

THE COUNCIL

Minutes of the Proceedings for the

STATED MEETING

of

Wednesday, December 7, 2022, 1:54 p.m.

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

Council Members

Adrienne E. Adams, *The Speaker*

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

Medical Leave: Council Member Feliz.

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 50 Council Members marked present at this Stated Meeting held in the Council Chambers at City Hall, New York, N.Y. (including Council Members Cabán, Hudson, Moya, Narcisse, and Sanchez who participated remotely).

INVOCATION

The Invocation was delivered by Imam Dr. Tahir Kukaj, Albanian Islamic Cultural Center, located at 307 Victory Boulevard, Staten Island, New York 10301.

Merciful loving God known by many names
 and beyond all names Spirit of Life, Spirit of Love,
 Spirit of Community, Spirit of Justice,
 we assemble here today in this blessed place
 as grateful citizens of New York
 that we are proud to call home;
 but also as humble people of faith
 who simply yet sincerely confess
 as Americans in God We Trust.
 Thus, we do claim you as our Creator
 who made us in a perfect image
 thus rendering the human person
 and human life as sacred
 and knowing with rights
 calling for protection and with freedom;
 not too much to do whatever we want but what we owe.
 We profess you as our common God
 and Creator who unites us,
 a lawgiver who has implanted within us
 a grasp of the truth, a thirst for Justice;
 and I believe that we are at our best
 when our will is constant with your own.
 To these distinguished Legislators,
 we ask the gift of the wisdom
 only you can bestow;
 a replaying of the honor and ability
 of public service and sensitivity
 to those in need.
 Please enlighten in a radiant way
 our leaders, City, Council Members;
 we ask your blessings on the people
 who have been called
 to lead the community
 in which we live and work and play.
 Our Lord, remind them
 because we all forget from time to time,
 especially in the noisiness of what is life
 about that they are not only leaders
 but also here responsible
 to lead and serve New Yorkers.
 Remind them that no matter where we live,
 everyone in this City,
 black, white, Christian,

Muslim, Jew, Hindu, Sikh,
LGBTQ, Atheist, Hispanic, Asian,
we're all your creatures
and we are neighbors, we are siblings.
Throughout the ages.
Prophets have called the leaders of the people
to respect and protect
the least of those among us:
our children, elderly and poor who are hungry
and those who have no homes;
those who are healed
in body and mind and spirit.
And the strangers and immigrants in our midst
those who live in the margins,
those who are alone,
those who are forgotten
grant in us the Wisdom and Courage to know
and do what is right and good and true.
May they and we speak out
when it's time to speak and listen patiently
and receiptently when it's time to listen.
May they and we also be guided
by the Spirit of Community,
by Spirit of Justice and by Spirit of Love.
God Almighty, whenever someone asked
to do something without supplying us
with the ways to do it
that is assurance for all of us.
God Almighty bless this City Council,
Members and their families;
bless our city; bless our state;
and always God bless the United States of America.
In your name we make this prayer.
Amen.

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

ADOPTION OF MINUTES

Council Member Paladino moved that the Minutes of the Stated Meeting of November 3, 2022 be adopted as printed.

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Civil Service and Labor

Report for Int. No. 658-A

Report of the Committee on Civil Service and Labor 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 citywide administrative services to establish a civil service ambassador program.

The Committee on Civil Service and Labor, to which the annexed proposed amended local law was referred on September 14, 2022 (Minutes, page 2143), respectfully

REPORTS:

I. INTRODUCTION

On December 7, 2022, the Committee on Civil Service and Labor, chaired by Council Member Carmen De La Rosa, held a hearing and vote on the following legislation: Introduction Number 658-A, a local law to amend the administrative code of the city of New York, in relation to requiring the Department of Citywide Administrative Services (DCAS) to establish a civil service ambassador program; and Resolution Number 310-A, calling on the State Legislature to pass, and the Governor to sign S.3062C/A.7503, raising the minimum wage annually by a percentage based on the rate of inflation and labor productivity. The aforementioned legislation was previously heard by the Committee in a joint hearing with the Committee on Governmental Operations, chaired by Council Member Sandra Ung, on October 26, 2022, at which the Committees heard testimony from DCAS and interested stakeholders. On December 7, 2022, the Committee passed this legislation by a vote of nine in the affirmative, zero in the negative, with zero abstentions.

II. THE NEW YORK CITY CIVIL SERVICE EXAM SYSTEM

The New York City (City) civil service exam system (exam system) is the entryway into the large majority of municipal jobs and the benefits of a career in civil service.¹ Candidacy for “[o]ver 80% of city government positions” is subject to exam passage,² covering a wide range of disciplines including positions like landscape architect, electrician, and probation officer.³ Promotions within the civil service are also contingent on examination.⁴ As the gate through which most prospective civil servants must pass, the exam system is intended to ensure fairness and equal opportunity,⁵ and implemented to produce a municipal workforce that reflects the diversity of the city’s population.⁶

¹ See Civil Service Law (CSL) § 44; *Exams*, NYC Dep’t of Admin. Services (DCAS) (2022), <https://www1.nyc.gov/site/dcas/agencies/exams.page> (DCAS-Exams).

² DCAS-Exams.

³ *Exam Schedules*, DCAS (2022), <https://www1.nyc.gov/site/dcas/employment/how-can-you-find-upcoming-exams.page>.

⁴ CSL § 52; *Exam Process: Apply for an Exam*, DCAS (2022), <https://www1.nyc.gov/site/dcas/employment/how-you-can-apply-for-and-take-an-exam.page> (DCAS-Exam Process: Apply).

⁵ See, e.g., CSL § 44; Charter § 812; *Fiscal Year 2021 Annual Report*, DCAS, p. 9, available at https://www1.nyc.gov/assets/dcas/downloads/pdf/about/dcas_annual_report_2021.pdf (last accessed Oct. 18, 2022) (FY 2021 Report); *Examination FAQs*, CUNY (2022), <https://www.cuny.edu/employment/civil-service/examination-faqs/>.

⁶ E.g., Charter § 814.1; FY 2021 Report at 9.

Although a creature of New York State law,⁷ the exam system may be administered locally.⁸ In the City, most local administration is entrusted to DCAS, which must follow the applicable State laws and regulations,⁹ and overcome the practical challenges associated with ushering an average number of 110,000 people through the exam process each year.¹⁰ Among the DCAS Commissioner's Charter-assigned responsibilities are personnel recruitment, scheduling and conducting city civil service exams, and making eligible hire lists, including additional related responsibilities.¹¹ However, DCAS does not implement the exam system alone: the Charter assigns an independent role to the City's Civil Service Commission,¹² which primarily reviews DCAS decisions, including challenges to exam results.¹³

While the exam system is complex, the DCAS website explains the basic process.¹⁴ Persons seeking jobs subject to examination must apply to take multiple choice tests known as open-competitive or qualified incumbent exams.¹⁵ New candidates must take open-competitive exams; provisional employees—people who have been hired and begun work on the condition that they will successfully pass the applicable exam¹⁶—must take qualified incumbent exams.¹⁷ Applications may be submitted on a computer with internet access or at one of DCAS' in-person centers, which DCAS recently reopened after the pandemic forced their temporary closure.¹⁸ In-person applications are available by appointment only.¹⁹

Examinees must pay a fee that can range from \$40 to \$101 for each exam.²⁰ Exam fees are intended to correspond to the minimum salary of the position for which they would make a candidate eligible.²¹ Fee waivers are available in a number of circumstances, however.²² All exam fees collected are required to be paid into the City's general fund.²³

Examinees who complete exams must wait for official results.²⁴ Tentative results may be immediately available for automated multiple choice tests, but finalizing results can take over eight months.²⁵ Examinees who disagree with their results can challenge them in a protest review session or with an appeal.²⁶ After results are final, DCAS prepares a list of successful examinees and shares the list with the relevant agency to identify eligible candidates for open positions.²⁷ DCAS composes eligible candidate lists in ranking order from the highest score to the lowest.²⁸ Eligible candidates must await an interview offer from a hiring agency, by which time the exam process ends and the process of interviewing and hiring begins.²⁹

⁷ N.Y. Const. art. V, § 6; CSL §§ 1 *et seq.*, (especially §§ 50 *et seq.*).

⁸ CSL § 15 (4); *City v. Civil Service Commission*, 60 N.Y.2d 436, 441 (1983).

⁹ *E.g.*, CSL § 50 (setting forth general examination administration requirements).

¹⁰ DCAS-Exams.

¹¹ Charter §§ 811, 814 (a)(1), (3), (4)-(5).

¹² *See generally* Charter § 813.

¹³ Charter § 813 (d).

¹⁴ *See* DCAS-Exam Process: Apply; *see also* Exam Process: Take An Exam, DCAS (2022), <https://www1.nyc.gov/site/dcas/employment/how-do-you-take-an-exam.page> (DCAS-Exam Process: Take); Exam Process: Get Your Results, DCAS (2022), <https://www1.nyc.gov/site/dcas/employment/how-do-you-get-your-results.page> (DCAS-Exam Process: Results).

¹⁵ *Id.*

¹⁶ CSL § 65.

¹⁷ DCAS-Exam Process: Apply.

¹⁸ *Id.*; DCAS-Exams.

¹⁹ *Id.*

²⁰ CSL § 50 (5); Exam Process: Paying the Exam Fee, DCAS (2022), <https://www1.nyc.gov/site/dcas/employment/paying-the-exam-application-fee.page> (DCAS-Exam Process: Fees).

²¹ CSL § (5)(a).

²² CSL § 50 (5)(b); *See Online Application System 2.0: FAQ, Fee Waivers*, DCAS (2022) <https://a856-exams.nyc.gov/OASysWeb/Home/FAQ> (FAQ: Fee Waivers).

²³ CSL § 50 (5)(d).

²⁴ DCAS-Exam Process: Results.

²⁵ *The Dynamic Mayor's Management Report*, DCAS, p. 394, available at <https://www1.nyc.gov/assets/operations/downloads/pdf/mmr2022/dcas.pdf> (MMR) (last accessed Oct. 18, 2022).

²⁶ CSL § 50-a; DCAS-Exam Process: Results.

²⁷ *Id.*

²⁸ CSL § 50 (6); DCAS-Exam Process: Results; Sarah Church, et al., *Tensions, Trends, and Tradeoffs: Recommendations Towards an Equitable, Efficient, and Effective Civil Service System*, Citizens Union, pp. 59-60 (Apr. 23, 2012), available at https://citizensunion.org/wp-content/uploads/2016/07/CU_CapstoneReport_CivilServiceReform.pdf (Church et al.).

²⁹ DCAS-Exam Process: Results.

Some exceptions to the general exam system exist for specific groups.³⁰ Veterans and other specified people are eligible for additional test credit (i.e. points) if they take a civil service exam.³¹ Under the 55-a program, people with physical or mental disabilities can pursue an alternative application route altogether for positions that are otherwise competitive and subject to examination.³² Authorized under State statutes, these exceptions reflect the intent of the State Legislature to create a system for examination that accounts for multiple factors affecting equity and fairness to create opportunities to enter the civil service.³³

DCAS' recruitment efforts are designed to complement administration of the exam system and support the objective of a diverse municipal workforce.³⁴ According to the Mayor's Management Report for Fiscal Year 2022 (MMR), minorities comprised "78 percent of new hires at mayoral City agencies, increasing less than one percentage point compared with Fiscal [Year] 2021, but remaining stable over the last five fiscal years."³⁵ DCAS attributes levels of minority hires to targeted outreach by the DCAS Office of Citywide Recruitment (OCR), in collaboration with the Mayor's Office for Persons with Disabilities (MOPD).³⁶ However, discrepancies in hiring trends exist among minority groups in Fiscal Year 2022, including a sustained downward trend for new black hires.³⁷

III. OPPORTUNITIES FOR OPTIMIZATION

According to DCAS' fiscal year 2021 report, equity and effectiveness guide the agency's work, providing all City agencies with the resources and support needed to recruit, hire, and train employees.³⁸ However, according to independent civic organizations, administrative inefficiencies harm DCAS' ability to live up to its own stated values.³⁹

The protracted period for exam administration contributes to the City's inability to build, maintain, and replenish its workforce. According to the 2022 Mayor's Management Report (MMR), DCAS took a median number of 246 days to administer an exam in fiscal year 2022, a decrease from 318 days in the prior fiscal year and below the 290-day target, but a substantial amount of time nevertheless.⁴⁰ Long exam development times, low frequency of exams, and delays between exam dates and hiring, each contribute to the prolonged process.⁴¹ In a February 2022 report, the State Comptroller, Thomas DiNapoli, pointed to the extended civil service hiring process as a factor that has led to local government staffing shortages, cautioning that such shortages could result in operational challenges once demand for City services rebounds post-pandemic.⁴² Non-partisan good government groups have long advocated for improved hiring systems to fill civil service positions faster, thereby increasing the number of on-board staff, and perhaps eliminating the slowness that is commonly thought to discourage some from working for the City.⁴³ These groups have also stressed that expediting the hiring process to fill vacancies in a timely manner is important in the current competitive job market because the City cannot meet its hiring goals if it cannot compete with private sector employers.⁴⁴

Logistical and financial hurdles can be barriers to entry into the civil service and undermine the policy goals of the exam system. The exam requires access to a computer with reliable internet or the ability to visit a testing

³⁰ CSL §§ 55-a; 85 *et seq.*

³¹ CSL §§ 85 *et seq.*

³² CSL § 55-a; *55-a Program*, DCAS (2022), <https://www1.nyc.gov/site/dcas/employment/55-a-program.page>.

³³ *See, e.g., City v. Civil Service Commission*, 60 N.Y.2d 436, 447 (1983).

³⁴ MMR at 391.

³⁵ *Id.* at 393.

³⁶ *Id.*

³⁷ *Id.* at 394.

³⁸ FY 2021 Report at 4-5.

³⁹ Church *et al.*

⁴⁰ MMR at 394.

⁴¹ Church *et al.*

⁴² *Impact of the Pandemic on New York City's Municipal Workforce*, Office of the State Comptroller, p. 10 (Feb. 2022), available at <https://www.osc.state.ny.us/files/reports/osdc/pdf/report-18-2022.pdf> (State Comptroller).

⁴³ Ana Champeny, *18,000 Vacant City Jobs is More Than Enough*, Citizens Budget Commission (Mar. 30, 2022) <https://cbcnyc.org/research/18000-vacant-city-jobs-more-enough#:~:text=The%20City%20Will%20Continue%20to,300,446%20onboard%20full-time%20staff> (Champeny).

⁴⁴ *Id.*

site in-person with a scheduled appointment,⁴⁵ which may be inaccessible for examinees who cannot afford to purchase a home computer, cannot afford or cannot access internet access, or cannot access a testing site location. Exam fees can be costly, especially if an applicant takes multiple exams to apply for multiple titles.⁴⁶ Moreover, DCAS does not accept cash as payment for fees, excluding potential candidates who cannot pay fees by another method.⁴⁷ As reported in the MMR, the new bridge exam partially mitigates the financial burden of exam fees by allowing qualified examinees to pay a single fee for one exam that can qualify the examinee for multiple civil service titles.⁴⁸ However, some examinees pay an additional cost for prep courses to study for the exam in an effort to ensure success and avoid potential multiple, costly exams.⁴⁹

The exam process is also complicated, deterring would-be candidates who do not have the resources or interest to navigate the exam system on their own. DCAS' extensive frequently asked questions, posted online, attempt to supply answers for a multitude of potential questions—from applying for an exam to the point of hire.⁵⁰ However, the multi-step hiring process involves many offices, both within and outside of service-providing agencies, further complicating the arduous process for applicants.⁵¹ While the exam system safeguards the merit-based civil service system, some stakeholders argue that the City could seize numerous opportunities to modernize the process while prioritizing DCAS' stated goals of equity and efficacy.⁵²

IV. ANALYSIS OF LEGISLATION

Int. No. 658-A

This bill would require DCAS to administer a civil service ambassador program to provide education and outreach at civil service pathways, which the bill would define as a facility or program operated, funded, or contracted by the city that serves a population that the commissioner determines could benefit from access to information regarding the civil service system and civil service examinations.

This bill would impose minimum requirements regarding the substance, frequency and distribution of education and outreach. DCAS would be required to engage current and former members of the civil service to conduct presentations on a quarterly basis. This bill would require such presentations to include: information regarding the benefits of joining the civil service; instructions, timelines, and advice for taking the civil service exams; and the post-exam process through which offers of employment are made. This bill would require such presentations to be conducted in at least 10 civil service pathways across all City boroughs each quarter.

In addition, this bill would require DCAS to develop, produce, and update educational materials on the civil service and civil service exam, for distribution to civil service pathways and to be posted online.

Finally, this bill would require DCAS to report annually on education and outreach performed under the civil service ambassador program, including the number of presentations conducted across civil service pathways, City boroughs, and other appropriate criteria.

Since being heard, the bill was amended to clarify the definition of the term “civil service pathway,” and received technical edits.

(The following is the text of the Fiscal Impact Statement for Int. No. 658-A:)

⁴⁵ DCAS-Exam Process: Apply; DCAS-Exam Process; Take.

⁴⁶ DCAS-Exam Process: Fees.

⁴⁷ *Id.*

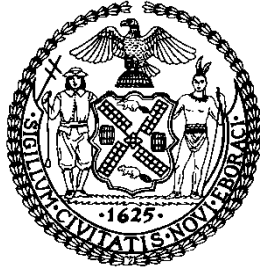
⁴⁸ MMR at 394.

⁴⁹ *E.g., 8 Challenges to Overcome in a Civil Service Exam*, Civil Service Success, available at <https://civilservicesuccess.com/8-challenges-to-overcome-in-a-civil-service-exam/> (last accessed Oct. 18, 2022).

⁵⁰ *Online Application System 2.0: FAQ*, DCAS (2022), <https://a856-exams.nyc.gov/OASysWeb/Home/FAQ>.

⁵¹ Champeny.

⁵² See Church et al.



**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: 658-A

COMMITTEE: Civil Service and Labor

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of citywide administrative services to establish a civil service ambassador program.

SPONSOR(S): By Council Members De La Rosa, Louis, Restler, Joseph, Ung, Sanchez, Gutiérrez, Hanif, Farías, Narcisse and Hudson.

SUMMARY OF LEGISLATION: The bill would require the Department of Citywide Administrative Services (DCAS) to establish and implement a civil service ambassador program. The program would provide education and outreach along with presentations on the benefits of joining the civil service system, with presentations required at 10 different “civil service pathways” (a City operated, funded or contracted facility or program) and with at least one in every borough, each quarter. The Commissioner of DCAS would also be required to submit a report to the Mayor and Speaker of the Council by December 31, 2023, and annually thereafter, on the civil service ambassador presentations detailing the civil service pathway type, the borough location of each presentation and the education and outreach performed

EFFECTIVE DATE: This local law takes effect immediately.

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

FISCAL IMPACT STATEMENT:

| | Effective FY23 | FY Succeeding Effective FY24 | Full Fiscal Impact FY24 |
|---------------------|-----------------------|-------------------------------------|--------------------------------|
| Revenues | \$0 | \$0 | \$0 |
| Expenditures | \$0 | \$0 | \$0 |
| Net | \$0 | \$0 | \$0 |

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: Office of the Mayor of New York City, Office of Management and Budget

ESTIMATE PREPARED BY: Andrew Lane-Lawless, Financial Analyst, NYC Council Finance Division

ESTIMATE REVIEWED BY: Jack Storey, Unit Head, NYC Council Finance Division

Cirilhen Francisco, Assistant 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 September 14, 2022, as Intro. 658 and referred to the Committee on Civil Service and Labor (the Committee). The legislation was considered by the Committee on Civil Service and Labor and the Committee on Governmental Operations at a joint hearing held on October 26, 2022, and was Laid Over by the Committee. It was subsequently amended, and the amended version Proposed Intro. No. 658-A will be considered by the Committee December 7, 2022. Upon successful vote by the Committee, Proposed Intro No. 658-A will submitted to the full Council for a vote on December 7, 2022.

DATE PREPARED: 12/5/2022.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 658-A:)

Int. No. 658-A

By Council Members De La Rosa, Louis, Restler, Joseph, Ung, Sanchez, Gutiérrez, Hanif, Farías, Narcisse, Hudson, Nurse, Brannan, Brooks-Powers, Dinowitz and Mealy.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of citywide administrative services to establish a civil service ambassador program

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 12-204 to read as follows:

§ 12-204 *Civil service ambassador program. a. Definitions. For purposes of this section, the following terms have the following meanings:*

Civil service. The term “civil service” means all positions in the competitive class of the city’s classified service.

Civil service examination. The term “civil service examination” means a competitive examination administered in accordance with the civil service law to determine the merit and fitness of applicants for the civil service.

Civil service pathway. The term “civil service pathway” means any facility or program operated, funded, or contracted by the city that serves a population that the commissioner determines could benefit from access to information regarding the civil service system and civil service examinations, and includes, but is not limited to, high schools, colleges, universities, trade schools, mental health programs, social work programs, juvenile justice facilities, foster care programs, shelters, and drop-in centers.

Commissioner. The term “commissioner” means the commissioner of citywide administrative services.

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

b. The department shall establish and implement a civil service ambassador program to provide education and outreach at civil service pathways. Such education and outreach shall include, but need not be limited to, presentations conducted by current or former appointees to the civil service, and distribution of educational materials. Such education and outreach shall provide the following information, and any additional information that the commissioner determines is appropriate:

1. The benefits of joining the civil service system;

2. Requirements, instructions, and timelines applicable to civil service examinations, including examination fees and fee waivers; and

3. *The post-civil service examination process, including opportunities to seek review of civil service examination results, certification of eligible candidates, interviews, and employment offers.*

c. *The department shall conduct the presentations required by subdivision b of this section in no fewer than 10 different civil service pathways each quarter. At least 1 such presentation shall be conducted in each borough each quarter.*

d. *The department shall make best efforts to distribute the educational materials required by subdivision b of this section to as many civil service pathways as practicable. Such materials shall be posted on the department's website. The commissioner shall review such materials on an annual basis and make updates as the commissioner deems necessary.*

e. *No later than December 31, 2023, and annually thereafter, the commissioner shall submit to the mayor and the speaker of the council a report on the education and outreach performed pursuant to this section during the preceding fiscal year. Such report shall include, but need not be limited to, the number of presentations conducted, disaggregated by the type of civil service pathway and borough where each such presentation was conducted, and a description of any other education and outreach performed.*

§ 2. This local law takes effect immediately.

CARMEN N. De La ROSA, *Chairperson*; ERIK D. BOTTCHEER, TIFFANY CABÁN, ERIC DINOWITZ, KAMILLAH HANKS, RITA C. JOSEPH, JULIE MENIN, FRANCISCO P. MOYA, SANDY NURSE; 9-0-0, *Absent*: Oswald Feliz; Committee on Civil Service and Labor, December 7, 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 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 L.U. No. 149

Report of the Committee on Finance in favor of a Resolution approving Yorkville Gardens, Block 1539, Lot 10, Manhattan, Community District No. 8, Council District No. 5.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 7, 2022 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

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

THE COUNCIL OF THE CITY OF NEW YORK

December 7, 2022

TO: Hon. Justin Brannan Chair, Finance Committee
Members of the Finance Committee

FROM: Michael Twomey, Assistant Counsel, Finance Division
Kathleen Ahn, Counsel, Finance Division

RE: Finance Committee Agenda of December 7, 2022 – Resolution approving a tax exemption for five Land Use items (Council Districts 5, 21, 24, 9)

Item 1: Yorkville Gardens

Yorkville Gardens is an existing age-restricted (62+ head of household) project-based Section 8 apartment building with 132 units located in the Yorkville neighborhood of Manhattan, Council District 5. The project is refinancing with a 223(f) HUD insured mortgage and is requesting that HPD provide a new 40- year Article XI tax exemption at closing.

The building contains 132 units consisting of: 32 studios and 99 one-bedrooms, plus one two-bedroom superintendent's unit. The property offers the following common area amenities: coin laundry facility, elevators, community room/library, and an attended lobby. The project contains no rentable commercial or community facility space. All units, except for the superintendent's unit, are covered under a 5-year Project-based Basic Renewal Section 8 Housing Assistance Payment Contract (HAP Contract) that expires on April 30, 2025. All units except the superintendent unit are restricted at 50% AMI.

