the administrative code of the city of New York, as added by local law number 94 for the year 1989, is amended to read as follows:

a. Any person who shall violate any of the provisions of subdivisions a or b of section 20-691 shall be subject to a civil penalty of [not less than one hundred dollars nor more than one hundred] fifty dollars *for the first violation, one hundred dollars for the second violation and one hundred fifty dollars for [each violation] the third and any subsequent violation, except that a person shall be subject to a civil penalty of zero dollars for a first violation of subdivision a or b of section 20-691 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision a or b of section 20-691 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.*

§ 82. Subchapters 10 and 11 of chapter 4 of title 20 of the administrative code of the city of New York are REPEALED.

§ 83. Subparagraph (a) of paragraph 2 of subdivision f of section 20-708.1 of the administrative code of the city of New York, as amended by local law number 5 for the year 2017, is amended to read as follows:

(a) upon inspection, up to \$25 for the first 20 violations and up to \$50 for each successive violation, total violations not to exceed \$2,000, except that a retail store shall not be subject to the civil penalty described above for a first-time violation or first-time violations of subdivision b of this section or any rule promulgated thereunder if such retail store proves to the satisfaction of the department, within 30 days of the issuance of the notice of violation or notices of violation and prior to the commencement of an adjudication of such notice or notices, that the violation or violations have been cured. The submission of proof of a cure, *if accepted by the department as proof that the violation has been cured,* shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation or violations have been cured shall be offered as part of any settlement offer made by the department to a retail store that has received a notice of violation or notices of violation for a first-time violation or first-time violations of subdivision b of this section or any rule promulgated

thereunder. The department shall permit such proof to be submitted electronically or in person. A retail store may seek review, in the department, of the determination that proof of a cure was not submitted within 15 days of receiving written notification of such determination.

§ 84. Section 20-711 of the administrative code of the city of New York, as amended by local law number 84 for the year 1991, is amended to read as follows:

§ 20-711 Penalties. Any person who shall violate the provisions of section 20-708 or section 20-709 hereof or rules promulgated pursuant to this subchapter, other than the provisions of section 20-708.1 or rules promulgated under such section, shall pay a civil penalty of [not less than twenty-five dollars nor more than] *fifty dollars for the first violation, one hundred and seventy-five dollars for the second violation and two hundred fifty dollars for [each] the third and each subsequent violation* and shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars nor more than two hundred fifty dollars for each violation; *except that a person shall be subject to a civil penalty of zero dollars for a first violation of section 20-708 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-708 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.* For the purposes of this section, each group of identical consumer commodities for which on any single day the total selling price or price per measure is not displayed in accordance with section 20-708 or section 20-709 or rules promulgated pursuant to this subchapter, other than the provisions of section 20-708.1 or rules promulgated under such section, shall be considered a single violation.

§ 85. The title of subchapter 3 of chapter 5 of title 20 of the administrative code of the city of New York, as amended by local law number 25 for the year 2003, is amended to read as follows:

[POSTING OF PRESCRIPTION DRUG PRICES AND NOTICES] *EMERGENCY CONTRACEPTION*

§ 86. Section 20-712 of the administrative code of the city of New York, subdivision (d) as added by local law number 25 for the year 2003, is amended to read as follows:

§ 20-712 Definitions. [(a) “Current selling price” means the price to be paid by the purchaser to the pharmacy for a listed drug.

(b) “Prescription drugs”] *As used in this subchapter, the following terms have the following meanings:*

Prescription drugs. The term “prescription drugs” means any drug which may be dispensed only with a physician’s prescription.

[(c) “Pharmacy”] *Pharmacy. The term “pharmacy” means any retail outlet selling prescription drugs within the city.*

[(d) “Emergency contraception”] *Emergency contraception. The term “emergency contraception” means one or more prescription drugs, used separately or in combination, to be administered to or self-administered by the patient in a dosage and manner for preventing pregnancy when used after intercourse, found safe and effective for that use by the United States food and drug administration, and dispensed for that purpose in accordance with professional standards of practice.*

§ 87. Section 20-713 of the administrative code of the city of New York is REPEALED.

§ 88. Section 20-714 of the administrative code of the city of New York is amended to read as follows:

§ 20-714 Regulations. [(a) The commissioner shall promulgate regulations designating those prescription drugs which, because of the frequency with which they are prescribed, shall be posted pursuant to section 20-713. The commissioner may except from such regulation such drugs to the extent that, and under such conditions as are consistent with the policy of this subchapter whenever the commissioner shall find that, because of the nature of such prescription drugs, compliance with section 20-713 is unreasonably burdensome or unnecessary for adequate protection of consumers.

(b)] The commissioner shall promulgate such [other] regulations as shall be necessary to effectuate the purposes of this subchapter[, including, but not limited to, requirements as to the manner of display of prescription drug prices].

§ 89. Section 20-715 of the administrative code of the city of New York, as amended by local law number 25 for the year 2003, is amended to read as follows:

§ 20-715 Penalties. Any person who shall violate the provisions of [section 20-713,] section 20-713.1[,] or regulations promulgated pursuant to this subchapter shall pay a civil penalty of [not less than two] *one* hundred [fifty] *seventy-five* dollars [nor more than five hundred dollars] for the first offense, [and for each succeeding offense a penalty of not less than five hundred dollars nor more than seven hundred fifty dollars for each such violation] *five hundred dollars for the second offense and seven hundred and fifty dollars for the third offense and each succeeding offense* and shall, upon conviction thereof, be punished by a fine of not less than two hundred fifty dollars nor more than five hundred dollars for the first offense and for each succeeding offense a fine of not less than five hundred dollars nor more than seven hundred fifty dollars for each such violation. For the purposes of this section, if on any single day [the current selling price list is not displayed in accordance with section 20-713 or regulations promulgated pursuant to this subchapter, or] the required signage is not displayed in accordance with section 20-713.1 or regulations promulgated pursuant to this subchapter, it shall be considered a single violation.

§ 90. Section 20-722 of the administrative code of the city of New York is amended to read as follows:

§ 20-722 Penalties. Any person or agent or employee thereof who shall violate any provision of this subchapter or of the regulations promulgated pursuant thereto shall be subject to a civil penalty of [not less than] twenty-five dollars [nor more than two hundred fifty dollars] for each day in which a violation occurs, *except that any person or agent or employee thereof shall be subject to a civil penalty of zero dollars for a first violation of any provision of this subchapter or any rule or regulation promulgated thereunder. The notice of violation for such first violation shall inform the respondent of the provision of law or rule that the department believes the respondent has violated, describe the condition or activity that is the basis for the notice of violation, and advise the respondent that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties.*

§ 91. Section 20-728 of the administrative code of the city of New York, as amended by local law number 153 for the year 2013, is amended to read as follows:

§ 20-728[,] Penalties. Violation of this subchapter or any rule or regulation promulgated thereunder, shall be punishable by payment of a civil penalty in the sum of [not less than] twenty-five *dollars for the first violation, fifty dollars for the second violation and* [nor more than] one hundred dollars for [each] *the third and any subsequent* violation; except that a person shall not be subject to the civil penalty described above for a first-time violation of any provision of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that he or she has cured the violation. The submission of proof of a cure, *if accepted by the department as proof that the violation has been cured,* shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of any provision of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 92. Section 20-743 of the administrative code of the city of New York, as amended by local law number 153 for the year 2013, is amended to read as follows:

§ 20-743[,] Penalties. Any person, partnership, corporation or other business entity who violates any provision of this subchapter or any of the regulations promulgated hereunder shall be liable for a civil penalty of not less than two hundred fifty dollars nor more than five hundred dollars for the first violation and for each succeeding violation a civil penalty of not less than five hundred dollars nor more than seven hundred fifty dollars; except that a person, partnership, corporation or other business entity shall not be subject to the civil penalty described above for a first-time violation of subdivision [(a)] *a* of section 20-740 of this subchapter or any rule or regulation promulgated thereunder, if such person, partnership, corporation or other business entity proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, *if accepted by the department as proof that the violation has been cured,* shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be

offered as part of any settlement offer made by the department to a person, partnership, corporation or other business entity who has received, for the first time, a notice of violation of subdivision [(a)] *a* of section 20-740 of this subchapter or any rule or regulation [issued] *promulgated* thereunder. The department shall permit such proof to be submitted electronically or in person. A person, partnership, corporation or other business entity may seek review, in the department's administrative tribunal, of the determination that the person or entity has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 93. Section 20-748 of the administrative code of the city of New York, as amended by local law number 153 for the year 2013, is amended to read as follows:

§ 20-748[.] Penalties. Violation of this subchapter, or any regulation promulgated pursuant to it, shall be punishable by payment of a civil penalty [not to exceed two hundred fifty dollars] *of one hundred fifty dollars*; except that a person shall not be subject to a civil penalty described above for a first-time violation of section 20-746 of this subchapter or any rule or regulation promulgated thereunder *or pursuant to section 20-747*, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, *if accepted by the department as proof that the violation has been cured*, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-746 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 94. Section 20-753 of the administrative code of the city of New York, as amended by local law number 153 for the year 2013, is amended to read as follows:

§ 20-753[.] Penalties. Any person who shall violate the provisions of this subchapter or the regulations promulgated pursuant to this subchapter shall, upon conviction thereof, pay a civil penalty [or not less than] *of* fifty dollars [and not more than two hundred and fifty dollars] for the first offense [and for each succeeding offense a penalty of not less than one hundred dollars nor more than five hundred dollars for each such violation]; *one hundred dollars for the second offense; and two hundred fifty dollars for the third offense and any subsequent offense*; except that a person shall not be subject to the civil penalty described above for a first-time violation of [subdivision c of] section 20-750 *or 20-751* of this subchapter or any rule or regulation promulgated thereunder *or pursuant to section 20-753*, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, *if accepted by the department as satisfactory proof that the violation has been cured*, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of [subdivision c of] section 20-750 *or 20-751* of this subchapter or any rule or regulation [issued] *promulgated* thereunder *or pursuant to section 20-753*. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination. For the purposes of this section, if on any single day the current selling price list is not displayed in accordance with this subchapter or the regulations promulgated pursuant to this subchapter, it shall be considered a single violation.

§ 95. Section 20-810 of the administrative code of the city of New York, as amended by local law number 153 for the year 2013, is amended to read as follows:

§ 20-810[.] Violations. A person violating sections 20-808 or 20-809 of this subchapter shall be subject to a civil penalty of not less than two hundred fifty dollars nor more than five hundred dollars for the first violation; except that a person shall not be subject to the civil penalty described above for a first-time violation of section 20-809 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, *if accepted by the department as proof that the violation has been cured*, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of

violation of section 20-809 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 96. Chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 24 to read as follows:

*SUBCHAPTER 24
CAR RENTALS*

§ 20-861 *Reservations.* A motor vehicle rental business that reserves vehicles for consumers shall conspicuously display a sign or notice on its business premises that informs consumers of their rights pertaining to such reservations. The commissioner shall establish the rights pertaining to such reservations, and the form and content of such sign or notice, by rule.

§ 20-862 *Penalties.* Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) \$150 for the first violation; (ii) \$250 for the second violation; and (iii) \$350 for the third and any subsequent violation; except that a person shall not be subject to such civil penalty of \$0 for a first-time violation of section 20-861 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within 30 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability only if the department is satisfied by such proof that the violation has been cured for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-861 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 97. Subdivision (d) of section 24-227, as added by local law number 153 for the year 2013, is amended to read as follows:

(d) [The commissioner may recommend to the board that there] *There shall be no civil penalty imposed for a first violation of this section if, within [forty five] 30 days [of the return date set forth on the notice] after the issuance of the notice of violation for such violation, or, if applicable, within any additional time granted by the commissioner pursuant to this subdivision, the respondent admits liability for the violation and files a certification with the department in a form and manner and containing such information and documentation as shall be prescribed in the department's rules that (i) permanent improvements or modifications have been made to the establishment, including but not limited to the installation of appropriate sound insulation, isolators, suspension mounting and/or sound mitigation devices or materials; and (ii) appropriate sound measurements taken in accordance with the department's rules substantiate that the establishment is in full compliance with the sound levels set forth in this section[. If], and the commissioner accepts such certification of compliance[, he or she shall recommend to the board that no civil penalty shall be imposed for the violation]. Such violation may nevertheless serve as a predicate for purposes of imposing penalties for subsequent violations of this section. If completion of such certification as prescribed in the rules of the department cannot be accomplished within 30 days after the issuance of the violation, the respondent may apply to the commissioner for additional time to submit an appropriate certification of compliance, but not more than 30 days. The respondent shall submit such application for additional time to the commissioner within 30 days after the issuance of the violation along with an admission of liability and appropriate documents demonstrating that the remediation process has begun.*

§ 98. Paragraph (1) of subdivision (b) of section 24-231 of the administrative code of the city of New York, as added by local law number 113 for the year 2005, is amended to read as follows:

(b) (1) [The commissioner may recommend to the board that there] *There shall be no civil penalty imposed for a first violation of [this section] subdivision (a) of this section or of any variance granted by the commissioner in accordance with subdivision (d) of this section if, within 30 days after the issuance of the notice of violation for such violation or, if applicable, within the time granted by the commissioner pursuant to this paragraph [two*

of this subdivision], the respondent admits liability for the violation and files a certification with the department in a form and manner and containing such information and documentation as shall be prescribed in the department's rules that (i) permanent improvements or modifications have been made to the establishment, including but not limited to the installation of appropriate sound insulation, isolators, suspension mounting and/or sound mitigation devices or materials and (ii) appropriate sound measurements taken in accordance with the department's rules substantiate that the establishment is in full compliance with the sound levels set forth in this section[. If], *and* the commissioner accepts such certification of compliance[, he or she shall recommend to the board that no civil penalty shall be imposed for the violation]. Such violation may nevertheless serve as a predicate for purposes of imposing penalties for subsequent violations of this section. *If completion of such certification as prescribed in the rules of the department cannot be accomplished within 30 days, the respondent may apply to the commissioner for additional time to submit an appropriate certification of compliance, but not more than 30 days. The respondent shall submit such application for additional time to the commissioner within 30 days after the issuance of the violation along with an admission of liability and appropriate documents demonstrating that the remediation process has begun.*

(2) [Where the completion of appropriate permanent improvements or modifications and testing within 30 days after the issuance of the violation would cause the respondent undue hardship, the respondent may apply to the commission for additional time to submit an appropriate certification of compliance, but not more than 30 days. Application for such additional time must be submitted to the commissioner within 30 days after the issuance of the violation along with an admission of liability and appropriate documents in support of the claim of undue hardship.

(3)] Nothing in this subdivision shall be construed to prohibit enforcement personnel from issuing additional notices of violation, summonses or appearance tickets where sound levels exceed the limits set forth in subdivision a of this section during the periods of time set forth in [paragraphs] *paragraph* one [and two] of this subdivision for submission of a certification of compliance for a first violation.

§ 99. Section 24-232 of the administrative code of the city of New York is amended by adding a new subdivision (g) to read as follows:

(g) There shall be no civil penalty imposed for a first violation of this section or any rules promulgated pursuant to this section if, within 30 days after the issuance of the notice of violation for such violation, or, if applicable, within any additional time granted by the commissioner pursuant to this subdivision, the respondent admits liability for the violation and files a certification with the department in a form and manner and containing such information and documentation as shall be prescribed in the department's rules showing that (i) permanent improvements or modifications have been made, including but not limited to the installation of appropriate sound insulation, isolators, suspension mounting and/or sound mitigation devices or materials, as applicable; and (ii) appropriate sound measurements taken in accordance with the department's rules substantiate that the applicable commercial or business enterprise is in full compliance with the sound levels set forth in this section, and the commissioner accepts such certification of compliance. Such violation may nevertheless serve as a predicate for purposes of imposing penalties for subsequent violations. If completion of such certification as prescribed in the rules of the department cannot be accomplished within 30 days, the respondent may apply to the commissioner for additional time to submit an appropriate certification of compliance, but not more than 30 days. The respondent shall submit such application for additional time to the commissioner within 30 days after the issuance of the violation along with an admission of liability and appropriate documents demonstrating that the remediation process has begun.

