

## **THE COUNCIL**

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*Minutes of the Proceedings for the*  
**STATED MEETING**  
*of*  
Thursday, August 11, 2022, 2:04 p.m.

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

### Council Members

Adrienne E. Adams, *Speaker*

Joann Ariola	Crystal Hudson	Lynn C. Schulman
Alexa Avilés	Rita C. Joseph	Althea V. Stevens
Diana I. Ayala	Ari Kagan	Sandra Ung
Charles Barron	Shekar Krishnan	Marjorie Velázquez
Justin L. Brannan	Farah N. Louis	Inna Vernikov
Erik D. Bottcher	Christopher Marte	Kalman Yeger
Gale A. Brewer	Darlene Mealy	
Selvena N. Brooks-Powers	Julie Menin	
Tiffany Cabán	Mercedes Narcisse	
David M. Carr	Sandy Nurse	
Carmen N. De La Rosa	Chi A. Ossé	
Eric Dinowitz	Vickie Paladino	
Amanda Farías	Keith Powers	
James F. Gennaro	Lincoln Restler	
Jennifer Gutiérrez	Kristin Richardson Jordan	
Kamillah Hanks	Kevin C. Riley	
Robert F. Holden	Carlina Rivera	

Absent: Council Members Abreu, Feliz, Hanif, Lee, Moya, Salamanca, Williams, and the Minority Leader (Council Member Borelli).

Maternity Leave: Council Members Sanchez and Won.

The Majority Leader (Council Member Powers) assumed the chair as the Acting President Pro Tempore and Presiding Officer for these 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 Powers).

*There were 41 Council Members marked present at this Stated Meeting held in the Council Chambers at City Hall, New York, N.Y.*

### INVOCATION

The Invocation was delivered by Monsignor Kevin Sullivan, Pastor of Church of Our Savior, and Executive Director of Catholic Charities, Archdiocese of New York, located at 59 Park Avenue, New York, N.Y. 10016.

Let's just take a moment,  
bow our heads, center ourselves, and be still.

Almighty God, in the city we address you  
by many different names in diverse ways.  
We place ourselves in your loving and gracious presence,  
invoke your blessing and grace upon the work of this Council  
and upon the people of this great City.  
Almighty God, you know our needs better than we do,  
but, just in case you're a little distracted or forgetful,  
let us remind you of a few that are pressing.  
Please keep our neighborhoods, streets, buses, subways safe.  
Strengthen our schools to educate our children even better.  
Keep our summer programs vibrant  
for the many youth and families  
who depend upon them.  
Keep our hospitals healing  
and reduce the barriers to healthcare  
for those most in need.  
Keep our economy strong with good-paying, decent jobs,  
sufficient to support our families in dignity.  
Keep us always a city  
in which the most vulnerable and struggling feel welcome,  
receive a helping hand, and are offered opportunities.  
Especially watch those who struggle to find and to keep shelter.  
We thank you for the diversity of our great city,  
Almighty God, and your grace to make sure  
that we resist the sometimes strong temptations to divide us  
from one another and to tear each other down.  
Keep us a city that welcomes immigrants and refugees,  
and, as we now receive a new wave of thousands seeking safety  
from their own countries and opportunity in ours,  
keep strong our rich passion for justice and progress  
and also protect us from self-righteousness and intolerance.  
As we encounter many challenges and obstacles,  
keep our spirits alive with hope.  
Almighty God, 2 special prayers to say.  
One for any Council Member  
who just happens to be celebrating her birthday,

a special blessing, and one final prayer.  
Almighty God, specifically this year,  
please, you've done a good job so far  
but keep the Mets and Yankees  
at the top of their divisions,  
lead them successfully to the playoffs,  
to a full '22 Subway Series,  
and, Almighty God, one point of personal privilege.  
It'd be an [extra] blessing  
if after a hard fought 7-game series  
that the Yankees emerge victorious.  
Amen.

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

During the Communication from the Speaker segment of this Stated Meeting, the Speaker (Council Member Adams) acknowledged the recent death of a number of individuals mentioned below.

The Speaker (Council Member Adams) acknowledged the death of long-time public servant, advocate, and friend Joe Goldbloom. Mr. Goldbloom passed away on July 14, 2022 at the age of 90. She described Joe as a brilliant and caring man who worked in the Council for decades, advised multiple Council Members, and helped countless constituents. The Speaker (Council Member Adams) added that he would be sorely missed and that his legacy would continue to be uplifted.

The Speaker (Council Member Adams) acknowledged the death of former Assembly Member and Council Member Al Vann. Former Council Member Vann represented an area of central Brooklyn which included Bedford-Stuyvesant for nearly four decades. She noted that he was an educator and an advocate who fought for the empowerment of black communities throughout his lifetime of public service. The Speaker (Council Member Adams) described former Council Member Vann as relentless and unwavering in his pursuit of empowerment, equity, and justice. She also noted that he was responsible for increasing the diversity of legislative representatives in New York City by advancing the policy of equal representation. She encouraged those assembled to tune into a memorial and celebration of Council Member Vann's life and legacy which was to be livestreamed during the following evening.

The Speaker (Council Member Adams) acknowledged the death of two New Yorkers who died during the course of their employment: Johnny Pizarro, 31, and Matthew Webb, 23. Mr. Pizarro was fatally shot in North Brooklyn on a "Law and Order" film set where he worked as a crewmember who secured the space and watched over equipment trucks. On behalf of the Council, the Speaker (Council Member Adams) mourned his loss alongside his wife and three children. Mr. Webb, a fast-food worker, died on August 5, 2022 of gunshot wounds that he had suffered earlier in the week at a McDonald's Restaurant in Bedford-Stuyvesant, Brooklyn. She noted that Mr. Webb's family should continue to be uplifted and to be provided with the resources needed to heal them from this pain and trauma.

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#### **ADOPTION OF MINUTES**

Council Member Riley moved that the Minutes of the Stated Meeting of June 16, 2022 be adopted as printed.

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

M-83

**Communication from the Commissioner of the NYC Department of Investigation – Notification to the Speaker of the Council, pursuant to Local Law 70 of 2013, of the appointment of Charles M. Guria as the DOI’s Inspector General for the NYPD starting Monday, September 12, 2022.**

August 3, 2022

Hon. Adrienne E. Adams  
Speaker of the New York City Council

DELIVERY: BY EMAIL

Dear Speaker Adams:

Pursuant to Local Law 70, I hereby notify you that I have selected Charles M. Guria to serve as the Inspector General for DOI's Office of the Inspector General for the New York City Police Department ("NYPD"). He is expected to start September 12, 2022.

Mr. Guria is a career public servant with over thirty years' experience in investigations and prosecutions as an Assistant District Attorney with the Brooklyn District Attorney's Office. For much of that time, he has focused on law enforcement ethics and oversight. Mr. Guria's work in police accountability began in the early 1990s, when he took a leave from the District Attorney's Office to serve as associate counsel to the Mollen Commission, investigating corruption within the NYPD and assessing the NYPD's anti-corruption policies and procedures. He returned to the DA's Office as Chief of the Civil Rights and Police Integrity Bureau, a position he held from July 1994 through September 2014. Most recently, he served as a Senior Trial Assistant District Attorney and Supervisor in the Frauds Bureau of the Investigations Division, supervising complex fraud and corruption cases. Mr. Guria's résumé is attached.

Jeanene Barrett has served as Acting Inspector General since Philip K. Eure, DOI's first Inspector General for the NYPD, resigned effective December 31, 2021. As of September 12, Ms. Barrett will return to her role as First Deputy Inspector General.

If you should have any questions, please do not hesitate to contact me.

Very truly yours,

Jocelyn E. Strauber Commissioner, DOI

Cc: Hon. Eric Adams, Mayor of the City of New York  
Keechant Sewell, New York City Police Commissioner

Received, Ordered, Printed and Filed.

**LAND USE CALL-UPS**

M-84

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

**Pursuant to Sections 11.20(b-d) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on Application Nos. C 220198 ZSQ, C 220206 MMQ, and N 220353 ZAQ (Halletts North) shall be subject to Council review. These items are related to Application Nos. C 220196 ZMQ and N 220197 ZRQ.**

Coupled on Call-Up Vote.

M-85

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

**Pursuant to Sections 11.20(b-d) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Application No. C 220357 PQX (2017 Grand Concourse) shall be subject to Council review. This item is related to Application No. C 220356 HAX.**

Coupled on Call-Up Vote.

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

**Affirmative** – Ariola, Avilés, Ayala, Barron, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, Carr, De La Rosa, Dinowitz, Farías, Gennaro, Gutiérrez, Hanks, Holden, Hudson, Joseph, Kagan, Krishnan, Marte, Mealy, Menin, Narcisse, Nurse, Ossé, Paladino, Restler, Richardson Jordan, Riley, Rivera, Schulman, Stevens, Ung, Velázquez, Vernikov, Yeger, the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **40**.

*Present, Not Voting* - Louis.

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

## REPORTS OF THE STANDING COMMITTEES

### Report of the Committee on Finance

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

Report for Int. No. 600

#### **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 a rebate against real property taxes for certain owners of real property.**

The Committee on Finance, to which the annexed preconsidered proposed local law was referred on August 11, 2022, respectfully

#### **REPORTS:**

#### **INTRODUCTION**

On August 11, 2022, the Committee on Finance, chaired by Council Member Justin Brannan, held a vote on Introduction No. 600, sponsored by The Speaker (Council Member Adams) and Council Member Brannan, a local law to amend the administrative code of the city of New York, in relation to a rebate of real property taxes for certain owners of real property. The legislation was previously heard at a hearing of this Committee on August 3, 2022.

The Council worked with the State Legislature on A 10440 and S 9399, State legislation which would authorize the City to provide a real property tax rebate against real property taxes for certain owners of real property in the city of New York for the fiscal year commencing on the first of July, two thousand twenty-one. On June 10, 2022 the Governor signed this state legislation which became Chapter 216 of the Laws of 2022 (the "State Law").

This local law would implement State Law by providing a \$150 real property tax rebate for homeowners where the property is their primary residence and the income of the homeowners is not more than \$250,000.

On August 11, 2022, the Committee passed Introduction No. 600 by a vote of 14 in the affirmative, zero in the negative, with zero abstentions.

#### **STATE LAW**

The State Law amends the State Real Property Tax law to authorize the City to provide, by local law, a rebate of real property taxes for eligible properties for fiscal year 2022. The rebate would be the lesser of \$150 or the property's annual real estate tax liability.

The State Law provides that to be eligible for the rebate: (1) the property must be a one, two or three family residence or a dwelling unit in a cooperative or condominium; and (2) the property must be the primary residence of the owner as of June 15, 2022 and for the 90 days preceding that date. The State Law also requires that, to be eligible for the rebate, "the qualified gross income of all of the owners for whom such property serves as their primary residence" cannot exceed \$250,000.

The State Law provides that owners of eligible properties who receive a STAR exemption or credit in the current fiscal year do not file an application for the rebate. Essentially, unless the Commissioner of the Department of Finance (DOF) determines that STAR recipients are not eligible for the rebate, they will automatically receive the rebate. The State Law authorizes the City, by local law, to establish a procedure for applicants to demonstrate primary residence but only for owners not receiving the STAR exemption or credit for the current fiscal year. Those who are not receiving a STAR exemption or credit in the current fiscal year may

file an application with the DOF if they meet the eligibility criteria of the State Law. For an eligible property that serves as the primary residence of more than one owner, all such owners would have to file a joint application. The State Law provides that the application be filed electronically by the deadline or deadlines established in the local law but allows the DOF Commissioner to waive the electronic filing requirement upon a showing that the applicant lacks the means or ability to file electronically. The burden of showing that the requirements for the rebate are met are on the applicant for the rebate. If DOF denies an application for a rebate, the State Law requires them to send a notice to the applicant stating the reason for the denial, but failure by DOF to send the notice or the applicant to receive it would not affect the City's ability to collect the property taxes.

The State Law contains provisions authorizing DOF to recover erroneously issued rebates within six years. It also provides for penalties for material misstatements in rebate applications that led to the granting of the rebate of \$500 in addition to the recovery of the erroneously issued rebate. An application would be deemed to contain a material misstatement where the applicant: (1) claimed the property was their primary residence when it was not; (2) claimed they owned the property when they did not; or (3) claimed the qualified gross income of owners was \$250,000 or less when it turns out the qualified gross income was "substantially higher," (meaning \$275,000 or more).<sup>1</sup>

**UPDATE:** On August 11, 2022, the Committee passed Introduction No. 600 by a vote of 14 in the affirmative, zero in the negative, with zero abstentions.

## **BILL ANALYSIS**

### **INT. NO. 600**

Preconsidered Int. No. would implement the \$150 real property tax rebate for homeowners authorized in the State Law, by adding a new section, 11-240.2, to the Administrative Code. The proposed local law contains the eligibility requirements contained in the State Law: (1) that the property be a one, two or three family residence or a cooperative or condominium; (2) that it be the primary residence of the owners; and (3) that the qualified gross income of the owners not exceed \$250,000.

In accordance with the State Law, the preconsidered Int. provides that recipients of the STAR exemption and credit are not to file applications for the rebate and if they meet all requirements of the law and DOF does not determine that they are ineligible, they will be entitled to the rebate. Those who are not receiving the STAR exemption or credit for the current fiscal year but otherwise satisfy the requirements may apply.

The proposed local law provides that an application may be filed electronically before November 15, 2022 but also allows for electronic filing after November 15, 2022 but on or before March 15, 2023 "when an applicant demonstrates, to the satisfaction of the commissioner . . . , extenuating circumstances, including but not limited to the death or illness of an immediate family member, that prevented such applicant from filing an application on or before November 15, 2022." Additionally, in accordance with the State Law, DOF may waive the electronic filing requirement.

The proposed local law puts the burden of eligibility for the rebate on the property owner, in accordance with the State Law. The proposed local law requires owners who must file an application to demonstrate that the property is their primary residence by completing a certification, but also authorizes DOF to require proof, which may include a driver's license, the most recent income tax return, or voter registration. DOF may require proof of residency and of income from any owner seeking a rebate. Consistent with the State Law, in the case of those receiving a STAR exemption or abatement and therefore not filing an application, such proof of residency would only be required if a question as to primary residence arose.

The proposed local law also provides that DOF mail out notices to those whose applications are approved, and notices of denial to those whose applications are denied stating the reason for any such denial. DOF may also revoke any approved rebate by sending a notice to an owner by June 30, 2023. These determinations are to

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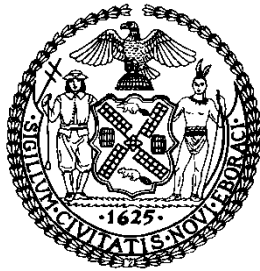
<sup>1</sup> The State Law contains a drafting error in the definition of "substantially higher." It defines "substantially higher" as "no more than two hundred seventy-five thousand dollars." Obviously, this was supposed to read "more than" \$275,000 otherwise the provisions on penalties for "material misstatements" would have the absurd result of punishing immaterial misstatements while letting material misstatements go unpenalized. The language has now been corrected in the proposed local law.

be considered final unless an owner seeks administrative review from DOF within 90 days of the notice of denial or revocation. An owner receiving a STAR exemption or credit who does not file an application, and does not receive a rebate or a notice of denial, has until July 1, 2023 to seek administrative review.

Finally, in accordance with the State Law, DOF has six years to recover a rebate (or portion thereof) if it was calculated in error or if the owner was not entitled to a rebate. The proposed local law contains penalties for owners who make material misstatements in their applications of five hundred dollars (\$500) in addition to recovering the rebate in accordance with the State Law.

The proposed local law would take effect immediately.

**(The following is the text of the Fiscal Impact Statement for Int. No. 600:)**



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
TANISHA S. EDWARDS, ESQ.**

CHIEF FINANCIAL OFFICER AND DEPUTY CHIEF OF  
STAFF TO THE SPEAKER

**FISCAL IMPACT STATEMENT**

**PRECONSIDERED INTRODUCTION NO. 600**

**COMMITTEE:** Finance

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to a rebate against real property taxes for certain owners of real property.

**SPONSOR(S):** The Speaker (Adams), Brannan, and Yeger.

**SUMMARY OF LEGISLATION:** On June 10, 2022, Governor Hochul signed into law Chapter 216 of the Laws of 2022, authorizing the City of New York to provide a property tax rebate to eligible property owners equal to the lesser of \$150 or the annual property tax charged in Fiscal 2022. Preconsidered Introduction No. would implement the rebate as authorized by that State law.

Eligible recipients of the rebate include primary residents of one-to-three-family-homes, cooperative units, and condominium units, who earn \$250,000 or less in gross income annually. The law authorizes the City's Department of Finance to issue the rebate automatically for eligible property owners already receiving the STAR exemption or credit.

For STAR-eligible property owners not currently receiving the STAR benefit, property owners would be required to file an application with the City's Department of Finance by November 15, 2022 to receive the rebate. Homeowners who miss the deadline and can provide proof of extenuating circumstances would have permission to submit an application for the rebate by March 15, 2023.

If an eligible rebate recipient holds delinquent accounts for unpaid property taxes, assessments, or other charges, the rebate would apply directly to reduce the amount delinquent.

**EFFECTIVE DATE:** The proposed local law would take effect immediately.

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

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY22</b>	<b>FY Succeeding Effective FY23</b>	<b>Full Fiscal Impact FY23</b>
<b>Revenues</b>	(\$56,250,000)	(\$33,750,000)	(\$33,750,000)
<b>Expenditures</b>	\$0	\$500,000	\$500,000
<b>Net</b>	(\$56,250,000)	(\$34,250,000)	(\$34,250,000)

**IMPACT ON REVENUES:** The rebate would reduce City property tax revenues by a total of \$90 million over Fiscal 2022 and Fiscal 2023. It should be noted that the current Financial Plan already accounts for the \$90 million revenue reduction from the rebate, and assumes that the full reduction would occur in Fiscal 2022. However, based on updated timing of rebate disbursements, this fiscal impact more accurately reflects the timing of the revenue reduction.

Out of the roughly 1 million homeowners in New York City, Council Finance expects about 600,000 property owners would receive the rebate. The last time the City offered a homeowner rebate (Fiscal 2004 through 2008), only two-thirds of eligible homeowners applied for and received the rebate. Accounting for that take-up rate, and that the rebate proposed herein has an income threshold, Council Finance believes that roughly 60 percent of all City homeowners would pursue and receive the rebate.

Further, OMB has advised that rebates processed prior to the end of August would accrue back to Fiscal 2022, while those delivered after the end of August would accrue to Fiscal 2023. DOF has testified that they expect roughly 375,000 homeowners who receive STAR would automatically be sent rebate checks in August. The remaining 225,000 rebates would therefore be sent after the end of August and accrue to Fiscal 2023.

**IMPACT ON EXPENDITURES:** The legislation would require roughly \$500,000 in one-time expenses in Fiscal 2023 for printing, mailing, and computer programming needed to develop the application process for the rebate and distribute the rebate checks.

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

**SOURCE OF INFORMATION:** New York City Council Finance Division  
New York City Office of Management and Budget (OMB)  
New York City Department of Finance (DOF)

**ESTIMATE PREPARED BY:** Andrew Wilber, Senior Economist

**ESTIMATE REVIEWED BY:** Emre Edev, Assistant Director  
Ray Majewski, Deputy Director and Chief Economist  
Jim Caras, Special Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as a Preconsidered Introduction and was referred to the Committee on Finance (Committee). The legislation was heard by the Committee on August 3, 2022. The legislation will be voted on by the Committee at a hearing on August 11, 2022. Upon successful vote by the Committee, the bill will be submitted to the full Council for a vote on August 11, 2022.

**DATE PREPARED:** August 8, 2022.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Int. No. 600:)**

## Preconsidered Int. No. 600

By The Speaker (Council Member Adams) and Council Members Brannan and Yeager.

**A Local Law to amend the administrative code of the city of New York, in relation to a rebate against real property taxes for certain owners of real property**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 1 of chapter 2 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-240.2 to read as follows:

§ 11-240.2 *Rebate for owners of certain real property.* 1. *For the fiscal year beginning on July 1, 2021 and ending on June 30, 2022, a rebate of the annual tax of an eligible property in the amount provided in this section shall be paid to the owner of such an eligible property, provided the qualified gross income of all the owners for whom such property serves as their primary residence was \$250,000 or less in tax year 2020. Where the eligible property, other than an eligible property that is a dwelling unit in residential property held in the cooperative form of ownership, is in arrears in the payment of real property taxes, assessments, and any other charges that are made a lien subject to the provisions of chapter 3 of this title other than water rents, sewer rents and sewer surcharges, such rebate shall be applied to any such unpaid real property taxes, assessments, and other charges on the account of such eligible property. Where the eligible property is a dwelling unit in residential property held in the cooperative form of ownership and such residential property is in arrears in the payment of real property taxes, assessments, and any other charges that are made a lien subject to the provisions of chapter 3 of this title other than water rents, sewer rents and sewer surcharges, such rebate shall be applied to any unpaid real property taxes, assessments, and other charges on the account of such residential property in an amount equal to the proportionate share of the arrears of the dwelling unit. Notwithstanding any provision of article 4 of the real property tax law to the contrary, an owner whose property is receiving benefits pursuant to any provision of such article shall not be prohibited from receiving a rebate pursuant to this section if such owner is otherwise eligible to receive such rebate.*

2. *Definitions.* As used in this section the following terms shall have the following meanings:

*Annual tax.* The term "annual tax" means the amount of real property tax that is imposed on a property for the fiscal year beginning on July 1, 2021, determined after reduction for any amount for which such property is exempt, or which is abated, pursuant to applicable law, provided that, for a property that is a dwelling unit in residential property held in the cooperative form of ownership, "annual tax" means the amount of real property tax that is imposed on such residential property divided by the number of units within such residential property, including dwelling units and units used primarily for professional or commercial purposes, determined after reduction for any amount for which such property that is a dwelling unit is exempt, or which is abated, pursuant to applicable law.

*Applicant.* The term "applicant" means an owner of an eligible property who, pursuant to subdivision 6 of this section, may apply for the rebate authorized by this section.

*Eligible property.* The term "eligible property" means a property that, beginning on or after June 15, 2022, serves as the primary residence of the owner of such property, and served as such owner's primary residence during the 90 days prior to such date.

*Erroneous rebate.* The term "erroneous rebate" means:

- (i) a rebate that was granted to an owner who was not entitled to a rebate under this section; or
- (ii) a rebate that was granted or calculated in error under this section.

*Immediate family member.* The term "immediate family member" means the spouse, domestic partner, sibling or child of an owner, as documented by a record issued by a local, state, federal or foreign governmental entity.

*Owner.* The term "owner" means one or more natural persons who, beginning on or after June 15, 2022, either:

- (i) owns a property in fee simple absolute or as a tenant in common, a joint tenant or a tenant by the entirety;

(ii) is a tenant-stockholder of a cooperative apartment corporation who resides in a portion of real property owned by such cooperative apartment corporation, to the extent represented by their share or shares of stock in such corporation as determined by their proportional relationship to the total outstanding stock of such corporation, including such stock owned by such corporation; or

(iii) owns a present interest in a property under a life estate or who is a beneficial owner under a trust.

*Property.* The term "property" means a one-, two-, or three-family residence or a dwelling unit in residential property held in the cooperative or condominium form of ownership. "Property" shall not include any vacant land.

*Proportionate share of the arrears of the dwelling unit.* The term "proportionate share of the arrears of the dwelling unit" is the quotient of the amount of unpaid real property taxes, assessments, and other charges of a residential property held in the cooperative form of ownership divided by the number of units therein, including dwelling units and units used primarily for professional or commercial purposes.

*Qualified gross income.* The term "qualified gross income" means the adjusted gross income for the taxable year as reported for federal income tax purposes, or which would be reported as adjusted gross income if a federal income tax return were required to be filed. In computing qualified gross income, the net amount of loss reported on Federal Schedule C, D, E, or F shall not exceed \$3,000 per schedule.

*Substantially higher.* The term "substantially higher" means more than \$275,000.

3. *Primary residence.* To be granted a rebate pursuant to this section, an owner, other than an owner who receives a real property tax exemption pursuant to section 425 of the real property tax law or a school tax relief credit pursuant to subsection (eee) of section 606 of the tax law for such property for the fiscal year commencing on July 1, 2022, shall certify that the property serves as the primary residence of such owner. The department of finance may require that an owner submit proof of such primary residence to the department. Such proof may include but is not limited to a valid driver's license, the most recent federal or state income tax return, or a proof of registration to vote.

4. *Amount of rebate.* The amount of the rebate to be provided by the commissioner of finance shall be the lesser of \$150, or the annual tax imposed on the property.

5. *Qualification for rebate for recipients of STAR credit or exemption.* The owner of an eligible property who receives a real property tax exemption pursuant to section 425 of the real property tax law or a school tax relief credit pursuant to subsection (eee) of section 606 of the tax law for the fiscal year commencing on the July 1, 2022 and satisfies the requirements described in subdivision 1 of this section shall not be required to file, and shall not file, an application for the rebate authorized by this section. To the extent the commissioner of finance determines that such an owner is not entitled to the rebate authorized by this section, the commissioner shall send to such owner a notice of denial of the rebate.

6. *Qualification for rebate for owners of an eligible property who are not recipients of STAR credit or exemption.* a. *Generally.* The owner of an eligible property who does not receive a real property tax exemption pursuant to section 425 of the real property tax law or a school tax relief credit pursuant to subsection (eee) of section 606 of the tax law for the fiscal year commencing on July 1, 2022 may file an application for the rebate authorized by this section, provided that, such owner satisfies the requirements described in subdivision 1 of this section, and provided, further, that for an eligible property that serves as the primary residence of more than one owner, all such owners shall jointly file an application for such rebate. Notwithstanding any provision of law to the contrary, an application for a rebate authorized by this section shall be filed by electronic means on or before November 15, 2022, provided that, such application may be filed by electronic means after November 15, 2022 and on or before March 15, 2023 when an applicant demonstrates, to the satisfaction of the commissioner of finance, extenuating circumstances, including but not limited to the death or illness of an immediate family member, that prevented such applicant from filing an application on or before November 15, 2022. Upon a showing by an applicant that filing an application by electronic means is not practicable for reasons including but not limited to lack of access to, or ability to use, the technology needed to file by electronic means, the commissioner of finance may grant a waiver of the requirement to file such application by electronic means. No more than one application shall be submitted for an eligible property.

b. *Approval or denial of application.* If the commissioner of finance determines that an applicant is entitled to the rebate authorized by this section, the commissioner shall approve such application, notify such applicant of such approval, and grant such rebate to such applicant. If the commissioner of finance determines that an applicant is not entitled to the rebate authorized by this section, the commissioner shall send to such applicant

*a notice of denial of such application. Such notice of denial shall specify the reason for such denial and may be sent by mail or by electronic means. Failure to send any such notice of denial or the failure of any applicant to receive such notice shall not affect such denial and shall not prevent the levy, collection and enforcement of taxes on the property of such applicant.*

*c. Review of submission. The burden shall be on the applicant to establish that the property is the primary residence of such applicant, that the qualified gross income of all the owners for whom such property serves as their primary residence is \$250,000 or less and that any other requirements relating to the granting of the rebate are satisfied.*

*d. Oath. The commissioner of finance shall require that statements made in connection with any application filed pursuant to this section be made under oath. Such application shall contain the following declaration: "I certify that all information contained in this application is true and correct to the best of my knowledge and belief. I understand that willful making of any false statement of material fact herein will subject me to the provisions of law relevant to the making and filing of false instruments and will render this application null and void." Such application shall also state that the applicant agrees to comply with and be subject to this section and any rules promulgated by the commissioner of finance pursuant to this section.*

*7. Denial and revocation of rebate. a. Generally. The commissioner of finance shall deny an application for a rebate or revoke any rebate granted pursuant to this section if it appears that: (i) the property does not serve as the primary residence of the owner who has applied for such rebate or who received the real property tax exemption pursuant to section 425 of the real property tax law or a school tax relief credit pursuant to subsection (eee) of section 606 of the tax law for such property for the fiscal year commencing on July 1, 2022; (ii) prior to the granting of the rebate authorized by this section, title to the property has been transferred to a new owner other than to an immediate family member for whom the property serves as the primary residence until, at a minimum, the date on which such rebate is granted, provided that the commissioner of finance has been notified of any such transfer to an immediate family member in connection with the application authorized by subdivision 6 of this section; or (iii) the property is otherwise no longer eligible for the rebate.*

*b. Rights of owners. Upon determining that a rebate granted pursuant to this section shall be revoked, the commissioner of finance shall send a notice so stating to the affected owner. Such notice shall be sent by mail or by electronic means no later than June 30, 2023. Granting a rebate pursuant to this section, denying a rebate pursuant to subdivision 5 of this section, denying an application for a rebate pursuant to paragraph b of subdivision 6 of this section, or revoking a rebate granted pursuant to this section shall constitute a final determination of the commissioner of finance, unless, within 90 days of the date of the notification of such denial or revocation, the owner seeks administrative review by the commissioner of finance of such determination, provided that the burden shall be on the owner to establish eligibility for the rebate. The failure to grant a rebate pursuant to this section to an owner who is not required to submit an application pursuant to subdivision 5 of this section and who does not receive a notice of denial pursuant to such subdivision shall constitute a final determination by the commissioner of finance unless such owner seeks administrative review by such commissioner of such determination no later than July 1, 2023.*

*8. Restriction on rebate for married couples with two or more residences. The rebate provided by this section shall be granted on no more than one property owned by a married couple, unless such spouses are living apart due to legal separation.*

*9. Record of ownership of an eligible property. A deed or other instrument demonstrating ownership of an eligible property shall be recorded with the city register, the Richmond county clerk, or the automated city register information system on or before June 30, 2022.*

*10. Proof of residency and information regarding qualified gross income. In accordance with subdivisions 1 and 3 of this section, the commissioner of finance may request proof of residency and information relating to qualified gross income from any owner seeking to receive a rebate authorized pursuant to this section, including but not limited to, an owner who received the real property tax exemption pursuant to section 425 of the real property tax law or a school tax relief credit pursuant to subsection (eee) of section 606 of the tax law for such property for the fiscal year commencing on July 1, 2022.*

*11. Rebate returned for re-issuance. The commissioner of finance may provide a credit against the annual tax of an eligible property in the amount of the rebate when an owner of an eligible property requests that a check in the amount of the rebate be re-issued to such owner, except that no such credit shall be provided later than two years from the date the rebate is granted.*

12. *Recovery of erroneous rebate. a. If the commissioner of finance determines that an owner received an erroneous rebate, the commissioner of finance shall recover such erroneous rebate, within six years of the granting of such rebate, by deducting the amount of such erroneous rebate from any refund otherwise payable to the owner of such property, and any balance of the amount of such erroneous rebate remaining unpaid shall constitute a tax lien on the property of such owner as of the due and payable date provided on the tax bill mailed by the commissioner of finance containing such amount. If such amount is not paid by such due and payable date, interest at the rate applicable to delinquent real property taxes on such property shall be charged and collected on such amount from the due and payable date provided on such notice to the date of payment. Such tax lien shall be enforceable in accordance with the provisions of law relating to the enforcement of tax liens, including chapters 3 and 4 of this title. No lien created pursuant to this section shall be enforced against a subsequent purchaser for value in good faith, provided that the purchase occurred prior to the date the amount of the erroneous rebate was entered on the statement of account for such property. Such authority shall supplement any other authority of the commissioner of finance to enforce payment of the erroneous rebate by the owner of such property.*

*b. To the extent a rebate was granted or calculated in error under this section, the amount of the erroneous rebate shall be equal to the difference between the amount of the rebate originally granted and the amount to which the owner was entitled.*

13. *Penalty for material misstatements. a. Generally. If the commissioner of finance determines, within three years from the granting of a rebate authorized by this section, that there was a material misstatement in an application filed pursuant to this section and that such misstatement provided the basis for the granting of a rebate under this section, the commissioner of finance shall proceed to impose a penalty tax against the property of \$500 in addition to recovering the amount of any erroneous rebate under subdivision 12 of this section. An application shall be deemed to contain a material misstatement for this purpose when either:*

- (1) the applicant claimed the property was his, her or their primary residence, when it was not;*
- (2) the applicant claimed that the applicant owned the property, when the applicant did not; or*
- (3) the applicant claimed that the qualified gross income of all the owners for whom such property serves as their primary residence was \$250,000 or less, when the qualified gross income of such owners was a substantially higher amount.*

*b. Procedure. When the commissioner of finance determines that a penalty tax shall be imposed, the penalty tax shall be entered on the next ensuing tentative or final assessment roll. Each owner shall be given notice of the possible imposition of a penalty tax, and shall be entitled to seek administrative and judicial review of such action in the manner provided by law.*

14. *Non-disclosure. The information contained in applications filed with the commissioner of finance pursuant to subdivision 6 of this section shall not be subject to disclosure under article 6 of the public officers law.*

§ 2. This local law takes effect immediately.

JUSTIN L. BRANNAN, *Chairperson*: DIANA I. AYALA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, DAVID M. CARR, CHARLES BARRON, GALE A. BREWER, AMANDA FARIAS, KAMILLAH HARRIS, CRYSTAL HUDSON, ARI KAGAN, CHI. A. OSSÉ, MARJORIE VELÁZQUEZ; 14-0-0; *Absent*: Francisco P. Moya *Maternity*: Julie Won *Medical*: Pierina Ana Sanchez; Committee on Finance, August 11, 2022.

On motion of the Speaker (Council Member Adams), 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 Adams) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption.

Report for Res. No. 288

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

The Committee on Finance, to which the annexed preconsidered resolution was referred on August 11, 2022, respectfully

**REPORTS:**

Introduction. The Council of the City of New York (the “Council”) annually adopts the City’s budget covering expenditures other than for capital projects (the “expense budget”) pursuant to Section 254 of the Charter. On June 19, 2019, the Council adopted the expense budget for fiscal year 2020 with various programs and initiatives (the “Fiscal 2020 Expense Budget”). On June 30, 2020, the Council adopted the expense budget for fiscal year 2021 with various programs and initiatives (the “Fiscal 2021 Expense Budget”). On June 30, 2021, the Council adopted the expense budget for fiscal year 2022 with various programs and initiatives (the “Fiscal 2022 Expense Budget”). On June 13, 2022, the Council adopted the expense budget for fiscal year 2023 with various programs and initiatives (the “Fiscal 2023 Expense Budget”).

Analysis. In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving funding in accordance with the Fiscal 2023, Fiscal 2022 and Fiscal 2021 Expense Budgets, and amendments to the description for the Description/Scope of Services of certain organizations receiving funding in accordance with the Fiscal 2023 and Fiscal 2022 Expense Budgets.

This Resolution, dated August 11, 2022, approves the new designation and the changes in the designation of certain organizations receiving local, youth, anti-poverty, aging, boroughwide needs and Speaker’s initiative to address citywide needs and community safety and victims’ services discretionary funding and funding for certain initiatives in accordance with the Fiscal 2023 Expense Budget, approves the changes in designation of certain organizations receiving funding for boroughwide needs, local and youth discretionary funding and certain initiatives in accordance with the Fiscal 2022 Expense Budget, approves the changes in designation of certain organizations receiving local, youth, aging, anti-poverty and boroughwide needs discretionary funding and funding for certain initiatives in accordance with the Fiscal 2021 Expense Budget, and amends the description for the Description/Scope of Services of certain organizations receiving local, aging and youth discretionary funding and a certain initiative in accordance with the Fiscal 2023 Expense Budget, local and youth discretionary funding in accordance with the Fiscal 2022 Expense Budget; and local discretionary funding in accordance with the Fiscal 2021 Expense Budget.

This Resolution sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2023 Expense Budget, as described in Chart 1; sets forth the new designation and the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2023 Expense Budget, as described in Chart 2; sets forth the new designation and the changes in the designation of certain organizations receiving anti-poverty discretionary funding in accordance with the Fiscal 2023 Expense Budget, as described in Chart 3; sets forth the new designation and the changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2023 Expense Budget, as described in Chart 4; sets forth the new designation and the changes in the designation of certain organizations receiving boroughwide needs initiative discretionary funding in accordance with the Fiscal 2023 Expense Budget, as described in Chart 5; sets forth the new designation and the changes in the designation of certain organizations receiving Speaker’s initiative to address citywide needs discretionary funding in accordance with the Fiscal 2023 Expense Budget, as described in Chart 6; sets forth the new designation and the changes in designation of certain organizations receiving community safety and victims

services initiative discretionary funding in accordance with the Fiscal 2023 Expense Budget, as described in Chart 7; and sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to certain initiatives pursuant to the Fiscal 2023 Expense Budget, as described in Charts 8-38; sets forth the changes in the designation of a certain organization receiving local discretionary funding pursuant to the Fiscal 2022 Expense Budget, as described in Chart 39; sets forth the changes in the designation of certain organizations receiving funding pursuant to certain initiatives pursuant to the Fiscal 2022 Expense Budget, as described in Chart 40-41; sets forth the changes in the designation of certain organizations receiving local discretionary funding pursuant to the fiscal 2021 Expense Budget, as described in Chart 42; sets forth the changes in the designation of certain organizations receiving youth discretionary funding pursuant to the Fiscal 2021 Expense Budget, as described in Chart 43; sets forth the changes in the designation of a certain organization receiving boroughwide needs discretionary funding pursuant to the fiscal 2021 Expense Budget, as described in Chart 44; sets forth the changes in the designation of certain organizations receiving funding pursuant to a certain initiative pursuant the Fiscal 2021 Expense Budget, as described in Chart 45; sets forth the changes in the designation of a certain organization receiving youth discretionary funding pursuant to the fiscal 2020 Expense Budget as described in Chart 46; amends the description for the Description/Scope of Services of certain organizations receiving local, youth and aging discretionary funding and funding pursuant to a certain initiative in accordance with the Fiscal 2023 Expense Budget, as described in Chart 47; amends the description for the Description/Scope of Services of certain organizations receiving local and youth discretionary funding in accordance with the Fiscal 2022 Expense Budget, as described in Chart 47; and amends the description for the Description/Scope of Services of certain organizations receiving local discretionary funding in accordance with the Fiscal 2021 Expense Budget, as described in Chart 48;

Specifically, Chart 1 sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2023 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 2 Chart 2 sets forth the new designation and the changes in the designation of certain organizations receiving youth discretionary funding pursuant to the Fiscal 2023 Expense Budget.

Chart 3 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the anti-poverty discretionary funding in accordance with the Fiscal 2023 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 4 sets forth the new designation and the changes in the designation of certain organizations receiving aging discretionary funding pursuant to the Fiscal 2023 Expense Budget.

Chart 5 sets forth the changes in the designation of certain organizations receiving Boroughwide Needs Initiative funding pursuant to the Fiscal 2023 Expense Budget.

Chart 6 sets forth the new designation of certain organizations receiving funding pursuant to Speaker's Initiative to Address Citywide Needs in accordance with the Fiscal 2023 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 7 sets forth the new designation of certain organizations receiving funding pursuant to Community Safety and Victim's Services Initiative in accordance with the Fiscal 2023 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 8 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2023 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 9 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2023 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 10 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2023 Expense Budget. Some of these designations will be effectuated upon a budget modification.

Chart 11 sets forth the new designation of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2022 Expense Budget. Some of these designations will be effectuated upon a budget modification.

Chart 12 sets forth the new designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2023 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 13 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2023 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 14 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2023 Expense Budget. Some of these designations will be effectuated upon a budget modification.

Chart 15 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2023 Expense Budget. Some of these designations will be effectuated upon a budget modification.

Chart 16 sets forth the new designation of certain organizations receiving funding pursuant to the Diversity, Equity and Inclusion Initiative in Tech in accordance with the Fiscal 2023 Expense Budget.

Chart 17 sets forth the new designations of a certain organization receiving funding pursuant to the HRA Teen RAAP Initiative in accordance with the Fiscal 2023 Expense Budget.

Chart 18 sets forth the new designations of certain organizations receiving funding pursuant to Innovative Criminal Justice Programs Initiative in accordance with the Fiscal 2023 Expense Budget.

Chart 19 sets forth the new designation of certain organizations receiving funding pursuant to the Cancer Services Initiative in accordance with the Fiscal 2023 Expense Budget.

Chart 20 sets forth the new designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith-Based Initiative in accordance with the Fiscal 2023 Expense Budget.

Chart 21 sets forth the new designation of a certain organization receiving funding pursuant to the Maternal and Child Health Services Initiative in accordance with the Fiscal 2023 Expense Budget.

Chart 22 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Mental Health Services for Vulnerable Populations Initiative in accordance with the Fiscal 2023 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 23 sets forth the new designation of a certain organization receiving funding pursuant to the Chamber on the Go and Small Business Assistance Initiative in accordance with the Fiscal 2023 Expense Budget. Some of these changes will be effectuated upon a budget modification.



Chart 24 sets forth the new designation of a certain organization receiving funding pursuant to the Day Laborer Workforce Initiative in accordance with the Fiscal 2023 Expense Budget.

Chart 25 sets forth the new designation of a certain organization receiving funding pursuant to the Worker Cooperative Business Development Initiative in accordance with the Fiscal 2023 Expense Budget.

Chart 26 sets forth the new designation of certain organizations receiving funding pursuant to the After School Enrichment Initiative in accordance with the Fiscal 2023 Expense Budget.

Chart 27 sets forth the new designation of certain organizations receiving funding pursuant to the Create New Technology Incubators Initiative in accordance with the Fiscal 2023 Expense Budget.

Chart 28 sets forth the change in the designation of a certain organization receiving funding pursuant to the Initiative to Combat Sexual Assault in accordance with the Fiscal 2023 Expense Budget. This change will be effectuated upon a budget modification.

Chart 29 sets forth the new designation and changes of the designations of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2023 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 30 sets forth the new designation of certain organizations receiving funding pursuant to the Community Housing Preservation Strategies Initiative in accordance with the Fiscal 2023 Expense Budget.

Chart 31 sets forth the new designation of certain organization receiving funding pursuant to the Community Land Trust Initiative in accordance with the Fiscal 2023 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 32 sets forth the change of designation of funding pursuant to the Coalition of Theaters of Color Initiative in accordance with the Fiscal 2023 Expense Budget.

Chart 33 sets forth the change of designation of funding pursuant to the Support for Persons Involved in the Sex Trade Initiative in accordance with the Fiscal 2023 Expense Budget.

Chart 34 sets forth the new designation of certain organizations receiving funding pursuant to the LGBTQ Senior Services in Every Borough Initiative in accordance with the Fiscal 2023 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 35 sets forth the new designation and the changes of the designation of certain organizations receiving funding pursuant to the Naturally Occurring Retirement Communities Initiative in accordance with the Fiscal 2023 Expense Budget.

Chart 36 sets forth the new designation of certain organizations receiving funding pursuant to the Senior Centers, Programs and Enhancements Initiative in accordance with the Fiscal 2023 Expense Budget.

Chart 37 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the YouthBuild Initiative in accordance with the Fiscal 2023 Expense Budget.

Chart 38 sets forth the new designation of certain organizations receiving funding pursuant to the LGBT Community Initiative in accordance with the Fiscal 2023 Expense Budget.

Chart 39 sets forth the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2022 Expense Budget.

Chart 40 sets forth the changes in the designation of a certain organization receiving funding pursuant to the Cultural After School Adventure (CASA) Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 41 sets forth the changes in the designation of a certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 42 sets forth the changes in the designations of certain organizations receiving Local discretionary funding in accordance with the Fiscal 2021 Expense Budget.

Chart 43 sets forth the changes in the designations of certain organizations receiving Youth discretionary funding in accordance with the Fiscal 2021 Expense Budget.

Chart 44 sets forth the changes in the designation of a certain organization receiving funding pursuant to the Boroughwide Needs Initiative in accordance with the Fiscal 2021 Expense Budget.

Chart 45 sets forth the changes in designation of a certain organization receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2021 Expense Budget.

Chart 46 sets forth the changes in the designation of a certain organization receiving Youth discretionary funding in accordance with the Fiscal 2020 Expense Budget.

Chart 47 amends the description for the Description/Scope of Services of certain organizations receiving Local, Youth and Aging discretionary funding and funding pursuant to a certain initiative pursuant to the Fiscal 2023 Expense Budget.

Chart 48 amends the description for the Description/Scope of Services of certain organizations receiving Local and Youth discretionary funding pursuant to the Fiscal 2022 Expense Budget.

Chart 49 amends the description for the Description/Scope of Services of certain organizations receiving Local discretionary funding pursuant to the Fiscal 2021 Expense Budget.

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

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

Description of Above-captioned Resolution. In the above-captioned Resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2023, Fiscal 2022 and Fiscal 2021 Expense Budgets. Such Resolution would take effect as of the date of adoption.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 288:)**

## Preconsidered Res. No. 288

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

By Council Member Brannan.

**Whereas**, On June 13, 2022, the Council of the City of New York (the “City Council”) adopted the expense budget for Fiscal Year 2023 with various programs and initiatives (the “Fiscal 2023 Expense Budget”); and

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

**Whereas**, On June 30, 2020 the Council adopted the expense budget for Fiscal Year 2021 with various programs and initiatives (the “Fiscal 2021 Expense Budget”); and

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

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2023, Fiscal 2022, Fiscal 2021, and Fiscal 2020 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, youth, aging, and anti-poverty discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2023, Fiscal 2022, and Fiscal 2021 Expense Budgets by approving new Description/Scope of Services for certain organizations receiving local, youth and aging discretionary funding and a certain organization receiving funding pursuant to a certain initiative; now, therefore, be it

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2023 Expense Budget, as set forth in Chart 1; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 2; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the anti-poverty discretionary funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 3; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 4; and be it further

**Resolved**, That the City Council approves the change in designation of a certain organization receiving funding pursuant to the Boroughwide Needs Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 5; and be it further

**Resolved**, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 6; and be it further

**Resolved**, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Community Safety and Victim Services Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 7; and be it further

**Resolved**, That the City Council approves the new designation and the changes in designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 8; and be it further

**Resolved**, That the City Council approves the new designation and the changes in designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 9; and be it further

**Resolved,** That the City Council approves the new designation and the changes in designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 10; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 11; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 12; and be it further

**Resolved,** That the City Council approves the new designation and the changes in designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 13; and be it further

**Resolved,** That the City Council approves the new designation and the changes in designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 14; and be it further

**Resolved,** That the City Council approves the new designation and the changes in designation of certain organizations receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 15; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Diversity, Inclusion & Equity in Tech Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 16; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the HRA Teen RAPP Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 17; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Innovative Criminal Justice Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 18; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Cancer Services Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 19; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 20; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Maternal and Child Health Services Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 21; and be it further

**Resolved,** That the City Council approves the new designation and changes in designation of certain organizations organization receiving funding pursuant to the Mental Health Services for Vulnerable Populations Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 22; and be it further

**Resolved,** That the City Council approves the new designation and changes in designation of certain organizations receiving funding pursuant to the Chamber on the Go and Small Business Assistance Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 23; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Day Laborer Workforce Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 24; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Worker Cooperative Business Development Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 25; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Afterschool Enrichment Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 26; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to Create New Technology Incubators Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 27; and be it further

**Resolved,** That the City Council approves the changes of designation of a certain organization receiving funding pursuant to the Initiative to Combat Sexual Assault in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 28; and be it further

**Resolved,** That the City Council approves the new designation and changes of designation of certain organizations receiving funding pursuant to Food Pantries Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 29; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Community Housing Preservation Strategies Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 30; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to Community Land Trust Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 31; and be it further

**Resolved,** That the City Council approves the change of designation of funding pursuant to the Coalition Theaters of Color Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 32; and be it further

**Resolved,** That the City Council approves the change of designation of funding pursuant to the Supports for Persons Involved in the Sex Trade Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 33; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the LGBTQ Senior Services in Every Borough Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 34; and be it further

**Resolved,** That the City Council approves the new designation and changes in designation of certain organizations receiving funding pursuant to the Naturally Occurring Retirement Communities (NORCs) Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 35; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Senior Centers, Programs, and Enhancements Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 36; and be it further

**Resolved,** That the City Council approves the new designation and changes in designation of certain organizations receiving funding pursuant to the YouthBuild Project Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 37; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the LGBT Community Services Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 38; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2022 Expense Budget, as set forth in Chart 39 and be it further

**Resolved,** That the City Council approves the change in designation of a certain organization receiving funding pursuant to the Cultural After-School Adventure (CASA) in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 40; and be it further

**Resolved,** That the City Council approves the change in designation of a certain organization receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 41; and be it further

**Resolved,** That the City Council approves the changes in designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2021 Expense Budget, as set forth in Chart 42; and be it further

**Resolved,** That the City Council approves the changes in designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 43; and be it further

**Resolved,** That the City Council approves the change in designation of a certain organization receiving funding pursuant to the Boroughwide Needs Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 44; and be it further

**Resolved,** That the City Council approves the change in designation of a certain organization receiving funding pursuant to Food Pantries in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 45; and be it further

**Resolved,** That the City Council approves the change in designation of a certain organization receiving youth discretionary funding in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 46; and be it further

**Resolved,** That the City Council amends the Purpose of Funds for certain organizations receiving local, youth, and aging discretionary funding and funding pursuant to the Mental Health Services for Vulnerable Populations Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 47; and be it further

**Resolved,** That the City Council amends the Purpose of Funds for certain organizations receiving local and youth discretionary funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 48; and be it further

**Resolved,** That the City Council amends the Purpose of Funds for certain organizations receiving local discretionary funding in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 49.