The property has been wholly owned by Yorkville Gardens Housing Development Fund Company, Inc. since 1983, when the HDFC acquired the property from the City of New York. The Owner used a HUD 202 loan to construct the existing building, which was completed in 1985. There has not been any other owner since the acquisition and construction of the Project. There is a Land Disposition Agreement and Declarations of Restrictive Covenants with the City of New York entered in connection with the conveyance.

Summary:

- Borough – Manhattan
- Block 1539, Lot 10
- Council District – 5
- Council Member – Menin
- Council Member approval –Yes
- Number of buildings – 1
- Number of units – 132 (includes 1 superintendent unit)
- Type of exemption – Article XI, partial, 40 year
- Population – affordable rental housing
- Sponsor – Yorkville Gardens HDFC
- Purpose – preservation
- Cost to the city – \$5.77 million (present value)
- Housing Code Violations
 - Class A – 1
 - Class B – 0
 - Class C – 1
- AMI target – all units are restricted at 50% AMI

Item #2: Sherwood LLC

The project consists of three buildings with 205 units in Corona, Queens, Council District 21. The buildings are a total of 271,424 square feet. The development contains 36 studios, 36 one-bedrooms, 114 two-bedrooms (two of which are reserved for the superintendents), and 19 three-bedrooms. All units except the superintendent units are currently covered under a Mark-Up-to-Market project-based HAP contract. All units except the superintendent units have an AMI target of 50%.

The project sponsor is requesting a standard term sheet exemption of a 10% gross rent base, plus 25% increases in the contract rents. Payments will also be capped at 17% of the contract rents to assist in preservation of the project's affordability for 40 years. The signing of HPD's regulatory agreement governing a 40-year Article XI tax exemption will occur at closing. Upon the expiration of the 20-year HAP contract, the project will be obligated to renew per requirements in the HPD's regulatory agreement.

The sponsor purchased the three buildings in bankruptcy in 1983, taking out a loan on the property from HUD and signed a HUD regulatory agreement in the same year. In 1995, they converted the holding entity into a Limited Liability Company known as Sherwood LLC. Since 1995, Sherwood LLC has continued to own the property. The project previously benefited from a J-51 abatement which expired in 2021.

Summary:

- Borough – Queens
- Block 1909, Lot 1
- Block 1956, Lot 29
- Council District – 21
- Council Member – Moya
- Council Member approval – Yes
- Number of buildings – 3
- Number of units – 205 (includes 2 superintendent units)
- Type of exemption – Article XI, partial, 40 year
- Population – affordable rental housing
- Sponsor – Bronstein Properties
- Purpose – preservation
- Cost to the city – \$7.8 million (present value)
- Housing Code Violations
 - Class A – 1
 - Class B – 8
 - Class C – 3
- AMI target – 50% AMI

Item #3: Briarwood-Black Spruce

Briarwood-Black Spruce (the "Project") consists of two occupied residential buildings on adjacent properties in the Briarwood neighborhood of Queens, Council District 24. The buildings contain 382 rental dwelling units, a community room for tenants, four laundry rooms, and 121 vehicle and 30 bicycle parking spaces for residents only. The combined unit distribution is 44 studio, 200 one-bedroom, 137 two-bedroom (one of which is reserved for the lead superintendent), and 1 three-bedroom.

The Project currently is owned by HP MJM Housing Development Fund Company, Inc. ("Current Owner"), an entity controlled by the New York City Housing Partnership. HP Briarwood Housing Development Fund Company, Inc. ("HDFC") will be formed by New York City Housing Partnership to serve as the legal owner

and title holder. The HDFC then will enter into a nominee agreement with Briarwood Affordable LLC, an entity controlled by Black Spruce Management LLC, which will be the beneficial owner (“Beneficial Owner”).

There currently are 247 rent-stabilized units and 134 non-stabilized. Rents in the buildings currently average rents affordable to people earning seventy-six percent (76%) of area median income (“AMI”). As reflected in a recent third-party market study, rents in the neighborhood average 104% AMI.

The Project is requesting a partial 40-year Article XI tax exemption with an annual Gross Rent Tax of ten percent (10%) for the first five years and six-and-one-quarter percent (6.25%) for the remaining thirty-five years. In return, all of the DUs will become rent-stabilized and income and rent restricted. As part of the closing, the owner will sign an HPD regulatory agreement for 40 years that will set rent and income restrictions, participate in HPD’s Aging in Place Initiative, as well as require that 77 units, equal to twenty percent of the project, will be reserved for referrals of homeless households.

Summary:

- Borough – Queens
- Block 9963, Lot 2
- Block 9963, Lot 20
- Council District – 24
- Council Member – Gennaro
- Council Member approval –Yes
- Number of buildings – 2
- Number of units – 382 (includes 1 superintendent unit)
- Type of exemption – Article XI, partial, 40 year
- Population – affordable rental housing
- Sponsor – Black Spruce Management LLC
- Purpose – preservation
- Cost to the city – \$22.49 million (present value)
- Housing Code Violations
 - Class A: 6
 - Class B: 11
 - Class C: 7
- AMI target – 99 units at 70% AMI, 139 units at 90% AMI, 128 units at 120% AMI, and 15 units at 145% AMI

Item #4: CB WHCO

This item is an amendment of a previously approved Article XI resolution (Resolution 939-2019) granted to seven lots in Council District 9. Since the adoption of this resolution, six of the subject lots have chosen to apply for tax exemption under Section 420-c of the Real Property Tax Lot. This amendment to the prior resolution redefines the exemption area to exclude these lots from the approved Article XI exemption.

Item #5: 157 West 119 Street HDFC

This item is an amendment of a previously approved Article XI resolution (Resolution 940-2019) in Council District 9. Under the terms of the prior resolution, it was expected the project applying for the exemption would close on or before December 31, 2019, but this has not yet happened. The amendment will extend the date for closing to December 31, 2024.

(For text of the coupled resolutions for L.U. No. 149, please see below; for text of the remaining coupled resolutions, please see, respectively, the Report of the Committee on Finance for L.U. Nos. 150, 151, 152 and 153 printed in these Minutes)

Accordingly, this Committee recommends the adoption of L.U. Nos. 149 to 153.

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

Res. No. 425

Resolution approving an exemption from real property taxes for property located at (Block 1539, Lot 10) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 149).

By Council Member Brannan.

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated November 16, 2022 that the Council take the following action regarding a housing project located at (Block 1539, Lot 10) Manhattan (“Exemption Area”):

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

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

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

RESOLVED:

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

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Contract Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Contract Rent Differential Tax for the applicable tax year.
 - b. “Contract Rent Differential” shall mean the amount by which the total contract rents applicable to the Exemption Area for such tax year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date.
 - c. “Contract Rent Differential Tax” shall mean the sum of (i) \$484,200, plus (ii) twenty-five percent (25%) of the Contract Rent Differential; provided, however, that the total

annual real property tax payment by the Owner shall not at any time exceed the lesser of (A) seventeen percent (17%) of the contract rents in the applicable tax year, or (B) the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, if the Owner fails to provide the contract rents on or before the Contract Rent Deadline, Contract Rent Differential Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.

- d. “Effective Date” shall mean the date that HPD and the Owner enter into the Regulatory Agreement.
- e. “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1539, Lot 10 on the Tax Map of the City of New York.
- f. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- g. “HDFC” shall mean Yorkville Gardens Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
- h. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
- i. “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
- j. “Owner” shall mean the HDFC.
- k. “Prior Exemption” shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on December 2, 1982 (Cal. No. 10).
- l. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.

- 2. The Prior Exemption shall terminate upon the Effective Date.
- 3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.

4. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Contract Rent Differential Tax.
5. Notwithstanding any provision hereof to the contrary:
 - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
 - b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 - d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked as of the Effective Date.
6. In consideration of the New Exemption, the owner of the Exemption Area shall, for so long as the New Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

JUSTIN L. BRANNAN, *Chairperson*: DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, CHARLES BARRON, GALE A. BREWER, AMANDA FARÍAS, KAMILLAH HANKS, CRYSTAL HUDSON, CHI. A. OSSÉ, PIERINA ANA SANCHEZ, MARJORIE VELÁZQUEZ, DAVID M. CARR, ARI KAGAN; 16-0-0; *Absent*: Julie Won; Committee on Finance, December 7, 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 L.U. No. 150

Report of the Committee on Finance in favor of a Resolution approving Sherwood LLC.HUDMF.FY23, Block 1909, Lot 1; Block 1956, Lot 29, Queens, Community District No. 4, Council District No. 21.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 7, 2022 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Finance Memo, please see the Report of the Committee on Finance for L.U. No. 149 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 426

Resolution approving an exemption from real property taxes for property located at (Block 1909, Lot 1; Block 1956, Lot 29) Queens, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 150).

By Council Member Brannan.

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated November 16, 2022 that the Council take the following action regarding a housing project located at (Block 1909, Lot 1; Block 1956, Lot 29) Queens (“Exemption Area”):

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

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

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

RESOLVED:

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

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Company” shall mean Sherwood LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.

- b. “Contract Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Contract Rent Differential Tax for the applicable tax year.
- c. “Contract Rent Differential” shall mean the amount by which the total contract rents applicable to the Exemption Area for such tax year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date.
- d. “Contract Rent Differential Tax” shall mean the sum of (i) \$633,224, plus (ii) twenty-five percent (25%) of the Contract Rent Differential; provided, however, that the total annual real property tax payment by the Owner shall not at any time exceed the lesser of (A) seventeen percent (17%) of the contract rents in the applicable tax year, or (B) the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, if the Owner fails to provide the contract rents on or before the Contract Rent Deadline, Contract Rent Differential Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
- e. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) date that HPD and the Owner enter into the Regulatory Agreement.
- f. “Exemption” shall mean the exemption from real property taxation provided hereunder.
- g. “Exemption Area” shall mean the real property located in the Borough of Queens, City and State of New York, identified as Block 1909, Lot 1 and Block 1956, Lot 29 on the Tax Map of the City of New York.
- h. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- i. “HDFC” shall mean Sherwood Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
- j. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
- k. “Owner” shall mean collectively, the HDFC and the Company.
- l. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.

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

JUSTIN L. BRANNAN, *Chairperson*: DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, CHARLES BARRON, GALE A. BREWER, AMANDA FARÍAS, KAMILLAH HANKS, CRYSTAL HUDSON, CHI. A. OSSÉ, PIERINA ANA SANCHEZ, MARJORIE VELÁZQUEZ, DAVID M. CARR, ARI KAGAN; 16-0-0; *Absent*: Julie Won; Committee on Finance, December 7, 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 L.U. No. 151

Report of the Committee on Finance in favor of a Resolution approving Briarwood-Black Spruce, Block 9663, Lots 2 and 20, Queens, Community District No. 8, Council District No. 24.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 7x, 2022 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Finance Memo, please see the Report of the Committee on Finance for L.U. No. 149 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 427

Resolution approving an exemption from real property taxes for property located at (Block 9663, Lots 2 and 20) Queens, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 151).

By Council Member Brannan

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated December 2, 2022 that the Council take the following action regarding a housing project located at (Block 9663, Lots 2 and 20) Queens (“Exemption Area”):

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

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

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

RESOLVED:

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

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Company” shall mean Briarwood Affordable LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.

- c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - d. “Exemption Area” shall mean the real property located in the Borough of Queens, City and State of New York, identified as Block 9663, Lots 2 and 20 on the Tax Map of the City of New York.
 - e. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - f. “Gross Rent” shall mean the gross potential rents from all residential, commercial, and community facility units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
 - g. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
 - h. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to ten percent (10%) of the Gross Rent in the tax year in which such real property tax payments is made for five (5) tax years commencing upon the Effective Date, and for each tax year thereafter until the Expiration Date an amount equal to six and one-fourth percent (6.25%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
 - i. “HDFC” shall mean HP Briarwood Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - j. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - k. “Owner” shall mean, collectively, the HDFC and the Company.
 - l. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
 3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the

amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.

4. Notwithstanding any provision hereof to the contrary:
 - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
 - c. Nothing herein shall entitle the HDPC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
5. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

JUSTIN L. BRANNAN, *Chairperson*: DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, GALE A. BREWER, AMANDA FARÍAS, KAMILLAH HANKS, CRYSTAL HUDSON, CHI. A. OSSÉ, PIERINA ANA SANCHEZ, MARJORIE VELÁZQUEZ, DAVID M. CARR, ARI KAGAN; 15-1-0; *Absent*: Julie Won; *Negative*: Charles Barron; Committee on Finance, December 7, 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 L.U. No. 152

Report of the Committee on Finance in favor of a Resolution approving 157 West 119 St: Block 1904, Lot 6, Manhattan, Community District No. 10, Council District No. 9.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 7, 2022 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Finance Memo, please see the Report of the Committee on Finance for L.U. No. 149 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 428

Resolution approving an amendment to a previously approved real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located at (Block 1904, Lot 6), Manhattan (Preconsidered L.U. No. 152).

By Council Member Brannan.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated November 28, 2022 that the Council amend a previously approved tax exemption for real property located at (Block 1904, Lot 6), Manhattan (“Exemption Area”) pursuant to Section 577 of the Private Housing Finance Law;

WHEREAS, the HPD’s request for amendments is related to a previously approved Council Resolution adopted on June 13, 2019 (Resolution No. 940) (the “Prior Resolution”), granting the Exemption Area a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law;

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

RESOLVED:

The Council approves the amendments to the Prior Resolution requested by HPD for the Exemption Area pursuant to Section 577 of the Private Housing Finance Law as follows:

Paragraph 4 of the Prior Resolution is deleted and replaced with the following:

4. In consideration of the Exemption, the owner of the BBL 1/1904/6 Exemption Area shall (a) execute and record the Regulatory Agreement on or before December 31, 2024, and (b) for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal

law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

Except as specifically amended above, all other terms, conditions, provisions and requirements of the Prior Resolution remain in full force and effect.

JUSTIN L. BRANNAN, *Chairperson*: DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, CHARLES BARRON, GALE A. BREWER, AMANDA FARÍAS, KAMILLAH HANKS, CRYSTAL HUDSON, CHI. A. OSSÉ, PIERINA ANA SANCHEZ, MARJORIE VELÁZQUEZ, DAVID M. CARR, ARI KAGAN; 16-0-0; *Absent*: Julie Won; Committee on Finance, December 7, 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 L.U. No. 153

Report of the Committee on Finance in favor of a Resolution approving CB WHCO: Block 1831, Lot 53, Manhattan, Community District No. 10, Council District No. 9.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 7, 2022 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Finance Memo, please see the Report of the Committee on Finance for L.U. No. 149 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

In connection herewith, Council Member Brannan offered the following resolution

Res. No. 429

Resolution approving an amendment to a previously approved real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located at (Block 1831, Lot 53), Manhattan (Preconsidered L.U. No. 153).

By Council Member Brannan.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated November 28, 2022 that the Council amend a previously approved tax exemption for real property located at (Block 1831, Lot 53), Manhattan (“Exemption Area”) pursuant to Section 577 of the Private Housing Finance Law;

WHEREAS, the HPD’s request for amendments is related to a previously approved Council Resolution adopted on June 13, 2019 (Resolution No. 939) (the “Prior Resolution”), granting the Exemption Area a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law;

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

RESOLVED:

The Council approves the amendments to the Prior Resolution requested by HPD for the Exemption Area pursuant to Section 577 of the Private Housing Finance Law as follows:

Provisions a, c, e, j, and k of Paragraph 1 of the Prior Resolution are deleted and replaced with the following:

1.a. “Company” shall mean CB WHCO PLP LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.

1.c. “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1831, Lot 53 on the Tax Map of the City of New York.

1.e. “HDFC” shall mean West Harlem Community Organization PLP Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.

1.j. [Intentionally left blank]

1.k. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.”

Except as specifically amended above, all other terms, conditions, provisions and requirements of the Prior Resolution remain in full force and effect.

JUSTIN L. BRANNAN, *Chairperson*: DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, CHARLES BARRON, GALE A. BREWER, AMANDA FARÍAS, KAMILLAH HANKS, CRYSTAL HUDSON, CHI. A. OSSÉ, PIERINA ANA SANCHEZ, MARJORIE VELÁZQUEZ, DAVID M. CARR, ARI KAGAN; 16-0-0; *Absent*: Julie Won; Committee on Finance, December 7, 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 Governmental Operations

Report for Int. No. 696

Report of the Committee on Governmental Operations in favor of approving and adopting, a Local Law to amend the New York city charter, in relation to the design of the ballot and content of ballot instructions for ranked choice elections.

The Committee on Governmental Operations, to which the annexed proposed local law was referred on September 14, 2022 (Minutes, page 2186), respectfully

REPORTS:

I. INTRODUCTION

On December 7, 2022, the Committee on Governmental Operations, chaired by Council Member Ung, held a second hearing and vote on the following legislation: Int. 696, sponsored by Council Member Ung, in relation to design on the ballots and content of the ballot instructions for ranked choice elections and Proposed Int. 698-A, sponsored by Council Members Ung and Stevens, in relation to administering a public service corps program. Both bills were approved by the Committee by a vote of five in the affirmative and zero in the negative.

II. BACKGROUND

A. *Ranked Choice Voting*

i. *RCV Generally*

On November 5, 2019, New York City voters overwhelmingly approved a ballot measure to adopt three election-related amendments to the New York City Charter.¹ The most significant of these amendments was the addition of section 1057-G, instituting ranked choice voting (“RCV”) for local special and primary elections.² Under RCV, instead of voting for a single candidate in each contest, voters may rank up to five candidates in their order of preference.³ If one candidate receives more than 50 percent of the first-choice votes, that candidate is declared the winner.⁴ If no candidate receives more than 50 percent of the first-choice votes, the last-place candidate is eliminated, and voters who ranked the last-place candidate first are treated as having voted for their second-choice candidate.⁵ This process repeats until one candidate receives over 50% of the votes.⁶

Pursuant to section 1057-G, RCV is used for all primary and special elections for Mayor, Public Advocate, Comptroller, Borough President, and City Council.⁷ RCV is not used for local general elections, or for elections for any other office.⁸

¹ See Board of Elections in the City of New York, Statement and Return Report for Certification, General Election 2019 (2019), <https://legistar.council.nyc.gov/View.ashx?M=F&ID=7953071&GUID=1CB8282C-EC0E-48BC8386-0130F05D2A5A>

² See Charter § 1057-G.

³ Charter § 1057-G(d)(1).

⁴ Charter § 1057-G(e)(1).

⁵ Charter § 1057-G(e)(2).

⁶ *Id.*

⁷ See Charter § 1057-G(a) (definition of “ranked choice election”).

⁸ *Id.*

ii. RCV Ballot Design

The Charter sets forth certain requirements that the Board of Elections in the City of New York (“NYCBOE”) must follow when designing ballots that contain ranked choice elections.⁹ Specifically, the Charter specifies how candidate names and ranking columns for RCV elections must be organized,¹⁰ requires ballots to include instructions on how to rank candidates in an RCV election,¹¹ and provides form language that NYCBOE must use for such instructions.¹² In general, NYCBOE was able to successfully implement these requirements in 2021. Nevertheless, Common Cause NY (a good government group) and the Center for Civic Design (a not-for-profit organization focused on improving citizens’ interaction with government) have argued that the design of RCV ballots could be improved in a number of ways:

- First, although the RCV instructions required by the Charter cover important points that voters need to know in order to cast a ballot effectively, the groups have argued that the instructions are too long, and potentially confusing. Accordingly, the groups have recommended revising the mandated instructions to make them clearer and more concise.¹³
- Second, in cases where multiple RCV races appeared on the same ballot page, voters sometimes found it difficult to see where one RCV race ended and another began. The groups have therefore recommended that each RCV contest be separated by a bold black line.¹⁴
- Third, in cases where ballot instructions were required to be translated into multiple languages, different translations of the RCV instructions were sometimes crammed together, making it difficult to distinguish distinct translations. The groups have recommended that NYCBOE take steps to ensure that each language is clearly separated and visually distinct.¹⁵
- Fourth, some voters found the RCV ballot instructions difficult to read because the color of the text did not contrast sufficiently with the background color on the ballot. This was an issue specifically for primary elections, where BOE uses color-coded ballots to distinguish between parties. Accordingly, the groups have recommended that NYCBOE take steps to ensure that any coloring used on ballots does not cover the portion of the ballot that includes the RCV instructions.¹⁶

Int. 696 would require NYCBOE to implement the recommendations made by both Common Cause and the Center for Civic Design and would make several additional changes to the design of RCV ballots and the contents of RCV ballot instructions.

B. Public Service Corps Program

The Department of Citywide Administrative Services (“DCAS”), is responsible for “recruiting, hiring and training City employees.”¹⁷ Among the DCAS Commissioner’s Charter-assigned responsibilities are personnel recruitment, scheduling and conducting city civil service exams, and making eligible hire lists, including additional related responsibilities.¹⁸

⁹ Charter § 1057-G(d).

¹⁰ Charter § 1057-G(d)(2).

¹¹ Charter § 1057-G(d)(3).

¹² *Id.*

¹³ Communications between Council Staff and Common Cause NY.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ New York City Department of Administrative Services. “Our Mission” <https://www.nyc.gov/site/dcas/about/our-mission.page> Retrieved November 28, 2022.

¹⁸ Charter §§ 811, 814 (a)(1), (3), (4)-(5).

Since 1966 DCAS has run the New York City Public Service Corps program, “the nation’s first and largest off-campus internship program.”¹⁹ Over 100,000 students from more than 100 colleges and universities have already participated in the program.²⁰

Int. 698-A would codify DCAS’s current Public Service Corps program, while adding the requirement that the agency recruit students from diverse backgrounds to participate in the program, offer internships at a broad range of city agencies, and report on its implementation of the program.

III. LEGISLATIVE ANALYSIS

Int. 696

Int. 696 would amend the provisions of the Charter governing the design of the ballot and the content of ballot instructions for ranked choice elections. Specifically, the bill would replace the form language that NYCBOE is required to use for RCV ballot instructions with alternative language that uses fewer words to address the same points. The bill would also replace any ordinal numbers (such as “1st,” “2nd,” or “3rd”) that are required to appear on the ballot with numerals (such as “1,” “2,” or “3”) to facilitate translation. In addition, the bill would require brief instructions to appear within the area for each RCV election and require distinct RCV elections to be separated by a bold black line.

The bill would also require, to the extent practicable, that text be arranged so that non-English text can be easily compared to the corresponding English text. In addition, the bill would require, to the extent practicable, that each language on the ballot is clearly separated and visually distinct. The bill would further require, to the extent practicable, that instructions regarding ranked choice voting appear in black font on a white background. Finally, in cases where coloring is used on the ballot to indicate the party for a primary election, the bill would require, to the extent practicable, that such coloring not cover the portion of the ballot that contains the RCV instructions.

This bill would take effect immediately and would apply to any RCV election held on or after June 27, 2023.

Int. 698-A

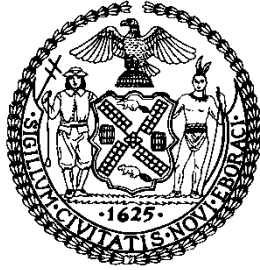
Int. 698-A would codify DCAS’ Public Service Corps program, which provides internship opportunities at City agencies for undergraduate and graduate students. This bill would require DCAS to recruit students from diverse backgrounds and offer internships at a broad range of City agencies.

In addition, this bill would require DCAS to report annually regarding the Public Service Corps program, including information regarding DCAS’ recruitment efforts, DCAS’ efforts to identify internships in a broad range of City agencies, the number of participating students, their demographic information, and the City agency in which they were placed.

This bill would take effect 90 days after becoming law.

¹⁹ New York City Department of Administrative Services. “Internship Opportunities” <https://www.nyc.gov/site/dcas/employment/internship-opportunities.page>. Retrieved November 28, 2022.
²⁰ Id.