§ 100. Table I in paragraph (5) of subdivision (b) of section 24-257 of the administrative code of the city of New York, as added by local law number 113 for the year 2005, row 24-218 (a) as added by and row 24-218 (a-1) as amended by local law number 72 for the year 2016, and rows 24-227 and 24-231 (a) as amended by local law number 153 for the year 2013, is amended by removing the rows beginning 24-218, 24-231 (b) and 24-231 (c), amending the rows beginning 24-218 (a-1), 24-227, 24-231 (a), 24-232, 24-237 (d), 24-238, 24-242 and 24-244, and adding the rows beginning 24-218 (e), 24-231(d), 24-238 (a) and 24-244(b) to read as follows:

TABLE I						
Civil Penalties						
Violations related to section and subdivision	First Violation		Second Violation*		Third and Subsequent Violations*	
	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum
24-216 (d)	2,625	650	5,250	1,300	7,875	1,950
[24-218]	[1,000]	[350]	[2,000]	[700]	[3,000]	[1,050]
24-218 (a)	150	75	250	150	500	350
24-218 (a-1)	[1,000] 350	350	[2,000] 700	700	[3,000] 1,050	1,050
<i>24-218 (e)</i>	<i>1,000</i>	<i>350</i>	<i>2,000</i>	<i>700</i>	<i>3,000</i>	<i>1,050</i>
24-218.1	50	50	50	50	50	50
24-220	1,400	440	2,800	880	4,200	1,320
24-222	3,500	875	7,000	1,750	10,500	2,625
24-223	3,500	875	7,000	1,750	10,500	2,625
24-224	3,500	875	7,000	1,750	10,500	2,625
24-225	1,400	440	2,800	880	4,200	1,320
24-226	1,400	440	2,800	880	4,200	1,320
24-227	[875] 220	[0] 220	[1,750] 440	440	[2,625] 660	660
24-228	1,400	440	2,800	880	4,200	1,320
24-229	1,400	440	2,800	880	4,200	1,320
24-230	1,400	440	2,800	880	4,200	1,320
24-231 (a)	[8,000] 2,000	[0] 2,000	[16,000] 4,000	4,000	[24,000] 6,000	6,000
[24-231 (b)]	[1,750]	[440]	[3,500]	[880]	[5,250]	[1,320]
[24-231 (c)]	[875]	[350]	[1,750]	[700]	[2,625]	[1,050]
<i>24-231 (d)</i>	<i>560</i>	<i>560</i>	<i>1,120</i>	<i>1,120</i>	<i>1,680</i>	<i>1,680</i>
24-232	[1,400] 440	440	[2,800] 880	880	[4,200] 1,320	1,320
24-233 (a)	175	50	350	100	525	150
24-233 (b)(1)	175	50	350	100	525	150
24-233 (b)(2)	350	100	700	200	1,050	300
24-234	175	50	350	100	525	150
24-235	175	50	350	100	525	150
24-236 (a)	525	150	1,050	300	1,575	450

24-236 (b)(c) (d)	1,440	440	2,800	880	4,200	1,320
24-237 (a)	1,000	150	2,000	300	3,000	450
24-237 (b)	875	220	1,750	440	2,625	660
24-237 (c)	875	220	1,750	440	2,625	660
24-237 (d)	[1,000] 350	350	[2,000] 700	700	[3,000] 1,050	1,050
24-238 (a)	220	220	440	440	660	660
24-238 (b)	875	220	1,750	440	2,625	660
24-239 (b)	350	100	700	200	1,050	300
24-241	1,400	440	2,800	880	4,200	1,320
24-242	[875] 220	220	[1,750] 440	440	[2,625] 660	660
24-244 (a)	1,750	440	3,500	880	5,250	1,320
24-244 (b)	440	440	880	880	1,320	1,320
24-245	2,625	660	5,250	1,320	7,875	1,980
All remaining sections and subdivisions	875	220	1,750	440	2,625	660

* By the same respondent of the same provision of law, order, rule or regulation and, if the respondent is the owner, agent, lessee or other person in control of the premises with respect to which the violation occurred, at the same premises (all violations committed within two years).

§ 101. Subdivision (g) of section 24-257 of the administrative code of the city of New York, as added by local law 72 for the year 2016, is amended to read as follows:

(g) [The] *Notwithstanding the penalty amounts set forth in Table I in paragraph (5) of subdivision (b) of this section, the department may set default penalties that shall not exceed 400 percent of the penalty amount set by rule by the department for a violation of this chapter, except that the default penalty imposed pursuant to subdivision (b) of this section for a violation of [section 24-218(a)] subdivision (a) of section 24-218, as set forth in section [3-115] 47-02 of title [48] 15 of the rules of the city of New York or any successor provision, shall not exceed 150 percent of the scheduled penalty set forth therein.*

§ 102. Section 24-257 of the administrative code of the city of New York is amended by adding a new subdivision (h) to read as follows:

(h) (1) *Notwithstanding table I in paragraph 5 of subdivision (b) of this section, a cure period is available for a first violation of subdivision (e) of section 24-218 as set forth in such subdivision, a first violation of section 24-227 as set forth in subdivision (d) of such section, a first violation of section 24-231 as set forth in paragraph (1) of subdivision (b) of such section and a first violation of section 24-232 as set forth in subdivision (g) of such section.*

(2) *Notwithstanding table I in paragraph 5 of subdivision (b) of this section, an owner, operator, manager or other person having control of any place of public performance shall be subject to a civil penalty of \$0 for a first violation of subdivision d of section 24-218.1. The notice of violation for such first violation shall inform such owner, operator, manager or other person of the provision of law or rule that the department believes such owner, operator, manager or other person has violated, describe the condition or activity that is the basis for the notice of violation, advise such owner, operator, manager or other person that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties. For a second, third or subsequent violation of subdivision d of section 24-218.1 or any rules promulgated pursuant thereto, such owner, operator, manager or other person shall be liable for a civil penalty in the amount prescribed for such violation in table I of paragraph 5 of subdivision (b) of this section.*

§ 103. Section 28-204.2 of the administrative code of the city of New York, as amended by local law number 34 for the year 2008, is amended to read as follows:

§ 28-204.2 Order to certify correction. Each such notice of violation shall contain an order of the commissioner directing the respondent to correct the condition constituting the violation and to file with the department electronically or in such other manner as the department may authorize by rule a certification that the condition has been corrected. Unless otherwise provided by rule, such order shall require that violations classified as major or lesser be corrected within 30 days from the date of the order, that violations classified as immediately hazardous be corrected forthwith. Such order shall also require that certification of the correction of the violation shall be filed with the department in a manner and form and within such period of time as shall be established by the department. In any proceeding before the environmental control board, no civil penalty shall be imposed for a lesser violation *or for a first-time violation of the major violations listed in items 1.1 through 1.7 of this section* if the respondent complies with the commissioner's order to correct and to certify correction of the violation within the applicable time period. However, such violation may serve as a predicate for purposes of assessing aggravating factors attributable to multiple offenses.

1. As described in this section, no civil penalty shall be imposed upon correction of the following first-time major violations:

1.1. Failure to post, or post in accordance with the restrictions and prohibitions set forth in section 28-105.11, a building permit or a copy thereof for work at a work site in violation of section 28-105.11, or violation of a corresponding rule promulgated by the department;

1.2. Failure to maintain a sign in accordance with the requirements of title 27, title 28, the zoning resolution of the city of New York, or the rules of the city of New York in violation of section 28-301.1, or violation of a corresponding rule promulgated by the department;

1.3. Failure by an owner of a boiler to file a complete boiler inspection report in violation of section 28-303.7, or violation of a corresponding rule promulgated by the department;

1.4. A sign in a commercial, or C, district exceeds surface area restrictions in violation of section 32-64 of the zoning resolution of the city of New York, or violation of a corresponding rule promulgated by the department;

1.5. A sign in a specified commercial, or C, district projects across the street line limitation in violation of section 32-652 of the zoning resolution of the city of New York, or violation of a corresponding rule promulgated by the department;

1.6. A sign displayed on an awning, canopy or marquee in a commercial, or C, district in violation of the restrictions set forth in section 32-653 of the zoning resolution of the city of New York, or violation of a corresponding rule promulgated by the department; and

1.7. Miscellaneous sign violation under the zoning resolution of the city of New York, or violation of a corresponding rule promulgated by the department.

§ 104. Sections one through three and six through twelve of this local law take effect 120 days after they become law, except that the commissioner of sanitation and the chief administrative law judge of the office of administrative trials and hearings shall take such measures as are necessary for their implementation, including the promulgation of rules, before such date.

§ 105. Sections four and five of this local law take effect immediately.

§ 106. Sections thirteen through twenty-seven of this local law take effect 180 days after they become law, except that the commissioner of health and mental hygiene and the chief administrative law judge of the office of administrative trials and hearings shall take such measures as are necessary for their implementation, including the promulgation of rules, before such date.

§ 107. Sections twenty-eight through thirty-three of this local law take effect 120 days after they become law, except that the commissioner of transportation and the chief administrative law judge of the office of administrative trials and hearings shall take such measures as are necessary for their implementation, including the promulgation of rules, before such date.

§ 108. Sections thirty-four, thirty-five, forty-two through fifty-one, and sixty through ninety-six of this local law take effect 120 days after they become law, except that the commissioner of consumer and worker protection and the chief administrative law judge of the office of administrative trials and hearings shall take such measures as are necessary for their implementation, including the promulgation of rules, before such date.

§ 109. Sections thirty-six through forty-one of this local law take effect on March 15, 2022, provided that no license shall be required to operate an amusement arcade or a gaming café after January 15, 2022, and except that the commissioner of consumer and worker protection shall take such measures as are necessary for their implementation, including the promulgation of rules, before such date.

§ 110. Section fifty-two of this local law takes effect on June 15, 2022.

§ 111. Sections fifty-three through fifty-nine of this local law take effect on December 31, 2021.

§ 112. Sections ninety-seven through one hundred and two of this local law take effect 120 days after they become law, except that the commissioner of environmental protection and the chief administrative law judge of the office of administrative trials and hearings shall take such measures as are necessary for their implementation, including the promulgation of rules, before such date.

§ 113. Section one hundred and three of this local law takes effect 120 days after it becomes law, except that the commissioner of buildings and the chief administrative law judge of the office of administrative trials and hearings shall take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

MARK GJONAJ, *Chairperson*; STEPHEN T. LEVIN, BILL PERKINS, YDANIS A. RODRIGUEZ, HELEN K. ROSENTHAL, SELVENA N. BROOKS-POWERS, ERIC DINOWITZ; Committee on Small Business, June 17, 2021 (Remote Hearing). *Other Council Members Attending: Council Members Gibson and Dromm.*

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. 2234-A

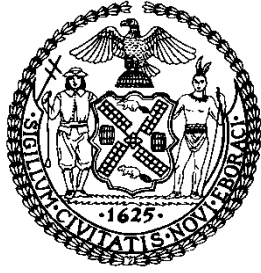
Report of the Committee on Small Business in favor of approving and adopting, as amended, a Local Law to establish a temporary program to resolve outstanding judgments imposed by the environmental control board.

The Committee on Small Business, to which the annexed proposed amended local law was referred on February 25, 2021 (Minutes, page 438), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Small Business for Int. No. 2233-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 2234-A:



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

PROPOSED INT. NO.: 2234-A

COMMITTEE: Small Business

TITLE: A Local Law to establish a temporary program to resolve outstanding judgments imposed by the environmental control board.

Sponsors: By Council Members Gjonaj, Chin, Cabrera, The Speaker (Council Member Johnson), Holden, Ayala, Gibson, Brannan and Rosenthal.

SUMMARY OF LEGISLATION: Proposed Int. No. 2234-A would require the Commissioner of Finance to establish a temporary program to resolve outstanding judgments imposed by the Environmental Control Board (ECB). Subject to certain conditions, default penalties and associated accrued interest would be waived. Eligible respondents would be able to resolve judgments docketed prior to March 7, 2020 by payment of 75% of the imposed penalties without payment of accrued interest, and respondents would be able to resolve judgments docketed on or after March 7, 2020 by payment of 25% of the imposed penalties without payment of accrued interest. The program would last for 90 days in Fiscal 2022 and the Commissioner would be able to extend the program for an additional 90 days. Judgments entered in the 90 days leading up to the start of the program would be ineligible for resolution under the terms of the program. Respondents who made certain partial penalty payments prior to the start of the program would be eligible to resolve the associated judgments.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2022

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY22
Revenues (+)	\$40,000,000	\$0	\$40,000,000
Expenditures (-)	\$1,000,000	\$0	\$1,000,000
Net	\$39,000,000	\$0	\$39,000,000

IMPACT ON REVENUES: It is estimated that the enactment of the legislation would impact revenues because the amnesty program would allow DOF to collect unpaid ECB penalties that it otherwise would not collect. While projected participation in the program is difficult to quantify in advance, DOF assumes that it will collect at least \$40 million in unpaid ECB penalties through the amnesty program that otherwise would have not been collected. A similar program in 2016 brought in \$45 million in additional revenue. One reason less income is assumed than in 2016 is that this program provides for a deeper discount on judgements docketed on or after March 7, 2020.

IMPACT ON EXPENDITURES: It is estimated that implementing this legislation would cost \$1 million in order to conduct the outreach and media campaign required by the law, which include the cost of running newspaper and radio advertisements and printing posters and flyers.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Aliya Ali, Principal Financial Analyst

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

LEGISLATIVE HISTORY: The Committee on Small Business (Committee) heard this legislation as preconsidered item on February 25, 2021, and the legislation was laid over. This legislation was introduced to the full Council as Int. No. 2234 on March 1, 2021 and was referred to the Committee. The legislation was subsequently amended and the amended version, Proposed Int. No. 2234-A, will be voted on by the Committee at a hearing on June 17, 2021. Upon successful vote by the Committee, Proposed Int. No. 2234-A will be submitted to the full Council for a vote on June 17, 2021.

DATE PREPARED: June 14, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 2234-A:)

Int. No. 2234-A

By Council Members Gjonaj, Chin, Cabrera, The Speaker (Council Member Johnson), Holden, Ayala, Gibson, Brannan, Rosenthal, Louis and Gennaro.

A Local Law to establish a temporary program to resolve outstanding judgments imposed by the environmental control board

Be it enacted by the Council as follows:

Section 1. Temporary program to resolve outstanding judgments. a. Definitions. For purposes of this section, the following terms have the following meanings:

Amnesty period. The term “amnesty period” means the period of time, as determined by the department of finance pursuant to subdivision f of this section, during which a payor or respondent may resolve outstanding judgments imposed by the environmental control board pursuant to the temporary program.

Base penalty. The term “base penalty” means, with respect to any notice of violation returnable to the environmental control board, the penalty that would be imposed upon a timely admission by the respondent or finding of liability after an adjudication, pursuant to the applicable penalty schedule, without regard to reductions of penalty in cases of mitigation or involving stipulations.

City. The term “city” means the city of New York.

Default decision and order. The term “default decision and order” means a decision and order of the environmental control board, pursuant to subparagraph (d) of paragraph (1) of subdivision d of section 1049-a of the charter of the city, determining a respondent’s liability for a violation charged based upon that respondent’s failure to plead within the time allowed by the rules of the environmental control board or failure to appear before the environmental control board on a designated adjudication date or on a subsequent date following an adjournment.

Default penalty. The term “default penalty” means, with respect to any notice of violation returnable to the environmental control board, the penalty imposed by the environmental control board, pursuant to subparagraph (d) of paragraph (1) of subdivision d of section 1049-a of the charter of the city, in an amount up to the maximum amount prescribed by law for the violation charged.

Environmental control board. The term “environmental control board” means a division of the office of administrative trials and hearings and its tribunal, as described in section 1049-a of the charter of the city.

Imposed penalty. The term “imposed penalty” means, with respect to any notice of violation returnable to the environmental control board, the penalty imposed by the environmental control board after an adjudication, pursuant to subparagraph (a) of paragraph (1) of subdivision d of section 1049-a of the charter of the city.

Judgment. The term “judgment” means monies owed to the city as a result of a final order of the environmental control board imposing a civil penalty, either as a result of a default decision and order or after a hearing and finding of violation, that was entered in the civil court of the city or any other place provided for the entry of civil judgments within the state, pursuant to subparagraph (g) of paragraph (1) of subdivision d of section 1049-a of the charter of the city, no later than 90 days prior to the first day of the amnesty period and determining a respondent’s liability for a violation charged in accordance with the applicable penalty schedule.

Pandemic judgment. The term “pandemic judgment” means a judgment entered for a violation that was docketed on or after March 7, 2020.

Payor. The term “payor” means a person or entity who is not the respondent but who makes the payment for a particular judgment docketed by the environmental control board.

Penalty schedule. The term “penalty schedule” means the schedule of penalties for particular violations of state or local law, or any rule or regulation promulgated thereunder, adopted as a rule by the environmental control board or by any city agency for violations adjudicated by the environmental control board pursuant to section 1049-a of the charter of the city, and published in the rules of the city, or any such predecessor schedule as may have applied on the date of the violation.

Pre-pandemic judgment. The term “pre-pandemic judgment” means a judgment entered for a violation that was docketed prior to March 7, 2020.

Resolve. The term “resolve” means, with respect to an outstanding judgment of the environmental control board, to conclude all legal proceedings in connection with a notice of violation.

Respondent. The term “respondent” means a person or entity named as the subject of a notice of violation returnable to, or a judgment issued by, the environmental control board.

State. The term “state” means the state of New York.

Temporary program. The term “temporary program” means the temporary program to resolve outstanding judgments established pursuant to this local law.

b. Temporary program to resolve outstanding judgments. 1. Subject to an appropriate concurring resolution of the environmental control board described in subdivision a of section 1049-a of the charter of the city, and notwithstanding any other provision of law to the contrary, the commissioner of finance shall establish a temporary program to resolve outstanding judgments imposed by the environmental control board that permits respondents who are subject to:

(a) judgments resulting from a default decision and order to resolve such judgments by payment of base penalties without payment of default penalties and accrued interest;

(b) pre-pandemic judgments entered after an adjudication and finding of violation to resolve such judgments by payment of 75 percent of the imposed penalties without payment of accrued interest; and

(c) pandemic judgments entered after an adjudication and finding of violation to resolve such judgments by payment of 25 percent of the imposed penalties without payment of accrued interest.