**(For text of the Exhibit Charts, please refer to the attachments section of [the Res. No. 288 of 2022 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>)**

JUSTIN L. BRANNAN, *Chairperson*: DIANA I. AYALA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, CHARLES BARRON, GALE A. BREWER, AMANDA FARÍAS, KAMILLAH HARRIS, CRYSTAL HUDSON, ARI KAGAN, CHI. A. OSSÉ, MARJORIE VELÁZQUEZ; 13-1-0; *Negative*: David M. Carr; *Absent*: Francisco P. Moya *Maternity*: Julie Won *Medical*: Pierina Ana Sanchez; Committee on Finance, August 11, 2022.

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

## Report of the Committee on Health

Report for Int. No. 86-A

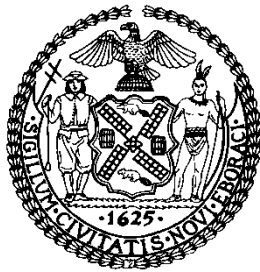
**Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to education about city standards for respectful care at birth, health care proxy forms and patients' rights.**

The Committee on Health, to which the annexed proposed amended local law was referred on March 10, 2022 (Minutes, page 363), respectfully

### REPORTS:

(For text of report, please see the Report of the Committee on Health for Int. No. 409-A printed below in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 86-A:*



THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
TANISHA S. EDWARDS, ESQ., CHIEF FINANCIAL  
OFFICER, AND DEPUTY CHIEF OF STAFF TO THE  
SPEAKER  
FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 86-A

COMMITTEE: Health

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to education about city standards for respectful care at birth, health care proxy forms and patients' rights.

**SPONSOR(S):** By the Public Advocate (Mr. Williams) and Council Members Stevens, Hanif, Cabán, Won, Restler, Yeger, Velázquez, Brooks-Powers, Rivera, Dinowitz, De La Rosa and Hudson (by request of the Bronx Borough President).

**SUMMARY OF LEGISLATION:** The proposed legislation would require the City to designate an agency to administer a public education campaign regarding safe access to reproductive health care in the city. The administering agency shall work in conjunction with Commission on Human Rights, Department of Health and Mental Hygiene (DOHMH) and the Department of Consumer and Worker Protection (DCWP) and other agencies as the mayor may designate to develop public education program materials and post such materials on the City's website in the designated citywide languages.

The public education program shall include the following information: protections for those seeking services at a reproductive health facility, protections and remedies from discrimination and harassment, the right of an individual to bring civil action for violations of the access to reproductive health care facilities and for actual damages based on such law.

Additionally, public education program shall include the range of reproductive resources care options that are legal and available in the city, including abortion, pregnancy counseling, and preventative and emergency

contraception, how to find comprehensive reproductive health care services in the city; guidance regarding privacy of protected health information for those seeking reproductive health care services; The education program shall include the information on the right to be free from discrimination related to pregnancy, childbirth, or a related medical condition, the right to reasonable accommodations, paid sick and safe leave, temporary disability insurance, the family and medical leave act of 1993 and New York's paid family leave program.

**EFFECTIVE DATE:** This local law takes effect on the same date as a local law amending the administrative code of the city of New York, relating to a public information and outreach campaign regarding safe access to reproductive health care, as proposed in introduction number 474-A for the year 2022, takes effect

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2024

**FISCAL IMPACT STATEMENT:**

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

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of Proposed Intro. 86-A because the relevant City agencies would utilize existing resources to fulfill the public education requirements.

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

**SOURCE OF INFORMATION:** New York City Council Finance Division  
Mayor's Office of Management and Budget

**ESTIMATE PREPARED BY:** Crilhien R. Francisco, Unit Head, NYC Council Finance Division

**ESTIMATE REVIEWED BY:** Eisha Wright, Deputy Director, NYC Council Finance Division  
Jonathan Rosenberg, Managing Deputy Director,  
NYC Council Finance Division

**LEGISLATIVE HISTORY:** The legislation was introduced to the full Council on March 10, 2022 as Intro. 86 and referred to the Committee on Health. The legislation was considered by the Committee on Health at a hearing held on June 29, 2022 and was subsequently amended, and the amended version Proposed Intro. 86-A will be considered by the Committee on Health on August 10, 2022. Upon successful vote by the Committee on Health, Proposed Intro. No. 86-A will be submitted to the full Council for a vote on August 11, 2022.

**DATE PREPARED:** August 5, 2022.

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

**(The following is the text of Int. No. 86-A:)**



## Int. No. 86-A

By the Public Advocate (Mr. Williams) and Council Members Stevens, Hanif, Cabán, Won, Restler, Yeger, Velázquez, Brooks-Powers, Rivera, Dinowitz, De La Rosa, Hudson, Riley, Narcisse, Avilés, Sanchez and Gennaro (by request of the Bronx Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to education about city standards for respectful care at birth, health care proxy forms and patients' rights**

*Be it enacted by the Council as follows:*

Section 1. The heading of section 3-119.6 of the administrative code of the city of New York, as added by a local law for the year 2022 amending the administrative code of the city of New York, relating to a public information and outreach campaign regarding safe access to reproductive health care, as proposed in introduction number 474-A, is amended to read as follows:

§ 3-119.6 Public [Education] *education* on [Reproductive Health Care] *reproductive health care*.

§ 2. Subdivision b of section 3-119.6 of the administrative code of the city of New York, as added by a local law for the year 2022 amending the administrative code of the city of New York, relating to a public information and outreach campaign regarding safe access to reproductive health care, as proposed in introduction number 474-A, is amended to read as follows:

b. Public education. The mayor shall designate an agency to administer a public education program that informs the public regarding reproductive health care in the city. The administering agency shall, in coordination with the commission on human rights, the department of health and mental hygiene, the department of consumer and worker protection, and such other relevant agencies as the mayor may designate, as appropriate, develop materials in furtherance of such public education program and shall post such materials on the city's website in the designated citywide languages as defined in section [20-1101] *23-1101*. Such public education program shall include information regarding the following:

[(1)] 1. Protections for those seeking services or working at a reproductive health care facility as defined in section 10-1002 under the access to reproductive health care facilities law;

[(2)] 2. Title 8 protections related to sexual and reproductive health decisions, including protections from discrimination and harassment;

[(3)] 3. The remedies under title 8 available to individuals who have experienced discrimination on the basis of sexual or reproductive health decisions;

[(4)] 4. The right of an individual to bring a civil action for violations of the access to reproductive health care facilities law and for actual damages based on such law;

[(5)] 5. The range of reproductive care options that are legal and available in the city, including abortion, pregnancy counseling, and preventative and emergency contraception;

[(6)] 6. Resources on how to find comprehensive reproductive health care services in the city;

[(7)] 7. Guidance regarding privacy of protected health information for those seeking reproductive health care services;

[(9)] 9. (a) *The city's standards for respectful care at birth;*

(b) *Information regarding:*

(1) *The right to be free from discrimination in relation to pregnancy, childbirth or a related medical condition, as such right is provided by the city human rights law in chapter 1 of title 8;*

(2) *Reasonable workplace accommodations for persons who are pregnant or were recently pregnant and caregivers, including those guaranteed by the city human rights law;*

(3) *Rights for a person who is pregnant or was recently pregnant under: (i) the disability benefits law and the paid family leave benefits law, as described in article 9 of the workers compensation law; (ii) the earned safe and sick time act, as provided in chapter 8 of title 20; and (iii) subchapter 6 of chapter 12 of title 20; and*

(4) *How to access information published by the New York state department of health on appointing a health care proxy; and*

10. Any other rights related to reproductive health care that the administering agency deems appropriate.

§ 2. Paragraph 8 of subdivision b of section 3-119.6 of the administrative code of the city of New York, as added by a local law for the year 2022 amending the administrative code of the city of New York, relating to requiring the department of consumer and worker protection to implement an outreach and education campaign on facilities that deceptively advertise or are otherwise misleading when offering reproductive health services, as proposed in introduction number 506-A, is amended to read as follows:

[(8)] 8. (a) Facilities that deceptively advertise or are otherwise misleading when offering reproductive health services, including information related to: (i) services such facilities do and do not typically provide; (ii) how such facilities typically depict their services to the public; (iii) the effect such facilities have on timely and safe access to pregnancy related services; *and* (iv) how to make a complaint regarding deceptive behaviors by such facilities.

(b) The information required by this paragraph shall be made available to the public and may be updated as necessary with relevant findings by the state of New York and organizations dedicated to providing comprehensive reproductive health services; [and]

§ 3. This local law takes effect on the same date as a local law amending the administrative code of the city of New York, relating to a public information and outreach campaign regarding safe access to reproductive health care, as proposed in introduction number 474-A for the year 2022, takes effect.

LYNN C. SCHULMAN, *Chairperson*; KALMAN YEGER, CHARLES BARRON, CRYSTAL HUDSON, MERCEDES NARCISSE, MARJORIE VELÁZQUEZ, JOANN ARIOLA; 7-0-0; *Absent*: Oswald Feliz; Committee on Health, August 10, 2022. *Other Elected Official Attending*: *The Public Advocate (Mr. Williams)*.

On motion of the Speaker (Council Member Adams), 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. 409-A

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

The Committee on Health, to which the annexed proposed amended local law was referred on May 19, 2022 (Minutes, page 1104), respectfully

**REPORTS:**

**I. INTRODUCTION**

On August 10, 2022, the Committee on Health, chaired by Council Member Lynn Schulman, held a hearing and vote on 13 pieces of legislation, including:

- Int. No. 409-A (Louis), in relation to increasing access to data on maternal mortality and morbidity;
- Int. No. 472-A (Gutiérrez): in relation to establishing a program in the department of health and mental hygiene to train doulas and provide doula services to residents in all five boroughs;
- Int. No. 478-A (Hudson): in relation to an outreach and education campaign on the benefits and services provided by doulas and midwives;
- Int. No. 482-A (Louis): in relation to requiring the department of health and mental hygiene to provide information on polycystic ovary syndrome and endometriosis;
- Int. No. 490-A (Menin): in relation to requiring the provision of sexual and reproductive health services by the department of health and mental hygiene;

- Int. No. 86-A (PA Williams): in relation to education about city standards for respectful care at birth, health care proxy forms and patients' rights;
- Int. No. 509-A (Stevens): in relation to a public education and outreach campaign on maternal mortality and morbidity and a report regarding the incidence of cesarean sections;
- Reso. 95 (Rivera): calling on the New York State Legislature to pass, and the Governor to sign, A217/S2736, relating to informing maternity patients about the risks associated with cesarean section;
- Reso. 205 (Rivera): calling on the New York State Legislature to pass, and the Governor to sign, legislation making doula's more accessible to individuals with Medicaid and those without health insurance;
- Reso. 244 (PA Williams): calling on the Centers for Disease Control and Prevention to provide expanded funding for the Healthy Start Brooklyn doula program known as By My Side in order to make doula's available to all low-income birthing people in New York City; and
- Reso. 92 (PA Williams): calling on the United States Congress to pass and President Joseph Biden to sign the Black Maternal Health Momnibus Act of 2021.

The aforementioned legislation was originally heard by the Committee on June 29, 2022. Among those invited to testify were representatives from the New York City Department of Health and Mental Hygiene (DOHMH), Health + Hospitals (H+H), advocacy groups and organizations, hospitals, nurse and midwife groups, doula organizations, and other interested stakeholders. On August 10, 2022, the Committee passed this legislation by a vote of seven in the affirmative, zero in the negative, and zero abstentions, except for Reso. 95, which passed by a vote of five in the affirmative, two in the negative, and zero abstentions.

## I. BACKGROUND

### A. *Maternal Mortality in the U.S.*

The ability to protect the health of mothers, birthing people,<sup>1</sup> and babies in childbirth is a basic measure of a society's development.<sup>2</sup> Yet, more people in the United States (U.S.) die of pregnancy-related complications than in any other developed country, and while the number of reported pregnancy-related deaths has been declining in most of the world,<sup>3</sup> in the U.S., the maternal mortality ratio (MMR) – the number of maternal deaths in a population that occur during a given year per 100,000 live births<sup>4</sup> – has increased compared to similar countries.<sup>5</sup>

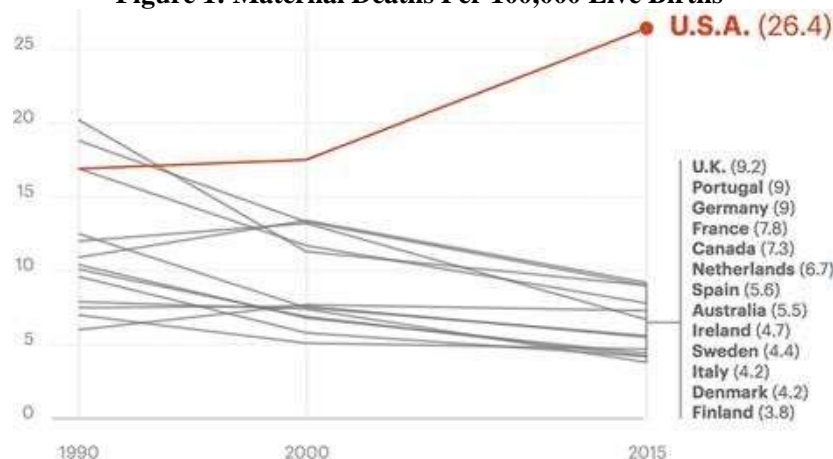
<sup>1</sup> The Committees center that not just women give birth, and will include gender expansive and inclusive language within the report, aside from when quoting a source directly. However, doing so does not negate the fact that, while the majority of people receiving maternal health are women/mothers, there are populations that are impacted who do not identify as women or mothers.

<sup>2</sup> MacDorman MF, Declercq E, Cabral H, Morton C., *Is the United States Maternal Mortality Rate Increasing? Disentangling trends from measurement issues*, *Obstetrics and gynecology* (2016), 447-455, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5001799/pdf/nihms810951.pdf>.

<sup>3</sup> World Health Organization, *Trends in Maternal Mortality: 1990 to 2015* (2015), available at [https://apps.who.int/iris/bitstream/handle/10665/194254/9789241565141\\_eng.pdf;jsessionid=A5BCC05853070F3E0AAADCC3FB3CB6EB?sequence=1](https://apps.who.int/iris/bitstream/handle/10665/194254/9789241565141_eng.pdf;jsessionid=A5BCC05853070F3E0AAADCC3FB3CB6EB?sequence=1).

<sup>4</sup> See Roosa Tikkanen, Munira Z. Gunja, Molly FitzGerald, and Laurie Zephyrin, *Maternal Mortality and Maternity Care in the United States Compared to 10 Other Developed Countries* (Nov. 18, 2020), available at <https://www.commonwealthfund.org/publications/issue-briefs/2020/nov/maternal-mortality-maternity-care-us-compared-10-countries>; World Health Organization, *Maternal mortality ratio (per 100 000 live births)* (last visited June 17, 2022), available at <https://www.who.int/data/gho/indicator-metadata-registry/imr-details/26> (The World Health Organization (WHO) defines maternal death as “the death of a woman while pregnant or within 42 days of termination of pregnancy, irrespective of the duration and site of the pregnancy, from any cause related to or aggravated by the pregnancy or its management but not from accidental or incidental causes”).

<sup>5</sup> See “Table 2. Estimates of maternal mortality ratio (maternal mortality ratio, deaths per 100 000 live births), number of maternal deaths, and lifetime risk by United Nations MDG regions, 2008;” see also “Annex 3. Comparison of 1990, 1995, 2000, 2005, and 2008 estimates of maternal mortality ratio (maternal mortality ratio, deaths per 100 000 live births) by country,” World Health Organization, et al., *Trends in maternal mortality: 1990 to 2008* (2010), 18, 28-32, available at [http://apps.who.int/iris/bitstream/handle/10665/44423/9789241500265\\_eng.pdf;jsessionid=E07455C2099CB48EE28744F5BAAA2C34?sequence=1](http://apps.who.int/iris/bitstream/handle/10665/44423/9789241500265_eng.pdf;jsessionid=E07455C2099CB48EE28744F5BAAA2C34?sequence=1).

**Figure 1: Maternal Deaths Per 100,000 Live Births<sup>6</sup>**

According to the Centers for Disease Control and Prevention (CDC), the MMR in the U.S. has more than doubled since 1987, from 7.2 deaths per 100,000 live births in 1987, to a peak of 18 in 2014, and dropping slightly to 17.3 deaths per 100,000 live births in 2017, the last year with reported data.<sup>7</sup> Data also shows that this trend has worsened in recent years. From 2000 to 2014, the MMR in the U.S. increased by an estimated 26.6 percent.<sup>8</sup> Each year, about 700 American women die from pregnancy-related complications, and about three in five pregnancy-related deaths could be prevented.<sup>9</sup> According to the CDC, severe maternal morbidity (SMM) has also been steadily increasing in recent years, and affected more than 50,000 women in the United States in 2014, the last year with data available nationally.<sup>10</sup> SMM includes unexpected outcomes of labor and delivery that result in significant short- or long-term consequences to a woman's health.<sup>11</sup>

Additionally, data shows that health inequities significantly impact pregnancy outcomes. According to the CDC, American Indian/Alaska Native and Black women in the U.S. are two to three times more likely to die from complications related to pregnancy than white women.<sup>12</sup> During 2014-2017, the MMR for Black women was 41.7 deaths per 100,000 live births, compared to 13.4 deaths for non-Hispanic white women (or over three times as high).<sup>13</sup> The MMR for non-Hispanic American Indian or Alaska Native women was 28.3 deaths per 100,000 live births, or over two times the rate for white women.<sup>14</sup> Such disparities also affect birth outcomes. Government data suggests that Black infants are more than twice as likely to die as white infants; 11.3 per 1,000 Black babies, compared with 4.9 per 1,000 white babies, a racial disparity that is actually greater than in 1850, 15 years before slavery was abolished in the U.S.<sup>15</sup> Research points to race, rather than educational attainment

<sup>6</sup> Calpurnia Roberts, *Bronx Infant and Maternal Health Summit*, NEIGHBORHOOD HEALTH ACTION CENTERS (June 21, 2018), citing Kassebaum et. al (2016).

<sup>7</sup> Centers for Disease Control and Prevention, *Pregnancy Mortality Surveillance System* (last visited June 17, 2022), available at <https://www.cdc.gov/reproductivehealth/maternalinfanthealth/pregnancy-mortality-surveillance-system.htm>.

<sup>8</sup> M. MacDorman, E. Declercq, H. Cabral, C. Morton, *Is the United States Maternal Mortality Rate Increasing? Disentangling Trends from Measurement Issues*, *OBSTETRICS AND GYNECOLOGY* 447-455 (2016), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5001799/pdf/nihms810951.pdf>.

<sup>9</sup> Centers for Disease Control and Prevention, *Pregnancy Related Deaths*, available at <https://www.cdc.gov/vitalsigns/maternal-deaths/index.html>.

<sup>10</sup> Centers for Disease Control and Prevention, *Severe Maternal Morbidity in the United States*, available at <https://www.cdc.gov/reproductivehealth/maternalinfanthealth/severematernalmorbidity.html>.

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

<sup>12</sup> Centers for Disease Control and Prevention, *Infographic: Racial/Ethnic Disparities in Pregnancy-Related Deaths — United States, 2007–2016*, available at <https://www.cdc.gov/reproductivehealth/maternal-mortality/disparities-pregnancy-related-deaths/infographic.html>

<sup>13</sup> Centers for Disease Control and Prevention, *Pregnancy Mortality Surveillance System* (last visited June 17, 2022), available at <https://www.cdc.gov/reproductivehealth/maternalinfanthealth/pregnancy-mortality-surveillance-system.htm>.

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

<sup>15</sup> Linda Villarosa, *Why America's Black Mothers Are in a Life-or-Death Crisis*, *NEW YORK TIMES* (Apr. 11, 2018), available at <https://www.nytimes.com/2018/04/11/magazine/black-mothers-babies-death-maternal-mortality.html>; See also J.D.B. De Bow, *Mortality Statistics of the Seventh Census of the United States 1850* (last visited Nov 25, 2020), available at <https://babel.hathitrust.org/cgi/pt?id=uc2.ark:/13960/t4qj7qt8w;view=1up;seq=40> (showing that the government started to track vital statistics related to mortality, disaggregating info by sex and race, in 1850).

or income level of the patient, as the cause of such discrepancies.<sup>16</sup> In fact, a Black woman with an advanced degree is more likely to lose her baby than a white woman with less than an eighth-grade education.<sup>17</sup>

### B. Maternal Mortality in New York City

New York City (NYC) accounts for about 30 of those estimated 700 women who die from pregnancy or childbirth-related causes each year nationally.<sup>18</sup> According to the New York State Department of Health (DOH), the MMR in NYC was 19.8 per 100,000 live births from 2017-2019.<sup>19</sup> Research has illustrated the impact that racial disparities can have on a person's health outcomes and care in NYC.<sup>20</sup> While about 30 women in NYC die each year of a pregnancy-related cause, statistics indicate that approximately 3,000 women “almost die,” or experience morbidity, during childbirth.<sup>21</sup> Black, non-Latina women are the most likely to experience maternal mortality or maternal morbidity.<sup>22</sup> Additionally, according to a study in the American Journal of Obstetrics and Gynecology, in NYC, Black women are more likely than white women to give birth in hospitals that already have a high rate of severe maternal morbidity or complications.<sup>23</sup> Only 23 percent of Black patients gave birth in the safest hospitals, compared to 63 percent of white patients.<sup>24</sup> At the city level, recent data suggests Black mothers in NYC are 8 to 12 times more likely to die from pregnancy-related causes than white mothers.<sup>25</sup> The Bronx and Brooklyn in particular carry a disproportionate burden of maternal and infant mortality rates.<sup>26</sup> In

<sup>16</sup> *Id.* (explicitly making this point and explaining, “by the late 1990s, other researchers were trying to chip away at the mystery of the black-white gap in infant mortality. Poverty on its own had been disproved to explain infant mortality, and a study of more than 1,000 women in New York and Chicago, published in *The American Journal of Public Health* in 1997, found that black women were less likely to drink and smoke during pregnancy, and that even when they had access to prenatal care, their babies were often born small.... Though it seemed radical 25 years ago, few in the field now dispute that the black-white disparity in the deaths of babies is related not to the genetics of race but to the lived experience of race in this country”).

<sup>17</sup> Centers for Disease Control and Prevention, *Infographic: Racial/Ethnic Disparities in Pregnancy-Related Deaths — United States, 2007–2016*, available at <https://www.cdc.gov/reproductivehealth/maternal-mortality/disparities-pregnancy-related-deaths/infographic.html>

<sup>18</sup> The top causes of U.S. pregnancy-related deaths in 2011 were cardiovascular disease, 15.1 percent; non-cardiovascular disease, 14.1 percent; infection or sepsis, 14 percent; and hemorrhage, 11.3 percent. See Robin Fields, *New York City Launches Committee to Review Maternal Deaths*, PROPUBLICA (Nov. 15, 2017), available at <https://www.propublica.org/article/new-york-city-launches-committee-to-review-maternal-deaths>; Linda Villarosa, *Why America's Black Mothers and Babies Are in a Life-or-Death Crisis*, NEW YORK TIMES (Apr. 11, 2018), available at <https://www.nytimes.com/2018/04/11/magazine/black-mothers-babies-death-maternal-mortality.html>.

<sup>19</sup> New York State Department of Health, *New York State Community Health Indicator Reports (CHIRS)*, Oct. 2021, [https://webb1.health.ny.gov/SASStoredProcess/guest?\\_program=/EBI/PHIG/apps/chir\\_dashboard/chir\\_dashboard&p=it&ind\\_id=Ib33#pagetitle](https://webb1.health.ny.gov/SASStoredProcess/guest?_program=/EBI/PHIG/apps/chir_dashboard/chir_dashboard&p=it&ind_id=Ib33#pagetitle).

<sup>20</sup> See Nancy Krieger, Maureen Benjamins, Alyash A. Sewell, Presentation: *Prioritizing Equity video series: Research and data for health equity*, AMER. MED. ASSOC. (Nov. 20, 2020), available at <https://www.ama-assn.org/delivering-care/health-equity/prioritizing-equity-video-series-research-and-data-health-equity>; Benjamin Retelus, et. al., *Racial Disparities in COVID-19 Hospitalization and In-hospital Mortality at the Height of the New York City Pandemic* 18(1) 1, 1 (Sep. 18, 2020), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7500250/>.

<sup>21</sup> See New York City Department of Health and Mental Hygiene, *Severe Maternal Morbidity in New York City, 2008-2012* (2016), available at <http://www1.nyc.gov/assets/doh/downloads/pdf/data/maternal-morbidity-report-08-12.pdf>.

<sup>22</sup> *Id.*

<sup>23</sup> Jamila Taylor, Cristina Novoa, Katie Hamm, and Shilpa Phadke, *Eliminating Racial Disparities in Maternal and Infant Mortality*, CENTER FOR AMERICAN PROGRESS (May 2, 2019), available at <https://www.americanprogress.org/issues/women/reports/2019/05/02/469186/eliminating-racial-disparities-maternal-infant-mortality/>; See March of Dimes, *Nowhere to Go: Maternity Care Deserts Across the U.S.* (2018), available at [https://www.marchofdimes.org/materials/Nowhere\\_to\\_Go\\_Final.pdf](https://www.marchofdimes.org/materials/Nowhere_to_Go_Final.pdf); National Partnership for Women and Families, *Black Women's Maternal Health: A Multifaceted Approach to Addressing Persistent and Dire Health Disparities* (April 2018), available at <http://www.nationalpartnership.org/research-library/maternal-health/black-womens-maternal-health-issue-brief.pdf>; See also Elizabeth A. Howell, *Reducing Disparities in Severe Maternal Morbidity and Mortality*, 61(2) Clin Obstet Gynecol. 387, 387 (Jun. 1, 2019), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5915910/>.

<sup>24</sup> CNN, *Childbirth is Killing Black Women in the U.S., and Here's Why*, CNN (Nov. 15, 2017), available at <https://www.cnn.com/2017/11/15/health/black-women-maternal-mortality/index.html>; Rates were also high among Puerto Rican and other Latina women compared to White non-Latina women and overall when examining other risk factors. *Pregnancy-Associated Mortality in New York City, 2006-2010* (2015), available at <https://www1.nyc.gov/assets/doh/downloads/pdf/ms/pregnancy-associated-mortality-report.pdf>.

<sup>25</sup> Data received by the City Council in mandated reports.

<sup>26</sup> New York City Department of Health and Mental Hygiene, *Pregnancy-Associated Mortality in New York City, 2018*, January 2022, available at <https://www1.nyc.gov/assets/doh/downloads/pdf/data/maternal-mortality-annual-report-2021.pdf>

2018, residents of Brooklyn had the highest number of both pregnancy-associated and pregnancy-related deaths (14 and 10), followed by the Bronx (10 and 5).<sup>27</sup>

Several factors appear to have a positive influence on outcomes for persons giving birth in NYC. A recent report reveals that women who had doula<sup>28</sup> support were 39 percent less likely to have a caesarean section (C-section), and 15 percent more likely to give birth without needing drugs or labor-inducing techniques.<sup>29</sup> Additionally, a survey regarding doula care in NYC reveals that 72 percent of women reported that their doula helped them communicate their preferences and needs, while 80 percent of those surveyed reported that their doula helped them feel more empowered.<sup>30</sup> Furthermore, 83 percent of the surveyed women reported that having a doula made their labor and birth experience “much better” than if they had not used a doula, and it made them more relaxed before, during, and after birth.<sup>31</sup> However, 88 percent of this cohort reported that cost was an issue when opting to work with a doula.<sup>32</sup> According to DOHMH’s most recent *The State of Doula Care in NYC* report, there are several initiatives to improve access to doula care, in order to address the systemic and interpersonal racism that impacts birthing outcomes in New York City.<sup>33</sup>

## II. COVID-19 AND MATERNAL HEALTH, MORTALITY, AND MORBIDITY

Since the COVID-19 outbreak began, healthcare organizations and experts have been addressing its potential effects on maternal health, mortality, and morbidity. For example, in June 2020, the CDC recommended that pregnant women and their families take preventive measures to reduce their risk of contracting COVID-19, as pregnant women were significantly more likely to be hospitalized, admitted to the intensive care unit, and receive mechanical ventilation than non-pregnant women.<sup>34</sup> In November 2020, the CDC reported in a Morbidity and Mortality Weekly Report that pregnant women are also at increased risk of death compared to non-pregnant women.<sup>35</sup> Similar to maternal mortality rates, COVID-19 mortality rates are substantially higher among Black, Latinx, and Native American people than among white or Asian people.<sup>36</sup> The CDC study also suggested that pregnant women who are Hispanic or Black might be disproportionately affected by SARS-CoV-2 infection during pregnancy.<sup>37</sup>

Maternal health disparities are driven by socioeconomic factors, such as where people live and work and access to health care.<sup>38</sup> Given that COVID-19 magnifies existing health disparities, affecting communities of color much more than white communities, it is likely that COVID-19 will also exacerbate existing disparities in

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

<sup>28</sup> A doula is a trained professional who provides continuous physical, emotional and informational support to a pregnant person and the family before, during, and shortly after childbirth.

<sup>29</sup> Bohren MA, Hofmeyr GJ, Sakala C, Fukuzawa RK and Cuthbert A., *Continuous support for women during childbirth*, 7(1) COCHRANE DATABASE OF SYSTEMATIC REVIEWS (2017).

<sup>30</sup> “Doula Care in New York City: Advancing the Goals of the Affordable Care Act.” *Choices in Childbirth*, 28 Oct. 2014, <https://choicesinchildbirth.org/wp-content/uploads/2014/10/Doula-Report-10.28.14.pdf>.

<sup>31</sup> *Id.*

<sup>32</sup> *Id.* The average fee for doula services in NYC is \$1200, which includes one prenatal visit, labor support, and a postpartum follow up visit. However, fees can range from \$150 to \$2800 per birth depending on experience.

<sup>33</sup> New York City Department of Health and Mental Hygiene, *The State of Doula Care in NYC 2021*, available at <https://www1.nyc.gov/assets/doh/downloads/pdf/csi/doula-report-2021.pdf>

<sup>34</sup> Sascha Ellington, et al., *Characteristics of Women of Reproductive Age with Laboratory-Confirmed SARS-CoV-2 Infection by Pregnancy Status — United States, January 22–June 7, 2020*, Morbidity and Mortality Weekly Report, Jun. 26, 2020, [https://www.cdc.gov/mmwr/volumes/69/wr/mm6925a1.htm?s\\_cid=mm6925a1\\_w](https://www.cdc.gov/mmwr/volumes/69/wr/mm6925a1.htm?s_cid=mm6925a1_w).

<sup>35</sup> Laura D. Zambrano, et al., *Update: Characteristics of Symptomatic Women of Reproductive Age with Laboratory-Confirmed SARS-CoV-2 Infection by Pregnancy Status — United States, January 22–October 3, 2020*, Morbidity and Mortality Weekly Report, Nov. 2, 2020, [https://www.cdc.gov/mmwr/volumes/69/wr/mm6944e3.htm?s\\_cid=mm6944e3\\_w](https://www.cdc.gov/mmwr/volumes/69/wr/mm6944e3.htm?s_cid=mm6944e3_w).

<sup>36</sup> American Hospital Association, *COVID-19: Maternal and Child Health During COVID-19*, Jul. 2020, [https://www.aha.org/system/files/media/file/2020/05/COVID-19-Maternal-Guidelines\\_rev6.pdf](https://www.aha.org/system/files/media/file/2020/05/COVID-19-Maternal-Guidelines_rev6.pdf).

<sup>37</sup> Sascha Ellington, et al., *Characteristics of Women of Reproductive Age with Laboratory-Confirmed SARS-CoV-2 Infection by Pregnancy Status — United States, January 22–June 7, 2020*, Morbidity and Mortality Weekly Report, Jun. 26, 2020, [https://www.cdc.gov/mmwr/volumes/69/wr/mm6925a1.htm?s\\_cid=mm6925a1\\_w](https://www.cdc.gov/mmwr/volumes/69/wr/mm6925a1.htm?s_cid=mm6925a1_w).

<sup>38</sup> Harvard T.H. Chan School of Public Health, *COVID-19 may increase maternal mortality disparities in U.S.*, <https://www.hsph.harvard.edu/news/hsph-in-the-news/covid-19-may-increase-maternal-mortality-disparities-in-u-s/> (last accessed Dec. 2, 2020).

maternal mortality rates, which were greater among Black women before the pandemic.<sup>39</sup> Significant shifts in access to healthcare during the pandemic also significantly impacted the ability of Black, Indigenous, and other patients of color to receive adequate healthcare.<sup>40</sup> While some patients found that telehealth has been a blessing, allowing them to see doctors without the need to travel or find childcare, many patients stated that telemedicine made it more difficult to convince providers that they needed to be seen in person, even when they had serious conditions.<sup>41</sup> Furthermore, some patients—especially low-income people and those living in rural areas or on reservations—cannot access telehealth at all because of a lack of internet access or appropriate devices.<sup>42</sup> The pandemic is also exacerbating other inequities Black birthing people face, including the difficulty of even finding a doctor to treat them, as decades of redlining have left cities and towns segregated across America, with communities of color not receiving the same investment as majority-white, suburban neighborhoods.<sup>43</sup> There is also a significant lack of prenatal care in certain areas, which is associated with an increased risk of maternal mortality and morbidity.<sup>44</sup> Moreover, as many pregnancy-related deaths happen in the postpartum period, postpartum follow-up, which was already inconsistent among certain populations before the pandemic began, became almost nonexistent.<sup>45</sup> For example, because of the pandemic, mothers were being discharged so quickly that they did not have adequate information about how to care for their wounds, or how to breastfeed properly, and many mothers were discharged while showing signs of anxiety and depression as they were experiencing social isolation.<sup>46</sup>

The pandemic also introduced a new risk factor for pregnant patients: isolation during birth.<sup>47</sup> Several studies have shown that having a doula or other support person during birth can improve outcomes for birthing people and their babies, and doulas are especially important for Black patients and others who experience discrimination during birth.<sup>48</sup> At the beginning of the COVID-19 pandemic in the U.S., however, many hospitals instituted limits on the number of people who could accompany pregnant people into the delivery room, forcing patients to choose between a partner and a doula.<sup>49</sup> In fact, two major systems in New York City—New York-Presbyterian and Mount Sinai—banned support people from delivery rooms, forcing women to be alone while giving birth.<sup>50</sup> The limits on visitors were intended to conserve personal protective equipment and slow the spread of COVID-19, but when implementing them, hospitals did not consider the disproportionate impact that they could have on Black patients and birthing people.<sup>51</sup>

Former Governor Andrew Cuomo convened a task force of multidisciplinary experts to address the effect of COVID-19 on pregnancy and examine the best approaches to provide mothers with safe alternatives to hospitalization, when appropriate.<sup>52</sup> The COVID-19 Maternity Task Force’s recommendations included testing all pregnant women for the virus and designating doulas as an essential member of the care team, among other suggestions.<sup>53</sup> On April 29, 2020, Governor Cuomo issued an executive order recognizing doulas as essential

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

<sup>40</sup> Anna North, *America is failing Black moms during the pandemic*, Vox, Aug. 10, 2020, <https://www.vox.com/2020/8/10/21336312/covid-19-pregnancy-birth-black-maternal-mortality>.

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

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

<sup>43</sup> *Id.*

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

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

<sup>46</sup> Emily Bobrow, *She Was Pregnant With Twins During Covid. Why Did Only One Survive?*, New York Times, Aug. 9, 2020, <https://www.nytimes.com/2020/08/06/nyregion/childbirth-Covid-Black-mothers.html>.

<sup>47</sup> Anna North, *America is failing Black moms during the pandemic*, Vox, Aug. 10, 2020, <https://www.vox.com/2020/8/10/21336312/covid-19-pregnancy-birth-black-maternal-mortality>.

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

<sup>50</sup> Katie Van Syckle & Christina Caron, ‘*Women Will Not Be Forced to Be Alone When They Are Giving Birth*’, New York Times, Mar. 28, 2020, <https://www.nytimes.com/2020/03/28/parenting/nyc-coronavirus-hospitals-visitors-labor.html>.

<sup>51</sup> Anna North, *America is failing Black moms during the pandemic*, Vox, Aug. 10, 2020, <https://www.vox.com/2020/8/10/21336312/covid-19-pregnancy-birth-black-maternal-mortality>.

<sup>52</sup> American Hospital Association, *COVID-19: Maternal and Child Health During COVID-19*, Jul. 2020, [https://www.aha.org/system/files/media/file/2020/05/COVID-19-Maternal-Guidelines\\_rev6.pdf](https://www.aha.org/system/files/media/file/2020/05/COVID-19-Maternal-Guidelines_rev6.pdf).

<sup>53</sup> *Id.*

members of the delivery team, which allows them to be present to support the mother and her family member during labor and delivery.<sup>54</sup>

Tragically, New York City experienced several maternal deaths in hospitals since the onset of the COVID-19 pandemic. Amber Isaac, a 26-year-old Black woman, died on April 21, 2020, shortly after delivering her son, Elias, at Montefiore Medical Center in The Bronx.<sup>55</sup> According to reports, Ms. Isaac studied the disproportionate impact of maternal mortality on Black women throughout her pregnancy, and shortly before her death, she tweeted, “Can’t wait to write a tell all about my experience during my last two trimesters dealing with incompetent doctors at Montefiore.”<sup>56</sup> Shaasia Washington, also a 26-year-old Black woman, died on July 3, 2020, during childbirth at Woodhull hospital, an H+H facility in Brooklyn.<sup>57</sup> According to some reports, Shaasia died while being given an epidural.<sup>58</sup> Hendel Lezer, a 33-year-old orthodox Jewish woman, died on November 19, 2020 in Maimonides Hospital in Brooklyn from complications related to COVID-19, one day after delivering her fifth child.<sup>59</sup> According to reports, Mrs. Lezer’s family and doctor pled with the hospital to treat her with available COVID-19 treatments, but the hospital objected, citing protocol that only patients who contracted the virus less than a week ago could receive the treatment.<sup>60</sup>

### III. RESPONSE TO MATERNAL MORTALITY AND MORBIDITY

#### A. *New York City and State Response*

There have been a number of government initiatives addressing maternal mortality and morbidity over the past decade, including during the COVID-19 pandemic. For example, in March 2017, the NYC Council passed the Maternal Mortality Reporting Law, or Local Law 55 of 2017, which requires DOHMH to issue an annual report on maternal mortality, tracking statistics in four areas.<sup>61</sup> The Council then passed Local Law 188 of 2018, which expanded upon these required reporting criteria.<sup>62</sup> In December 2017, DOHMH formally launched a city-specific Maternal Mortality and Morbidity Committee (M3-RC, M3RC, or “the Panel”), composed of up to 45 members, including doctors, nurses, the doula community, researchers, first responders, and experts from various facilities and community based organizations.<sup>63</sup> The M3RC meets every two to three months to conduct a multidisciplinary expert review of every maternal death in the City from both a clinical and a social determinants of health perspective.<sup>64</sup> Additionally, DOHMH and the Fund for Public Health in New York City (FPHNYC) have received two grants from Merck for Mothers to implement severe maternal morbidity projects, with the first resulting in the implementation of the first citywide severe maternal morbidity surveillance system and the

<sup>54</sup> New York State Executive Order No. 202.25: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency.

<sup>55</sup> “A Pregnant Woman Tweeted Concerns About a Bronx Hospital. She Died Days Later,” The City, Apr. 27, 2020, available at <https://www.thecity.nyc/health/2020/4/27/21247056/a-pregnant-woman-tweeted-concerns-about-a-bronx-hospital-she-died-days-later>.

<sup>56</sup> *Id.*

<sup>57</sup> “A 26-year-old woman died during childbirth in a New York City hospital, another loss in a tragic trend affecting women of color,” Insider, Jul. 8, 2020, available at <https://www.insider.com/black-woman-died-during-childbirth-new-york-hospital-shaasia-washington-2020-7>.

<sup>58</sup> *Id.*

<sup>59</sup> “Was the Tragic Death of This Young Mother A Result of Bad Hospital Policy?,” The Yeshiva World, Dec. 1, 2020, available at <https://www.theyeshivaworld.com/news/promotions/1925029/was-the-tragic-death-of-this-young-mother-a-result-of-bad-hospital-policy.html>.

<sup>60</sup> *Id.*

<sup>61</sup> Local Law 55 of 2017 available at <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2709929&GUID=32D3EE5A-6F06-479D-BA51-F64D29EBAF6B&Options=ID|Text|&Search=55>

<sup>62</sup> Local Law 188 of 2018 available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3498546&GUID=87504419-6255-4349-B173-F4A9FA5009FE&Options=ID|Text|&Search=188>.

<sup>63</sup> Robin Fields, *New York City Launches Committee to Review Maternal Deaths*, PROPUBLICA, Nov. 15, 2017, available at <https://www.propublica.org/article/new-york-city-launches-committee-to-review-maternal-deaths>; *See also* Local Law 188 of 2018 available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3498546&GUID=87504419-6255-4349-B173-F4A9FA5009FE&Options=ID|Text|&Search=188> (codifying the M3RC).

<sup>64</sup> Sophie Wheelock, et. al., *Complications of Childbirth: Racial & Ethnic Disparities in Severe Maternal Morbidity in New York State*, The New York State Health Foundation, August 2020, available at <https://nyshealthfoundation.org/wp-content/uploads/2020/08/severe-maternal-morbidity.pdf>



second in the launch of the “Reducing Inequities and Disparities in Preventable Severe Maternal Morbidity in New York City Project.”<sup>65</sup> DOHMH has released reports about instances of severe maternal morbidity in New York City, with the latest released in 2016.<sup>66</sup>

In 2018, H+H partnered with DOHMH and the Mayor’s Office to begin implementing a comprehensive maternal care program with the focus of identifying and responding to pregnancy-related morbidity and mortality for women of color, including a maternal medical home and simulation-based programs.<sup>67</sup> Additionally, implicit bias training has occurred within relevant private and public health care facilities across the City.<sup>68</sup>

The NYC Council has held hearings about or related to maternal health outcomes, including mortality and morbidity, in June 2018, September 2019, January 2020, and December 2020.<sup>69</sup> During the last hearing, the Council heard a package of legislation, and eventually passed Local Law 76 of 2021, which required posting information about midwives online.<sup>70</sup> The Council also has a long history of using discretionary funding towards reducing maternal morbidity. In Fiscal 2002, Council launched the Infant Mortality Reduction Initiative, totaling \$2.5 million. The goal of the initiative was to promote women’s health before, during, and after pregnancy and to work in areas in the City with the highest infant mortality rates.<sup>71</sup> Starting in Fiscal 2016, the Council began funding the Healthy Women, Healthy Future program initiative, totaling \$300,000, a program that supports an array of doula services.<sup>72</sup> Beginning in Fiscal 2017, the two initiatives were grouped together into the Maternal and Child Health Services Initiative.<sup>73</sup> The Council has continued its commitment to these issues and in Fiscal 2021, the Council has designated \$1.9 million to the Maternal and Child Health Services Initiative which supports 19 organizations across all five boroughs.<sup>74</sup> In Fiscal 2020, this initiative reached more than 5,408 individuals.<sup>75</sup>

Additionally, beginning in Fiscal 2017 the Council funded the Nurse Family Partnership Initiative for \$2 million, which is an evidence-based maternal and early childhood health program that fosters long-term success for first-time mothers, their babies and society.<sup>76</sup> The Council has advocated for expansion of funding for the Nurse Family Partnership and in Fiscal 2019, the Council successfully negotiated \$4 million in baseline funding for the program by the Administration.<sup>77</sup> The total budget for Nurse Family Partnership in the Department of Health and Mental Hygiene’s budget is \$14 million.

There have also been a number of initiatives taken at the State level. In January 2018, Governor Cuomo announced a proposal to create a State Maternal Mortality Review Board (“Board”) to review of each maternal death.<sup>78</sup> The New York State Department of Health (DOH) convenes a Board of diverse experts to conduct a

<sup>65</sup> Sophie Wheelock, et. al., *Complications of Childbirth: Racial & Ethnic Disparities in Severe Maternal Morbidity in New York State*, The New York State Health Foundation, August 2020, available at <https://nyshealthfoundation.org/wp-content/uploads/2020/08/severe-maternal-morbidity.pdf>

<sup>66</sup> New York City Department of Health and Mental Hygiene, *Severe Maternal Morbidity in New York City, 2008-2012*, 2016, available at <https://www1.nyc.gov/assets/doh/downloads/pdf/data/maternal-morbidity-report-08-12.pdf>

<sup>67</sup> Testimony from Dr. Mitchell Katz, found at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4296306&GUID=75241933-0E50-49C2-A17A-A9799F4D64EB&Options=&Search=>

<sup>68</sup> NYC Health + Hospitals, *De Blasio Administration Launches Comprehensive Plan to Reduce Maternal Deaths and Life-Threatening Complications from Childbirth Among Women of Color*, July 20, 2018, available at

<https://www.nychealthandhospitals.org/pressrelease/comprehensive-plan-takes-maternal-safety-to-the-next-level/>

<sup>69</sup> <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=607470&GUID=4EA45927-1CBC-427A-A16D-2011DF7FA371&Options=info&Search=>; <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=715584&GUID=B80CFE14-2106-4CAA-AD0A-4C2E2841C798&Options=info&Search=>;

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4296306&GUID=75241933-0E50-49C2-A17A-A9799F4D64EB&Options=&Search=>; <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=814139&GUID=FA2F9644-43D8-4948-8D42-DADC1107435&Options=info&Search=>

<sup>70</sup> <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4624845&GUID=4BC87415-BB97-4A0F-B8E1-8F70AE38AE8F&Options=&Search=>

<sup>71</sup> <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2015/06/fy2016-skedcf.pdf>

<sup>72</sup> <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2015/06/fy2016-skedcf.pdf>

<sup>73</sup> <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2016/05/FY17-Schedule-C.pdf>

<sup>74</sup> <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2020/06/Fiscal-2021-Schedule-C-Cover-REPORT-Final.pdf>

<sup>75</sup> <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2020/06/Fiscal-2021-Schedule-C-Cover-REPORT-Final.pdf>

<sup>76</sup> <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2016/05/FY17-Schedule-C.pdf>

<sup>77</sup> <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2018/06/Fiscal-2019-Schedule-C-Final-Report.pdf>

<sup>78</sup> Note that both the Maternal Mortality Review board and 2010 Maternal Mortality Review initiative are (confusingly) referred to by the acronym “MMR.” <https://www.governor.ny.gov/news/governor-cuomo-announces-efforts-combat-maternal-depression-and-prevent-maternal-mortality> (The governor directed the Department of Financial Services to require that all health insurance policies include

confidential review of each maternal death, determining whether death was preventable, and to identify recommendations.<sup>79</sup> On April 23, 2018, the Governor announced a series of additional new initiatives focused on maternal mortality and disparate racial outcomes, including another taskforce, a pilot to expand Medicaid to cover doula services, a best practices summit, and a call for enhanced training for medical students.<sup>80</sup> The Taskforce on Maternal Mortality and Disparate Racial Outcomes (the Taskforce) met three times between June and December 2018, and members of the Taskforce submitted recommendations to the Governor on ways to reduce racial disparities and preventable maternal mortality and morbidity.<sup>81</sup> The doula pilot faced implementation issues and failed to get off the ground.<sup>82</sup>

In response to issues arising during the COVID-19 pandemic, the State created a COVID-19 Maternity Task Force.<sup>83</sup> On April 29, 2020, the State announced that the Governor accepted the Task Force's recommendations in full, which included measures to diversify birthing site options and support patient choice; extend the period of time a healthy support person can accompany a mother post-delivery; mandate testing of all pregnant New Yorkers; ensure equity in birthing options; create an educational campaign; and review the impact of COVID-19 on pregnancy and newborns with special emphasis on reducing racial disparities in maternal mortality.<sup>84</sup> Included in the final recommendation was a plan for DOH to host weekly statewide interactive webinars addressing the management of maternity care during the pandemic, as needed, as part of a collaboration with the New York State Perinatal Quality Collaborative in partnership with the American College of Obstetrics and Gynecology District II, including a webinar on obstetrical care and implicit bias within the context of the COVID-19.<sup>85</sup>

Under the current Mayoral Administration, Mayor Eric Adams announced the creation of a new doula program, as well the expansion of a Midwifery Initiative and the expansion of a maternal health care services program.<sup>86</sup> The Citywide Doula Initiative will provide free access to doulas for birthing families and focus on 33 neighborhoods with the greatest social needs.<sup>87</sup> According to the Mayor's Press Release, "the Midwifery Initiative will be expanded to all 38 public and private birthing facilities citywide and will allow DOHMH, for the first time, to gather data on births and care with midwives; create partnerships with midwife organizations, private practices, and community members; and develop a report on midwives in New York City."<sup>88</sup> Additionally, the Maternity Hospital Quality Improvement Network (MHQIN) will be expanded across all 38 birthing facilities across the city in an effort to improve maternal care at local hospitals and birthing centers.<sup>89</sup>

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coverage for maternal depression screening and that DOH and Office of Mental Health will launch a strategic awareness campaign to address stigma of maternal depression)

<sup>79</sup> The New York State Taskforce on Maternal Mortality and Disparate Racial Outcomes, *Recommendations to the Governor to Reduce Maternal Mortality and Racial Disparities*, 1, 4 (March 2019), available at [https://health.ny.gov/community/adults/women/task\\_force\\_maternal\\_mortality/docs/maternal\\_mortality\\_report.pdf](https://health.ny.gov/community/adults/women/task_force_maternal_mortality/docs/maternal_mortality_report.pdf).