(The following is the text of the Fiscal Impact Statement for Int. No. 696:)



**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: 696

COMMITTEE: Governmental Operations

TITLE: A Local Law to amend the New York city charter, in relation to the design of the ballot and content of ballot instructions for ranked choice elections.

SPONSOR(S): By Council Members Ung, Louis, Restler, Hudson, Joseph, Nurse, Williams, Bottcher, Hanif, Stevens, Velázquez, Cabán, Avilés, Farías, Gutiérrez, De la Rosa, Ayala, Krishnan, Powers, Brewer, Ossé, Menin, Sanchez, Riley, Narcisse, Lee and Won.

SUMMARY OF LEGISLATION: This bill would simplify the ballot instructions for ranked choice voting elections and improve the layout of ranked chose ballots by ensuring that: (1) contests on the same ballot page are separated from one another using a bold black line, (2) non-English text can be easily compared to the corresponding English text, (3) each language on the ballot is clearly separated and visually distinct, and (4) to the extent practicable, instructions regarding ranked choice voting appear in black font on a white background.

EFFECTIVE DATE: This local law takes effect immediately and applies to ranked choice elections held on or after June 27, 2023.

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

FISCAL IMPACT STATEMENT:

| | Effective FY23 | FY Succeeding Effective FY24 | Full Fiscal Impact FY24 |
|---------------------|-----------------------|-------------------------------------|--------------------------------|
| Revenues | \$0 | \$0 | \$0 |
| Expenditures | \$0 | \$0 | \$0 |
| Net | \$0 | \$0 | \$0 |

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: Office of the Mayor of New York City, City Legislative Affairs

ESTIMATE PREPARED BY: Andrew Lane-Lawless, Financial Analyst, NYC Council Finance Division

ESTIMATE REVIEWED BY: Jack Storey, Unit Head, NYC Council Finance Division
Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance Division

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on September 14, 2022, as Intro. 696 and referred to the Committee on Governmental Operations (the Committee). The legislation was considered by the Committee at a hearing held on September 30, 2022, and was Laid Over by the Committee. The bill will be considered by the Committee on December 7, 2022. Upon successful vote by the Committee, Proposed Intro No. 696 will be submitted to the full Council for a vote on December 7, 2022.

DATE PREPARED: 12/6/2022.

(For text of Int. Nos. 698-A and its Fiscal Impact Statement, please see the Report of the Committee on Governmental Operations for Int. No. 698-A, respectively, printed in these Minutes; for text of Int. No. 696, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 696 and 698-A

(The following is the text of Int. No. 696:)

Int. No. 696

By Council Members Ung, Louis, Restler, Hudson, Joseph, Nurse, Williams, Bottcher, Hanif, Stevens, Velázquez, Cabán, Avilés, Farías, Gutiérrez, De La Rosa, Ayala, Krishnan, Powers, Brewer, Ossé, Menin, Sanchez, Riley, Narcisse, Lee, Won, Brannan and Dinowitz.

A Local Law to amend the New York city charter, in relation to the design of the ballot and content of ballot instructions for ranked choice elections

Be it enacted by the Council as follows:

Section 1. Subdivision d of section 1057-g of the New York city charter, as added by a vote of the electors on November 5, 2019, is amended to read as follows:

1. All candidates in a ranked choice election shall be listed on the ballot. The ballot shall permit a voter to rank five candidates, inclusive of any write-in candidate permitted by law, in order of preference for a ranked choice office, unless there are fewer than five candidates on the ballot for such office, in which case the ballot shall permit a voter to rank the total number of such candidates for such office inclusive of any write-in candidate permitted by law.

2. The sections of the ballot containing ranked choice elections shall be organized in the form of a grid, with dimensions and spacing sufficient to facilitate a ranked choice election pursuant to the requirements set forth in this subdivision. The title of the office shall be arranged horizontally in a row at the top of such grid, with columns underneath. The leftmost column shall contain the names of the candidates for such office and the slot or device for write-in candidates for such office, arranged vertically. For any election for a ranked choice office in which all candidates are nominated by independent nominating petition, the names selected for the independent bodies making the nomination of the candidates shall be included on the ballot in accordance with the election law. The subsequent columns shall contain ovals or squares, with one oval or square per each column and row. Each column containing ovals or squares shall be labeled [consecutively] with [the rankings] *a consecutive numeral*, starting from ["1st choice"] "1" and going up to a maximum of ["5th choice."] "5,"

representing the ranking for that column. The word "choice" shall appear once above the set of ranking columns.

3. (a) The ballot shall, in plain language, set forth instructions that indicate how to mark a ballot so as to be read by the voting equipment used to tabulate results or manually, as applicable, and how to rank candidates in order of the voter's preference, and any other information deemed necessary by the board of elections in the city of New York. Such instructions [and ballot heading information] shall be presented above or next to the first [election of each type] ranked choice election on such ballot. The board shall also provide line drawing illustrations to supplement such instructions. At a minimum, [the text for] such ballot instructions and supplemental illustrations shall be substantially as follows so that [it] they accurately reflect [reflects] the ballot layout:

INSTRUCTIONS

(The board shall provide an illustration here of correctly marked voting positions with multiple candidates ranked.)

Rank candidates in the order of your choice.

Use the (insert "ovals" or "squares") in the columns marked 1, 2, 3, and so on.

(The board may, in its discretion, provide an illustration here of incorrectly marked voting positions with more than one oval or square marked in the same column. Such illustration, if included, shall be overlaid with a large "X" or similar symbol to indicate that the depicted marking is incorrect.)

DO NOT mark more than one (insert "oval" or "square") in any column.

You may rank as many or as few candidates as the columns allow.

(The board may, in its discretion, provide an illustration here of incorrectly marked voting positions with more than one oval or square marked for the same candidate. Such illustration, if included, shall be overlaid with a large "X" or similar symbol to indicate that the depicted marking is incorrect.)

DO NOT mark more than one (insert "oval" or "square") for the same candidate.

Ranking more candidates will not hurt your first-choice candidate.

Any mark or writing outside the (insert "ovals" or "squares") for voting may void your ballot.

You have a right to a replacement ballot. If you make a mistake, or want to change your vote, (insert "ask a poll worker for a new ballot" or, for absentee ballots, "call the board of elections at (insert phone number here) for instructions on how to obtain a new ballot").

[INSTRUCTIONS Rank candidates in the order of your choice. Mark the (insert "oval" or "square") in the "1st choice" column for your first-choice candidate. Mark the (insert "oval" or "square") in the "2nd choice" column for your second-choice candidate, and so on. (Provide illustration of correctly marked voting positions here.) To rank a candidate whose name is not printed on the ballot, mark (insert "an oval" or "a square") next to the box labeled "write-in" and print the name clearly, staying within the box. You may mark as many or as few candidates as the numbered columns allow, but do not mark more than one (insert "oval" or "square") per candidate. Ranking a second-choice candidate, third-choice candidate, and so on will not hurt your first-choice candidate. Do not mark more than one (insert "oval" or "square") in any column. If you do, your vote may not count. Any mark or writing outside the spaces provided for voting may void the entire ballot. You have a right to a replacement ballot. If you make a mistake, or want to change your vote, (insert "ask a poll worker for a new ballot" or, for absentee ballots, "call the board of elections at (insert phone number here) for instructions on how to obtain a new ballot").

The board shall also provide line drawing illustrations to supplement these instructions. At a minimum, an illustration of the correct way to mark the ballot shall be provided, but nothing in this section shall be construed to limit the board in providing additional illustrations.]

(b) In addition to the instructions included pursuant to subparagraph (a) of this paragraph, the ballot shall also include brief instructions within the area for each ranked choice election. Such instructions shall be substantially as follows so that they accurately reflect the ballot layout for the relevant ranked choice election:

Rank up to (insert "5" or, if there are fewer than five candidates, the number of permitted rankings) candidates. Mark only one oval in each column.

(c) Nothing in this section shall be construed to prevent the board from providing additional instructions or illustrations as may be necessary to further the purposes of this section.

4. To the greatest extent practicable, the ballot design shall allow for electronic tabulation of all rankings and electronic detection of ballot marking in order to allow a voter to correct a ballot that assigns equal rank to two or more candidates.

5. If a ranked choice election is on the ballot with one or more elections using other methods of voting, to the extent practicable, the ranked choice elections shall be grouped together and presented either on a separate ballot page from the non-ranked choice elections, or on one side of a combined ranked choice and non-ranked choice ballot page.

6. If a ballot page includes multiple ranked choice elections, each ranked choice election on such page shall be separated by a bold black line.

7. If the ballot includes text in multiple languages, any text included pursuant to this section shall be arranged, to the extent practicable, to ensure that non-English text can be easily compared to the corresponding English text and that each language is clearly separated and visually distinct.

8. To the extent practicable:

(a) The text of any instructions included pursuant to this section shall be in black font set against a white background; and

(b) In the case of a primary ballot that uses coloring to indicate the relevant party, such coloring shall not cover the area of any instructions included pursuant to this section.

9. The final ballot design shall be based on the space and design limitations of the ballot design software, while following the best practices for ballot design to the greatest extent possible.

§ 2. This local law takes effect immediately and applies to any ranked choice election, as such term is defined in subdivision a of section 1057-g of the New York city charter, held on or after June 27, 2023.

SANDRA UNG, *Chairperson*; GALE A. BREWER, SHAHANA K. HANIF, LINCOLN RESTLER, LYNN C. SCHULMAN; 5-0-0; Committee on Governmental Operations, December 7, 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 for Int. No. 698-A

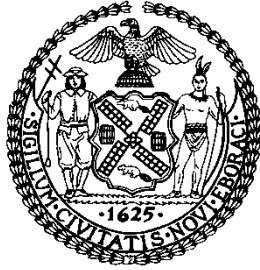
Report of the Committee on Government Operations in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to administering a public service corps program.

The Committee on Government Operations, to which the annexed proposed amended local law was referred on September 14, 2022 (Minutes, page 2189), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Governmental for Int. No. 696 printed above in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 698-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: 698-A

COMMITTEE: Governmental Operations

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to administering a public service corps program.

SPONSOR(S): By Council Members Ung, Stevens, Restler, Joseph, Gutiérrez, Hanif, Won, Avilés, Louis and Hudson.

SUMMARY OF LEGISLATION: The bill would require the Department of Citywide Administrative Services (DCAS) to create and administer a public service corps program. The bill would also require the Commissioner of DCAS to submit a report no later than August 30th of each year, beginning in 2024, to the Mayor and Speaker of the Council summarizing the civil service corps program activities during the preceding fiscal year. The report would detail the total number and demographics of the students in the program, along with the work DCAS did to get students internships, in which agencies those internships were located and steps DCAS took to bring in a diverse group of students to the program.

EFFECTIVE DATE: This local law takes effect 90 days after becoming law.

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

FISCAL IMPACT STATEMENT:

| | Effective FY23 | FY Succeeding Effective FY24 | Full Fiscal Impact FY24 |
|---------------------|-----------------------|-------------------------------------|--------------------------------|
| Revenues | \$0 | \$0 | \$0 |
| Expenditures | \$0 | \$0 | \$0 |
| Net | \$0 | \$0 | \$0 |

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: Office of the Mayor of New York City, Office of Management and Budget

ESTIMATE PREPARED BY: Andrew Lane-Lawless, Financial Analyst, NYC Council Finance Division

ESTIMATE REVIEWED BY: Jack Storey, Unit Head, NYC Council Finance Division
 Crilhien Francisco, Assistant 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 September 14, 2022, as Intro. 698 and referred to the Committee on Governmental Operations (the Committee). The legislation was considered by the Committee on Civil Service and Labor and the Committee on Governmental Operations at a joint hearing held on October 26, 2022, and was Laid Over by the Committee. It was subsequently amended, and the amended version Proposed Intro. No. 698-A will be considered by the Committee on December 7, 2022. Upon successful vote by the Committee, Proposed Intro No. 698-A will submitted to the full Council for a vote on December 7, 2022.

DATE PREPARED: 12/5/2022

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 698-A:)

Int. No. 698-A

By Council Members Ung, Stevens, Restler, Joseph, Gutiérrez, Hanif, Won, Avilés, Louis, Hudson, Narcisse, Dinowitz and Mealy.

A Local Law to amend the administrative code of the city of New York, in relation to administering a public service corps program

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 Public service corps program. a. Definitions. For purposes of this section, the following terms have the following meanings:

Commissioner. The term “commissioner” means the commissioner of citywide administrative services.

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

Public service corps program. The term “public service corps program” means a program pursuant to which undergraduate and graduate students may participate in internships at agencies.

b. The department shall administer a public service corps program.

c. In administering such program, the department shall make efforts to recruit students from diverse backgrounds and offer internships at a broad range of agencies.

d. No later than August 30 of each year, beginning in the year 2024, the commissioner shall submit a report to the speaker of the council and the mayor regarding the administration of the public service corps program during the preceding fiscal year. Such report shall include, but need not be limited to:

1. A description of the steps the department took to recruit students from diverse backgrounds;

2. A description of the steps the department took to identify internship opportunities and offer internships at a broad range of agencies;

3. The total number of students who participated in the program;

4. The number of students who participated in the program disaggregated by race or ethnicity, gender and academic institution; and

5. For each agency to which an intern was assigned, the total number of interns assigned to such agency.

§ 2. This local law takes effect 90 days after becoming law.

SANDRA UNG, *Chairperson*; GALE A. BREWER, SHAHANA K. HANIF, LINCOLN RESTLER, LYNN C. SCHULMAN; 5-0-0; Committee on Governmental Operations, December 7, 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 Public Safety

Report for Int. No. 759-B

Report of the Committee on Public Safety 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 catalytic converter etching program.

The Committee on Public Safety, to which the annexed proposed amended local law was referred on October 12, 2022 (Minutes, page 2460), respectfully

REPORTS:

I. INTRODUCTION

On December 7, 2022, the Committee on Public Safety, chaired by Council Member Kamillah Hanks, voted on Introduction Number 759-B (“Prop. Int. No. 759-B”), in relation to a catalytic converter etching program. The measure passed by a vote of 10 to 0. On October 20, 2022, the Committee heard a previous version of this legislation and received testimony from the Department of Consumer and Worker Protection (DCWP), the New York City Police Department (NYPD), and other interested parties.

II. BACKGROUND

a. Motor Vehicle Ownership and Theft in New York City

There were nearly two million passenger cars registered to New York City residents in 2018.¹ In 2020, the number of registered passenger cars surged as city residents felt safer relying on private modes of transportation during the pandemic. New York City saw an 18 percent increase in car registrations in June and July of 2020.² The result was 62,507 more car registrations in those months than the previous year.³ In 2021, vehicle registration rose by 579,811, and as of July of 2022, another 421,758 vehicles were already registered in the city.⁴ Given that residential properties throughout the five boroughs often lack personal garages, and the high cost of municipal

¹ Warren, Tamara, “What Will New Yorkers Do With the Cars They Purchased During the Pandemic?” CAR AND DRIVER, 15 Aug. 2021; available at: <https://www.caranddriver.com/features/a37293032/what-will-new-york-do-with-the-cars-they-purchased-during-the-pandemic/#>

² Ibid.

³ Kamer, Foster, “The Great Gotham Vroom Boom of 2020,” THE NEW YORK TIMES, 12 Aug. 2020; available at: [Buying Cars — and Parking Cars — in New York City - The New York Times \(nytimes.com\)](https://www.nytimes.com/2020/08/12/nyregion/gotham-vroom-boom-2020.html)

⁴ Sheinerman, Marie-Rose, “Car Owners Say It’s ‘Virtually Impossible’ to Find Street Parking in New York City,” BLOOMBERG, 16 Aug. 2022; available at: <https://www.bloomberg.com/news/articles/2022-08-16/where-to-park-in-nyc-rise-in-new-cars-outdoor-dining-deepen-nightmare#:~:text=With%20some%20New%20Yorkers%20shunning,to%20eat%20up%20street%20space>

and private parking garages, most car owners in the City are forced to park on the street, and therefore contend with a greater opportunity for theft.⁵

Decreasing crime trends for certain crimes in New York exclude motor vehicle theft, which is on the rise. The volume of motor vehicle theft increased significantly in 2020.⁶ By the end of the year, New York saw a 54.3% increase in motor vehicle theft statewide, and a 67.7% increase in New York City.⁷ A significant share of this increase is attributable to New York City as motor vehicle theft outside the City rose to a lesser extent – 44%.⁸ Motor vehicle thefts continue to escalate, and remain substantially higher than pre-pandemic levels throughout the city.⁹

b. Catalytic Converter Theft

Catalytic converters are a part of a vehicle's exhaust system located between the engine and muffler, and a key component of the emissions control system, reducing the amount of pollution exuding from the tailpipe.¹⁰ All modern vehicles with internal combustion engines have a catalytic converter, as they have been required on new cars since 1975.¹¹ New York State also requires yearly emission testing; if a car does not have a catalytic converter, it will fail the test, making it illegal to drive a vehicle in New York without a catalytic converter.¹² To decrease the amount of smog that would otherwise release from the tailpipe, catalytic converters contain precious metals such as rhodium, palladium and platinum, which can be salvaged and sold at a high price.¹³ As such, individuals can sell a stolen catalytic converter for up to \$300, or up to \$1,400 if the part comes from a hybrid vehicle.¹⁴

According to NYPD data, catalytic converter theft in New York City has risen exponentially this past year. Citywide, as of mid-August 2022, catalytic converter theft had increased by 269% as compared to figures from the same period last year.¹⁵

Reported Catalytic Converter Theft in NYC

| | 2021 | 2022 | Percent Increase |
|-----------|------|------|------------------|
| Citywide | 1505 | 5548 | 269% |
| Brooklyn | 403 | 1534 | 281% |
| Manhattan | 195 | 584 | 199% |
| Queens | 574 | 2092 | 264% |
| Bronx | 286 | 976 | 241% |

⁵ Ibid.

⁶ "Crime in New York State 2020 Final Data," DIVISION OF CRIMINAL JUSTICE SERVICES, Dec. 2021; available at: <https://www.criminaljustice.ny.gov/crimnet/ojsa/Crime-in-NYS-2020.pdf>

⁷ Ibid.

⁸ Ibid.

⁹ Parascandola, Rocco, "NYPD Reports 51% Surge in Stolen Cars this Year," DAILY NEWS, 12 June 2022; available at: <https://www.nydailynews.com/new-york/nyc-crime/ny-car-vehicle-theft-surge-careless-motorists-nypd-20220612-eojbb2hbx5a3tn34vzhilc2fdq-story.html>

¹⁰ Popely, Rick. "What Is a Catalytic Converter? - CARFAX." CARFAX, 22 Sept. 2022, www.carfax.com/blog/catalytic-converters.

¹¹ Id.

¹² Sam, S. (2022, September 1). *Know Everything about New York Catalytic Converter Laws*. Way Blog. Retrieved October 14, 2022; available at: <https://www.way.com/blog/new-york-catalytic-converter-laws/>.

¹³ "What's a Catalytic Converter and Why Do People Steal Them? | News | Cars.com." *Cars.com*, 13 Feb. 2022; available at: www.cars.com/articles/whats-a-catalytic-converter-and-why-do-people-steal-them-446861.

¹⁴ "More Than 5000 Catalytic Converter Thefts Reported in NYC." *New York Post*, 20 Aug. 2022; available at: www.nypost.com/2022/08/20/more-than-5000-catalytic-converter-thefts-reported-in-nyc.

¹⁵ Ibid.

| | | | |
|---------------|----|-----|------|
| Staten Island | 47 | 362 | 670% |
|---------------|----|-----|------|

*Year-to-Date: 8/14/2021; 8/14/2022¹⁶

A challenging aspect of preventing catalytic converter theft is that it takes little over a minute to remove such device from a vehicle, requiring readily available equipment such as a common jack lift and a saw.¹⁷ Thefts are rather simple endeavors, but reports show elaborate tactics employed to make theft more prevalent and widespread, such as arriving and exiting the scene in a getaway vehicle, and deploying lookouts along neighborhood blocks to observe parked vehicles.¹⁸

The NYPD introduced an etching program that allows individuals to inscribe a code/number to their vehicle's catalytic converter, and link that code to a website where it can be tracked.¹⁹ If NYPD or a potential buyer later comes across such catalytic converter, the number will be visible and can be tracked to the original vehicle, which permits an easy determination regarding the chain of custody of the catalytic converter and whether the part might have been stolen.²⁰ Without such labeling, individuals may sell stolen catalytic converters to unknowing buyers, claiming the removed part was retrieved from a willing vehicle owner.²¹ The NYPD is also attempting to deter catalytic converter theft by expanding undercover investigations and inspections of auto body shops.²²

¹⁶ Ibid.

¹⁷ "Catalytic-converter Thieves Work in Queens Robbery Video." *New York Post*, 3 Sept. 2022; available at: www.nypost.com/2022/09/03/catalytic-converter-thieves-work-in-queens-robbery-video.

¹⁸ Ibid.

¹⁹ "NYPD Distributes New Tracking Device at Combat Catalytic Converter Theft Event - silive.com." *Silive*, 15 July 2022, www.silive.com/news/2022/07/nypd-distributes-new-tracking-device-at-combat-catalytic-converter-theft-event.html.

²⁰ Ibid.

²¹ Moses, Dean. "NYPD Is Cutting off Catalytic Converter Thieves With Anti-theft Label Enrollment | amNewYork." *amNewYork*, 19 July 2022; available at: www.amny.com/news/nypd-is-cutting-off-catalytic-converter-thieves-with-anti-theft-label-enrollment.

²² Tremayne-Pengelly, Alexandra. "Thefts of Catalytic Converters Have Quadrupled in New York City This Year | Observer." *Observer*, 20 July 2022; available at: www.observer.com/2022/07/thefts-of-catalytic-converters-have-quadrupled-in-new-york-city-this-year.

Catalytic Converter Theft Prevention

A catalytic converter is a part of your engine's exhaust system. Catalytic converters contain platinum, palladium and rhodium — precious metals more valuable than gold.

Three ways to protect against catalytic-converter theft:

1. Etch your license plate number or VIN onto your catalytic converter
2. Park in well-lit areas
3. Install an anti-theft device



CALL 911
if you observe
catalytic-converter theft
in your neighborhood



New York State responded to the growing concern over catalytic converter theft by passing legislation enhancing reporting requirements for sales of these parts by certain industries. On October 18, 2022, Governor Kathy Hochul signed State legislation that aims to impede the theft of catalytic converters by imposing restrictions on the purchase, sale and possession of catalytic converters by vehicle dismantlers, scrap processors and others.²³ In addition to the maintenance of catalytic converter ownership records, the law will require that all new motor vehicle dealers and qualified dealers offer kits to any consumer purchasing a new motor vehicle.

The Council is considering legislation to address the issue more directly at the local level. Specifically, Int. No. 525-B would expand record keeping requirements related to used catalytic converter purchases for dealers in second-hand articles. These additional requirements aim to address consumers' particular vulnerability to catalytic converter theft in the City.

III. INT. 759-B

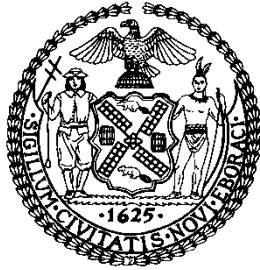
This bill would require the NYPD to establish a program to provide the public with etchings that affix or engrave identifying numbers into catalytic converters of vehicles for the purpose of assisting law enforcement investigations and deterring theft of such parts

Since introduction, the bill has been amended as follows. First, to align with recently enacted State law that requires car dealerships to provide customers with catalytic converter etchings, provisions were removed that

²³ “NY State Senate Bill S9428.” *NY State Senate*, 26 May 2022; available at: www.nysenate.gov/legislation/bills/2021/S9428.

required NYPD to distribute etching kits to such dealerships. Additionally, provisions were amended to provide the NYPD with flexibility to utilize different methods of affixing identification numbers to catalytic converters, such as laser etching, in addition to current process of using etching kits.

(The following is the text of the Fiscal Impact Statement for Int. No. 759-B:)



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

**TANISHA EDWARDS, CHIEF FINANCIAL OFFICER
AND DEPUTY CHIEF OF STAFF TO THE SPEAKER
FISCAL IMPACT STATEMENT**

PROPOSED INT. 759 –B

COMMITTEE: Public Safety

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to a catalytic converter etching program.