2. All judgments described in paragraph 1 of this subdivision may be resolved under the temporary program except as otherwise specified by subdivisions c and d of this section.

c. Judgments that may only be resolved under the temporary program subject to certain conditions. 1. A judgment resulting from a default decision and order may not be resolved under the temporary program unless the base penalty of the violation that is the subject of the default decision and order can be determined from the notice of the violation, default decision and order, or applicable penalty schedule alone or from a combination of any of the foregoing.

2. A judgment arising out of a notice of violation that includes an order requiring the correction of the violation may be resolved under the temporary program only if the city agency that issued the notice of violation has issued, on or before the last day of the amnesty period, a certificate of compliance indicating that the condition cited in such notice of violation has been corrected to the satisfaction of such agency.

3. A judgment resulting from a default decision and order for which a respondent or payor has, prior to the first day of the amnesty period, made payments greater than or equal to the base penalty, a pre-pandemic

judgment entered after an adjudication and finding of violation for which a respondent or payor has, prior to the first day of the amnesty period, made payments greater than or equal to 75 percent of the imposed penalties, and a pandemic judgment entered after an adjudication and finding of violation for which a respondent or payor has, prior to the first day of the amnesty period, made payments greater than or equal to 25 percent of the imposed penalties, may only be resolved under the temporary program if such a respondent or payor submits an application for resolution of such judgment to the commissioner of finance in a manner and form to be determined by such commissioner. Such commissioner may impose a fee of up to \$1 for submission of such an application.

d. Judgments that may not be resolved under the temporary program. 1. A judgment shall not be resolved under the temporary program if the judgment had been the subject of an agreement with a marshal or sheriff that was executed prior to the amnesty period.

2. A judgment shall not be resolved under the temporary program if a respondent or payor fails to pay the amounts described in subdivision b of this local law to the department of finance on or before the last day of the amnesty period.

3. A judgment shall not be resolved under the temporary program if such judgment is for a violation that is the subject of a criminal investigation.

e. Conditions for participation in the temporary program. 1. A payment from a respondent or payor to resolve an outstanding judgment from a default decision and order under the temporary program shall be deemed an admission of the liability for the violation that resulted in the default decision and order.

2. A resolution of a judgment under the temporary program shall constitute a waiver of all legal and factual defenses to liability for the judgment.

f. Certificates of correction. Nothing contained herein shall require a city agency to issue or approve certificates of correction or the equivalent if such agency does not have a program to do so as of the effective date of this local law.

g. Duration of the temporary program. The amnesty period shall be in effect for a period of 90 days during the fiscal year that commences on July 1, 2021, provided that such amnesty period may be extended for an additional period of 90 days by rule of the commissioner of finance if such commissioner determines that such an extension would encourage further resolution of outstanding judgments, generate revenue for the city and reduce the amount of outstanding debt owed to the city.

h. Judgments that remain outstanding after conclusion of the temporary program. After the amnesty period has concluded, any judgment that remains outstanding and has not been resolved by this program shall continue to have full legal effectiveness and enforceability regardless of whether it could have been resolved under this program.

i. Notification of public. The commissioner of finance shall publicize the temporary program so as to maximize public awareness of and participation in such program.

§ 2. This local law takes effect immediately.

MARK GJONAJ, *Chairperson*; STEPHEN T. LEVIN, BILL PERKINS, YDANIS A. RODRIGUEZ, HELEN K. ROSENTHAL, SELVENA N. BROOKS-POWERS, ERIC DINOWITZ; Committee on Small Business, June 17, 2021 (Remote Hearing). *Other Council Members Attending: Council Members Gibson and Dromm.*

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

Report of the Committee on State and Federal Legislation

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

Report for State Legislation Res. No. 8

Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.6981-A, and Assembly Member Abbate, A.7971, “AN ACT to amend the retirement and social security law, in relation to additional member contributions for certain members under the age fifty-seven retirement program”.

The Committee on State and Federal Legislation, to which the annexed preconsidered State Legislation Resolution (SLR) was referred on June 17, 2021, respectfully

REPORTS:

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

BACKGROUND:

Currently, there are some participating members in the 57/5 plan who are paying the physically taxing Additional Member Contributions (“AMC”), even if based on their age and years of service, they will not be able to achieve the 25 years of service necessary to benefit from the physically taxing provisions. Currently, these members are still required to make the AMC.

This bill would address that disparity and allow members who will not be able to receive the benefits to be exempt from making the physically taxing additional member contributions. Further, it requires a refund of certain participating members’ employee contributions to the AMC for the members currently paying AMCs, but who will not be able to achieve the required 25 years of service.

PROPOSED LEGISLATION:

Section one of the legislation amends section 604-d of the retirement and social security law to change the member contribution requirements and would refund employee portions of contributions to the age fifty-seven retirement program for certain participants with the titles: carpenter, supervisor carpenter, ship carpenter, supervisor ship carpenter, rigger, or dockbuilder. These changes would apply to participants who could not accumulate at least twenty-five years of service by the time the participant would reach the age of fifty-seven.

Section two is the effective date.

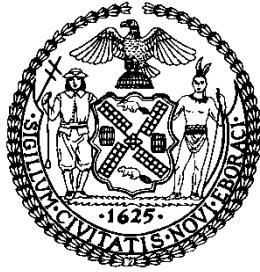
FISCAL IMPLICATIONS:

See Council Finance Division fiscal impact statement.

EFFECTIVE DATE:

Immediately.

(The following is the text of the Fiscal Impact Statement for SLR No. 8:)



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

PRECONSIDERED SLR 8: A.7971 (Abbate)
S.6981-A (Gounardes)

COMMITTEE: State and Federal Legislation

TITLE: An act to amend the retirement and social security law, in relation to additional member contributions for certain members under the age fifty-seven retirement program.

SPONSOR: Council Member Maisel.

SUMMARY OF LEGISLATION: Currently, certain members of the New York City Employees’ Retirement System (NYCERS) and Board of Education Retirement System (BERS) in the 57/5 plan who serve in a physically taxing position may enjoy an early retirement provision permitting them to retire at age 50 with 25 years of service, but they must pay an Additional Member Contribution (AMC) through the date of retirement. However, there are some members in the carpenter position who, due to their enrollment dates, will not be able to achieve the 25 years of service necessary to avail themselves of the physically taxing position benefits, but who nonetheless are still required to pay the AMC. This legislation would exempt those carpenter members from having to pay the AMC and require a refund of the portion of the AMC they have already paid into the retirement system plus interest.

EFFECTIVE DATE: This act would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2022

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY22
Revenues	\$0	\$0	\$0
Expenditures	\$878,000	\$878,000	\$878,000
Net	\$878,000	\$878,000	\$878,000

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

IMPACT ON EXPENDITURES: It is estimated that the passage of this legislation would increase the Present Value of Future Benefits by \$5.3 million, resulting in a \$17.9 million net increase in unfunded accrued liabilities (UAL). The increase in UAL would amortize over the remaining working lifetime of members impacted by the legislation, which the State estimates to be eight years for NYCERS carpenters and nine years for BERS carpenters. The amortized payments toward the UAL, coupled with the increase in the normal cost to fund these plans, would incur an annual cost of \$878,000.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council Finance Division
Fiscal Note 2021-34, Chief Actuary New York City Employees' Retirement System and Board of Education Retirement System of the City of New York

ESTIMATE PREPARED BY: Andrew Wilber, Economist

ESTIMATE REVIEWED BY: Raymond Majewski, Deputy Director/Chief Economist
Rebecca Chasan, Senior Counsel

LEGISLATIVE HISTORY: This bill will be considered by the Committee on State and Federal Legislation as a Preconsidered SLR on June 17, 2021. Upon successful vote by the Committee, the Preconsidered SLR will be introduced and submitted to the full Council for a vote on June 17, 2021.

DATE PREPARED: June 16, 2021.

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor's Memorandum-in Support from each house (S.6981-A; A.7971), please refer, respectively, to the New York State Senate at <https://www.nysenate.gov/legislation> and New York State Assembly at <http://nyassembly.gov/leg/>).

ALAN N. MAISEL, *Chairperson*; KAREN KOSLOWITZ, ROBERT E. CORNEGY, Jr., MARK TREYGER, DARMA V. DIAZ; Committee on State and Federal Legislation, June 17, 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 State and Federal Legislation and had been favorably reported for adoption.

Report for State Legislation Res. No. 9

Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.1608, and Assembly Member Abbate, A.4006, "AN ACT to amend the civil service law, in relation to the appointment and promotion of certain personnel of the sanitation department of the city of New York".

The Committee on State and Federal Legislation, to which the annexed preconsidered State Legislation Resolution (SLR) was referred on June 17, 2021, respectfully

REPORTS:

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

BACKGROUND:

This legislation would provide that going forward, promotions to certain supervisory positions in the New York City Department of Sanitation would be subject to competitive examination.

The legislation is both sound public policy, and makes the promotion process for these positions consistent with Article V, Section 6 of the New York State Constitution, which mandates that “Appointments and promotions in the civil service of the State and all of the civil divisions thereof, including cities and villages, shall be made according to merit and fitness to be ascertained as far as practicable by examination which as far as practicable, shall be competitive.”

By adopting this legislation, New York will ensure that promotions for these positions will be made in accordance with competitive examination in order to increase the public’s confidence and trust that the highest level of service is provided.

PROPOSED LEGISLATION:

Section one of the legislation adds a new section 59-C to the Civil Service Law to provide that vacancies in the supervisory personnel of the sanitation force in the city of New York in the titles of General Superintendent 2 and General Superintendent 3 and/or positions with equivalent duties and responsibilities, shall be filled by promotion from among employees holding competitive class positions in a lower grade in the department when practicable, and that such promotions shall be based on merit and fitness determined by a competitive examination.

Section one also provides that any employee holding a provisional appointment for an affected position in the supervisory personnel of the Sanitation Department on the date of enactment shall be given the opportunity to participate in a competitive promotional examination for the next higher title.

Section two is the effective date.

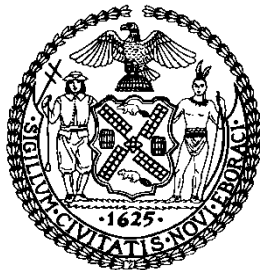
FISCAL IMPLICATIONS:

See Council Finance Division fiscal impact statement.

EFFECTIVE DATE:

Immediately.

(The following is the text of the Fiscal Impact Statement for SLR No. 9:)



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

PRECONSIDERED SLR 9: A.4006 (Abbate)
S.1608 (Gounardes)

COMMITTEE: State and Federal Legislation

TITLE: An act to amend the civil service law, in relation to the appointment and promotion of certain personnel of the sanitation department of the city of New York.

SPONSOR: Council Member Maisel.

SUMMARY OF LEGISLATION: This bill would provide that going forward, promotions to certain supervisory positions in the Department of Sanitation (DSNY) would be subject to competitive examination. Specifically, vacancies in the supervisory titles of General Superintendent 2 and General Superintendent 3 and/or positions with equivalent duties and responsibilities, would be filled by promotion from among employees holding competitive class positions in a lower grade in the department when practicable, and that such promotions would be based on merit and fitness determined by a competitive examination. Furthermore, any employee currently holding a provisional appointment for an affected position in a supervisory title on the date of enactment would be given the opportunity to participate in a competitive promotional examination for the next higher title.

EFFECTIVE DATE: This act would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2022

FISCAL IMPACT STATEMENT:

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

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Jon Seltzer, Senior Financial Analyst

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

LEGISLATIVE HISTORY: This bill will be considered by the Committee on State and Federal Legislation as a Preconsidered SLR on June 17, 2021. Upon successful vote by the Committee, the Preconsidered SLR will be introduced and submitted to the full Council for a vote on June 17, 2021.

DATE PREPARED: June 17, 2021.

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor's Memorandum-in Support from each house ([S.1608](#); [A.4006](#)), please refer, respectively, to the New York State Senate at <https://www.nysenate.gov/legislation> and New York State Assembly at <http://nyassembly.gov/leg/>).

ALAN N. MAISEL, *Chairperson*; KAREN KOSLOWITZ, ROBERT E. CORNEGY, Jr., MARK TREYGER, DARMA V. DIAZ; Committee on State and Federal Legislation, June 17, 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 State and Federal Legislation and had been favorably reported for adoption.

Report for State Legislation Res. No. 10

Report of the Committee on State and Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.6985-A, and Assembly Member Abbate, A.7873, “AN ACT to amend the retirement and social security law, in relation to automotive members of the New York city employees’ retirement system”.

The Committee on State and Federal Legislation, to which the annexed preconsidered State Legislation Resolution (SLR) was referred on June 13, 2019, respectfully

REPORTS:

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

BACKGROUND:

This legislation would provide automotive members of the New York City Employees’ Retirement System who begin their careers later in life with the ability to receive a vested retirement benefit.

Currently, automotive members who begin their careers later in life and are not included in the revised plan may never become eligible to receive a vested retirement due to the age and service requirements. This bill adjusts those requirements to afford those employees with the ability to receive a vested retirement.

PROPOSED LEGISLATION:

Section one of the legislation amends section 604-g of the retirement and social security law to set new criteria for when the vested benefit shall become payable.

Section two of the legislation amends section 604-g to state that participants who are eligible for a defined deferred vested benefit, will receive a life annuity calculated in accordance with this section.

Section three is the effective date.

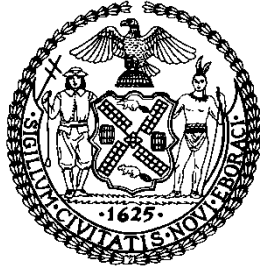
FISCAL IMPLICATIONS:

See Council Finance Division fiscal impact statement.

EFFECTIVE DATE:

Immediately.

(The following is the text of the Fiscal Impact Statement for SLR No. 10:)



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

PRECONSIDERED SLR 10: A.7873 (Abbate)
S.6985-A (Gouardes)

COMMITTEE: State and Federal Legislation

TITLE: An act to amend the retirement and social security law, in relation to automotive members of the New York city employees' retirement system.

SPONSOR: Council Member Maisel.

SUMMARY OF LEGISLATION: Currently, service and age requirements for retirement benefits prohibit automotive workers starting careers later in life from becoming eligible for retirement at a reasonable age. This bill would adjust the age and service requirements, extending eligibility to these workers. Specifically, this bill would allow New York City Employees' Retirement System (NYCERS) Tier Four members in the Automotive 25 year plan to begin collecting pension benefits at age 62 with ten years of credited service; age 63 with eight years of credited service; age 64 with six years of credited service; or age 65 or older with at least five years of credited service. Members in the Tier Six Automotive 25 year plan would remain eligible at age 63 with at least ten years of credited service.

EFFECTIVE DATE: This act would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2022

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY22
Revenues	\$0	\$0	\$0
Expenditures	\$3,800,000	\$3,800,000	\$3,800,000
Net	\$3,800,000	\$3,800,000	\$3,800,000

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

IMPACT ON EXPENDITURES: It is estimated that the passage of this legislation would increase the Present Value of Future Benefits by \$30.1 million, resulting in a \$17.9 million net increase in unfunded accrued liabilities (UAL). The increase in UAL would amortize over 14 years. The amortized payments toward the UAL, coupled with the increase in the normal cost to fund these plans, would incur an annual cost of \$3.8 million.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council Finance Division
Fiscal Note 2021-30, Chief Actuary
New York City Employees' Retirement System

ESTIMATE PREPARED BY: Andrew Wilber, Economist

ESTIMATE REVIEWED BY: Raymond Majewski, Deputy Director/Chief Economist
Rebecca Chasan, Senior Counsel

LEGISLATIVE HISTORY: This bill will be considered by the Committee on State and Federal Legislation as a Preconsidered SLR on June 17, 2021. Upon successful vote by the Committee, the Preconsidered SLR will be introduced and submitted to the full Council for a vote on June 17, 2021.

DATE PREPARED: June 16, 2021.

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor's Memorandum-in Support from each house (S.6985-A; A.7873), please refer, respectively, to the New York State Senate at <https://www.nysenate.gov/legislation> and New York State Assembly at <http://nyassembly.gov/leg/>).

ALAN N. MAISEL, *Chairperson*; KAREN KOSLOWITZ, ROBERT E. CORNEGY, Jr., MARK TREYGER, DARMA V. DIAZ; Committee on State and Federal Legislation, June 17, 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 Transportation

Report for Int. No. 946-B

Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to prohibiting on-call scheduling for utility safety employees and providing advance notice of work schedules to utility safety employees.

The Committee on Transportation, to which the annexed proposed amended local law was referred on May 23, 2018 (Minutes, page 1983), respectfully

REPORTS:

INTRODUCTION

On June 17, 2021, the Committee on Transportation, chaired by Council Member Ydanis Rodriguez, held a hearing to vote on Int. No. 946-B, sponsored by Council Member Brad Lander, a local law in relation to prohibiting on-call scheduling for utility safety employees and providing advance notice of work schedules to utility safety employees. This was the second hearing on this legislative item. The first hearing on Int. No. 946 was held on December 16, 2019.

At the June 17, 2021 hearing, the Committee on Transportation passed Int. No. 946-B by a vote of nine in the affirmative, zero in the negative, with one abstention.