<sup>80</sup> *Governor Cuomo Announces Comprehensive Initiative to Target Maternal Mortality and Reduce Racial Disparities in Outcomes*, April 23, 2018, available at <https://www.governor.ny.gov/news/governor-cuomo-announces-comprehensive-initiative-target-maternal-mortality-and-reduce-racial>

<sup>81</sup> *New York State Taskforce on Maternal Mortality and Disparate Racial Outcomes Recommendations to the Governor to Reduce Maternal Mortality and Racial Disparities*, March 2019, available at [https://health.ny.gov/community/adults/women/task\\_force\\_maternal\\_mortality/docs/maternal\\_mortality\\_report.pdf](https://health.ny.gov/community/adults/women/task_force_maternal_mortality/docs/maternal_mortality_report.pdf)

<sup>82</sup> Denis Slattery, *State yet to deliver on Brooklyn doula pilot program expanding Medicaid coverage*, The Daily News, August 12, 2019, available at <https://www.nydailynews.com/news/politics/ny-doula-pilot-program-brooklyn-delayed-medicaid-20190812-nze23w6f6re67n6xepn4c3zdm4-story.html>

<sup>83</sup> The New York State Taskforce on Maternal Mortality and Disparate Racial Outcomes, *Recommendations to the Governor to Reduce Maternal Mortality and Racial Disparities*, 1, 4 (March 2019), available at [https://health.ny.gov/community/adults/women/task\\_force\\_maternal\\_mortality/docs/maternal\\_mortality\\_report.pdf](https://health.ny.gov/community/adults/women/task_force_maternal_mortality/docs/maternal_mortality_report.pdf).

<sup>84</sup> *Secretary to the Governor Melissa DeRosa Issues Report to Governor Cuomo Outlining the COVID-19 Maternity Task Force's Initial Recommendations*, April 29, 2020, available at <https://www.governor.ny.gov/news/secretary-governor-melissa-derosa-issues-report-governor-cuomo-outlining-covid-19-maternity>

<sup>85</sup> *Id.*

<sup>86</sup> The City of New York, *Mayor Adams Takes Action to Reduce Maternal and Infant Health Inequities by Expanding Access to Doulas and Midwives*, March 23, 2022, available at <https://www1.nyc.gov/office-of-the-mayor/news/149-22/mayor-adams-takes-action-reduce-maternal-infant-health-inequities-expanding-access-to/#/0>

<sup>87</sup> *Id.*

<sup>88</sup> *Id.*

<sup>89</sup> *Id.*

### B. Medical Community Response and Best Practices

The medical community has done a great deal to respond to the maternal mortality crisis, including creating organizations, conducting studies, holding panel discussions, task forces, and seminars, and coming up with best practices and recommendations to improve maternal outcomes.<sup>90</sup> On a national level, the Surgeon General, via the United States Department of Health and Human Services (HHS), issued a list of recommendations for healthcare providers in January 2020, which include<sup>91</sup>:

- **Collect and evaluate your key maternal safety data** for hypertension, hemorrhage, infections, primary C-section rate and opioid addiction. Every hospital should have a systematic approach to reviewing maternal health complications, acting on the data as appropriate and implementing improvement strategies. It is also important to ensure risk-appropriate care is provided to both high- and low-risk patients to decrease unnecessary interventions and improve screening and detection of complications.
- **Examine care disparities in your maternal population.** Break down your data by place, race, ethnicity and other variables appropriate to your organization and community. Analyze the data over a period of years to help identify disparities and opportunities for improvement in areas, including addressing social determinants of health and maternal health, both prior to and after delivery.
- **Next, engage mothers and their families as advocates for themselves and others.** Empower them to be vocal about their care, and ensure that you have strong referral networks and interventions.
- **Partner with clinicians and stakeholders in your community.** Engage healthcare providers, community and tactical partners, and other stakeholders in these efforts so that together we can improve maternal health and the well-being of babies and families.

**The American Medical Association (AMA) supports and recommends similar data-based solutions to improve maternal outcomes,**<sup>92</sup> and also has committed to advocacy efforts to address maternal health outcomes.<sup>93</sup> On a clinical level, the Society for Maternal-Fetal Medicine proposes recommendations to improve clinical care for providers, healthcare systems, and medical systems,<sup>94</sup> and how to approach the work in an anti-racist way.<sup>95</sup> The American College of Obstetricians and Gynecologists have also issued recommendations to specifically address racial and ethnic disparities in obstetrics and gynecology.<sup>96</sup>

<sup>90</sup> See Jim Bozen, *How New York City's Public Health Care System Responded to COVID-19* (May 21, 2020), available at <https://knowledge.wharton.upenn.edu/article/new-york-citys-public-health-care-system-responded-covid-19/>; See, e.g., Caribbean Women's Health Association, Inc., Presentation: COVID-19 Response/ Services Available (2020).

<sup>91</sup> "Achieving Better Health for Mothers and Babies: Taking Action, Saving Lives," Vice Adm. Jerome M. Adams M.D., M.P.H., Surgeon General of the United States and Jay Bhatt, D.O., Senior Vice President and Chief Medical Officer at the American Hospital Association, HHS, Jan. 29, 2020, available at <https://www.hhs.gov/blog/2020/01/29/achieving-better-health-mothers-and-babies.html>.

<sup>92</sup> "More new moms are dying in U.S. Here's how to arrest the trend," AMA, Sep. 24, 2020, available at <https://www.ama-assn.org/delivering-care/population-care/more-new-moms-are-dying-us-here-s-how-arrest-trend>.

<sup>93</sup> American Medical Association, *AMA advocacy to improve maternal health*, 2021, available at <https://www.ama-assn.org/system/files/ama-advocacy-to-improve-maternal-health.pdf>

<sup>94</sup> Jose A. Jain, MD, et al., "SMFM Special Report: Putting the "M" back in MFM: Reducing racial and ethnic disparities in maternal morbidity and mortality: A call to action," Feb. 2018, available at <https://www.ajog.org/action/showPdf?pii=S0002-9378%2817%2932374-8>.

<sup>95</sup> Wheeler et. al., *Society for Maternal-Fetal Medicine Special Statement: Race in maternal-fetal medicine research- Dispelling myths and taking an accurate, antiracist approach*, Society for Maternal-Fetal Medicine, April 2022, available at [https://s3.amazonaws.com/cdn.smfm.org/attachments/1027/94c878cd9dc09c7b3bce598225578fd2.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=02RKZKZD2RMKZXHB38R2%2F20220617%2Fus-east-1%2Fs3%2Faws4\\_request&X-Amz-Date=20220617T165552Z&X-Amz-Expires=3600&X-Amz-SignedHeaders=host&X-Amz-Signature=1b646ebbbeecbd2816abf8987596dce5d14584655faad11fa3a26f1899a4ba3](https://s3.amazonaws.com/cdn.smfm.org/attachments/1027/94c878cd9dc09c7b3bce598225578fd2.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=02RKZKZD2RMKZXHB38R2%2F20220617%2Fus-east-1%2Fs3%2Faws4_request&X-Amz-Date=20220617T165552Z&X-Amz-Expires=3600&X-Amz-SignedHeaders=host&X-Amz-Signature=1b646ebbbeecbd2816abf8987596dce5d14584655faad11fa3a26f1899a4ba3)

<sup>96</sup> "Racial and Ethnic Disparities in Obstetrics and Gynecology," American College of Obstetricians and Gynecologists, Dec. 2015, available at <https://www.acog.org/clinical/clinical-guidance/committee-opinion/articles/2015/12/racial-and-ethnic-disparities-in-obstetrics-and-gynecology>.

In New York City, doctors and the medical community have also worked to address maternal health outcomes outside the formal hospital and healthcare setting. For example, Dr. Taraneh Shirazian, an Obstetrician/Gynecologist at NYU Langone founded the non-profit Saving Mothers, which operates around the world and in New York City in underserved areas using low-cost, high-impact programs for women that aim to decrease death in pregnancy and delivery.<sup>97</sup> In 2020, Saving Mothers created a program in New York City called “mPOWHER,” which teaches community health workers how to identify high-risk patients in the home, how to talk about complications, teach about medical risk in pregnancy, and teach pregnant women how to communicate with their physicians to help ensure their health is prioritized in the health care system.<sup>98</sup>

#### IV. FERTILITY EQUITY IN NYC

On January 1, 2020, a new state law went into effect, which requires large group (more than 100 employees) insurance policies, including New York City’s insurance policy, and contracts that provide medical, major medical, or similar comprehensive-type coverage and are delivered or issued for delivery in New York to cover three cycles of in vitro fertilization (IVF) used in the treatment of infertility.<sup>99</sup>

Every large group policy delivered or issued for delivery in ... [New York State] that provides medical, major medical or similar comprehensive-type coverage shall provide coverage for three cycles of in-vitro fertilization used in the treatment of infertility. Coverage may be subject to annual deductibles and coinsurance, including copayments, as may be deemed appropriate by the superintendent and as are consistent with those established for other benefits within a given policy. For purposes of this item, a “cycle” is defined as either all treatment that starts when: preparatory medications are administered for ovarian stimulation for oocyte retrieval with the intent of undergoing in-vitro fertilization using a fresh embryo transfer; or medications are administered for endometrial preparation with the intent of undergoing in-vitro fertilization using a frozen embryo transfer.<sup>100</sup>

Ancillary treatments and services including egg freezing and storage may also be covered.<sup>101</sup>

State law prohibits insurers providing the required IVF coverage from discriminating “based on an insured’s ... personal characteristics, including ... sex, sexual orientation, marital status or gender identity.”<sup>102</sup> Although the State’s requirement of some IVF treatment is relatively progressive,<sup>103</sup> many plan participants who need such services to build families are essentially excluded from coverage.<sup>104</sup> Coverage is conditioned on obtaining an infertility diagnosis, which State law defines as:<sup>105</sup>

[A] disease or condition characterized by the incapacity to impregnate another person or to conceive, defined by the failure to establish a clinical pregnancy after twelve months of regular, unprotected sexual intercourse or therapeutic donor insemination, or after six months of regular,

<sup>97</sup> See, “This Doctor Is Helping Pregnant NYC Women in the Pandemic With Lessons From Abroad,” May 19, 2020, available at <https://opmed.doximity.com/articles/this-doctor-is-helping-pregnant-nyc-women-in-the-pandemic-with-lessons-from-abroad>; see also, Saving Mothers, available at <https://savingmothers.org/our-vision/>.

<sup>98</sup> *Id.*

<sup>99</sup> Insurance Law §§ 3221 (k)(6)(C)(vii), 4303(s)(3)(G) (requiring large group insurance policies and large contracts providing comprehensive medical coverage to include coverage for 3 cycles of in-vitro fertilization used in the treatment of infertility).

<sup>100</sup> *Id.*

<sup>101</sup> *Id.*

<sup>102</sup> Insurance Law § 3221 (k)(6)(C)(viii).

<sup>103</sup> Gabriela Weigel, *et al.*, Coverage and Use of Fertility Services in the U.S, Appendix I: Private Insurance, KFF (Sept. 15, 2020), <https://www.kff.org/report-section/coverage-and-use-of-fertility-services-in-the-u-s-appendix-1-private-insurance/>.

<sup>104</sup> E.g., Dan Avery, Gay couples face added hurdle when trying to start a family: Insurance policies, NBC News (Dec. 17, 2020), <https://www.nbcnews.com/feature/nbc-out/gay-couples-face-added-hurdle-when-trying-start-family-insurance-n1251394> (“New York’s Fair Access to Fertility Treatment Act, which went into effect Jan. 1, requires insurance plans serving 100 or more employees to cover IVF. But same-sex male couples aren’t included in that mandate.”).

<sup>105</sup> Insurance Law § 3221 (k)(6)(C)(v)(I)

unprotected sexual intercourse or therapeutic donor insemination for a female thirty-five years of age or older.<sup>106</sup>

The State's definition operates to exclude IVF coverage for couples who require it to produce a baby, but who do not have an infertility diagnosis.<sup>107</sup> Critics of this test for coverage cite its discriminatory effect on single adults and same-sex couples who necessarily cannot or will not attempt to obtain a diagnosis for purposes of obtaining coverage.<sup>108</sup>

Moreover, a host of other treatments and services related to family building, including gamete and embryo freezing, surrogacy and adoption, are often not covered under State-approved and City-contracted health plans as treatments for participants who, whether by virtue of a biological condition or of their family makeup, cannot build a family through sexual intercourse.<sup>109</sup> New York City's plan, Emblem Health/GHI-CBP, does not provide coverage for treatment/services related to: sperm donation when the donor is not a plan participant; "elective" egg and sperm freezing; certain egg retrievals; surrogacy; and adoption.<sup>110</sup> In April, 2022, a same-sex couple sued New York City, alleging that the City discriminated against them by not covering IVF services for them under the City's health insurance plan.<sup>111</sup>

## V. LEGISLATION

### A. *Analysis of Int. No. 409-A*

This bill would require DOHMH to post the annual Maternal Mortality and Morbidity report on its website. The proposed legislation would take effect immediately after becoming law. Since it was heard, the bill received technical edits.

### B. *Analysis of Int. No. 472-A*

This bill would require the Department of Health and Mental Hygiene (DOHMH) to establish a doula program to train doulas and provide doula services to residents of marginalized neighborhoods in all five boroughs at no cost to the resident. This bill would also require the DOHMH commissioner to submit a report to the Mayor and the Speaker of the City Council on the merits of the program. The proposed legislation would take effect immediately after becoming law. Since it was heard, the bill received technical edits and was amended to allow for continuing doula care.

### C. *Analysis of Int. No. 478-A*

This bill would require an agency designated by the mayor to administer a public education program that informs the public regarding the services offered by doulas and midwives, the evidence-based benefits of such services and free and low-cost resources related to such services in the city. It would also require the administering agency to submit to the Mayor and Speaker of the City Council, and post online, by June 30, 2024, and by June 30 every five years thereafter, a report describing the methods of targeted outreach used to comply with this law. The proposed legislation would take effect on the same date as a local law as proposed in introduction 86-A for 2022 takes effect. Since it was heard, the bill received technical edits.

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<sup>106</sup> *Id.*

<sup>107</sup> E.g., Dan Avery, *Gay couples face added hurdle when trying to start a family: Insurance policies*, NBC News (Dec. 17, 2020), <https://www.nbcnews.com/feature/nbc-out/gay-couples-face-added-hurdle-when-trying-start-family-insurance-n1251394> ("New York's Fair Access to Fertility Treatment Act, which went into effect Jan. 1, requires insurance plans serving 100 or more employees to cover IVF. But same-sex male couples aren't included in that mandate.").

<sup>108</sup> *Id.*

<sup>109</sup> See, *id.*

<sup>110</sup> This information was obtained by speaking directly with Emblem/GHI about their benefits.

<sup>111</sup> "Gay Couple Was Denied I.V.F. Benefits. They Say That's Discriminatory," NY Times, Apr. 12, 2022, available at <https://www.nytimes.com/2022/04/12/nyregion/nyc-ivf-same-sex-couple.html>.

*D. Analysis of Int. No. 482-A*

This bill would require the Department of Health and Mental Hygiene to provide education on polycystic ovary syndrome and endometriosis by posting information on its website, including, but not limited to: the definitions and potential symptoms of polycystic ovary syndrome and endometriosis; information on how to seek diagnosis and treatment, including how to procure the care of a primary care physician; and data regarding the number of individuals who are diagnosed with polycystic ovary syndrome or endometriosis in the city, disaggregated by age, race, ethnicity, and zip code, to the extent such data is available to the department. The department would also be required to submit a report to the Mayor and the Speaker of the Council on March 1, 2023 and every year thereafter regarding education efforts on polycystic ovary syndrome and endometriosis conducted by the department. The proposed legislation would take effect 30 days after becoming law. Since it was heard, the bill received technical edits and was amended to ensure coordination of data reporting with existing reports.

*E. Analysis of Int. No. 490-A*

This bill would require the Department of Health and Mental Hygiene to provide sexual and reproductive health services and conduct research on sexual and reproductive health disparities within the city. In providing such services, the department will have the power and duty to: provide outreach, education, and support to individuals, especially low-income individuals and those without health insurance, regarding issues related to sexual and reproductive health, including but not limited to: contraception, including a broad range of methods such as long-acting reversible contraception; preconception health services; abortion services; family planning services; testing, prevention, and treatment for HIV; testing and treatment for sexually transmitted infections; routine screening for breast and cervical cancer; and health education in community settings to promote reproductive health, to prevent unintended pregnancy, and to promote access to reproductive and preventive health services. The office would also make referrals to affordable and accessible services related to contraception, abortion, family planning, breast and cervical cancer screenings, and counseling, testing, and treatment for HIV and sexually transmitted infections, when determined appropriate by the department. The proposed legislation would take effect one year after becoming law. Since it was heard, the bill was amended to account for existing infrastructure and maximize efficiency within DOHMH.

*F. Analysis of Int. No. 86-A*

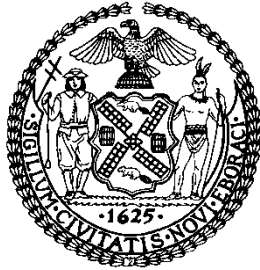
This bill would require an agency designated by the mayor to administer a public education program that informs the public regarding the city's standards for respectful care at birth, as well as information regarding: the right to be free from discrimination in relation to pregnancy, childbirth or a related medical condition; reasonable workplace accommodations for persons who are pregnant or were recently pregnant and caregivers; rights for a person who is pregnant or was recently pregnant under the disability benefits law and paid family leave benefits law, earned safe and sick time act, and temporary schedule change law; and how to access information published by the New York State Department of health on appointing a health care proxy. The proposed legislation would take effect on the same date as a local law as proposed in Introduction 474-A for 2022 takes effect. Since it was heard, the bill received technical edits and was amended to coordinate protections with those existing under the City's Human Rights Law and other state and federal laws.

*G. Analysis of Int. No. 509-A*

This bill would require an agency designated by the mayor to administer a public education program that informs the public regarding maternal mortality and severe maternal morbidity. Additionally, no later than December 30, 2024, the NYC Department of Health and Mental Hygiene would be required to report on the number of total births in the city for the previous calendar year, disaggregated, to the extent available, by the number of vaginal births, the number of vaginal births after prior cesarean section, the number of first-time cesarean sections, the number of repeat cesarean sections. This data would be further disaggregated by whether or not the pregnancy was considered low risk. The report would also include recommendations by the department

to reduce maternal mortality and severe maternal morbidity, including efforts to reduce the risks associated with unplanned cesarean sections and efforts to address inequities across patient demographics. The proposed legislation would take effect on the same date as a local law as proposed in Introduction 478-A for 2022 takes effect. Since it was heard, the bill was amended to broaden the focus of reporting and recommendations.

**(The following is the text of the Fiscal Impact Statement for Int. No. 409-A:)**



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
TANISHA S. EDWARDS, ESQ., CHIEF FINANCIAL  
OFFICER, AND DEPUTY CHIEF OF STAFF TO THE  
SPEAKER  
FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 409-A**

**COMMITTEE: Health**

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

**SPONSOR(S):** Council Members Louis, Hanif, Joseph, Ung, Nurse, Krishnan, Abreu, Restler, Narcisse, Avilés, Velázquez, Ayala, Rivera, and Dinowitz.

**SUMMARY OF LEGISLATION:** The proposed legislation would require the Department of Health and Mental Hygiene (DOHMH) to publish recent calendar year data available regarding maternal mortality by September 30, 2022 and September 30 annually thereafter. DOHMH shall post this data on its website, submit to the speaker of the council and publish in a machine-readable format.

**EFFECTIVE DATE:** This local law takes effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2024

**FISCAL IMPACT STATEMENT:**

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

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of Proposed Intro. 409-A because the relevant City agencies would utilize existing resources to fulfill the reporting requirements.

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

**SOURCE OF INFORMATION:** New York City Council Finance Division  
Mayor’s Office of Management and Budget

**ESTIMATE PREPARED BY:** Crilhien R. Francisco, Unit Head, NYC Council Finance Division

**ESTIMATE REVIEWED BY:** Eisha Wright, Deputy Director, NYC Council Finance Division  
Jonathan Rosenberg, Managing Deputy Director,  
NYC Council Finance Division

**LEGISLATIVE HISTORY:** The legislation was introduced to the full Council on May 19, 2022 as Intro. 409 and referred to the Committee on Health on June 28, 2022. The legislation was considered by the Committee on Health and Committee on Hospitals at a hearing held on June 29, 2022 and was subsequently amended, and the amended version Proposed Intro. 409-A will be considered by the Committee on Health on August 10, 2022. Upon successful vote by the Committee on Health, Proposed Intro. No. 409-A will be submitted to the full Council for a vote on August 11, 2022.

**DATE PREPARED:** August 5, 2022.

**(For text of the remaining bills with their Fiscal Impact Statements, please see the Report of the Committee on Health for Int. Nos. 86-A, 472-A, 478-A, 482-A, 490-A, and 509-A, respectively, printed in these Minutes; for text of Res. Nos. 92, 95, 205, and 244, please see the Resolutions section printed in these Minutes; for text of Int. No. 409-A please see below)**

*Accordingly, this Committee recommends the adoption of Int. Nos. 409-A, 86-A, 472-A, 478-A, 482-A, 490-A, 509-A and Res. Nos. 92, 95, 205, and 244.*

**(The following is the text of Int. No. 409-A:)**

Int. No. 409-A

By Council Members Louis, Hanif, Joseph, Ung, Nurse, Krishnan, Abreu, Restler, Narcisse, Avilés, Velázquez, Ayala, Rivera, Dinowitz, De La Rosa, Won, Hudson, Yeger, Cabán, Riley, Brooks-Powers, Sanchez and Gennaro.

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

*Be it enacted by the Council as follows:*

Section 1. The opening paragraph of subdivision b of section 17-199.3 of the administrative code of the city of New York, as amended by local law number 188 for the year 2018, is amended to read as follows: No later than September 30, [2019] 2022, and no later than September 30 annually thereafter, the department shall *post on its website*, submit to the speaker of the council and publish in a machine-readable format the most recent calendar year data available regarding maternal mortality in the city, to the extent such data is made available to the department. Data submitted shall not jeopardize the confidentiality of the pregnant person or mother and shall include, but not be limited to:

§ 2. This local law takes effect immediately.

LYNN C. SCHULMAN, *Chairperson*; KALMAN YEGER, CHARLES BARRON, CRYSTAL HUDSON, MERCEDES NARCISSE, MARJORIE VELÁZQUEZ, JOANN ARIOLA; 7-0-0; *Absent*: Oswald Feliz; Committee on Health, August 10, 2022. *Other Elected Official Attending: The Public Advocate (Mr. Williams).*

On motion of the Speaker (Council Member Adams), 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. 472-A

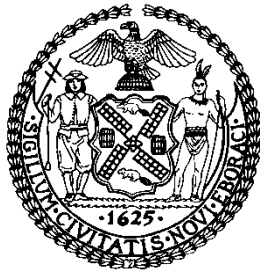
**Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law in relation to establishing a program in the department of health and mental hygiene to train doulas and provide doula services to residents in all five boroughs.**

The Committee on Health, to which the annexed proposed amended local law was referred on June 2, 2022 (Minutes, page 1312), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Health for Int. No. 409-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 472-A:*



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
TANISHA S. EDWARDS, ESQ., CHIEF FINANCIAL  
OFFICER, AND DEPUTY CHIEF OF STAFF TO THE  
SPEAKER  
FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 472-A**

**COMMITTEE: Health**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to establishing a program in the department of health and mental hygiene to train doulas and provide doula services to residents in all five boroughs.

**SPONSOR(S):** Council Members Gutiérrez, Louis, Hudson, Hanif, Brooks-Powers, Brewer, Nurse, Ung, Mealy, Velázquez, De La Rosa, Stevens, Menin, Williams, Schulman, Dinowitz, Farías, Sanchez, Richardson Jordan, Cabán, Riley, Avilés, Abreu, Restler, Won, Narcisse, Ayala, Rivera, Marte, and The Speaker (Council Member Adams) (in conjunction with the Brooklyn Borough President).

**SUMMARY OF LEGISLATION:** This bill would require the Department of Health and Mental Hygiene (DOHMH) to establish a program to train doulas and provide doula services to residents of marginalized neighborhoods in all five boroughs at no cost to participants. Such program shall provide for continuing doula care, and include no fewer than 50 doulas. Doulas will be trained in subject matters including, but not limited to, birth equity, trauma-informed care, perinatal mood and anxiety disorders, navigating the hospital environment and support services available to low-income birthing people and their families. Such program shall continue until June 30, 2024, and may continue past that date at the sole discretion of the commissioner, based on factors including but not limited to the public health efficacy of the program and the allocation of sufficient funds.

No later than June 30, 2024, the commissioner shall submit to the mayor and the speaker of the council and post online a report on this program. The report shall include, but not be limited to: (i) the number and type of doulas trained through the program; (ii) an overview of topics covered in such doula training; (iii) the number of individuals served by doulas involved in the program; (iv) a list of the zip codes that such individuals live in,

provided that such information would not reasonably identify any such individual; (v) an evaluation of the benefits of the program and how such benefits were measured or evaluated; (vi) an overview of challenges or lessons learned from the program, and (vii) recommendations as to whether and how such program should continue or be expanded.

**EFFECTIVE DATE:** This local law takes effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2024

**FISCAL IMPACT STATEMENT:**

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

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of Proposed Intro. 472-A because the relevant City agencies would utilize existing resources to fulfill the program and reporting requirements.

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

**SOURCE OF INFORMATION:** New York City Council Finance Division  
Mayor's Office of Management and Budget

**ESTIMATE PREPARED BY:** Crilhien R. Francisco, Unit Head, NYC Council Finance Division

**ESTIMATE REVIEWED BY:** Eisha Wright, Deputy Director, NYC Council Finance Division  
Jonathan Rosenberg, Managing Deputy Director,  
NYC Council Finance Division

**LEGISLATIVE HISTORY:** The legislation was introduced to the full Council on June 2, 2022 as Intro. 472 and referred to the Committee on Health. The legislation was considered by the Committee on Health at a hearing held on June 29, 2022 and was subsequently amended, and the amended version Proposed Intro. 472-A will be considered by the Health on August 10, 2022. Upon successful vote by the Committee on Health, Proposed Intro. No. 472-A will be submitted to the full Council for a vote on August 11, 2022.

**DATE PREPARED:** August 5, 2022.

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

**(The following is the text of Int. No. 472-A:)**

Int. No. 472-A

By Council Members Gutiérrez, Louis, Hudson, Hanif, Brooks-Powers, Brewer, Nurse, Ung, Mealy, Velázquez, De La Rosa, Stevens, Menin, Williams, Schulman, Dinowitz, Farías, Sanchez, Richardson Jordan, Cabán, Riley, Avilés, Abreu, Restler, Won, Narcisse, Ayala, Rivera, Marte, Hanks, Gennaro and The Speaker (Council Member Adams) (in conjunction with the Brooklyn Borough President).

**A Local Law in relation to establishing a program in the department of health and mental hygiene to train doulas and provide doula services to residents in all five boroughs**

*Be it enacted by the Council as follows:*

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

Commissioner. The term “commissioner” means the commissioner of health and mental hygiene.

Doula. The term “doula” has the same meaning as such term is defined in section 17-199.10 of the administrative code.

§ 2. No later than October 1, 2022, the commissioner shall establish a program to train doulas and provide doula services to residents of marginalized neighborhoods in all five boroughs at no cost to the resident. Such program shall provide for continuing doula care, and include no fewer than 50 doulas. Doulas will be trained in subject matters including, but not limited to, birth equity, trauma-informed care, perinatal mood and anxiety disorders, navigating the hospital environment and support services available to low-income birthing people and their families. The provision of such doula services shall also include providing information regarding supportive services as a doula deems it appropriate.

§ 3. Such program shall continue until June 30, 2024, and may continue past that date at the sole discretion of the commissioner, based on factors including but not limited to the public health efficacy of the program and the allocation of sufficient funds.

§ 4. No later than June 30, 2024, the commissioner shall submit to the mayor and the speaker of the council and post online a report on this program. The report shall include, but not be limited to: (i) the number and type of doulas trained through the program; (ii) an overview of topics covered in such doula training; (iii) the number of individuals served by doulas involved in the program; (iv) a list of the zip codes that such individuals live in, provided that such information would not reasonably identify any such individual; (v) an evaluation of the benefits of the program and how such benefits were measured or evaluated; (vi) an overview of challenges or lessons learned from the program, and (vii) recommendations as to whether and how such program should continue or be expanded.

§ 5. This local law takes effect immediately.

LYNN C. SCHULMAN, *Chairperson*; KALMAN YEGER, CHARLES BARRON, CRYSTAL HUDSON, MERCEDES NARCISSE, MARJORIE VELÁZQUEZ, JOANN ARIOLA; 7-0-0; *Absent*: Oswald Feliz; Committee on Health, August 10, 2022. *Other Elected Official Attending: The Public Advocate (Mr. Williams).*

On motion of the Speaker (Council Member Adams), 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. 478-A

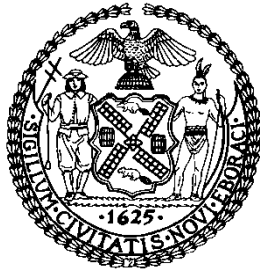
**Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to an outreach and education campaign on the benefits and services provided by doulas and midwives.**

The Committee on Health, to which the annexed proposed amended local law was referred on June 2, 2022 (Minutes, page 1318), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Health for Int. No. 409-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 478-A:*



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
TANISHA S. EDWARDS, ESQ., CHIEF FINANCIAL  
OFFICER, AND DEPUTY CHIEF OF STAFF TO THE  
SPEAKER  
FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 478-A**

**COMMITTEE: Health**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to an outreach and education campaign on the benefits and services provided by doulas and midwives.

**SPONSOR(S):** Council Members Hudson, Gutiérrez, Louis, Hanif, Brooks-Powers, Nurse, Mealy, Velázquez, De La Rosa, Stevens, Menin, Williams, Schulman, Dinowitz, Farías, Sanchez, Richardson Jordan, Cabán, Riley, Avilés, Abreu, Restler, Won, Ayala, Rivera, and The Speaker (Council Member Adams) (in conjunction with the Brooklyn Borough President).

**SUMMARY OF LEGISLATION:** The proposed legislation would require the City to conduct outreach and education campaign on the benefits and services provided by doulas and midwives. The administering agency shall submit to the mayor and speaker of the council, and post online, a report describing the methods of targeted outreach used to comply with services offered by doulas, the evidence-based benefits of such services, and free and low-cost resources related to such services in the city, no later than June 30, 2024 and by June 30 every five years thereafter.

**EFFECTIVE DATE:** This local law takes effect on the same date that a local law amending the administrative code of the city of New York, relating to education about city standards for respectful care at birth, as proposed in introduction number 86-A for the year 2022, takes effect.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2024

**FISCAL IMPACT STATEMENT:**

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

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of Proposed Intro. 478-A because the relevant City agencies would utilize existing resources to fulfill the education campaign and reporting requirements.

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

**SOURCE OF INFORMATION:** New York City Council Finance Division  
Mayor's Office of Management and Budget

**ESTIMATE PREPARED BY:** Crilhien R. Francisco, Unit Head, NYC Council Finance Division

**ESTIMATE REVIEWED BY:** Eisha Wright, Deputy Director, NYC Council Finance Division  
Jonathan Rosenberg, Managing Deputy Director,  
NYC Council Finance Division

**LEGISLATIVE HISTORY:** The legislation was introduced to the full Council on June 2, 2022 as Intro. 478 and referred to the Committee on Health on June 28, 2022. The legislation was considered by the Committee on Health and Committee on Hospitals at a hearing held on June 29, 2022 and was subsequently amended, and the amended version Proposed Intro. 478-A will be considered by the Committee on Health on August 10, 2022. Upon successful vote by the Committee on Health, Proposed Intro. No. 478-A will be submitted to the full Council for a vote on August 11, 2022.

**DATE PREPARED:** August 5, 2022.

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

**(The following is the text of Int. No. 478-A:)**

Int. No. 478-A

By Council Members Hudson, Gutiérrez, Louis, Hanif, Brooks-Powers, Nurse, Mealy, Velázquez, De La Rosa, Stevens, Menin, Williams, Schulman, Dinowitz, Farías, Sanchez, Richardson Jordan, Cabán, Riley, Avilés, Abreu, Restler, Won, Ayala, Rivera, Marte, Narcisse, Gennaro and The Speaker (Council Member Adams) (in conjunction with the Brooklyn Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to an outreach and education campaign on the benefits and services provided by doulas and midwives**

*Be it enacted by the Council as follows:*

Section 1. Paragraphs 9 and 10 of subdivision b of section 3-119.6 of the administrative code of the city of New York, as amended by a local law of the city of New York for the year 2022, relating to education about city standards for respectful care at birth, as proposed in introduction number 86-A for the year 2022, are amended to read as follows:

9. (a) The city's standards for respectful care at birth;

(b) Information regarding:

(1) The right to be free from discrimination in relation to pregnancy, childbirth or a related medical condition, as such right is provided by the city human rights law in chapter 1 of title 8;

(2) Reasonable workplace accommodations for persons who are pregnant or were recently pregnant and caregivers, including those guaranteed by the city human rights law;

(3) Rights for a person who is pregnant or was recently pregnant under: (i) the disability benefits law and the paid family leave benefits law, as described in article 9 of the workers compensation law; (ii) the earned safe and sick time act, as provided in chapter 8 of title 20; and (iii) subchapter 6 of chapter 12 of title 20; and

(4) How to access information published by the New York state department of health on appointing a health care proxy; [and]

10. *The services offered by doulas, as such term is defined in section 17-199.10, and midwives, as such term is defined in section 17-199.17, the evidence-based benefits of such services, and free and low-cost resources related to such services in the city; and*

11. Any other rights related to reproductive health care that the administering agency deems appropriate.

§ 2. Section 3-119.6 of the administrative code of the city of New York, as amended by a local law of the city of New York for the year 2022, relating to education about city standards for respectful care at birth, as proposed in introduction number 86-A for the year 2022, is amended by adding a new subdivision c to read as follows:

*c. Reporting. No later than June 30, 2024 and by June 30 every five years thereafter, the administering agency shall submit to the mayor and speaker of the council, and post online, a report describing the methods of targeted outreach used to comply with paragraph 10 of subdivision b of this section.*

§ 3. This local law takes effect on the same date that a local law amending the administrative code of the city of New York, relating to education about city standards for respectful care at birth, as proposed in introduction number 86-A for the year 2022, takes effect.

LYNN C. SCHULMAN, *Chairperson*; KALMAN YEGER, CHARLES BARRON, CRYSTAL HUDSON, MERCEDES NARCISSE, MARJORIE VELÁZQUEZ, JOANN ARIOLA; 7-0-0; *Absent*: Oswald Feliz; Committee on Health, August 10, 2022. *Other Elected Official Attending: The Public Advocate (Mr. Williams).*

On motion of the Speaker (Council Member Adams), 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. 482-A

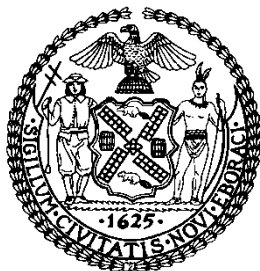
**Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to provide information on polycystic ovary syndrome and endometriosis.**

The Committee on Health, to which the annexed proposed amended local law was referred on June 2, 2022 (Minutes, page 1335), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Health for Int. No. 409-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 482-A:*



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

**TANISHA S. EDWARDS, ESQ., CHIEF FINANCIAL  
OFFICER, AND DEPUTY CHIEF OF STAFF TO THE  
SPEAKER**

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 482-A**

**COMMITTEE: Health**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to provide information on polycystic ovary syndrome and endometriosis.

**SPONSOR(S):** Council Members Louis, Nurse, Abreu, Narcisse, Velázquez, Brooks-Powers, Ayala, Rivera, and Dinowitz.

**SUMMARY OF LEGISLATION:** The proposed legislation would require the Department of Health and Mental Hygiene (DOHMH) to provide education on polycystic ovary syndrome and endometriosis, by posting information on its website. Information may include, but not be limited to, the definitions and potential symptoms of both conditions; information on how to seek diagnosis or treatment; and data regarding the number of individuals who are diagnosed with both conditions in the city, disaggregated by age, race, ethnicity, and zip code, to the extent available. DOHMH will also be required to submit a report regarding education efforts on both conditions to the mayor and speaker of the council no later than March 1, 2023.

**EFFECTIVE DATE:** This local law takes effect 30 days after it becomes law

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2024

**FISCAL IMPACT STATEMENT:**

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

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of Proposed Intro. 482-A because the relevant City agencies would utilize existing resources to fulfill the education campaign and reporting requirements.

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

**SOURCE OF INFORMATION:** New York City Council Finance Division  
Mayor's Office of Management and Budget

**ESTIMATE PREPARED BY:** Crilhien R. Francisco, Unit Head, NYC Council Finance Division

**ESTIMATE REVIEWED BY:** Eisha Wright, Deputy Director, NYC Council Finance Division  
Jonathan Rosenberg, Managing Deputy Director,  
NYC Council Finance Division

**LEGISLATIVE HISTORY:** The legislation was introduced to the full Council on June 2, 2022 as Intro. 482 and referred to the Committee on Health on June 28, 2022. The legislation was considered by the Committee on Health and Committee on Hospitals at a hearing held on June 29, 2022 and was subsequently amended, and the amended version Proposed Intro. 482-A will be considered by the Committee on Health on August 10, 2022. Upon successful vote by the Committee on Health, Proposed Intro. No. 482-A will be submitted to the full Council for a vote on August 11, 2022.

**DATE PREPARED:** August 5, 2022.

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

**(The following is the text of Int. No. 482-A:)**

Int. No. 482-A

By Council Members Louis, Nurse, Abreu, Narcisse, Velázquez, Brooks-Powers, Ayala, Rivera, Dinowitz, De La Rosa, Won, Hudson, Williams, Cabán, Riley, Avilés, Sanchez and Gennaro.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to provide information on polycystic ovary syndrome and endometriosis**

*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 17-199.3.2 to read as follows:

§ 17-199.3.2 *Education on polycystic ovary syndrome and endometriosis.* a. *The department shall provide education on polycystic ovary syndrome and endometriosis by posting information on its website, which may include, but need not be limited to, the following:*

1. *The definitions and potential symptoms of polycystic ovary syndrome and endometriosis;*
2. *Information on how to seek diagnosis or treatment, including how to procure the care of a primary care physician; and*
3. *Data regarding the number of individuals who are diagnosed with polycystic ovary syndrome or endometriosis in the city, disaggregated by age, race, ethnicity, and zip code, to the extent such data is available to the department.*

b. *No later than March 1, 2023, and every year thereafter, the department shall submit a report to the mayor and the speaker of the council regarding education efforts on polycystic ovary syndrome and endometriosis conducted by the department.*

§ 2. This local law takes effect 30 days after it becomes law.

LYNN C. SCHULMAN, *Chairperson*; KALMAN YEGER, CHARLES BARRON, CRYSTAL HUDSON, MERCEDES NARCISSE, MARJORIE VELÁZQUEZ, JOANN ARIOLA; 7-0-0; *Absent*: Oswald Feliz; Committee on Health, August 10, 2022. *Other Elected Official Attending: The Public Advocate (Mr. Williams).*

On motion of the Speaker (Council Member Adams), 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. 490-A

**Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the provision of sexual and reproductive health services by the department of health and mental hygiene.**

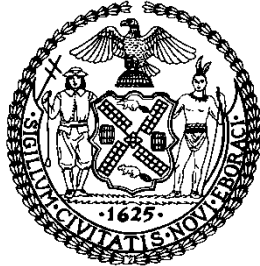
The Committee on Health, to which the annexed proposed amended local law was referred on June 2, 2022 (Minutes, page 1341), respectfully

**REPORTS:**



(For text of report, please see the Report of the Committee on Health for Int. No. 409-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 482-A:*



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

**TANISHA S. EDWARDS, ESQ., CHIEF FINANCIAL  
OFFICER, AND DEPUTY CHIEF OF STAFF TO THE  
SPEAKER**

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 490-A**

**COMMITTEE: Health**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the provision of sexual and reproductive health services by the department of health and mental hygiene.

**SPONSOR(S):** Council Members Menin, Louis, Hudson, Hanif, Nurse, Narcisse, Avilés, Velázquez, Brooks-Powers, Ayala, Rivera, Dinowitz, De La Rosa, Won and The Speaker (Council Member Adams).

**SUMMARY OF LEGISLATION:** The proposed legislation would require the Department of Health and Mental Hygiene (DOHMH) to conduct research on sexual and reproductive health disparities across the city and provide sexual and reproductive health services. In providing these services, DOHMH will have the duty to provide outreach, education, and support to individuals, especially low-income individuals and those without health insurance, regarding issues related to sexual and reproductive health.

These services include but is not limited to: contraception, including a broad range of methods such as long-acting reversible contraception; preconception health services; abortion services; family planning services; testing, prevention, and treatment for HIV; testing and treatment for sexually transmitted infections; routine screening for breast and cervical cancer; and health education in community settings to promote reproductive health, to prevent unintended pregnancy, and to promote access to reproductive and preventive health services. DOHMH would also make referrals to affordable and accessible services related to contraception, abortion, family planning, breast and cervical cancer screenings, and counseling, testing, and treatment for HIV and sexually transmitted infections.

**EFFECTIVE DATE:** This local law takes effect one year after it becomes law

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2025

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY24</b>	<b>FY Succeeding Effective FY25</b>	<b>Full Fiscal Impact FY25</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of Proposed Intro. 490-A because the relevant City agencies would utilize existing resources to fulfill the requirements.

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

**SOURCE OF INFORMATION:** New York City Council Finance Division  
Mayor's Office of Management and Budget

**ESTIMATE PREPARED BY:** Crilhien R. Francisco, Unit Head, NYC Council Finance Division

**ESTIMATE REVIEWED BY:** Eisha Wright, Deputy Director, NYC Council Finance Division  
Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance Division

**LEGISLATIVE HISTORY:** The legislation was introduced to the full Council on June 2, 2022 as Intro. 490 and referred to the Committee on Health on June 28, 2022. The legislation was considered by the Committee on Health and Committee on Hospitals at a hearing held on June 29, 2022 and was subsequently amended, and the amended version Proposed Intro. 490-A will be considered by the Committee on Health on August 10, 2022. Upon successful vote by the Committee on Health, Proposed Intro. No. 490-A will be submitted to the full Council for a vote on August 11, 2022.

**DATE PREPARED:** August 5, 2022.

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

**(The following is the text of Int. No. 490-A:)**

Int. No. 490-A

By Council Members Menin, Louis, Hudson, Hanif, Nurse, Narcisse, Avilés, Velázquez, Brooks-Powers, Ayala, Rivera, Dinowitz, De La Rosa, Won, Cabán, Riley, Sanchez and The Speaker (Council Member Adams).

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the provision of sexual and reproductive health services by the department of health and mental hygiene**

*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 17-199.19 to read as follows:

*§ 17-199.19 Provision of sexual and reproductive health services. a. The department shall provide sexual and reproductive health services and conduct research on sexual and reproductive health disparities within the city. In providing such services, the department shall have the power and duty to:*

*1. Provide outreach, education, and support to individuals, especially low-income individuals and those without health insurance, regarding issues related to sexual and reproductive health, including, but not limited to:*

- (a) Contraception, including a broad range of methods such as long-acting reversible contraception;*
- (b) Preconception health services;*
- (c) Abortion services;*
- (d) Family planning services;*
- (e) Testing, prevention, and treatment for HIV;*
- (f) Testing and treatment for sexually transmitted infections;*

(g) Routine screening for breast and cervical cancer; and  
 (h) Health education, in community settings, to promote reproductive health, prevent unintended pregnancy, and promote access to reproductive and preventive health services.

2. Make referrals, when determined appropriate by the department, to affordable and accessible services related to contraception; abortion; family planning; breast and cervical cancer screenings; and counseling, testing, and treatment for HIV and sexually transmitted infections.

§ 2. This local law takes effect 1 year after it becomes law.

LYNN C. SCHULMAN, *Chairperson*; KALMAN YEGER, CHARLES BARRON, CRYSTAL HUDSON, MERCEDES NARCISSE, MARJORIE VELÁZQUEZ, JOANN ARIOLA; 7-0-0; *Absent*: Oswald Feliz; Committee on Health, August 10, 2022. *Other Elected Official Attending*: The Public Advocate (Mr. Williams).

On motion of the Speaker (Council Member Adams), 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. 509-A

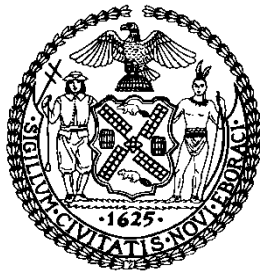
**Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to a public education and outreach campaign on maternal mortality and morbidity and a report regarding the incidence of cesarean sections.**

The Committee on Health, to which the annexed proposed amended local law was referred on June 2, 2022 (Minutes, page 1365), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Health for Int. No. 409-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 509-A:*



THE COUNCIL OF THE CITY OF NEW YORK  
 FINANCE DIVISION  
 TANISHA S. EDWARDS, ESQ., CHIEF FINANCIAL  
 OFFICER, AND DEPUTY CHIEF OF STAFF TO THE  
 SPEAKER

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 509-A

COMMITTEE: Health

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to a public education and outreach campaign on maternal mortality and morbidity and a report regarding the incidence of cesarean sections.

**SPONSOR(S):** Council Members Stevens, Louis, Hanif, Brooks-Powers, Nurse, Abreu, Narcisse, Velázquez, Ayala and Rivera (in conjunction with the Brooklyn Borough President).

**SUMMARY OF LEGISLATION:** The proposed legislation would require the Department of Health and Mental Hygiene (DOHMH) to report on the total births in the city, disaggregated by vaginal and cesarian sections. DOHMH would also be required to issue recommendations to reduce maternal mortality and severe maternal morbidity, including efforts to reduce the risks associated with unplanned cesarean delivery, and conduct a public health education and outreach campaign regarding maternal mortality and severe maternal morbidity.

**EFFECTIVE DATE:** This local law takes effect on the same date that a local law amending the administrative code of the city of New York, relating to an outreach and education campaign on the benefits and services provided by doulas and midwives, as proposed in introduction number 478-A for the year 2022, takes effect.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2024

**FISCAL IMPACT STATEMENT:**

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

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of Proposed Intro. 509-A because the relevant City agencies would utilize existing resources to fulfill the requirements.

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

**SOURCE OF INFORMATION:** New York City Council Finance Division  
Mayor's Office of Management and Budget

**ESTIMATE PREPARED BY:** Crilhien R. Francisco, Unit Head, NYC Council Finance Division

**ESTIMATE REVIEWED BY:** Eisha Wright, Deputy Director, NYC Council Finance Division  
Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance Division

**LEGISLATIVE HISTORY:** The legislation was introduced to the full Council on June 2, 2022 as Intro. 509 and referred to the Committee on Health on June 28, 2022. The legislation was considered by the Committee on Health and Committee on Hospitals at a hearing held on June 29, 2022 and was subsequently amended, and the amended version Proposed Intro. 509-A will be considered by the Committee on Health on August 10, 2022. Upon successful vote by the Committee on Health, Proposed Intro. No. 509-A will be submitted to the full Council for a vote on August 11, 2022.

**DATE PREPARED:** August 5, 2022.

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

**(The following is the text of Int. No. 509-A:)**

## Int. No. 509-A

By Council Members Stevens, Louis, Hanif, Brooks-Powers, Nurse, Abreu, Narcisse, Velázquez, Ayala, Rivera, De La Rosa, Won, Hudson, Cabán, Riley, Avilés, Sanchez and Gennaro (in conjunction with the Brooklyn Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to a public education and outreach campaign on maternal mortality and morbidity and a report regarding the incidence of cesarean sections**

*Be it enacted by the Council as follows:*

Section 1. Paragraphs 10 and 11 of subdivision b of section 3-119.6 of the administrative code of the city of New York, as amended by a local law of the city of New York for the year 2022, relating to an outreach and education campaign on the benefits and services provided by doula and midwives, as proposed in introduction number 478-A for the year 2022, is amended to read as follows:

10. The services offered by doula, as such term is defined in section 17-199.10, and midwives, as such term is defined in section 17-199.17, the evidence-based benefits of such services, and free and low-cost resources related to such services in the city; [and]

11. *Maternal mortality and severe maternal morbidity, as such terms are defined in section 17-199.3, in the city; and*

12. Any other rights related to reproductive health care that the administering agency deems appropriate.

§ 2. Subdivision c of section 3-119.6 of the administrative code of the city of New York, as amended by a local law of the city of New York for the year 2022, relating to an outreach and education campaign on the benefits and services provided by doula and midwives, as proposed in introduction number 478-A for the year 2022, is amended to read as follows:

c. Reporting. No later than June 30, 2024, and by June 30 every five years thereafter, the administering agency shall submit to the mayor and speaker of the council, and post online, a report describing the methods of targeted outreach used to comply with [paragraph] *paragraphs 10 and 11* of subdivision b of this section.