Sponsors: Lee, Holden, Hanks, Brooks-Powers, Velázquez, Mealy, Restler, Farías, Schulman, Won, Hanif, Riley, Abreu, Louis, Joseph, Brannan, Williams, Dinowitz and Ariola.

SUMMARY OF LEGISLATION:

This bill would require the Police Department (NYPD) to establish a program to provide the public with etchings that affix or engrave identifying numbers into catalytic converters of vehicles for the purpose of assisting law enforcement investigations and deterring theft of such parts.

EFFECTIVE DATE: This local law takes effect 90 days after it becomes law

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: 2024

FISCAL IMPACT STATEMENT:

| | Effective FY23 | FY Succeeding Effective FY24 | Full Fiscal Impact FY24 |
|-------------------------|---------------------------|---|------------------------------------|
| Revenues (+) | \$0 | \$0 | \$0 |
| Expenditures (-) | \$0 | \$50,000 | \$50,000 |
| Net | \$0 | \$50,000 | \$50,000 |

IMPACT ON REVENUES: There is no estimated impact on revenues as a result of this legislation.

IMPACT ON EXPENDITURES: It is estimated that the impact on expenditures of this legislation would be approximately \$50,000. It is anticipated NYPD would incur an annual Other than Personnel Cost (OTPS) of \$50,000 to provide and distribute etching kits required under this bill. It is anticipated that there would be no Personnel Cost (PS) cost resulting from the enactment of this legislation because the Department would utilize existing resources to fulfill its requirements.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council Finance Division
New York Police Department Legislative Affairs Unit

ESTIMATE PREPARED BY: Owen Kotowski, Financial Analyst

ESTIMATE REVIEWED BY: Crilhien Francisco, Assistant Director
Chima Obichere, Deputy Director

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 759 on October 12, 2022 and was referred to the Committee on Public Safety (Committee). The Committee heard the legislation on October 20, 2022 and the legislation was laid over. The legislation was subsequently amended, and the amended legislation, Proposed Intro. 759-B, will be considered by the Committee on December 7, 2022. Upon a successful vote by the Committee, Proposed Intro. 759-B will be submitted to the full Council for a vote on December 7, 2022.

DATE PREPARED: DECEMBER 6, 2022.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 759-B:)

Int. No. 759-B

By Council Members Lee, Holden, Hanks, Brooks-Powers, Velázquez, Mealy, Restler, Farías, Schulman, Won, Hanif, Riley, Abreu, Louis, Joseph, Brannan, Williams, Dinowitz, Brewer, Narcisse, Yeger, Ariola and Paladino.

A Local Law to amend the administrative code of the city of New York, in relation to a catalytic converter etching program

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 10 of the administrative code of the city of New York is amended by adding a new section 10-185 to read as follows:

§ 10-185 *Catalytic converter etching program. a. Definitions. For purposes of this section, the term “etching” means the affixing or engraving of a unique identifying number onto a catalytic converter of a motor vehicle by the police department or with a kit provided by the police department.*

b. Etching program for the public. Subject to appropriation, the police department shall establish a program to:

- 1. Provide etching to the public; and*
- 2. Engage in an outreach campaign to inform the public about the etching program and the means by which etching may prevent theft of catalytic converters.*

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

KAMILLAH HANKS, *Chairperson*; JUSTIN L. BRANNAN, ROBERT F. HOLDEN, TIFFANY CABÁN, ERIK D. BOTTCHER, CARMEN N. De La ROSA, RITA C. JOSEPH, DARLENE MEALY, ALTHEA V. STEVENS, JOANN ARIOLA; 10-0-0; Committee on Public Safety, December 7, 2022. *Other Council Members Attending: Council Member Lee.*

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 Resiliency and Waterfronts

Report for Int. No. 76-A

Report of the Committee on Resiliency and Waterfronts 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 establishing a program to provide financial assistance for the purchase and installation of backwater valves.

The Committee on Resiliency and Waterfronts, to which the annexed proposed amended local law was referred on March 10, 2022 (Minutes, page 333), respectfully

REPORTS:

INTRODUCTION

On December 7, 2022, the Committee on Resiliency and Waterfronts, chaired by Council Member Ari Kagan, held a hearing to vote on Int. No. 76-A, sponsored by Council Member Justin Brannan, in relation to establishing a program to provide financial assistance for the purchase and installation of backwater valves. At this hearing, the Committee voted 6 in favor, 0 opposed and 0 abstentions on the bill. This legislation was originally heard at a joint hearing with the Committee on Fire and Emergency Management held on April 11, 2022, during which the Committees received testimony from the Mayor's Office of Climate and Environmental Justice, advocates and other interested parties. More information about this bill, along with the materials for that hearing, can be accessed [here](#).¹

LEGISLATION

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

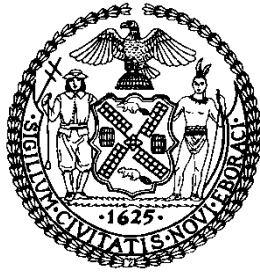
Int. No. 76-A, A Local Law to amend the administrative code of the city of New York, in relation to establishing a program to provide financial assistance for the purchase and installation of backwater valves

Int. No. 76-A would require that the Department of Environmental Protection (DEP) establish a financial assistance program to reduce the costs of purchasing and installing backwater valves. This bill would also require that DEP, in consultation with other agencies or offices as designated by the Mayor, complete a study that evaluates where backwater valves should be installed to mitigate damage caused by backflow. The study would be posted on the DEP website and submitted to the Mayor and Speaker of the Council. The financial assistance program would be informed by the findings of such study and subject to appropriation. This bill would also require DEP to prioritize neighborhoods regularly affected by backflow events and conduct outreach and education to property owners about the benefits of backwater valves.

This local law would take effect immediately.

(The following is the text of the Fiscal Impact Statement for Int. No. 76-A:)

¹ <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5521041&GUID=5AB13553-93DE-47B2-BBC8-0A4D5464D736&Options=ID%7cText%7c&Search=76>



**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: 76-A

COMMITTEE: Resiliency and Waterfronts

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to establishing a program to provide financial assistance for the purchase and installation of backwater valves.

SPONSOR(S): By Council Members Brannan, Gennaro, Cabán, Yeger, Brooks-Powers, Richardson Jordan, Avilés, Schulman, Fariás, Holden, Lee, Williams, Kagan, Nurse, Narcisse Ariola, Vernikov and Paladino.

SUMMARY OF LEGISLATION: The bill would require the City to release a report no later than December 1, 2024, evaluating backwater valves and their benefits. The City will then establish a program to provide financial assistance for the purchasing and installation of backwater valves by April 1, 2025, provided that the New York City Water Board or any other public entity or any entity acting on behalf of a public entity, has not already established a financial assistance program for the installation of backwater valves.

EFFECTIVE DATE: This local law takes effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal Year 2026

FISCAL IMPACT STATEMENT:

| | Effective FY23 | Fiscal Impact FY24 | Fiscal Impact FY25 | Fiscal Impact FY26 |
|--------------|---------------------------|-------------------------------|-------------------------------|-------------------------------|
| Revenues | \$0 | \$0 | \$0 | \$0 |
| Expenditures | \$0 | \$0 | \$6.3M-\$11.6M | \$15.9M-\$29.1M |
| Net | \$0 | \$0 | \$(6.3M-11.6M) | \$(15.9M-29.1M) |

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

IMPACT ON EXPENDITURES: As the details of the level and scope of the financial assistance to be provided by the City for backwater valve installation will not be determined until after a study is conducted, the possible fiscal impact is shown as a range for each year, based on assumptions made on the following unknown factors:

- -The number of properties that would be eligible for financial assistance and eligibility requirement
- -The number of the eligible properties that would need a backwater valve and their participation rate in the program
- -The portion of the cost for purchasing and installing a backwater valve that the City will reimburse for this program and whether that amount will vary by property

- -Any constraints the City will place on the program, such as a sunset date or requirements for eligible properties to be able to receive financial assistance, such as documentation of a prior sewage backup

For the purposes of this estimate, the number of eligible properties was determined using NYC Open Data of the properties in the Moderate Stormwater Flood Zone under current sea levels. The estimate also assumes that 10% of eligible properties receive financial assistance in the first year of the program and 25% in the second. The low end of the fiscal impact cost estimate range assumes that the City follows a model similar to the City of Albany, NY, and places a cap at \$2,000 for reimbursement, limits the number of eligible properties, and also requires documentation of a past sewage backup. The high end of the fiscal impact cost estimate range assumes that the City covers 75% of the cost of purchase and installation up to \$5,000 and factors in the varying costs of installation depending on building size. The estimate assumes costs in Fiscal 2027 to be similar to costs between Fiscal 2025 and Fiscal 2026 and then in future years the annual cost would drop precipitously as demand for backwater valves is met.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: NYC City Council Finance Division, NYC Department of Environmental Protection

ESTIMATE PREPARED BY: Andrew Lane-Lawless, Financial Analyst, NYC Council Finance Division

ESTIMATE REVIEWED BY: Masis Sarkissian, Unit Head, NYC Council Finance Division
 Crilhien Francisco, Assistant Director, NYC Council Finance Division
 Chima Obichere, Unit Head, 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. 76 and referred to the Committee on Resiliency and Waterfronts (the Committee) and re-referred to the Committee on March 15, 2022. The legislation was considered by the Committee on Resiliency and Waterfronts and the Committee on Fire and Emergency Management at a joint hearing held on April 11, 2022, and was Laid Over by the Committee. It was subsequently amended, and the amended version Proposed Intro. No. 76-A will be considered by the Committee on December 7, 2022. Upon successful vote by the Committee, Proposed Intro No. 76-A, will be submitted to the full Council for a vote on December 7, 2022.

DATE PREPARED: 12/2/2022.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 76-A:)

Int. No. 76-A

By Council Members Brannan, Gennaro, Cabán, Yeger, Brooks-Powers, Richardson Jordan, Avilés, Schulman, Farías, Holden, Lee, Williams, Kagan, Nurse, Narcisse, Dinowitz, Joseph, Louis, Mealy, Ariola, Vernikov and Paladino.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a program to provide financial assistance for the purchase and installation of backwater valves

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-532 to read as follows:

§ 24-532 *Backwater valves. a. Backwater valve study and report. Not later than December 1, 2024, the department, or an agency or office headed by a mayoral appointee, as designated by the mayor, shall complete a study evaluating the benefits of installing backwater valves, as defined in section 202 of the New York city plumbing code, for the purpose of mitigating damage caused by backflow, as defined in section 202 of the New York city plumbing code, during severe weather events. Upon the completion of the study, a report summarizing the results of the study shall be submitted to the mayor and the speaker of the council and posted on the department's website.*

b. Backwater valve program. Subject to appropriation, not later than April 1, 2025, the department, or another agency or office headed by a mayoral appointee, as designated by the mayor, shall establish a program to provide financial assistance to owners of certain real property that would reduce the cost of purchasing and installing a backwater valve. Such program shall be based on the results of the study described in subdivision a of this section, provided that: (i) a program to reimburse, or provide a discount to, owners of real property for the installation of backwater valves, has not been established by the New York city water board, as described by section 1045-f of the public authorities law; and (ii) a program to provide financial assistance to owners of such real property for the installation of backwater valves, has not been established by any public entity, or any entity acting on behalf of such public entity. Such program shall, at a minimum:

1. Prioritize neighborhoods, locations, or types of real property that regularly suffer damage caused by backflow during severe weather events and for which the installation of a backwater valve would serve the greatest public purpose, as determined by the department, agency or office, as designated by the mayor; and

2. Conduct outreach and education to owners of such real property to inform such owners about the benefits of backwater valves and the responsibilities related to maintaining such valves. Such outreach and education shall be in the designated citywide languages, as defined in section 23-1101.

§ 2. This local law takes effect immediately.

ARI KAGAN, *Chairperson*; JAMES F. GENNARO, CHRISTOPHER MARTE, SANDY NURSE, JOANN ARIOLA, VICKIE PALADINO; 6-0-0; Committee on Resiliency and Waterfronts, December 7, 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 Rules, Privileges and Elections

Report for M-95

Report of the Committee on Rules, Privileges and Elections approving the appointment of Gregorio Mayers as a member of the New York City Local Conditional Release Commission.

The Committee on Rules, Privileges and Elections, to which the annexed Mayor's Message was referred on October 12, 2022 (Minutes, page 2348) and which same Mayor's Message was coupled with the resolution shown below, respectfully

REPORTS:

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to Section 271 of the New York State Correction Law and Section 9-207 of the Administrative Code, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of **Gregorio Mayers** as a member of the New York City Local Conditional Release Commission to serve a four-year term (M. 95-2022).

This matter was heard November 14, 2022.

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

Res. No. 430

RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR OF GREGORIO MAYERS AS A MEMBER OF THE NEW YORK CITY LOCAL CONDITIONAL RELEASE COMMISSION (M. 95-2022).

By Council Member Powers.

RESOLVED, pursuant Section 271 of the New York State Correction Law and Section 9-207 of the Administrative Code, the Council hereby approves the appointment by the Mayor of **Gregorio Mayers** as a member of the New York City Local Conditional Release Commission to serve a four-year term (M. 95-2022).

KEITH POWERS, *Chairperson*; RAFAEL SALAMANCA, Jr.; SELVENA N. BROOKS-POWERS, JUSTIN L. BRANNAN, GALE A. BREWER, CRYSTAL HUDSON, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI, THE SPEAKER (COUNCIL MEMBER ADRIENNE E. ADAMS); 7-1-1; *Negative*: Joseph C. Borelli; *Abstain*: Crystal Hudson; Committee on Rules, Privileges and Elections, December 7, 2022. *Other Council Members Attending: Council Member Hanif.*

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 M-96

Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment of David Fullard as a member of the New York City Local Conditional Release Commission.

The Committee on Rules, Privileges and Elections, to which the annexed Mayor's Message was referred on October 12, 2022 (Minutes, page 2349) and which same Mayor's Message was coupled with the resolution shown below, respectfully

REPORTS:

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to Section 271 of the New York State Correction Law and Section 9-207 of the Administrative Code, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of **David Fullard** as a member of the New York City Local Conditional Release Commission to serve a four-year term (M. 96-2022).

This matter was heard November 14, 2022.

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

Res. No. 431

RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR OF DAVID FULLARD AS A MEMBER OF THE NEW YORK CITY LOCAL CONDITIONAL RELEASE COMMISSION (M. 96-2022).

By Council Member Powers.

RESOLVED, pursuant Section 271 of the New York State Correction Law and Section 9-207 of the Administrative Code, the Council hereby approves the appointment by the Mayor of **David Fullard** as a member of the New York City Local Conditional Release Commission to serve a four-year term (M. 96-2022).

KEITH POWERS, *Chairperson*; RAFAEL SALAMANCA, Jr.; SELVENA N. BROOKS-POWERS, JUSTIN L. BRANNAN, GALE A. BREWER, THE SPEAKER (COUNCIL MEMBER ADRIENNE E. ADAMS); 6-1-2; *Negative*: Joseph C. Borelli; *Abstain*: Crystal Hudson and Pierina Ana Sanchez; Committee on Rules, Privileges and Elections, December 7, 2022. *Other Council Members Attending: Council Member Hanif.*

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 M-97

Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment of Lily Shapiro as a member of the New York City Local Conditional Release Commission.

The Committee on Rules, Privileges and Elections, to which the annexed Mayor's Message was referred on October 12, 2022 (Minutes, page 2350) and which same Mayor's Message was coupled with the resolution shown below, respectfully

REPORTS:

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to Section 271 of the New York State Correction Law and Section 9-207 of the Administrative Code, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of **Lily Shapiro** as a member of the New York City Local Conditional Release Commission to serve a four-year term (M. 97-2022).

This matter was heard November 14, 2022.

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

Res. No. 432

RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR OF LILY SHAPIRO AS A MEMBER OF THE NEW YORK CITY LOCAL CONDITIONAL RELEASE COMMISSION (M. 97-2022).

By Council Member Powers.

RESOLVED, pursuant Section 271 of the New York State Correction Law and Section 9-207 of the Administrative Code, the Council hereby approves the appointment by the Mayor of **Lily Shapiro** as a member of the New York City Local Conditional Release Commission to serve a four-year term (M. 97-2022).

KEITH POWERS, *Chairperson*; RAFAEL SALAMANCA, Jr.; SELVENA N. BROOKS-POWERS, JUSTIN L. BRANNAN, GALE A. BREWER, CRYSTAL HUDSON, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI, THE SPEAKER (COUNCIL MEMBER ADRIENNE E. ADAMS); 7-1-1; *Negative*: Joseph C. Borelli; *Abstain*: Crystal Hudson; Committee on Rules, Privileges and Elections, December 7, 2022. *Other Council Members Attending: Council Member Hanif.*

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 L.U. No. 135 & Res. No. 433

Report of the Committee on Land Use in favor of approving, as modified, Application number C 220427 HAK (Livonia4) submitted by the New York City 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, for the property located at Livonia Avenue between Christopher Avenue and Mother Gaston Boulevard (Block 3811, Lots 17, 18, 19, 21, 23, 24, 25, 26, 27, 124), Livonia Avenue between Sackman Street and Christopher Avenue (Block 3812, Lots 19, 20, 21, 22 and 121), Livonia Avenue between Powell Street and Sackman Street (Block 3813, Lot 115), Livonia Avenue between Thomas S. Boyland Street and Amboy Street (Block 3586, Lot 26); and pursuant to Section 197-c of the New York City Charter for the disposition of property located at Livonia Avenue between Christopher Avenue and Mother Gaston Boulevard (Block 3811, Lots 17, 18, 19, 21, 23, 24, 26, 27, 124), Livonia Avenue between Sackman Street and Christopher Avenue (Block 3812, Lots 19, 20, 21, 22 and 121), Livonia Avenue between Powell Street and Sackman Street (Block 3813, Lot 115), Livonia Avenue between Thomas S. Boyland Street and Amboy Street (Block 3586, Lot 26) to a developer to be selected by HPD, Borough of Brooklyn, Community District 16, Council District 42.

The Committee on Land Use, to which the annexed Land Use item was referred on October 27, 2022 (Minutes, page 2336) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on November 22, 2022 (Minutes, page 2715), respectfully

REPORTS:

SUBJECT

BROOKLYN CB-16 - FOUR APPLICATIONS RELATED TO LIVONIA4

C 220427 HAK (Pre. L.U. No. 135)

Application submitted by the New York City Department of Housing Preservation and Development (“HPD”) and the decision of the City Planning Commission, ULURP No. C 220427 HAK, approving the designation of an Urban Development Action Area, an Urban Development Action Area Project, and the disposition of city-owned property located at Livonia Avenue between Christopher Avenue and Mother Gaston Boulevard (Block 3811, Lots 17, 18, 19, 21, 23, 24, 26, 27, 124), Livonia Avenue between Sackman Street and Christopher Avenue (Block 3812, Lots 19, 20, 21, 22 and 121), Livonia Avenue between Powell Street and Sackman Street (Block 3813, Lot 115), Livonia Avenue between Thomas S. Boyland Street and Amboy Street (Block 3586, Lot 26), Borough of Brooklyn, Community District 16, to a developer selected by HPD.

C 220428 HUK (Pre. L.U. No. 136)

Application submitted by New York City Department of Housing Preservation and Development (HPD), pursuant to Section 505 of Article 15 of the General Municipal Law (Urban Renewal) of New York State and Section 197-c of the New York City Charter, for the fourth amendment to the Brownsville II Urban Renewal Plan.

C 220429 ZMK (Pre. L.U. No. 137)

Application submitted by NYC Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 17b and 17d:

1. changing from an R6 District to an R7-2 District property bounded by:
 - a. Livonia Avenue, Thomas S. Boyland Street, a line 100 feet southerly of Livonia Avenue, and Amboy Street; and
 - b. Livonia Avenue, Powell Street, a line 200 feet southerly of Livonia Avenue, Sackman Street, a line 100 feet southerly of Livonia Avenue, and Mother Gaston Boulevard;
2. establishing within a proposed R7-2 District a C2-4 District bounded by Livonia Avenue, Thomas S. Boyland Street, a line 100 feet southerly of Livonia Avenue, and Amboy Street;

as shown on a diagram (for illustrative purposes only) dated May 23, 2022.

C 220430 ZRK (Pre. L.U. No. 138)

Application submitted by New York City Department of Housing Preservation and Development, 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.

INTENT

To approve an Urban Development Action Area designation (UDAA), project approval (UDAAP), and disposition of City-owned property; approve an amendment to the Brownsville II Urban Renewal Plan; approve a zoning map amendment to change R6/C2-4 and R6 districts, to an R7-2/C2-4 district; and approve a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area, which would facilitate the development of four new 11-12 story mixed used buildings totaling approximately 430,284 square feet, with approximately 498 units of affordable housing, including supportive and senior housing, as well as 14,313 square feet of commercial floor area, and 46,747 square feet of community facility space in the Borough of Brooklyn, Community District 16.

PUBLIC HEARING

DATE: October 19, 2022

Witnesses in Favor: Four

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION**DATE:** November 17, 2022

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on Pre. L.U. Nos. 135, 137, and 136 and approve with modifications the decision of the City Planning Commission on Pre. L.U. No. 138.

| In Favor: | Against: | Abstain: |
|------------------|-----------------|-----------------|
| Louis | None | None |
| De La Rosa | | |
| Marte | | |
| Nurse | | |
| Ung | | |
| Vernikov | | |

COMMITTEE ACTION**DATE:** November 21, 2022

The Committee recommends that the Council approve the attached resolutions.

| In Favor: | Against: | Abstain: |
|------------------|-----------------|-----------------|
| Salamanca | None | None |
| Moya | | |
| Rivera | | |
| Louis | | |
| Riley | | |
| Brooks-Powers | | |
| Bottcher | | |
| Krishnan | | |
| Mealy | | |
| Sanchez | | |
| Borelli | | |

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The City Planning Commission filed a letter dated December 6, 2022, with the Council on December 6, 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. 433

Resolution approving the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) and the decision of the City Planning Commission, ULURP No. C 220427 HAK, approving the designation of an Urban Development Action Area, an Urban Development Action Area Project, and the disposition of city-owned property located at Livonia Avenue between Christopher Avenue and Mother Gaston Boulevard (Block 3811, Lots 17, 18, 19, 21, 23, 24, 25, 26, 27, and 124); Livonia Avenue between Sackman Street and Christopher Avenue (Block 3812, Lots 19, 20, 21, 22, and 121); Livonia Avenue between Powell Street and Sackman Street (Block 3813, Lot 115); Livonia Avenue between Thomas S. Boyland Street and Amboy Street (Block 3586, Lot 26), Borough of Brooklyn, Community District 16, to a developer selected by HPD (Preconsidered L.U. No. 135; C 220427 HAK).

By Council Members Salamanca and Louis.

WHEREAS, the City Planning Commission filed with the Council on October 14, 2022 its decision dated October 11, 2022 (the “Decision”), on the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) regarding city-owned property located at Livonia Avenue between Christopher Avenue and Mother Gaston Boulevard (Block 3811, Lots 17, 18, 19, 21, 23, 24, 26, 27, 124); Livonia Avenue between Sackman Street and Christopher Avenue (Block 3812, Lots 19, 20, 21, 22 and 121); Livonia Avenue between Powell Street and Sackman Street (Block 3813, Lot 115); Livonia Avenue between Thomas S. Boyland Street and Amboy Street (Block 3586, Lot 26), (the “Disposition Area”), approving:

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

which in conjunction with the related action would facilitate the development of four new buildings containing an approximate total of 498 affordable housing units, and commercial and community facility space, Borough of Brooklyn, Community District 16 (ULURP No. C 220427 HAK) (the “Application”);

WHEREAS, the Application is related to applications C 220428 HUK (Pre. L.U. No. 136), an amendment to the Brownsville II Urban Renewal Plan (URP); C 220429 ZMK (Pre. L.U. No. 137), a zoning map amendment to change R6/C2-4 and R6 districts, to an R7-2/C2-4 district; and N 220430 ZRK (Pre. L.U. No. 138), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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

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

WHEREAS, by letter dated October 17, 2022 and submitted to the Council on October 17, 2022, HPD submitted its requests (the “HPD Requests”) respecting the Application including the submission of the project summaries for the Project (the “Project Summary”);

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision and

the HPD Requests on October 19, 2022;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued May 19th, 2022 (CEQR No. 20HPD054K) (the “Negative Declaration”).