BACKGROUND

Utility Safety Employees

Utility safety employees who locate and mark underground infrastructure serve an important role in maintaining and protecting the City's built environment. Before underground excavations may be performed, federal and state law require that lines be marked aboveground in order to prevent damage and accident to the underground infrastructure of utilities.¹ Any person that seeks a Department of Transportation (DOT) permit to open a City street must follow the safe excavation procedures as mandated by NYS Industrial Code Rule 53:²

- The permit applicant must contact a notification system called New York 811 at least 48 hours prior to beginning any work.
- 811 then relays excavation and digging requests to utility companies and underground facility owners, who are required to mark the location of their underground facilities on the street surface.
- Once the street has been marked, an automated system notifies the permit applicant that the street has been marked and that they may proceed with excavation.

Since 2013, in New York City, Con Ed and National Grid have contracted with United States Infrastructure Corporation (USIC) to have USIC employees locate the underground utility lines and mark the respective portions of the streets to show their location in an effort to help those performing the excavation work.³ Currently, USIC is the largest employer of underground utility safety employees in North America, protecting the assets of utility and telecommunication companies in both the United States (U.S.) and Canada.⁴ USIC's mission is to deliver innovative solutions that protect clients' infrastructure and critical assets, having delivered more than 81.4 million locating services across the U.S. and Canada annually, with more than 2.3 million of these locating services done within New York State.⁵

On December 12, 2017, an oversight hearing related to utility safety employees was held by the Committee on Civil Service and Labor, entitled: *United States Infrastructure Corporation (USIC) Underground Safety Contractor Workers' Unfair Pay and Benefits*.⁶ The hearing focused on the working conditions, as well as on the pay and benefits, of USIC's underground utility safety workers.

ANALYSIS OF INT. NO. 946-B

Int. No. 946-B would ban the practice of on-call scheduling for utility safety employees who locate and mark underground infrastructure. The bill would prohibit employers from canceling, changing or adding work shifts within 72 hours of the start of the shift, except in limited circumstances. The bill would also require the employer to provide a utility safety employee with a written work schedule no later than 72 hours before the first shift on the work schedule, to post the schedule at the work location 72 hours before the beginning of the scheduled hours of work, and to provide the employee, at the employee's request, with a written copy of their work schedule for any week worked within the prior three years. Int. No. 946-B would take effect 180 days after it becomes law.

¹ Dan DiMaggio. LaborNotes.org. *Utility Locators Fight for First Contract*. Retrieved Dec. 5, 2017 from <http://labornotes.org/2017/01/utility-locators-fight-first-contract>.

² 16 N.Y.C.R.R. Part 753.

³ See Committee Report, Committee on Civil Service and Labor, *Oversight: United States Infrastructure Corporation (USIC) Underground Safety Contractor Workers' Unfair Pay and Benefits* (Dec. 12, 2017).

⁴ Leonard Green & Partners, L.P. United States Infrastructure Corporation. Retrieved Dec. 5, 2017 from <https://www.leonardgreen.com/portfolio>.

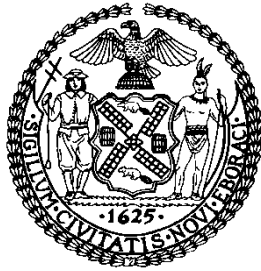
⁵ See "Home" page. USIC. Retrieved November 29, 2017 from <https://www.usicllc.com/>.

⁶ See Hearing, Committee on Civil Service and Labor, *Oversight: United States Infrastructure Corporation (USIC) Underground Safety Contractor Workers' Unfair Pay and Benefits* (Dec. 12, 2017).

UPDATE

On June 17, 2021, the Committee on Transportation passed Int. No. 946-B by a vote of nine in the affirmative, zero in the negative, with one abstention.

(The following is the text of the Fiscal Impact Statement for Int. No. 946-B:)



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 946-B
COMMITTEE: Transportation**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to prohibiting on-call scheduling for utility safety employees and providing advance notice of work schedules to utility safety employees.

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

SUMMARY OF LEGISLATION: Proposed Intro. No. 946-B would prohibit the practice of on-call scheduling for utility safety employees who locate and mark underground infrastructure. The bill would prohibit employers from canceling, changing, or adding work shifts within 72 hours of the start of the shift, except in limited circumstances. The bill would also require the employer to provide a utility safety employee with a written work schedule no later than 72 hours before the first shift on the work schedule, to post the schedule at the work location 72 hours before the beginning of the scheduled hours of work, and to provide the employee, at the employee’s request, a written copy of the work schedule for any week worked within the prior three years.

EFFECTIVE DATE: This local law would take effect 180 days after it becomes law, except that the Department of Consumer and Worker Protection (DCWP) Commissioner may take the necessary measures for the implementation of this local law, including the promulgation of rules, before such date. In addition, DCWP shall not take any enforcement action against any utility safety employer for a violation of section 20-1251 or 20-1252 of the administrative code of the city of New York pursuant to section 20-1207 of the administrative code of the city of New York less than 365 days after this local law becomes law. Moreover, in the case of utility safety employees covered by a valid collective bargaining agreement in effect 180 days after this local law becomes law, this local law takes effect on the stated date of the expiration of such agreement.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY22
Revenues	\$0	\$0	\$0
Expenditures	\$211,525	\$154,525	\$154,525
Net	\$211,525	\$154,525	\$154,525

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 an additional expenditure of \$211,525 in Fiscal 2022 and \$154,525 in Fiscal 2023 and in the outyears for DCWP. The funding would support two additional headcount positions and related OTPS costs associated with the enforcement of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

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

ESTIMATE PREPARED BY: John Basile, Senior Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was first introduced to the Council as Intro. No. 946 on May 23, 2018 and referred to the Committee on Civil Service and Labor. The legislation was subsequently amended and referred to the Committee on Transportation on December 3, 2019. The Committee on Transportation heard the amended version, and proposed a further amendment, on December 16, 2019 and the bill was laid over. The most-recently amended version, Proposed Intro. No. 946-B, will be considered by the Committee on Transportation on June 17, 2021. Upon a successful vote by the Committee on Transportation, Proposed Intro. No. 946-B will be submitted to the full Council for a vote on June 17, 2021.

DATE PREPARED: June 15, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 946-B:)

Int. No. 946-B

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

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting on-call scheduling for utility safety employees and providing advance notice of work schedules to utility safety employees

Be it enacted by the Council as follows:

Section 1. Section 20-1201 of the administrative code of the city of New York, as amended by local law 80 of 2020, is amended to add new definitions of “underground facilities,” “utility safety employee” and “utility safety employer” in alphabetical order to read as follows:

Underground facilities. The term “underground facilities” means pipelines, conduits, ducts, cables, wires, manholes, vaults or other such facilities or their attachments, that have been installed underground to provide services or materials, including electricity, gas, water, steam liquid petroleum products, telephone communications, cable television, sewage removal or traffic control systems.

Utility safety employee. The term “utility safety employee” means any person who is employed by a utility safety employer to locate and mark underground facilities or inspect gas pipe fusions and joints.

Utility safety employer. The term “utility safety employer” means any person or entity that employs individuals to locate and mark underground facilities or inspect gas pipe fusions and joints. The term “utility safety employer” does not include (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; or (iii) the city or any local government, municipality or county or any entity governed by section 92 of the general municipal law or section 207 of the county law.

§2. Section 20-1251 of the administrative code of the city of New York, as added by local law 99 of 2017, is amended to read as follows:

§ 20-1251 On-call scheduling prohibited. a. Except as otherwise provided by law, *it shall be unlawful for a retail or utility safety employer* [shall not] *to:*

1. Schedule a retail *or utility safety* employee for any on-call shift;
2. Cancel any regular shift for a retail *or utility safety* employee within 72 hours of the scheduled start of such shift;
3. Require a retail *or utility safety* employee to work with fewer than 72 hours’ notice, unless the employee consents in writing; or
4. Require a retail *or utility safety* employee to contact a retail *or utility safety* employer to confirm whether or not the employee should report for a regular shift fewer than 72 hours before the start of such shift.

b. Notwithstanding subdivision a of this section, a retail *or utility safety* employer may:

1. Grant a retail *or utility safety* employee time off pursuant to an employee’s request;
2. Allow a retail *or utility safety* employee to trade shifts with another retail *or utility safety* employee; [and]
3. Make changes to retail employees’ work schedules with less than 72 hours’ notice if the retail employer’s operations cannot begin or continue due to:

- (a) Threats to the retail employees or the retail employer’s property;
- (b) The failure of public utilities or the shutdown of public transportation;
- (c) A fire, flood or other natural disaster; or
- (d) A state of emergency declared by the president of the United States, governor of the state of New York or mayor of the city[.]; *and*

4. *Make changes to utility safety employees’ work schedules with less than 72 hours’ notice if the utility safety employer is responding to or cannot begin or continue operations due to one of the following circumstances:*

- (a) *The failure of public utilities that poses an immediate danger to public safety or health;*
- (b) *A fire, flood or other natural disaster; or*
- (c) *A state of emergency declared by the president of the United States, governor of the state of New York or mayor of the city.*

§3. Section 20-1252 of the administrative code of the city of New York, as amended by local law 80 of 2020, is amended to read as follows:

§ 20-1252 Work schedules. a. A retail *or utility safety* employer shall provide a retail *or utility safety* employee with a written work schedule no later than 72 hours before the first shift on the work schedule.

b. A retail employer shall conspicuously post in a location that is accessible and visible to all retail employees at the work location the work schedule of all the retail employees at that work location at least 72 hours before the beginning of the scheduled hours of work and shall update the schedule and directly notify affected retail employees after making changes to the work schedule. Retail *and utility safety* employers shall also transmit the work schedule by electronic means, if such means are regularly used to communicate scheduling information. The department may by rule establish requirements or exceptions necessary to ensure the privacy and safety of employees.

c. Upon request by a retail *or utility safety* employee, a retail *or utility safety* employer shall provide the employee with such employee’s work schedule in writing for any week worked within the prior three years and the most current version of the work schedule for all retail *or utility safety* employees at that work location, whether or not changes to the work schedule have been posted.

§4. Section 20-1253 of the administrative code of the city of New York, as added by local law 99 of 2017, is amended to read as follows:

§ 20-1253 Collective bargaining agreements. The provisions of this subchapter do not apply to any retail *or utility safety* employee covered by a valid collective bargaining agreement, including an agreement that is open for negotiation, if (i) such provisions are expressly waived in such collective bargaining agreement and (ii) the agreement addresses employee scheduling.

§ 5. a. This local law takes effect 180 days after it becomes law, except that the department of consumer and worker protection shall not take any enforcement action against any utility safety employer for a violation of section 20-1251 or 20-1252 of the administrative code of the city of New York pursuant to section 20-1207 of the administrative code of the city of New York less than 365 days after this local law becomes law, and provided that the commissioner of the department of consumer and worker protection may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such dates.

b. Notwithstanding subdivision a of this section, in the case of utility safety employees covered by a valid collective bargaining agreement in effect 180 days after this local law becomes law, this local law takes effect on the stated date of the expiration of such agreement.

YDANIS A. RODRIGUEZ, *Chairperson*; FERNANDO CABRERA, PETER A. KOO, STEPHEN T. LEVIN, MARK D. LEVINE, CARLOS MENCHACA, ANTONIO REYNOSO, ROBERT HOLDEN, SELVENA N. BROOKS-POWERS; Committee on Transportation, *post-March 25, 2021* (Remote Hearing). *Other Council Members Attending: Council Members Lander, Dromm, Perkins, Powers and Yeger.*

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

GENERAL ORDERS CALENDAR

Report for L.U. No. 785 & Res. No. 1689

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

The Committee on Land Use, to which the annexed Land Use item was referred on April 29, 2021 (Minutes, page 1086) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on May 27, 2021 (Minutes, page 1517), respectfully

REPORTS:

SUBJECT

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

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

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

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

City Planning Commission decision approving an application submitted by MEDREP Associates, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area with MIH Option 1 and Option 2.

INTENT

To approve the amendment to rezone the project area from a C4-4A to a C4-4D zoning district and to approve with modifications the amendment of the zoning text to modify Appendix F and establish the Project Area as a Mandatory Inclusionary Housing (MIH) designated area with MIH Option 1 to facilitate the development of an 11-story mixed-use building containing 104 residential units, ground floor commercial space,

and community facility space in the cellar at 30-02 Newtown Avenue in the Astoria neighborhood of Queens, Community District 1.

PUBLIC HEARING

DATE: May 4, 2021

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: May 19, 2021

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

In Favor:

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

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: May 25, 2021

The Committee recommends that the Council approve the attached resolutions.

In Favor:

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

Against:

None

Abstain:

None.

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSIONS

The City Planning Commission filed a letter dated June 7, 2021, with the Council on June 9, 2021, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 1689

Resolution approving the decision of the City Planning Commission on ULURP No. C 200282 ZMQ, a Zoning Map amendment (L.U. No. 785).

By Council Members Salamanca and Moya.

WHEREAS, MEDREP Associates, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No.9a, changing from an existing C4-4A District to a C4-4D District, which in conjunction with the related action would facilitate the construction of an 11-story mixed-use building containing 104 residential units, ground floor commercial space, and community facility space in the cellar at 30-02 Newtown Avenue in the Astoria neighborhood of Queens, Community District 1 (ULURP No. C 200282 ZMQ), (the “Application”);

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

WHEREAS, the Application is related to application N 200283 ZRQ (L.U. No. 786), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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

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

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued December 14th, 2020 (CEQR No. 20DCP090Q), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-593) (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-593) 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 200282 ZMQ, 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. 9a, by changing from an existing C4-4A District to a C4-4D District property bounded by 30th Street, Newtown Avenue, 31st Street, a line 210 feet northeasterly of 30th Avenue, a line 100 feet northwesterly of 31st Street, and a line 285 feet northeasterly of 30th

Avenue, as shown on a diagram (for illustrative purposes only) dated December 14, 2020, and subject to the conditions of CEQR Declaration E-593.

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

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

Report for L.U. No. 786 & Res. No. 1690

Report of the Committee on Land Use in favor of approving, as modified, Application Number N 200283 ZRQ (30-02 Newtown Avenue) submitted by MEDREP Associates, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Community District 1, Council District 22.

The Committee on Land Use, to which the annexed Land Use item was referred on April 29, 2021 (Minutes, page 1086) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on May 27, 2021 (Minutes, page 1519), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 785 printed above 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. 1690

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 200283 ZRQ, for an amendment of the text of the Zoning Resolution (L.U. No. 786).

By Council Members Salamanca and Moya.

WHEREAS, MEDREP Associates, LLC, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related action would facilitate the development of an 11-story mixed-use building containing 104 residential units, ground floor commercial space, and community facility space in the cellar at 30-02 Newtown Avenue in the Astoria neighborhood of Queens, Community District 1 (Application No. N 200283 ZRQ) (the “Application”);

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

WHEREAS, the Application is related to applications C 200282 ZMQ (L.U. No. 785), a zoning map amendment to change a C4-4A zoning district to a C4-4D zoning district;

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

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

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued December 14th, 2020 (CEQR No. 20DCP090Q), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-593) (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-593) 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 200283 ZRQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter underlined is new, to be added;