§ 3. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.3.2 to read as follows:

*§ 17-199.3.2 Report and recommendations on cesarean sections. No later than December 30, 2024, the department shall report on the number of total births in the city for the previous calendar year, disaggregated, to the extent available, by the number of vaginal births, the number of vaginal births after prior cesarean section, the number of first-time cesarean sections, and the number of repeat cesarean sections. This data shall be further disaggregated, to the extent available, by whether or not the pregnancy was considered low risk because the pregnancy was primiparous, full-term, singleton, and vertex/cephalic (head-first). Such report shall include recommendations by the department to reduce maternal mortality and severe maternal morbidity, as such terms are defined in section 17-199.3, including efforts to: (i) reduce the risks associated with unplanned cesarean sections; and (ii) efforts to address inequities across patient demographics.*

§ 4. This local law takes effect on the same date that a local law amending the administrative code of the city of New York, relating to an outreach and education campaign on the benefits and services provided by doula and midwives, as proposed in introduction number 478-A for the year 2022, takes effect.

LYNN C. SCHULMAN, *Chairperson*; KALMAN YEGER, CHARLES BARRON, CRYSTAL HUDSON, MERCEDES NARCISSE, MARJORIE VELÁZQUEZ, JOANN ARIOLA; 7-0-0; *Absent*: Oswald Feliz; Committee on Health, August 10, 2022. *Other Elected Official Attending: The Public Advocate (Mr. Williams).*

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

## Report of the Committee on Land Use

Report for L.U. No. 73

**Report of the Committee on Land Use in favor of approving, as modified, Application number N 220219 ZRM (The Lirio – 806 9th Avenue) submitted by the Department of Housing Preservation and Development (HPD), pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying a special permit provision of Article IX, Chapter 6 (Special Clinton District), Borough of Manhattan, Community District 4, Council District 3.**

The Committee on Land Use, to which the annexed Land Use item was referred on June 16, 2022 (Minutes, page 1570), respectfully

### REPORTS:

**(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 73 & Res. No. 299 printed in the General Order Calendar section of these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, KAMILLAH HANKS, ARI KAGAN, DARLENE MEALY, PIERINA ANA SANCHEZ; 10-0-0; *Absent*: Joseph C. Borelli, Shekar Krishnan, Carlina Rivera, Committee on Land Use, July 28, 2022 (Hybrid 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. 74

**Report of the Committee on Land Use in favor of approving, as modified, Application number C 220220 ZMM (The Lirio – 806 9th Avenue) submitted by the Department of Housing Preservation and Development (HPD), pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8c, eliminating from within an existing R8 District a C1-5 District and changing from an R8 District to a C6-2 District, Borough of Manhattan, Community District 4, Council District 3.**

The Committee on Land Use, to which the annexed Land Use item was referred on June 16, 2022 (Minutes, page 1570), respectfully

### REPORTS:

**(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 73 & Res. No. 299 printed in the General Order Calendar section of these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, KAMILLAH HANKS, ARI KAGAN, DARLENE MEALY, PIERINA ANA SANCHEZ; 10-0-0; *Absent*: Joseph C. Borelli, Shekar Krishnan, Carlina Rivera, Committee on Land Use, July 28, 2022 (Hybrid 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. 75

**Report of the Committee on Land Use in favor of approving, as modified, Application number C 220221(A) ZSM (The Lirio – 806 9th Avenue) submitted by the Department of Housing Preservation and Development (HPD), pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure for the grant of a special permit pursuant to Section 96-112 of the Zoning Resolution to modify the lot coverage and usable landscaped open area requirements of Section 96-102 (Lot Coverage Regulations) and the height and setback requirements of Section 96-104 (Height and setback regulations), in connection with a proposed mixed-use development on property located at 806 Ninth Avenue (Block 1044, Lot 3), in a C6-2 District, within the Special Clinton District (Preservation Area), Borough of Manhattan, Community District 4, Council District 3.**

The Committee on Land Use, to which the annexed Land Use item was referred on June 16, 2022 (Minutes, page 1570), respectfully

#### REPORTS:

**(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 73 & Res. No. 299 printed in the General Order Calendar section of these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, KAMILLAH HANKS, ARI KAGAN, DARLENE MEALY, PIERINA ANA SANCHEZ; 10-0-0; *Absent*: Joseph C. Borelli, Shekar Krishnan, Carlina Rivera, Committee on Land Use, July 28, 2022 (Hybrid 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. 76

**Report of the Committee on Land Use in favor of approving, as modified, Application number C 220222 PPM (The Lirio – 806 9th Avenue) submitted by the Department of Housing Preservation and Development (HPD), pursuant to Section 197-c of the New York City Charter, for the disposition of city owned property located at 806 9th Avenue (Block 1044, Lot 3), to facilitate a building containing approximately 111 affordable and supportive housing units, and community facility and retail space, Borough of Manhattan, Community District 4, Council District 3.**

The Committee on Land Use, to which the annexed Land Use item was referred on June 16, 2022 (Minutes, page 1571), respectfully

**REPORTS:**

**(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 73 & Res. No. 299 printed in the General Order Calendar section of these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, KAMILLAH HANKS, ARI KAGAN, DARLENE MEALY, PIERINA ANA SANCHEZ; 10-0-0; *Absent*: Joseph C. Borelli, Shekar Krishnan, Carlina Rivera, Committee on Land Use, July 28, 2022 (Hybrid 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. 77

**Report of the Committee on Land Use in favor of approving, as modified, Application number C 220223 PQM (The Lirio – 806 9th Avenue) the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 806 9th Avenue (Block 1044, Lot 3) to facilitate the expansion of Metropolitan Transportation Authority’s New York City Transit operations, Borough of Manhattan, Community District 4, Council District 3.**

The Committee on Land Use, to which the annexed Land Use item was referred on June 16, 2022 (Minutes, page 1571), respectfully

**REPORTS:**

**(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 73 & Res. No. 299 printed in the General Order Calendar section of these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, KAMILLAH HANKS, ARI KAGAN, DARLENE MEALY, PIERINA ANA SANCHEZ; 10-0-0; *Absent*: Joseph C. Borelli, Shekar Krishnan, Carlina Rivera, Committee on Land Use, July 28, 2022 (Hybrid Hearing).

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



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

Report for L.U. No. 86

**Report of the Committee on Land Use in favor of approving Application number C 220203 ZMX (1810 Randall Avenue Rezoning) submitted by Second Pentecostal Church of God La Hermosa and Vertical Community Development, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 7a, eliminating from within an existing R4A District a C1-2 District; eliminating from within an existing R5 District to a C1-2 District; changing from an R4A District to an R6 District; and changing from an R5 District to an R6 District; Borough of the Bronx, Community District 9, Council District 18.**

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on August 11, 2022 and which same Land Use item was coupled with the resolution shown below, respectfully

### **REPORTS:**

#### **SUBJECT**

#### **BRONX CB-9 - TWO APPLICATIONS RELATED TO 1810 RANDALL AVENUE REZONING**

#### **C 220203 ZMX (Pre. L.U. No. \_\_\_)**

City Planning Commission decision approving an application submitted by Second Pentecostal Church of God La Hermosa and Vertical Community Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 7a:

1. eliminating from within an existing R4A District a C1-2 District bounded by a line 100 feet southerly of Randall Avenue, a line midway between Beach Avenue and Taylor Avenue, a line 150 feet southerly of Randall Avenue, and Beach Avenue;
2. eliminating from within an existing R5 District to a C1-2 District bounded by a line 100 feet southerly of Randall Avenue, Taylor Avenue, a line 150 feet southerly of Randall Avenue, and a line midway between Beach Avenue and Taylor Avenue;
3. changing from an R4A District to an R6 District property bounded by Randall Avenue, a line midway between Beach Avenue and Taylor Avenue, line 100 feet southerly of Randall Avenue, and Beach Avenue; and
4. changing from an R5 District to an R6 District property bounded by Randall Avenue, Taylor Avenue, a line 100 feet southerly of Randall Avenue, and a line midway between Beach Avenue and Taylor Avenue;

as shown on a diagram (for illustrative purposes only) dated February 28, 2022, and subject to the conditions of CEQR Declaration E-660.

**N 220204 ZRX (Pre. L.U. No. \_\_\_)**

City Planning Commission decision approving an application submitted by Second Pentecostal Church of God La Hermosa and Vertical Community Development, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

**INTENT**

To approve the amendment to rezone the project area from an R4/C1-2 and R5/C1-2 zoning districts to an R6/C1-2 zoning district; and amend the zoning text to establish a mandatory Inclusionary Housing (MIH) area to facilitate the construction of an eight-story mixed-use development with approximately 167 units of housing, 47 of which would be permanently affordable, as well as approximately 15,000 square feet of community facility space, located at 1810 Randall Avenue in the Soundview neighborhood of the Bronx Community District 9.

**PUBLIC HEARING**

**DATE:** July 28, 2022

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** July 28, 2022

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

**In Favor:**

Riley  
Moya  
Louis  
Abreu  
Bottcher  
Hanks  
Carr

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** August 4, 2022

The Committee recommends that the Council approve the attached resolutions.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Salamanca	None	None
Moya		
Rivera		
Louis		
Riley		
Brooks-Powers		
Hanks		
Krishnan		

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

Res. No. 297

**Resolution approving the decision of the City Planning Commission on ULURP No. C 220203 ZMX, a Zoning Map amendment (Preconsidered L.U. No. 86).**

By Council Members Salamanca and Riley.

**WHEREAS**, Second Pentecostal Church of God La Hermosa and Vertical Community Development, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 7a, eliminating from within an existing R4A District a C1-2 District, eliminating from within an existing R5 District a C1-2 District, changing from an R4A District to an R6 District, and changing from an R5 District to an R6 District, which in conjunction with the related action would facilitate the construction of an eight-story mixed-use development with approximately 167 units of housing, 47 of which would be permanently affordable, as well as approximately 15,000 square feet of community facility space, located at 1810 Randall Avenue in the Soundview neighborhood of the Bronx, Community District 9 (ULURP No. C 220203 ZMX) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on July 26, 2022 its decision dated July 13, 2022 (the "Decision") on the Application;

**WHEREAS**, the Application is related to application N 220204 ZRX (Pre. L.U. No. \_\_\_\_), a zoning text amendment to establish 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 July 28, 2022;

**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 March 14<sup>th</sup>, 2022 (CEQR No. 22DCP037X) which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials and air quality (E-660) (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-660) 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 220203 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 7a:

1. eliminating from within an existing R4A District a C1-2 District bounded by a line 100 feet southerly of Randall Avenue, a line midway between Beach Avenue and Taylor Avenue, a line 150 feet southerly of Randall Avenue, and Beach Avenue;
2. eliminating from within an existing R5 District to a C1-2 District bounded by a line 100 feet southerly of Randall Avenue, Taylor Avenue, a line 150 feet southerly of Randall Avenue, and a line midway between Beach Avenue and Taylor Avenue;
3. changing from an R4A District to an R6 District property bounded by Randall Avenue, a line midway between Beach Avenue and Taylor Avenue, line 100 feet southerly of Randall Avenue, and Beach Avenue; and
4. changing from an R5 District to an R6 District property bounded by Randall Avenue, Taylor Avenue, a line 100 feet southerly of Randall Avenue, and a line midway between Beach Avenue and Taylor Avenue;

as shown on a diagram (for illustrative purposes only) dated February 28, 2022, and subject to the conditions of CEQR Declaration E-660, Borough of the Bronx, Community District 9.

RAFAEL SALAMANCA, Jr. *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, KAMILLAH HANKS, SHEKAR KRISHNAN; 8-0-0; *Absent*: Joseph C. Borelli, Erik D. Bottcher, Ari Kagan; Darlene Mealy, and Pierina Ana Sanchez; Committee on Land Use, August 4, 2022 (Remote Hearing). *Other Council Members Attending: Council Member Farías.*

On motion of the Speaker (Council Member Adams), 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 Adams) announced that the following items had been **preconsidered** by the Committee on Land Use and had been favorably reported for adoption.

Report for L.U. No. 87

**Report of the Committee on Land Use in favor of approving Application number N 220204 ZRX (1810 Randall Avenue Rezoning) submitted by Second Pentecostal Church of God La Hermosa and Vertical Community Development, LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of the Bronx, Community District 9, Council District 18.**

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on August 11, 2022 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. 86 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 298

**Resolution approving the decision of the City Planning Commission on Application No. N 220204 ZRX, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 87).**

By Council Members Salamanca and Riley.

**WHEREAS**, Second Pentecostal Church of God La Hermosa and Vertical Community Development, LLC, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related action would facilitate the construction of an eight-story mixed-use development with approximately 167 units, 47 of which would be permanently affordable, as well as approximately 15,000 square feet of community facility space, located at 1810 Randall Avenue in the Soundview neighborhood of the Bronx, Community District 9 (ULURP No. N 220204 ZRX) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on July 26, 2022, its decision dated July 13, 2022 (the “Decision”), on the Application;

**WHEREAS**, the Application is related to application C 220203 ZMX (Pre. L.U. No. \_\_\_\_), a zoning map amendment to change R4/C1-2 and R5/C1-2 zoning districts to an R6/C1-2 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 July 28, 2022;

**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 March 14<sup>th</sup>, 2022 (CEQR No. 22DCP037X) which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials and air quality (E-660) (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-660) 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 220204 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 9**

\* \* \*



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

Area # — [date of adoption] — MIH Program Option 1 and Option 2

LYNN C. SCHULMAN, *Chairperson*; KALMAN YEGER, CHARLES BARRON, CRYSTAL HUDSON, MERCEDES NARCISSE, MARJORIE VELÁZQUEZ, JOANN ARIOLA; 7-0-0; *Absent*: Oswald Feliz; Committee on Health, August 10, 2022. *Other Elected Official Attending*: The Public Advocate (Mr. Williams).

RAFAEL SALAMANCA, Jr. *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, KAMILLAH HANKS, SHEKAR KRISHNAN; 8-0-0; *Absent*: Joseph C. Borelli, Erik D. Bottcher, Ari Kagan; Darlene Mealy, and Pierina Ana Sanchez; Committee on Land Use, August 4, 2022 (Remote Hearing). *Other Council Members Attending*: Council Member Farías.

On motion of the Speaker (Council Member Adams), 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 Int. No. 179-A

**Report of the Committee on Women and Gender Equity in favor of approving and adopting, as amended, a Local Law in relation to a report on the role of women and gender non-binary, non-conforming, and intersex workers in nontraditional careers.**

The Committee on Women and Gender Equity, to which the annexed proposed amended local law was referred on April 14, 2022 (Minutes, page 592) and laid over by the Council since June 2, 2022 (Minutes, page 1260), respectfully

**REPORTS:**

**(For text of the report and Fiscal Impact Statement, please see the Minutes of the Stated Meeting of June 2, 2022, page 1260)**

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

**(The following is the text of Int. No. 179-A:)**

Int. No. 179-A

By Council Members Moya, Cabán, Stevens, Farías, Richardson Jordan, Menin, Won, De La Rosa, Nurse, Bottcher, Williams, Hudson, Narcisse and Krishnan.

**A Local Law in relation to a report on the role of women and gender non-binary, non-conforming, and intersex workers in nontraditional careers**

*Be it enacted by the Council as follows:*

Section 1. a. Definitions. For the purposes of this section, the following terms have the following meanings: Nontraditional careers. The term “nontraditional careers” means industries that have traditionally hired a higher proportion of male employees, including, but not limited to, fields such as the construction, utilities, maintenance, green, and transportation industries.

Sustained negative work environment. The term “sustained negative work environment” means a negative, toxic, or hostile work environment or culture due to harassment, assault, or discrimination on the basis of sexual orientation or gender.

b. No later than July 1, 2023, a city office to be designated by the mayor shall submit to the council and publish online a report containing the following information about the role of women and gender non-binary, non-conforming, and intersex workers in nontraditional careers:

1. A comprehensive review of the role of such individuals, including, but not limited to:
  - i. Issues related to recruitment and retention of such individuals;
  - ii. Issues related to sustained negative work environments for such individuals;
  - iii. How these environments value diversity, equity, and inclusion; and
  - iv. Other significant barriers to success for such individuals, where success is indicated by factors including, but not limited to, promotions, raises, continued employment, and reasonable accommodations;
2. Where feasible and to the extent possible without revealing personally identifiable information, demographic data related to the status of women and gender non-binary, non-conforming, and intersex workers in nontraditional careers, including, but not limited to, the following information:



- i. The total number of individuals working in nontraditional careers in the city and the number of women and gender non-binary, non-conforming, and intersex workers in nontraditional careers, for the past ten years, disaggregated by year, gender, sexuality, race, ethnicity, zip code, and age;
  - ii. The total number of individuals in management positions who identify as women or gender non-binary, non-conforming, and intersex workers in nontraditional careers, for the past ten years, disaggregated by year;
  - iii. The average salary of women and gender non-binary, non-conforming, and intersex workers in nontraditional careers, for the past ten years, disaggregated by year, gender, sexuality, race, ethnicity, zip code, and age; and
  - iv. Current actions being taken to promote the inclusion of women and gender non-binary, non-conforming, and intersex workers in nontraditional careers, in each industry;
3. An overview of city resources and information available to such individuals, and an overview of any actions and efforts underway to support such individuals in pursuing, obtaining, succeeding in, and staying in nontraditional careers; and
  4. Recommendations for potential mechanisms, resources, and avenues to build upon existing resources, strengthen support, and to empower women and gender non-binary, non-conforming, and intersex workers to pursue and succeed in nontraditional careers, including, but not limited to, recommendations for policy and legislation.
- c. Such report shall be created in consultation with the commission on gender equity, the city commission on human rights, the economic development corporation, the department of small business services, the department of consumer and worker protection, at least three individuals who are currently employed in a nontraditional career, at least two individuals who work at unions or organizations conducting work or research related to women and gender non-binary, non-conforming, and intersex workers in nontraditional careers, and at least one representative from a university or similar academic institution with academic experience and expertise in the study and analysis of labor markets and policy.
- § 2. This local law takes effect immediately.

TIFFANY CABÁN, *Chairperson*; KEVIN C. RILEY, JAMES F. GENNARO, JENNIFER GUTIÉRREZ, KRISTIN RICHARDSON JORDAN, ALTHEA V. STEVENS; 6-0-0; Committee on Women and Gender Equity, June 1, 2022 (Remote Hearing).

Laid Over by the Council.

Report for L.U. No. 73 & Res. No. 299

**Report of the Committee on Land Use in favor of approving, as modified, Application number N 220219 ZRM (The Lirio – 806 9th Avenue) submitted by the Department of Housing Preservation and Development (HPD), pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying a special permit provision of Article IX, Chapter 6 (Special Clinton District), Borough of Manhattan, Community District 4, Council District 3.**

The Committee on Land Use, to which the annexed Land Use item was referred on June 16, 2022 (Minutes, page 1570) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

#### **REPORTS:**

#### **SUBJECT**

**MANHATTAN CB-4 – FIVE APPLICATIONS RELATED TO THE LIRIO/MTA SITE**

**806 9<sup>TH</sup> AVENUE**  
**N 220219 ZRM (Pre. L.U. No. 73)**

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying a special permit provision of Article IX, Chapter 6 (Special Clinton District).

**C 220220 ZMM (Pre. L.U. No. 74)**

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 8c:

1. eliminating from within an existing R8 District a C1-5 District bounded by West 54th Street, a line 150 feet easterly of Ninth Avenue, a line midway between West 54th Street and West 53rd Street, a line 150 feet westerly of Eighth Avenue, West 53rd Street, a line 250 feet easterly of Ninth Avenue, a line 55 feet northerly of West 53rd Street, and Ninth Avenue; and
2. changing from an R8 District to a C6-2 District property bounded by West 54th Street, a line 150 feet westerly of Eighth Avenue, West 53rd Street, a line 250 feet easterly of Ninth Avenue, a line 55 feet northerly of West 53rd Street, and Ninth Avenue;

as shown on a diagram (for illustrative purposes only) dated January 3, 2022.

**C 220221(A) ZSM (L.U. No. 75)**

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure for the grant of a special permit pursuant to Section 96-112 of the Zoning Resolution to modify the lot coverage and usable landscaped open area requirements of Section 96-102 (Lot Coverage Regulations) and the height and setback requirements of Section 96-104 (Height and setback regulations), in connection with a proposed mixed-use development on property located at 806 Ninth Avenue (Block 1044, Lot 3), in a C6-2\* District, within the Special Clinton District (Preservation Area).

**C 220222 PPM (L.U. No. 76)**

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Section 197-c of the New York City Charter, for the disposition of city owned property located at 806 9<sup>th</sup> Avenue (Block 1044, Lot 3), to facilitate a building containing approximately 111 affordable and supportive housing units, and community facility and retail space.

**C 220223 PQM (L.U. No. 77)**

City Planning Commission decision approving an application submitted by the New York City Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 806 9th Avenue (Block 1044, Lot 3) to facilitate the expansion of Metropolitan Transportation Authority's New York City Transit operations.

**INTENT**

To approve an amendment of the zoning text to allow CPC to modify by special permit, non-FAR bulk regulations; amend zoning map to eliminate R8 and R8/C1-5 zoning district and establish a C6-2 zoning district; grant an approval of the special permit pursuant to ZR Section 96-112 to allow modifications to Article IX, Chapter 6 (Special Clinton District) regulations; approve a disposition of city-owned property; and approve an acquisition of city-owned property to facilitate the construction of a nine-story mixed-use development containing 112 permanently affordable dwelling units, approximately 67 of which would be supportive housing, along with commercial and community facility space, at 806 Ninth Avenue in the Clinton/Hell's Kitchen neighborhood of Manhattan Community District 4.

**PUBLIC HEARING*****Mandatory Items (Pre. L.U. Nos. 73 and 74)*****DATE:** June 14, 2022**Witnesses in Favor:** Thirty**Witnesses Against:** Six***Discretionary Items (L.U. Nos. 75, 76, and 77)*****DATE:** July 27, 2022**Witnesses in Favor:** One**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** July 27, 2022

The Subcommittee recommends that the Land Use Committee approve with modifications the decisions of the City Planning Commission on Pre. L.U. No. 73 and Pre. L.U. No. 74, and approve the decisions of the City Planning Commission on L.U. Nos. 75, 76, and 77.

**In Favor:**

Louis  
Feliz  
De La Rosa

**Against:**

None

**Abstain:**

None

Marte  
Nurse  
Ung

**COMMITTEE ACTION**

**DATE:** July 28, 2022

The Committee recommends that the Council approve the attached resolutions.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Salamanca	None	None
Moya		
Louis		
Riley		
Brooks-Powers		
Bottcher		
Hanks		
Kagan		
Mealy		
Sanchez		

**FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION**

The City Planning Commission filed a letter dated \_\_\_\_\_, 2022, with the Council on \_\_\_\_\_, 2022, 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 Louis offered the following resolution:

Res. No. 299

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 220219 ZRM, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 73).**

By Council Members Salamanca and Louis.

**WHEREAS**, the New York City Department of Housing Preservation and Development (HPD), 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 a special permit provision of Article IX, Chapter 6 (Special Clinton District), which in conjunction with the related actions would facilitate the construction of a nine-story, mixed-use development containing 112 permanently affordable dwelling units, approximately 67 of which would be supportive housing, along with commercial and community facility space, at 806 Ninth Avenue in the Clinton/Hell's Kitchen neighborhood, Borough of Manhattan, Community District 4 (ULURP No. N 220219 ZRM) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on June 13, 2022, its decision dated June 8, 2022 (the "Decision"), on the Application;

**WHEREAS**, the Application is related to applications C 220220 ZMM (Pre. L.U. No. 74), a zoning map amendment eliminating an R8 and R8/C1-5 zoning districts and establishing a C6-2 zoning district; C

220221 (A) ZSM (L.U. No. 75), a special permit pursuant to Zoning Resolution Section 96-112 to allow for modifications to Article IX, Chapter 6 (Special Clinton District) regulations; C 220222 PPM (L.U. No. 76), a disposition of city-owned property; and C 220223 PQM (L.U. No. 77), an acquisition of city-owned property;

**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 14, 2022;

**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 23<sup>rd</sup>, 2021 (CEQR No. 20HPD053M) (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, N 220219 ZRM, incorporated by reference herein, and the record before the Council, the Council approves with modifications 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;

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

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

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

**ARTICLE IX  
SPECIAL PURPOSE DISTRICTS**

**Chapter 6  
Special Clinton District**

\* \* \*

**96-10  
PRESERVATION AREA**

\* \* \*

**96-104**

## Height and setback regulations

The underlying height and setback regulations shall not apply, except as set forth in Sections 23- 62 or 33-42 (Permitted Obstructions), as applicable. In lieu thereof, the height and setback provisions of this Section shall apply. All height shall be measured from #curb level#.

\* \* \*

- (d) The City Planning Commission, by special permit, may modify the special height and setback regulations set forth in this Section. In order to grant such special permit, the Commission shall find that the distribution of #bulk# permits adequate access of light and air to surrounding #streets# and properties and that the maximum height does not exceed 99 feet beyond 100 feet of a #wide street#, and 115 feet within 100 feet of a #wide street#.

In conjunction with such height and setback modifications, the Commission may allow modifications to other applicable #bulk# regulations of this Resolution, except #floor area ratio# regulations, for a #building# #developed# or #enlarged# using #public funding#, as defined in Section 23-911, to support #residences# with rents restricted pursuant to a regulatory agreement with a City, State, or Federal agency, provided that such #building# is located on a #zoning lot# that has an area of at least 40,000 square feet, occupies the frontage of a #wide street#, and contains a mass transit or water supply support facility. In order to grant such special permit, the Commission shall find that:

- (1) there are physical conditions, including the presence of existing #buildings or other structures#, public infrastructure, or topographical features, that create practical difficulties in complying with the #bulk# regulations that would adversely affect the #building# configuration or site plan;
- (2) the proposed modifications will not unduly obstruct access to light and air to adjoining properties or #streets#;
- (3) the proposed scale and placement of the #development# or #enlargement# relates harmoniously with the surrounding area; and
- (4) the requested modification is reasonable in relation to the practical difficulties on the site or the public benefit derived from the #development# or #enlargement#.

The Commission may prescribe appropriate conditions and safeguards to protect and minimize any adverse effects on the character of the surrounding area.

~~However, the City Planning Commission, by special permit, may modify the special height and setback regulations set forth in this Section. In order to grant such special permit, the Commission shall find that the distribution of #bulk# permits adequate access of light and air to surrounding #streets# and properties and that the maximum height does not exceed 99 feet beyond 100 feet of a #wide street#, and 115 feet within 100 feet of a #wide street#.~~

~~The Commission may prescribe appropriate conditions and safeguards to protect and minimize any adverse effects on the character of the surrounding area.~~

\* \* \*

~~96-112  
Special permits~~

~~For #developments# or #enlargements# within the Preservation Area, or subject to the regulations of paragraph (a) of Section 96-31 (Special Regulations in R8 Districts), the City Planning Commission may allow, by special permit, the modifications set forth in paragraph (a) of this Section, provided that the findings in paragraph (b) are met.~~

~~(a) The Commission may allow modifications to:~~

~~(1) the special height and setback regulations set forth in Section 96-104 (Height and setback regulations), provided that the height of the #building# shall not exceed 115 feet within 100 feet of a #wide street#, and 99 feet beyond 100 feet of a #wide street#; and~~

~~(2) the other applicable #bulk# regulations of this Resolution, except #floor area ratio#, for #buildings# located on a #zoning lot# that has an area of at least 40,000 square feet, occupies the frontage of a #wide street#, and contains a mass transit or water supply support facility.~~

~~(b) In order to grant such special permit, the Commission shall find that:~~

~~(1) for height modifications to paragraph (a)(1) of this Section, the distribution of #bulk# permits adequate access to light and air to surrounding #streets# and properties;~~

~~(2) for other #bulk# modifications:~~

~~(i) there are physical conditions, including the presence of existing #buildings or other structures#, public infrastructure, or topographical features, that create practical difficulties in complying with the #bulk# regulations that would adversely affect the #building# configuration or site plan;~~

~~(ii) the proposed modifications will not unduly obstruct access to light and air to adjoining properties or #streets#;~~

~~(iii) the proposed scale and placement of the #development# or #enlargement# relates harmoniously with the surrounding area; and~~

~~(iv) the requested modification is reasonable in relation to the practical difficulties on the site or the public benefit derived from the #development# or #enlargement#.~~

~~The Commission may prescribe appropriate conditions and safeguards to protect and minimize any adverse effects on the character of the surrounding area.~~

RAFAEL SALAMANCA, *Chairperson*; FRANCISCO P. MOYA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, KAMILLAH HANKS, ARI KAGAN, DARLENE MEALY, PIERINA ANA SANCHEZ; 10-0-0; *Absent*: Joseph C. Borelli, Shekar Krishnan, Carlina Rivera, Committee on Land Use, July 28, 2022 (Hybrid Hearing).

On motion of the Speaker (Council Member Adams), 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. 74 &amp; Res. No. 300

**Report of the Committee on Land Use in favor of approving, as modified, Application number C 220220 ZMM (The Lirio – 806 9th Avenue) submitted by the Department of Housing Preservation and Development (HPD), pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8c, eliminating from within an existing R8 District a C1-5 District and changing from an R8 District to a C6-2 District, Borough of Manhattan, Community District 4, Council District 3.**

The Committee on Land Use, to which the annexed Land Use item was referred on June 16, 2022 (Minutes, page 1570) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 73 & Res. No. 299 printed in the General Order Calendar section of these Minutes)**

*Accordingly, this committee recommends its adoption, as modified.*

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

Res. No. 300

**Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 220220 ZMM, a Zoning Map amendment (Preconsidered L.U. No. 74).**

By Council Members Salamanca and Louis.

**WHEREAS**, the New York City Department of Housing Preservation and Development (HPD), filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 8c, by eliminating from within an existing R8 District a C1-5 District and changing from an R8 District to a C6-2 District, which in conjunction with the related actions would facilitate the construction of a nine-story, mixed-use development containing 112 permanently affordable dwelling units, approximately 67 of which would be supportive housing, along with commercial and community facility space, at 806 Ninth Avenue in the Clinton/Hell's Kitchen neighborhood of Manhattan, Community District 4 (ULURP No. C 220220 ZMM) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on June 13, 2022 its decision dated June 8, 2022 (the "Decision") on the Application;

**WHEREAS**, the Application is related to applications N 220219 ZRM (Pre. L.U. No. 73), a zoning text amendment to allow CPC to modify, by special permit, non-FAR bulk regulations; C 220221 (A) ZSM (L.U. No. 75), a special permit pursuant to Zoning Resolution Section 96-112 to allow for modifications to Article IX, Chapter 6 (Special Clinton District) regulations; C 220222 PPM (L.U. No. 76), a disposition of city-owned property; and C 220223 PQM (L.U. No. 77), an acquisition of city-owned property;

**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 14, 2022;



**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 23<sup>rd</sup>, 2021 (CEQR No. 20HPD053M) (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 220220 ZMM, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter ~~double struck out~~ is old, deleted by the City Council;  
Matter double-underlined is new, added by the City Council

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section Nos. 8c,

1. eliminating from within an existing R8 District a C1-5 District bounded by West 54th Street, a line 150 feet easterly of Ninth Avenue, a line midway between West 54th Street and West 53rd Street, a line ~~150~~ 275 feet westerly of Eighth Avenue, West 53rd Street, a line 250 feet easterly of Ninth Avenue, a line 55 feet northerly of West 53rd Street, and Ninth Avenue; and
2. changing from an R8 District to a C6-2 District property bounded by West 54th Street, a line ~~150~~ 275 feet westerly of Eighth Avenue, West 53rd Street, a line 250 feet easterly of Ninth Avenue, a line 55 feet northerly of West 53rd Street, and Ninth Avenue;

as shown on a diagram (for illustrative purposes only) dated January 3, 2022, Borough of Manhattan, Community District 4.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, KAMILLAH HANKS, ARI KAGAN, DARLENE MEALY, PIERINA ANA SANCHEZ; 10-0-0; *Absent*: Joseph C. Borelli, Shekar Krishnan, Carlina Rivera, Committee on Land Use, July 28, 2022 (Hybrid Hearing).

On motion of the Speaker (Council Member Adams), 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. 75 &amp; Res. No. 301

**Report of the Committee on Land Use in favor of approving, as modified, Application number C 220221(A) ZSM (The Lirio – 806 9th Avenue) submitted by the Department of Housing Preservation and Development (HPD), pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure for the grant of a special permit pursuant to Section 96-112 of the Zoning Resolution to modify the lot coverage and usable landscaped open area requirements of Section 96-102 (Lot Coverage Regulations) and the height and setback requirements of Section 96-104 (Height and setback regulations), in connection with a proposed mixed-use development on property located at 806 Ninth Avenue (Block 1044, Lot 3), in a C6-2 District, within the Special Clinton District (Preservation Area), Borough of Manhattan, Community District 4, Council District 3.**

The Committee on Land Use, to which the annexed Land Use item was referred on June 16, 2022 (Minutes, page 1570) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 73 & Res. No. 299 printed in the General Order Calendar section of these Minutes)**

*Accordingly, this committee recommends its adoption, as modified.*

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

Res. No. 301

**Resolution approving the decision of the City Planning Commission on ULURP No. C 220221(A) ZSM, for the grant of a special permit (L.U. No. 75).**

By Council Members Salamanca and Louis.

**WHEREAS**, the New York City Department of Housing Preservation and Development (HPD), filed an application pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure for the grant of a special permit pursuant to Section 96-112 of the Zoning Resolution to modify the lot coverage and usable landscaped open area requirements of Section 96-102 (Lot Coverage Regulations) and the height and setback requirements of Section 96-104 (Height and setback regulations), in connection with a proposed mixed-use development on property located at 806 Ninth Avenue (Block 1044, Lot 3), in a C6-2\* District, within the Special Clinton District (Preservation Area), which in conjunction with the related actions would facilitate the construction of a nine-story mixed-use development containing 112 permanently affordable dwelling units, approximately 67 of which would be supportive housing, along with commercial and community facility space, at 806 Ninth Avenue in the Clinton/Hell's Kitchen neighborhood of Manhattan Community District 4 (ULURP No. C 220221(A) ZSM) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on June 13, 2022, its decision dated June 8, 2022 (the "Decision") on the Application;

**WHEREAS**, the Application is related to applications N 220219 ZRM (Pre. L.U. No. 73), a zoning text amendment to add Zoning Resolution Section 96-112, which, by special permit, would allow the CPC, to modify additional bulk regulations, other than FAR, in the Special Interim Preservation District for Clinton ; C 220220 ZMM (Pre. L.U. No. 74), a zoning map amendment eliminating an R8 and R8/C1-5 zoning districts and

establishing a C6-2 zoning district; C 220222 PPM (L.U. No. 76), a disposition of city-owned property; and C 220223 PQM (L.U. No. 77), an acquisition of city-owned property;

**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 new Sections 96-112(b)(1) and 96-112(b)(2) of the Zoning Resolution of the City of New York, as added by the City Planning Commission’s decision on application N 220219 ZRM (Pre. L.U. No. 73);

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on June 29, 2022;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Negative Declaration issued December 23<sup>rd</sup>, 2021 (CEQR No. 20HPD053M) (the “Negative Declaration”); and

**WHEREAS**, by related resolution, the Council will approve with modifications the decision of the City Planning Commission described in report N 220219 ZRM (Pre. L.U. No. 73), deleting new section 96-112 and moving the special permit requirements established therein to Section 96-104.

**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 220221(A) ZSM, 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 220221(A) ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Centra Ruddy Architects filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
U-001.00	ZONING LOT SITE PLAN	03/17/2022
U-002.00	ZONING ANALYSIS	03/17/2022
U-004.00	WAIVER PLAN	03/17/2022
U-006A.00	WAIVER SECTIONS	03/17/2022
U-006B.00	WAIVER SECTIONS	03/17/2022

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation, and maintenance.

4. In the event the property that is the subject of the application is developed, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution and restrictive declaration described below and any subsequent modifications to either document shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.
7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, KAMILLAH HANKS, ARI KAGAN, DARLENE MEALY, PIERINA ANA SANCHEZ; 10-0-0; *Absent*: Joseph C. Borelli, Shekar Krishnan, Carlina Rivera, Committee on Land Use, July 28, 2022 (Hybrid Hearing).

On motion of the Speaker (Council Member Adams), 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. 76 & Res. No. 302

**Report of the Committee on Land Use in favor of approving, as modified, Application number C 220222 PPM (The Lirio – 806 9th Avenue) submitted by the Department of Housing Preservation and Development (HPD), pursuant to Section 197-c of the New York City Charter, for the disposition of city owned property located at 806 9th Avenue (Block 1044, Lot 3), to facilitate a building containing approximately 111 affordable and supportive housing units, and community facility and retail space, Borough of Manhattan, Community District 4, Council District 3.**

The Committee on Land Use, to which the annexed Land Use item was referred on June 16, 2022 (Minutes, page 1571) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 73 & Res. No. 299 printed in the General Order Calendar section of these Minutes)**

*Accordingly, this committee recommends its adoption, as modified.*

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

Res. No. 302

**Resolution approving the decision of the City Planning Commission on Application No. C 220222 PPM, for the disposition of city-owned property (L.U. No. 76).**

By Council Members Salamanca and Louis.

**WHEREAS**, the New York City Department of Housing Preservation and Development (HPD), filed an application pursuant to Section 197-c of the New York City Charter for the disposition of city-owned property located at 806 9<sup>th</sup> Avenue (Block 1044, Lot 3), which in conjunction with the related actions would facilitate the construction of a nine-story, mixed-use development containing 112 permanently affordable dwelling units, approximately 67 of which would be supportive housing, along with commercial and community facility space, at 806 Ninth Avenue in the Clinton/Hell's Kitchen neighborhood, Borough of Manhattan, Community District 4 (ULURP No. C 220222 PPM) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on June 13, 2022, its decision dated June 8, 2022 (the "Decision") on the Application;

**WHEREAS**, the Application is related to applications N 220219 ZRM (Pre. L.U. No. 73), a zoning text amendment to allow CPC to modify, by special permit, non-FAR bulk regulations; C 220220 ZMM (Pre. L.U. No. 74), a zoning map amendment eliminating an R8 and R8/C1-5 zoning districts and establishing a C6-2 zoning district; C 220221 (A) ZSM (L.U. No. 75), a special permit pursuant to Zoning Resolution Section 96-112 to allow for modifications to Article IX, Chapter 6 (Special Clinton District) regulations; and C 220223 PQM (L.U. No. 77), an acquisition of city-owned property;

**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 July 27, 2022;

**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 23<sup>rd</sup>, 2021 (CEQR No. 20HPD053M) (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 220222 PPM, incorporated by reference herein, and the record before the Council, the Council approves the Decision for the disposition of the City-owned property located at 806 9<sup>th</sup> Avenue (Block 1044, Lot 3).

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, KAMILLAH HANKS, ARI KAGAN, DARLENE MEALY, PIERINA ANA SANCHEZ; 10-0-0; *Absent*: Joseph C. Borelli, Shekar Krishnan, Carlina Rivera, Committee on Land Use, July 28, 2022 (Hybrid Hearing).

On motion of the Speaker (Council Member Adams), 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. 77 & Res. No. 303

**Report of the Committee on Land Use in favor of approving, as modified, Application number C 220223 PQM (The Lirio – 806 9th Avenue) the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 806 9th Avenue (Block 1044, Lot 3) to facilitate the expansion of Metropolitan Transportation Authority’s New York City Transit operations, Borough of Manhattan, Community District 4, Council District 3.**

The Committee on Land Use, to which the annexed Land Use item was referred on June 16, 2022 (Minutes, page 1571) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

#### REPORTS:

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 73 & Res. No. 299 printed in the General Order Calendar section of these Minutes)**

*Accordingly, this committee recommends its adoption, as modified.*

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

Res. No. 303

**Resolution approving the decision of the City Planning Commission on ULURP Application No. C 220223 PQM, for the acquisition of property located at 806 9<sup>th</sup> Avenue (Block 1044, Lot 3), to facilitate the expansion of Metropolitan Transportation Authority’s New York City Transit operations, Borough of Manhattan, Community District 4 (L.U. No. 77; C 220223 PQM).**

By Council Members Salamanca and Louis.

**WHEREAS**, the New York City Department of Citywide Administrative Services (DCAS), filed an application pursuant to Section 197-c of the New York City Charter for the acquisition of property located at 806 9<sup>th</sup> Avenue (Block 1044, Lot 3), which in conjunction with the related actions would facilitate the construction of a nine-story, mixed-use development containing 112 permanently affordable dwelling units, approximately 67 of which would be supportive housing, along with commercial and community facility space, at 806 Ninth Avenue in the Clinton/Hell’s Kitchen neighborhood, Borough of Manhattan, Community District 4 (ULURP No. C 220223 PQM), (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on June 13, 2022, its decision dated June 8, 2022 (the "Decision") on the Application;

**WHEREAS**, the Application is related to applications N 220219 ZRM (Pre. L.U. No. 73), a zoning text amendment to allow CPC to modify, by special permit, non-FAR bulk regulations; C 220220 ZMM (Pre. L.U. No. 74), a zoning map amendment eliminating an R8 and R8/C1-5 zoning districts and establishing a C6-2 zoning district; C 220221 (A) ZSM (L.U. No. 75), a special permit pursuant to Zoning Resolution Section 96-112 to allow for modifications to Article IX, Chapter 6 (Special Clinton District) regulations; and C 220222 PPM (L.U. No. 76), a disposition of city-owned property;

**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 July 27, 2022;

**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 23<sup>rd</sup>, 2021 (CEQR No. 20HPD053M) (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 220223 PQM, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, KAMILLAH HANKS, ARI KAGAN, DARLENE MEALY, PIERINA ANA SANCHEZ; 10-0-0; *Absent*: Joseph C. Borelli, Shekar Krishnan, Carlina Rivera, Committee on Land Use, July 28, 2022 (Hybrid Hearing).

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

**ROLL CALL ON GENERAL ORDERS FOR THE DAY**  
**(Items Coupled on General Order Calendar)**

- |  |  |
|--|--|
| (1) <b>Int 86-A -</b>                  | Education about city standards for respectful care at birth, health care proxy forms and patients' rights.   |
| (2) <b>Int 409-A -</b>                 | Increasing access to data on maternal mortality and morbidity.   |
| (3) <b>Int 472-A -</b>                 | A program in the Department of Health and Mental Hygiene to train doulas and provide doula services to residents in all five boroughs.               |
| (4) <b>Int 478-A -</b>                 | Outreach and education campaign on the benefits and services provided by doulas and midwives.  |
| (5) <b>Int 482-A -</b>                 | Department of Health and Mental Hygiene to provide information on polycystic ovary syndrome and endometriosis.                                       |
| (6) <b>Int 490-A -</b>                 | Provision of sexual and reproductive health services by the Department of Health and Mental Hygiene.   |
| (7) <b>Int 509-A -</b>                 | Public education and outreach campaign on maternal mortality and morbidity and a report regarding the incidence of cesarean sections.                |
| (8) <b>Preconsidered<br/>Int 600 -</b> | Rebate against real property taxes for certain owners of real property.  |
| (9) <b>Preconsidered<br/>Res 288 -</b> | New designation and changes in the designation of certain organizations to receive funding in the Expense Budget ( <b>Transparency Resolution</b> ). |
| (10) <b>L.U. 73 &amp; Res 299 -</b>    | <b>App. N 220219 ZRM (The Lirio – 806 9th Avenue)</b> Borough of Manhattan, Community District 4, Council District 3.                                |
| (11) <b>L.U. 74 &amp; Res 300 -</b>    | <b>App. C 220220 ZMM (The Lirio – 806 9th Avenue)</b> Borough of Manhattan, Community District 4, Council District 3.                                |



- |      |                                      |   |
|------|--------------------------------------|---|
| (12) | L.U. 75 & Res 301 -                  | App. C 220221(A) ZSM (The Lirio – 806 9th Avenue) Borough of Manhattan, Community District 4, Council District 3. |
| (13) | L.U. 76 & Res 302 -                  | App. C 220222 PPM (The Lirio – 806 9th Avenue) Borough of Manhattan, Community District 4, Council District 3.    |
| (14) | L.U. 77 & Res 303 -                  | App. C 220223 PQM (The Lirio – 806 9th Avenue) Borough of Manhattan, Community District 4, Council District 3.    |
| (15) | Preconsidered<br>L.U. 86 & Res 297 - | App. C 220203 ZMX (1810 Randall Avenue Rezoning) Borough of the Bronx, Community District 9, Council District 18. |
| (16) | Preconsidered<br>L.U. 87 & Res 298 - | App. N 220204 ZRX (1810 Randall Avenue Rezoning) Borough of the Bronx, Community District 9, Council District 18. |

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

**Affirmative** – Ariola, Avilés, Ayala, Barron, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, Carr, De La Rosa, Dinowitz, Farías, Gennaro, Gutiérrez, Hanks, Holden, Hudson, Joseph, Kagan, Krishnan, Marte, Mealy, Menin, Narcisse, Nurse, Ossé, Paladino, Restler, Richardson Jordan, Riley, Rivera, Schulman, Stevens, Ung, Velázquez, Vernikov, Yeger, the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **40**.

*Present, Not Voting* – Louis.

**The General Order vote recorded for this Stated Meeting was 40-0-0 as shown above with the exception of the votes for the following legislative items:**

The following was the vote recorded for **Preconsidered Res. No. 288:**

**Affirmative** – Ariola, Avilés, Ayala, Barron, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, De La Rosa, Dinowitz, Farías, Gennaro, Gutiérrez, Hanks, Holden, Hudson, Joseph, Kagan, Krishnan, Marte, Mealy, Menin, Narcisse, Nurse, Ossé, Paladino, Restler, Richardson Jordan, Riley, Rivera, Schulman, Stevens, Ung, Velázquez, Vernikov, Yeger, the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **39**.

**Negative** – Carr - **1**.

*Present, Not Voting* – Louis.

The following was the vote recorded for **Int. No. 490-A**:

**Affirmative** – Avilés, Ayala, Barron, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, De La Rosa, Dinowitz, Farías, Gennaro, Gutiérrez, Hanks, Holden, Hudson, Joseph, Kagan, Krishnan, Marte, Mealy, Menin, Narcisse, Nurse, Ossé, Restler, Richardson Jordan, Riley, Rivera, Schulman, Stevens, Ung, Velázquez, Yeger, the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **36**.

**Negative** – Ariola, Carr, Paladino, and Vernikov - **4**.

*Present, Not Voting* – Louis.

*The following Introductions were sent to the Mayor for his consideration and approval:  
Int. Nos. 86-A, 409-A, 472-A, 478-A, 482-A, 490-A, 509-A, and Preconsidered Int. No. 600.*

**RESOLUTIONS***presented for voice-vote*

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

Report for voice-vote item Res. No. 92

**Report of the Committee on Health in favor of approving a Resolution calling on the United States Congress to pass and President Joseph Biden to sign the Black Maternal Health Momnibus Act of 2021.**

The Committee on Health, to which the annexed resolution was referred on March 24, 2022 (Minutes, page 465), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Health for Int. No. 409-A printed in the Reports of the Standing Committees section of these Minutes)**

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 92:)**

Res. No. 92

**Resolution calling on the United States Congress to pass and President Joseph Biden to sign the Black Maternal Health Momnibus Act of 2021.**

By the Public Advocate (Mr. Williams) and Council Members Hanif, Brewer, Riley, Sanchez, Stevens, Won, Restler, Nurse, Narcisse, Brooks-Powers, Rivera, De La Rosa , Hudson, Cabán and Avilés (in conjunction with the Brooklyn Borough President).