RESOLVED:

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

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report C 220427 HAK and incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission and the HPD Requests.

Pursuant to Article 16 of the General Municipal Law of New York State, based on the environmental determination and the consideration described in the report C 220427 HAK and incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission and the HPD Requests.

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

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

The Council approves the Project as an urban development action area project pursuant to Section 694 of the General Municipal Law and subject to the terms and conditions of the Project Summary, a copy of which is attached hereto.

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

ATTACHMENTS:**PROJECT SUMMARY**

- 1. PROGRAM:** EXTREMELY LOW AND LOW INCOME AFFORDABILITY PROGRAM
- 2. PROJECT:** Livonia4
- 3. LOCATION:**
- a. BOROUGH:** Brooklyn
- b. COMMUNITY DISTRICT:** 16
- c. COUNCIL DISTRICT:** 42
- d. DISPOSITION AREA:**
- | <u>BLOCK</u> | <u>LOT</u> | <u>ADDRESSES</u> |
|--------------|------------|--------------------|
| 3813 | 115 | 386 Livonia Avenue |
| 3586 | 26 | 339 Amboy Street |
- 4. BASIS OF DISPOSITION PRICE:** Nominal. Sponsor will pay one dollar per lot and deliver an enforcement note and mortgage for the remainder of the appraised value ("Land Debt"). For a period of at least thirty (30) years following completion of construction, the Land Debt or the City's capital subsidy may be repayable out of resale or refinancing profits. The remaining balance, if any, may be forgiven at the end of the term.
- 5. TYPE OF PROJECT:** New Construction
- 6. APPROXIMATE NUMBER OF BUILDINGS:** 2
- 7. APPROXIMATE NUMBER OF UNITS:** 279 dwelling units, plus 2 units for superintendents
- 8. HOUSING TYPE:** Rental
- 9. ESTIMATE OF INITIAL RENTS** Rents will be affordable to families earning from 30% - 80% of the area median income ("AMI"). Formerly homeless tenants referred by DHS and other City agencies will pay up to 30% of their income as rent. All units will be subject to rent stabilization.
- 10. INCOME TARGETS** 30% to 80% of AMI
- 11. PROPOSED FACILITIES:** Approximately 19,675 square feet of commercial space
Approximately 39,863 square feet of community facility space

12. **PROPOSED CODES/ORDINANCES:** None
13. **ENVIRONMENTAL STATUS:** Negative Declaration
14. **PROPOSED TIME SCHEDULE:** Approximately 24 months from closing to completion of construction of each phase

PROJECT SUMMARY

1. **PROGRAM:** SENIOR AFFORDABLE RENTAL APARTMENTS PROGRAM
2. **PROJECT:** Livonia4
3. **LOCATION:**
- a. **BOROUGH:** Brooklyn
- b. **COMMUNITY DISTRICT:** 16
- c. **COUNCIL DISTRICT:** 42
- d. **DISPOSITION AREA:**
- | <u>BLOCKS</u> | <u>LOTS</u> | <u>ADDRESSES</u> |
|---------------|-------------|------------------------|
| 3811 | 17 | 651 Mother Gaston Blv. |
| 3811 | 18 | 649 Mother Gaston Blv. |
| 3811 | 19 | 647 Mother Gaston Blv. |
| 3811 | 21 | 643 Mother Gaston Blv. |
| 3811 | 23 | 350 Livonia Avenue |
| 3811 | 24 | 352 Livonia Avenue |
| 3811 | 26 | 360 Livonia Avenue |
| 3811 | 27 | 386 Christopher Avenue |
| 3811 | 124 | 354 Livonia Avenue |
- e. **PROJECT AREA:**
- | <u>BLOCKS</u> | <u>LOTS</u> | <u>ADDRESSES</u> |
|---------------|-------------|------------------------|
| 3811 | 17 | 651 Mother Gaston Blv. |
| 3811 | 18 | 649 Mother Gaston Blv. |
| 3811 | 19 | 647 Mother Gaston Blv. |
| 3811 | 21 | 643 Mother Gaston Blv. |
| 3811 | 23 | 350 Livonia Avenue |
| 3811 | 24 | 352 Livonia Avenue |
| 3811 | 25 | 356 Livonia Avenue |
| 3811 | 26 | 360 Livonia Avenue |
| 3811 | 27 | 386 Christopher Avenue |
| 3811 | 124 | 354 Livonia Avenue |
4. **BASIS OF DISPOSITION PRICE:** Nominal. Sponsor will pay one dollar per lot and will deliver an enforcement note and mortgage for the

remainder of the appraised value (“Land Debt”). For a period of at least thirty (30) years following completion of construction, the Land Debt or the City’s capital subsidy may be repayable out of resale or refinancing profits. The remaining balance, if any, may be forgiven at the end of the term.

- 5. **TYPE OF PROJECT:** New construction
- 6. **APPROXIMATE NUMBER OF BUILDINGS:** 1
- 7. **APPROXIMATE NUMBER OF UNITS:** 139 dwelling units, plus 1 unit for a superintendent
- 8. **HOUSING TYPE:** Rental
- 9. **ESTIMATE OF INITIAL RENTS** Formerly homeless tenants referred by DHS and other City agencies will pay up to 30% of their income as rent. Other tenants will pay rents set at up to 30% of 60% of the area median income (AMI) on an annual basis. All units will be subject to rent stabilization.
- 10. **INCOME TARGETS** Up to 60% of AMI
- 11. **PROPOSED FACILITIES:** Community facility space, social service offices
- 12. **PROPOSED CODES/ORDINANCES:** None
- 13. **ENVIRONMENTAL STATUS:** Negative Declaration
- 14. **PROPOSED TIME SCHEDULE:** Approximately 24 months from closing to completion

PROJECT SUMMARY

- 1. **PROGRAM:** SUPPORTIVE HOUSING LOAN PROGRAM
- 2. **PROJECT:** Livonia4
- 3. **LOCATION:**
 - a. **BOROUGH:** Brooklyn
 - b. **COMMUNITY DISTRICT:** 16
 - c. **COUNCIL DISTRICT:** 42
 - d. **DISPOSITION AREA:**

| <u>BLOCKS</u> | <u>LOTS</u> | <u>ADDRESSES</u> |
|---------------|-------------|------------------|
| 3812 | 19 | 362 Livonia Ave |
| 3812 | 20 | 364 Livonia Ave |
| 3812 | 21 | 368 Livonia Ave |
| 3812 | 22 | 376 Livonia Ave |

3812 121 372 Livonia Ave

- 4. BASIS OF DISPOSITION PRICE:** Nominal. Sponsor will pay one dollar per lot and will deliver an enforcement note and mortgage for the remainder of the appraised value (“Land Debt”). For a period of at least thirty (30) years following completion of construction, the Land Debt or the City’s capital subsidy may be repayable out of resale or refinancing profits. The remaining balance, if any, may be forgiven at the end of the term.
- 5. TYPE OF PROJECT:** New Construction
- 6. APPROXIMATE NUMBER OF BUILDINGS:** One Not-For-Profit Institution With Sleeping Accommodations
- 7. APPROXIMATE NUMBER OF UNITS:** 80 Rental
1 Superintendent
81 Total
- 8. HOUSING TYPE:** Rental
- 9. ESTIMATE OF INITIAL RENTS** Formerly homeless tenants referred by DHS and other City agencies will pay up to 30% of their income as rent. Other tenants will pay rents set at up to 30% of 60% of the area median income (AMI) on an annual basis. All units will be subject to rent stabilization.
- 10. INCOME TARGETS** Up to 60% of AMI
- 11. PROPOSED FACILITIES:** Social Service Offices, Security Desk, Ground Floor Community Facility Space
- 12. PROPOSED CODES/ORDINANCES:** None
- 13. ENVIRONMENTAL STATUS:** Negative Declaration
- 14. PROPOSED TIME SCHEDULE:** Approximately six months from authorization to sale.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; *Absent*: Ari Kagan; *Non-Voting*: Kamillah Harris; Committee on Land Use, November 21, 2022. *Other Council Members Attending: Council Members Restler and Won.*

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. 136 & Res. No. 434

Report of the Committee on Land Use in favor of approving, as modified, Application Number C 220428 HUK (Livonia4) submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Section 505 of Article 15 of the New York State General Municipal Law (Urban Renewal) and Section 197-c of the New York City Charter, for the fourth amendment to the Brownsville II Urban Renewal Plan, Borough of Brooklyn, Community District 16, Council District 42.

The Committee on Land Use, to which the annexed Land Use item was referred on October 27, 2022 (Minutes, page 2637) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on November 22, 2022 (Minutes, page 2718), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 135 & Res. No. 433 printed above in this General Orders Calendars 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. 434

Resolution approving the Fourth Amendment to the Brownsville II Urban Renewal Plan and approving the decision of the City Planning Commission on ULURP No. C 220428 HUK (Preconsidered L.U. No. 136).

By Council Members Salamanca and Louis.

WHEREAS, the New York City Department of Housing Preservation and Development (HPD), filed an application pursuant to Section 505 of Article 15 of the General Municipal Law (Urban Renewal) of New York State and Section 197-c of the New York City Charter, for the fourth amendment to the Brownsville II Urban Renewal Plan, which in conjunction with the related actions would facilitate the development of four new 11-12 story mixed used buildings totaling approximately 430,284 square feet, with approximately 498 units of affordable housing, including supportive and senior housing, as well as 14,313 square feet of commercial floor area, and 46,747 square feet of community facility space, Borough of Brooklyn, Community District 16 (ULURP No. C 220428 HUK) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on October 14, 2022, its decision dated October 11, 2022 (the "Decision") on the Application;

WHEREAS, the New York City Department of Housing Preservation and Development submitted to the Council on October 17, 2022 its request for approval of the Fourth Amendment to the Brownsville II Urban Renewal Plan, dated October 17, 2022 (the "Plan");

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

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

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

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 19, 2022;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued May 19, 2022 (CEQR No. 20HPD054K) (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 220428 HUK, incorporated by reference herein, and the record before the Council, the Council approves the Decision.

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

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

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

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

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

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

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

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

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; *Absent*: Ari Kagan; *Non-Voting*: Kamillah Harris; Committee on Land Use, November 21, 2022. *Other Council Members Attending*: Council Members Restler and Won.

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. 137 & Res. No. 435

Report of the Committee on Land Use in favor of approving, as modified, Application number C 220429 ZMK (Livonia4) 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. 17b and 17d, changing an R6 District to an R7-2 District and establishing within a proposed R7-2 District a C2-4 District, Borough of Brooklyn, Community District 16, Council District 42.

The Committee on Land Use, to which the annexed Land Use item was referred October 27, 2022 (Minutes, page 2637) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on November 22, 2022 (Minutes, page 2719), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 135 & Res. No. 433 printed above in this General Orders Calendars 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. 435

Resolution approving the decision of the City Planning Commission on ULURP No. C 220429 ZMK, a Zoning Map amendment (Preconsidered L.U. No. 137).

By Council Members Salamanca and Louis.

WHEREAS, NYC Department of Housing Preservation and Development, 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. 17b and 17d, changing from an R6 District to an R7-2 District and establishing within a proposed R7-2 District a C2-4 District, which in conjunction with the related actions would facilitate the development of four new 11-12 story mixed used buildings totaling approximately 430,284 square feet, with approximately 498 units of affordable housing, including supportive and senior housing, as well as 14,313 square feet of commercial floor area, and 46,747 square feet of community facility space (ULURP No. C 220429 ZMK) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on October 14, 2022 its decision dated October 11, 2022 (the "Decision") on the Application;

WHEREAS, the Application is related to application C 220427 HAK (Pre. L.U. No. 137), an Urban Development Action Area designation (UDAA), project approval (UDAAP), and disposition of City-owned

property; C 220428 HUK (Pre. L.U. No. 138), Amendment to the Brownsville II Urban Renewal Plan (URP); and N 220430 ZRK (Pre. L.U. No. 136), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 19, 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 May 19, 2022 (CEQR No. 20HPD054K) (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 210348 ZMK incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section 17b and 17c:

2. changing from an R6 District to an R7-2 District property bounded by:
 - a. Livonia Avenue, Thomas S. Boyland Street, a line 100 feet southerly of Livonia Avenue, and Amboy Street; and
 - b. Livonia Avenue, Powell Street, a line 200 feet southerly of Livonia Avenue, Sackman Street, a line 100 feet southerly of Livonia Avenue, and Mother Gaston Boulevard;
2. establishing within a proposed R7-2 District a C2-4 District bounded by Livonia Avenue, Thomas S. Boyland Street, a line 100 feet southerly of Livonia Avenue, and Amboy Street;

Borough of Brooklyn, Community District 16, as shown on a diagram (for illustrative purposes only) dated May 23, 2022.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; *Absent*: Ari Kagan; *Non-Voting*: Kamillah Harris; Committee on Land Use, November 21, 2022. *Other Council Members Attending*: Council Members Restler and Won.

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. 138 & Res. No. 436

Report of the Committee on Land Use in favor of approving, as modified, Application number N 220430 ZRK (Livonia4) 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 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 Brooklyn, Community District 16, Council District 42.

The Committee on Land Use, to which the annexed Land Use item was referred on October 27, 2022 (Minutes, page 2637) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on November 22, 2022 (Minutes, page 2719), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 135 & Res. No. 433 printed above in this General Orders Calendars 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. 436

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 220430 ZRK, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 138).

By Council Members Salamanca and Louis.

WHEREAS, New York City Department of Housing Preservation and Development, 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 actions would facilitate the development of four new 11-12 story mixed used buildings totaling approximately 430,284 square feet, with approximately 498 units of affordable housing including supportive and senior housing, as well as 14,313 square feet of commercial floor area, and 46,747 square feet of community facility space, Borough of Brooklyn, Community District 16 (ULURP No. N 220430 ZRK) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on October 14, 2022, its decision dated October 11, 2022 (the “Decision”), on the Application;

WHEREAS, the Application is related to application C 220427 HAK (Pre. L.U. No. 137), an Urban Development Action Area designation (UDAA), project approval (UDAAP), and disposition of City-owned property; C 220428 HUK (Pre. L.U. No. 138), Amendment to the Brownsville II Urban Renewal Plan (URP); and C 220429 ZMK (Pre. L.U. No. 135), a zoning map amendment to change R6/C2-4 and R6 districts, to an R7-2/C2-4 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 October 19, 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 May 19, 2022 (CEQR No. 20HPD054K) (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 220430 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

- Matter underlined is new, to be added;
 - Matter ~~struck out~~ is to be deleted;
 - Matter 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.

**APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

* * *

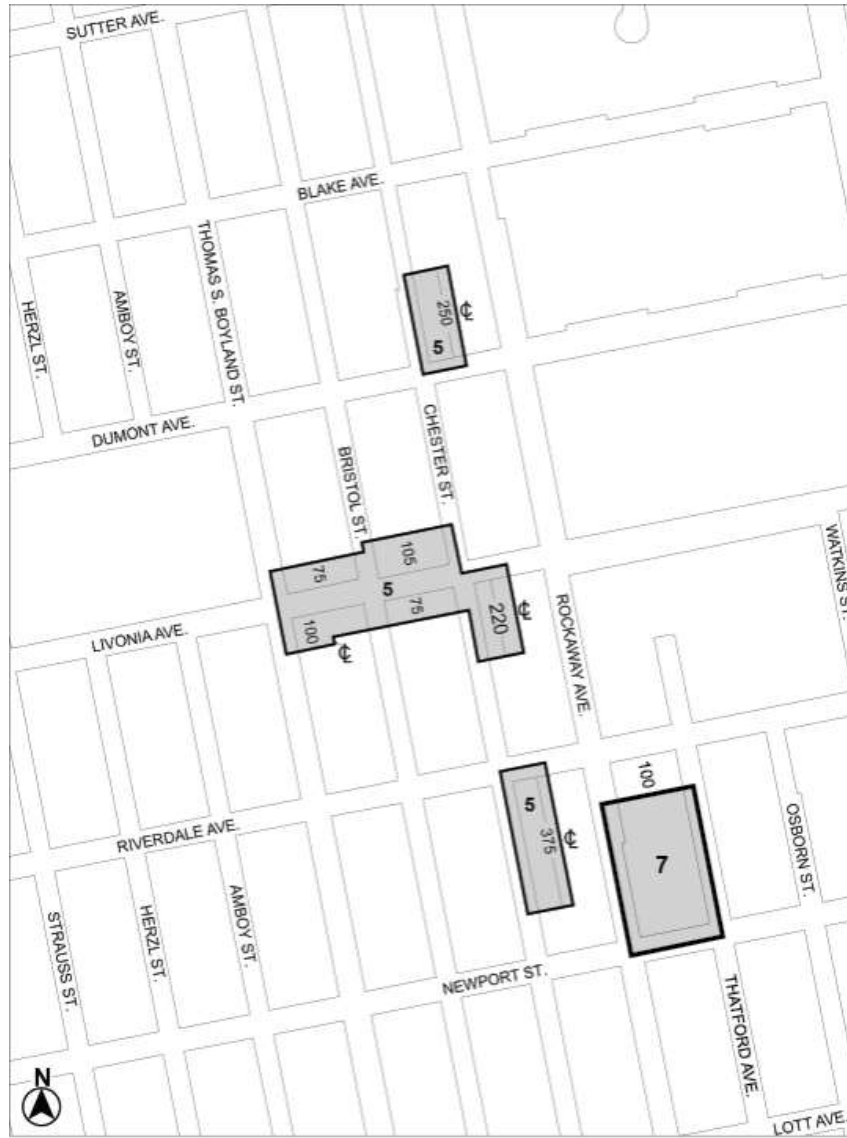
BROOKLYN


* * *

Brooklyn Community District 16

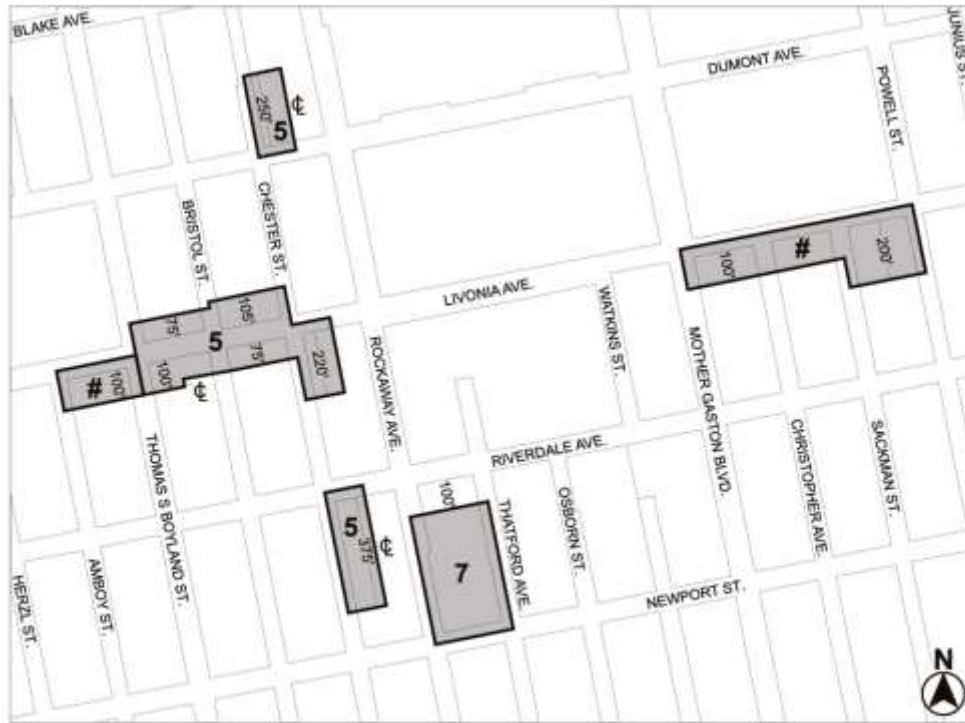
Map 4 – (~~12/10/20~~) [date of adoption]

[EXISTING MAP]



-  Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
- Area 5 — 12/20/18 MIH Program Option 1 and Deep Affordability Option
- Area 7 — 12/10/20 MIH Program Option 1

[PROPOSED MAP]



- Mandatory Inclusionary Housing Area *see Section 23-154(d)(3)*
- Area 5 — 12/20/18 — MIH Program Option 1 and Deep Affordability Option
- Area 7 — 12/10/20 — MIH Program Option 1
- Area # — [date of adoption] — MIH Program Option 1 and ~~Option 2~~ Deep Affordability Option

Portion of Community District 16, Brooklyn

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; *Absent*: Ari Kagan; *Non-Voting*: Kamillah Harris; Committee on Land Use, November 21, 2022. *Other Council Members Attending*: Council Members Restler and Won.

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. 143 & Res. No. 437

Report of the Committee on Land Use in favor of approving, as modified, Application number C 220188 ZMK (280 Bergen Street Rezoning) submitted by BNW3 Re Gen, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c, changing an M1-2 District to an R7A District, changing an M1-2 District to an R7D District and establishing within the proposed R7D District a C2-4 District, Borough of Brooklyn, Community District 2, Council District 33.

The Committee on Land Use, to which the annexed Land Use item was referred on October 27, 2022 (Minutes, page 2639) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on November 22, 2022 (Minutes, page 2732), respectfully

REPORTS:

SUBJECT

BROOKLYN CB-2 - TWO APPLICATIONS RELATED TO 280 BERGEN STREET REZONING

C 210188 ZMK (L.U. No. 143)

City Planning Commission decision approving an application submitted by BNW3 Re-Gen, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. Section No. 16c:

1. changing from an M1-2 District to an R7A District property bounded by Bergen Street, a line 100 feet northwesterly of 3rd Avenue, Wyckoff Street, a line 120 feet northwesterly of 3rd Avenue, a line midway between Bergen Street and Wyckoff Street, a line 275 feet southeasterly of Nevins Street, Wyckoff Street, and Nevins Street;
2. changing from an M1-2 District to an R7D District property bounded by Bergen Street, 3rd Avenue, Wyckoff Street, and a line 100 feet northwesterly of 3rd Avenue; and
3. establishing within the proposed R7D District a C2-4 District bounded by Bergen Street, 3rd Avenue, Wyckoff Street, and a line 100 feet northwesterly of 3rd Avenue;

as shown on a diagram (for illustrative purposes only) dated June 6, 2022, and subject to the conditions of CEQR Declaration E-682, Borough of Brooklyn, Community District 2.

N 210189 ZRK (L.U. No. 144)

City Planning Commission decision approving an application submitted by BNW3 Re-Gen, 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.

INTENT

To approve a zoning map amendment to change from an M1-2 zoning district and an R6B zoning district to an R7A zoning district and to approve with modifications a zoning text amendment to modify APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, which would facilitate the construction of a new four-building mixed-use development containing approximately 300 dwelling units, approximately 90 of which would be permanently affordable, as well as approximately, 9,600 square feet of commercial use, and 10,000 square feet of community facility use, located at 280 Bergen Street, Borough of Brooklyn, Community District 2.

PUBLIC HEARING

DATE: October 25, 2022

Witnesses in Favor: Five

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: No subcommittee vote held.

COMMITTEE ACTION

DATE: November 21, 2022

Pursuant to Council Rule 11.10(f), the Chair of the Land Use Committee called these items up to the Committee. The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca
Moya
Rivera
Louis
Riley
Brooks-Powers
Bottcher
Krishnan
Mealy
Sanchez
Borelli

Against:

None

Abstain:

None

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The City Planning Commission filed a letter dated December 6, 2022, with the Council on December 6, 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 Riley offered the following resolution:

Res. No. 437

Resolution approving the decision of the City Planning Commission on ULURP No. C 210188 ZMK, a Zoning Map amendment (L.U. No. 143).