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

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

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

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

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

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

QUEENS

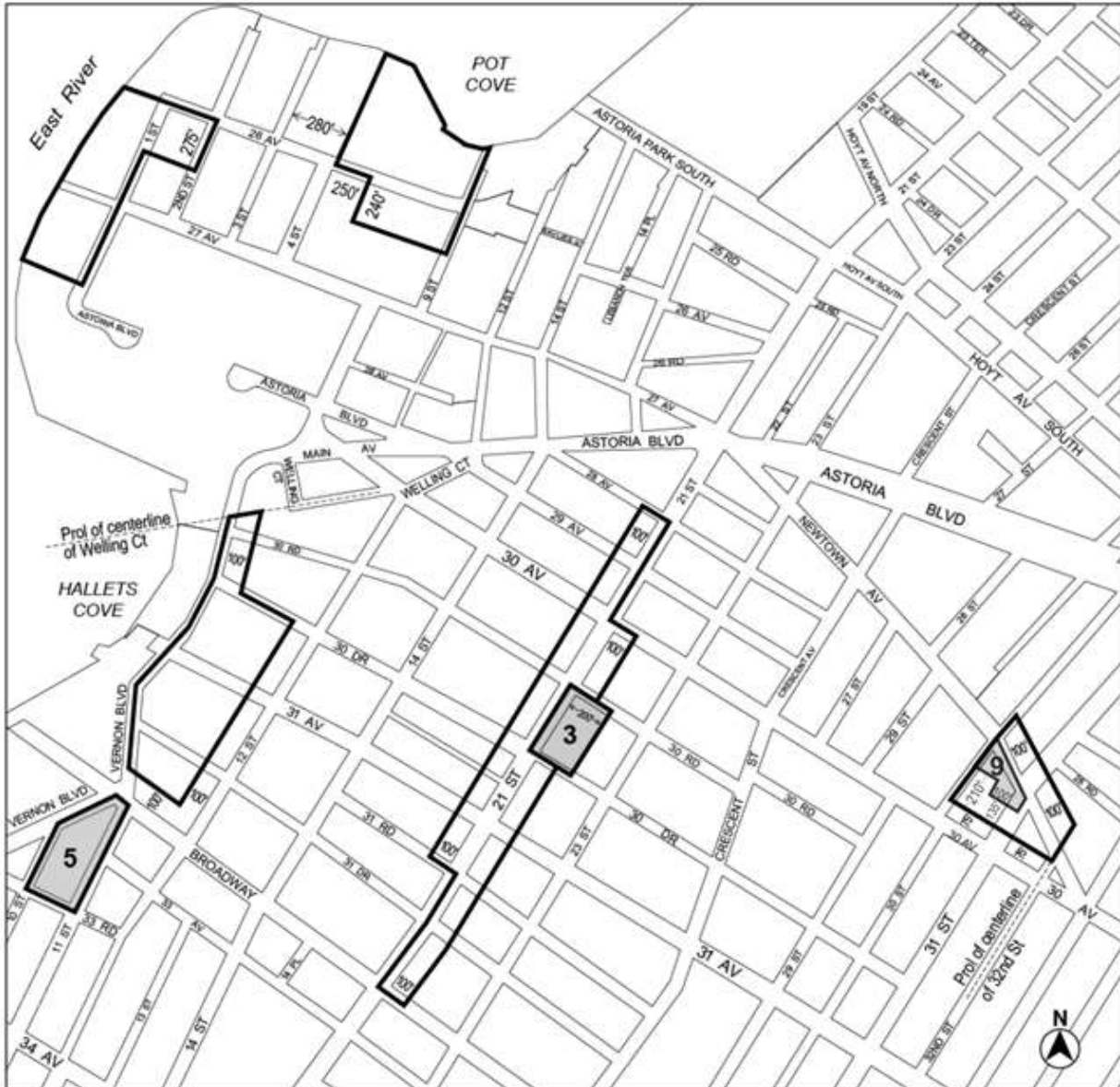
* * *

Queens Community District 1

* * *

Map 1- (10/17/19) [Date of Adoption]

[PROPOSED MAP]



- Inclusionary Housing designated area*
- Mandatory Inclusionary Housing Program Area** *see Section 23-154(d)(3)*
- Area 3— 10/31/18 MIH Program Option 1 and Option 2
- Area 5— 10/17/19 MIH Program Option 1

Area 9 – [date of adoption] – MIH Program Option 1 ~~and Option 2~~
 Portion of Community District 1, Queens

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

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

ROLL CALL ON GENERAL ORDERS FOR THE DAY
(Items Coupled on General Order Calendar)

- (1) **Int 946-B -** Prohibiting on-call scheduling for utility safety employees and providing advance notice of work schedules to utility safety employees.
- (2) **Int 1572-B -** Requiring a citywide equitable development data tool and racial equity reports on housing and opportunity.
- (3) **Int 1859 -** Sunset provisions for the alternative exemption for veterans.
- (4) **Int 2233-A -** Reducing penalties and allowing opportunities to cure for certain violations.
- (5) **Int 2234-A -** Temporary program to resolve outstanding judgments imposed by the Environmental Control Board.
- (6) **Int 2257 -** Recording of certain orders, requirements, decisions, determinations, resolutions and restrictive declarations issued by the Board of Standards and Appeals.
- (7) **Int 2313-A -** An Office of Ethnic and Community Media and requirements regarding agency spending on advertising.
- (8) **Int 2353 -** Trade waste industry unions.
- (9) **Res 1671 -** Discount percentage for early payment of Real Estate Taxes for Fiscal Year 2022.
- (10) **SLR 8 -** An Act to amend the Retirement and Social Security Law, in relation to additional member contributions for certain members under the age fifty-seven retirement program; S.6981-A, A.7971 **(Home Rule item introduced by the Council requiring two-thirds affirmative vote for passage).**
- (11) **SLR 9 -** Appointment and promotion of certain personnel of the sanitation department of the city of New York;

- S.1608, A.4006 (**Home Rule item introduced by the Council requiring two-thirds affirmative vote for passage**).
- (12) **SLR 10 -** Automotive members of the New York city employees' retirement system; S.6985-A, A.7873 (**Home Rule item introduced by the Council requiring two-thirds affirmative vote for passage**).
- (13) **L.U. 785 & Res 1689 -** App. C 200282 ZMQ (30-02 Newtown Avenue) Borough of Queens, Community District 1, Council District 22 (**As Modified**).
- (14) **L.U. 786 & Res 1690 -** App. N 200283 ZRQ (30-02 Newtown Avenue) Borough of Queens, Community District 1, Council District 22 (**As Modified**).
- (15) **L.U. 792 & Res 1676 -** App. C 200298 ZSK (**West 16th Street Special Permit**) Borough of Brooklyn, Community District 13, Council District 47.
- (16) **L.U. 797 & Res 1677 -** App. C 210149 ZMX (**Crab Shanty Restaurant – 361 City Island Avenue Rezoning**) Borough of the Bronx, Community District 10, Council District 13).
- (17) **L.U. 798 & Res 1678 -** App. 20215024 HAX (**Melrose Open Door**) Borough of the Bronx, Community Districts 1, 2, and 3, Council District 17.
- (18) **L.U. 799 & Res 1679 -** App. 20215025 HAX (**Melrose Open Door**) Borough of the Bronx, Community District 2, Council District 17.
- (19) **L.U. 800 & Res 1680 -** App. 20210155 HUX (**Melrose Open Door**) Borough of the Bronx, Community District 1, Council District 17.
- (20) **L.U. 801 & Res 1681 -** App. C 20210154 HAX (**Melrose Open Door**) Borough of the Bronx, Community District No. 1, Council District 17.

- (21) L.U. 802 & Res 1682 - App. **20210156 HAX (Melrose Open Door)** Borough of the Bronx, Community District 3, Council District 17.
- (22) L.U. 803 & Res 1683 - App. C **20210173 HAK (Bed Stuy Central and North Phase II)** Borough of Brooklyn, Community District 3, Council District 36.
- (23) L.U. 804 & Res 1684 - App. **20215026 HAK (Bed Stuy Central and North Phase II)** Borough of Brooklyn, Community District 3, Council District 36.
- (24) L.U. 805 & Res 1685 - App. **20185028 PAR (72-H Transfer of Block 3930, Lot 50)** Borough of Staten Island, Community District 2, Council District 50.
- (25) L.U. 806 & Res 1686 - App. C **210063 ZMX (St. Joseph's-1949 Bathgate Avenue)** Borough of the Bronx, Community District 6, Council District 15.
- (26) L.U. 807 & Res 1687 - App. N **210062 ZRX (St. Joseph's-1949 Bathgate Avenue)** Borough of the Bronx, Community District 6, Council District 15.
- (27) L.U. 808 & Res 1672 - 50th Street HDFC.GHPP.FY21 Brooklyn, Community District No. 7, Council District No. 38.
- (28) L.U. 809 & Res 1673 - JOE Uptown LLC.YR15.FY21 Manhattan, Community District No. 10 and 12, Council District No. 7, 9, and 10.
- (29) L.U. 810 & Res 1674 - Carroll-Burke HDFC.PLP.FY22 Bronx, Community District No. 6, Council District No. 17.
- (30) L.U. 811 & Res 1675 - Habitat Net Zero Homes Queens, Community District No. 10, 12, and 13, Council District No. 27 and 28.
- (31) L.U. 812 & Res 1688 - App. **20215029 SCM (860-Seat Primary and Intermediate School Facility)** Borough of Manhattan, Council District 10, Community School District 6.

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, 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**.

The General Order vote recorded for this Stated Meeting was 48-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **Int. No. 946-B**:

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, 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) – **45**.

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

Abstention – Miller – **1**.

The following was the vote recorded for **Int. No. 1572-B**:

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, 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) – **46**.

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

The following was the vote recorded for **Int. No. 2313-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, 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 – Yeger -**1**.

*The following Introductions were sent to the Mayor for his consideration and approval:
Int. Nos. 946-B, 1572-B, 1859, 2233-A, 2234-A, 2257, 2313-A, and 2353.*

INTRODUCTION AND READING OF BILLS

Preconsidered Int. No. 2330

By Council Members Cabrera, Ampry-Samuel, Yeger, Kallos and Louis.

A Local Law to amend the administrative code of the city of New York, in relation to New York city housing authority complaints

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 23 of the administrative code of the city of New York is amended by adding a new section 22-305 to read as follows:

§ 23-305 Complaints relating to the New York city housing authority. The 311 customer service center shall (i) allow the public to directly file and track the status of complaints relating to the New York city housing authority by phone, online, and in any other manner that such center routinely accepts public complaints and (ii) publish in searchable, machine-readable format the same information with respect to complaints relating to such authority that such center publishes with respect to public complaints accepted by such center. Such center may refer complaints relating to such authority to such authority in the same manner that such center refers public complaints relating to an agency to such agency.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of information technology and telecommunications shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Public Housing (preconsidered but laid over by the Committee on Public Housing).

Preconsidered Int. No. 2331

By Council Members Chin and Riley.

A Local Law to authorize adoption by resolution of an interest rate for nonpayment of taxes on real property with an assessed value over two hundred fifty thousand dollars in fiscal year 2022 for certain property owners adversely affected by COVID-19

Be it enacted by the Council as follows:

Section 1. Notwithstanding paragraph (ii) and paragraph (iii) of subdivision (e) of section 11-224.1 of the administrative code of the city of New York, for property eligible for an interest rate reduction pursuant to this local law, the council may by resolution adopt interest rates that are no less than interest rates otherwise applicable to the nonpayment of property taxes in fiscal 2022 for real property with an assessed value two hundred fifty thousand dollars or less. The interest rates adopted pursuant to this local law would be charged for nonpayment of taxes, during the period between July 1, 2021 and June 30, 2022, on real property due on July 1, 2021 and January 1, 2022 for fiscal year 2022 for real property with an assessed value of \$250,000 or more that is: (1) classified as class 2 or class 4 pursuant to section 1802 of the real property tax law; or (2) (i) where at

least 50 percent of the property is used for residential rental dwellings; and (ii) which contains no more than 50 rental dwelling units of which at least 50 percent are rent regulated accommodations; provided that no later than June 15, 2022, the owner of such property submits documentation to the commissioner of finance demonstrating that such owner has been adversely affected by the COVID-19 pandemic; and provided further that nothing herein shall be construed to amend paragraph 6 of subdivision b of section 11-319 of such code.

§ 2. For the purposes of this local law, the following terms shall have the following meanings:

(a) “Adversely affected by the COVID-19 pandemic” means: (1) for real property described in subdivision one of section one of this local law, the income of the property owner from such real property declined, for any six month period between March 7, 2020 and June 30, 2021, by at least 50 percent as compared to the corresponding period in the previous calendar year due to COVID-19; and (2) for real property described in subdivision two of section one of this local law, the income of the property owner from such real property declined, for any six month period between March 7, 2020 and June 30, 2021, by at least 25 percent as compared to the corresponding period in the previous calendar year due to COVID-19.

(b) “Owner” means a person who is liable for payment of the real property tax on the subject property.

(c) “Rent regulated accommodation” means a dwelling unit required by law or by an agreement with a governmental entity to be regulated in accordance with the emergency tenant protection act of 1974, the rent stabilization law of 1969, the local emergency housing rent control act of 1962.

§ 3. No later than May 1, 2022 and July 15, 2022, the department of finance shall report to the speaker of the council the number of properties for which the lower interest rate was imposed pursuant to the provisions of this local law and the aggregate value of the real property tax liability of those properties.

§ 4. This local law takes effect immediately and is retroactive to and deemed to have been in effect as of June 1, 2021, except that the council of the city of New York may take such measures as are necessary for the implementation of this local law, including the adoption of the resolution that is the subject of this local law, on or before such date.

Referred to the Committee on Finance (preconsidered but laid over by the Committee on Finance).

Int. No. 2332

By Council Members Dromm and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to body-worn cameras for correction officers

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 section 9-161 to read as follows:

§ 9-161 Body-worn cameras. All employees of the department who supervise incarcerated persons shall wear body-worn cameras capable of recording audio and video while on duty. The board of correction shall establish minimum standards for the use of body-worn cameras.

§ 2. This local law takes effect 270 days after it becomes law. The department of correction shall comply with all federal consent decrees or other federal judicial orders when implementing this section. The board of correction shall take any actions necessary for the implementation of this local law, including the promulgation of rules relating to procedures and penalties necessary to effectuate this section, before such date.

Referred to the Committee on Criminal Justice.

Preconsidered Res. No. 1671

Resolution to establish that the discount percentage for early payment of real estate taxes be set at one-half of one percent per annum for Fiscal Year 2022.

By Council Member Dromm.

Whereas, Pursuant to section 1519-a(7)(b) of the New York City charter, the Banking Commission is required to recommend to the City Council, not later than the 13th day of May, the proposed discount percentage allowed for early payment of real estate taxes; and

Whereas, Section 1519-a(7)(c) of the New York City charter provides that the Council may adopt a discount percentage for early payment of real estate taxes no earlier than the 14th day of May; and

Whereas, The Banking Commission forwarded its recommendation to the Council, by letter dated May 13, 2021, that the discount percentage for early payment of real estate taxes for Fiscal Year 2022 be set at one-half of one percent per annum; now, therefore, be it

Resolved, That the Council of the City of New York establishes that the discount percentage for early payment of real estate taxes be set at one-half of one percent per annum for Fiscal Year 2022.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Int. No. 2333

By Council Members Gjonaj and Perkins.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting third-party delivery services from arranging unauthorized deliveries from and posting unauthorized listings of food service establishments, and technical amendments in relation thereto

Be it enacted by the Council as follows:

Section 1. Section 20-848 of the administrative code of the city of New York, as added by local law number 52 for the year 2020, is amended to read as follows:

a. [Any person that violates any provision of section 20-846 or any rule promulgated pursuant thereto shall be subject to a civil penalty that shall not exceed \$1,000 per violation. Any person that violates any provision of section 20-847 or any rule promulgated pursuant thereto shall be subject to a civil penalty that shall not exceed \$500 per violation. Violations under this subchapter shall accrue on a daily basis for each day and for each food service establishment charged a fee in violation of this subchapter or any rule promulgated pursuant to this subchapter.] *The department shall impose a civil penalty against any third-party food delivery service that violates any provision of this subchapter as set forth in the table of civil penalties. Violations under this subchapter shall accrue on a daily basis.*

<i>TABLE OF CIVIL PENALTIES</i>	
<i>Violation</i>	<i>Maximum Civil Penalty</i>
<i>20-846(a)</i>	<i>\$1,000</i>
<i>20-846(b)</i>	<i>\$1,000</i>

20-847(a)	\$500
20-847.1(a)	\$500
20-847.1(b)	\$500

b. A proceeding to recover any civil penalty authorized pursuant to this subchapter may be brought in any tribunal established within the office of administrative trials and hearings or within any agency of the city designated to conduct such proceedings.

[b.] c. A civil action may be brought by the corporation counsel on behalf of the city in any court of competent jurisdiction to recover any or all of the following:

1. Any civil penalty authorized pursuant to this section;
2. Injunctive relief to restrain or enjoin any activity in violation of this section;
3. Restitution of an amount not to exceed the amount of fees collected by a third-party food delivery service that exceeded the maximum amounts permitted pursuant to this subchapter; *or*
4. [attorneys'] *Attorneys'* fees and costs, and such other remedies as a court may deem appropriate.

[c.] d. The corporation counsel may initiate any investigation to ascertain such facts as may be necessary for the commencement of a civil action pursuant to this section, and in connection therewith shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents, to administer oaths and to examine such persons as are deemed necessary.

§ 2. Subchapter 22 of chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-847.1 to read as follows:

§ 20-847.1 Prohibiting unauthorized deliveries and listings. a. Prohibiting unauthorized deliveries. A third-party food delivery service shall not arrange for the delivery of an online order from a food service establishment without first entering into a written agreement that expressly authorizes such delivery service to deliver online orders prepared by such establishment.

b. Prohibiting unauthorized listings. A third-party food delivery service shall not list a food service establishment on its application or website as a participating food service establishment without first entering into a written agreement that expressly authorizes such delivery service to take online orders prepared by such establishment.

c. Outreach. No more than 30 days after the effective date of the local law that added this section, and continuing for 90 days thereafter, the commissioner, in collaboration with relevant agencies and relevant stakeholders, shall conduct culturally appropriate outreach in the designated citywide languages, as defined in section 23-1101, to alert food service establishments and third-party food delivery services to this section. Such outreach shall include, but need not be limited to, posting information on relevant agency websites and distributing information to food service establishments, third-party food delivery services and other relevant stakeholders.

d. The commissioner shall promulgate rules necessary and appropriate to the administration of this section.

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

Referred to the Committee on Small Business.