**Whereas**, The rate of maternal mortality in the United States more than doubled between 1990 and 2014 and the United States is the only developed country in the world whose rates continue to rise according to studies published in Obstetrics and Gynecology; and

**Whereas**, Over 700 women a year in the United States die of complications related to pregnancy and two-thirds of those deaths are preventable, with 50,000 women suffering from Severe Maternal Morbidity defined as life threatening complications of pregnancy according to the Centers for Disease Control and Prevention; and

**Whereas**, Rising maternal mortality and morbidity rates disproportionately impact Black women, who are up to three times more likely to die due to a complication from child birth than white women, regardless of other factors such as their level of educational attainment or income, according to United States Department of Health and Human Services research on maternal mortality disparities; and

**Whereas**, In New York State, the maternal mortality rate for black women was 51.6 deaths per 100,000 live births, compared to 15.9 deaths per 100,000 live births for white women from 2014-2016, according to the New York State Taskforce on Maternal Mortality and Disparate Racial Outcomes report from March 2019; and

**Whereas**, In New York City, Black women are three times more likely than white women to suffer from Severe Maternal Morbidity according to a New York City Department of Health and Mental Hygiene report on Severe Maternal Morbidity; and

**Whereas**, The Black Maternal Momnibus Act of 2021 H.R.959/S.346 sponsored by Rep. Lauren Underwood (D-IL-14) and Sen. Cory Booker (D-NI) is a package that includes nine individual pieces of legislation to address the immense racial and ethnic disparities in maternal healthcare in the United States; and

**Whereas**, The Social Determinants for Moms Act H.R.943/S.851 sponsored by Rep. Lucy McBath (D-GA-6) and Sen. Richard Blumenthal (D-CT) approves the disbursement of grant funding for further research and study on social determinants of maternal health such as transportation, housing and environmental factors; and

**Whereas**, The Kira Johnson Act H.R.1212 sponsored by Rep. Alma Adams (D-NC-12) and named for a 39-year-old active, otherwise healthy Black woman who passed away in 2016 from a preventable complication shortly after delivering her second son, would expand funding for community based organizations working to improve maternal health outcomes for Black women; and

**Whereas**, The Protecting Moms Who Served Act H.R.958/S.796 sponsored by Rep. Lauren Underwood (D-IL-14) and Sen. Tammy Duckworth (D-IL) would commission a study on maternal health outcomes among veterans with an emphasis on ethnic and racial disparity; and

**Whereas**, The Perinatal Workforce Act H.R.945/S.287 sponsored by Rep. Gwen Moore (D-WI-4) and Tammy Baldwin (D-WI) would establish grant funding under the Public Services Act for accredited schools that educate and train certified nurse-midwives and other perinatal healthcare providers in order to expand and diversify the maternity care workforce; and

**Whereas**, The Data to Save Moms Act H.R.925/S.347 sponsored by Rep. Sharice Davids (D-KS-3) and Sen. Tina Smith (D-MN) would improve data collection processes and quality measures of maternal health outcomes; and

**Whereas**, The Moms MATTER Act H.R.909/S.484 sponsored by Rep. Lisa Blunt Rochester (D-DE-At Large) and Sen. Kirsten Gillibrand (D-NY) would address the mental health and substance use disorder needs of mothers through the promotion of evidence-based programs that improve outcomes; and

**Whereas**, The Justice for Incarcerated Moms Act H.R.948/S.341 sponsored by Rep. Ayanna Presley (D-MA-7) and Sen. Cory Booker (D-NJ) would support incarcerated women by promoting better care in corrections facilities and would help to end the utilization of shackling in state and local prisons by attaching federal funding to prohibitions on the use of restraints on pregnant women; and

**Whereas**, The Tech to Save Moms Act H.R.937/S.893 sponsored by Rep. Eddie Bernice Johnson (D-TX-30) and Sen. Bob Menendez (D-NJ) would invest in digital tools like telehealth to improve maternal health outcomes in underserved areas; and

**Whereas**, The IMPACT to Save Moms Act H.R.950/S.334 sponsored by Rep. Janice Schakowsky (D-IL-09) and Sen. Bob Casey (D-PA) would help to promote better access to care through the continuity of health insurance coverage for the duration of labor, delivery and postpartum care; and

**Whereas**, The Maternal Health Pandemic Response Act H.R.8027/S.4769 sponsored by Rep. Lauren Underwood (D-IL-14) and Sen. Elizabeth Warren (D-MA) would make targeted investments to advance safe and maternity care and improve data collection, monitoring, and research on maternal health outcomes during the COVID-19 pandemic and beyond; and

**Whereas**, The Protecting Moms and Babies Against Climate Change Act H.R.957/S.423 sponsored by Rep. Lauren Underwood (D-IL-14) and Sen. Ed Markey (D-MA) would address climate change-related risks, make investments to initiatives that aim to reduce levels of and exposure to extreme heat, air pollution, and other environmental threats to pregnant people, new moms, and their infants, and

**Whereas**, The Maternal Vaccination Act H.R.951/S.345 sponsored by Representative Terri A. Sewell (D-AL-07) and Sen. Tim Kaine (D-VA) would provide funding for programs to increase maternal vaccination rates, protecting both new moms and their babies; and

**Whereas**, The Black Maternal Health Momnibus Act of 2021 would make critical investments in policies that would help to end preventable maternal mortality and to close the racial and ethnic disparities in maternal healthcare; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the United States Congress to pass and President Joseph Biden to sign the Black Maternal Health Momnibus Act of 2021.

LYNN C. SCHULMAN, *Chairperson*; KALMAN YEGER, CHARLES BARRON, CRYSTAL HUDSON, MERCEDES NARCISSE, MARJORIE VELÁZQUEZ, JOANN ARIOLA; 7-0-0; *Absent*: Oswald Feliz; Committee on Health, August 10, 2022. *Other Elected Official Attending*: *The Public Advocate (Mr. Williams)*.

Pursuant to Rule 8.50 of the Council, the Majority Leader and Acting President Pro Tempore (Council Member Powers) called for a voice vote. Hearing those in favor, the Majority Leader and Acting President Pro Tempore (Council Member Powers) declared the Resolution to be adopted.

The following 5 Council Members formally noted their intent to vote negative on this item:  
Council Members Ariola, Carr, Holden, Paladino, and Vernikov.

Adopted by the Council by voice-vote.

Report for voice-vote item Res. No. 95

**Report of the Committee on Health in favor of approving a Resolution calling on the New York State Legislature to pass, and the Governor to sign, A217/S2736, relating to informing maternity patients about the risks associated with cesarean section.**

The Committee on Health, to which the annexed resolution was referred on March 24, 2022 (Minutes, page 468), respectfully

#### REPORTS:

**(For text of report, please see the Report of the Committee on Health for Int. No. 409-A printed in the Reports of the Standing Committees section of these Minutes)**

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 95:)**

Res. No. 95

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, A217/S2736, relating to informing maternity patients about the risks associated with cesarean section.**

By Council Members Rivera, Hanif, Riley, Stevens, Won, Nurse, Louis, Narcisse, Brooks-Powers, Ayala, Hudson and Cabán.

**Whereas**, According to the American College of Obstetricians and Gynecologists (ACOG), a cesarean birth is the delivery of a baby through incisions made in the abdomen and uterus; and

**Whereas**, According to ACOG, a cesarean birth may be performed if there are certain concerns about the fetus, problems with the placenta, if the birthing parent has certain medical conditions, and for other reasons; and

**Whereas**, While cesarean sections can be medically needed, for low risk pregnancies and those who do not medically require a cesarean section, there are benefits to having a vaginal birth; and

**Whereas**, According to the Mayo Clinic, cesarean sections include risks for both the birthing parent and baby; and

**Whereas**, Babies born by scheduled cesarean section are more likely to develop transient tachypnea, a breathing problem marked by abnormally fast breathing during the first few days after birth, and, rarely, babies may experience a surgical injury; and

**Whereas**, Risks for birthing parents include infection, postpartum hemorrhage, blood clots, wound infection, surgical injury, and other issues; and

**Whereas**, Individuals who have a cesarean section also require time to recover and additional postpartum care; and

**Whereas**, Cesarean sections also impact the birthing parent's future maternal health; and

**Whereas**, Individuals who have a cesarean section face a higher risk of potentially serious complications in a subsequent pregnancy, such as cesarean scar on the uterus rupturing during a future vaginal birth; and

**Whereas**, According to the New York State Taskforce on Maternal Mortality and Disparate Racial Outcomes, the cesarean delivery rate in the U.S. has risen to over 30 percent, and, when compared to vaginal deliveries, cesarean deliveries carry overall higher rates of maternal mortality; and

**Whereas**, According to the Task Force's report, from 2012-2014, 66 percent of prenatal related deaths in New York State involved a cesarean section; and

**Whereas**, According to the New York City 2008-2012 Severe Maternal Morbidity report, maternal morbidity is a continuum from mild adverse effects to life-threatening events or death; and

**Whereas**, According to the report, the severe maternal morbidity rate was higher among people with a primary or repeat cesarean (474.1 and 492.3 per 10,000 deliveries, respectively), compared to those with a vaginal birth (109.8 per 10,000 deliveries) or vaginal birth after a cesarean (172.7 per 10,000 deliveries); and

**Whereas**, Although it is difficult to differentiate between morbidity caused by cesarean delivery versus morbidity requiring a cesarean delivery, cesarean sections may have a higher risk of maternal morbidity; and

**Whereas**, According to the Centers for Disease Control and Prevention, in 2020 the cesarean delivery rate in New York State was 33.6 percent, the twelfth highest rate in the country; and

**Whereas**, It is increasingly important to ensure that all individuals giving birth are informed of the risks associated with cesarean births; and

**Whereas**, A217/S2736, sponsored by Senator Julia Salazar and Assembly Member Amy Paulin, amends the public health law, in relation to informing maternity patients about the risks associated with cesarean section; and

**Whereas**, The bill would require maternal health providers to supply individuals with a planned cesarean and those who undergo an unplanned cesarean with a standardized written communication about cesarean sections; and

**Whereas**, Such written communication would include, but not be limited to, potential maternal injuries, potential injuries to the fetus, the impact of a cesarean delivery may have on future pregnancies and deliveries, and the circumstances in which cesarean delivery may be necessary to save the life of the parent or fetus; and

**Whereas**, The information would be developed by the Commissioner based on consultations with appropriate health care professionals, providers, consumers, educators, and patients, including the ACOG and the New York State Association of Licensed Midwives; and

**Whereas**, Such a law would ensure the universal dissemination of information to improve the health and safety of New York's birthing parents and newborns; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, A217/S2736, relating to informing maternity patients about the risks associated with cesarean section

LYNN C. SCHULMAN, *Chairperson*; CHARLES BARRON, CRYSTAL HUDSON, MERCEDES NARCISSE, MARJORIE VELÁZQUEZ; 5-2-0; *Negative*: Joann Ariola and Kalman Yeger *Absent*: Oswald Feliz; Committee on Health, August 10, 2022. *Other Elected Official Attending*: *The Public Advocate (Mr. Williams)*.

Pursuant to Rule 8.50 of the Council, the Majority Leader and Acting President Pro Tempore (Council Member Powers) called for a voice vote. Hearing those in favor, the Majority Leader and Acting President Pro Tempore (Council Member Powers) declared the Resolution to be adopted.

The following 5 Council Members formally noted their intent to vote negative on this item:  
Council Members Ariola, Carr, Paladino, Vernikov and Yeger.

Adopted by the Council by voice-vote.

Report for voice-vote item Res. No. 205

**Report of the Committee on Health in favor of approving a Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation making doulas more accessible to individuals with Medicaid and those without health insurance.**

The Committee on Health, to which the annexed resolution was referred on June 2, 2022 (Minutes, page 1361), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Health for Int. No. 409-A printed in the Reports of the Standing Committees section of these Minutes)**

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 205:)**

Res. No. 205

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation making doulas more accessible to individuals with Medicaid and those without health insurance.**

By Council Members Rivera, Louis, Hudson, Hanif, Brooks-Powers, Joseph, Nurse, The Speaker (Council Member Adams), Restler, Won, Narcisse, Avilés, Ayala, Marte, Dinowitz, De La Rosa, Cabán and Riley (in conjunction with the Brooklyn Borough President).

**Whereas**, According to DONA International, a doula is a trained professional who provides continuous physical, emotional, and informational support to a pregnant person and the family before, during, and shortly after childbirth; and

**Whereas**, Doulas have proven to be beneficial to pregnant people and their health; and

**Whereas**, Doulas act as important advocates, facilitating communication between providers and patients, providing culturally-competent and language-appropriate care to immigrant communities and communities of color they serve; and

**Whereas**, According to the New York City Department of Health and Mental Hygiene's (DOHMH's) report *The State of Doula Care in NYC 2019* ("doula report"), doula care has been associated with lower rates of Cesarean birth, preterm birth, low birthweight, and postpartum depression, as well as with increased rates of breastfeeding, and greater patient satisfaction with maternity care; and

**Whereas**, A 2017 report published by Cochrane reveals that people who had doula support were 39 percent less likely to have a caesarean section and 15 percent more likely to give birth without needing drugs or labor-inducing techniques; and

**Whereas**, According to Choices in Childbirth, a survey regarding doula care in New York City reveals that 72 percent of people reported that their doula helped them communicate their preferences and needs, while 80 percent of those surveyed reported that their doula helped them feel more empowered; and

**Whereas**, 83 percent of survey respondents reported having a doula made their labor and birth experience “much better” than if they had not used a doula, and it made them more relaxed before, during, and after birth; and

**Whereas**, 88 percent of this cohort reported that cost was an issue when opting to work with a doula; and

**Whereas**, According to DOHMH’s doula report, the average cost of birth-doula services was \$1,550 per client among doulas surveyed for the report, with a range of \$225 to \$5,000; and

**Whereas**, Doula services are generally not covered by Medicaid or private insurance; and

**Whereas**, Doula care should be more accessible, especially given the maternal mortality and morbidity rates in New York City as well as the inequitable health outcomes for people of color and infants of color, specifically those who are Black; and

**Whereas**, Of the 21 pregnancy-related deaths in New York City in 2017, 11 were of people who were Black and six were of people who were Latina, accounting for nearly every pregnancy-related death; and

**Whereas**, In New York City in 2017, the rate of severe maternal morbidity was highest among Black people (457.2 per 10,000 births), followed by people of other or multiple race(s) (399.6), people who are Latina (313.7), Asian/Pacific Islander (225.4), and, last, people who are white (187.9); and

**Whereas**, By expanding access to doulas, New York City could better tackle these insidious inequities; and

**Whereas**, Doulas face barriers providing care to all those who need it; and

**Whereas**, According to DOHMH’s doula report, among doulas surveyed, 9 of every 10 have turned clients away, for reasons including clients’ living outside their coverage area (47 percent), being already booked with other families (43 percent), and clients’ being unable to afford their fee (37 percent); and

**Whereas**, New York State considered legislation to include doula services in Medicaid coverage; and

**Whereas**, In April 2018, New York State announced the launch of a Medicaid pilot program to cover doula services; and

**Whereas**, This legislation and pilot were extremely controversial in the doula community for numerous reasons; and

**Whereas**, The Medicaid pilot program was discontinued in Brooklyn because of lack of doula participation due to many flaws with the program; and

**Whereas**, One of the crucial flaws in the program was the inadequate reimbursement rate for doula services; and

**Whereas**, For a Medicaid doula program to operate and become sustainable, reimbursement rates must be sufficient to allow doulas to support themselves and their families and to increase doula participation in the program; and

**Whereas**, DOHMH’s doula report on doula care provides numerous recommendations for stakeholders to improve access to doulas; and

**Whereas**, Recommendations fall within four key components, including increasing access for underserved communities, making hospital environments more welcoming of doulas, amplifying community voices to help expand access to doula services, and improving data collection; and

**Whereas**, The New York State Legislature should consider these recommendations, and should develop legislation, in collaboration with doulas and people with lived experience, in order to best understand the most effective and significant ways to expand access to doula services; now, therefore, be it,

**Resolved**, The Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, legislation making doulas more accessible to individuals with Medicaid and those without health insurance

LYNN C. SCHULMAN, *Chairperson*; KALMAN YEGER, CHARLES BARRON, CRYSTAL HUDSON, MERCEDES NARCISSE, MARJORIE VELÁZQUEZ, JOANN ARIOLA; 7-0-0; *Absent*: Oswald Feliz; Committee on Health, August 10, 2022. *Other Elected Official Attending: The Public Advocate (Mr. Williams).*



Pursuant to Rule 8.50 of the Council, the Majority Leader and Acting President Pro Tempore (Council Member Powers) called for a voice vote. Hearing those in favor, the Majority Leader and Acting President Pro Tempore (Council Member Powers) declared the Resolution to be adopted.

The following 5 Council Members formally noted their intent to vote negative on this item:  
Council Members Ariola, Carr, Holden, Paladino and Vernikov.

Adopted by the Council by voice-vote.

Report for voice-vote item Res. No. 244

**Report of the Committee on Health in favor of approving a Resolution calling on the Centers for Disease Control and Prevention to provide expanded funding for the Healthy Start Brooklyn doula program known as By My Side in order to make doulas available to all low-income birthing people in New York City.**

The Committee on Health, to which the annexed resolution was referred on June 16, 2022 (Minutes, page 1554), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Health for Int. No. 409-A printed in the Reports of the Standing Committees section of these Minutes)**

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 244:)**

Res. No. 244

**Resolution calling on the Centers for Disease Control and Prevention to provide expanded funding for the Healthy Start Brooklyn doula program known as By My Side in order to make doulas available to all low-income birthing people in New York City.**

By the Public Advocate (Mr. Williams) and Council Members Cabán, Hanif, Louis, Gutiérrez, Narcisse, Avilés, Joseph, Hudson, Ayala, Won, Rivera, De La Rosa, Brooks-Powers and Hanks.

**Whereas**, The New York City Department of Health and Mental Hygiene (DOHMH) describes doulas as trained birth assistants who provide non-medical support to birthing parents and their partners before, during and after a child's birth; and

**Whereas**, The By My Side (BMS) birth support program is administered through Healthy Start Brooklyn, a federally-funded program based in the City's DOHMH Center for Health Equity, that provides free doula services to low-income birthing parents in Brooklyn who disproportionately face the risks of infant mortality, low birthweight, preterm birth and other challenges; and

**Whereas**, The BMS program's mission is also to encourage breastfeeding among low-income and immigrant parents, and educate through the use of doula services, thereby promoting the nutrients necessary for a healthy baby's brain growth and nervous system development; and

**Whereas**, According to the Cochrane Collaboration Review, a compilation of data from multiple peer-reviewed and evidenced-based studies, continuous labor supports provided by birth doulas has been scientifically

proven to shorten labor by 41 minutes on average, reduce the risk of cesarean section delivery by 25 percent and has increased the likelihood of spontaneous vaginal births by eight percent; and

**Whereas**, DOHMH has reported doula services lead to improved birthing outcomes, with instrumental vaginal births or induced labor less likely and a reduced need for pain medications; and

**Whereas**; Additionally, doulas services lead to experiencing a more successful initiation of breastfeeding and self-reported positive experience in giving birth which facilitates better parent-baby bonding; and

**Whereas**, The DOHMH State of Doula Care in NYC 2021 Report clearly stated that while doulas alone cannot solve the inequities in birth outcomes that are the result of centuries of structural and medical racism nationwide, doulas do provide a positive health benefit in facilitating improved birth outcomes, particularly while working to eliminate racial inequities and decrease maternal deaths while reducing life-threatening complications related to childbirth; and

**Whereas**, Additional funding from the Centers for Disease Control and Prevention (CDC) would allow the expansion of the DOHMH's BMS birth support program to serve low-income birthing parents in all five boroughs who are also part of a demographic that disproportionately face the risks of infant mortality, preterm birth, low birthweight and other challenges; now, therefore, be it,

**Resolved**, The Council of the City of New York calls on Centers for Disease Control and Prevention to provide expanded funding for the Healthy Start Brooklyn doula program known as By My Side in order to make doulas available to all low-income birthing people in New York City.

LYNN C. SCHULMAN, *Chairperson*; KALMAN YEGER, CHARLES BARRON, CRYSTAL HUDSON, MERCEDES NARCISSE, MARJORIE VELÁZQUEZ, JOANN ARIOLA; 7-0-0; *Absent*: Oswald Feliz; Committee on Health, August 10, 2022. *Other Elected Official Attending: The Public Advocate (Mr. Williams)*.

Pursuant to Rule 8.50 of the Council, the Majority Leader and Acting President Pro Tempore (Council Member Powers) called for a voice vote. Hearing those in favor, the Majority Leader and Acting President Pro Tempore (Council Member Powers) declared the Resolution to be adopted.

The following 4 Council Members formally noted their intent to vote negative on this item:  
Council Members Ariola, Carr, Paladino and Vernikov.

Adopted by the Council by voice-vote.

## INTRODUCTION AND READING OF BILLS

Preconsidered Int. No. 600

By The Speaker (Council Member Adams) and Council Members Brannan and Yeger.

### **A Local Law to amend the administrative code of the city of New York, in relation to a rebate against real property taxes for certain owners of real property**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 1 of chapter 2 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-240.2 to read as follows:

*§ 11-240.2 Rebate for owners of certain real property. 1. For the fiscal year beginning on July 1, 2021 and ending on June 30, 2022, a rebate of the annual tax of an eligible property in the amount provided in this section shall be paid to the owner of such an eligible property, provided the qualified gross income of all the owners for whom such property serves as their primary residence was \$250,000 or less in tax year 2020. Where the eligible property, other than an eligible property that is a dwelling unit in residential property held in the cooperative form of ownership, is in arrears in the payment of real property taxes, assessments, and any other charges that are made a lien subject to the provisions of chapter 3 of this title other than water rents, sewer rents and sewer surcharges, such rebate shall be applied to any such unpaid real property taxes, assessments, and other charges on the account of such eligible property. Where the eligible property is a dwelling unit in residential property held in the cooperative form of ownership and such residential property is in arrears in the payment of real property taxes, assessments, and any other charges that are made a lien subject to the provisions of chapter 3 of this title other than water rents, sewer rents and sewer surcharges, such rebate shall be applied to any unpaid real property taxes, assessments, and other charges on the account of such residential property in an amount equal to the proportionate share of the arrears of the dwelling unit. Notwithstanding any provision of article 4 of the real property tax law to the contrary, an owner whose property is receiving benefits pursuant to any provision of such article shall not be prohibited from receiving a rebate pursuant to this section if such owner is otherwise eligible to receive such rebate.*

*2. Definitions. As used in this section the following terms shall have the following meanings:*

*Annual tax. The term "annual tax" means the amount of real property tax that is imposed on a property for the fiscal year beginning on July 1, 2021, determined after reduction for any amount for which such property is exempt, or which is abated, pursuant to applicable law, provided that, for a property that is a dwelling unit in residential property held in the cooperative form of ownership, "annual tax" means the amount of real property tax that is imposed on such residential property divided by the number of units within such residential property, including dwelling units and units used primarily for professional or commercial purposes, determined after reduction for any amount for which such property that is a dwelling unit is exempt, or which is abated, pursuant to applicable law.*

*Applicant. The term "applicant" means an owner of an eligible property who, pursuant to subdivision 6 of this section, may apply for the rebate authorized by this section.*

*Eligible property. The term "eligible property" means a property that, beginning on or after June 15, 2022, serves as the primary residence of the owner of such property, and served as such owner's primary residence during the 90 days prior to such date.*

*Erroneous rebate. The term "erroneous rebate" means:*

- (i) a rebate that was granted to an owner who was not entitled to a rebate under this section; or*
- (ii) a rebate that was granted or calculated in error under this section.*

*Immediate family member. The term "immediate family member" means the spouse, domestic partner, sibling or child of an owner, as documented by a record issued by a local, state, federal or foreign governmental entity.*

*Owner.* The term "owner" means one or more natural persons who, beginning on or after June 15, 2022, either:

- (i) owns a property in fee simple absolute or as a tenant in common, a joint tenant or a tenant by the entirety;
- (ii) is a tenant-stockholder of a cooperative apartment corporation who resides in a portion of real property owned by such cooperative apartment corporation, to the extent represented by their share or shares of stock in such corporation as determined by their proportional relationship to the total outstanding stock of such corporation, including such stock owned by such corporation; or
- (iii) owns a present interest in a property under a life estate or who is a beneficial owner under a trust.

*Property.* The term "property" means a one-, two-, or three-family residence or a dwelling unit in residential property held in the cooperative or condominium form of ownership. "Property" shall not include any vacant land.

*Proportionate share of the arrears of the dwelling unit.* The term "proportionate share of the arrears of the dwelling unit" is the quotient of the amount of unpaid real property taxes, assessments, and other charges of a residential property held in the cooperative form of ownership divided by the number of units therein, including dwelling units and units used primarily for professional or commercial purposes.

*Qualified gross income.* The term "qualified gross income" means the adjusted gross income for the taxable year as reported for federal income tax purposes, or which would be reported as adjusted gross income if a federal income tax return were required to be filed. In computing qualified gross income, the net amount of loss reported on Federal Schedule C, D, E, or F shall not exceed \$3,000 per schedule.

*Substantially higher.* The term "substantially higher" means more than \$275,000.

3. *Primary residence.* To be granted a rebate pursuant to this section, an owner, other than an owner who receives a real property tax exemption pursuant to section 425 of the real property tax law or a school tax relief credit pursuant to subsection (eee) of section 606 of the tax law for such property for the fiscal year commencing on July 1, 2022, shall certify that the property serves as the primary residence of such owner. The department of finance may require that an owner submit proof of such primary residence to the department. Such proof may include but is not limited to a valid driver's license, the most recent federal or state income tax return, or a proof of registration to vote.

4. *Amount of rebate.* The amount of the rebate to be provided by the commissioner of finance shall be the lesser of \$150, or the annual tax imposed on the property.

5. *Qualification for rebate for recipients of STAR credit or exemption.* The owner of an eligible property who receives a real property tax exemption pursuant to section 425 of the real property tax law or a school tax relief credit pursuant to subsection (eee) of section 606 of the tax law for the fiscal year commencing on the July 1, 2022 and satisfies the requirements described in subdivision 1 of this section shall not be required to file, and shall not file, an application for the rebate authorized by this section. To the extent the commissioner of finance determines that such an owner is not entitled to the rebate authorized by this section, the commissioner shall send to such owner a notice of denial of the rebate.

6. *Qualification for rebate for owners of an eligible property who are not recipients of STAR credit or exemption.* a. *Generally.* The owner of an eligible property who does not receive a real property tax exemption pursuant to section 425 of the real property tax law or a school tax relief credit pursuant to subsection (eee) of section 606 of the tax law for the fiscal year commencing on July 1, 2022 may file an application for the rebate authorized by this section, provided that, such owner satisfies the requirements described in subdivision 1 of this section, and provided, further, that for an eligible property that serves as the primary residence of more than one owner, all such owners shall jointly file an application for such rebate. Notwithstanding any provision of law to the contrary, an application for a rebate authorized by this section shall be filed by electronic means on or before November 15, 2022, provided that, such application may be filed by electronic means after November 15, 2022 and on or before March 15, 2023 when an applicant demonstrates, to the satisfaction of the commissioner of finance, extenuating circumstances, including but not limited to the death or illness of an immediate family member, that prevented such applicant from filing an application on or before November 15, 2022. Upon a showing by an applicant that filing an application by electronic means is not practicable for reasons including but not limited to lack of access to, or ability to use, the technology needed to file by electronic means, the commissioner of finance may grant a waiver of the requirement to file such application by electronic means. No more than one application shall be submitted for an eligible property.

*b. Approval or denial of application. If the commissioner of finance determines that an applicant is entitled to the rebate authorized by this section, the commissioner shall approve such application, notify such applicant of such approval, and grant such rebate to such applicant. If the commissioner of finance determines that an applicant is not entitled to the rebate authorized by this section, the commissioner shall send to such applicant a notice of denial of such application. Such notice of denial shall specify the reason for such denial and may be sent by mail or by electronic means. Failure to send any such notice of denial or the failure of any applicant to receive such notice shall not affect such denial and shall not prevent the levy, collection and enforcement of taxes on the property of such applicant.*

*c. Review of submission. The burden shall be on the applicant to establish that the property is the primary residence of such applicant, that the qualified gross income of all the owners for whom such property serves as their primary residence is \$250,000 or less and that any other requirements relating to the granting of the rebate are satisfied.*

*d. Oath. The commissioner of finance shall require that statements made in connection with any application filed pursuant to this section be made under oath. Such application shall contain the following declaration: "I certify that all information contained in this application is true and correct to the best of my knowledge and belief. I understand that willful making of any false statement of material fact herein will subject me to the provisions of law relevant to the making and filing of false instruments and will render this application null and void." Such application shall also state that the applicant agrees to comply with and be subject to this section and any rules promulgated by the commissioner of finance pursuant to this section.*

*7. Denial and revocation of rebate. a. Generally. The commissioner of finance shall deny an application for a rebate or revoke any rebate granted pursuant to this section if it appears that: (i) the property does not serve as the primary residence of the owner who has applied for such rebate or who received the real property tax exemption pursuant to section 425 of the real property tax law or a school tax relief credit pursuant to subsection (eee) of section 606 of the tax law for such property for the fiscal year commencing on July 1, 2022; (ii) prior to the granting of the rebate authorized by this section, title to the property has been transferred to a new owner other than to an immediate family member for whom the property serves as the primary residence until, at a minimum, the date on which such rebate is granted, provided that the commissioner of finance has been notified of any such transfer to an immediate family member in connection with the application authorized by subdivision 6 of this section; or (iii) the property is otherwise no longer eligible for the rebate.*

*b. Rights of owners. Upon determining that a rebate granted pursuant to this section shall be revoked, the commissioner of finance shall send a notice so stating to the affected owner. Such notice shall be sent by mail or by electronic means no later than June 30, 2023. Granting a rebate pursuant to this section, denying a rebate pursuant to subdivision 5 of this section, denying an application for a rebate pursuant to paragraph b of subdivision 6 of this section, or revoking a rebate granted pursuant to this section shall constitute a final determination of the commissioner of finance, unless, within 90 days of the date of the notification of such denial or revocation, the owner seeks administrative review by the commissioner of finance of such determination, provided that the burden shall be on the owner to establish eligibility for the rebate. The failure to grant a rebate pursuant to this section to an owner who is not required to submit an application pursuant to subdivision 5 of this section and who does not receive a notice of denial pursuant to such subdivision shall constitute a final determination by the commissioner of finance unless such owner seeks administrative review by such commissioner of such determination no later than July 1, 2023.*

*8. Restriction on rebate for married couples with two or more residences. The rebate provided by this section shall be granted on no more than one property owned by a married couple, unless such spouses are living apart due to legal separation.*

*9. Record of ownership of an eligible property. A deed or other instrument demonstrating ownership of an eligible property shall be recorded with the city register, the Richmond county clerk, or the automated city register information system on or before June 30, 2022.*

*10. Proof of residency and information regarding qualified gross income. In accordance with subdivisions 1 and 3 of this section, the commissioner of finance may request proof of residency and information relating to qualified gross income from any owner seeking to receive a rebate authorized pursuant to this section, including but not limited to, an owner who received the real property tax exemption pursuant to section 425 of the real property tax law or a school tax relief credit pursuant to subsection (eee) of section 606 of the tax law for such property for the fiscal year commencing on July 1, 2022.*

11. *Rebate returned for re-issuance.* The commissioner of finance may provide a credit against the annual tax of an eligible property in the amount of the rebate when an owner of an eligible property requests that a check in the amount of the rebate be re-issued to such owner, except that no such credit shall be provided later than two years from the date the rebate is granted.

12. *Recovery of erroneous rebate.* a. If the commissioner of finance determines that an owner received an erroneous rebate, the commissioner of finance shall recover such erroneous rebate, within six years of the granting of such rebate, by deducting the amount of such erroneous rebate from any refund otherwise payable to the owner of such property, and any balance of the amount of such erroneous rebate remaining unpaid shall constitute a tax lien on the property of such owner as of the due and payable date provided on the tax bill mailed by the commissioner of finance containing such amount. If such amount is not paid by such due and payable date, interest at the rate applicable to delinquent real property taxes on such property shall be charged and collected on such amount from the due and payable date provided on such notice to the date of payment. Such tax lien shall be enforceable in accordance with the provisions of law relating to the enforcement of tax liens, including chapters 3 and 4 of this title. No lien created pursuant to this section shall be enforced against a subsequent purchaser for value in good faith, provided that the purchase occurred prior to the date the amount of the erroneous rebate was entered on the statement of account for such property. Such authority shall supplement any other authority of the commissioner of finance to enforce payment of the erroneous rebate by the owner of such property.

b. To the extent a rebate was granted or calculated in error under this section, the amount of the erroneous rebate shall be equal to the difference between the amount of the rebate originally granted and the amount to which the owner was entitled.

13. *Penalty for material misstatements.* a. *Generally.* If the commissioner of finance determines, within three years from the granting of a rebate authorized by this section, that there was a material misstatement in an application filed pursuant to this section and that such misstatement provided the basis for the granting of a rebate under this section, the commissioner of finance shall proceed to impose a penalty tax against the property of \$500 in addition to recovering the amount of any erroneous rebate under subdivision 12 of this section. An application shall be deemed to contain a material misstatement for this purpose when either:

(1) the applicant claimed the property was his, her or their primary residence, when it was not;

(2) the applicant claimed that the applicant owned the property, when the applicant did not; or

(3) the applicant claimed that the qualified gross income of all the owners for whom such property serves as their primary residence was \$250,000 or less, when the qualified gross income of such owners was a substantially higher amount.

b. *Procedure.* When the commissioner of finance determines that a penalty tax shall be imposed, the penalty tax shall be entered on the next ensuing tentative or final assessment roll. Each owner shall be given notice of the possible imposition of a penalty tax, and shall be entitled to seek administrative and judicial review of such action in the manner provided by law.

14. *Non-disclosure.* The information contained in applications filed with the commissioner of finance pursuant to subdivision 6 of this section shall not be subject to disclosure under article 6 of the public officers law.

§ 2. This local law takes effect immediately.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Int. No. 601

By The Speaker (Council Member Adams) and Council Members Bottcher, Gennaro, Brewer, Restler, Hanif, Nurse, Gutiérrez and Yeger.

**A Local Law to amend the administrative code of the city of New York, in relation to conducting continuous wastewater-based epidemiology testing and reporting on infectious diseases found in**

**wastewater, and to repeal section 24-531 of such code, relating to the creation of a pilot program to test sewage for SARS-CoV-2 RNA**

*Be it enacted by the Council as follows:*

Section 1. Section 24-531 of the administrative code of the city of New York is REPEALED and a new section 24-531 is added to read as follows:

§ 24-531 *Wastewater testing program. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Declared infectious disease. The term “declared infectious disease” means an infectious disease that a city or state agency, the United States centers for disease control and prevention, or the world health organization has declared to be an imminent threat to public health, a local, state, or national public health emergency, or a global pandemic. Such term includes COVID-19 and monkeypox if such disease is declared to be an imminent threat to public health, a local, state, or national public health emergency, or a global pandemic.*

*Wastewater-based epidemiology. The term “wastewater-based epidemiology” means the chemical analysis of pollutants, viruses, and biomarkers in raw wastewater to obtain qualitative and quantitative data on disease activity among inhabitants within a given wastewater catchment.*

*b. Wastewater sampling and testing. 1. The commissioner, in consultation with the commissioner of health and mental hygiene, shall conduct wastewater-based epidemiology sampling and testing to quantify the levels of viruses and other agents that cause declared infectious diseases in wastewater at each city wastewater treatment plant in accordance with this subdivision.*

*2. No less than twice per week, the commissioner shall collect raw wastewater samples in amounts necessary to measure the presence of viruses and other agents that cause declared infectious diseases. The commissioner, in collaboration with the commissioner of health and mental hygiene, shall arrange for the testing of such samples for such viruses and agents, and may provide such samples to other relevant local, state, or federal agencies for related testing. Such testing shall, at minimum, measure the number of copies of viruses or other agents that cause declared infectious diseases through a testing method that reflects industry best practices for the virus or agent to be tested.*

*3. In addition to the sampling and testing required by this subdivision, the commissioner and the commissioner of health and mental hygiene may also conduct wastewater-based epidemiology sampling and testing to measure the levels of infectious diseases other than declared infectious diseases in furtherance of the detection, prevention, and control of such diseases.*

*4. The commissioner of health and mental hygiene shall publish the results of the testing provided for in this subdivision no less than weekly on the department of health and mental hygiene’s website.*

*c. Annual report. No later than August 31, 2023, and every year thereafter, the commissioner of health and mental hygiene, in consultation with the commissioner of environmental protection, shall submit to the mayor and the speaker of the council a report which shall include but not be limited to the following:*

*1. Results of all sampling of viruses and other agents that cause declared infectious diseases conducted pursuant to this section, disaggregated by the type of virus or other agent sampled, the site where the sample was collected, the date the sample was collected, and the date the sample was tested, in order to monitor the leading indicators of increases or decreases in declared infectious diseases present in each drainage area;*

*2. The various testing methods used to test samples for viruses and other agents as part of the wastewater-based epidemiology testing program;*

*3. The total cost of the wastewater-based epidemiology testing program for the previous fiscal year; and*

*4. Analysis of the effectiveness of the wastewater-based epidemiology testing program in testing for viruses and other agents that cause declared infectious diseases.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

## Int. No. 602

By The Speaker (Council Member Adams) and Council Members Powers, Bottcher, Hanks, Hanif, Menin, Ossé, the Public Advocate (Mr. Williams), Brewer, Williams, Won, Nurse and Joseph.

**A Local Law to amend the administrative code of the city of New York, in relation to determining and identifying the area commonly known as Times Square**

*Be it enacted by the Council as follows:*

Section 1. Title 10 of the administrative code of the city of New York is amended by adding a new section 10-184 to read as follows:

*§ 10-184 Times Square sensitive location zone. a. For the purposes of paragraph (t) of subdivision 2 of section 265.01-e of the penal law, the area commonly known as Times Square means and includes the following two tracts: (i) the tract in Manhattan including and bounded on the west by the west side of Eighth Avenue, on the south by the south side of West Fortieth Street, on the east by the east side of Sixth Avenue, and on the north by the north side of West Fifty-third Street; and (ii) the tract in Manhattan including and bounded on the west by the west side of Ninth Avenue, on the south by the south side of West Fortieth Street, on the east by the east side of Eighth Avenue, and on the north by the north side of West Forty-eighth Street. For the purposes of such paragraph, the area commonly known as Times Square does not include the interior of any building or other enclosed structure; provided, however, that such a building or structure may otherwise constitute a restricted or sensitive location pursuant to section 265.01-d or 265.01-e of the penal law.*

*b. The police department shall promulgate such rules as may be necessary to implement subdivision a of this section in accordance with applicable law, including rules applicable, as appropriate, to persons with a firearms license who live or work in the area commonly known as Times Square as described in such subdivision.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

## Res. No. 283

**Resolution calling on the Mayor and the Chancellor of the Department of Education (DOE) to immediately reverse the DOE's reductions to school budgets; calling on the Chancellor to submit updated school budgets to the Panel on Education Policy reflecting the restoration, as well as an accounting of unspent federal stimulus funds; and calling on the Mayor to promptly utilize any unspent and unallocated federal stimulus or other funds and submit a budget modification to the Council to fully restore the \$469 million removed from school budgets by DOE.**

By The Speaker (Council Member Adams) and Council Members Ayala, Powers, Brannan, Salamanca, Brooks-Powers, Brewer, Joseph, De La Rosa, Farías, Abreu, Hanif, Schulman, Dinowitz, Restler, Narcisse, Sanchez, Nurse, Won, Krishnan, Stevens, Avilés, Ossé, Hudson, Williams, Cabán, Menin, Marte, Ung, Lee, Bottcher, Kagan, Rivera, Barron, Feliz and Gutiérrez.

**Whereas**, The NYC Department of Education (DOE) is the entity that determines and allocates school budgets based on its formulas, which the Panel for Education Policy approves,; and

**Whereas**, Under State Education Law and the New York City Charter, the Chancellor is responsible for preparing estimates of DOE's budget needs to be used in the preliminary and executive expense budgets, and preparing the budgets for individual schools; and

**Whereas**, On February 16, 2022, Mayor Eric Adams issued his Preliminary Fiscal Year 2023 Expense Budget, which included a \$374.6 million reduction to the DOE budget based on "enrollment changes" with an impact of decreasing headcount by 3,227 positions, which was partially offset by the use of \$160 million in



federal stimulus funds to restore 1,778 positions resulting in a \$215 million funding and 1,449 headcount reduction; and

**Whereas**, On May 6, 2022, the Mayor issued his Executive Fiscal Year 2023 Expense Budget, which contained the same \$374.6 million reduction to the DOE budget based on “enrollment changes” with an impact of decreasing headcount by 3,227 positions, which was partially offset by the use of \$160 million in federal stimulus funds to restore 1,778 positions resulting in a \$215 million and 1,449 headcount reduction; and

**Whereas**, According to the DOE and Office of Management and Budget (OMB), this \$215 million gap consisted of a reduction of \$131.5 million from school budgets and an accompanying \$83.1 million in fringe costs from the central DOE budget; and

**Whereas**, In budget documents and statements, Mayor Adams’ Administration (the administration), including DOE and OMB, indicated that Programs to Eliminate the Gap (PEGs) would result from eliminating vacancies; and

**Whereas**, During the budget process, the administration represented that the \$215 million reduction (\$131.5 million to school budgets and \$83.1 million to DOE central for fringe costs) was due to the elimination of 1,449 vacant positions (its initial 3,227 headcount reduction minus the 1,778 headcount restoration), bringing the DOE’s budgeted headcount closer to its actual headcount.

**Whereas**, This \$131.5 million reduction, when divided by the 1,449 vacant positions that were indicated as constituting the savings, equals an average salary close to the pay level for a senior teacher of \$91,000; this was sufficient to fund the entire reduction of \$131.5 million without the need to lay off any existing teacher or eliminate any program; and

**Whereas**, On June 13, 2022 the Council adopted the Fiscal Year 2023 Expense Budget (FY23 Budget); and

**Whereas**, Various data sets on individual school budgets that DOE has released, as early as June and as recently as mid-July, show the agency has reduced school budgets by nearly three times more than the \$131.5 million in the city budget, equaling more than \$360 million for all schools; and

**Whereas**, These data sets further demonstrate that DOE’s reductions to school budgets for those schools with decreases to their Fair Student Funding (FSF) allocations total \$469 million; and

**Whereas**, These school budget reductions have gone far beyond the elimination of vacancies within the city budget to impact existing teachers and programming in schools; and

**Whereas**, FSF makes up over 60 percent of the initial allocations made directly to schools, and represents flexible funding that is only mirrored in flexibility by a limited number of other streams of funding for school budgets, known as School Allocation Memoranda (SAMs); and

**Whereas**, The FSF formula maintains inequities and the DOE has agreed that it must be reviewed and revised for next fiscal year; and

**Whereas**, Essential DOE data that helps determine school budgets and represents available funds within the agency remains inaccessible to the public; and

**Whereas**, Any reductions to school budgets that have occurred due to DOE’s allocation and administration of individual school budgets beyond the city budget are within the purview and control of the DOE; and

**Whereas**, DOE’s Fiscal Year 2023 budget totals over \$37.0 billion, its largest single Unit of Appropriation (U/A) is nearly \$7.1 billion, and the agency distributes individual school budgets through at least six U/As giving DOE significant flexibility to address needs; and

**Whereas**, Pursuant to sections 106 and 107 of the New York City Charter, changes to the city budget are enacted by budget modifications that are initiated by and can occur at the direction of the Mayor at any time to be acted upon by the Council; and

**Whereas**, DOE can act now to eliminate the school budget reductions and their adverse impacts by: (1) covering any shortfall at least until a budget modification can be negotiated; (2) directing funds to those schools facing reductions; and (3) providing transparency in its school budgeting processes to ensure that its funding mechanisms and formulas and their impacts on school budgets are clear; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the Mayor and the Chancellor of the Department of Education (DOE) to immediately reverse the DOE’s reductions to school budgets; calls on the Chancellor to submit updated school budgets to the Panel on Education Policy reflecting the restoration, as well as an accounting of unspent federal stimulus funds; and calls on the Mayor to promptly utilize any unspent and

unallocated federal stimulus or other funds and submit a budget modification to the Council that fully restores the \$469 million removed from schools by the DOE.

Referred to the Committee on Education.

Int. No. 603

By Council Members Abreu, Brewer, Restler, Nurse and Gutiérrez (by request of the Manhattan Borough President).

**A Local Law in relation to studying the feasibility of implementing solar-ready measures for commercial buildings**

*Be it enacted by the Council as follows:*

Section 1. As used in this local law, the following terms have the following meanings:

Commercial building. The term “commercial building” has the same meaning as set forth in sections C202 and R202 of the 2020 New York city energy conservation code.

Solar power. The term “solar power” means the use of the sun’s energy either directly, as thermal energy, or through the use of photovoltaic cells in solar panels and transparent photovoltaic glass, to generate electricity.

Solar-ready measures. The term “solar-ready measures” means any measures incorporated into building design and construction that are designed to permit the building to install photovoltaic cells in solar panels and transparent photovoltaic glass, or to incorporate other means of utilizing solar power, even if the installation does not occur at the time of construction.

Use and occupancy classification. The term “use and occupancy classification” means any use and occupancy classifications set forth in chapter 3 of the New York city building code.

§ 2. Feasibility study on the implementation of solar-ready measures for commercial buildings. The commissioner of buildings, in consultation with the commissioner of environmental protection, the fire commissioner, and the commissioners of any other relevant agency, shall conduct a feasibility study on the implementation of solar-ready measures for commercial buildings. Such feasibility study shall:

1. Evaluate the utility of implementing solar-ready measures in commercial buildings;
2. Identify any barriers to implementing solar-ready measures in commercial buildings;
3. Identify any type of commercial building by use and occupancy classification that could incorporate solar-ready measures; and
4. Assess the estimated costs of requiring solar-ready measures in commercial buildings that can incorporate such measures.

§ 3. Within 12 months after this local law takes effect, the commissioner of buildings shall submit to the mayor and the speaker of the council a report with the results of the feasibility study.

§ 4. This local law takes effect immediately and remains in effect until the commissioner of buildings has submitted to the mayor and the speaker of the council a report with the results of the feasibility study.

Referred to the Committee on Environmental Protection.

Int. No. 604

By Council Members Abreu, Avilés, Brooks-Powers, Restler, Hanif, Won, Nurse and Gutiérrez.

**A Local Law to amend the administrative code of the city of New York, in relation to establishing priority for sidewalk repairs at developments operated by the New York city housing authority**

*Be it enacted by the Council as follows:*

Section 1. Subchapter one of chapter one of title 19 of the administrative code of the city of New York is amended to add a new section 19-160 to read as follows:

*§19-160 Sidewalk repair priority. a. For purposes of this section, “senior-only housing development” means a housing development or building designated by the New York city housing authority to be occupied exclusively by individuals 62 years of age or older.*

*b. In determining the order of repairs to be made at sidewalks, where the department is required by law or has otherwise undertaken to make such repairs, the commissioner shall give priority to sidewalks in front of or abutting senior-only housing developments operated by the New York city housing authority, followed by non-senior only housing developments operated by the New York city housing authority. Such priority shall not apply where the commissioner determines that the sidewalk in front of or abutting property that is not operated by the New York city housing authority is in need of critical or emergency repairs, provided that the commissioner shall notify in writing the council member in whose district the housing development no longer receiving priority is located and the community board of the community district in which such development is located of the reasons for such determination.*

*c. Not later than June 30, 2023, the commissioner shall deliver to the speaker of the council and post to the department’s website a report indicating (i) all New York city housing authority developments at which sidewalk repairs have been completed or are in the process of completion and (ii) the proposed timeline for completing sidewalk repairs for those New York city housing authority housing developments at which work has not yet commenced.*

§2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 605

By Council Members Ariola, Menin, Brooks-Powers, Ung, Nurse and Gutiérrez.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of a small business disaster recovery and resiliency advisory board**

*Be it enacted by the Council as follows:*

Section 1. Title 22 of the administrative code of the city of New York is amended by adding a new chapter 13 to read as follows:

**CHAPTER 13  
DISASTER RECOVERY AND RESILIENCY**

*§ 22-1301 Definitions. For purposes of this chapter, the following terms have the following meanings:*

*Board. The term “board” means the small business disaster recovery and resiliency advisory board.*

*Disaster. The term “disaster” means an event that causes widespread and severe damage to property or human life, regardless of the cause of such damage.*

*§ 22-1302 Small business disaster recovery and resiliency advisory board. a. Board created. There is hereby created a small business disaster recovery and resiliency advisory board.*

*b. Purpose of board. The board shall study and report on disaster-related issues affecting small businesses in the city. The board shall make recommendations to the mayor and the council on potential legislation, regulation, policies, procedures and initiatives for helping small businesses to:*

- 1. Engage in strategic planning to become more resilient to future disasters; and*
- 2. Rebuild and reopen after suffering damage during a disaster.*

*c. Composition of board; term; vacancy; removal of member; compensation. 1. The board shall consist of nine members, five of whom shall be appointed by the mayor and four of whom shall be appointed by the speaker of the council. The board shall comprise at least one member residing in each borough and no more than two members from any borough.*

2. *Members of the board shall be appointed for two-year terms, and any vacancy shall be filled in the same manner as the original appointment.*

3. *No member of the board may be removed except for cause. Before a member may be removed, such member shall be provided with notice of the alleged cause for removal and a hearing before the elected official who appointed such member, which official shall determine whether cause for removal exists. The board shall be led by a chairperson, who shall be selected by a majority vote of the total membership of the board at the board's first meeting.*

4. *The board shall select a chairperson from among its members by a majority vote of the total membership at the board's first meeting. Thereafter, the board shall select a new chairperson in the manner provided by this paragraph whenever necessary to fill a vacancy.*

5. *Members of the board shall serve without compensation.*

d. *Meetings of the board. 1. The board shall meet no fewer than five times annually, and at least one meeting shall be held in each borough annually.*

2. *All meetings of the board shall be open to the public.*

3. *Notice for meetings of the board shall be provided in accordance with section 104 of the public officers law.*

e. *The board may request information from city agencies in furtherance of its purpose as stated in this section. Any agency from which the board requests information shall designate a liaison to work with the board and shall provide the board with the requested information in a timely manner, as practicable.*

f. *No later than May 1 of each year, the board shall report its findings and recommendations to the mayor and the council. Notwithstanding the foregoing sentence, no report is due until at least 90 days have passed after this section becomes law.*

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

Referred to the Committee on Small Business.

Int. No. 606

By Council Members Avilés, Ossé, Nurse, Marte, Gennaro, Restler, Hanif, Ung, Narcisse, Won, Krishnan, Holden, Gutiérrez and Joseph.