By Council Members Salamanca and Riley.

WHEREAS, BNW3 Re-Gen, 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. 16c, changing from an M1-2 District to an R7A District, changing from an M1-2 District to an R7D District, and establishing within the proposed R7D District a C2-4 District, which in conjunction with the related action would facilitate the construction of a new four-building mixed-use development containing approximately 300 dwelling units, approximately 90 of which would be permanently affordable, as well as approximately 9,600 square feet of commercial use, and 10,000 square feet of community facility use, located at 280 Bergen Street (Block 388, Lots 19, 42, and 51) in the Boerum Hill neighborhood of Brooklyn Community District 2 (ULURP No. C 200188 ZMX) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on October 17, 2022 its decision dated October 11, 2022 (the "Decision") on the Application;

WHEREAS, the Application is related to application N 220189 ZRK (L.U. No. 144), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 25, 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 Restrictive Declaration and Revised Negative Declaration issued June 8, 2022 (CEQR No. 22DCP149K), which include an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality and noise (E-682), (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-682), 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 220188 ZMK incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section 16c:

1. changing from an M1-2 District to an R7A District property bounded by Bergen Street, a line 100 feet northwesterly of 3rd Avenue, Wyckoff Street, a line 120 feet northwesterly of 3rd Avenue, a line midway between Bergen Street and Wyckoff Street, a line 275 feet southeasterly of Nevins Street, Wyckoff Street, and Nevins Street;
2. changing from an M1-2 District to an R7D District property bounded by Bergen Street, 3rd Avenue, Wyckoff Street, and a line 100 feet northwesterly of 3rd Avenue; and
3. establishing within the proposed R7D District a C2-4 District bounded by Bergen Street, 3rd Avenue, Wyckoff Street, and a line 100 feet northwesterly of 3rd Avenue;

as shown on a diagram (for illustrative purposes only) dated June 6, 2022, and subject to the conditions of CEQR Declaration E-682, Borough of Brooklyn, Community District 2.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; *Absent*: Ari Kagan; *Non-Voting*: Kamillah Harris; Committee on Land Use, November 21, 2022. *Other Council Members Attending*: Council Members Restler and Won.

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. 144 & Res. No. 438

Report of the Committee on Land Use in favor of approving, as modified, Application number N 220189 ZRK (280 Bergen Street Rezoning) submitted by BNW3 Re Gen, 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 Brooklyn, Community District 2, Council District 33.

The Committee on Land Use, to which the annexed Land Use item was referred on October 27, 2022 (Minutes, page 2639) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on November 22, 2022 (Minutes, page 2734) , respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 143 & Res. No. 437 printed in the General Orders Calendars section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 438

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 220189 ZRK, for an amendment of the text of the Zoning Resolution (L.U. No. 144).

By Council Members Salamanca and Riley.

WHEREAS, BNW3 Re-Gen, 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 a new four-building mixed-use development containing approximately 300 dwelling units, approximately 90 of which would be permanently affordable, as well as approximately, 9600 square feet of commercial use, and 10,000 square feet of community facility use, located at 280 Bergen Street (Block 388, Lots 19, 42, and 51) in the Boerum Hill neighborhood of Brooklyn Community District (ULURP No. N 220189 ZRK) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on October 17, 2022, its decision dated October 11, 2022 (the “Decision”), on the Application;

WHEREAS, the Application is related to application C 220188 ZMK (L.U. No. 143), a zoning map amendment to change an M1-2 zoning district and an R6B zoning district to an R7A 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 October 25, 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 Restrictive Declaration and Revised Negative Declaration issued June 8, 2022 (CEQR No. 22DCP149K) which include an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality and noise (E-682), (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 Restrictive Declaration and Revised 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 220189 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter underlined is new, to be added;
 Matter ~~struck out~~ is to be deleted;
 Matter 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.

* * *

APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

BROOKLYN

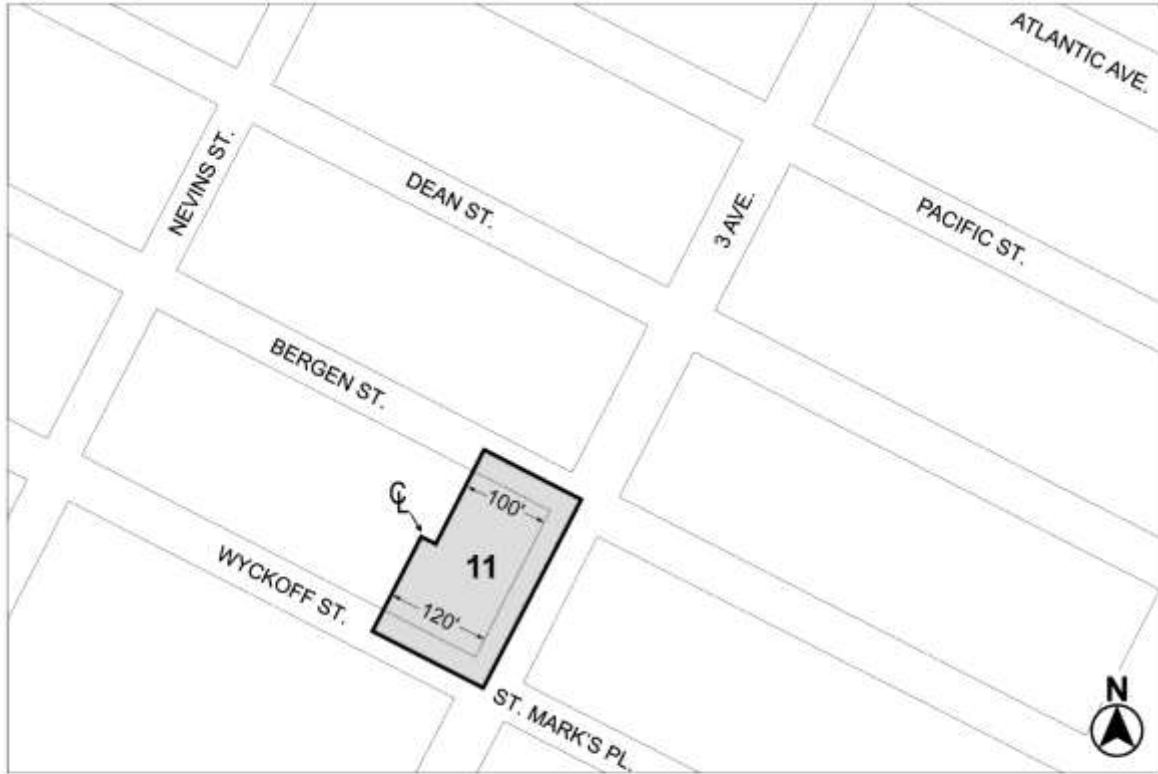
* * *


Brooklyn Community District 2

* * *

Map 10 – [date of adoption]

[EXISTING MAP]



 Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **11** — 6/16/22 MIH Program Option 1 and Option 2

[PROPOSED MAP]



- Mandatory Inclusionary Housing Area** see Section 23-154(d)(3)
Area 11 — 6/16/22 MIH Program Option 1 and Option 2
Area # — [date of adoption] MIH Program Option 1 and ~~Option 2~~ Deep Affordability Option

Portion of Community District 2, Brooklyn

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 11-0-0; *Absent*: Ari Kagan; *Non-Voting*: Kamillah Harris; Committee on Land Use, November 21, 2022. *Other Council Members Attending*: Council Members Restler and Won.

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).

Resolution approving various persons Commissioners of Deeds

By the Presiding Officer –

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

Approved New Applicants

| <i>Name</i> | <i>Address</i> | <i>District #</i> |
|--------------------|--|-------------------|
| Fidel Lozano | 2070 1 st Avenue, Apt. 259 New York, N.Y. 10029 | 8 |
| Carmen Vega | 1434 Bryant Avenue, Apt. 3D The Bronx, N.Y. 10459 | 17 |
| Quantisha Jennings | 12-21 35 th Avenue, Apt. 6F Queens, N.Y. 11006 | 26 |
| Eva Pilay | 546 Flushing Avenue, Apt. 5B Brooklyn, N.Y. 11206 | 36 |
| Juan Calixto | 4002 3 rd Avenue, Apt. 4 Brooklyn, N.Y. 11232 | 38 |
| Rafael Vasquez | 8662 21 st Avenue, Apt. 1F Brooklyn, N.Y. 11214 | 47 |
| Philomina Wilson | 4357 Bedford Avenue, 1 st Floor Brooklyn, N.Y. 11229 | 48 |

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) M 95 & Res 430 - | Gregorio Mayers to the City Council for advice and consent regarding their appointment as a Commissioner of the New York City Local Conditional Release Commission. |
| (2) M 96 & Res 431 - | David Fullard to the City Council for advice and consent regarding their appointment as a Commissioner of the New York City Local Conditional Release Commission. |
| (3) M 97 & Res 432 - | Lily Shapiro to the City Council for advice and consent regarding their appointment as a Commissioner of the New York City Local Conditional Release Commission. |
| (4) Int 76-A - | Establishing a program to provide financial assistance for the purchase and installation of backwater valves. |
| (5) Int 658-A - | Department of Citywide Administrative Services to establish a civil service ambassador program. |
| (6) Int 696 - | Design of the ballot and content of ballot instructions for ranked choice elections. |
| (7) Int 698-A - | Public service corps program. |
| (8) Int 759-B - | Catalytic converter etching program. |
| (9) L.U. 135 & Res 433 - | App. C 220427 HAK (Livonia4) Borough of Brooklyn, Community District 16, Council District 42. |
| (10) L.U. 136 & Res 434 - | App. C 220428 HUK (Livonia4) Borough of Brooklyn, Community District 16, Council District 42. |
| (11) L.U. 137 & Res 435 - | App. C 220429 ZMK (Livonia4) Borough of Brooklyn, Community District 16, Council District 42. |
| (12) L.U. 138 & Res 436 - | App. N 220430 ZRK (Livonia4) Borough of Brooklyn, Community District 16, Council District 42. |

- (13) L.U. 143 & Res 437 - **App. C 220188 ZMK (280 Bergen Street Rezoning)** Borough of Brooklyn, Community District 2, Council District 33.
- (14) L.U. 144 & Res 438 - **App. N 220189 ZRK (280 Bergen Street Rezoning)** Borough of Brooklyn, Community District 2, Council District 33.
- (15) **Preconsidered**
L.U. 149 & Res 425 - Yorkville Gardens, Manhattan, Community District No. 8, Council District No. 5.
- (16) **Preconsidered**
L.U. 150 & Res 426 - Sherwood LLC.HUDMF.FY23, Queens, Community District No. 4, Council District No. 21.
- (17) **Preconsidered**
L.U. 151 & Res 427 - Briarwood-Black Spruce, Queens, Community District No. 8, Council District No. 24.
- (18) **Preconsidered**
L.U. 152 & Res 428 - 157 West 119 St: Manhattan, Community District No. 10, Council District No. 9.
- (19) **Preconsidered**
L.U. 153 & Res 429 - CB WHCO: Manhattan, Community District No. 10, Council District No. 9.
- (20) **Resolution approving various persons Commissioners of Deeds.**

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 – Abreu, Ariola, Avilés, Ayala, Barron, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, Carr, De La Rosa, Dinowitz, Fariás, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Hudson, Joseph, Kagan, Krishnan, Lee, Louis, Marte, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Paladino, Restler, Richardson Jordan, Riley, Rivera, Salamanca, Sanchez, Schulman, Stevens, Ung, Velázquez, Vernikov, Williams, Won, Yeger, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **50**.

The General Order vote recorded for this Stated Meeting was 50-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **M-95 & Res. No. 430:**

Affirmative – Abreu, Avilés, Ayala, Barron, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, De La Rosa, Dinowitz, Farías, Gennaro, Gutiérrez, Hanif, Hanks, Joseph, Krishnan, Lee, Louis, Marte, Mealy, Menin, Moya, Narcisse, Nurse, Richardson Jordan, Riley, Rivera, Salamanca, Sanchez, Schulman, Stevens, Ung, Velázquez, Williams, the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **38**.

Negative – Ariola, Carr, Holden, Kagan, Paladino, Vernikov, Yeger, and the Minority Leader (Council Member Borelli) – **8**.

Abstention – Hudson, Ossé, Restler, and Won – **4**.

The following was the vote recorded for **M-96 & Res. No. 431:**

Affirmative – Abreu, Ayala, Bottcher, Brannan, Brewer, Brooks-Powers, De La Rosa, Dinowitz, Farías, Gennaro, Hanif, Hanks, Joseph, Krishnan, Lee, Louis, Marte, Menin, Moya, Narcisse, Nurse, Richardson Jordan, Riley, Rivera, Salamanca, Schulman, Stevens, Ung, Velázquez, Williams, the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **32**.

Negative – Ariola, Carr, Holden, Kagan, Paladino, Vernikov, Yeger, and the Minority Leader (Council Member Borelli) - **8**.

Abstention – Aviles, Barron, Cabán, Gutiérrez, Hudson, Mealy, Ossé, Restler, Sanchez, and Won - **10**.

The following was the vote recorded for **M-97 & Res. No. 432:**

Affirmative – Abreu, Avilés, Ayala, Barron, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, De La Rosa, Dinowitz, Farías, Gennaro, Gutiérrez, Hanif, Hanks, Joseph, Krishnan, Lee, Louis, Marte, Menin, Moya, Narcisse, Nurse, Richardson Jordan, Riley, Rivera, Salamanca, Sanchez, Schulman, Stevens, Ung, Velázquez, Williams, the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **37**.

Negative – Ariola, Carr, Holden, Kagan, Paladino, Vernikov, Yeger, and the Minority Leader (Council Member Borelli) - **8**.

Abstention – Hudson, Mealy, Ossé, Restler and Won - **5**.

The following was the vote recorded for **Preconsidered L.U. No. 143 & Res. No. 437 and Preconsidered L.U. No. 144 & Res. No. 438**:

Affirmative – Abreu, Ariola, Avilés, Ayala, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, Carr, De La Rosa, Dinowitz, Farías, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Hudson, Joseph, Kagan, Krishnan, Lee, Louis, Marte, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Paladino, Restler, Richardson Jordan, Riley, Rivera, Salamanca, Sanchez, Schulman, Stevens, Ung, Velázquez, Vernikov, Williams, Won, Yeger, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **49**.

Abstention – Barron – **1**.

*The following Introductions were sent to the Mayor for his consideration and approval:
Int. Nos. 76-A, 658-A, 696, 698-A, and 759-B.*

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 (c) of the Council:

Report for voice-vote item Res. No. 169

Report of the Committee on Environmental Protection in favor of approving a Resolution calling for the Climate Action Council to draft, and the Governor to implement, a final Climate Action Council Scoping Plan that commits to meeting CLCPA targets and bold climate & environmental justice action in New York.

The Committee on Environmental Protection, to which the annexed resolution was referred on May 19, 2022 (Minutes, page 1114), respectfully

I. INTRODUCTION

On December 7, 2022, the Committee on Environmental Protection (Committee), chaired by Council Member James F. Gennaro, held a hearing to vote on Res. No. 169, calling upon the Climate Action Council to draft, and the Governor to implement, a final Climate Action Council Scoping Plan; and Res. No. 258-B, calling upon the Governor to ensure that appropriations of funds from the Clean Water, Clean Air, and Green Jobs Environmental Bond Act of 2022 are allocated to New York City in a manner that is commensurate with the city's contribution to statewide tax revenue. At this hearing, the Committee voted eight in the affirmative and one in the negative, with no abstentions. These resolutions were previously heard at a hearing on October 13, 2022, and testimony was received from the Department of Citywide Administrative Services, as well as environmental advocates and interested members of the public. More information about this legislation is available in the materials for October 13, 2022 hearing, which can be accessed online at <https://on.nyc.gov/3Hk5v9e>.

II. LEGISLATION

Res. No. 169 calls for the Climate Action Council to draft, and the Governor to implement, a final Climate Action Council Scoping Plan that commits to meeting CLCPA targets and bold climate and environmental justice action in the State.

Res. No. 258-B calls upon the Governor to ensure that funds from the New York State Clean Water, Clean Air, and Green Jobs Environmental Bond Act of 2022 are allocated to the City in a manner commensurate with the City's contribution to statewide tax revenue.

(For text of Res. Nos. 258-B, , please see the Report of the Committee on Environmental Protection for Res. No. 238-B printed in this Resolutions section of the Minutes; for text of Res. No. 169, please see below)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 169:)

Res. No. 169

Resolution calling for the Climate Action Council to draft, and the Governor to implement, a final Climate Action Council Scoping Plan that commits to meeting CLCPA targets and bold climate & environmental justice action in New York.

By Council Members Restler, Hanif, De La Rosa, Gutiérrez, Riley, Gennaro, Hudson, Joseph, Avilés, Brewer, Louis, Dinowitz, Won, Krishnan, Nurse, Schulman, Menin, Williams, Ossé, Brannan, Cabán, Rivera, Powers, Bottcher, Marte, Hanks, Abreu, Sanchez, Velázquez, Narcisse, Farías, Brooks-Powers, Salamanca, Ung, Ayala, Moya, Lee and Mealy (in conjunction with the Brooklyn Borough President) (by request of the Queens Borough President).

Whereas, New Yorkers are experiencing the effects of the climate crisis, such as worsening storms, flooding, sea level rise and heat waves; and

Whereas, in 2019 the New York State Legislature passed the Climate Leadership and Community Protection Act, committing New York to a net-zero carbon economy by 2050, a 100% zero emission electric sector by 2040, a 40% reduction from 1990 levels in statewide greenhouse gas emissions by 2030, 70% renewable energy by 2030, and 40% of the benefits of spending on climate programs to disadvantaged communities; and

Whereas, The effects of climate change are often inequitably distributed, with communities of color, children, older people, and low income communities, who often lack the financial and community resources to adequately respond to weather-related disasters, more likely to experience the deleterious effects; and

Whereas, According to the International Panel on Climate Change, substantial reductions in greenhouse gas emissions will be required by mid-century in order to limit the global average increase in temperature to 1.5 degrees Celsius, and no more than 2 degrees Celsius, to minimize the worst impacts of climate change; and

Whereas, The IPCC's most recent report found that "without immediate and deep emissions reductions across all sectors, limiting global warming to 1.5°C is beyond reach," stating that no new fossil fuel infrastructure must be built; and

Whereas, The Climate Action Council is tasked with developing recommendations to achieve the requirements of the Climate Leadership and Community Protection Act; and

Whereas, The Climate Action Council's Draft Scoping Plan estimates that the benefits of implementing a robust Scoping Plan to meet the CLCPA will outweigh the costs by over \$90 billion dollars; and

Whereas, Buildings, transportation, and electricity generation account for 73% of New York's statewide greenhouse gas emissions, while the use of fossil fuels for heating and hot water production in the city's building stock accounts for approximately 42% of the City's total GHG emissions; and

Whereas, In 2019, NYC passed the Climate Mobilization Act, featuring Local Law 97, limiting emissions from new and existing buildings over 25,000 square feet, and Local Laws 92 and 94, requiring solar and green roofs for new building construction. Together, these laws are expected to reduce emissions from the city's largest buildings by 40% by 2030 and 80% by 2050; and

Whereas, Decarbonizing New York City's building stock will require an aggressive push toward large scale building electrification, and widespread equitable access to air source and geothermal heat pumps, and energy efficiency upgrades and retrofits; and

Whereas, The Scoping Plan should include recommendations in support of all newly constructed buildings being all-electric by 2024, full electrification of building stock statewide, and the cessation of marketing and incentives for gas and fuel oil;

Whereas, Over 69% of New York City's power is produced via fossil fuel combustion, and environmental justice communities in New York City bear an inequitable burden of pollution from local "peaker plants," which despite running infrequently, emit almost 2.7 million tons of carbon dioxide (CO₂) annually, and constituted almost 5 percent of New York City's CO₂ emissions in 2019; and

Whereas, It is imperative that New York City achieve a 100% zero-emissions electric grid, and to protect public health no new or repowered fossil fuel power plants should be permitted in New York; and

Whereas, Clean energy like offshore wind, rooftop solar, battery storage, transmission upgrades can provide power in New York, drive economic growth, and reduce New York City’s reliance on dirty fossil fuel plants; and

Whereas, New York State’s Just Transition Working Group estimates that more than 211,000 green jobs could be created by 2030 as a result of climate policies, with New York City poised to become a major hub for the offshore wind industry, and growing local industries in energy efficiency, electrification retrofits and installations, and rooftop solar; and

Whereas, The recommendations of the State’s Climate and Just Transition Working Groups and frontline environmental justice leaders must be incorporated into the final recommendations for the Scoping Plan, including year by year targets for transitioning to zero emissions electricity, widespread transportation electrification, and enhancement of transit, smart growth, and reduced vehicle miles traveled (VMT) through bike and pedestrian infrastructure expansions; and

Whereas, It is imperative that the Governor ensure that these provisions are recommended in the final scoping plan, to protect the health and well-being of New Yorkers and meet the challenge of climate change while building a clean energy economy for all; now, therefore, be it

Resolved, That the Council of the City of New York calls for the Climate Action Council to draft, and the Governor to implement, a final Climate Action Council Scoping Plan that commits to meeting CLCPA targets and bold climate & environmental justice action in New York.

JAMES F. GENNARO, *Chairperson*; JENNIFER GUTIÉRREZ, KAMILLAH HANKS, ROBERT F. HOLDEN, JULIE MENIN, FRANCISCO P. MOYA, SANDY NURSE, LINCOLN RESTLER; 8-1-0; *Negative*: Ari Kagan; Committee on Environmental Protection, December 7, 2022.

Pursuant to Rule 8.50 (c) 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 6 Council Members formally noted their intention to vote **negative** on this item: Council Members Ariola, Carr, Paladino, Vernikov, Yeger, and the Minority Leader (Council Member Borelli).

Adopted by the Council by voice-vote.

Report for voice-vote item Res. No. 258-B

Report of the Committee on Environmental Protection in favor of approving, as amended, a Resolution calling upon the Governor to ensure that appropriations of funds from the Clean Water, Clean Air, and Green Jobs Environmental Bond Act of 2022 are allocated to New York City in a manner that is commensurate with the city’s contribution to statewide tax revenue.

The Committee on Environmental Protection, to which the annexed amended resolution was referred on July 14, 2022 (Minutes, page 1824), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Environmental Protection for Res. No. 169 printed above in this voice-vote Resolutions Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 258-B:)

Res. No 258-B

Resolution calling upon the Governor to ensure that appropriations of funds from the Clean Water, Clean Air, and Green Jobs Environmental Bond Act of 2022 are allocated to New York City in a manner that is commensurate with the city's contribution to statewide tax revenue.

By Council Members Gennaro, Cabán, Louis, Hanif, Nurse, Joseph, Restler, Sanchez, Hudson, Narcisse, Won, Brannan, Brooks-Powers and Mealy.