Int. No. 2334

By Council Members Gjonaj, Perkins and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to online order changes made by third-party food delivery services

Be it enacted by the Council as follows:

Section 1. Subchapter 22 of chapter 5 of the administrative code of the city of New York is amended by adding a new section 20-848 to read as follows:

§ 20-848. Online order changes. a. A third-party food delivery service shall not make any changes to an online order, including the amount charged to the customer or owed to the food service establishment for such order, unless such third-party food delivery service first informs such food service establishment of the proposed change and allows the food service establishment to contest the change. If after informing the food service establishment and allowing it to contest the change, the third-party food delivery service decides to make the change, such decision shall be communicated to the food service establishment before informing the customer.

b. A third-party food delivery service shall charge a food service establishment no more than 50 percent of the total cost of refunding a customer for such customer's online order, unless the purpose for such refund is not related to a service provided by the third-party food delivery service.

§ 2. Section 20-848 of the administrative code of the city of New York, as amended by local law number 51 for the year 2020, is renumbered and amended to read as follows:

§ [20-848] 20-849. Penalties and enforcement. a. Any person that violates any provision of section 20-846 or any rule promulgated pursuant thereto shall be subject to a civil penalty that shall not exceed \$1,000 per violation. Any person that violates any provision of section 20-847, *subdivision b of section 20-848*, or any rule promulgated pursuant thereto shall be subject to a civil penalty that shall not exceed \$500 per violation. *Any person that violates subdivision a of section 20-848 or any rule promulgated pursuant thereto shall be subject to a civil penalty that shall not exceed \$50 per violation.* Violations under this subchapter shall accrue on a daily basis for each day and for each food service establishment [charged a fee in violation of] *in relation to which a third-party food delivery service has committed a violation under this subchapter or any rule promulgated pursuant to this subchapter.* A proceeding to recover any civil penalty authorized pursuant to this subchapter may be brought in any tribunal established within the office of administrative trials and hearings or within any agency of the city designated to conduct such proceedings.

b. A civil action may be brought by the corporation counsel on behalf of the city in any court of competent jurisdiction to recover any or all of the following:

1. Any civil penalty authorized pursuant to this section;
2. Injunctive relief to restrain or enjoin any activity in violation of this section;
3. Restitution of an amount not to exceed the amount of fees collected by a third-party food delivery service that exceeded the maximum amounts permitted pursuant to this subchapter; and
4. [attorneys'] Attorneys' fees and costs, and such other remedies as a court may deem appropriate.

c. The corporation counsel may initiate any investigation to ascertain such facts as may be necessary for the commencement of a civil action pursuant to this section, and in connection therewith shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents, to administer oaths and to examine such persons as are deemed necessary.

§ 3. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Small Business.

Int. No. 2335

By Council Members Gjonaj and Perkins.

A Local Law to amend the administrative code of the city of New York, in relation to requiring third-party food delivery services to provide a description of the telephone numbers listed in connection with food service establishments

Be it enacted by the Council as follows:

Section 1. Section 20-845 of the administrative code of the city of New York, as amended by local law number 88 for the year 2020, is amended by adding a new definition for “direct telephone number” in alphabetical order to read as follows:

Direct telephone number. The term “direct telephone number” means a telephone number belonging to a food service establishment that is not provided by a third-party food delivery service.

§ 2. Subchapter 22 of chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-847.1 to read as follows:

§ 20-847.1 Telephone number listings. a. Where a third-party food delivery service lists or links to any telephone number for a food service establishment on its website or mobile application, such listing shall include the direct telephone number of such food service establishment and a prominent and conspicuous description of the telephone number, including but not limited to identification of the telephone number as the direct telephone number and any fee associated with use of such telephone number for telephone orders, whether imposed on the food service establishment or the caller.

b. Where a third-party food delivery service lists or links to a telephone number in addition to a direct telephone number on its website or mobile application, such listing shall include a prominent and conspicuous description of the telephone number, including but not limited to identification of the telephone number as a third-party telephone number and any fee associated with use of such telephone number for telephone orders, whether imposed on the food service establishment or the caller.

c. The commissioner shall adopt such rules and regulations as may be necessary to effectuate the purposes of this section, including but not limited to defining the contents, size and location of the descriptions required by this section.

§ 3. Subdivision a of section 20-848, as amended by local law number 51 for the year 2020, is amended to read as follows:

a. Any person that violates any provision of section 20-846 or any rule promulgated pursuant thereto shall be subject to a civil penalty that shall not exceed \$1,000 per violation. Any person that violates any provision of section 20-847, *section 20-847.1* or any rule promulgated pursuant thereto shall be subject to a civil penalty that shall not exceed \$500 per violation. Violations under this subchapter shall accrue on a daily basis for each day and for each food service establishment charged a fee in violation of this subchapter or any rule promulgated pursuant to this subchapter. A proceeding to recover any civil penalty authorized pursuant to this subchapter may be brought in any tribunal established within the office of administrative trials and hearings or within any agency of the city designated to conduct such proceedings.

§ 4. This local law takes effect 180 days after it becomes law, except that the commissioner of consumer affairs and worker protection shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Small Business.

Int. No. 2336

By Council Members Gjonaj, Yeager and Perkins.

A Local Law to amend the administrative code of the city of New York, in relation to gratuity options provided by third-party food delivery services

Be it enacted by the Council as follows:

Section 1. Subchapter 22 of chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-848 to read as follows:

§ 20-848. Gratuities. a. Each third-party food delivery service shall provide customers placing an online order with the option to confer a gratuity on employees of the food service establishment with which such online order is placed. Such option to confer a gratuity shall be available at the same time or before the customer is able to conclude the online order transaction. If a third-party food delivery service provides the opportunity to confer separate gratuities by recipient during the process of placing an online order, each gratuity shall be clearly and conspicuously labeled with a description of the recipients of such gratuities.

b. This section does not apply to telephone orders.

§ 2. Section 20-848 of the administrative code of the city of New York, as amended by local law number 51 for the year 2020, is renumbered section 20-849, and subdivision a of such section is amended to read as follows:

a. Any person that violates any provision of section 20-846 or any rule promulgated pursuant thereto shall be subject to a civil penalty that shall not exceed \$1,000 per violation. Any person that violates any provision of section 20-847 or any rule promulgated pursuant thereto shall be subject to a civil penalty that shall not exceed \$500 per violation. *Any person that violates any provision of section 20-848 or any rule promulgated pursuant thereto shall be subject to a civil penalty that shall not exceed \$100 per violation.* Violations [under this subchapter] of section 20-846 and 20-847 shall accrue on a daily basis for each day and for each food service establishment charged a fee in violation of [this subchapter] *such sections* or any rule promulgated pursuant to [this subchapter] *such sections*. *Violations of section 20-848 shall accrue on a daily basis for each day and for each food service establishment for which the option to confer a gratuity is not provided in violation of such section.* A proceeding to recover any civil penalty authorized pursuant to this subchapter may be brought in any tribunal established within the office of administrative trials and hearings or within any agency of the city designated to conduct such proceedings.

§ 3. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Small Business.

Int. No. 2337

By Council Members Gjonaj, Yeger and Perkins.

A Local Law to amend the administrative code of the city of New York, in relation to the estimated times of arrival used by third-party food delivery services

Be it enacted by the Council as follows:

Section 1. Subchapter 22 of chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-847.1 to read as follows:

§ 20-847.1 Estimated times of arrival. a. A third-party food delivery service shall provide an estimated time of arrival for all deliveries, and shall, to the extent feasible, provide a window of anticipated delivery time. For purposes of this section, the anticipated delivery time shall be expressed in a range of at least five minutes before and after the estimated time of arrival. If, for any reason, the estimated time of arrival must change to a time outside the window of anticipated delivery time, the third-party food delivery service shall provide a notification to the consumer through their preferred means of notification that includes the updated estimated time of arrival, a new window of anticipated delivery time, and a reference to the original estimated time of arrival.

b. Where a third-party food delivery service employs, contracts or in any other manner engages the worker carrying out the delivery, it shall state in the receipt of order, any notification of delivery status or subsequent update pursuant to this section that the delivery worker is engaged by the third-party food delivery service.

§ 2. Section 20-848 of the administrative code of the city of New York, as added by local law number 52 for the year 2020, is amended to read as follows:

a. [Any person that violates any provision of section 20-846 or any rule promulgated pursuant thereto shall be subject to a civil penalty that shall not exceed \$1,000 per violation. Any person that violates any provision of section 20-847 or any rule promulgated pursuant thereto shall be subject to a civil penalty that shall not exceed \$500 per violation. Violations under this subchapter shall accrue on a daily basis for each day and for each food service establishment charged a fee in violation of this subchapter or any rule promulgated pursuant to this subchapter.] *The department shall impose a civil penalty against any third-party food delivery service that violates any provision of this subchapter as set forth in the table of civil penalties. Violations under this subchapter shall accrue on a daily basis.*

<i>TABLE OF CIVIL PENALTIES</i>	
<i>Violation</i>	<i>Maximum Civil Penalty</i>
<i>20-846(a)</i>	<i>\$1,000</i>
<i>20-846(b)</i>	<i>\$1,000</i>
<i>20-847(a)</i>	<i>\$500</i>
<i>20-847.1(a)</i>	<i>\$500</i>
<i>20-847.1(b)</i>	<i>\$500</i>

b. A proceeding to recover any civil penalty authorized pursuant to this subchapter may be brought in any tribunal established within the office of administrative trials and hearings or within any agency of the city designated to conduct such proceedings.

[b.] c. A civil action may be brought by the corporation counsel on behalf of the city in any court of competent jurisdiction to recover any or all of the following:

1. Any civil penalty authorized pursuant to this section;
2. Injunctive relief to restrain or enjoin any activity in violation of this section;
3. Restitution of an amount not to exceed the amount of fees collected by a third-party food delivery service that exceeded the maximum amounts permitted pursuant to this subchapter; *or*
4. [attorneys'] *Attorneys' fees and costs, and such other remedies as a court may deem appropriate.*

[c.] d. The corporation counsel may initiate any investigation to ascertain such facts as may be necessary for the commencement of a civil action pursuant to this section, and in connection therewith shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents, to administer oaths and to examine such persons as are deemed necessary.

§ 3. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Small Business.

Int. No. 2338

By Council Members Gjonaj, Yeger and Perkins.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the commissioner of consumer and worker protection to report on violations of fee limits committed by third-party food delivery services

Be it enacted by the Council as follows:

Section 1. Subchapter 22 of chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-849 to read as follows:

§ 20-849 Reporting on violations. The commissioner shall publish on the department's website a list of all violations of this subchapter and any rules promulgated pursuant thereto. Such list also shall include any act or omission after June 2, 2020 that is known to the department and would have been a violation of any section under this subchapter, or any rule promulgated pursuant thereto, as if no limitation under subdivision c of section 20-846 or subdivision b of section 20-847 was applicable. Such list shall include, but need not be limited to, the name of the third-party food delivery service that committed the violation or would-be violation, the date of the violation or would-be violation, the applicable section of law, all penalties assessed pursuant to subdivision b of section 20-848, and the borough where the violation occurred.

§ 2. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Small Business.

Int. No. 2339

By Council Members Gjonaj, Yeger and Perkins.

A Local Law to amend the administrative code of the city of New York, in relation to a safety education program for delivery workers

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 19-175.8 to read as follows:

§ 19-175.8 Delivery worker safety education program. a. Definitions. For the purposes of this section, the term "delivery worker" means a person who, using a bicycle or motor vehicle, delivers packages, parcels, papers, food, or articles of any type for commercial purposes.

b. The department shall create and maintain a safety education program for delivery workers. Such program shall provide information regarding adherence to traffic laws and rules while making deliveries, best practices for remaining safe while making deliveries and any other information that the department deems appropriate. Such information shall be provided in the designated citywide languages, as such term is defined in section 23-1101.

c. The bicycle safety course provided by the department pursuant to paragraph (3) of subdivision e of section 10-157 shall satisfy the requirement of subdivision b of this section to provide safety education for delivery workers who delivery by bicycle.

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

Referred to the Committee on Transportation.

Int. No. 2340

By Council Members Gjonaj and Brannan.

A Local Law to amend the New York city charter, in relation to the establishment of a department of coastal protection

Be it enacted by the Council as follows:

Section 1. The New York city charter is amended by adding a new chapter 77 to read as follows:

CHAPTER 77
DEPARTMENT OF COASTAL PROTECTION

§ 3300. *Department; commissioner.*

§ 3301. *Deputies.*

§ 3302. *Definition.*

§ 3303. *Powers and duties.*

§ 3300. *Department; commissioner. There shall be a department of coastal protection, the head of which shall be the commissioner of coastal protection. The commissioner may appoint deputies within available appropriations.*

§ 3301. *Deputies. The commissioner may appoint a deputy.*

§ 3302. *Definition. For purposes of this chapter, the term “coastal protection” means measures taken or infrastructure designed to protect the shoreline and coast from storms, erosion and the effects of climate change.*

§ 3303. *Powers and duties. a. The commissioner shall have the following powers and duties:*

1. to develop policies and programs to address the city’s current and future needs relating to coastal protection measures;

2. to receive and expend funds made available for coastal protection measures;

3. to prepare and submit reports on coastal protection needs, coastal infrastructure and measures taken to address the effects of coastal storms caused by climate change;

4. to promulgate rules where provided for by law; and

5. to develop and carry out programs to promote public awareness and education in issues of coastal protection.

b. The commissioner may coordinate with state, federal and other governmental bodies to effectuate the purposes of the department.

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

Referred to the Committee on Governmental Operations.

Int. No. 2341

By Council Member Holden.

A Local Law to amend the administrative code of the city of New York, in relation to requiring temporary housing staff to record the last known address and residency outside of New York City for those seeking admission to such housing

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 *Recording the last known address and residency outside of New York city of those in temporary housing. a. Definitions. As used in this section, the following terms have the following meanings:*

Temporary housing. The term “temporary housing” includes, but is not limited to, hotels, motels or other temporary shelter, provided to an individual or family by or on behalf of, or pursuant to an agreement with, the department.

Last known address. The term “last known address” means the address that an individual or a family in temporary housing reported as residing at, before entering such housing, and which is not a temporary housing address.

b. Recording required. During the intake and assessment of an individual or a family for temporary housing, the staff in temporary housing shall record such individual’s or family’s last known address and whether such individual or family resided outside of the city in the five calendar years before entering such housing.

Temporary housing staff shall enter the term “unknown location” as the last known address of an individual or a family who does not provide a last known address.

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

§ 21-325 *Recording the last known address and residency outside of New York city of those in temporary housing. a. Definitions. As used in this section, the following terms have the following meanings:*

Temporary housing. The term “temporary housing” includes, but is not limited to, hotels, motels or other temporary shelter, provided to an individual or family by or on behalf of, or pursuant to an agreement with, the department.

Last known address. The term “last known address” means the address that an individual or family in temporary housing reported as residing at, before entering such housing, and which is not a temporary housing address.

b. Recording required. During the intake and assessment of an individual or a family for temporary housing, the staff in temporary housing shall record such individual’s or family’s last known address and whether such individual or family resided outside of the city in the five calendar years before entering such housing. Temporary housing staff shall enter the term “unknown location” as the last known address of an individual or a family who does not provide a last known address.

§ 3. Chapter 4 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-414 to read as follows:

§ 21-414 *Recording the last known address and residency outside of New York city of those in temporary housing. a. Definitions. As used in this section, the following terms have the following meanings:*

Temporary housing. The term “temporary housing” includes, but is not limited to, hotels, motels or other temporary shelter, provided to a runaway or homeless youth by or on behalf of, or pursuant to an agreement with, the department.

Last known address. The term “last known address” means the address that a runaway or homeless youth reported as residing at, before entering temporary housing, and which is not an address of temporary housing.

b. Recording required. During the intake and assessment of a runaway or homeless youth for temporary housing, the staff in temporary housing shall record such youth’s last known address and whether such youth resided outside of the city in the five calendar years before entering such housing. Temporary housing staff shall enter the term “unknown location” as the last known address of a youth who does not provide a last known address.

§ 4. Chapter 2 of title 26 of the administrative code of the city of New York is amended by adding a new section 26-301.1 to read as follows:

§ 26-301.1 *Recording the last known address and residency outside of New York city of those in temporary housing. a. Definitions. As used in this section, the following terms have the following meanings:*

Temporary housing. The term “temporary housing” includes, but is not limited to, hotels, motels or other temporary shelter, provided to a tenant by or on behalf of, or pursuant to an agreement with, the department of housing preservation and development.

Last known address. The term “last known address” means the address that a tenant in temporary housing reported as residing at, before entering such housing, and which is not an address of temporary housing.

b. Recording required. During the intake and assessment of a tenant for temporary housing, the staff in temporary housing shall record such tenant’s last known address and whether such tenant resided outside of the city in the five calendar years before entering such housing. Temporary housing staff shall enter the term “unknown location” as the last known address of a tenant who does not provide a last known address.

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

Referred to the Committee on General Welfare.

Int. No. 2342

By Council Members Holden and Yeger.

A Local Law to amend the New York city charter, in relation to the mayor's office of operations establishing and maintaining an online tool for measuring performance of city agencies

Be it enacted by the Council as follows:

Section 1. Section 15 of the New York city charter is amended by adding a new subdivision l to read as follows:

l. The office of operations shall:

- 1. Establish and maintain an online performance measurement tool for each agency that includes metrics integral to the quality of life in the city, and make such tool available on the city's website;*
- 2. Update daily the information measured by the metrics applied by the performance measurement tool;*
- 3. Ensure that information is presented by the performance measurement tool in a format that is clear and supports ease of use and understanding;*
- 4. At least twice each year, review the effectiveness of the performance measurement tool and consider additional metrics and information from agencies, including information available on the open data portal, that may be included to measure agency performance and additional ways to facilitate and increase use of the performance measurement tool by the public;*
- 5. Consult with agencies as appropriate in considering additional information that may be included to measure agency performance; and*
- 6. Implement modifications to the performance measurement tool based on the reviews required by paragraph 4.*

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

Referred to the Committee on Governmental Operations.