**A Local Law to amend the administrative code of the city of New York, in relation to motor vehicles idling adjacent to and within New York city parks, green spaces and playgrounds**

*Be it enacted by the Council as follows:*

Section 1. Subdivision (f) of section 24-163 of the administrative code of the city of New York, as added by local law number 5 for the year 2009, is amended as follows:

(f) No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than one minute if such motor vehicle is adjacent, as determined by rule, to any public school under the jurisdiction of the New York city department of education or to any non-public school that provided educational instruction to students in any grade from pre-kindergarten to the twelfth grade level, *or adjacent to or within any park, green space or playground under the jurisdiction of the New York city department of parks and recreation*, while parking as defined in section one hundred twenty-nine of the vehicle and traffic law, standing as defined in section one hundred forty-five of the vehicle and traffic law, or stopping as defined in section one hundred forty-seven of the vehicle and traffic law, unless the engine is used to operate a loading, unloading or processing device, and provided that idling of an engine of a school bus may be permitted to the extent necessary: (1) for mechanical work; (2) to maintain an appropriate temperature for passenger comfort; or (3) in emergency evacuations where necessary to operate wheelchair lifts. It shall be an affirmative defense that any such school, *park, green space or playground* was not easily identifiable as a school, *park, green space or playground* by signage or otherwise at the time a violation of this subdivision occurred

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

Referred to the Committee on Environmental Protection.

Int. No. 607

By Council Members Avilés, Krishnan, Cabán, Nurse, Menin, Dinowitz, Restler, Williams, Hanif, Ung, Won, Schulman, Gutiérrez and Joseph.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of parks and recreation to collect and report data regarding community gardens and permitting the sale of agriculture within community gardens**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended to add new sections 18-158 and 18-159 to read as follows:

§ 18-158 *Community garden data collection and reporting. a. Definitions. For the purposes of this section, the term “community garden” means a garden authorized by the department of parks and recreation that is located on city-owned property and is appropriate for the cultivation of herbs, fruit, flowers, nuts, honey, poultry for egg production, maple syrup or vegetables.*

*b. Data collection and reporting. Not later than January 1, 2023, and annually thereafter, the department shall submit to the speaker of the council and publish on its website a report containing the following information about each community garden authorized by the department:*

- 1. Number of garden members;*
- 2. Number of trees in the garden;*
- 3. Pounds of compost produced;*
- 4. Pounds of produce grown in the garden;*
- 5. Pounds of produce donated by each garden;*
- 6. Number of bee hives maintained in each garden;*
- 7. Number of chicken coops maintained in each garden;*
- 8. Dollar amount of supplemental nutritional assistance program funds used to purchase produce from each garden;*
- 9. Dollar amount of special supplemental nutrition program for women, infants and children farmers’ market nutrition program funds used to purchase produce from each garden;*
- 10. Dollar amount of seniors farmers’ market nutrition program funds used to purchase produce from each garden;*
- 11. Dollar amount of health bucks used to purchase produce from each garden;*
- 12. Annual revenue generated by each garden, including source of revenue;*
- 13. Annual costs incurred by each garden;*
- 14. Number of urban agricultural education events conducted by each garden, including number of participants;*
- 15. Number of arts and cultural events sponsored by each garden;*
- 16. Hours of agricultural workforce development training provided by each garden;*
- 17. Number of full-time and part-time positions funded by community gardening groups, or any nonprofit, botanical garden, or other organization that relates to the support of community gardening; and*
- 18. Number of hours per week each garden is accessible to the general public.*

*c. Ecological impacts study. No later than one year after the effective date of the local law that added this section, the department shall conduct and submit to the speaker of the city council and post on its website a study of the citywide ecological impacts of community gardens. Such study shall include, but not be limited to, the following:*

1. The amount of carbon dioxide and other greenhouse gases in the atmosphere;
2. Storm water runoff and storm water management systems; and
3. The urban heat island effect.

§ 18-159 Community garden farmer's markets. a. Definitions. For the purposes of this section, the following terms have the following meanings:

*Community gardener.* The term "community gardener" means a registered member of a community garden, as defined in section 18-157.

*Farmers market.* The term "farmers market" means a market operated on city-owned property wherein farmers can sell produce directly to consumers.

b. The department shall establish a program to permit community gardeners to operate farmers markets for the sale of produce cultivated within community gardens.

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

Referred to the Committee on Parks and Recreation.

Int. No. 608

By Council Members Ayala, Hanif, Won, Nurse, Gutiérrez and Joseph.

**A Local Law to amend the administrative code of the city of New York, in relation to ensuring compliance with accessibility requirements in submitted building construction and renovation plans**

*Be it enacted by the Council as follows:*

Section 1. Article 104 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-104.14 to read as follows:

**§ 28-104.14 Office of accessibility compliance.** There is hereby established within the department an office of accessibility compliance represented in each borough office of the department. Each office of accessibility compliance shall be staffed with at least one qualified registered design professional experienced in building construction and design and with knowledge of the accessibility provisions of the New York city building code. The commissioner may direct such office to work with and receive periodic training from the mayor's office for people with disabilities or a successor agency. Notwithstanding the provisions of sections 28-104.2.1 through 28-104.2.1.3.2.3 of the Administrative Code, the office of accessibility compliance shall examine all submitted plans for construction of new buildings or renovation of existing buildings and ensure such plans are in compliance with sections 27-292.1 through 27-292.20 of the Administrative Code.

**§ 28-104.14.1 Reporting.** By no later than April 1, 2024 and annually thereafter, the department shall submit a report in writing to the council on the progress of the office of accessibility compliance. Such report shall include, at minimum:

1. The number of submitted plans for construction of new buildings or renovation of existing buildings examined by each examiner in the office;
2. The number of submitted plans for construction of new buildings or renovation of existing buildings approved by each examiner in the office, if any;
3. The number of submitted plans for construction of new buildings or renovation of existing buildings denied by each examiner in the office, if any; and
4. The number and nature of projects in which the office assisted the department disability service facilitator.

§ 2. This local law takes effect 270 days after it becomes law, except that the commissioner of buildings shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Housing and Buildings.

Int. No. 609

By Council Members Ayala, Restler, Won, Nurse, Gutiérrez and Joseph.

**A Local Law to amend the administrative code of the city of New York, in relation to establishing a needle, syringe and sharp buyback pilot program**

*Be it enacted by the Council as follows:*

Section 1. The section heading of section 17-180.1, as added by local law number 128 for the year 2018, is amended to read as follows:

§ 17-180.1 Overdose prevention and reversal training; *needle, syringe and sharps buyback.*

§ 2. Section 17-180.1 of the administrative code of the city of New York is amended by adding a new subdivision g to read as follows:

*g. 1. Needle, syringe and sharps buyback pilot program. The department shall establish, in consultation with all overdose prevention centers operating in the city, a needle, syringe and sharps buyback pilot program. Such program shall offer financial incentives only to individuals who (i) use a needle, syringe or sharp for the purpose of drug consumption in a facility operated by such a center and then (ii) deposit that needle, syringe or sharp at the same facility after use. The department shall set the amount of the buyback incentive for this program, except that such incentive shall not exceed 20 cents per needle, syringe or sharp and shall not exceed a maximum payout of \$10 per day to any individual.*

*2. Implementation. The department shall complete implementation of such pilot program no later than one year after the effective date of the local law that added this subdivision. The pilot program shall commence on the date that the department completes implementation and conclude one year after that date.*

*3. Report. No later than six months following the conclusion of the pilot program, the department shall submit to the mayor and the speaker of the council, and post conspicuously on the department's website, a report on the pilot program established pursuant to this subdivision. Such report shall include at a minimum the following information:*

*(a) The names and locations of all facilities participating in the pilot program;*

*(b) The number of needles, syringes and sharps returned to or disposed of under the pilot program at all such facilities;*

*(c) The total amount of money disbursed to individuals; and*

*(d) The department's recommendation as to whether to establish a permanent needle buyback program and whether and how to expand such program, including whether to authorize buyback of needles, syringes, sharps or other items that have been used in a location other than an overdose prevention center facility.*

§ 3. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Mental Health, Disabilities and Addiction.

## Res. No. 284

**Resolution calling on the Civil Court of the City of New York to repeal the procedural directive that removed from tenants a temporary protection from default judgment that provided additional time for those who qualify under the Right to Counsel law to seek representation.**

By Council Members Ayala, Restler, Won and Nurse.

**Whereas**, New York City passed the Right to Counsel law in 2017, which sought to ensure free legal representation to all tenants making at or below 200% of the Federal Poverty Guidelines who are facing eviction proceedings in housing court; and

**Whereas**, The unprecedented and devastating effects of the COVID-19 pandemic led New York City to pass an expansion to the Right to Counsel law in the Summer of 2020 to immediately cover all five boroughs and protect more residents from eviction as thousands of people lost their incomes and jobs; and

**Whereas**, Right to Counsel helps in protecting against representative imbalance in housing courts, as the NYC Office of Civil Justice found that since the law's pandemic expansion, 100% of tenants with calendared eviction cases had access to legal services in Fiscal Year 2021, with 71% of tenants in housing court receiving full legal representation, and that the past four years saw 84% of tenants who received representation under Right to Counsel win their cases and stay in their homes, a drastic improvement from 2013 which saw just 1% of tenants with full legal representation versus 95% of landlords with legal counsel in housing courts; and

**Whereas**, New York State eviction moratoriums, which were put in place to protect New Yorkers as monumental job and income loss devastated the city's economy with billions of dollars in lost revenue and wages, expired in January 2022, allowing eviction cases to resume in housing courts across the city while New Yorkers face an estimated \$3.3 billion in back rent; and

**Whereas**, Legal service providers contracted with the New York City Office of Civil Justice to provide Right to Counsel services are under dire circumstances as they face staffing shortages coupled with accelerated eviction case filings and little support from the New York State Office of Court Administration, which denied an appeal from the legal service providers to slow down eviction case scheduling and ordered eviction cases to proceed; and

**Whereas**, From March to May 2022, OCA data shared with New York Daily News revealed that approximately 2,500 defendants eligible for Right to Counsel representation have been forced to go to housing court without any legal representation due to the insufficient number of lawyers to keep up with the number of cases scheduled in the housing docket per month, with many more residents also facing housing court without their legal right to counsel; and

**Whereas**, Legal representation greatly improves a tenant's chances of remaining in their homes, thus allowing them to navigate pandemic recovery from a place of stability; and

**Whereas**, On June 30, 2022, the Administrative Judge for the Civil Court of the City of New York issued directive DRP-223, lifting a procedural buffer, for eviction matters commenced on or after January 15, 2022, that had prohibited an immediate judgment or warrant from being issued on default when a tenant unrepresented by counsel had failed to appear, and instead required an additional motion by the petitioner to seek such relief; and

**Whereas**, This extra procedural step served to protect unrepresented tenants by granting them an additional opportunity to appear as well as additional time in which to match with a lawyer and mount a represented defense in housing court before facing a judgment, which is particularly necessary at this time given the limited ability of Right to Counsel providers to meet the current demand for representation; and

**Whereas**, The removal of this procedural step is expected to accelerate eviction case proceedings against these unrepresented tenants; and

**Whereas**, Under directive DRP-233, this procedural buffer remains in place for eviction matters commenced before January 15, 2022, but that protection should continue to be extended to all tenants unrepresented by counsel, regardless of the date on which a property owner has filed for an eviction; and

**Whereas**, The Civil Court of the City of New York has the power to directly impact the circumstances in which New Yorkers may or may not be legally represented in housing court; now, therefore, be it



**Resolved,** That the Council of the City of New York calls on the Civil Court of the City of New York to repeal the procedural directive that removed from tenants a temporary protection from default judgment that provided additional time for those who qualify under the Right to Counsel law to seek representation.

Referred to the Committee on Housing and Buildings.

Res. No. 285

**Resolution calling upon the United States Congress and President to end the Cuban embargo and Cuban travel ban.**

By Council Members Barron, Cabán, Brewer, Restler, Hanif, Bottcher, Nurse, Krishnan, Avilés and Stevens.

**Whereas,** The United States (US), virtually since the triumph of the Cuban Revolution in January 1959, has unsuccessfully sought to assassinate former Cuban President Fidel Castro over 600 times, through a variety of overt as well as covert means, such as the failed Bay of Pigs invasion in 1961; and

**Whereas,** Most notoriously, the US, in the hopes of isolating Cuba and starving the Cuban people into rebellion, has maintained an economic blockade, or embargo of Cuba, which was first imposed in 1960 during the Eisenhower administration, and which is the longest economic embargo in history; and

**Whereas,** Recent decades have witnessed steadily growing opposition to the US Cuban embargo, both internationally and domestically. In particular, every year since 1992, the United Nations General Assembly has adopted a resolution declaring the embargo a violation of the both the Charter of the United Nations and International Law. During the most recent vote in June 2021, a total of 184 countries voted in favor of a resolution to demand the end of the US economic blockade on Cuba, for the 29th year in a row; and

**Whereas,** The ending of both the Cuban embargo and travel ban would be of great benefit to both the US and Cuba, particularly in the areas of medical and biotechnological research, economic opportunities, education health care, the arts, music sports and tourism; and

**Whereas,** The City of New York would greatly benefit from the restoration of trade with the Republic of Cuba, through permitting the exportation of products and services to this neighboring country of over 11 million people, and the importation of Cuban products useful to city of New York, such as life-saving medicines and vaccines; and

**Whereas,** New York City's citizens and residents and its institutions and businesses are negatively affected by the embargo and travel ban's restrictions as they violate the right to travel, and harm economic opportunities that enhanced trade with Cuba would initiate; and

**Whereas,** The United States Congress is urged to promulgate and pass legislation that will finally and fully end the unsuccessful 62-year-old economic, financial, and commercial embargo, as well as the travel restrictions on US citizens and residents to Cuba, and Cuban citizens to the United States; now, therefore, be it

**Resolved,** The Council of the City of New York call upon the United States Congress and President to end the Cuban embargo and Cuban travel ban.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Int. No. 610

By Council Members Bottcher, Joseph, Lee, Dinowitz, Brewer, Menin, Brooks-Powers, Restler, Hanif, Ung, Won, Nurse, Gutiérrez, Velázquez, Stevens, Ossé, Avilés, Williams, Gennaro and Krishnan.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the Department of Education to provide information on the new National Suicide Prevention Hotline and other related resources**

*Be it enacted by the Council as follows:*

Section 1. Title 21-A of the administrative code of the city of New York is amended by adding a new chapter 29 to read as follows:

*Chapter 29. Distribution of Information Regarding Suicide Prevention*

*§ 21-2901 Distribution of information regarding suicide prevention. a. Definitions. For purposes of this section, the term “school” means a school of the city school district of the city of New York.*

*b. No later than September 1, 2022, and annually thereafter, the department shall distribute to each school to be shared with every student of such school, the following information in writing, in hard copy or electronically if availability of similar documents occurs electronically, using plain and simple language:*

- 1. The national suicide prevention lifeline number;*
- 2. Information about what is suicide, warning signs and risk factors; and*
- 3. Any other information that the department deems relevant.*

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

Referred to the Committee on Education.

Int. No. 611

By Council Members Brannan, Hanif, Won, Nurse, Gutiérrez and Joseph (by request of the Queens Borough President).

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

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 of chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-133 to read as follows:

*§ 3-133 Carbon accounting. a. Definitions. As used in this chapter:*

*Carbon dioxide equivalent (CO<sub>2</sub>e). The terms “carbon dioxide equivalent” and “CO<sub>2</sub>e” mean the quantity of carbon dioxide gas expressed in metric tons that would have the same GWP when measured over a timescale of 100 years as a given quantity of a greenhouse gas.*

*Carbon emissions. The term “carbon emissions” means greenhouse gas emissions from any source, as expressed in CO<sub>2</sub>e.*

*Carbon offsets. The term “carbon offset” means a project or process owned or operated by the city that captures and sequesters or chemically decomposes a greenhouse gas from the atmosphere, as expressed in CO<sub>2</sub>e.*

*Carbon mitigation. The term “carbon mitigation” means a project or process owned or operated by an entity other than the city the expenses of which are paid in whole or in part from the city treasury that captures and sequesters or chemically decomposes a greenhouse gas prior to its release into the atmosphere, or results in a reduction of greenhouse gas emissions from any source by the replacement or retrofit of mechanical or electrical equipment or by conversion to an alternative source of energy. Carbon mitigation shall be measured as the reduction of the pre-mitigation release of greenhouse gas into the atmosphere, as expressed in CO<sub>2</sub>e, for the entire useful life of any mechanical or electrical equipment used to achieve such mitigation, as appropriate, prorated by the percentage of funds used to finance such mitigation that were paid from the city treasury.*

*Global warming potential (GWP). The terms “global warming potential” and “GWP” mean the total infrared radiation energy that a greenhouse gas absorbs over a period of time compared to carbon dioxide. The GWP value for any particular greenhouse gas shall be equal to the value for such gas as listed in column “GWP 100-year” of table 8.A.1, Radiative efficiencies (REs), lifetimes/adjustment times, AGWP and GWP values for 20 and 100 years, and AGTP and GTP values for 20, 50 and 100 years, of Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change as published on September 30, 2013.*

*Greenhouse gas. The term “greenhouse gas” means a gas that absorbs infrared radiation in the atmosphere, and specifically any gas listed in table 8.A.1, Radiative efficiencies (REs), lifetimes/adjustment times, AGWP and GWP values for 20 and 100 years, and AGTP and GTP values for 20, 50 and 100 years, of Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change as published on September 30, 2013.*

*Net carbon impact. The term “net carbon impact” means an amount equal to the carbon emissions less the carbon offsets and carbon mitigation that would be generated by a unit of appropriation, by an agency, or by the entire city government, respectively.*

*b. Preliminary budget accounting. Not later than the day the mayor submits the preliminary budget to the council pursuant to section 236 of the charter, the mayor shall submit to the council an accounting of the carbon emissions, carbon offsets, carbon mitigation and net carbon impact that would be generated by each unit of appropriation in the preliminary budget, by each agency, and by the entire city government. The second and subsequent annual reports submitted pursuant to this subdivision shall also include, where appropriate, the changes from the adopted budget for previous year to the carbon emissions, carbon offsets, carbon mitigation and net carbon impact that would be generated by each unit of appropriation in the preliminary budget, by each agency, and by the entire city government with an explanation of the cause of such changes.*

*c. Executive budget accounting. Not later the day the mayor submits the executive budget to the council pursuant to section 249 of the charter, the mayor shall submit to the council an accounting of the carbon emissions, carbon offsets, carbon mitigation and net carbon impact that would be generated by each unit of appropriation in the executive budget, by each agency, and by the entire city government. The second and subsequent annual reports submitted pursuant to this subdivision shall also include, where appropriate, the changes from the adopted budget for previous year to the carbon emissions, carbon offsets, carbon mitigation and net carbon impact that would be generated by each unit of appropriation in the executive budget, by each agency, and by the entire city government, with an explanation of the cause of such changes.*

*d. Methodology. The director of the office of long-term planning and sustainability shall establish the methodology by which carbon emissions, carbon offsets and carbon mitigation shall be calculated. A description of the methodology shall be included with each report submitted pursuant to subdivisions b or c of this section.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

Res. No. 286

**Resolution calling on corporate and government entities operating in New York City to divest from agricultural industries that benefit from deforestation and the acceleration of global warming.**

By Council Members Brannan, Restler, Hanif, Nurse, Gutiérrez and Joseph.

**Whereas**, On April 18, 2019, the Council passed the New York City Climate Mobilization Act, targeting energy sources and greenhouse gas emissions and requiring an eighty percent reduction in citywide emissions by 2050 to offset the globe’s changing climate; and

**Whereas**, On June 20, 2019, the New York State legislature passed the Climate Leadership and Community Protection Act, to require statewide reductions in greenhouse gas emissions and achieve net zero emissions in all sectors of the state economy by 2050; and

**Whereas**, According to the University of Michigan’s Center for Sustainable Systems, the production of food accounts for 83% of all carbon dioxide equivalent emissions associated with food consumption in U.S. households, with nearly half of all food-based emissions stemming from livestock; and

**Whereas**, According to a 2018 article published by the American Association for the Advancement of Science entitled “Reducing Food’s Environmental Impacts Through Producers and Consumer,” producing one pound of beef alone requires 592 square feet of land on average; and

**Whereas**, The Food and Agriculture Organization of the United Nations has stated the global consumption of beef is rising at a rate of 5% annually; and

**Whereas**, Earlier this year, to cope with rising demands for beef, Brazilian farmers set fires in the Amazon rainforest to clear land for more cattle farms, as reported by Brazil's National Institute for Space Research, which captured satellite images of 41,000 fire spots across the country; and

**Whereas**, According to the New York Times, the Amazon's rainforest is now burning at record rates, with an 80% increase of forest fires since 2018, straining the earth's ability to store carbon and produce oxygen; and

**Whereas**, Members of the European Union have condemned the destruction of the Amazon rainforest by cattle farmers and called for an urgent review of the possibility of banning Brazilian beef imports for their connection to environmental damage; and

**Whereas**, According to the Center for International Policy's Mighty Earth Campaign, soy products have a related effect on global deforestation, as 75% of the world's soy is used as feed for raising livestock including chicken and fish across the globe; and

**Whereas**, In 2017, the Global Environmental Change Journal described the rising global demand for soybean production as an underlying driver of global deforestation, as pressure mounted for farmers across South America to partake in large-scale forest-clearing to establish more cropland for soy cultivation; and

**Whereas**, According to the World Wildlife Fund, global supply-chains, shipments, and storage across international agricultural trading companies have created visible impacts on the world's climate as seen by the presence of increasing droughts and heatwaves; and

**Whereas**, The United Nations' Food and Agriculture Organization issued a statement entitled "Livestock a Major Threat to Environment," stating that animal agriculture is responsible for approximately 65% of all human-related nitrous oxide emissions, which causes heat to be trapped at an estimated rate 296 times stronger than carbon dioxide, and is guiding our global temperature towards a climate tipping point; and

**Whereas**, Many multinational corporations that distribute beef and soy products in New York City are not signatories to the New York Declaration on Forests, which ensures a commitment from companies to end deforestation by 2030; and

**Whereas**, Any buyer in New York City, be it a city agency, private corporation, or otherwise, should proactively uphold climate protections by refraining from purchasing agricultural products that fail to meet the sustainability standards set under the Climate Leadership and Community Protection Act; and

**Whereas**, In order to achieve the commitments made by New York City and State to reduce greenhouse gasses and carbon emissions in all sectors of the economy, it is imperative for public and private sectors to divest from agricultural industries that contribute to climate change; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on corporate and government entities operating in New York City to divest from agricultural industries that benefit from deforestation and the acceleration of global warming.

Referred to the Committee on Environmental Protection.

Res. No. 287

**Resolution calling upon the New York State Legislature to pass, and Governor to sign, A.1326/S.1978 and A.1382/S.3032, to promote a more sustainable and equitable energy system in New York State.**

By Council Members Brannan, Hanif, Nurse, Gutiérrez and Joseph.

**Whereas**, In 2021, New York State's (NYS) electric grid was comprised of approximately 30% renewable generation resources, with approximately 4% provided by wind and 2.5% solar assets statewide; and

**Whereas**, Environmental advocates have expressed concerns that there are insufficient renewable projects in the pipeline to meet the Climate Leadership and Community Protection Act's (CLCPA) mandated target of 70% renewable energy by 2030, and a zero emission grid by 2040; and

**Whereas**, In New York City, electricity is largely generated via the combustion of fossil fuels, with approximately 85% of the electric supply sourced from fossil-fuel combustion plants in 2021, compared to

upstate, where only 12% is sourced from fossil-fuel combustion plants and 88% of the electricity is supplied via renewable generation; and

**Whereas**, The New York City Mayor's Office of Climate and Environmental Justice has acknowledged that the City must maximize the use of renewables within the city, and increase transmission from clean power sources outside the city, in order to meet the CLCPA mandated goal of an 100% zero emissions grid by 2040; and

**Whereas**, The New York Power Authority (NYPA) is the largest public utility in the country, providing approximately 25% of New York's energy, around 80% of which is renewable hydroelectric power, the most affordable source of energy available in NYS; and

**Whereas**, The NYPA is currently barred by its charter from owning more than six generation projects over 25 megawatts; and

**Whereas**, A.1382, introduced by NYS Assembly Member Robert Carroll, and S.3032, introduced by NYS Senator Kevin Parker, would empower the NYPA to own new renewable energy generation facilities; and

**Whereas**, The State bill would give the NYPA the right of first offer and refusal for acquiring any renewable generational facility; and

**Whereas**, A.1326, introduced by NYS Assembly Member Robert Carroll, and S.1978, introduced by NYS Senator Robert Jackson, would establish a downstate New York Power Authority to own and operate electricity services and acquire the distribution facilities formerly owned by any downstate utility corporation by purchase or condemnation; and

**Whereas**, In New York City, Consolidated Edison of New York (ConEd) holds a virtual monopoly over the electricity market, serving all parts of New York City (except for Rockaway, Queens), and Westchester County; and

**Whereas**, ConEd is an investor-owned for-profit company that answers to its shareholders, not solely the general public in New York City and Westchester; and

**Whereas**, Publicly-owned and operated utilities are governed by and operate for the sole benefit of the public; and

**Whereas**, Public power systems can perform equal to, if not better than, private power systems in reliability; and

**Whereas**, According to the American Public Power Association, public power customers are likely to be without power for an average of 62 minutes per year, compared to 150 minutes per year for private utility customers, provided there are no major adverse events; and

**Whereas**, According to the American Public Power Association, residential customers of public power utilities pay monthly bills that are on average 4% less than customers of investor-owned utilities; and

**Whereas**, New York City needs a reliable electricity provider that is fully accountable to the public to ensure the safety and economic health of the city; and

**Whereas**, To confront the climate crisis, NYS must take further action to ensure its energy needs are met through the generation of renewable energy; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the calling upon the New York State Legislature to pass, and Governor to sign, A.1326/S.1978 and A.1382/S.3032, to promote a more sustainable and equitable energy system in New York State.

Referred to the Committee on Environmental Protection.

Preconsidered Res. No. 288

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

By Council Member Brannan.

**Whereas,** On June 13, 2022, the Council of the City of New York (the “City Council”) adopted the expense budget for Fiscal Year 2023 with various programs and initiatives (the “Fiscal 2023 Expense Budget”); and

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

**Whereas,** On June 30, 2020 the Council adopted the expense budget for Fiscal Year 2021 with various programs and initiatives (the “Fiscal 2021 Expense Budget”); and

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

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2023, Fiscal 2022, Fiscal 2021, and Fiscal 2020 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, youth, aging, and anti-poverty discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2023, Fiscal 2022, and Fiscal 2021 Expense Budgets by approving new Description/Scope of Services for certain organizations receiving local, youth and aging discretionary funding and a certain organization receiving funding pursuant to a certain initiative; now, therefore, be it

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2023 Expense Budget, as set forth in Chart 1; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 2; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the anti-poverty discretionary funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 3; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 4; and be it further

**Resolved,** That the City Council approves the change in designation of a certain organization receiving funding pursuant to the Boroughwide Needs Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 5; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 6; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Community Safety and Victim Services Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 7; and be it further

**Resolved,** That the City Council approves the new designation and the changes in designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 8; and be it further

**Resolved,** That the City Council approves the new designation and the changes in designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 9; and be it further

**Resolved,** That the City Council approves the new designation and the changes in designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 10; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 11; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 12; and be it further

**Resolved,** That the City Council approves the new designation and the changes in designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 13; and be it further

**Resolved,** That the City Council approves the new designation and the changes in designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 14; and be it further

**Resolved,** That the City Council approves the new designation and the changes in designation of certain organizations receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 15; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Diversity, Inclusion & Equity in Tech Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 16; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the HRA Teen RAPP Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 17; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Innovative Criminal Justice Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 18; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Cancer Services Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 19; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 20; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Maternal and Child Health Services Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 21; and be it further

**Resolved,** That the City Council approves the new designation and changes in designation of certain organizations organization receiving funding pursuant to the Mental Health Services for Vulnerable Populations Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 22; and be it further

**Resolved,** That the City Council approves the new designation and changes in designation of certain organizations receiving funding pursuant to the Chamber on the Go and Small Business Assistance Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 23; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Day Laborer Workforce Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 24; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Worker Cooperative Business Development Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 25; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Afterschool Enrichment Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 26; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to Create New Technology Incubators Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 27; and be it further

**Resolved,** That the City Council approves the changes of designation of a certain organization receiving funding pursuant to the Initiative to Combat Sexual Assault in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 28; and be it further

**Resolved,** That the City Council approves the new designation and changes of designation of certain organizations receiving funding pursuant to Food Pantries Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 29; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Community Housing Preservation Strategies Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 30; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to Community Land Trust Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 31; and be it further

**Resolved,** That the City Council approves the change of designation of funding pursuant to the Coalition Theaters of Color Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 32; and be it further

**Resolved,** That the City Council approves the change of designation of funding pursuant to the Supports for Persons Involved in the Sex Trade Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 33; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the LGBTQ Senior Services in Every Borough Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 34; and be it further

**Resolved,** That the City Council approves the new designation and changes in designation of certain organizations receiving funding pursuant to the Naturally Occurring Retirement Communities (NORCs) Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 35; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Senior Centers, Programs, and Enhancements Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 36; and be it further

**Resolved,** That the City Council approves the new designation and changes in designation of certain organizations receiving funding pursuant to the YouthBuild Project Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 37; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the LGBT Community Services Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 38; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2022 Expense Budget, as set forth in Chart 39 and be it further

**Resolved,** That the City Council approves the change in designation of a certain organization receiving funding pursuant to the Cultural After-School Adventure (CASA) in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 40; and be it further

**Resolved,** That the City Council approves the change in designation of a certain organization receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 41; and be it further

**Resolved,** That the City Council approves the changes in designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2021 Expense Budget, as set forth in Chart 42; and be it further

**Resolved,** That the City Council approves the changes in designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 43; and be it further

**Resolved,** That the City Council approves the change in designation of a certain organization receiving funding pursuant to the Boroughwide Needs Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 44; and be it further

**Resolved,** That the City Council approves the change in designation of a certain organization receiving funding pursuant to Food Pantries in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 45; and be it further

**Resolved,** That the City Council approves the change in designation of a certain organization receiving youth discretionary funding in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 46; and be it further



**Resolved,** That the City Council amends the Purpose of Funds for certain organizations receiving local, youth, and aging discretionary funding and funding pursuant to the Mental Health Services for Vulnerable Populations Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 47; and be it further

**Resolved,** That the City Council amends the Purpose of Funds for certain organizations receiving local and youth discretionary funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 48; and be it further

**Resolved,** That the City Council amends the Purpose of Funds for certain organizations receiving local discretionary funding in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 49.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for text of the Exhibit Charts, please refer to the attachments section of [the Res. No. 288 of 2022 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>).

Res. No. 289

**Resolution calling upon the United States Congress to pass, and the President to sign, the Stephanie Tubbs Jones Uterine Fibroid Research and Education Act of 2021.**

By Council Members Brannan, Brooks-Powers, Restler, Hanif, Nurse and Joseph.

**Whereas,** According to the U.S. Department of Health & Human Services' (HHS) Office on Women's Health, fibroids are muscular tumors that grow in the wall of the uterus or womb; and

**Whereas,** Fibroids are almost always benign, and, while not all people with fibroids have symptoms, people who do have symptoms often find fibroids hard to live with because of pain, heavy menstrual bleeding, and other symptoms; and

**Whereas,** According to the American Board of Obstetrics & Gynecology, uterine fibroids can result in reproductive problems, such as infertility, multiple miscarriages, or early labor; and

**Whereas,** According to a 2013 study published in the American Journal of Obstetrics and Gynecology titled *The Health Disparities of Uterine Fibroids for African American Women: A Public Health Issue*, "ultrasound evidence shows that more than 80 percent of African American women and approximately 70 percent of white women will have uterine fibroids by age 50"; and

**Whereas,** In addition to a having greater lifetime incidence of fibroids, African American women have a 3-fold increased age-adjusted incidence rate and 3-fold increased relative risk of fibroids when adjusted for other confounding factors; and

**Whereas,** Some investigators suggest a doubling of risk for Hispanic women as well; and

**Whereas,** The size and growth rates of fibroids are greater in African American women, and they are more likely to undergo surgical intervention than other racial groups; and

**Whereas,** Since only 20 percent to 50 percent of all people with fibroids experience related symptoms and screenings are not routinely performed, true incidence of uterine fibroids is difficult to ascertain; and

**Whereas,** Symptoms can alter one's quality of life and reproductive health; and

**Whereas,** Treatment options include many alternatives to hysterectomy, including medical therapies, minimally invasive surgery, and others, yet hysterectomy remains the most common intervention, and, in the United States, fibroids are the leading indication for hysterectomies; and

**Whereas,** According to the study, "African American women have higher rates of surgery for fibroids and therefore may have more postoperative complications than other racial groups," and fibroids as the primary indication for hysterectomy was much higher for African American women (61 percent vs 29 percent for white women); and

**Whereas,** There are clear reasons uterine fibroids are a public health concern, and particularly an equity concern; and

**Whereas,** The Stephanie Tubbs Jones Uterine Fibroid Research and Education Act of 2021, sponsored by Congresswoman Yvette Clarke and Senator Cory Booker, directs HHS to expand research on, and take other actions to address, uterine fibroids; and

**Whereas,** The bill would establish new research funding, totaling \$150 million over five years, and would expand a Centers for Medicare & Medicaid Services database on chronic conditions to include information on services provided to individuals with fibroids; and

**Whereas,** The bill would also create a public education program through the Centers for Disease Control and Prevention (CDC) and direct the Health Resources and Services Administration to develop and disseminate fibroids information to health care providers; and

**Whereas,** The bill also highlights the need for improved patient and provider education surrounding the heightened risk for fibroids faced by women of color; and

**Whereas,** As noted in the press release by Congresswoman Clarke, approximately 25 percent of Black women will suffer from uterine fibroids by the age of 25, and 80 percent will have them by age 50; and

**Whereas,** While language within reports, bills, and other materials refers to “women” when speaking to the issue of uterine fibroids, all individuals with a uterus, including those who may not identify as women, are at risk for fibroids and, although language may not be inclusive of this, it is something known and recognized by the Council; and

**Whereas,** The glaring health inequalities related to uterine fibroids must be addressed, and the country must increase research, education, and access to care for those living with uterine fibroids; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the United States Congress to pass, and the President to sign, the Stephanie Tubbs Jones Uterine Fibroid Research and Education Act of 2021.

Referred to the Committee on Health.

Res. No. 290

**Resolution calling upon the New York State Legislature to pass and the Governor to sign legislation that would create a New York City Parks Construction Authority.**

By Council Members Brannan, Restler, Ung, Nurse and Yeger.

**Whereas,** The Department of Parks and Recreation (DPR) has been criticized for delays and cost overruns in parks capital projects; and

**Whereas,** Notwithstanding DPR’s commitment to streamline and shorten the capital process, DPR still allots themselves 30 to 45 months for on-time projects, a negligible decrease from the allotted time in 2013, 33 to 45 months; and

**Whereas,** The capital process has five stages which include Needs Assessment, Project Initiation, Design, Procurement and Construction; and

**Whereas,** Needs Assessment includes DPR, community members and elected officials identifying a need for a park or recreational facility in a particular area followed by a cost estimate for the site prepared by DPR; and

**Whereas,** Only after the estimated project cost is fully funded can the project proceed to Project Initiation; and

**Whereas,** Project Initiation typically takes one to two months and DPR staff and/or an outside consultant are assigned to the project to review project plans, often with external agencies such as the Department of Environmental Protection to decide as to whether a completely new specialty design is warranted or, in the case of an existing park, if it may be replaced in-kind, with a similar park; and

**Whereas,** The final step of Project Initiation is a scope meeting, which brings together DPR and members of the community to determine the scope of the project; and

**Whereas,** The Design stage, which typically takes 10 to 15 months, is itself broken down into four discrete sub-stages including, Design Development (two to five months), Internal Schematic Approvals (one month),

External Schematic Approvals (two to three months), and Construction Document Preparation and Permit Applications (five to six months); and

**Whereas**, The Procurement stage, which typically takes seven to ten months, is broken down into four discrete sub-stages: Pre-Solicitation Review (two to three months), Solicitation (one to one and a half months), Pre-Award (three to four and a half months), and Award and Registration (one month); and

**Whereas**, After legal reviews, bid reviews and the chosen contractor providing insurance, DPR then submits the package to the City Comptroller who registers the contract, and DPR will publicly notice the award to the contractor; and

**Whereas**, The Construction stage typically takes 12 to 18 months and is closely supervised by DPR staff who oversee the daily operations of the project to ensure that it is built to contract specifications and to resolve any issues that arise; and

**Whereas**, Construction supervision responsibilities include subcontractor approvals, submittals, change orders and overruns, and payments, which occur simultaneously on a project; and

**Whereas**, Construction staff submit weekly progress reports with percent completion information and are published to the Capital Tracker on DPR's website; and

**Whereas**, DPR capital projects, historically, have experienced large delays and substantial cost overruns; and

**Whereas**, Delays in DPR capital projects have generally been attributed to the overuse of private management consultants, poor project planning and inaccurate early cost estimates; and

**Whereas**, An authority that exclusively manages the design and construction of DPR capital projects may be able to increase the number capital projects which are completed on time and within budget; and

**Whereas**, An authority would not require multiple approvals from the Office of Management and Budget or the NYC Comptroller; and

**Whereas**, An authority may have a simplified procurement process for construction and contracted services; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign legislation that would create a New York City Parks Construction Authority.

Referred to the Committee on Parks and Recreation.

Res. No. 291

**Resolution calling upon the United States Federal Aviation Administration to ban all non-essential helicopter travel, including tourist and chartered helicopter flights over New York City.**

By Council Members Brewer, Restler, Hanif, Won, Nurse, Gutiérrez, Yeger and Joseph (by request of the Manhattan Borough President and the Brooklyn Borough President).

**Whereas**, There are thousands of commercial helicopter flights over the City of New York each month; and

**Whereas**, There have been several notable accidents over the City's airspace, raising congestion and safety issues; and

**Whereas**, In May of 2019, a charter helicopter crashed into the Hudson River while the pilot, who suffered a hand injury, was moving the aircraft from the fueling area to the customer section of the West 30<sup>th</sup> Street Heliport; and

**Whereas**, A month later in June of 2019, a helicopter crashed on the roof of a building in Manhattan, killing the pilot who was the sole person in the aircraft; and

**Whereas**, Before these incidents, there were several other notable accidents over the City's airspace; and

**Whereas**, In April of 1997, a corporate helicopter taking off from a heliport on East 60<sup>th</sup> Street, crashed into the East River, killing one passenger and injuring three others; and

**Whereas**, Later that same year, a helicopter was forced to make an emergency landing after clipping a Manhattan building, resulting in damage to the helicopter's rotor; and

**Whereas**, In 2007, a tour helicopter had to make an emergency landing in the Hudson River on its emergency pontoons; and

**Whereas**, On August 8, 2009, a helicopter operated by Liberty Helicopter Tours collided with a small private plane over the Hudson River resulting in the deaths of all nine individuals aboard both crafts making the incident one of the deadliest helicopter accidents in New York City history; and

**Whereas**, In October of 2011, a woman was killed and four others were injured when a tour helicopter crashed into the East River; and

**Whereas**, In June of 2013, a tour helicopter carrying a family of four and their pilot made an emergency landing in the Hudson River after the helicopter lost power; and

**Whereas**, In March of 2018, another helicopter operated by Liberty Helicopter Tours crashed in the East River resulting in the deaths of five passengers on board, however the pilot survived; and

**Whereas**, This accident was the third involving Liberty Helicopter since 2007 and since this incident, the United States Federal Aviation Administration (“FAA”) banned flights that use restraints in which passengers cannot easily free themselves ; and

**Whereas**, These accidents are reminders of the dangers associated with helicopters in an urban setting; and

**Whereas**, According to the Natural Resources Defense Council's 1999 study "Needless Noise: The Negative Impacts of Helicopter Traffic in New York City and the Tri-State Region," exposure to frequent overhead flights are associated with a number of health effects in children, including high blood pressure, neuroendocrinological issues, impaired psychological and cognitive functions, learned helplessness, poorer long-term memory, and diminished reading comprehension; and

**Whereas**, Helicopters emit air pollutants such as particulate matter, nitrogen oxide, and formaldehyde, which are known to cause asthma, cancer and other illnesses; and

**Whereas**, The federal government regulates airspace and the FAA is the entity that is charged with developing airspace regulations; and

**Whereas**, In an attempt to make the airspace over New York City safer, on September 2, 2009, the FAA announced new recommendations that would include new training programs for pilots, air-traffic controllers, and tourist helicopter operators, set new mandatory speed limits for these vehicles and require all pilots to tune into the same radio channel; and

**Whereas**, Despite these proposed safety measures, some public officials felt the recommendations did not go far enough, because air traffic controllers would still not be required to monitor aircraft below 1,000 feet; and

**Whereas**, In April 2010, the New York City Economic Development Corporation (“EDC”) released a Helicopter Sightseeing Plan (the Plan) to address the problems presented by tourist helicopter flights operating on city-owned property; and

**Whereas**, The Plan eliminated short tours, sightseeing tours over Central Park and the Empire State Building and sightseeing flights over Brooklyn; and

**Whereas**, The Plan also improved sightseeing tour routes and added an enhanced 3-1-1 protocol directing helicopter complaints to 3-1-1 representatives for input, improving EDC’s ability to track complaints and allowing the agency to report data on noise complaints more effectively; and

**Whereas**, Helicopter-related noise complaints to New York City’s 3-1-1 increased from 10,359 in 2020 to 25,821 in 2021 with a vast majority of the complaints coming from Manhattan; and

**Whereas**, During the past 5-years, 3-1-1 has experienced a 2,329% increase in noise complaints related to helicopters; and

**Whereas**, However, the airspace above New York City remains dangerous for these types of vehicles; and

**Whereas**, A great deal of public outcry for relief from harms caused by helicopter tours in New York City still exists, including from a wide range of public officials; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Federal Aviation Administration to ban all non-essential helicopter travel, including tourist and chartered helicopter flights over New York City.

Referred to the Committee on Economic Development.

## Res. No. 292

**Resolution calling on the New York State Legislature to pass, and the New York State Governor to sign, S.5320, which would amend the administrative code of the city of New York to allow commuter vans to accept hails from prospective passengers in the street, and would repeal certain provisions of law relating thereto.**

By Council Member Brooks-Powers, the Public Advocate (Mr. Williams) and Council Members Restler and Won.

**Whereas**, Commuter vans in New York City are motor vehicles with seating capacities of nine to 20 passengers that provide transportation on a prearranged regular daily basis, over non-specified or irregular routes between a residential zone and a work related central location, a mass transit facility, a shopping center or recreational facilities within New York City; and

**Whereas**, The New York City Taxi and Limousine Commission (TLC) regulates and licenses commuter vans, van bases and van drivers in the City; and

**Whereas**, As of May 16, 2022, according to the TLC, there were 18 authorized TLC-licensed bases for commuter vans, 123 TLC-licensed commuter van drivers, and 32 TLC-licensed commuter vans; and

**Whereas**, Under current law, TLC-licensed commuter vans are not permitted to accept hails from prospective passengers in the street and consumers can only make use of the service if they have made arrangements for the service before-hand; and

**Whereas**, Although commuter vans provide an important service in supplementing New York City's public transit system, particularly for those that live in transit deserts and areas that lack close, effective and affordable transit options, the current law that requires pre-arrangement of services limits the impact that commuter vans can have on the City; and

**Whereas**, In addition, as the number of commuter vans, bases and drivers licensed by the TLC has decreased in recent years, allowing TLC-licensed commuter vans to accept hails from prospective passengers in the street would greatly help the industry; and

**Whereas**, S.5320, introduced by New York State Senator Kevin Parker, would allow commuter vans to accept hails from prospective passengers in the streets and would repeal certain provisions in New York City law, ultimately, resulting in increased access to affordable and effective transportation options for New York City residents, particularly those from areas underserved by current public transit; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass, and the New York State Governor to sign, S.5320, which would amend the administrative code of the city of New York to allow commuter vans to accept hails from prospective passengers in the street, and would repeal certain provisions of law relating thereto.

Referred to the Committee on Transportation and Infrastructure.

## Int. No. 612

By Council Members Cabán, Richardson Jordan, Nurse, Won, Brewer, Restler, Hanif, Gutiérrez and Joseph

**A Local Law to amend the New York city charter, in relation to monitoring power plants performance**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of the New York city charter is amended by adding a new section 20-f to read as follows:

*20-f. Monitor power plant performance. 1. The office of long-term planning and sustainability shall track all department of environmental conservation reports on Title V power plants including, but not limited to, draft and final permit issuance, permit comment periods, permit renewals, permit compliance and whether any permit is not in attainment for any criteria pollutant.*

*2. When any power plant is not in compliance with its permits when renewal for that permit is being considered, the office of long term planning and sustainability shall submit comments on the proposed renewal including proposed technical improvements, suggested mitigation measures or recommendations respecting continued operation.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 613

By Council Members De La Rosa, Velázquez, Krishnan, Menin, Brewer, Restler, Hanif, Ung, Won, Dinowitz, Nurse, Hudson, Brannan and Joseph.

**A Local Law to amend the administrative code of the city of New York, in relation to increasing civil penalties and prohibiting issuance of the food service establishment permit for outstanding penalties for violations of the fair work week law**

*Be it enacted by the Council as follows:*

Section 1. Section 20-1209 of the administrative code of the city of New York, as added by local law number 107 for the year 2017, is amended to read as follows:

§ 20-1209 Specific civil penalties payable to the city. a. For each violation of this chapter, an employer is liable for a penalty of \$500 for the first violation and, for subsequent violations that occur within two years of any previous violation of this chapter, up to [\$750] \$1,500 for the second violation and up to [\$1,000] \$2,000 for *each* succeeding violation.

b. The penalties imposed pursuant to this section shall be imposed on a per employee and per instance basis for each violation.

§ 2. Subdivision c of section 20-1212 of the administrative code of the city of New York, as added by local law number 107 for the year 2017, is amended to read as follows:

c. Civil penalty. In any civil action commenced pursuant to subdivision a of this section, the trier of fact may impose a civil penalty of not more than [\$15,000] \$30,000 for a finding that an employer has engaged in a pattern or practice of violations of this chapter. Any civil penalty so recovered shall be paid into the general fund of the city.

§ 3. Subchapter 1 of chapter 12 of title 20 of the administrative code of the city of New York, as amended by local law number 107 for the year 2017, is amended by adding a new section 20-1213 to read as follows:

§ 20-1213 *Effect of violations and penalties on the food service establishment permit. The commissioner may, after due notice and an opportunity to be heard, direct the commissioner of the department of health and mental hygiene to suspend, revoke, deny or refuse to renew the permit required by subdivision (a) of section 81.05 of the health code if the commissioner makes a determination that, with respect to violations of this chapter or chapter 8 of this title:*

*a. The applicant has failed to satisfy a fine or civil penalty ordered against such applicant in a judicial or administrative proceeding arising out of any such violation;*

*b. A court of competent jurisdiction has found that the applicant has engaged in a pattern or practice of such violations; or*

*c. The applicant has been ordered to pay an aggregate of \$500,000 or more in civil penalties or monetary relief for such violations over a three-year period.*

§ 4. Subchapter 1 of chapter 12 of title 20 of the administrative code of the city of New York, as amended by local law number 107 for the year 2017, is amended by adding a new section 20-1214 to read as follows:

§ 20-1214. *Severance. Any employee of a fast food establishment affected by the suspension or revocation of a food service establishment permit pursuant to this subchapter shall be paid a severance by the employer for work lost during the first fourteen calendar days of any suspension, revocation, or denial of issuance or renewal.*

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

Referred to the Committee on Consumer and Worker Protection.

Int. No. 614

By Council Members Gennaro, Restler, Nurse, Gutiérrez and Joseph.

**A Local Law to amend the administrative code of the city of New York, in relation to a pilot program to reduce emissions from city-owned motor vehicles**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 12 of the administrative code of the city of New York is amended by adding a new section 12-212 to read as follows:

§ 12-212 *City-owned motor vehicle emissions reduction program. The department of citywide administrative services shall implement a pilot program on the use of low emission exhaust pipes. Such pilot program shall encompass 20 percent of all motor vehicles owned by the city that are run not exclusively by electric power. The department of citywide administrative services shall provide a written report to the speaker of the council and post such report on its website not later than one year following commencement of such pilot program. Such report shall include, but not be limited to, the cost of such pilot program and the emissions reduction from such program.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 615

By Council Members Gennaro, Brewer, Restler, Nurse, Gutiérrez and Joseph.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of an energy efficiency program for multiple dwellings**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 4 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new article 4 to read as follows:

ARTICLE 4

ENERGY EFFICIENCY PROGRAM FOR MULTIPLE DWELLINGS

§ 27-2109.61 *Energy efficiency program for multiple dwellings. a. For purposes of this article, the term “eligible violation” means (i) a violation that is set forth in rule by the department as eligible for the energy*

efficiency program for multiple dwellings as established pursuant to this section and (ii) non-hazardous violations.

b. Notwithstanding any other provision of law, the department shall develop and establish an energy efficiency program for multiple dwellings. Such energy efficiency program shall allow an owner of a multiple dwelling who receives an eligible violation to have the civil penalties for such violation waived or reduced, where such owner enters into a regulatory agreement with the department requiring such owner to undertake eligible energy efficiency measures as described in section 27-2109.62. Such regulatory agreement shall specify that any eligible energy efficiency measures that an owner undertakes shall not be the basis for a rent increase. Civil penalties shall be reduced to an amount equal to the amount of money such owner spends to undertake such energy efficiency measures. Where an owner has received more than one eligible violation, such owner may couple the civil penalties for such violations in an amount not to exceed \$3,000 for the purposes of undertaking energy efficiency measures.

c. An owner who enters into a regulatory agreement with the department pursuant to subdivision b of this section and is found to not be in compliance with such agreement shall have the original civil penalty or penalties for eligible violations reinstated or doubled.