Whereas, According to the United States (U.S.) Global Change Research Program's Fourth National Climate Assessment, failure to sufficiently mitigate global carbon emissions will result in increased rates of sea level rise, increased frequency of extreme weather events, and rising temperatures, which are expected to cause ongoing damage to critical infrastructure, property, and economic productivity; and

Whereas, New York City's geographic location makes it particularly vulnerable to the threat of rising sea levels as well as the increased frequency of hurricanes and tropical storms; and

Whereas, A predecessor of the "Clean Water, Clean Air, and Green Jobs Environmental Bond Act of 2022" was passed by the New York State Legislature as part of the 2020-21 budget under the name "Restore Mother Nature Environmental Bond Act," and was expected to be included as a statewide ballot question for the general election in November of 2020; and

Whereas, The Restore Mother Nature Environmental Bond Act was pulled from inclusion on the November ballot due to the financial impact of COVID-19 on the state budget, before being reintroduced as the Clean Water, Clean Air, and Green Jobs Environmental Bond Act of 2022; and

Whereas, The Clean Water, Clean Air, and Green Jobs Environmental Bond Act of 2022, was approved by both the State Assembly and State Senate, and passed as part of the Fiscal Year 2022-23 State Budget, and was approved by New York State residents via a ballot question during the November 2022 general election; and

Whereas, The Clean Water, Clean Air, and Green Jobs Environmental Bond Act of 2022 authorizes the issuance of 4.2 billion dollars in bonds to finance critical environmental restoration and resiliency projects across the state of New York; and

Whereas, The Bond Act allocates 1.2 billion dollars toward reducing flood risk in vulnerable areas, 1.5 billion dollars toward climate change mitigation efforts, 650 million dollars toward water quality improvement and resilient infrastructure, and 650 million dollars toward the preservation and enhancement of open space and recreational amenities; and

Whereas, The Bond Act seeks to address flood risk by fortifying natural barriers and restoring critical habitats such as marshes and wetlands that can absorb excess rainwater and reduce the risk of tidal flooding, as well as expanding New York State's Buyouts and Acquisitions programs to cover the preemptive purchase of coastal and wetland property to convert into natural barriers; and

Whereas, A study conducted by The National Institute of Building Sciences found that every dollar spent on hazard mitigation can save six dollars in future physical disaster losses, even before factoring in economic disruption and social impact from future events; and

Whereas, This Bond Act seeks to advance climate change mitigation work by funding projects such as green and energy-efficient building upgrades, carbon sequestration and emissions mitigation projects, climate adaptation and mitigation projects, the care and maintenance of urban forestry, and air and water pollution reduction efforts, including a specific sub-allocation for the electrification of school buses; and

Whereas, The Bond Act designates that a portion of the total funding must be allocated to disadvantaged communities that bear a disproportionate share of negative environmental consequences, such as those New York City neighborhoods which were most heavily impacted by the COVID-19 crisis and were already overburdened by numerous environmental health hazards and proximity to polluting infrastructure; and

Whereas, New York City has not always been allocated state funds in an equitable fashion, as illustrated by the distribution of New York State Water Infrastructure Improvement Act funding in 2022, where the city's

Department of Environmental Protection was awarded only 2.3% of the funding distributed by the State's Environmental Facilities Corporation, despite serving nearly 45% of the state's total population; and

Whereas, As New York City is home to nearly 8.5 million of New York State's approximately 19.5 million residents, and comprises 62% of the state's entire tax base, the state must ensure that NYC is fully eligible for all programs in the Bond Act, and that benefits accrue to the city in a manner that is commensurate with the city's contribution to statewide tax revenue; and

Whereas, The Clean Water, Clean Air, and Green Jobs Environmental Bond Act of 2022 enables New York State and City to directly address hazardous conditions in those disadvantaged communities, making those communities more resilient and more livable now and in the future; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Governor to ensure that appropriations of funds from the Clean Water, Clean Air, and Green Jobs Environmental Bond Act of 2022 are allocated to New York City in a manner that is commensurate with the city's contribution to statewide tax revenue.

JAMES F. GENNARO, *Chairperson*; JENNIFER GUTIÉRREZ, KAMILLAH HANKS, ROBERT F. HOLDEN, JULIE MENIN, FRANCISCO P. MOYA, SANDY NURSE, LINCOLN RESTLER; 8-1-0; *Negative*: Ari Kagan; Committee on Environmental Protection, December 7, 2022.

Pursuant to Rule 8.50 (c) 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 intention to vote **negative** on this item: Council Members Ariola, Carr, Paladino, Vernikov, and the Minority Leader (Council Member Borelli).

Adopted by the Council by voice-vote.

Report for voice-vote item Res. No. 292-A

Report of the Committee on Transportation and Infrastructure in favor of approving, as amended, a Resolution calling on the New York State Legislature to pass, and the New York State Governor to sign, S.5320/A.9731, 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.

The Committee on Transportation and Infrastructure, to which the annexed *amended* resolution was referred on August 11, 2022 (Minutes, page 1991), respectfully

REPORTS:

INTRODUCTION

On December 7, 2022, the Committee on Transportation and Infrastructure, Chaired by Majority Whip Selvena N. Brooks-Powers, held a vote on Res. No. 292-A, sponsored by Majority Whip Brooks-Powers. Res. No. 292-A calls on the New York State Legislature to pass, and the Governor to sign, S.5320/A.9731, 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. The Committee heard a previous version of the resolution on October 13, 2022. At that hearing, the Committee heard testimony

related to a previous version of the resolution from Chair and Commissioner David Do of the New York City Taxi and Limousine Commission (TLC), New York State (NYS) Assembly Member Khaleel M. Anderson, the Commuter Van Association of New York, and other interested stakeholders.

On December 7, 2022, the Committee on Transportation and Infrastructure passed Res. No. 292-A by a vote of 13 in the affirmative, one in the negative, with zero abstentions.

BACKGROUND

The TLC, created in 1971, is responsible for the regulation and licensing of taxicabs, including yellow taxicabs and street hail liveries (also known as green or boro taxis); for-hire vehicles; commuter vans; and paratransit vehicles.¹ The TLC has approximately 600 employees and its Board consists of nine members, eight of whom are unsalaried Commissioners, along with the salaried Commissioner and Chair (“TLC Chair”).² The TLC Chair is the head of the TLC and presides over its public meetings.³ The TLC regulates over 200,000 TLC licensees in NYC.⁴

Commuter Vans

Commuter vans in the City are vehicles that have seating capacities of nine to 20 passengers that provide prearranged transportation on a daily basis.⁵ Commuter vans are licensed by the TLC and transport passengers over non-specified or irregular routes between a residential zone and a work-related central location, a mass transit facility, a shopping center or a recreational facility.⁶ The TLC regulates and licenses commuter vans, commuter van bases and commuter van drivers in the City. For calendar year 2021, based on TLC data, there were 28 authorized TLC-licensed bases for commuter vans, 145 TLC-licensed commuter van drivers, and 34 TLC-licensed commuter vans.⁷ The numbers of commuter van bases, commuter van drivers and commuter vans have dramatically decreased in recent years,⁸ with some blaming current law prohibiting TLC-licensed commuter vans from accepting hails from prospective passengers in the street, thus limiting commuter van service to only prearranged service. To address this problem, Res. No. 292-A calls on the State to adopt S. 5320, introduced by NYS Senator Kevin S. Parker, and A.9731, introduced by NYS Assembly Member Khaleel M. Anderson, which would allow commuter vans to accept hails from prospective passengers in the streets and would repeal certain related provisions in City law.

At the October 13, 2022 hearing, the Committee heard from TLC Chair and Commissioner Do on TLC’s work with the State on technology and safety improvements that can help advance the commuter van sector. He also noted that the TLC is in favor of the State legislation to allow commuter vans to receive street hails and indicated that they are a lifeline to residents who often live in transportation deserts.⁹ NYS Assembly Member Anderson noted his support of the Commuter Van Association of New York’s work to legalize street hails and the resolution’s intent, as it would push the State to ensure that commuter vans are able to accept street hails, particularly in those areas of the City underserved by the MTA.¹⁰ In addition, President Hector Ricketts of the Commuter Van Association of New York testified in support of the resolution’s intent.¹¹

¹ See TLC website at <https://www1.nyc.gov/site/tlc/about/about-tlc.page>.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ NYC Business, Licenses and Permits, Commuter Van Vehicle License, available at <https://www1.nyc.gov/nycbusiness/description/commuter-van-vehicle-license#:~:text=Taxi%20and%20Limousine%20Commission%20City,an%20Authorized%20Commuter%20Van%20Service>.

⁶ NYC Business, Licenses and Permits, Commuter Van Base, available at <https://www.nyc.gov/nycbusiness/description/commuter-van-base>.

⁷ TLC, *NYC TLC 2021 Annual Report*, available at https://www1.nyc.gov/assets/tlc/downloads/pdf/annual_report_2021.pdf.

⁸ TLC, *NYC TLC Annual Reports-2018, 2019, 2020, 2021*, available at <https://www1.nyc.gov/site/tlc/about/industry-reports.page>.

⁹ See NYC Council, October 13, 2022 Hearing, Committee on Transportation and Infrastructure.

¹⁰ *Id.*

¹¹ *Id.*

LEGISLATIVE ANALYSIS***Analysis of Res. No. 292-A***

Res. No. 292-A would call upon the State to adopt S. 5320, sponsored by NYS Senator Kevin S. Parker, and A.9731, sponsored by NYS Assembly Member Khaleel M. Anderson, to allow commuter vans to accept hails from prospective passengers in the street, and to repeal certain provisions of law relating thereto.

UPDATE

On December 7, 2022, the Committee on Transportation and Infrastructure passed Res. No. 292-A by a vote of 13 in the affirmative, one in the negative, with zero abstentions.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 292-A:)

Res. No. 292-A

Resolution calling on the New York State Legislature to pass, and the New York State Governor to sign, S.5320/A.9731, 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, Won, Louis, Menin, Cabán, Farías, Hudson, Bottcher, Stevens, Williams and Riley.

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 (NYS) Senator Kevin S. Parker, and A.9731, introduced by NYS Assembly Member Khaleel M. Anderson, 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/A.9731, 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.

SELVENA N. BROOKS-POWERS, *Chairperson*; KALMAN YEGER FARAH N. LOUIS, CARLINA RIVERA, AMANDA FARIAS, LINDA LEE, MERCEDES NARCISSE, LINCOLN RESTLER, ALTHEA V. STEVENS, NANTASHA M. WILLIAMS, JULIE WON, DAVID M. CARR, JOANN ARIOLA; 13-1-0; *Negative*: Ari Kagan; Committee on Transportation and Infrastructure, December 7, 2022.

Pursuant to Rule 8.50 (c) 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 Council Member formally noted his intention to vote **negative** on this item:
Council Members Yeger.

Adopted by the Council by voice-vote.

Report for voice-vote item Res. No. 310-A

Report of the Committee on Civil Service and Labor in favor of approving, as amended, a Resolution calling on the State Legislature to pass, and the Governor to sign S.3062D/A.7503, raising the minimum wage annually by a percentage based on the rate of inflation and labor productivity.

The Committee on Civil and Labor Service, to which the annexed amended resolution was referred on September 14, 2022 (Minutes, page 2144), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Civil Service and Labor for Int. No. 658-A printed in the Reports of the Standing Committees section of these Minutes)

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 310-A:)

Res No. 310-A

Resolution calling on the State Legislature to pass, and the Governor to sign S.3062D/A.7503, raising the minimum wage annually by a percentage based on the rate of inflation and labor productivity.

By Council Members De La Rosa, Restler, Hanif, Hudson, Joseph, Brewer, Sanchez, Won, Gutiérrez, Brannan, Fariás, Louis, Narcisse, Avilés, Cabán, Brooks-Powers and Mealy.

Whereas, Beginning in 2012, the nationwide Fight for Fifteen movement publicized the inadequacy of the minimum wage, and played a role in leading former-Governor Cuomo to pass an Executive Order gradually increasing the minimum wage from \$7.25 an hour, at the end of 2013, to \$15.00 at the end of 2018; and

Whereas, However, According to the Bureau of Labor Statistics, the rate of inflation has remained at 7% or higher since December of 2021, decreasing the value of the minimum wage and reducing workers' purchasing power, leading to hardship for many; and

Whereas, Adjusted for consumer price inflation from the fourth quarter of 2018 through the first quarter of 2022, the purchasing power of New York City's \$15 minimum wage has declined by 13.6% and is now worth just \$12.96; and

Whereas, Each year that inflation increases and wages remain stagnant, workers in the lowest-paying sectors including food service, retail, and customer service, struggle with the rising cost of necessities; and

Whereas, According to estimates by the Economic Policy Institute, tying minimum wage to the rate of inflation, a practice known as indexing, would deliver raises to over 2 million workers, including 1.4 million workers of color and 1.1 million women, populations that also face significant barriers to advancement; and

Whereas, Dozens of high-cost cities are already raising their minimum wages above \$15, and many are reaching or exceeding \$17 in 2022; and

Whereas, By joining eighteen other states that have indexed their minimum wages, workers in New York State can maintain their purchasing power without yearly legislative action; and

Whereas, New York State Senate Bill S.3062D, sponsored by Senator Jessica Ramos, and Assembly Bill A.7503, sponsored by Assemblywoman Latoya Joyner, amends Labor Law Section 652, requiring the Commissioner of Labor to publish a new, increased minimum wage on or before October first of each year; and

Whereas, According to the bill, the new wage would be the current minimum wage increased by the June through June rate of inflation and labor productivity as measured by the consumer price index for all urban consumers (CPI-U) and would take effect on December 31 of each year; and

Whereas, The bill requires all New York City employers to pay their employees \$17.25 on and after January 1, 2024, \$19.25 on and after January 1, 2025, and \$21.25 on and after January 1, 2026; and

Whereas, With prices rising at the fastest pace in 40 years, New Yorkers need livable wages and can no longer afford to wait; now therefore, be it

Resolved, That the Council of the City of New York calls on the State Legislature to pass, and the Governor to sign S.3062D/A.7503, raising the minimum wage annually by a percentage based on the rate of inflation and labor productivity.

CARMEN N. De La ROSA, *Chairperson*; ERIK D. BOTTCHER, TIFFANY CABÁN, ERIC DINOWITZ, KAMILLAH HANKS, RITA C. JOSEPH, JULIE MENIN, FRANCISCO P. MOYA, SANDY NURSE; 9-0-0, *Absent*: Oswald Feliz; Committee on Civil Service and Labor, December 7, 2022.

Pursuant to Rule 8.50 (c) 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 6 Council Members formally noted their intention to vote negative on this item: Council Members Ariola, Carr, Holden, Paladino, Vernikov, and the Minority Leader (Council Member Borelli).

Adopted by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Int. No. 832

By Council Members Abreu, Louis, Hanif, Marte, Yeger, Joseph, Richardson Jordan, Schulman, Farías, Restler, De La Rosa, Nurse, Ung and Hanks.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of sanitation to collect organic waste from community gardens

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 3 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-308.1 to read as follows:

§ 16-308.1 Community garden organics collection. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Community garden. The term “community garden” has the same meaning as set forth in section 25-116.

Organic waste. The term “organic waste” has the same meaning as set forth in section 16-303.

b. No later than April 15, 2023, the department shall establish an online application for community gardens to request organic waste collection by the department. Such application shall: (1) be posted on the department’s website; (2) be available in all designated citywide languages, as defined in section 23-1101; (3) be submitted by the owner or operator of the community garden, or such other person as designated by the department; and (4) allow a community garden to request weekly, biweekly or monthly organic waste collection.

c. No later than July 15, 2023, the department shall begin collecting organic waste from community gardens that submitted a request pursuant to subdivision b of this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Res. No. 415

Resolution calling on the United States Congress to pass, and the President to sign, the September 11 Day of Remembrance Act.

By Council Members Ariola, Yeger, Schulman, Farías, Ung and Hanks.

Whereas, Although the terrorist attacks of September 11, 2001 on the World Trade Center in New York City (NYC), at the Pentagon in our nation’s capital, and in Shanksville, Pennsylvania, were the deadliest terror attacks ever launched against our nation, the people of the United States (US) stood united against the terrorists and in support of the attacks’ immediate and long-term victims, including by joining the US military to remind the world of our strength of character; and

Whereas, The September 11 Day of Remembrance Act (S.2735/H.R.5303), sponsored by US Senator Marsha Blackburn and US Representative Lee Zeldin, calls for September 11 to be designated as a legal public holiday; and

Whereas, NYC residents have a lasting special connection to that never-to-be-forgotten day, whether as private citizens who observed the collapse of the Twin Towers, or as heroic first responders who rushed to the site without regard for their own safety, or as family members and friends of those who perished at that site; and

Whereas, A generation of Americans is now too young to remember the events of September 11 firsthand, though it continues to shape their lives in so many ways; and

Whereas, Thousands of NYC children and youth are part of the generation that were born into families of September 11 victims, but never knew their family members taken so senselessly; and

Whereas, Establishing September 11 as a federal holiday allows Americans to set aside school and work for one day in order to give younger and older Americans—as well as future generations—time to reflect on the meaning and lasting effects of the terrorist attacks of September 11; and

Whereas, Establishing September 11 as an official Day of Remembrance would go beyond establishing it as Patriot Day, as designated in the joint resolution of the US Congress (H.J. Res. 71) on December 18, 2001, which calls on the President to issue a yearly proclamation, including the observance of a moment of silence and the flying of flags at half-staff; and

Whereas, An official Day of Remembrance would go beyond Public Law No. 111-13 (April 21, 2019), in which the US Congress requested that September 11 be recognized each year as a National Day of Service and Remembrance to demonstrate the compassion and selflessness of the American people as they serve others in need; and

Whereas, An official Day of Remembrance would go beyond New York State’s current legislation (S.4166A/A.1801B), signed by Governor Andrew Cuomo in 2019, which allows for a moment of silence in schools to commemorate the terrorist attacks and encourage classroom discussion; and

Whereas, An official Day of Remembrance gives all New Yorkers time to honor the almost 3,000 innocent victims, including hundreds of first responders, who died on September 11 and allows family members, in particular, quiet time to grieve the continued loss of loved ones; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to pass, and the President to sign, the September 11 Day of Remembrance Act.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Res. No. 416

Resolution calling upon the New York State Legislature to pass and the Governor to sign A.5197/ S.7198, to amend the education law in relation to school climate and codes of conduct on school property and disciplinary action following violation of such codes of conduct.

By Council Members Avilés, Joseph, Louis, Hanif, Marte, Richardson Jordan, Restler and De La Rosa.

Whereas, Current New York State (NYS) law controlling school discipline relies on policies that exclude students from school through suspension, expulsion, and other punitive measures; and

Whereas, These punitive and exclusionary discipline practices have been shown to have a disproportionately negative effect on disadvantaged groups, particularly students of color and students with disabilities; and

Whereas, The disparate impact of these exclusionary discipline practices is especially severe in New York City (NYC) schools; and

Whereas, According to an analysis by Advocates for Children of New York (AFC) of the NYC Department of Education (DOE)’s suspension data report for the 2019-20 school year, 50.7% of superintendent’s long-term suspensions, along with 41.0% of principal’s suspensions, went to Black students, who comprised only 21.6% of the public school population; and

Whereas, Further, the AFC analysis found that students with disabilities, who comprise approximately 20% of the student population, received 44.8% of long-term suspensions and 39.1% of principal’s suspensions in 2019-20; and

Whereas, Numerous research studies, including a 2021 report by American Institutes for Research, show that suspension is ineffective as a tool to improve student behavior and has been linked to a host of negative outcomes, including poor grades, chronic absenteeism, grade retention, dropping out, and incarceration; and

Whereas, In January 2014, the U.S. Departments of Education and Justice jointly released School Discipline Guidance calling on schools to reduce use of ineffective school discipline policies causing disparate impacts and to adopt fair, age-appropriate, positive alternatives, such as restorative justice, to exclusionary practices including classroom removals, suspensions and expulsions; and

Whereas, In 2018, the New York State Board of Regents adopted these recommendations, but they have not been codified in State law; and

Whereas, The goal of A.5197, sponsored by Assemblymember Nolan, and its companion bill S.7198, sponsored by Senator Jackson, is to reform school discipline policies to ensure the application of fair and equitable school discipline for all students; and

Whereas, A.5197 and S.7198 would amend State Education Law to require schools to develop a code of conduct to promote and sustain a safe, respectful, and supportive school environment; and

Whereas, More specifically, the bills call for codes of conduct that include a range of age-appropriate graduated disciplinary measures, including restorative practices, and require schools to use the least severe action necessary to respond to a code violation; and

Whereas, In addition, A.5197 and S.7198 would end the use of suspensions for students in pre-K through grade 3 and prohibit suspensions for most minor infractions, like tardiness, dress code violations, leaving school without permission, and “willful disobedience” such as use of foul language or refusal to follow directions; and

Whereas, Further, the legislation would limit the length of long- term suspensions to 20 school days, down from 180 days, and require alternate instruction be provided during removal so that students who are suspended can stay on track academically; and

Whereas, Updating State Education Law to reflect the latest research and best practices on school discipline, including the use of positive interventions, such as restorative justice practices, to resolve student misbehavior would help keep NYC students in school and out of the criminal justice system, thereby improving their potential life outcomes; 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 A.5197/ S.7198, to amend the education law in relation to school climate and codes of conduct on school property and disciplinary action following violation of such codes of conduct.

Referred to the Committee on Education.

Res. No. 417

Resolution calling upon the United States Congress to reinstate and make the Child Tax Credit permanent.

By Council Members Avilés, De La Rosa, Louis, Hanif, Marte, Yeger, Joseph, Richardson Jordan, Brewer, Schulman, Farías, Restler, Lee, Menin, Stevens, Won, Abreu, Barron, Cabán, Sanchez, Krishnan, Nurse, Ung and Hanks.

Whereas, The Federal Child Tax Credit (child tax credit) was established as part of the Taxpayer Relief Act in 1997 and helps qualifying families with children to get a tax break; and

Whereas, As originally passed in 1997, the child tax credit was \$400 per child under age 17 and nonrefundable for most families; and

Whereas, Since 1997, the benefit has been expanded and made more available to more low-income families, while the value of the child tax credit has also been increased; and

Whereas, The value of the child tax credit is determined primarily by the income level, marital status, and number of dependent children, according to the Internal Revenue Service (IRS); and

Whereas, It is estimated that the child tax credit lifts nearly 2 million children out of poverty each year, according to the National Conference of State Legislatures; and

Whereas, More recently, another piece of federal legislation – the American Rescue Plan (Plan) – was enacted in 2021 during a public health and economic crisis to provide further economic relief to children expanding the child tax credit that has kept millions of children out of poverty, according to the United States (US) Department of Treasury; and

Whereas, the Plan increased the child tax credit for qualifying children under age 6 from up to \$2,000 per child to up to \$3,600 per child; and

Whereas, The Plan increased the child tax credit for qualifying children between ages 6 and 16 from up to \$2,000 per child to up to \$3,000 per child; and

Whereas, Between July and December 2021, the IRS paid out six months of advance child tax credit payments worth up to \$250 per child ages 6 to 17, and up to \$300 per child under age 6, impacting over 61 million children in over 36 million households; and

Whereas, The Columbia Center on Poverty and Social Policy estimated that in July 2021, when the first monthly checks went out, the US child poverty rate dropped to 11.9 percent, from 15.8 percent the month before, the lowest rate on record since 1960; and

Whereas, The monthly child tax credit kept 3 million children from poverty in July 2021, and by December 2021, was keeping 3.7 million children from poverty and reducing monthly child poverty by 30 percent; and

Whereas, The IRS sent the last round of 2021 child tax credit payments in December 2021, which marked the last month that families received an advance payment; and

Whereas, the Plan only guaranteed the increased child tax credit for the 2021 tax year, and they accordingly reverted in 2022 to the previous rules of \$2,000 per child after Congress failed to extend the plan; and

Whereas, Food insecurity in the US has worsened since the monthly children tax credit payments ended in December 2021, and the Census Bureau has since estimated that more than 21 million Americans are food insecure; and

Whereas, The child tax credit expansions have been projected to reduce annual child poverty by more than 40 percent, according to the Center on Budget and Policy Priorities (CBPP); and

Whereas, Poverty and the hardships that come with it, such as unstable housing, frequent moves, inadequate nutrition, and high levels of family stress can take a heavy toll on children and are associated with lower levels of educational attainment, poorer health outcomes, and lower earnings, according to a 2019 report by the National Academies of Sciences, Engineering, and Medicine; and

Whereas, According to CBPP, an estimated 9.9 million children are at risk of slipping back below the poverty line or deeper into poverty if the expansion is not extended, including 3.8 million Latino, 2.9 million white, 2.1 million Black, 426,000 Asian, and 280,000 American Indian or Alaska Native (AIAN) children; and

Whereas, The child tax credit expansion will help reduce racial disparities and discrimination, which have created large gaps in both opportunities and outcomes in education, employment, health, and housing, according to CBPP; and

Whereas, Studies show that without the expansion, the differences in child poverty rates between Latino and white children would grow by 70 percent, between Black and white children by 78 percent, and between AIAN and white children by 86 percent according to CBPP; and

Whereas, Expanding the child tax credits through 2025 would already have significantly lowered child poverty and lifted more than 4 million children from living in poverty, according to the Urban Institute; and

Whereas, Making the child tax credit available on a permanent basis to would lower poverty rates for children, improve children's lives, and benefit all of society; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to reinstate and make the Child Tax Credit permanent.