Int. No. 2343

By Council Members Holden and Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to contact information for outdoor advertising companies

Be it enacted by the Council as follows:

Section 1. Section 28-502.5 of article 502 of chapter 5 of title 28 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

§ 28-502.5. Display of name and registration number of outdoor advertising company. On and after a date to be prescribed by rule, the commissioner shall require that each outdoor advertising company display, in a manner to be provided by rule, on each sign under its control or on the building or premises where each sign under its control is located or both, (i) the name, *phone number* and registration number of such company and, (ii) unless a permit is not required, the work permit identification number for the installation, alteration or erection of the sign pursuant to chapter 1 of this code and, if applicable, for the maintenance of the sign pursuant to article 501.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings shall take any actions necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Housing and Buildings.

Int. No. 2344

By Council Members Holden and Brannan.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting school bus parking on city streets overnight and on weekends

Be it enacted by the Council as follows:

Section 1. Subdivision 1 of section 19-162 of the administrative code of the city of New York, as amended by local law number 104 for the year 1993, is amended to read as follows:

1. Notwithstanding any local law or regulation to the contrary, but subject to the provisions of the vehicle and traffic law, it shall be permissible for a bus owned, used or hired by public or nonpublic schools to park [at any time, including overnight,] upon any street or roadway, provided said bus occupies a parking spot in front of and within the building lines of the premises of the said public school or nonpublic school, *and further provided said bus shall not park on any street or roadway on weekdays between the hours of 5:00 p.m. and 5:00 a.m. or on weekends between the hours of 5:00 p.m. on Friday and 5:00 a.m. on Monday.*

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of transportation shall take all actions necessary to implement this local law, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Transportation.

Int. No. 2345

By Council Members Kallos and Holden.

A Local Law to amend the administrative code of the city of New York, in relation to repealing the tax on beer and liquor

Be it enacted by the Council as follows:

Section 1. Subdivision f of section 11-2056 of chapter 20 of title 11 of the administrative code of the city of New York is added to read as follows:

(f) Beginning on July first, two thousand twenty-one, there shall be no tax imposed under this subchapter.

§2. This local law takes effect immediately.

Referred to the Committee on Finance.

Int. No. 2346

By Council Members Louis and Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to disclosure of identifying information by mental health services

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.16 to read as follows:

§ 17-199.16 *Disclosure of identifying information by mental health services. a. Definitions. As used in this section, the following terms have the following meanings:*

Identifying information. The term “identifying information” has the same meaning ascribed to such term in section 23-1201.

Mental health service. The term “mental health service” means any activity or resource provided by a city agency to help an individual with mental health-related conditions, including, but not limited to, providing information, offering referrals, connecting individuals with internal or external resources and any direct action taken for or on behalf of an individual seeking assistance with mental health-related conditions.

b. Notwithstanding any contrary provision of section 23-1203, a mental health service may only disclose to another city agency identifying information obtained in connection to the provision of such services if:

1. Such individual provides written consent for such disclosure;
2. Such individual poses an immediate danger to themselves or others; or
3. Such disclosure is required by law.

c. A mental health service must disclose to an individual seeking such services the following information:

1. Whether such mental health service collects any identifying information about an individual using such service, including what information is collected;
2. Whether such mental health service retains identifying information; and
3. Whether such mental health service shares identifying information, including what city agencies or other entities may receive the information.

§ 2. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Mental Health, Disabilities and Addiction.

Int. No. 2347

By Council Member Louis.

A Local Law in relation to requiring district attorneys of counties within the city of New York to report on the existence of do-not-call lists of members of the city’s police department

Be it enacted by the Council as follows:

Section 1. No later than 10 days after the effective date of this local law, the district attorney of each county contained within the city of New York shall report to the speaker of the council and the civilian complaint review board whether such district attorney keeps a list of members of the New York city police department that such district attorney has determined could present credibility issues if called as a witness in a civil or criminal proceeding. If such list exists, the district attorney shall report the types of records, materials or other information that the district attorney uses to compile such list.

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Preconsidered State Legislation Resolution No. 8

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gouardes, S.6981-A, and Assembly Member Abbate, A.7971, “AN ACT to amend the retirement and social security law, in relation to additional member contributions for certain members under the age fifty-seven retirement program”.

By Council Members Maisel and Louis.

Whereas, Bills have been introduced in the New York State Legislature by Senator Gouardes, S.6981-A, and Assembly Member Anderson, A.7971, “AN ACT to amend the retirement and social security law, in relation to additional member contributions for certain members under the age fifty-seven retirement program”; *and*

Whereas, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

Resolved, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

Preconsidered State Legislation Resolution No. 9

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gouardes, S.1608, and Assembly Member Abbate, A.4006, “AN ACT to amend the civil service law, in relation to the appointment and promotion of certain personnel of the sanitation department of the city of New York”.

By Council Members Maisel and Louis.

Whereas, Bills have been introduced in the New York State Legislature by Senator Gouardes, S.1608, and Assembly Member Abbate, A.4006, “AN ACT to amend the civil service law, in relation to the appointment and promotion of certain personnel of the sanitation department of the city of New York”; *and*

Whereas, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

Resolved, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

Preconsidered State Legislation Resolution No. 10

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gouardes, S.6985-A, and Assembly Member Abbate, A.7873, “AN ACT to amend the retirement and social security law, in relation to automotive members of the New York city employees’ retirement system”.

By Council Members Maisel and Louis.

Whereas, Bills have been introduced in the New York State Legislature by Senator Gouardes, S.6985-A, and Assembly Member Abbate, A.7873, “AN ACT to amend the retirement and social security law, in relation to automotive members of the New York city employees’ retirement system”; *and*

Whereas, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

Resolved, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

Int. No. 2348

By Council Members Menchaca and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to creating a private right of action related to civil immigration detainers

Be it enacted by the Council as follows:

Section 1. Subdivision e of section 9-131 of the administrative code of the city of New York, as amended by local law number 228 for the year 2017, is amended to read as follows:

e. [No private] *Private* right of action. [Nothing contained in this section or in the administration or application hereof shall be construed as creating any private right of action on the part of any persons or entity against the city of New York or the department, or any official or employee thereof.] *Any person detained in violation of this section, or their direct relative, may bring an action in any court of competent jurisdiction for a claim of unlawful detention in violation of this section, for any damages, including punitive damages, and for declaratory and injunctive relief and such other remedies as may be appropriate. The court, in issuing any final order in any section brought pursuant to this section, may award costs of litigation, to the prevailing party whenever the court determines such an award is appropriate. This section does not limit or abrogate any claim or cause of action such person has under common law or by other law or rule.*

§2. Subdivision e of section 14-154 of the administrative code of the city of New York, as amended by local law number 228 for the year 2017, is amended to read as follows:

e. [No private] *Private* right of action. [Nothing contained in this section or in the administration or application hereof shall be construed as creating any private right of action on the part of any persons or entity against the city of New York or the department, or any official or employee thereof.] *Any person detained in violation of this section, or their direct relative, may bring an action in any court of competent jurisdiction for a claim of unlawful detention in violation of this section, for any damages, including punitive damages, and for declaratory and injunctive relief and such other remedies as may be appropriate. The court, in issuing any final order in any section brought pursuant to this section, may award costs of litigation, to the prevailing party whenever the court determines such an award is appropriate. This section does not limit or abrogate any claim or cause of action such person has under common law or by other law or rule.*

§3. Subdivision e of section 9-205 of the administrative code of the city of New York, as amended by local law number 228 for the year 2017, is amended to read as follows:

e. [No private] *Private* right of action. [Nothing contained in this section or in the administration or application hereof shall be construed as creating any private right of action on the part of any persons or entity against the city of New York or the department, or any official or employee thereof.] *Any person detained in violation of this section, or their direct relative, may bring an action in any court of competent jurisdiction for a claim of unlawful detention in violation of this section, for any damages, including punitive damages, and for declaratory and injunctive relief and such other remedies as may be appropriate. The court, in issuing any final order in any section brought pursuant to this section, may award costs of litigation, to the prevailing party whenever the court determines such an award is appropriate. This section does not limit or abrogate any claim or cause of action such person has under common law or by other law or rule.*

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

Referred to the Committee on Immigration (preconsidered but laid over by the Committee on Immigration and the Committee on Criminal Justice).

Int. No. 2349

By Council Member Miller

A Local Law to amend the administrative code of the city of New York, in relation to increasing permitted capacity for export by rail*Be it enacted by the Council as follows:*

Section 1. Section 16-489.3 of the administrative code of the city of New York, as added by Local Law 152 of 2018, is amended to read as follows:

§ 16-498.3 Waiver. a. The commissioner may waive the reductions to permitted capacity and the limits to total quarterly capacity required by this chapter for the duration of any emergency.

b. After the reductions in permitted capacity required by section 16-498.1 have been implemented at a transfer station in a designated community district, the commissioner may, on a one-time basis, increase the permitted capacity of any such transfer station that seeks a modification to its permit solely to increase the amount of organic waste or metal, glass, plastic, paper or corrugated cardboard that is separated for recycling, provided that such increase shall be no greater than 20 percent of the transfer station's then-existing permitted capacity.

c. *The commissioner shall not implement, or if already implemented shall restore to the capacity prior to such implementation, the reductions in permitted capacity required by section 16-498.1 if a transfer station that has no less than three permanently constructed perimeter walls that rise from the base plane to the ceiling and has a permanent roof overhead (i) notifies the department of an intent to export by rail all or the majority of the waste accepted at any such transfer station; (ii) provides a site plan demonstrating that a public street will not be used for more than one thousand feet to transport such waste between such transfer station and rail facility; (iii) provides a declaration of intent by the applicable rail line to effectuate the construction and operation of a rail spur connection for such transfer station that can be utilized by the transfer station to handle all or a majority of such transfer station's waste according to the project plan and timeline submitted pursuant to paragraph iv; and (iv) provides a project plan and timeline for the transport of all or the majority of the waste accepted at such transfer station by rail, except that such timeline shall not exceed four years from the date that the provisions of this subdivision are met. Such permitted capacity shall be reduced again, as required by section 16-498.1, if such transfer station does not transport all or the majority of the waste accepted at such transfer station by rail as provided in such timeline and such reduction shall remain in effect until such transfer station transports all or the majority of the waste accepted at such transfer station by rail for a period of one year.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Preconsidered Int. No. 2350

By Council Members Moya and Riley.

A Local Law to authorize adoption by resolution of an interest rate for nonpayment of taxes on real property with an assessed value of two-hundred and fifty thousand dollars or less in fiscal year 2022 for property owners adversely affected by COVID-19*Be it enacted by the Council as follows:*

Section 1. Notwithstanding paragraph (i) of subdivision (e) of section 11-224.1 of the administrative code of the city of New York, the council may, by resolution pursuant to such subdivision, adopt an interest rate to be charged for nonpayment of taxes on real property due on July 1, 2021 as follows:

a. For real property for which, as of July 1, 2021, a property owner has an executed agreement with the department of finance for the payment in installments of any real property taxes, assessments or other charges

that are made a lien subject to the provisions of chapter 3 of title 11 of the administrative code of the city of New York, pursuant to section 11-322.1 of such code, the interest rate to be charged for nonpayment of taxes on the real property that is the subject of such executed agreement, due on July 1, 2021, October 1, 2021, January 1, 2022 or April 1, 2022 for fiscal year 2022, shall be zero percent, provided that no later than June 15, 2022, such property owner submits documentation to the commissioner of finance demonstrating that such property owner has been adversely affected by the COVID-19 pandemic, and provided further that nothing herein shall be construed to amend paragraph 6 of subdivision b of section 11-319 of such code.

b. For real property with an assessed value of \$250,000 or less, for which the income, as defined in subdivision a of section 11-322.1 of the administrative code of the city of New York, of the owner of such property, and all the additional property owners of such real property, during calendar year 2020 was less than \$150,000, the interest rate to be charged for nonpayment of taxes on such real property due on July 1, 2021, October 1, 2021, January 1, 2022 or April 1, 2022, shall be zero percent, provided that such property has been the primary residence of at least one such property owner for an uninterrupted period of not less than one year preceding July 1, 2021, which determination shall be made without regard to any hospitalization or temporary stay in a nursing home or rehabilitation facility, and provided further that no later than June 15, 2022, such property owner submits documentation to the commissioner of finance demonstrating that such property owner has been adversely affected by the COVID-19 pandemic, and provided further that nothing herein shall be construed to amend paragraph 6 of subdivision b of section 11-319 of such code. For residential property held in the cooperative form of ownership, the cooperative must demonstrate to the department of finance no later than June 15, 2022 that at least 30 percent of the dwelling units held in such common ownership meet the criteria enumerated in this subdivision.

§ 2. For the purposes of this local law, the following terms shall have the following meanings:

a. "Adversely affected by the COVID-19 pandemic" means: (a) the property owner or a member of the household of such property owner was diagnosed with COVID-19, received confirmation from a health professional of having contracted COVID-19 or experienced symptoms of COVID-19 and sought a medical diagnosis; or (b) the loss of the primary source of income because of COVID-19 between March 7, 2020 and June 30, 2021, which continued for at least two months, by the property owner or any additional property owners of such real property.

b. "Property" means real property classified as class 1 pursuant to section 1802 of the real property tax law, a dwelling unit in a condominium, or a property held in the cooperative form of ownership where such property's assessed value divided by the number of residential dwelling units is two hundred fifty thousand dollars or less per unit.

§ 3. Any nonpayment of taxes on real property due on July 1, 2021, October 1, 2021, January 1, 2022 or April 1, 2022 pursuant to subdivisions a and b of section one of this local law, shall not be subject to the provisions regarding subsequent tax liens in subdivision a-1 of section 11-319 of the administrative code of the city of New York.

§ 4. For any property with an assessed value of \$250,000 or less that has an outstanding balance as of August 1, 2021 resulting from the nonpayment of taxes otherwise due July 1, 2021, the department of finance shall cause a notice to be included in the mailing of the statement of account for the taxes due on October 1, 2021 advising the property owner of the availability of the program authorized by this local law.

§ 5. No later than May 1, 2022 and July 15, 2022, the department of finance shall report to the speaker of the council the number of properties for which the zero percent interest rate was imposed pursuant to the provisions of this local law and the aggregate value of the real property tax liability of those properties.

§ 6. This local law takes effect immediately and is retroactive to and deemed to have been in effect as of June 1, 2021, except that the council of the city of New York may take such measures as are necessary for the implementation of this local law, including the adoption of the resolution that is the subject of this local law, on or before such date.

Adopted by the Council (preconsidered but laid over by the Committee on Finance).

Int. No. 2351

By Council Members Powers, Menchaca and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to limiting communication between the department of correction and federal immigration authorities

Be it enacted by the Council as follows:

Section 1. Paragraph 1 of subdivision h of section 9-131 of the administrative code of the city of New York, as amended by local law number 228 for the year 2017, is amended to read as follows:

1. Department personnel shall not expend time while on duty or department resources of any kind disclosing information that belongs to the department and is available to them only in their official capacity, in response to federal immigration inquiries or in communicating with federal immigration authorities regarding any person's incarceration status, release dates, court appearance dates, or any other information related to persons in the department's custody, [other than information related to a person's citizenship or immigration status,] unless such response or communication:

(i) [relates to a person convicted of a violent or serious crime or identified as a possible match in the terrorist screening database] *is made pursuant to subdivision b of this section; or*

(ii) is unrelated to the enforcement of civil immigration laws[; or

(iii) is otherwise required by law].

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

Referred to the Committee on Immigration (preconsidered but laid over by the Committee on Immigration).

Int. No. 2352

By Council Members Powers, Menchaca and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to limiting the circumstances in which a person may be detained by the police department on a civil immigration detainer

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 14-154 of the administrative code of the city of New York, as amended by local law number 228 for the year 2017, is amended to read as follows:

b. Prohibition on honoring a civil immigration detainer.

1. The department may only honor a civil immigration detainer by holding a person beyond the time when such person would otherwise be released from the department's custody, in addition to such reasonable time as is necessary to conduct the search specified in subparagraph (ii) of this paragraph, or by notifying federal immigration authorities of such person's release, if:

i. federal immigration authorities present the department with a judicial warrant for the detention of the person who is the subject of such civil immigration detainer at the time such civil immigration detainer is presented; and

ii. a search, conducted at or about the time when such person would otherwise be released from the department's custody, of state and federal databases, or any similar or successor databases, accessed through the New York state division of criminal justice services e-JusticeNY computer application, or any similar or

successor computer application maintained by the city of New York or state of New York, indicates, or the department has been informed by a court or any other governmental entity, that such person: A. has been convicted of a violent or serious crime, or B. is identified as a possible match in the terrorist screening database.