§ 27-2109.62 Eligible energy efficiency measures. a. The department shall create a list of energy efficiency measures that owners may undertake as part of the energy efficiency program for multiple dwellings established pursuant to section 27-2109.61.

b. Such eligible energy efficiency measures shall include, but need not be limited to, the following:

1. Energy efficient upgrades, including building shell improvements, lighting upgrades, installation of energy efficient appliances and installation of programmable thermostats; and
2. For multiple dwellings that do not exceed 25,000 gross square feet, benchmarking, undergoing energy audits and undertaking retro-commissioning measures.

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner of housing preservation and development shall take such actions as are necessary for its implementation, including the promulgation of rules, before such date.

Referred to the Committee on Environmental Protection.

Int. No. 616

By Council Members Gutiérrez, Ossé, Williams, Restler, Won and Nurse (by request of the Queens Borough President).

**A Local Law in relation to requiring an owner of a building to submit registration statements regarding biometric recognition technology utilized on the premises**

*Be it enacted by the Council as follows:*

Section 1. Section 26-3001 of the administrative code of the city of New York is amended to read as follows:  
§ 26-3001 Definitions. As used in this chapter, the following terms have the following meanings:

Authentication data. The term “authentication data” means the data generated or collected at the point of authentication in connection with granting a user entry to a smart access building, common area or dwelling unit through such building’s smart access system, except that it does not include data generated through or collected by a video or camera system that is used to monitor entrances but not grant entry.

Biometric identifier information. The term “biometric identifier information” means a physiological, biological or behavioral characteristic that is used to identify, or assist in identifying, an individual, including, but not limited to: (i) a retina or iris scan; (ii) a fingerprint; (iii) a voiceprint; (iv) a scan or record of a palm, hand or face geometry; (v) gait or movement patterns; or (vi) any other similar identifying characteristic *that can be used alone or in combination with each other, or with other information, to establish individual identity.*



*Biometric recognition technology.* The term “biometric recognition technology” means either or both of the following: (i) a process or system that captures biometric identifier information of an individual or individuals; (ii) a process or system that can assist in verifying or identifying an individual or individuals based on biometric identifier information.

*Dwelling unit.* The term “dwelling unit” has the same meaning as in section 27-2004 of the housing maintenance code.

*Minor.* The term “minor” means a person under the age of 18 years, except a person over the age of 15 years who is married, a parent, serving in the military, or has been found financially independent by a court order.

*Multiple dwelling.* The term “multiple dwelling” has the same meaning as in section 27-2004 of the housing maintenance code.

*Owner.* The term “owner” has the same meaning as in section 27-2004 of the housing maintenance code.

*Reference data.* The term “reference data” means the information against which authentication data is verified at the point of authentication by a smart access system in order to grant a user entry to a smart access building, dwelling unit of such building or a common area of such building.

*Smart access building.* The term “smart access building” means a class A multiple dwelling, as such term is defined in section 27-2004 of the housing maintenance code, that utilizes a smart access system.

*Smart access system.* The term “smart access system” means any system that uses electronic or computerized technology, a radio frequency identification card, a mobile phone application, biometric identifier information, or any other digital technology in order to grant entry to a class A multiple dwelling, common areas in such multiple dwelling or to an individual dwelling unit in such multiple dwelling.

*Third party.* The term “third party” means an entity that installs, operates or otherwise directly supports a smart access system, and has ongoing access to user data, excluding any entity that solely hosts such data.

*User.* The term “user” means a tenant of a smart access building, and any person a tenant has requested, in writing or through a mobile application, be granted access to such tenant’s dwelling unit and such building’s smart access system.

§ 2. Chapter 30 of title 26 of the administrative code of the city of New York is amended by adding a new section 26-3008 to read as follows:

*§ 26-3008 The owner’s obligation to register. a. By January 1, 2024, and annually thereafter, every owner of a smart access building or every owner that implements biometric recognition technology in a commercial or residential property shall submit, to the department, a registration statement. Such registration statement shall include the following information:*

- (a) the street address of the property, including borough, block and lot number;*
- (b) whether the property is commercial or residential;*
- (c) date when each biometric recognition technology was first utilized;*
- (d) number of units in the building;*
- (e) number of tenants in the building;*
- (f) type of each biometric recognition technology used;*
- (g) the name of the vendor providing each biometric recognition technology;*
- (h) the purpose for each use of the technology;*
- (i) list of all public locations where imaging is performed; and*
- (j) data retention policy for each biometric recognition technology.*

*b. Penalty.* Any owner who fails to register pursuant to subdivision a of this section is liable for a civil penalty of not more than \$500 per property unit for the first violation, and not more than \$1,000 for each subsequent violation. Such penalties shall be imposed by the department provided that after a notice of failure to register has been issued to a property owner, such owner may cure any resulting first violation by registering within 2 months of the receipt of such notice. Failure to register two months after the first violation shall be considered a subsequent violation.

*c. Database.* The department shall establish and maintain a publicly searchable database of properties that utilize biometric recognition technology. Updates to such database shall be made no less than 30 days following the annual registration deadline pursuant to subdivision a. Such database shall be made available on the website of the department, shall have the ability to produce reports by query, and shall include, but need not be limited to, the following information for each property:

- (1) the location of the property, including the physical address, borough, block and lot number;*

- (2) the date when each biometric recognition technology was first utilized; and  
 (3) the type of each biometric recognition technology.

d. Report. No later than one year after the effective date of the local law adding this section, and annually thereafter, the commissioner shall submit to the mayor, and the speaker of the council, a report of the following information, based upon registrations filed during the previous year:

- (a) the street address of the property, including borough, block and lot number;  
 (b) whether the property is commercial or residential;  
 (c) the date when each biometric recognition technology was first utilized;  
 (d) number of units in the building;  
 (e) number of tenants in the building;  
 (f) the type of each biometric recognition technology used; and  
 (g) the name of the vendor providing each biometric recognition technology.

e. Notice. Every owner of a smart access building and every owner that implements biometric recognition technology in a commercial or residential property shall annually disclose to every tenant, or prospective tenant, the use of such technology and post the notice in the common areas visible by both tenants and visitors.

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

Referred to the Committee on Technology.

Int. No. 617

By Council Members Hanif, De La Rosa, Cabán, Riley, Velázquez, Brooks-Powers, Restler, Krishnan, Nurse, Ossé, Avilés, Won, Hudson, Schulman, Joseph and Abreu.

**A Local Law to amend the administrative code of the city of New York, in relation to the expansion of worker coverage under the Earned Safe and Sick Time Act**

*Be it enacted by the Council as follows:*

Section 1. Section 20-912 of the administrative code of the city of New York, as amended by local law number 172 for the year 2021, is amended by amending the definitions of “employee” and “employer” and adding a definition of “professional services” in alphabetical order to read as follows:

“Employee” shall mean any “employee” as defined in subdivision 2 of section 190 of the labor law who is employed for hire within the city of New York for more than eighty hours in a calendar year who performs work on a full-time or part-time basis, including work performed in a transitional jobs program pursuant to section 336-f of the social services law, *or any person deemed an employee under section 20-912.1*, but not including work performed as a participant in a work experience program pursuant to section 336-c of the social services law, and not including those who are employed by (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 of New York 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.

"Employer" shall mean any "employer" as defined in subdivision (3) of section 190 of the labor law, *or any other person who employs a person deemed an employee under section 20-912.1*, but not including (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 of New York or any local government, municipality or county or any entity governed by general municipal law section 92 or county law section 207. In determining the number of employees performing work for an employer for compensation during a given week, all employees performing work for compensation on a full-time, part-time or temporary basis shall be counted, provided that where the number of employees who work for an employer for compensation per week fluctuates, business size may be determined for the current calendar year based upon the average number of employees who worked for compensation per week during the preceding

calendar year, and provided further that in determining the number of employees performing work for an employer that is a chain business, the total number of employees in that group of establishments shall be counted.

*“Professional services” shall mean professional services provided by any of the following: (i) writers; (ii) graphic designers; (iii) webpage and digital designers; (iv) animators, illustrators, industrial product designers, interior designers, or fashion designers; (v) fine artists; (vi) photographers; (vii) journalists, freelance digital media workers, videographers or audio/podcast producers; (viii) software engineers; or (ix) musicians and other persons otherwise engaged in the performing arts.*

§ 2. Chapter 8 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-912.1 to read as follows:

*§ 20-912.1 Presumption of employment.*

*a. Solely for the purposes of this chapter, any person performing any services for a hiring entity other than professional services for remuneration within the city of New York for more than 80 hours in a calendar year, including labor or services performed in a transitional jobs program pursuant to section 336-f of the social services law, shall be classified as an employee of the hiring entity unless it can be shown that the person is a separate business entity, or all of the following criteria are met, in which case the person shall be an independent contractor:*

*1. The individual is free from control and direction in performing the job, both under his or her contract and in fact;*

*2. The service must be performed outside the usual course of business for which the service is performed; and*

*3. The individual is customarily engaged in an independently established trade, occupation, profession or business that is similar to the service at issue.*

*b. Whether a person performing professional services for a hiring entity is an independent contractor or employee of the hiring entity shall be determined by applying the criteria in subdivisions h and i.*

*c. Any hiring entity that seeks to challenge a person’s employee status on the ground that the person is an independent contractor pursuant to this section bears the burden of proof.*

*d. The failure to withhold federal or state income taxes or to pay unemployment compensation contributions, workers’ compensation premiums, or disability or paid family leave benefits premiums with respect to an individual’s wages shall not be considered in making a determination under this section, except as set forth in subdivision f.*

*e. An individual’s act of securing workers’ compensation, liability insurance, or disability or paid family leave benefits with a carrier as a sole proprietor, partnership, or otherwise shall not be binding on any determination under this section.*

*f. Solely for purposes of determining whether a business entity performing services for a hiring entity is an employee under this section, a business entity, including any sole proprietor, partnership including any limited liability partnership, corporation, limited liability company, or entity shall be considered a separate business entity from the hiring entity, engaged in a business-to-business relationship, where all of the following criteria are met:*

*1. The business entity is performing the service free from the direction or control over the means and manner of providing the service, subject only to the right of the contractor for whom the service is provided to specify the desired result;*

*2. The business entity is not subject to cancellation or destruction upon severance of the relationship with the hiring entity;*

*3. The business entity has a substantial investment of capital in the business entity beyond ordinary tools and equipment and a vehicle, such as a website or website business listings for the business entity, business cards, dedicated workspace apart from a vehicle, trademarks, general liability insurance for the business entity, and/or business or professional software, and not including any payments for access to an application through which work is distributed;*

*4. The business entity owns the capital goods, if any, gains the profits and bears the losses of the business entity, as a result of its exercise of managerial skills and the prices that it independently sets for its services;*

*5. The business entity makes its services directly available to the general public on a continuing basis;*

*6. The business entity performs services rendered on a federal income tax schedule as an independent business or profession;*

7. *The business entity performs services for the hiring entity under the business entity's name;*
8. *When the services being provided require a license or permit, the business entity obtains and pays for the license or permit in the business entity's name;*
9. *The business entity furnishes the tools and equipment necessary to provide the service;*
10. *If necessary, the business hires its own employees without approval of the hiring entity, pays the employees without reimbursement from the hiring entity and reports the employees' income to the internal revenue service;*
11. *The hiring entity does not represent the business entity as an employee of the hiring entity to its customers; and*
12. *The business entity has the right to perform similar services for others on whatever basis and whenever it chooses.*

*g. When a business entity meets the definition of a separate business entity pursuant to subdivision f, the separate business entity will be considered a hiring entity subject to all the provisions of this chapter in regard to classification of individuals performing services for it.*

*h. The presumption of employment set forth in this section shall not apply to workers under contract for professional services, and instead the determination of whether such worker is an employee or an independent contractor shall be determined using the test set forth in subdivision i, if the hiring entity demonstrates that all of the following factors are met:*

1. *The individual maintains a business location, which may include the individual's residence, that is separate from the hiring entity;*
2. *The individual has any license or permit required by law for the individual to practice their profession;*
3. *The individual has the ability to set or negotiate his or her own rates for the services performed;*
4. *Outside of project completion dates, timing that is inherent in the project itself, and reasonable business hours, the individual has the ability to set his or her own hours;*
5. *The individual is customarily engaged in the same type of work performed under contract with another hiring entity or holds himself or herself out to other potential hiring entities as available to perform the same type of work; and*
6. *The individual customarily and regularly exercises discretion and independent judgment in the performance of the services.*

*i. For workers who fall within the exemptions described in subdivision h of this section, the following factors, none of which is determinative, must be considered for determining whether such worker is an employee or an independent contractor:*

1. *The extent of control which, by the agreement, the hiring entity may exercise over the details of the work;*
2. *Whether or not the individual hired is engaged in a distinct occupation or business;*
3. *The kind of occupation, with reference to whether the work is usually done under the direction of the hiring entity or by a specialist without supervision;*
4. *The skill required in the particular occupation;*
5. *Whether the hiring entity or the worker supplies the instrumentalities, tools, and the place of work for the person doing the work;*
6. *The length of time for which the person is hired;*
7. *The method of payment, whether by the time or by the job;*
8. *Whether or not the work is a part of the regular business of the hiring entity;*
9. *Whether or not the parties believe they are creating an employment relationship;*
10. *Whether the hiring entity is or is not in business; and*
11. *Whether or not the hiring entity has been assigned, or otherwise retained, in word or in substance, the copyright of any material to be produced pursuant to the contract.*

§ 3. Subdivision f of section 20-913 of the administrative code of the city of New York, as added by local law 46 of 2013, is amended to read as follows:

f. The provisions of this chapter do not apply to (i) work study programs under 42 U.S.C. section 2753, (ii) employees for the hours worked and compensated by or through qualified scholarships as defined in 26 U.S.C. section 117, (iii) *any person deemed an independent contractor* [contractors who do not meet the definition of employee under section 190(2) of the labor law] *under section 20-912.1* and (iv) hourly professional employees.

§ 4. Section 20-919 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

*d. Notwithstanding subdivision a of this section, all employers who were not subject to the requirements of this chapter before the enactment date of the local law that added this subdivision shall provide employees with a notice of rights as required under paragraph 1 of subdivision a of this section within 60 days of such enactment date.*

§ 5. This local law takes effect 120 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 Civil Service and Labor.

#### Int. No. 618

By Council Members Holden and Yeger.

### **A Local Law in relation to imposing a limit upon the real property tax levy**

*Be it enacted by the Council as follows:*

Section 1. Definitions. For purposes of this section:

Allowable levy growth factor. The term “allowable levy growth factor” means the lesser of: (a) one and two one-hundredths; or (b) the sum of one plus the inflation factor, provided, however, that in no case shall the allowable levy growth factor be less than one.

Inflation factor. The term “inflation factor” means the quotient of: (a) the average of the national consumer price indexes determined by the United States department of labor for the twelve-month period ending six months prior to the start of the coming fiscal year minus the average of the national consumer price indexes determined by the United States department of labor for the twelve-month period ending six months prior to the start of the prior fiscal year, divided by (b) the average of the national consumer price indexes determined by the United States department of labor for the twelve-month period ending six months prior to the start of the prior fiscal year, with the result expressed as a decimal to four places.

Tax levy limit. The term “tax levy limit” means the amount of taxes authorized to be levied by the council for each fiscal year.

Tax or taxes. The terms “tax” or “taxes” mean (a) a charge imposed upon real property by the city of New York, and (b) special ad valorem levies and special assessments as defined in subdivisions fourteen and fifteen of section one hundred two of the real property tax law.

§ 2. In no event shall the council adopt a budget for the ensuing fiscal year that requires a tax levy that is greater than the current year’s tax levy multiplied by the allowable growth factor.

§ 3. Notwithstanding the preceding paragraph, the council may adopt a budget that requires a tax levy that is greater than the tax levy limit for the ensuing fiscal year if, prior to the adoption of the budget, the council, by two-thirds vote of all the council members, approves a resolution authorizing the greater tax levy for the ensuing fiscal year. Such resolution shall set forth the reason or reasons why the council is authorizing an exception to the tax levy limit.

§ 4. This local law takes effect immediately and expires and is deemed repealed on December 31, 2023.

Referred to the Committee on Finance.

## Int. No. 619

By Council Members Holden and Nurse.

**A Local Law to amend the administrative code of the city of New York, in relation to the sale of aerosol spray paint cans and broad tipped indelible markers**

*Be it enacted by the Council as follows:*

Section 1. The heading of subchapter 3 of chapter 4 of title 20 of the administrative code of the city of New York, as added by local law number 30 for the year 2009, is amended to read as follows:

Subchapter 3: [Etching Acid] *Graffiti Instruments*

§ 2. Section 20-611 of the administrative code of the city of New York, as added by local law number 30 for the year 2009, is amended to read as follows:

§20-611 Definitions. [Whenever used in this subchapter, the following terms shall] *As used in this chapter, the following terms have the following meanings:*

*Broad tipped indelible marker. The term "broad tipped indelible marker" has the same meaning set forth in subdivision e of section 10-117.*

[1. "Dealer of etching acid" shall mean] *Dealer of etching acid. The term "dealer of etching acid" means any person, firm, partnership, corporation or company that engages in the business of dispensing etching acid.*

*Dealer of graffiti instruments. The term "dealer of graffiti instruments" means any person, firm, partnership, corporation or company that engages in the business of dispensing etching acid, aerosol spray paint can(s) or broad tipped indelible marker(s).*

[2. "Dispense" shall mean] *Dispense. The term "dispense" means to dispose of, give away, give, lease, loan, keep for sale, offer, offer for sale, sell, transfer or otherwise dispose of.*

[3. "Etching acid" shall have] *Etching acid. The term "etching acid" has the same meaning as set forth in subdivision e of section 10-117.*

[4. "Personal information" shall mean] *Personal information. The term "personal information" means data pertaining to the purchaser of etching acid that may be used to identify such purchaser. Such information [shall be] is limited to the purchaser's name, address, type of identification used in the purchase, identification number, if applicable, the date of purchase and amount of acid dispensed to the purchaser.*

[5. "Purchasing records" shall mean] *Purchasing records. The term "purchasing records" means all written or electronically recorded personal information about a purchaser of etching acid gathered at the time of purchase by a dealer of etching acid as required by this subchapter.*

§3. Subdivision 1 of section 20-612 of the administrative code of the city of New York, as added by local law number 30 for the year 2009, is amended to read as follows:

1. Every dealer of [etching acid] *graffiti instruments* shall request valid photo identification from each purchaser of etching acid, *aerosol spray paint cans or broad tipped indelible markers* at the time of such purchase and, *if the item purchased is etching acid, shall* contemporaneously record in writing or electronically such purchaser's personal information.

§4. Section 20-613 of the administrative code of the city of New York, as added by local law number 30 for the year 2009, is amended to read as follows:

§20-613 Posting notice. Every dealer of [etching acid] *graffiti instruments* shall conspicuously post at every table, desk or counter where orders are placed and/or payment is made a notice, the form and manner of which are to be provided by rule of the commissioner, indicating that all purchasers of etching acid, *aerosol spray paint cans or broad tipped indelible markers* shall be required to provide valid photo identification and, *if the purchase is of etching acid,* their personal information and such information shall be recorded by the dealer of etching acid prior to purchase.

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

Referred to the Committee on Public Safety.

## Int. No. 620

By Council Members Hudson, Bottcher, Ossé, Schulman, Cabán, Carr, Richardson Jordan, Menin, Powers, Brewer, Brooks-Powers, Restler, Hanif, Ung, Nurse, Farías, Won, Avilés, Narcisse, Velázquez, Williams, Gennaro, Gutiérrez, Ayala, Joseph and Sanchez.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to conduct monkeypox education and prevention efforts and establish an infectious disease vaccine scheduling portal**

*Be it enacted by the Council as follows:*

Section 1. a. Definitions. As used in this section, the following terms have the following meanings:

City monkeypox vaccination site. The term “city monkeypox vaccination site” means a location at which monkeypox vaccinations are provided to the public that is operated in whole or in part by the department.

Department. The term “department” means the department of health and mental hygiene.

Designated citywide languages. The term “designated citywide languages” has the same meaning ascribed to such term in section 23-1101 of the administrative code of the city of New York.

Monkeypox local state of emergency. The term “monkeypox local state of emergency” means the local state of emergency declared by the mayor in emergency executive order number 158, issued on August 1, 2022, as extended.

b. Monkeypox response plan. No later than 30 days after the effective date of this local law, the department shall submit to the mayor and the speaker of the council and post on the department’s website a plan to prevent the spread of the monkeypox virus in response to the monkeypox local state of emergency. Such plan shall include, but need not be limited to, the following:

1. A description of the steps the department has taken to address the monkeypox state of emergency and to prevent the spread of the monkeypox virus;
2. A description of the steps the department will take to address the monkeypox state of emergency and to prevent the spread of the monkeypox virus;
3. Information on how the monkeypox virus is transmitted and how individuals can avoid becoming infected with and spreading the monkeypox virus;
4. Information on the availability of monkeypox vaccination and treatment options; and
5. A description of any challenges or barriers to addressing the monkeypox state of emergency or preventing the spread of the monkeypox virus, and the department’s recommendations to address such challenges or barriers, if any.

c. Monkeypox education and outreach. No later than 30 days after the effective date of this local law, the department, in collaboration with the office of nightlife and relevant agencies and community organizations, shall conduct a public education and outreach campaign to inform the public about the monkeypox outbreak resulting in the monkeypox state of emergency, including how the disease is transmitted, how to prevent the infection and spread of the virus, and how to obtain vaccination and treatment. Such campaign shall direct its outreach to the communities most at risk of contracting monkeypox, and shall include, but need not be limited to, the following:

1. Creating written materials, including but not limited to pamphlets, posters and flyers, in the designated citywide languages;
2. Posting such materials and other relevant information on the websites of the department, the office of nightlife and relevant agencies; and
3. Providing such materials to health care providers, hospitals, shelters, jails, community organizations and food and nightlife establishments to distribute to individuals.

d. Monkeypox vaccine access. 1. No later than 30 days after the effective date of this local law, the department shall coordinate with relevant agencies, community organizations and health care facilities to ensure that communities most at risk of contracting the monkeypox virus and communities that may not have access to vaccines through city monkeypox vaccination sites, including individuals housed in shelters and jails, have adequate access to the monkeypox vaccine.

2. No later than 30 days after the effective date of this local law, and at least weekly thereafter until no city monkeypox vaccination site is in operation, the department shall examine the demographics of individuals who have received the monkeypox vaccine, including but not limited to gender, sexual orientation, gender identity and expression, socioeconomic status and race and ethnicity, if such information is available. The department shall adjust the hours of operation and location of city monkeypox vaccination sites based on such examination and the needs of the communities most at risk of contracting the monkeypox virus to ensure adequate and equitable vaccine access for such individuals and communities. Such examination of demographic information shall not include reporting or disclosure of any personally identifiable information.

§ 2. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-109.1 to read as follows:

*§ 17-109.1 Infectious disease vaccine scheduling portal. a. Definitions. As used in this section, the following terms have the following meanings:*

*COVID-19. The term "COVID-19" means the disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).*

*Designated citywide languages. The term "designated citywide languages" has the same meaning ascribed to such term in section 23-1101.*

*b. Establishment of scheduling portal. No later than 30 days after the effective date of the local law that added this section, the department shall establish and maintain an online portal that allows individuals to schedule vaccination appointments for COVID-19, monkeypox and other infectious disease vaccinations available through cooperating providers that may include, but need not be limited to, vaccination locations operated by the department, the health and hospitals corporation and New York state. Such online portal shall display all available appointments across all vaccination locations of cooperating providers, organized by date and time and filterable by zip code and eligibility category, and shall allow for the scheduling of such available vaccination appointments. Such online portal shall be made available to the public in the designated citywide languages and shall be accessible to individuals with disabilities in accordance with section 23-802.*

*c. Privacy. The department shall take all necessary steps to protect the privacy of individuals who access the infectious disease vaccine scheduling portal as established by subdivision b of this section and to ensure that any personally identifiable information provided by individuals to schedule vaccination appointments is secure and confidential.*

§ 3. This local law takes effect immediately.

Referred to the Committee on Health.

Res. No. 293

**Resolution calling on the United States Congress to pass, and the President to sign, legislation requiring that the Federal Aviation Administration ensure that all approved emergency medical kits on airplanes flying within the United States include life-saving medications and devices, including, but not limited to, a glucometer, an EpiPen, automatic blood pressure cuffs, disposable stethoscopes and naloxone.**

By Council Members Hudson, Restler, Nurse and Joseph.

**Whereas**, Since 1986, the regulations of the Federal Aviation Administration's (FAA), the agency responsible for managing the United States' airspace and all aspects of civilian aviation, have mandated that all domestic passenger airplanes with a required flight attendant have an emergency medical kit (EMK) containing medications and devices onboard; and

**Whereas**, Since 1986, the FAA-approved EMK has expanded under federal law and regulations to include, among other things, varying quantities of: a sphygmomanometer; a stethoscope; a self-inflating manual resuscitation device; protective nonpermeable gloves; needles; syringes; non-narcotic analgesic tablets; antihistamine tablets; an antihistamine injectable; an epinephrine injectable; a lidocaine injectable; nitroglycerin tablets; and basic instructions for use of the drugs in the kit; and



**Whereas**, According to a 2018 review article in the Journal of the American Medical Association, in-flight medical emergencies occur in about one in every 604 commercial flights; and

**Whereas**, In recent years, there have been multiple instances when a doctor or medical professional was called to help in a mid-flight emergency and found that the EMK on their flight was missing key items, including, among other things, certain drugs, blood pressure cuffs, and auto-injectors; and

**Whereas**, This includes a recent incident where Dr. Andrea Merrill, in June of 2022, was asked to help and found that the EMK on her flight was missing items, including a glucometer, an EpiPen, and automatic blood pressure cuffs, according to National Public Radio; and

**Whereas**, According to the report, after tweeting out her experience, Dr. Merrill received numerous replies citing the same issue that other medical professionals have gone through, highlighting long-standing calls to expand the required items in EMKs on airplanes; and

**Whereas**, Dr. Paulo Alves, global medical director for aviation health at MedAire, a company that provides guidance from the ground during in-flight medical emergencies, has said that the last time EMKs were modified by the FAA was in 2004, thus the regulations in place have not evolved with advancing medical knowledge and equipment; and

**Whereas**, In addition, according to the New York Times, the FAA is allowed to grant airlines exemptions that permit passenger planes to fly without a complete EMK if the airlines say they cannot replenish drugs that are cited to be in short supply, with 50 airlines being granted four-year exemptions in January 2016 from the requirement to carry all five drugs (two doses of epinephrine, atropine, dextrose, and lidocaine) in the EMK; and

**Whereas**, Although the FAA Reauthorization Act of 2018 requires the FAA to consider whether the minimum contents of FAA-approved EMKs include appropriate medications and equipment to meet the emergency medical needs of children and pregnant women, there are gaps in this process which result in EMKs not having the right medical equipment for certain in-flight emergencies; and

**Whereas**, New York City is home to two large airports: John F. Kennedy International Airport, which in the 12 months ending in April 2022 served about 36 million passengers; and LaGuardia Airport, which in the 12 months ending in April 2022 served about 20 million passengers, according to The Port Authority of New York and New Jersey, therefore it is imperative that EMKs on all airplanes flying in the United States contain effective and adequate medical equipment and medications to ensure that if a mid-flight emergency does occur, the person impacted can receive the care they need in the most effective way; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Congress to pass, and the President to sign, legislation requiring that the Federal Aviation Administration ensure that all approved emergency medical kits on airplanes flying within the United States include life-saving medications and devices, including, but not limited to, a glucometer, an EpiPen, automatic blood pressure cuffs, disposable stethoscopes and naloxone.

Referred to the Committee on Health.

Res. No. 294

**Resolution calling upon the United States Department of Health and Human Services to increase the number of monkeypox vaccines available and ensure the amount of vaccines sent to New York City is reflective of the proportion of the nationwide cases for an equitable distribution and effective containment of the nationwide monkeypox outbreak.**

By Council Members Hudson, Bottcher, Ossé, Cabán, Schulman, Carr, Richardson Jordan, Powers, Brewer, Restler, Hanif, Won, Nurse, Farías, Avilés, Narcisse, Velázquez, Krishnan, Williams, Gutiérrez, Brooks-Powers, Ayala, Joseph, Sanchez and Abreu.

**Whereas,** Monkeypox, which is a contagious disease that is spread through close physical and intimate contact, is now spreading across the globe, including the United States and other nations that have generally been free from the monkeypox virus in recent decades; and

**Whereas,** Monkeypox is not as contagious as other viruses, such as the virus that causes COVID-19, and is typically spread through direct contact with rash, sores, and/or bodily fluids of an infected person; respiratory droplets; kissing; engaging in sexual activity; or sharing clothes, bedsheets, or food; and

**Whereas,** While any person can be susceptible to monkeypox, the recent outbreak has clustered around members of the LGBTQ+ community, specifically, gay, bisexual, or other men who have sex with men (MSM); and

**Whereas,** Although the mortality rate for monkeypox is between three to six percent globally, in countries like the United States, with access to quality health care, the death rate falls below one percent; and

**Whereas,** Although monkeypox is rarely fatal and often self-healing, symptoms include rash, sores, discomfort from itching, fevers, headaches, and tiredness that may appear seven to 21 days after the exposure and last for a few days to a few weeks; and

**Whereas,** New York City has become the national epicenter of monkeypox, with the highest rate of infected persons and, according to New York State Health Commissioner Dr. Mary Bassett, this number is expected to increase as more testing is made available; and

**Whereas,** As of August 3, 2022, the Centers for Disease Control and Prevention (CDC) has reported 6,617 cases nationwide, with New York State making up almost a quarter of the total infected persons (1,666 individuals); and

**Whereas,** As of August 3, 2022, the New York City Department of Health and Mental Hygiene (DOHMH) reported a growing count of 1,558 monkeypox cases, which is almost equivalent to the CDC's total of 1,666 infectious individuals for New York State, emphasizing that the bulk of cases from New York State are coming from New York City; and

**Whereas,** In response to the outbreak, as of July 21, 2022, the United States Department of Health and Human Services (HHS) has distributed nearly 200,000 JYNNEOS vaccinations, a two-dose vaccine for monkeypox and smallpox, administered over a period of 14 days, nationwide; and

**Whereas,** As of July 21, 2022, those eligible in New York State for the vaccine include individuals with recent exposure to a suspected or confirmed monkeypox case within the past 14 days; those at high risk of a recent exposure to monkeypox (including gay men, those in the bisexual, transgender, and gender non-conforming community and other communities of MSM); and individuals who have had skin-to-skin contact with someone in a social network experiencing monkeypox spread; and

**Whereas,** New York City has the highest infection rate in the country, yet as of July 19, 2022, it has only received approximately 12% (23,963) of JYNNEOS doses out of the 200,000 distributed by HHS, leading to an extreme vaccination shortage in the city for eligible individuals; and

**Whereas,** This shortage of monkeypox vaccinations was demonstrated when all 9,200 appointments made available by DOHMH were booked within 10 minutes of launch, leading the website to crash; and

**Whereas,** Due to this unprecedented demand, an additional 14,500 doses were sent to New York City by the Federal government; and

**Whereas,** Out of those 14,500 doses, 8,200 first dose appointments were made available on July 15, 2022, but were booked within minutes, leaving many eligible patients frustrated as they anxiously await appointments to protect themselves and their loved ones from monkeypox; and

**Whereas,** An additional 4,000 doses were reserved for referrals from community partner organizations serving highest-risk patients and the remaining vaccines were kept for second dose appointments until more vaccines arrive; and

**Whereas,** This shortage could have dire consequences as infection rates more than doubled within the week of July 13 to July 20, 2022 in New York City, jumping from 336 to 711 cases; and

**Whereas,** In July, HHS began distributing 800,000 new vaccinations throughout the country, allotting about 14% (110,000) of JYNNEOS doses to New York State from which, only 80,000 vaccines or 10% of the total supply will be given to the New York City; and

**Whereas,** As of August 3, 2022, DOHMH has received approximately 40% (32,000) of the promised doses of JYNNEOS vaccines, opening 23,000 new first-dose appointment on its online portal on August 4, 2022, while

reserving the rest for referrals from community partner organizations, health care providers, and close contacts of known cases; and

**Whereas**, On July 11, 2022, New York City Mayor Eric Adams wrote an open letter to United States President Joseph Biden requesting an equity-driven allocation of monkeypox vaccinations for the residents of the New York City; and

**Whereas**, On July 23, 2022, the World Health Organization (WHO), declared monkeypox a “Public Health Emergency of International Concern,” to urge countries to take immediate actions; and

**Whereas**, On July 29, 2022, New York State Governor Kathy Hochul issued an executive order, declaring the monkeypox outbreak a state disaster emergency to allow a quicker and more flexible response to the growing outbreak; and

**Whereas**, On August 1, 2022, Mayor Adams issued an emergency executive order, declaring monkeypox a local state of emergency, further echoing alarm on the necessity of equitable monkeypox vaccine distribution and testing services within New York City; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Department of Health and Human Services to increase the number of monkeypox vaccines available and ensure the amount of vaccines sent to New York City is reflective of the proportion of the nationwide cases for an equitable distribution and effective containment of the nationwide monkeypox outbreak.

Referred to the Committee on Health.

Int. No. 621

By Council Members Kagan, Brooks-Powers, Restler, Hanif, Nurse, Yeger and Joseph.

**A Local Law to amend the administrative code of the city of New York, in relation to banning companies that charge a fee for “student debt relief” already provided by the federal government and creating a private cause of action for borrowers who fall victim to these scams**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 26 to read as follows:

*SUBCHAPTER 26*

*PROHIBITION ON STUDENT DEBT RELIEF SERVICES REGARDING FEDERAL LOANS FOR A FEE*

*§ 20-880 a. No person shall offer or advertise student debt relief services regarding federal student loans for a fee where such services are offered for free by the federal department of education.*

*b. This law does not apply to persons who, before providing such services, provide to customers written disclosures that contain the following information:*

*1. A statement informing customers that the federal department of education provides free assistance to holders of federal loans, including:*

- (a) Lowering or capping monthly payments;*
- (b) Checking eligibility for loan forgiveness;*
- (c) Consolidating federal loans; and*
- (d) Giving advice on getting out of default.*

*2. Contact information for the federal student aid information center, including:*

- (a) The phone number; and*
- (b) The website URL.*

§ 20-881 *Penalties.* Any person that violates section 20-880 is liable for a civil penalty of not less than \$500 or more than \$2,000 for the first violation and a civil penalty of not less than \$800 or more than \$3,000 for each succeeding violation.

§ 20-882 *Civil cause of action.* Any person claiming to have been harmed by a person offering student debt relief services for a fee has a cause of action against such person in any court of competent jurisdiction for compensatory and punitive damages; injunctive and declaratory relief; attorney's fees and costs; and such other relief as a court deems appropriate.

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner of the department of consumer affairs shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Consumer and Worker Protection.

#### Int. No. 622

By Council Members Kagan, Brooks-Powers, Ung, Nurse, Gutiérrez and Yeger.

### **A Local Law to amend the administrative code of the city of New York, in relation to suspending meter parking regulations on the Asian Lunar New Year**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-163.3 to read as follows:

§ 19-163.3. *a. No parking meter or mini-meter shall be activated on the Lunar New Year.*

*b. The date of the Lunar New Year is the same as the date set forth in subdivision c of section 19-163.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

#### Int. No. 623

By Council Members Marte, Hudson, Restler, Won, Nurse, Gutiérrez and Joseph.

### **A Local Law to amend the administrative code of the city of New York, in relation to anti-discrimination training on sexual orientation, gender identity and expression for senior service providers**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-210 to read as follows:

§ 21-210 *Anti-discrimination training.* *a. The commissioner shall require that employees of senior centers and employees of entities that contract with the department to provide services to senior citizens, be trained in the prevention and elimination of discrimination based on sexual orientation, gender identity and expression and receive supplemental refresher training regarding the same at least once every three years, if such employee has or is expected to have significant and direct person to person contact with senior citizens.*

*b. The commissioner shall require senior centers to hold at least two educational sessions per year during which guests and members of the senior center will receive counseling regarding the prevention and elimination of discrimination based on sexual orientation, gender identity and expression and be instructed on how to report*

*instances of such discrimination and what avenues of relief and action are available to those who have experienced such discrimination.*

*c. The commissioner shall require that every senior center post signage in a prominent common area within the center that directs those who need information regarding discrimination based on sexual orientation, gender identity, and expression, including how to report such incidents, and what avenues of relief and action are available to those who have experienced such discrimination.*

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

Referred to the Committee on Aging.

Int. No. 624

By Council Members Marte, Ossé, Hanif, Won, Nurse and Gutiérrez.

**A Local Law in relation to requiring the department of city planning to conduct a study on hostile architecture**

*Be it enacted by the Council as follows:*

Section 1. Study on hostile architecture. a. Definitions. For the purposes of this section, the following terms have the following meanings:

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

City. The term “city” means the city of New York.

Director. The term “director” means the director of city planning.

Hostile architecture. The term “hostile architecture” means an architectural design in which a public space is constructed or altered to guide or restrict public behavior, including, but not limited to, attributes designed or intended to prevent persons from sitting or lying on benches, planters, ledges, steps, platforms, fire hydrants or any other furniture, structure or surface at street level.

Relevant agencies. The term “relevant agencies” means the department of buildings, the department of parks and recreation, the department of transportation and any other agency that the director deems relevant.

b. Study and report. The director, in collaboration with the relevant agencies, shall conduct a study regarding hostile architecture in the city to analyze the extent of such architecture and to assess compliance with section 37-741 of the zoning resolution. Such study shall include, but need not be limited to, the following:

1. A list of each instance of hostile architecture in the city, by community district, with each separate row of the list referencing a unique instance of hostile architecture and providing the following information about such architecture set forth in separate columns:

(a) The agency with jurisdiction over such instance of hostile architecture;

(b) The type of hostile architecture; and

(c) The borough-block-lot number of the property where such architecture is located; and

2. An assessment of whether each public plaza, as defined section 12-10 of the zoning resolution, complies with section 37-741 of the zoning resolution relating to standards for seating within public plazas, which assessment shall include, but not be limited to, the following, if applicable:

(a) A list of the public plazas that do not comply with such provision, which shall include, but not be limited to, a description of each instance of non-compliance and the agency with jurisdiction over such public plaza;

(b) A description of the most frequent types of non-compliance with such provision;

(c) Any efforts made to ensure such public plazas comply;

(d) Any barriers that prevent such public plazas from being brought into compliance;

(e) The feasibility of bringing such public plazas into compliance and eliminating hostile architecture from such public plazas; and

(f) Any recommendations to improve compliance, including, but not limited to, a plan to replace any hostile architecture.

c. Report required. Within 18 months of the effective date of this local law, the commissioner, in collaboration with the relevant agencies, shall submit to the mayor and the speaker of the council a report summarizing the findings and recommendations of the study required by subdivision b of this section and shall post such report on the website of the department of city planning.

§ 2. This local law takes effect immediately.

Referred to the Committee on Land Use.

Int. No. 625

By Council Members Moya, Nurse and Gutiérrez.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring asbestos surveys and abatement after certain catastrophic events**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-106.5 to read as follows:

**§ 28-106.5 Asbestos survey and abatement after certain catastrophic events.** *Where the structure of a building has been thoroughly damaged or disturbed due to a catastrophic event, such as a collapse, explosion or impact which has a severe material and detrimental effect on the structural integrity of a building, the owner of such building shall conduct a survey to determine if asbestos-containing materials were impacted or disturbed by such event. Upon a determination by a certified asbestos investigator that such asbestos-containing materials were impacted or disturbed, such building shall require asbestos abatement to the extent determined by such investigator and as required by the rules of the department of environmental protection. The department of environmental protection shall promulgate rules in furtherance of the provisions of this section.*

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

Referred to the Committee on Housing and Buildings.

Int. No. 626

By Council Member Moya.

**A Local Law to amend the administrative code of the city of New York, in relation to ferry service to Willets Point**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-308 to read as follows:

**§ 19-308 Ferry Service to Queens.** *The commissioner shall ensure that regular ferry service is provided connecting Willets Point, in the borough of Queens to, at minimum, Midtown and the Financial District in the*

*borough of Manhattan. Such service shall be open to the public. The schedule of such service shall be determined by the commissioner. The commissioner may establish fees for such service. The schedule and fees, if any, for such service shall be made available on the city's website.*

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

Referred to the Committee on Transportation and Infrastructure.

Int. No. 627

By Council Members Moya and Yeger.

**A Local Law to amend the administrative code of the city of New York, in relation to providing notice and an opportunity for comment before implementing a major traffic change**

*Be it enacted by the Council as follows:*

Section 1. Title 19 of the administrative code of the city of New York is amended by adding a new section 19-101.7 to read as follows:

§ 19-101.7 *Notice for major traffic changes. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Affected. The term "affected" means having the proposed major traffic change, in whole or in part, in the district of the applicable community board, council member, or business improvement district.*

*Major traffic change. The term "major traffic change" means any discretionary action taken by the department or any other agency that eliminates one or more lanes for the use of vehicular traffic or parking, for at least four hours per day for at least one week, along three or more consecutive blocks, or 500 consecutive feet of street, whichever is less. Any rule proposed or adopted pursuant to chapter 45 of the charter is not a major traffic change.*

*b. Notice requirement. Before implementing a major traffic change, the implementing agency shall provide a description of such project to the affected council member, community board and business improvement district by electronic mail. Such description shall include, at a minimum, the proposal's geographic limits, description and justification and a map showing the streets affected by such proposal.*

*c. Response. Any affected council member, community board, or business improvement district may submit recommendations or comments to the agency within 10 days of receiving notice pursuant to subdivision b.*

*d. Implementing changes. 1. The applicable agency shall consider recommendations or comments, if any, made pursuant to subdivision c prior to implementing such proposed major traffic change. If no recommendations or comments are received pursuant to subdivision c, the agency has no further obligations under this section with respect to such major traffic change.*

*2. Within 10 days of consideration pursuant to paragraph 1 of this subdivision, if any, the agency shall notify the affected council member, community board and business improvement district by electronic mail if it chooses to proceed with the original or amended proposal, along with a description of any amendments.*

*e. Exception. The provisions of this section do not apply to major traffic changes requiring immediate implementation to preserve public safety.*

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

Referred to the Committee on Transportation and Infrastructure.

Int. No. 628

By Council Members Moya, Gutiérrez, Brooks-Powers, Hanif and Nurse.

**A Local Law to amend the administrative code of the city of New York, in relation to specifying the sources and uses of federal funding required to be included in the database to track expenditure of COVID-19 funds**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 6-144 of the administrative code of the city of New York, is amended to read as follows:

a. Definitions. For purposes of this section, the following terms have the following meanings:

COVID-19. The term “COVID-19” means the 2019 novel coronavirus or 2019-nCoV.

COVID-19 expenditure. The term “COVID-19 expenditure” means any expense or capital expenditure by a city agency for services, goods or materials, programs or construction paid for, in whole or in part, with any COVID-19 funds, provided that such term shall only include personnel expenditures that are tracked as such for reimbursement.

COVID-19 funds. The term “COVID-19 funds” means any federal, state or local funds allocated to or expended by any city agency to provide assistance for responding to COVID-19, including, but not limited to, preventing the spread among the population, containing or treating COVID-19 or mitigating the direct or indirect *medical, physical or economic* effects of COVID-19. *In the case of federal COVID-19 funds, these shall include, but not be limited to, funds appropriated by the Coronavirus Aid, Relief, and Economic Security Act, also known as the CARES Act, the Coronavirus Response and Relief Supplemental Appropriations Act, 2021, also known as CRRSA, The American Rescue Plan Act of 2021, also known as ARPA, or any subsequent federal legislation that allocates funds in response to COVID-19.*

Recipient. The term “recipient” means any person or entity, including any individual, sole proprietorship, public authority, partnership, association, joint venture, limited liability company, corporation or any other form of doing business, awarded COVID-19 funds.

§2. Paragraph 1 of subdivision b of section 6-144 of the administrative code of the city of New York, is amended to read as follows:

b. 1. The mayor shall establish and maintain a public online searchable and interactive database on the website of the city that shall include summaries of the administration of COVID-19 funds as set forth in this section. The data included in such database shall be available in a format that permits automated processing and is downloadable, and shall be available without any registration requirement, license requirement or restrictions on their use, provided that the city may require a third party providing to the public any data from such database, or any application utilizing such data, to explicitly identify the source and version of the data, and a description of any modifications made to such data. The database shall include but not be limited to the following information, which shall, to the extent practicable, be disaggregated by federal, state and local COVID-19 funds, and, for federal funds, by the source of such funds, *including, where identifiable, the specific act of congress appropriating such funds:*

(a) For each COVID-19 expense expenditure, where applicable, the administering agency, the unit of appropriation, the budget code, the amount submitted for reimbursement, the amount reimbursed and the source of reimbursement;

(b) For each COVID-19 capital expenditure, where applicable, the administering agency, the budget line, the project identification number, the project description, the amount submitted for reimbursement, the amount reimbursed and the source of reimbursement;

(c) For each executed city procurement contract funded in whole or in part by COVID-19 funds, the awarding agency, the unit of appropriation, the budget code, the name and address of the contractor and, if known, subcontractors, the contract identification number, the purpose of the contract, the original contract value in dollars and any applicable contract modification value in dollars, the contract award method, the contract type, the contract start and end date and any revised contract end date, the original contract registration date and the registration date of any applicable contract modification, the status of any contractor and, if known,



subcontractor, as a minority and women-owned business enterprise, the contract status, to the extent practicable the amount spent to date on the contract and, if known, subcontracts, and information on the value of the contract and, if known, subcontracts, eligible for reimbursement from a COVID-19 funds award; and

(d) For each grant or loan issuance associated with COVID-19 funds, the awarding agency, the recipient name, the recipient's zip code, the grant or loan name, the purpose of the grant or loan, the grant or loan award amount, whether the grant or loan was subject to a selective award process and the nature of that process, the award status and information on the value of the grant or loan eligible for reimbursement from a COVID-19 funds award.

§ 3. This local law takes effect immediately, provided, however, that this local law expires and is deemed repealed 5 years after local law number 76 for the year 2020 became law.

Referred to the Committee on Finance.

Int. No. 629

By Council Members Moya, Louis, Brooks-Powers, Hanif, Ung, Nurse, Gutiérrez and Yeager (by request of the Queens Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to the equitable distribution of emergency funding by borough**

*Be it enacted by the Council as follows:*

Section 1. Chapter 10 of title 22 of the administrative code of the city of New York is amended by adding a new section 22-1007 to read as follows:

§ 22-1007 *Equitable disbursement of emergency funding. a. Definitions. For the purposes of this section, the term "emergency funding" means a loan or grant program funded at 250,000 dollars or more in total that is created or administered by an agency in response to an emergency declared by the mayor or governor, over which an agency has control of eligibility standards, which partially or fully funds the operating expenses of businesses.*

*b. Before disbursement of emergency funding, the department shall post on its website an estimate of the number of businesses in the city, broken down by borough, that would be eligible for such emergency funding. Such estimate shall not be limited by the total amount of emergency funding being made available. Such posted information shall be accompanied by a description of the methodology used to make such estimate.*

*c. The administering agency shall disburse emergency funding to businesses in each borough in proportion to the number of businesses eligible in such borough, as estimated in accordance with subdivision b of this section. The agency shall be deemed to be in compliance with the requirements of this subdivision if, when all such emergency funding is disbursed: 1. the percentage of emergency funding awards disbursed to businesses per borough is within five percentage points of the number of businesses eligible per borough posted in accordance with subdivision b of this section; or 2. the agency can demonstrate, in a report posted on its website and submitted to the speaker of the council within 30 days of all the emergency funding being disbursed, that a good faith effort was made to meet such standard. The department shall post data on the percentage of emergency funding awards disbursed to businesses per borough on the same webpage as the information posted in accordance with subdivision b of this section.*

§ 2. This local law takes effect 30 days after becoming law.

Referred to the Committee on Small Business.

Res. No. 295

**Resolution recognizing August 10 as Ecuadorian Heritage Day in New York City.**

By Council Members Moya, Ung, Nurse and Gutiérrez.

**Whereas**, The first notable wave of Ecuadorian immigrants arriving in New York City occurred after the fall of the Panama hat trade in the 1950s and 1960s; and

**Whereas**, The Panama hat has its origins in Ecuador starting in the 1600s, but demand for the hat declined and many Ecuadorians who lost their jobs migrated to the United States (U.S.); and

**Whereas**, Since then, the migration of Ecuadorians has ebbed and flowed with the health of Ecuador's economy, dropping in the 1970s during an economic boom and increasing in the 1980s and 1990s due to the fall in oil prices and historic flooding; and

**Whereas**, According to the Pew Research Center, the U.S. Ecuadorian population was 707,428 in 2015 and 40 percent live in New York State; and

**Whereas**, The U.S. Census Bureau American Community Survey for 2017 estimates that the Ecuadorian population in New York City is 241,000 and

**Whereas**, Ecuadorians celebrate independence from Spain on August 10; and

**Whereas**, In 1808, King Ferdinand VII of Spain was deposed of his throne by Napoleon Bonaparte after he invaded Spain; and

**Whereas**, Napoleon's brother, Joseph, was then given the King's title, sparking a rebellion in Ecuador against French control; and

**Whereas**, On August 10, 1809, the rebels took power over Quito, the Ecuadorian capital, and displaced the representatives of Joseph Bonaparte; and

**Whereas**, The rebels were defeated within weeks as they lacked broad support at the time; and

**Whereas**, Though full independence was years away, this was the first step and is celebrated today as "El Dia del Primer Grito de Independencia de Quito" (The day of the first declaration of independence of Quito); and

**Whereas**, Ecuadorian Independence is celebrated in Queens every August with an Ecuadorian Independence Day parade in Jackson Heights and the Ecuadorian Arts Fair in Flushing Meadows Corona Park; and

**Whereas**, It is time for New York City to recognize the important role of the fourth largest Latinx population in the City in the development of the City; now, therefore, be it

**Resolved**, That the Council of the City of New York recognizes August 10 as Ecuadorian Heritage Day in New York City.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Int. No. 630

By Council Members Nurse, Bottcher, Gutiérrez, Brewer, Brooks-Powers, Restler, Hanif, Ung, Krishnan, Farías, Yeger and Joseph.