[2. Notwithstanding paragraph one of this subdivision, the department may honor a civil immigration detainer by holding an person for up to forty-eight hours, excluding Saturdays, Sundays and holidays, beyond the time when such person would otherwise be released from the department's custody, in addition to such reasonable time as is necessary to conduct the search specified in this paragraph, if a search, conducted at or about the time when such person would otherwise be released from the department's custody, of state and federal databases, or any similar or successor databases, accessed through the New York state division of criminal justice services e-JusticeNY computer application, or any similar or successor computer application maintained by the city of New York or state of New York, indicates, or the department has been informed by a court or any other governmental agency, that such person: A. has been convicted of a violent or serious crime and has illegally re-entered the country after a previous removal or return, or B. is identified as a possible match in the terrorist screening database; provided, however, that if federal immigration authorities fail to present the department with a judicial warrant for such person within the period described above, such person shall be released and the department shall not notify federal immigration authorities of such person's release.]

[3.] 2. Nothing in this section shall affect the obligation of the department to maintain the confidentiality of any information obtained pursuant to paragraph[s] one [or two] of this subdivision.

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

Referred to the Committee on Immigration (preconsidered but laid over by the Committee on Immigration).

Preconsidered Int. No. 2353

By Council Members Reynoso, Kallos and Louis.

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

Be it enacted by the Council as follows:

Section 1. Section 16-503 of the administrative code of the city of New York, as amended by local law number 55 for the year 2019, is amended to read as follows:

§ 16-503 Functions. The commission shall be responsible for the licensing, registration and regulation of businesses that remove, collect or dispose of trade waste[,] and trade waste brokers[, and]. *The commission shall also be responsible for the registration and regulation of labor unions or labor organizations that represent or seek to represent employees directly involved in the collection, removal, transportation or disposal of putrescible trade waste. The commission shall not be responsible for the registration and regulation of labor unions or labor organizations that represent or seek to represent employees directly involved only in the collection, removal, transportation or disposal of one or more of the following: non-putrescible waste, including construction and demolition debris; medical waste; electronic waste; textiles; yard waste collected by landscapers; waste removed by junk haulers or one-time bulk waste services; grease; paper that is collected for the purpose of shredding or destruction; or organic waste that is collected exclusively by a micro-hauler licensee, as that term is defined in rules promulgated by the commission.*

§ 2. Subdivision i of section 16-504 of the administrative code of the city of New York, as added by local law number 55 for the year 2019 and relettered by local law number 199 for the year 2019, is amended to read as follows:

i. To issue and establish standards for the registration of labor unions or labor organizations [representing or seeking to represent employees directly involved in the collection, removal, transportation or disposal of trade

waste] *subject to the jurisdiction of the commission pursuant to section 16-503* and for suspending or disqualifying officers of such unions or organizations.

§ 3. Subdivision c of section 16-505 of the administrative code of the city of New York, as added by local law number 55 for the year 2019, is amended by to read as follows:

c. A labor union or labor organization [representing or seeking to represent employees directly involved in the collection, removal, transportation or disposal of waste] *subject to the jurisdiction of the commission pursuant to section 16-503* shall, within the time period prescribed by the commission, register with the commission and shall disclose information to the commission as the commission may by rule require, including but not limited to the names of all officers and agents of such union or organization; provided, however, that no labor union or labor organization shall be required to furnish information pursuant to this section which is already included in a report filed by such labor union or labor organization with the secretary of labor pursuant to 29 U.S.C. § 431, et seq., or § 1001, et seq., if a copy of such report, or of the portion thereof containing such information, is furnished to the commission; and provided further that this section shall not apply (i) to a labor union or labor organization representing or seeking to represent clerical or other office workers, or (ii) to affiliated national or international labor unions of local labor unions that are required to register pursuant to this provision. *In addition, notwithstanding any inconsistent provision of this chapter, including the provisions of section 16-503, if the commission inquires in writing of a labor union or labor organization that represents employees involved in the collection, removal, transportation or disposal of trade waste as to whether that labor union or labor organization represents employees at any company that collects, removes, transports or disposes of putrescible trade waste, such labor union or labor organization must respond to the commission within 30 days in a sworn, written statement, and, if the labor union or labor organization represents employees at any company that collects, removes, transports or disposes of putrescible waste, identify the company or companies.*

§ 4. Subdivision g of section 16-509 of the administrative code of the city of New York, as added by local law number 55 for the year 2019, is amended by to read as follows:

g. The commission may, after notice and the opportunity to be heard, disqualify an officer of a labor union or labor organization *subject to the jurisdiction of the commission pursuant to section 16-503* from holding office when such person: (i) has failed, by the date prescribed by the commission, to be fingerprinted or to provide truthful information in connection with the reporting requirements of subdivisions c and d of section 16-505; (ii) is the subject of a pending indictment or criminal action against such officer for a crime which bears a direct relationship to the trade waste industry, in which case the commission may defer a determination until a decision has been reached by the court before which such action is pending; (iii) has been convicted of a crime which, under the standards set forth in article 23-A of the correction law, bears a direct relationship to the trade waste industry, in which case the commission shall also consider the bearing, if any, that the criminal offense or offenses will have on the fitness of the officer to perform his or her responsibilities, the time which has elapsed since the occurrence of the criminal offense or offenses; the seriousness of the offense or offenses, and any information produced by the person, or produced on his or her behalf, in regard to his or her rehabilitation or good conduct; (iv) has been convicted of a racketeering activity or associated with a person who has been convicted of a racketeering activity, including but not limited to the offenses listed in subdivision one of section nineteen hundred sixty-one of the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. § 1961, et seq.) or of an offense listed in subdivision one of section 460.10 of the penal law, as such statutes may be amended from time to time, when the officer knew or should have known of such conviction; or (v) has associated with any member or associate of an organized crime group, as identified by a federal, state or city law enforcement or investigative agency, when the officer knew or should have known of the organized crime associations of such person. An officer required to disclose information pursuant to subdivisions c and d of section 16-505 may submit to the commission any material or explanation which such officer believes demonstrates that such information does not reflect adversely upon the officer's good character, honesty and integrity. If the commission determines pursuant to this subdivision that there are sufficient grounds to disqualify a person from holding office in a labor union or labor organization, the commission shall suspend such person from holding office pending a final determination and, in the event such person is disqualified, such suspension shall continue pending resignation or vacatur of or removal from office.

§ 5. Subdivision k of section 16-509 of the administrative code of New York, as added by local law 55 for the year 2019, is amended to read as follows:

k. Notwithstanding any other provision of this chapter to the contrary, the provisions of this section shall apply to any labor union or labor organization *otherwise subject to the jurisdiction of the commission pursuant to section 16-503 and* representing or seeking to represent employees of businesses required to be licensed or registered pursuant to this chapter.

§ 6. This local law takes effect immediately.

Adopted by the Council (preconsidered but approved by the Committee on Sanitation and Solid Waste Management).

Preconsidered L.U. No. 808

By Council Member Dromm:

50th Street HDFC.GHPP.FY21, Block 782, Lot 56; Brooklyn, Community District No. 7, Council District No. 38.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 809

By Council Member Dromm:

JOE Uptown LLC.YR15.FY21, Block 1718, Lot 134, Block 1915, Lot 51, Block 1916, Lots 9 and 13, Block 1940, Lot 128, Block 2118, Lot 56, Block 2123, Lot 89, Block 2144, Lot 38; Manhattan, Community District No. 10 and 12, Council District No. 7, 9, and 10.Finance

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 810

By Council Member Dromm:

Carroll-Burke HDFC.PLP.FY22, Block 2948, Lots 8 and 47, Block 2952, Lots 7, 9, and 12, Block 2955, Lot 36, Block 2957, Lots 1, 9, 11, and 34, Block 2958, Lot 62; Bronx, Community District No. 6, Council District No. 17.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 811

By Council Member Dromm:

Habitat Net Zero Homes, Block 10841, Lot 1, Block 10868, Lot 26, Block 11055, Lot 21, Block 11070, Lot 147, Block 11074, Lot 54, Block 11099, Lots 62 and 76, Block 11127, Lot 44, Block 11656, Lot 67, Block 11670, Lot 40, Block 11795, Lot 68, Block 12014, Lot 3, Block 12017, Lot 49; Queens, Community District No. 10, 12, and 13, Council District No. 27 and 28.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 812

By Council Member Salamanca:

Application number 20215029 SCM (860-Seat Primary and Intermediate School Facility) submitted pursuant to Section 1732 of the New York School Construction Authority Act, for approval of a proposed site selection for a new, approximately 860-Seat Primary and Intermediate School Facility located at 3761 10th Avenue (Block 2198, Lots 1 and 5), Borough of Manhattan, Council District 10, Community School District 6.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions).

Preconsidered L.U. No. 813

By Council Member Salamanca:

Application number 20215027 HAK (TBK1002-Riseboro UDAAP and Article XI) submitted by the Department of Housing Preservation and Development (HPD), pursuant to Article 16 of the General Municipal Law and Section 577 of Article XI of the Private Housing Finance Law for approval of an urban development action area project, waiver of the area designation requirement, waiver of the requirements of Sections 197-c and 197-d of the New York City Charter, and approval of a real property tax exemption for property located at 135 Menahan Street (Block 3306, Lot 53), Community District 4, Council District 37.

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 Sitings and Dispositions).

Preconsidered L.U. No. 814

By Council Member Salamanca:

Application number 20215030 HAX (TBK1002 MBD-UDAAP and Article XI) submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Article 16 of the General Municipal Law and Section 577 of Article XI of the Private Housing Finance Law for approval of an urban development action area project, waiver of the area designation requirement, waiver of the requirements of Sections 197-c and 197-d of the New York City Charter, and approval

of a real property tax exemption for properties located at 970 Anderson Avenue (Block 2504, Lot 70) and 1105 Tinton Avenue (Block 2661, Lot 52), Community Districts 3 and 4, Council Districts 8 and 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 Sitings and Dispositions).

NEW YORK CITY COUNCIL

A N N O U N C E M E N T S

<p>DUE TO THE EXIGENCIES OF THE BUDGET ADOPTION, THE STATED MEETING OF THE COUNCIL IS RECESSED AND SUBJECT TO CALL AND THE MEETINGS OF ANY UPCOMING FINANCE AND STATE AND FEDERAL LEGISLATION COMMITTEES MAY BE RECESSED AND SUBJECT TO CALL AS WELL. WE WILL KEEP YOU ADVISED ACCORDINGLY</p>

Monday, June 21, 2021

Committee on Public Safety	Adrienne E. Adams, Chairperson
Oversight - Reopening the Criminal Courts. Remote Hearing (Virtual Room 1).....	10:00 a.m.

Committee on Economic Development	Paul Vallone, Chairperson
Oversight - Life Sciences in New York City. Remote Hearing (Virtual Room 2).....	11:00 a.m.

Tuesday, June 22, 2021

Committee on Aging	Margaret Chin, Chairperson
Oversight: Serving Seniors in Senior Residences and Communities During the Pandemic. Remote Hearing (Virtual Room 2).....	11:00 a.m.

Wednesday, June 23, 2021

[Committee on Higher Education](#)

Inez Barron, Chairperson

Oversight - Returning to CUNY Campuses in the Wake of COVID-19.

Remote Hearing (Virtual Room 2).....10:00 a.m.

[Committee on Parks and Recreation](#)

Peter Koo, Chairperson

Oversight - The Process for Events Permitting at Parks in the Shadow of COVID-19.

Remote Hearing (Virtual Room 1).....1:00 p.m.

Thursday, June 24, 2021

[Committee on Sanitation and Solid Waste Management](#)

Antonio Reynoso, Chairperson

Int 2349 - By Council Member Miller - **A Local Law** to amend the administrative code of the city of New York, in relation to increasing permitted capacity for export by rail.

Preconsidered Int ____ - By Council Member Reynoso - **A Local Law** to amend the administrative code of the city of New York, in relation to the definition of trade waste broker.

Remote Hearing (Virtual Room 2).....10:00 a.m.

[Committee on General Welfare](#)

Stephen Levin, Chairperson

Oversight - Status of Hunger in NYC and the Impact of COVID.

Remote Hearing (Virtual Room 1).....1:00 p.m.

Friday, June 25, 2021

[Committee on Resiliency and Waterfronts](#)

Justin Brannan, Chairperson

Oversight - Abandoned Boats Along the Waterfront.

Int 1519 - By Council Members Borelli, Grodenchik, Ulrich and Rose - **A Local Law** to amend the administrative code of the city of New York, in relation to identifying and removing boats from New York city’s littoral waters.

Remote Hearing (Virtual Room 1).....10:00 a.m.

Monday, June 28, 2021

[Committee on Mental Health, Disabilities & Addiction](#)

Farah N. Louis, Chairperson

Oversight - Coordinating City Agencies to Address Serious Mental Illness.

Remote Hearing (Virtual Room 2).....11:00 a.m.

Tuesday, June 29, 2021

[Committee on Education](#)

Mark Treyger, Chairperson

Oversight - Review of DOE’s Summer Rising and Fall 2021 Student Academic Achievement Plan.

Remote Hearing (Virtual Room 2).....10:00 a.m.

[Committee on Youth Services](#)

Deborah Rose, Chairperson

Oversight - 2018 Runaway and Homeless Youth Legislation: Reporting and Implementation Follow-up.

Remote Hearing (Virtual Room 1).....11:00 a.m.

Wednesday, June 30, 2021

Committee on Housing and Buildings

Robert Cornegy, Jr., Chairperson

Int 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.

Int 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.

Int 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.

Int 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.

Remote Hearing (Virtual Room 1).....10:00 a.m.

The following comments were among the remarks made by the Speaker (Council Member Johnson) during the Communication from the Speaker segment of this meeting:

The Speaker (Council Member Johnson) wished everyone Happy Pride. He acknowledged that this was the time of year when the work of the LGBTQ community is celebrated and when the fight to make the city and country a better and more inclusive place is renewed. He expressed pride for the work that the Council had done and would continue to do for the LGBTQ community and felt honored to be a part of this endeavor.

The Speaker (Council Member Johnson) acknowledged that the nation would be marking the anniversary of the end of slavery later in the week with the commemoration of Juneteenth. He noted that despite the end of slavery, racial discrimination still plagues the country. He expressed support for the legislation President Biden was signing into law that day establishing Juneteenth as a Federal holiday. The Speaker (Council Member Johnson) reiterated that the struggle would continue until every American is treated equally regardless of race, gender, or sexual orientation.

Whereupon on motion of the Speaker (Council Member Johnson), the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) recessed the meeting subject to call.

THE COUNCIL

Minutes of the Proceedings for the
RECESSED MEETING

of

Thursday, June 17, 2021

held on

Wednesday, June 30, 2021, 11:00 a.m.

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

Council Members

Corey D. Johnson, *Speaker*

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

Absent for this Recessed Meeting of June 17, 2021 held on June 30, 2021 (the following Council Members did not answer Roll Call for this brief procedural Recessed Meeting): Council Members Ayala, Borelli, Cornegy, Gibson, Louis (on Medical Leave), Moya, Perkins, and Vallone.

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

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

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

*There were 41 Council Members marked present at this in-person Recessed Meeting of June 17, 2021 held on June 30, 2021 in the Council Chambers at City Hall, New York, N.Y. (*but see Editor's Note: re: Attendance below).*

**Editor's Note re: Attendance for the Stated Meeting held on June 17, 2021 and the brief Recessed Meeting held on June 30, 2021: This Recessed Meeting held on June 30, 2021 is considered to be the continuation and conclusion of the Stated Meeting that opened on June 17, 2021. For attendance purposes, therefore, any Council Member who was present at any one of these two Meetings will be considered present for all of the proceedings known collectively as the Stated Meeting of June 17, 2021. In this case, Council Members Ayala, Borelli, Cornegy, Gibson, Louis, Moya, and Vallone did not answer the Roll Call for this Recessed Meeting held on June 30, 2021. These same Council Members, however, are considered "present, not voting" for these brief June 30th proceedings due to their presence at the earlier Stated Meeting held on June 17, 2021. Council Member Perkins, who also did not answer the Roll Call for these brief proceedings, remains absent since he was not present for both the earlier Stated Meeting held on June 17th and this Recessed Meeting held on June 30th.*

(On a separate note: although not listed as present in the above Roll Call for the Recessed Meeting, it should be acknowledged that the following Council Members were marked present for the subsequent Stated Meeting of June 30, 2021 which opened immediately following the adjournment of these brief proceedings: Council Members Borelli, Cornegy, Gibson, and Moya. Council Member Louis was on Medical Leave and excused from the subsequent Stated Meeting of June 30, 2021. Council Members Ayala, Perkins, and Vallone were not present at the subsequent Stated Meeting held on June 30th and were marked as absent).

Whereupon on motion of the Speaker (Council Member Johnson), the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) adjourned these brief in-person proceedings to meet immediately again for the Stated Meeting of June 30, 2021.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

*Editor's Local Law Note: Int. Nos. 146-C, 176-A, 415-A, 1128-A, 1827-A, and 2042-A, all adopted at the May 27, 2021 Stated Meeting, were **returned unsigned** by the Mayor on June 28, 2021. These items had aged/lapsed into law on June 27, 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. 71 to 76 of 2021, respectively.*