**A Local Law to amend the administrative code of the city of New York, in relation to the tracking of street cleaning operations online**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-111.2 to read as follows:

§ 16-111.2 Posting information online about street cleanings. a. Definitions. For purposes of this section, the following terms have the following meanings:

*Global positioning system.* The term “global positioning system” or “GPS” means a global positioning system, or a comparable location tracking technology, that uses navigational satellites to determine a location in real time and is capable of collecting, storing and transmitting geographical data.

*Street sweeper.* The term “street sweeper” means a vehicle under the jurisdiction of the department that is equipped with a mechanical broom to clean streets.

b. *GPS equipment required.* The commissioner shall require that all street sweepers are equipped with GPS technology and that such technology is functioning during street cleaning operations.

c. *Publication of tracking information required.* Not later than 150 days after the effective date of this local law, the commissioner, in consultation with the department of information technology and telecommunications, shall publish and maintain a unique page on the department’s website that allows the public to track each street sweeper on a street cleaning route and confirm the completion of a street cleaning, using data from GPS devices installed on such sweepers.

d. *Report.* Not later than one year after the effective date of this section, and biannually thereafter, the commissioner shall submit a report on street cleanings, using data from GPS devices installed on street sweepers, to the mayor and the speaker of the council and post such report on the department’s website. Such quarterly report shall include, but not be limited to, a table in which each separate row references one sanitation district and shall include, but not be limited to, the following information about each such district for the previous quarter, set forth in separate columns:

1. The number of times a street sweeper was scheduled to clean such district;
2. The number of times such sweeper cleaned such district as scheduled;
3. The number of times such sweeper did not clean such district as scheduled, if applicable; and
4. Any explanation as to why such sweeper did not clean such district as scheduled, if applicable.

§ 2. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 631

By Council Members Ossé, Bottcher, Cabán, Carr, Hudson, Richardson Jordan, Schulman, Menin, Powers, Brooks-Powers, Restler, Hanif, Won, Nurse, Farías, Avilés, Narcisse, Brewer, Velázquez, Krishnan, Williams, Gennaro, Gutiérrez, Ayala, Joseph and Sanchez.

**A Local Law in relation to requiring the department of health and mental hygiene to report information regarding vaccination related to monkeypox**

*Be it enacted by the Council as follows:*

Section 1. No later than September 1, 2022, the department shall, as soon as practicable, publish on its website the following information regarding cases and vaccinations related to monkeypox in New York city:

1. The total number of available monkeypox vaccines at the start of each day;
2. The total number of available monkeypox vaccines at the end of each day; and
3. The following information, updated weekly, disaggregated by borough, age, race, ethnicity, gender identity and sexual orientation:

- a. The total number of diagnosed cases of monkeypox;
- b. The total number of diagnostic tests performed for monkeypox;
- c. The total number of individuals vaccinated against monkeypox;

§ 2. All information reported pursuant to section 1 of this local law shall maintain the confidentiality of any individual included in such data. No information that is otherwise required to be reported pursuant to section 1

of this local law shall be reported if the commissioner determines that such reporting would compromise the privacy of personally identifiable information.

§ 3. This local law takes effect immediately and expires and is deemed repealed on December 31, 2023.

Referred to the Committee on Health.

Int. No. 632

By Council Member Powers, the Public Advocate (Mr. Williams), Council Members Rivera, Ayala, Williams, Sanchez, Hudson, Krishnan, Abreu, Brewer, Joseph, De La Rosa, Hanif, Restler, Gutiérrez, Riley, Bottcher, Won, Cabán, Feliz, Stevens, Marte, Avilés, Narcisse, Richardson Jordan, Ossé, Nurse, Farías and Mealy (in conjunction with the Manhattan Borough President), (in conjunction with the Brooklyn Borough President), (in conjunction with the Bronx Borough President) and (in conjunction with the Queens Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting housing discrimination on the basis of arrest record or criminal history.**

*Be it enacted by the Council as follows:*

Section 1. Section 8-107 of title 8 of the administrative code of the city of New York is amended by adding a new subdivision 5-a to read as follows:

*5-a. Protections based on arrest record and criminal history; housing. a. For purposes of this subdivision, the term “criminal history” includes records of an individual’s*

*(1) Currently pending criminal cases;*

*(2) Convictions, including unsealed violations, or any conviction that resulted in a sentence involving fines, incarceration or other penalties arising from a verdict or plea of guilty or nolo contendere, a suspended sentence, a sentence of probation, or a sentence of unconditional discharge, and convictions that have been expunged, the subject of an executive pardon, the subject of a certificate of relief from disabilities, or otherwise legally nullified or vacated;*

*(3) Adjudications of juvenile delinquency or youthful offender adjudications; and*

*(4) Any records that have been sealed.*

*b. It shall be an unlawful discriminatory practice for the owner, lessor, lessee, sublessee, assignee, or managing agent of, or other person having the right to sell, rent or lease or approve the sale, rental or lease of a housing accommodation, constructed or to be constructed, or an interest therein, or any agent or employee thereof, or any real estate broker or agent or employee thereof to:*

*(1) Refuse to sell, rent, lease, approve the sale, rental or lease or otherwise deny to or withhold from any person such a housing accommodation or an interest therein because of such person’s arrest record or criminal history;*

*(2) Discriminate against any person in the terms, conditions or privileges of the sale, rental or lease of any such housing accommodation or an interest therein or in the furnishing of facilities or services in connection therewith, because of such person’s arrest record or criminal history;*

*(3) Represent to any person that, because of such person’s arrest record or criminal history, any housing accommodation or an interest therein is not available for inspection, sale, rental or lease when in fact it is available to such person;*

*(4) Declare, print or circulate or cause to be declared, printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of such a housing accommodation or an interest therein which expresses, directly or indirectly, any limitation, specification or discrimination in housing based on a person’s arrest record or criminal history; or*

*(5) Make any inquiry or statement related to arrest record or criminal history in connection with the prospective or continued purchase, rental, or lease of a housing accommodation. Prohibited inquiries include any question communicated to an individual in writing or otherwise, directly or indirectly, searches of publicly available records, criminal background checks, or any other conduct that gathers arrest record or criminal*

history information. If a covered entity uses consumer credit reports to screen applicants, it shall not take any adverse action based on arrest record or criminal history information contained in such report.

c. Nothing in paragraph b shall restrict a covered entity from taking any lawful adverse action against a current occupant for reasons other than a person's arrest record or criminal history, including the person's acts of physical violence against persons or property on the premises and other acts that would adversely affect the health, safety, or welfare of other residents, or excuse a covered entity from complying with applicable laws relating to victims of domestic violence, sex offenses or stalking.

d. Paragraph b shall not apply to the following:

(1) Actions taken by a covered entity to exclude a person from a housing accommodation based on the person's arrest record or criminal history where such exclusion is required pursuant to any federal, state, or local law or rule or regulation, provided that the covered entity shall provide the person a citation to the law, rule or regulation that requires such action.

(2) Actions taken by a covered entity pursuant to any federal, state or local law or rule or regulation that requires criminal background checks for housing eligibility, provided that prior to taking any adverse action that is not required by such law, the covered entity shall comply with paragraphs e and f; and

(3) Inquiries into the New York sex offense registry maintained by the state division of criminal justice services pursuant to section 168-b of the correction law, or adverse actions taken by a covered entity against a person listed publicly on such registry, provided that prior to taking any adverse action that is not required by such law, the covered entity shall comply with paragraphs e and subparagraphs (1) and (2) of paragraph f.

e. Notice of inquiry. Except where providing notice would conflict with a requirement of federal or state law, rule or regulation, prior to any inquiry into, gathering of, or use of criminal history information a covered entity must:

(1) Notify an individual in writing of the inquiry; and

(2) Provide the individual a reasonable amount of time to withdraw their application for housing, not to exceed three days.

f. Fair housing process. Except where following this process would conflict with a requirement of federal or state law, rule or regulation, after providing notice, and prior to any adverse action based on arrest record or criminal history, the covered entity shall provide:

(1) A written copy of the inquiry on which the intended adverse action is based and allow the person a reasonable amount of time of at least five business days, during which the covered entity must hold the housing unit open, to dispute the accuracy of the inquiry and respond with rebutting or mitigating information prior to the denial of the person's housing application.

(2) A copy of supporting documents that were reviewed, and a statement of the legitimate, non-discriminatory interest of the covered entity in protecting property and the safety and welfare of others;

(3) A copy of the analysis and the covered entity's reasons for intending to take adverse action against such person in a manner to be determined by the commission, identifying which of the following fair housing factors were taken into account:

(A) The time that has elapsed since the date of the offense;

(B) The age of the individual at the time of the offense;

(C) Evidence of good tenant history;

(D) Any additional information produced by an individual or on their behalf, in regards to their rehabilitation or good conduct, including but not limited to history of conduct in the community;

(E) The seriousness of the person's offense; and

(F) The legitimate interest of the owner in protecting property, and the safety and welfare of specific individuals.

g. The requirements of paragraphs e and f shall be satisfied where a covered entity follows a substantially similar process under federal, state or local law, regulations or rules that provides notice and an opportunity for the person to submit rebutting information before the actual denial of a housing accommodation.

h. Paragraph b shall not apply to the sale or rental of:

(1) A housing accommodation, other than a publicly-assisted housing accommodation, in a building that contains housing accommodations for not more than two families living independently of each other, if the owner or members of the owner's family reside in one of such housing accommodations; or

(2) *A room or rooms in a housing accommodation, other than a publicly-assisted housing accommodation, if such rental is by the occupant of the housing accommodation or by the owner of the housing accommodation and the owner or members of the owner's family reside in such housing accommodation.*

*i. To the extent permitted by law, a covered entity's compliance with this subdivision shall not constitute a basis for liability under other laws.*

§ 2. This local law shall take effect 200 days after it becomes law, except that the commission may take such actions as are necessary to implement this local law, including the promulgation of rules, before such date.

Referred to the Committee on Civil and Human Rights.

Int. No. 633

By Council Members Powers, Bottcher, Brewer, Restler, Hanif, Nurse, Gutiérrez and Yeger.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of a permanent COVID-19 wastewater testing program and the reporting of testing results, and to repeal section 24-531 of such code, relating to the creation of a pilot program to test sewage for SARS-CoV-2 RNA**

*Be it enacted by the Council as follows:*

Section 1. Section 24-531 of the administrative code of the city of New York is REPEALED and a new section 24-531 is added to read as follows:

§ 24-531 *COVID-19 wastewater testing program. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*PCR using N1 primer. The term "PCR using N1 primer" means the measurement of the copies of the targeted viral RNA segment in wastewater sample using a polymerase chain reaction based method.*

*SARS-CoV-2. The term "SARS-CoV-2" means severe acute respiratory syndrome coronavirus 2, which is the strain of coronavirus that causes the disease COVID-19.*

*Wastewater-based epidemiology. The term "wastewater-based epidemiology" means the chemical analysis of pollutants, viruses, and biomarkers in raw wastewater to obtain qualitative and quantitative data on disease activity among inhabitants within a given wastewater catchment.*

*b. Wastewater sampling and testing. The commissioner, in consultation with the commissioner of health and mental hygiene, shall conduct wastewater-based epidemiology sampling and testing to quantify the levels of SARS-CoV-2 RNA in wastewater at each city wastewater treatment plant in accordance with this section. Such sampling shall occur on a frequency of no less than twice per week and shall measure the number of copies of SARS-CoV-2 RNA levels through the PCR using N1 primer testing method or another testing method that reflects industry best practices.*

*c. Weekly publication of results. The commissioner of health and mental hygiene shall publish the results of testing provided for in subdivision b of this section no less than weekly on the department of health and mental hygiene's website.*

*d. Annual report. No later than August 31, 2023, and every year thereafter, the commissioner of health and mental hygiene, in consultation with the commissioner of environmental protection, shall submit to the mayor and the speaker of the council a report which shall include but not be limited to the following:*

*1. Results of all sampling of SARS-CoV-2 conducted pursuant to this section, disaggregated by the site where the sample was collected, the date the sample was collected, and the date the sample was tested, in order to monitor the leading indicators of increases or decreases in SARS-CoV-2 present in each drainage area;*

*2. Any sequencing testing method other than PCR using N1 primer that the department used to test samples for SARS-CoV-2;*

*3. The total cost of the COVID-19 wastewater-based epidemiology testing program for the previous fiscal year; and*

4. *Analysis of the effectiveness of the COVID-19 wastewater-based epidemiology testing program in testing for SARS-CoV-2.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 634

By the Public Advocate (Mr. Williams) and Council Members Brewer, Restler, Hanif, Won, Nurse, Gutiérrez and Joseph.

**A Local Law to amend the administrative code of the city of New York, in relation to videoconferencing services for individuals in custody of the department of correction**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of Title 9 of the administrative code of the city of New York is amended by adding a new section 9-163 to read as follows:

§ 9-163 *Videoconferencing services. The department shall provide videoconferencing services to individuals in the custody of the department at no cost to such individuals or to the party receiving the call. Such individuals shall be authorized a minimum of five videoconferencing calls per week for a minimum duration of one hour per call. Nothing in this section shall be construed to infringe upon the rights of individuals within the custody of the department to have in-person visitation.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Criminal Justice.

Int. No. 635

By the Public Advocate (Mr. Williams) and Council Members Stevens, Restler, Hanif, Won, Nurse, Gutiérrez and Joseph.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to report on custodial interrogations of minors**

*Be it enacted by the Council as follows:*

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-193 to read as follows:

§ 14-193 *Report on the custodial interrogation of minors. a. Definition. For the purposes of this section, the term "minor" means a person under the age of 18 years old.*

*b. No later than January 30, 2023, and no later than 30 days after the end of each quarter thereafter, the commissioner shall submit to the speaker of the council, the mayor and the public advocate and post on the department's website a report containing the total number of attempted custodial interrogations of minors for the previous quarter, disaggregated by:*

1. *The race of the minor;*
2. *The age of the minor;*
3. *The gender of the minor;*
4. *The precinct of the arresting officer;*
5. *The borough where the arrest occurred;*

6. Whether a parent or legal guardian was notified of the arrest prior to the attempted interrogation;
  7. Whether the minor spoke to an attorney prior to the attempted interrogation;
  8. Whether the minor was notified of the following:
    - (a) The minor's right to remain silent;
    - (b) That the statements made by the minor may be used in a court of law;
    - (c) The minor's right to have an attorney present at an interrogation; and
    - (d) The minor's right to have an attorney provided for the minor without charge if the minor is unable to afford counsel; and
  9. Whether the minor affirmatively waived each right listed in subparagraphs (a) through (d) of paragraph 8.
    - c. Reports required pursuant to this section shall not contain personally identifiable information. If a category contains between one and five minors, or contains an amount that would allow another category that contains between one and five minors to be deduced, the number shall be replaced with a symbol. A category that contains zero shall be reported as zero, unless such reporting would violate any applicable provision of federal, state or local law relating to the privacy of minors.
- § 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 636

By the Public Advocate (Mr. Williams) and Council Members Nurse, Gutiérrez and Yeger (by request of the Bronx Borough President).

**A Local Law in relation to requiring the department of small business services to report on the impact of COVID-19 on small businesses**

*Be it enacted by the Council as follows:*

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

City. The term "city" means the city of New York.

COVID-19. The term "COVID-19" means the 2019 novel coronavirus or 2019-nCoV.

Commissioner. The term "commissioner" means the commissioner of small business services.

Department. The term "department" means the department of small business services.

Small business. The term "small business" means any business with no fewer than 1 and no more than 100 employees.

b. Report; required information. 1. The commissioner shall prepare a report to identify and assess the effects of COVID-19, including the effects of laws, executive orders and policies implemented in response to COVID-19, on small businesses. Such report shall include, but need not be limited to, the following information, as can be practicably obtained, for each affected small business in the city:

(a) The amount of revenue lost as a result of COVID-19;

(b) The number of jobs or positions eliminated as a result of COVID-19; and

(c) Whether such business closed permanently as a result of COVID-19.

2. The information required in paragraph 1 of this subdivision may be expressed in estimates if exact values cannot be determined or obtained, provided that such estimates are clearly indicated as such. The department shall explain the methodologies used to calculate and determine values set forth in the report required by paragraph 1.

3. The data used to prepare the report required in this subdivision shall be disaggregated by the following criteria for each small business:

(a) Business type;



- (b) Number of employees;
- (c) Neighborhood;
- (d) ZIP code;
- (e) Census tract; and
- (f) Race, gender and age of the owner.

c. Report; when submitted. No later than one year after the effective date of this local law, the commissioner shall submit the report required in subdivision b of this section to the mayor, the speaker of the council and the public advocate, and shall post such report on the department's website.

d. Necessary measures. The commissioner shall take such measures as are necessary, including the development and issuance of a survey to small businesses, for the purpose of obtaining the information needed to prepare the report required in subdivision b of this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Small Business.

#### Int. No. 637

By Council Members Restler, Nurse, Cabán, Krishnan, Sanchez, Mealy, Rivera, Hudson, Avilés, Ossé, Brewer, Gutiérrez, Richardson Jordan, Abreu, De La Rosa, Won, Marte, Farías, Hanif, Joseph and Narcisse.

#### **A Local Law to amend the New York city charter, in relation to the disposition of real property of the city**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 384 of the New York city charter is amended by adding a new paragraph 6 to read as follows:

*6. Notwithstanding the provisions of paragraph one of this subdivision, the mayor shall not, when disposing of real property of the city to be developed for the purpose of providing affordable housing, or for any other public use or purpose, or for the promotion of public utility, comfort, health, enjoyment or adornment, award such property to a for-profit developer unless no not-for-profit developer or community land trust applied for and met any applicable qualifications for such property, provided that this paragraph shall not apply to real property sold pursuant to a state law providing the mayor or the commissioner of housing preservation and development with control over such sale.*

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

Referred to the Committee on Housing and Buildings.

#### Int. No. 638

By Council Members Stevens, Restler, Won, Nurse, Gutiérrez and Joseph (by request of the Bronx Borough President).

#### **A Local Law to amend the administrative code of the city of New York, in relation to reporting on the use of large donations received by the New York police department**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended to add a new section 14-193, to read as follows:

§ 14-193 Annual report on the use of large donations. a. As used in this section, the following terms have the following meanings:

*Covered donor.* The term “covered donor” means a single person or entity, not including any local, state or federal government agency, from whom the department received a donation, of money, goods or services that exceeded one million dollars in aggregate value during the reporting period.

*Reporting period.* The term “reporting period” means the period between April 1 of the year preceding a report until March 31 of the year in which such report is due.

b. In addition to any report or disclosure required pursuant to chapter 68 of the charter, or any interpretation thereof by the conflicts of interest board, no later than May 15 of each year the department shall submit to the mayor and the speaker of the city council a report on the use donations received from covered donors during the reporting period. Each such report shall include:

(1) a list of all covered donors and the aggregate value of all money, goods and services received from each such covered donor during the reporting period;

(2) a list of all capital projects supported in whole or part by each covered donor, including the aggregate value of donations from each covered donor for each capital project;

(3) a list of all programs, purposes or activities, including all pilot programs, supported in whole or part by each covered donor, including the aggregate value of donations from each covered donor for each program, purpose or activity, provided that a single unit of appropriation for personal service or a single unit of appropriation for other than personal service may not be used to represent the programs, purposes or activities reported; and

(4) a list of all capital projects, programs, purposes, or activities, including all pilot programs, that received public funding during the reporting period and also received a donation from a covered donor in the reporting period immediately prior.

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 639

By Council Members Stevens, Restler, Won, Nurse and Gutiérrez (by request of the Bronx Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of a commercial landlord watch list**

*Be it enacted by the Council as follows:*

Section 1. Chapter 10 of title 22 of the administrative code of the city of New York is amended by adding a new section 22-1007 to read as follows:

§ 22-1007 Commercial landlord watch list. a. Definitions. For the purposes of this section, the following terms have the following meanings:

*Commercial landlord.* The term “commercial landlord” means an owner of a covered property, provided that, if the owner of a covered property is an entity, such term includes any individual who owns a controlling interest in, or who is responsible for managing the day-to-day affairs of, such entity.

*Commercial tenant.* The term “commercial tenant” means a person or entity lawfully occupying a covered property pursuant to a lease, rental agreement, license agreement or month to month tenancy.

*Covered property.* The term “covered property” means any building or portion of a building (i) that is lawfully used for buying, selling or otherwise providing goods or services, or for other lawful business, commercial, professional services or manufacturing activities, and (ii) for which a certificate of occupancy authorizing residential use of such building or such portion of a building has not been issued.

*Department of buildings violation.* The term “department of buildings violation” means a violation of a law or rule enforced by the department of buildings.

*b. No later than January 1 of each year, the commissioner shall post on the department's website a commercial landlord watch list. Such watch list shall include any commercial landlord who:*

*1. Within the past 10 years, has been found by a court of competent jurisdiction to have engaged in commercial tenant harassment within the meaning of section 22-902; or*

*2. Within the past three years, has engaged in a pattern of behavior that in the opinion of the commissioner is consistent with harassment or exploitation of a commercial tenant. The commissioner shall base such opinion on any information the commissioner deems relevant, including any information collected by any agency. In reaching such opinion, the commissioner shall consider, at a minimum, the following information:*

*(a) The number and severity of department of buildings violations charged against a covered property (or a building containing a covered property) owned by the commercial landlord;*

*(b) Whether a tax lien has been imposed upon a covered property (or a building containing a covered property) owned by the commercial landlord; and*

*(c) The number of commercial tenants evicted by the commercial landlord.*

*c. For each commercial landlord included on the commercial landlord watch list, the watch list shall provide the following information:*

*1. The name of the commercial landlord;*

*2. The number of covered properties owned by the commercial landlord;*

*3. The number of times, within the past 10 years, the commercial landlord has been found by a court of competent jurisdiction to have engaged in commercial tenant harassment within the meaning of section 22-902; and*

*4. Any fact underlying the commissioner's opinion that, within the past three years, the landlord has engaged in a pattern of behavior consistent with harassment or exploitation of a commercial tenant.*

*d. The commissioner shall promulgate rules further specifying the criteria for inclusion on the commercial landlord watch list. The commissioner may also promulgate rules specifying exemptions from the commercial landlord watch list as well as criteria for removal of a commercial landlord from the commercial landlord watch list where the commissioner's analysis of the commercial landlord's behavior has changed.*

*e. Upon request of the commissioner, all agencies shall cooperate with the department and furnish the department with such information, reports and assistance as the commissioner may require to implement this section.*

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

Referred to the Committee on Small Business.

Res. No. 296

**Resolution calling on the New York State Legislature to pass and the Governor to sign, S.6924A/A.8347A, which establishes a task force on missing women and girls who are Black, Indigenous and people of color.**

By Council Members Stevens, Menin, Sanchez, Abreu, Velázquez, Restler, Ung, Nurse and Joseph.

**Whereas**, Over 600,000 individuals go missing in the United States every year according to the National Missing and Unidentified Persons System (NamUs), a national information resource center for missing, unidentified, and unclaimed person cases across the United States; and

**Whereas**, About 40 percent of the 250,000 women and girls listed as missing as of 2020 were people of color, despite making up just 16 percent of the overall population, according to the United States Congress Subcommittee on Civil Rights and Civil Liberties; and

**Whereas**, According to a 2020 report by the Women's Media Center, there are 64,000-75,000 missing Black women and girls across the United States; and

**Whereas**, According to the National Center for Missing & Exploited Children (NCMEC), in 2019, there were 421,394 missing children entered into the data system and of those missing, 298,190 were female and 205,802 were Black females; and

**Whereas**, According to a 2020 report by the Sovereign Bodies Institute, an Indigenous-led nonprofit research organization, at least 2,306 Indigenous women and girls have gone missing in the last 40 years in the United States, about 1,800 of whom were killed or vanished; and

**Whereas**, Cases involving Black women and girls often do not receive the attention they need and there are often barriers to families reporting a missing loved one, such as mistrust of police, and racial disparities in how law enforcement treats disappearances; and

**Whereas**, These structural inequalities have led to the underreporting of the disappearance of women and girls who are Black, Indigenous and people of color (BIPOC); and

**Whereas**, In 2004, the late PBS news anchor Gwen Ifill coined the term “Missing White Woman Syndrome,” referring to the mainstream media’s seeming fascination with covering missing white women, and the disinterest in cases involving missing people of color; and

**Whereas**, According to research from Northwestern University, though white women make up about a third of the national population, half of the news articles studied were just about white females; and

**Whereas**, BIPOC women and girls exist at the intersection of racism and sexism, and often face worse health, wealth, housing, education, and employment outcomes; and

**Whereas**, According to the Center for Bioethics and Social Justice at Michigan State University, the FBI’s National Crime Information Center, the FBI’s National DNA Index System and the National Missing and Unidentified Persons System do not transfer data to local and state justice agencies and access varies, meaning there is no national unified system for the reporting of missing persons; and

**Whereas**, The FBI’s Databases include “Asian,” “Black,” “Indian,” “Unknown,” and “White” and there is no category for Hispanic or other ethnicities, nor any subcategories for different Indigenous groups, according to the Center for Bioethics and Social Justice; and

**Whereas**, In 2021, Minnesota became the first state in the nation to create a Task Force on Missing and Murdered Black Women and Girls: and

**Whereas**, S.6924A/A.8347A, sponsored by Senator Alessandra Biaggi and Assemblymember Karines Reyes, would establish a task force on missing women and girls who are Black, Indigenous and people of color; and

**Whereas**, Under S.6924A/A.8347A, the taskforce would develop policy changes that would work to address the lack of care and concern for missing and murdered BIPOC women and girls within New York state governmental agencies; and

**Whereas**, The taskforce would be tasked with advancing the knowledge of communities on the severity of BIPOC women and girls who are missing and murdered and recommending preventive programming and ideas to advance the safety of women and girls; and

**Whereas**, The taskforce would also ensure BIPOC communities are educated and trained on the prevention, protection, and protocols relating to missing BIPOC women and girls as it relates to social media, as well as develop a strategy to collect statistics, demographics, surveys, oral histories, and data analysis; and

**Whereas**, Historical trauma, systemic racism, sexism, racial stereotyping, and sexual objectification of BIPOC women and girls have all contributed to the disparities in missing persons and are often compounded by poverty, homelessness, child welfare involvement, domestic violence, sex trafficking and fear of law enforcement; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, S.6924A/A.8347A, which establishes a task force on missing women and girls who are Black, Indigenous and people of color.

Referred to the Committee on Civil and Human Rights.

## Int. No. 640

By Council Members Velázquez, De La Rosa, Menin, Krishnan, Brewer, Hanif, Ung, Won, Dinowitz, Nurse, Hudson, Brannan and Joseph.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring a workers' rights training for certain fast food employees**

*Be it enacted by the Council as follows:*

Section 1. Section 20-1202 of the administrative code of the city of New York, as amended by local law 80 for the year 2020, is amended to read as follows:

§ 20-1202 Outreach[ and], education *and required trainings*.

a. The commissioner shall conduct outreach and education about the provisions of this chapter. Such outreach and education shall be provided to employers, employees and members of the public who are likely to be affected by this law. *Such outreach and education shall include a training on the rights provided to fast food employees as set forth in subdivision b of this section.*

b. *Fast food workers' rights training. 1. (a) The department shall provide a training for fast food employees on the rights afforded to them under city employment laws, including under this title. Such training shall be conducted by the department or the department's designee, which may be another agency or a community organization selected by the department. The training shall be no longer than two hours in duration and shall consist of participatory teaching whereby the trainee is engaged in a trainer-trainee interaction, use of audio-visuals, a computer or online training program or other participatory forms of training as determined by the department.*

*(b) If the department chooses to designate a community organization to conduct the training required by this paragraph, the department shall consider:*

*(1) The organization's qualifications and experience related to conducting workers' rights trainings and participatory trainings generally;*

*(2) The organization's expertise in the rights afforded to fast food employees under this chapter;*

*(3) The organization's ability to communicate with fast food employees in their preferred language; and*

*(4) Any other factors the department deems relevant to the efficacy of the training.*

*2. Upon 45 days' notice by the department, fast food employers shall make their fast food employees available for the training required by paragraph one of this subdivision. Fast food employers shall compensate each fast food employee who receives the training for the time spent traveling to and from the location where the training is held, if not the employee's typical work location, and for the time spent receiving the training.*

*3. The department shall determine whether to require a fast food employer to make their fast food employees available to attend the training required by this subdivision by considering: (i) the number and severity of violations of this chapter and (ii) any other factors the department deems relevant; provided, however, that the department shall not require a fast food employer to make available any fast food employee who has received the training within the past year.*

*4. The training required by this subdivision is intended to establish a minimum threshold and shall not be construed to prohibit any fast food employer from making their fast food employees available for more frequent or additional training on the same topic.*

§ 2. Subparagraph 3 of subdivision a of section 20-1208 of the administrative code of the city of New York is amended by adding a new subparagraph (a) to read as follows, and by relettering existing subparagraphs (a) through (h) as (b) through (i):

*(a) Subdivision b of section 20-1202, \$500 for each employee that the fast food employer failed to make available for training;*

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

Referred to the Committee on Consumer and Worker Protection.

## Int. No. 641

By Council Members Williams, Restler, Hanif, Nurse, Gutiérrez and Yeger.

**A Local Law to amend the administrative code of the city of New York, in relation to maximizing efficiency at department of social services/human resources administration centers**

*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 new sections 21-151, 21-152, and 21-153 to read as follows:

*21-151 Expediters at job centers and SNAP centers. a. Definitions. As used in this section, the following terms have the following meanings:*

*Client. The term “client” means a visitor who has made initial contact with the department at a job center or SNAP center.*

*Expediter. The term “expediter” means an employee of the department tasked with checking-in clients, performing a preliminary review of clients’ paperwork to determine if clients have all necessary documents, and directing clients to the appropriate line or waiting area.*

*Job center. The term “job center” means any location designated by the department as a job center where individuals can complete an application for cash assistance in person.*

*SNAP center. The term “SNAP center” means any location designated by the department as a SNAP center where individuals can complete an application for the supplemental nutrition assistance program in person.*

*b. Every job center and SNAP center shall have an expediter on site during all times in which clients are being served or are waiting to be served.*

*21-152 Digital displays and audio amplifiers at job centers and SNAP centers. a. Definitions. As used in this section, the following terms have the following meanings:*

*Audio amplifier. The term “audio amplifier” means an electronic device that is used to increase the volume of a sound.*

*Digital display. The term “digital display” means an electronic device that is capable of representing information in visual form.*

*Job center. The term “job center” means any location designated by the department as a job center where individuals can complete an application for cash assistance in person.*

*SNAP center. The term “SNAP center” means any location designated by the department as a SNAP center where individuals can complete an application for the supplemental nutrition assistance program in person.*

*b. Every job center and SNAP center shall be equipped with a functioning audio amplifier that ensures that announcements being made can be heard throughout the entire job center or SNAP center. Such audio amplifiers shall be used to make all announcements during all times in which clients are being served or are waiting to be served.*

*c. Every job center and SNAP center shall be equipped with enough functioning digital displays such that a digital display is visible in all waiting areas. Such digital displays shall be used during all times in which clients are being served or are waiting to be served.*

*§ 21-153 Queue management system at job centers and SNAP centers. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Client. The term “client” means a visitor who has made initial contact with the department at a job center or SNAP center, either through a self-service kiosk or with a staff member responsible for keeping track of visitors.*

*Job center. The term “job center” means any location designated by the department as a job center where individuals can complete an application for cash assistance in person.*

*SNAP center. The term “SNAP center” means any location designated by the department as a SNAP center where individuals can complete an application for the supplemental nutrition assistance program in person.*

*b. The department shall implement a queue management system at every job center and SNAP center. Such system shall allow clients to check-in for each requested service upon arrival. Such system shall notify clients*

how many other clients are ahead in the queue for each requested service and the approximate time that their appointment for each requested service will begin.

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

Referred to the Committee on General Welfare.

Int. No. 642

By Council Members Williams, Restler, Hanif, Won, Nurse and Gutiérrez.

**A Local Law to amend the administrative code of the city of New York, in relation to quarterly reporting by the administration for children's services on the amount of time children spend in the children's center or temporary placement facilities**

*Be it enacted by the Council as follows:*

Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-922 to read as follows:

§ 21-922 *Children's center and temporary placement facility reporting. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Children's center. The term "children's center" means the Nicholas Scoppetta Children's Center or a successor center that is a temporary residence for children coming into foster care until a permanent placement is found.*

*Temporary placement facility. The term "temporary placement facility" means a facility for children in ACS custody awaiting a longer-term foster care placement. Such temporary placement facility includes but is not limited to rapid intervention centers, youth reception centers, and the children's center.*

*b. No later than April 30, 2022, and quarterly thereafter, ACS shall submit to the mayor and the speaker of the council, and shall post conspicuously on the ACS website, a report for the immediately preceding quarter regarding the amount of time children spend in the children's center or another temporary placement facility. The information in that report shall include and, where applicable, be disaggregated by:*

- 1. The total number of children who spent any time in the children's center or a temporary placement facility during the reporting period;*
- 2. The number of days spent in the children's center or temporary placement facility, in accordance with subdivision c;*
- 3. Whether the child spent time in the children's center or another temporary placement facility;*
- 4. The age of the child;*
- 5. The level of care recommended;*
- 6. The number of children who are placed at the children's center or temporary placement facility for the first time; and*
- 7. The number of children who are placed at the children's center or temporary placement facility on two or more occasions. Such information shall be disaggregated by the placement type for the placement immediately preceding the placement of a child at the temporary placement facility.*

*c. The report required by subdivision b shall disaggregate the number of days spent in the children's center or temporary placement facility as follows:*

- 1. 0-3 days;*
- 2. 4-7 days;*
- 3. 8-10 days;*
- 4. 11-20 days;*
- 5. 21-30 days;*
- 6. 31-60 days;*
- 7. 61-120 days;*
- 8. 121-180 days; and*

9. 181 or more days.

d. No report required by subdivision b of this section shall contain personally identifiable information. If a category contains between one and five children, or contains a number that would allow another category that contains between one and five children to be deduced, the number shall be replaced with a symbol. A category that contains zero shall be reported as zero, unless such reporting would violate any applicable provision of federal, state or local law relating to the privacy of children's information.

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 643

By Council Members Williams, Restler, Won, Nurse and Gutiérrez.

**A Local Law amend the administrative code of the city of New York, in relation to public reporting on disciplinary records of police department leadership**

*Be it enacted by the Council as follows:*

Section 1. Section 33-101 of title 33 of the administrative code of the city of New York is amended by adding a new definition for “inspector general for the police department” in alphabetical order to read as follows:

Inspector general for the police department. The term “inspector general for the police department” means the individual responsible for implementing the duties set forth in paragraph 1 of subdivision c of section 803 of the New York city charter.

§ 2. Title 33 of the administrative code of the city of New York is amended to add a new section 33-102 to read as follows:

§33-102. *Review of police discipline records. a. The inspector general for the police department shall conduct a review of the disciplinary records of all members of the police department who have a leadership or supervisory role. Such review shall include, but is not limited to, examining disciplinary records of the following members:*

1. *The commissioner of police;*
2. *The first deputy commissioner;*
3. *The chief of department;*
4. *Deputy commissioners;*
5. *Chiefs;*
6. *Captains;*
7. *Lieutenants; and*
8. *Sergeants.*

*b. By January 30, 2023, and biennially thereafter, the inspector general for the police department shall submit to the speaker of the council and shall publish on its website, a report summarizing the information contained in all such records reviewed pursuant to subdivision a of this section. Such report shall identify each member of the police department in a leadership or supervisory role, and for each such member shall identify:*

*1. All instances of substantiated misconduct, whether based on violation of law, rule or regulation, or policy or procedure of the police department; and*

*2. For each instance of substantiated misconduct, the type of misconduct and the discipline rendered, if any.*

*c. This local law shall not be construed to require the disclosure of information where otherwise prohibited by law.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.



Int. No. 644

By Council Members Williams, Feliz, Sanchez, Brewer, Restler, Nurse, Gutiérrez and Yeger.

**A Local Law to amend the charter of the city of New York, in relation to requiring the New York city department of education to provide information on establishing afterschool programs**

*Be it enacted by the Council as follows:*

Section 1. Chapter 20 of the New York city charter is amended by adding a new section 530-g to read as follows:

*§ 530-g Guidelines on establishing afterschool programs. a. For the purposes of this section “department” shall mean the New York city department of education.*

*b. The chancellor shall post on the department’s website a document with guidelines and information on establishing afterschool programs. The document shall include, but not be limited to:*

- 1. A list of department regulations for afterschool programs.*
- 2. Protocols explaining the guidelines by which afterschool programs may hire and pay staff and contractors including department employees.*
- 3. Insurance guidelines for afterschool programs.*
- 4. Internal revenue service guidelines for operators of afterschool programs.*
- 5. A brief list and explanation of significant federal, state, and local laws regulating afterschool programs.*
- 6. Best practices and options for the creation of scholarships for afterschool programs.*
- 7. Best practices and options for collecting fees for afterschool programs.*
- 8. Best practices and options for successfully integrating afterschool programming with school curricula, common core state standards, and curricula for students receiving additional instructional services.*
- 9. Contact information for the department employee or designee who can provide assistance in the creation of afterschool programs.*

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

Referred to the Committee on Education.

Preconsidered L.U. No. 86

By Council Member Salamanca:

**Application number C 220203 ZMX (1810 Randall Avenue Rezoning) submitted by Second Pentecostal Church of God La Hermosa and Vertical Community Development, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 7a, eliminating from within an existing R4A District a C1-2 District; eliminating from within an existing R5 District to a C1-2 District; changing from an R4A District to an R6 District; and changing from an R5 District to an R6 District; Borough of the Bronx, Community District 9, Council District 18.**

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Zoning and Franchises).

## Preconsidered L.U. No. 87

By Council Member Salamanca:

**Application number N 220204 ZRX (1810 Randall Avenue Rezoning) submitted by Second Pentecostal Church of God La Hermosa and Vertical Community Development, LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of the Bronx, Community District 9, Council District 18.**

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Zoning and Franchises).

## Preconsidered L.U. No. 88

By Council Member Salamanca:

**Application number C 220171 ZMX (1959 Strang Avenue – Commercial Overlay) submitted by 1959 Strang Avenue, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 2b, by establishing within an existing R4 District a C2-3 District bounded by a line 100 feet northerly of Strang Avenue, Baychester Avenue, Strang Avenue, and a line midway between Edson Avenue and Baychester Avenue as shown on a diagram (for illustrative purposes only) dated March 14, 2022, and subject to the conditions of CEQR Declaration E-666, Borough of the Bronx, Community District 12, Council District 12.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

## Preconsidered L.U. No. 89

By Council Member Salamanca:

**Application number C 210394 ZMQ (231-06 Northern Boulevard – Commercial Overlay) submitted by Kenfa Madison, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No.11a, establishing within an existing R1-2 District a C2-2 District bounded by Northern Boulevard, 234th Street, a northwesterly boundary line of a Park (Alley Park) and its northeasterly prolongation, a northeasterly boundary line of a Park (Alley Park), a northwesterly boundary line of a Park (Alley Park), and the northwesterly prolongation of a former Park boundary line, as shown on a diagram (for illustrative purposes only) dated March 14, 2022, Borough of Queens, Community District 11, Council District 19.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

## Preconsidered L.U. No. 90

By Council Member Salamanca:

**Application number C 220196 ZMQ (Halletts North) submitted by Astoria Owners, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 9a, changing from an M1-1 District to an R7-3 District and establishing within the proposed R7-3 District a C2-4 District, Borough of Queens, Community District 1, Council District 22.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

## Preconsidered L.U. No. 91

By Council Member Salamanca:

**Application number N 220197 ZRQ (Halletts North) submitted by Astoria Owners, LLC, pursuant to Section 201 of the New York City Charter for an amendment to 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.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

## L.U. No. 92

By Council Member Salamanca:

**Application number C 220356 HAX (2017 Grand Concourse) submitted by the Department of Housing Preservation and Development (HPD), pursuant to Article 16 of the General Municipal Law of New York State for the designation of an Urban Development Action Area and an Urban Development Action Area Project, and pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD, for property located at 2017 Grand Concourse (Block 2808, Lot 90), Borough of the Bronx, Community District 5, Council District 14.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Dispositions.

## L.U. No. 93

By Council Member Salamanca:

**Application number C 220357 PQX (2017 Grand Concourse) submitted by the Department of Housing Preservation and Development (HPD), pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 2017 Grand Concourse (Block 2808, Lot 90), to facilitate the development of a new nine-story affordable housing building containing approximately 33 affordable housing units, Borough of the Bronx, Community District 5, Council District 14.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Dispositions.

## L.U. No. 94

By Council Member Salamanca:

**Application number C 220198 ZSQ (Halletts North) submitted by Astoria Owners, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to the Section 62-837(a) of the Zoning Resolution to modify the height and setback, the maximum residential tower size and the maximum width of walls facing the shoreline requirements of Section 62-34 (Height and Setback Regulations on Waterfront Blocks), in connection with a proposed mixed use development, within a general large-scale development, on property generally bounded by the westerly streetline of the former 3rd Street, the U.S. Pierhead and Bulkhead Line, a line 330 feet southeasterly of the westerly streetline of the former 3rd Street, a line 228.5 feet northeasterly of 26th Avenue, a line 179 feet southeasterly of the westerly streetline of the former 3rd Street, and 26th Avenue (Block 911, Lots 1, and the demapped portion of 3rd Street), in an R7-3/C2-4 District, Borough of Queens, Community District 1, Council District 22.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

## L.U. No. 95

By Council Member Salamanca:

**Application number C 220206 MMQ (Halletts North) submitted by Astoria Owners, LLC, pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving: the elimination of 3<sup>rd</sup> Street within the area bounded by 8<sup>th</sup> Street, 26<sup>th</sup> Avenue, 2<sup>nd</sup> Street and the U.S Pierhead and Bulkhead line; the adjustment of grades and block dimensions necessitated thereby; and authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 5037 dated March 14, 2022 and signed by the Borough President, Borough of Queens, Community District 1, Council District 22.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 96

By Council Member Salamanca:

**Application number N 220353 ZAQ (Halletts North) submitted by Astoria Owners, LLC, for the grant of an authorization pursuant to Section 62-822(a) of the Zoning Resolution to modify the requirements of Section 62-50 (General Requirements for Visual Corridors and Waterfront Public Access Areas) for location, area and minimum dimensions of waterfront public access areas and visual corridor, in connection with a proposed mixed use development, within a general large-scale development, on property generally bounded by the northwesterly streetline of the former 3rd Street, the U.S. Pierhead and Bulkhead Line, a line 330 feet southeasterly of the westerly streetline of the former 3rd Street, a line 228.5 feet northeasterly of 26th Avenue, a line 179 feet southeasterly of the westerly streetline of the former 3rd Street, and 26th Avenue (Block 911, Lots 1, 100, and the demapped portion of 3rd Street, in an R7-3/C2-4 District, Borough of Queens, Community District 1, Council District 22.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

NEW YORK CITY COUNCIL

**A N N O U N C E M E N T S**

**Tuesday, August 16, 2022**

Committee on Transportation and Infrastructure jointly with the Selvena N. Brooks-Powers, Chairperson  
Committee on Resiliency and Waterfronts and the Ari Kagan, Chairperson  
Committee on Environmental Protection James F. Gennaro, Chairperson  
**Oversight** - Sinkholes, Flooding and Heatwaves: Infrastructure Challenges in the Face of Extreme Weather.  
 Council Chambers – City Hall.....10:00 a.m.

**Wednesday, August 24, 2022**

Committee on Health Lynn C. Schulman, Chairperson  
**Oversight** - Monkeypox Virus (MPV) in NYC.  
 Council Chambers – City Hall.....10:00 a.m.

**Tuesday, September 6, 2022**

Subcommittee on Landmarks, Public Sitings and Dispositions Farah N. Louis, Chairperson  
**See Land Use Calendar**  
 Committee Room – City Hall.....10:00 a.m.

Committee on Civil Service and Labor Carmen De La Rosa, Chairperson  
**Int 175** - By Council Member Marte, the Public Advocate (Mr. Williams) and Council Members Cabán, Stevens, Hanif, Won, Menin, Hudson, Abreu, Restler, Williams, Ayala, Ossé, Moya, Nurse, Farías, Riley, De La Rosa, Brannan, Feliz, Gutiérrez, Sanchez, Rivera, Holden, Richardson Jordan, Louis, Salamanca, Krishnan and Paladino - **A Local Law** to amend the administrative code of the city of New York, in relation to maximum working hours for home care aides.  
 Council Chambers – City Hall.....1:00 p.m.

**Wednesday, September 7, 2022**

Subcommittee on Zoning & Franchises Kevin C. Riley, Chairperson  
**See Land Use Calendar**  
 Committee Room – City Hall.....10:00 a.m.

**Tuesday, September 13, 2022**

Committee on Land Use Rafael Salamanca, Jr., Chairperson  
**All items reported out of the Subcommittees**  
**AND SUCH OTHER BUSINESS AS MAY BE NECESSARY**  
 Committee Room – City Hall.....11:00 a.m.

Thursday, September 15, 2022

Stated Council Meeting

**Council Chambers – City Hall.....Agenda – 1:30 p.m.**

The following comments were among the remarks made by the Speaker (Council Member Adams) during the Communication from the Speaker segment of this meeting:

The Speaker (Council Member Adams) acknowledged that Drew Zimmerman, a new addition to the Council team, would be serving as the Council’s new Digital Director. She welcomed Mr. Zimmerman to the Council.

On behalf of the Council, the Speaker (Council Member Adams) congratulated Council Member Sanchez and her family on the birth of their beautiful baby boy. She also wished Council Member Velázquez a happy birthday.

The Speaker (Council Member Adams) acknowledged that our Jewish communities recently observed *Tisha B’Av*, which is a day of fasting, prayer, and reflection. She noted that it was known as a sad day which commemorated the destruction of the Temples as well as the other tragedies which were inflicted on the Jewish people. She further noted that this holiday also served as a reminder that all people must come together to protect each other and uplift each other in this city and beyond.

The Speaker (Council Member Adams) acknowledged the celebration of Jamaican Independence Day on August 6<sup>th</sup>. She added that this year marked the 60<sup>th</sup> anniversary of Jamaica’s independence from Great Britain. The Speaker (Council Member Adams) noted that the city was home to a vibrant Jamaican community which has contributed to the culture of New York. She hoped that Jamaicans across the city had a happy and safe celebration.

The Speaker (Council Member Adams) acknowledged that Ecuadorian Independence Day was on August 10<sup>th</sup>. This holiday, she added, has been celebrated annually since 1809. She noted that the city was home to a large Ecuadorian community particularly in the borough of Queens. She pointed out that Council Member Francisco Moya was the first Ecuadorian-American elected official in the history of the Council. The Speaker (Council Member Adams) wished a happy Ecuadorian Independence Day to all who celebrated.

The Speaker (Council Member Adams) acknowledged a number of several additional important cultural holidays on the horizon including: Pakistan Independence Day on August 14<sup>th</sup>; Indian Independence Day and Korean Independence Day on August 15<sup>th</sup>; and Trinidad and Tobago Independence Day on August 31<sup>st</sup>. She spoke of her pride in representing the diverse South Asian and Indo-Caribbean communities in her home 28<sup>th</sup> District and the special importance that these holidays meant to her and to many New Yorkers.

The Speaker (Council Member Adams) acknowledged that August 15<sup>th</sup> represented one of the most important holidays for Korean New Yorkers called *Gwangbokjeol* which translates to “bringing back the light.” This holiday symbolizes the restoration of Korean national independence.

The Speaker (Council Member Adams) acknowledged that August 21<sup>st</sup> marks National Senior Citizens Day which is dedicated to celebrate our senior citizens. The Speaker (Council Member Adams) also acknowledged that Women’s Equality Day would be celebrated on August 26<sup>th</sup>. This day of commemoration was championed by New York City Congresswoman Bella Abzug in the early 1970s. In light of the recent rollback in women’s rights across the country, she noted that it was especially important to recognize that the struggle for gender equality was still an ongoing one.

Whereupon on motion of the Speaker (Council Member Adams), the Majority Leader and Acting President Pro Tempore (Council Member Powers) adjourned these proceedings to meet again for the Stated Meeting of Thursday, September 15, 2022.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

*Editor's Note:* Subsequent to this adjournment, the next Stated Meeting was scheduled and held on Tuesday, September 6, 2022.