Referred to the Committee on General Welfare.

Res. No. 418

Resolution calling upon Congress to pass, and the President to sign, legislation that would eliminate the authority of the Department of Defense to transfer surplus military property to federal, state and local agencies for law enforcement activities.

By Council Member Avilés, the Public Advocate (Mr. Williams) and Council Members Louis, Hanif, Joseph, Richardson Jordan, Brewer, Restler and Hanks.

Whereas, The military surplus program, also known as the 1033 program, was created in 1990 as part of the National Defense Authorization Act (the Act), which authorized the Department of Defense (DOD) to transfer surplus military property to federal and state agencies for counter drug-related activities; and

Whereas, In 1996 the program was expanded to allow transfer of property for use in relation to counter-terrorism; and

Whereas, Section 1033 of the Act of 1997 authorized the DOD to transfer excess military property to state and local law enforcement agencies; and

Whereas, Eligible agencies include those whose function is the enforcement of applicable Federal, State and local laws, and whose full-time law enforcement officers have powers of arrest and apprehension; and

Whereas, Eligible equipment under 1033 includes, body armor, night vision equipment, first aid supplies, weapons, surveillance equipment, Kevlar helmets, combat vehicles, clothing, aircraft, ATVs, and generators, among other property; and

Whereas, According to a 2021 report from the American Civil Liberties Union (ACLU), from its creation to the time of the report, more than 7.4 billion dollars in military equipment and weaponry had been transferred across nearly 10 thousand jurisdictions; and

Whereas, ACLU's reported state and local law enforcement were in possession of more than 60,000 military grade rifles, 1,500 combat-ready trucks and tanks, 500 unmanned ground vehicles and dozens of military aircraft, machine gun parts, bayonets, and an inert rocket launcher; and

Whereas, As of 2020, some 8,200 local law enforcement agencies reported using equipment obtained through the 1033 program; and

Whereas, New York has received millions of dollars in equipment, with a 2014 report indicating New York State had received over 26 million dollars in equipment through the program by that time; and

Whereas, Research shows that militarized police departments are less likely to prevent crime and more likely to harm the reputation of law enforcement as a whole; and

Whereas, Access to such equipment has led to alterations in training and tactics and its use in situations where it may not be warranted; and

Whereas, Local police have responded to protests with usage of military equipment and weapons; and

Whereas, One such occasion occurred in Ferguson, Missouri, when protests broke out in response to the fatal shooting of Michael Brown by local police officer, Darren Wilson; and

Whereas, During the 2014 and 2015 protests in Ferguson, Missouri, local law enforcement arrived to control crowds of protesters; and

Whereas, Police officers on the scene were photographed with military-grade weapons trained on unarmed civilians; and

Whereas, In response, President Barack Obama signed Executive Order 13688, establishing oversight procedures for certain controlled weapons and banning some categories of weapons altogether; and

Whereas, In 2017, President Donald Trump rescinded Executive Order 13688; and

Whereas, The 1033 program continues to distribute excess military equipment to local law enforcement agencies; and

Whereas, For the safety of civilians, it is essential that the current administration reevaluate the usage and necessity of the 1033 program;

Whereas, On May 13, 2021, Congresswoman Nydia Velazquez introduced H.R. 3227, also known as the Demilitarizing Local Law Enforcement Act of 2021, which seeks to end the 1033 program; and

Whereas, For the safety of civilians, it is essential that the current administration reevaluate the usage and necessity of the 1033 program; now therefore, be it

Resolved, That the Council of the City of New York calls upon Congress to pass, and the President to sign, legislation that would eliminate the authority of the Department of Defense to transfer surplus military property to federal, state and local agencies for law enforcement activities.

Referred to the Committee on Public Safety.

Res. No. 419

Resolution calling on the New York State Legislature to amend state law to make implementation of the Metropolitan Transportation Authority's congestion pricing plan, also known as the "Central Business District Tolling Program," subject to a statewide ballot proposal.

By Council Members Borelli, Hanks, Carr, Louis, Yeger, Farías, Ariola and Paladino.

Whereas, Congestion pricing is a program in which vehicles are charged a fee to drive in certain designated high-traffic areas; and

Whereas, In April of 2019, the New York State (NYS) Legislature enacted the "MTA Reform and Traffic Mobility Act," requiring that the Metropolitan Transportation Authority's (MTA) Triborough Bridge and Tunnel Authority design, develop, build and run a congestion pricing program officially entitled the Central Business District (CBD) Tolling Program, with toll amounts to be set by a Traffic Mobility Review Board established by that law; and

Whereas, The CBD Tolling Program would impact all streets and roadways south of 60th Street in Manhattan, except for: FDR Drive, West Side Highway/9A, Battery Park Underpass, and any surface roadway portions of the Hugh L. Carey Tunnel connecting the tunnel to West Street; and;

Whereas, In August of 2022, the MTA completed the required Environmental Assessment (EA) of the program, which evaluated the potential effects of the program on specific industries and persons, while also laying out seven hypothetical tolling schemes, and how each one would impact traffic in New York City (NYC) and revenue for the MTA; and

Whereas, Among its key findings, the EA found that, depending on the tolling scenario, the program would have the potential for: disproportionately adverse effects on low-income drivers who do not have an alternative transportation mode for reaching the Manhattan CBD, and taxi and For-Hire Vehicle drivers in NYC; and increases in all studied pollutants in the Bronx, Richmond (Staten Island), Nassau, and Bergen Counties; and

Whereas, In addition, the EA indicates that in all seven tolling scenarios, with the exception of one scenario for the I-95 in New Jersey, there will be an increase in the annual average daily trips and the daily number of trucks on the Cross Bronx Expressway at Macombs Road in the Bronx, the I-95, and the Robert F. Kennedy Bridge; and

Whereas, Although, as of October of 2022, the exact amounts of tolls have yet to be set for the CBD Tolling Program, based on the seven different scenarios proposed by the MTA, tolls for regular automobiles could range from \$9 to \$23 per trip into the CBD during peak times, \$7 to \$17 for off-peak and \$5 to \$12 for overnight; and

Whereas, The next step in implementation for the CBD Tolling Program is for the EA to be approved by the US Federal Highway Administration (FHWA), however, the adverse impacts identified by the EA have furthered concerns regarding if the CBD Tolling Program should proceed to being fully implemented; and

Whereas, Among other things, concerns around the CBD Tolling Program include: the implementation of such a program not resulting in a large reduction of traffic in the long term; the revenue from the program not resulting in large-scale transit improvements for the MTA; and negative health and environmental impacts to outer-borough communities; and

Whereas, As the NYS Constitution requires certain issues of significant public interest to be approved by the voters through statewide ballot measures, such as when seeking amendments to the state constitution or approval for certain bond issuances, it is important for an issue such as whether the congestion pricing program should be implemented to be included as a referendum question on the next ballot, in an effort to ensure that New Yorkers truly support the implementation of such a program; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to amend state law to make implementation of the Metropolitan Transportation Authority's congestion pricing plan, also known as the "Central Business District Tolling Program," subject to a statewide ballot proposal.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 833

By Council Members Brooks-Powers, Louis, Yeger, Schulman, Lee, De La Rosa, Brannan, Narcisse, Holden, Stevens, Hanks, Williams, Menin and Ariola.

A Local Law to amend the New York city charter, in relation to studying and reporting on transportation impacts of decisions of the city planning commission in connection with certain land use actions

Be it enacted by the Council as follows:

Section 1. Chapter 8 of the New York city charter is amended by adding a new section 207 to read as follows § 207. *Review of actual transportation impacts. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

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

CEQR technical manual. The term “CEQR technical manual” means the city environmental quality review technical manual issued in 2014 by the mayor’s office of environmental coordination, together with any updates, supplements and revisions thereto.

Covered land use action. The term “covered land use action” means an application:

(1) that the city planning commission has approved or approved with modifications for a matter described in paragraph one, three, four, five, six, eight, ten, or eleven of subdivision a of section 197-c or a change in the text of the zoning resolution pursuant to section two hundred or two hundred one;

(2) the commission decision for which has been approved or approved with modifications by the council pursuant to section one hundred ninety-seven-d and is not subject to further action pursuant to subdivision e or f of such section; and

(3) which involves at least four adjacent blocks of real property.

EIS. The term “EIS” means a final environmental impact statement prepared pursuant to chapter 5 of title 62 of the rules of the city of New York in connection with an application subject to review of the city planning commission pursuant to section 197-c.

Lead agency. The term “lead agency” has the meaning given to that term in section 5-02 of title 62 of the rules and regulations of the city of New York.

Study area. The term “study area” means the geographic area or areas analyzed for potential transportation impacts as part of an EIS prepared in connection with a covered land use action.

Vehicle miles traveled. The term “vehicle miles traveled” means the total miles of annual vehicular travel generated by a covered land use action.

b. In connection with each covered land use action certified by the city planning commission on or after January 1, 2019, the department or, if the city planning commission is not the lead agency, the lead agency, in coordination with the department of transportation, shall conduct studies of transportation impacts in the relevant study area for the following periods:

1. from the date of final approval of such covered land use action to a date four years after such final approval; and

2. from the date of final approval of such covered land use action to a date 10 years after such final approval.

c. Each study conducted pursuant to subdivision b of this section shall:

1. Using the methodology for analyzing existing transportation conditions, as prescribed in the CEQR technical manual, compare such transportation conditions existing at the time of such study to the projected transportation impacts or lack of impacts identified in the EIS prepared in connection with such covered land use action; and

2. Analyze whether any mitigation provided for in the EIS offset any potential transportation impact identified in such EIS and provide the date of implementation of each such mitigation measure.

d. For each study conducted pursuant to this section, the department or, if the city planning commission is not the lead agency, the lead agency shall report its findings to the mayor, the speaker of the council, the affected borough president, the affected community board, and the affected council member. Such findings shall discuss the reasons for any similarities and disparities between the existing transportation conditions and the projected transportation impacts described in the EIS prepared in connection with the covered land use action. If such

findings reveal a disparity in any metric of more than five percent between the potential for such impacts identified in the EIS and the existing transportation condition analyzed pursuant to subdivision c of this section, or if the study reveals any impacts not discussed in an EIS prepared in connection with the application, such report shall make recommendations for amending the CEQR technical manual to more accurately predict the transportation impacts of future land use actions. Recommendations shall include discussion of whether a vehicle miles traveled model could more accurately and usefully capture transportation impacts of future land use actions. The department or the lead agency shall issue each report prepared pursuant to this subdivision no later than six months after the end of the applicable study period described in subdivision b of this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Land Use.

Int. No. 834

By Council Members Brooks-Powers, Louis, Hanif, Yeger, Schulman, Farías, Lee, Ung, Brannan, Narcisse, Holden, Restler, Hanks, Williams, Menin, Paladino and Kagan.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a task force to coordinate the removal of fallen trees due to a severe weather event

Be it enacted by the Council as follows:

Section 1. Section 18-142 of the administrative code of the city of New York, as added by local law number 21 of the year 2015, is amended to read as follows:

§18-142 Tree removal protocol *and downed tree task force*. a. The department, in consultation with the [office of emergency management, department of sanitation, local electric corporations, and other utility corporations identified by the department] *downed tree task force, established pursuant to subdivision d of this section*, shall develop a protocol for the removal of trees on city property that have been downed or damaged as a result of severe weather events. Such *tree removal* protocol shall require the department:

1. to establish effective means of communication with local electric corporations and other utility corporations identified by the department, so that the department is notified in a timely manner (i) of downed or damaged trees that have fallen on powered electrical wires or cables, and (ii) whether it is safe to remove such trees;

2. to effectively coordinate city personnel engaged in tree removal on city property, upon receiving information regarding the status of downed or damaged trees;

3. to establish a system whereby each report of downed or damaged trees is provided with a unique identifier or tracking number and a method to notify the local electric corporation and other utility corporations identified by the department when a downed or damaged tree on city property has been removed; and

4. to establish a system whereby department personnel engaged in tree removal may be deployed with local electric corporation or other utility corporation personnel, if practicable, to assess and remove downed or damaged trees that have fallen on powered electrical wires or cables.

b. The department shall publish prominently on its website as soon as is practicable after a severe weather event information instructing persons how to notify the city of downed or damaged trees or downed wires.

c. The department shall submit a description of such protocol to the mayor and the speaker of the council, and publish such description prominently on its website, within one hundred eighty days after the enactment of the local law that added this subdivision.

d. There is hereby established a downed tree task force to coordinate the safe removal of trees or tree limbs that have fallen as a result of a severe weather or climate event.

1. The downed tree task force shall consist of the following individuals, or designees thereof:

i. the commissioner of emergency management, who shall be the chairperson;

ii. the commissioner of parks and recreation;

iii. the commissioner of sanitation;

- iv. the fire commissioner;*
- v. the police commissioner;*
- vi. the commissioner of transportation;*
- vii. the commissioner of environmental protection;*
- viii. the commissioner of information technology and telecommunications; and*
- ix. such other members as the commissioner of emergency management shall designate.*

2. The downed tree task force shall:

- i. convene to implement and oversee the tree removal protocol, established pursuant to subdivision a of this section, when a severe weather event or climate event occurs;*
- ii. convene no later than three days prior to the occurrence of an expected severe weather or climate event, convene throughout the duration of such event, and convene no later than one day following the conclusion of a severe weather or climate event;*
- iii. convene at least two times per year to consider or propose any changes to the tree removal protocol established pursuant to subdivision a of this section;*
- iv. consult with representatives from local electric corporations and other utility corporations identified by the task force and invite such representatives to each convening of the task force; and*
- v. within five days of amending the tree removal protocol, notify the mayor and the speaker of the council of such amendments and publish the amended tree removal protocol on the website of the department.*

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

Referred to the Committee on Parks and Recreation.

Int. No. 835

By Council Members Brooks-Powers, Williams, Louis, Hanif, Farias, Lee, Ung, Brannan, Narcisse, Stevens, Cabán, Schulman, Hanks and Menin.

A Local Law to amend the New York city charter, in relation to establishing auditing requirements for minority and women-owned business enterprise procurement

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 93 of chapter 5 of the New York city charter is amended to read as follows:

c. The comptroller shall have power to audit all agencies, as defined in subdivision two of section eleven hundred fifty, and all agencies, the majority of whose members are appointed by city officials. The comptroller shall be entitled to obtain access to agency records required by law to be kept confidential, other than records which are protected by the privileges for attorney-client communications, attorney work products, or material prepared for litigation, upon a representation by the comptroller that necessary and appropriate steps will be taken to protect the confidentiality of such records. The comptroller shall establish a regular auditing cycle to ensure that one or more of the programs or activities of each city agency, or one or more aspects of each agency's operations, is audited at least once every four years, *except that the comptroller shall audit each relevant agency's minority and women-owned business enterprise utilization plan and related activities at least once every year.* The audits conducted by the comptroller shall comply with generally accepted government auditing standards. In accordance with such standards, and before any draft or final audit or audit report, or portion thereof, may be made public, the comptroller shall send a copy of the draft audit or audit report to the head of the audited agency and provide the agency, in writing, with a reasonable deadline for its review and response. The comptroller shall include copies of any such agency response in any draft or final audit or audit report, or portion thereof, which is made public. The comptroller shall send copies of all final audits and audit reports to the council, the mayor, and the audit committee.

The comptroller may appoint a qualified person to oversee minority and women-owned business enterprise audits conducted pursuant to this subdivision.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Contracts.

Int. No. 836

By Council Members Brooks-Powers, Louis, Hanif and Hanks (by request of the Queens Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to placing a cap on the correlated color temperature of new and replacement streetlights

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 by adding a new section 19-159.6 to read as follows:

§19-159.6. Limitation on correlated color temperature of streetlights. a. Definitions. For purposes of this section, the following terms have the following meanings:

Correlated color temperature. The term “correlated color temperature” means the perceived color of the light emitted by a lamp, expressed in Kelvin (K) units.

Kelvin. The term “kelvin” means the unit of measurement used to characterize the color of light emitted by a lamp.

b. Any lamp to be used in the illumination of streets, highways, parks, or any other public place shall have a correlated color temperature no higher than 3000 Kelvin. All new and replacement outdoor lamps shall be installed in accordance with this section.

§2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 837

By Council Members Cabán, Nurse, Hanif, Restler, Barron and Avilés.

A Local Law to amend the administrative code of the city of New York, in relation to wrongful discharge from employment

Be it enacted by the Council as follows:

Section 1. Subchapter 7 of title 20 of the administrative code of the city of New York, as added by local laws 1 and 2 for the year 2021, is amended to read as follows:

SUBCHAPTER 7
WRONGFUL DISCHARGE [OF FAST FOOD EMPLOYEES]

§ 20-1271 Definitions. As used in this subchapter, the following terms have the following meanings:

Biometric data. The term “biometric data” means a physiological, biological or behavioral characteristic, including but not limited to an iris scan, fingerprint, a hand scan, voiceprint and thermal or facial characteristics that can be used alone or in combination with each other, or with other information, to establish individual identity.

Biometric technology. The term “biometric technology” means either or both of the following: (i) a process or system that captures biometric data of an individual or individuals; (ii) a process or system that can assist in verifying or identifying an individual or individuals based on biometric data.

Bona fide economic reason. The term “bona fide economic reason” means the full or partial closing of operations or technological or organizational changes to the business in response to [the] a reduction in volume of production or[,] sales[, or profit] of 15 percent or more over a period of two quarters either at the establishment where the discharge is to occur or across all establishments owned by the employer in within the city, but shall not include elimination of staff redundancy created by a merger or acquisition.

Bona fide labor organization. The term “bona fide labor organization” means a labor union (i) in which officers have been elected by secret ballot or otherwise in a manner consistent with federal law; and (ii) that is free of domination or interference by any employer and has received no improper assistance or support from any employer.

Designated community group. The term “designated community group” means a not-for-profit organization or bona fide labor organization that has the capacity to conduct worker outreach, engagement, education and information provision, as determined by the commissioner.

Discharge. The term “discharge” means any cessation of employment, including layoff, termination, constructive discharge, reduction in hours and indefinite suspension.

Electronic monitoring. The term “electronic monitoring” means the collection of information concerning employee activities, communications, actions, biometrics or behaviors by electronic means including, but not limited to, video or audio surveillance, electronic employee work speed data and other means but shall not include any processes covered by section 52-c of the civil rights law as added by chapter 583 of 2021.

Employee work speed data. The term “employee work speed data” means information an employer collects, stores, analyzes or interprets relating to an individual employee’s or group of employees’ pace of work, including, but not limited to, quantities of tasks performed, quantities of items or materials handled or produced, rates or speeds of tasks performed, measurements or metrics of employee performance in relation to a quota and time categorized as performing tasks or not performing tasks. Notwithstanding the preceding sentence, it does not include qualitative performance assessments, personnel records or itemized wage statements, except for any content of those records that includes employee work speed data.

Employer. The term “employer” shall have the meaning ascribed to it by section 20-1201 except that where an employee is employed by a staffing services agency to perform work for a third party client within the third party client’s usual course of business, both the staffing services agency and the third party client shall be jointly and severally responsible for compliance with the requirements of this subchapter.

Geofencing technologies. The term “geofencing technologies” shall mean the use of global positioning system or radio frequency identification technology to create a virtual geographic boundary, enabling software to trigger a response when a device enters or leaves a particular area.

Just cause. The term “just cause” means the [fast food] employee’s failure to satisfactorily perform job duties or to misconduct that is demonstrably and materially harmful to the [fast food] employer’s legitimate business interests.

Probation period. The term “probation period” means a defined period of time, not to exceed 30 days from the first date of work of [a fast food] an employee, within which [fast food] employers and [fast food] employees are not subject to the prohibition on wrongful discharge set forth in section 20-1272.

Progressive discipline. The term “progressive discipline” means a disciplinary system that provides for a graduated range of reasonable responses to an [fast food] employee’s failure to satisfactorily perform such [fast food] employee’s job duties, with the disciplinary measures ranging from mild to severe, depending on the frequency and degree of the failure.

Reduction in hours. The term “reduction in hours” means a reduction in an [fast food] employee’s hours of work totaling at least 15 percent of the employee’s regular schedule or 15 percent of any weekly work schedule.

Seniority. The term “seniority” means a ranking of employees based on length of service, computed from the first date of work, including any probationary period, unless such service has been interrupted by more than

six months, in which case length of service shall be computed from the date that service resumed. An absence shall not be deemed an interruption of service if such absence was the result of military service, illness, educational leave, leave protected or afforded by law, or any discharge based on a bona fide economic reason or that is in violation of any local, state or federal law, including this subchapter.

Short-term position. The term “short-term position” means employment pursuant to a written contract that specifies that the position is to end after a specified period of time, not to exceed six months, where the employer can show that the work or need in question is expected to end.

Short-term educational position. The term “short-term educational position” means employment with a specific educational purpose, pursuant to written contract that specifies that the position is to end after a specified period of time, not to exceed three years, where the employer can show that the position in question is expected to end.

Staffing services agency. The term “staffing services agency” means any employer engaged in the business of contracting employees to provide services, for a fee, to or for any third party client.

Third party client. The term “third party client” means any person that contracts with a staffing services agency for obtaining employees.

§ 20-1272 Prohibition on wrongful discharge. a. [A fast food] An employer shall not discharge [a fast food] an employee who has completed such employer’s probation period except for just cause or a bona fide economic reason.

b. In determining whether [a fast food] *an* employee has been discharged for just cause, the fact-finder shall consider, in addition to any other relevant factors, whether:

1. The [fast food] employee knew or should have known of the [fast food] employer’s policy, rule, [or] practice *or performance standard* that is the basis for progressive discipline or discharge;
2. The [fast food] employer provided relevant and adequate training to the [fast food] employee;
3. The [fast food] employer’s policy, rule, [or] practice *or performance standard*, including the utilization of progressive discipline, was reasonable and applied consistently;
4. *The employer impermissibly relied on electronic monitoring;*
5. *The employer disciplined or discharged the employee based on that employee’s individual performance, irrespective of the performance of other employees;*
6. The [fast food] employer undertook a fair and objective investigation into the job performance or misconduct; and

7[5]. The [fast food] employee violated the policy, rule or practice, *failed to meet the performance standard* or committed the misconduct that is the basis for progressive discipline or discharge.

c. Except where termination is for an egregious failure by the employee to perform their duties, or for egregious misconduct, a termination shall not be considered based on just cause unless (1) the [fast food] employer has utilized progressive discipline; provided, however, that the [fast food] employer may not rely on discipline issued more than one year before the purported just cause termination, and (2) the [fast food] employer had a written policy on progressive discipline in effect at the *workplace or job site* [fast food establishment] and that was provided to the [fast food] employee.

d. 1. *Except where termination is for an egregious failure by the employee to perform their duties, or for egregious misconduct, an employer shall provide 14 days’ notice of any discharge for just cause or bona fide economic reason.*

2. Within [5] *five* days of *such* notice [discharging a fast food employee], the [fast food] employer shall provide a written explanation to the [fast food] employee of the precise reasons for their discharge *including a copy of any materials, personnel records, data or assessments that the employer used to make the discharge decision. If the employer is relying on data collected through electronic monitoring to make the discharge decision, the employer shall also provide any aggregated data collected on employees performing the same or similar functions at the same establishment for the six months prior to the discharge in question.*

3. In determining whether *an* [a fast food] employer had just cause for discharge, the fact-finder may not consider any reasons proffered by the [fast food] employer but not included in such written explanation provided to the [fast food] employee.

4. *Where an employer fails to timely provide a written explanation to an employee, the discharge shall not be deemed to be based on just cause.*

e. The [fast food] employer shall bear the burden of proving just cause or a bona fide economic reason by a preponderance of the evidence in any proceeding brought pursuant to this subchapter, subject to the rules of evidence as set forth in the civil practice law and rules or, where applicable, the common law.

f. In any action or proceeding brought pursuant to sections 20-1207, 20-1211, or 20-1273, if *an* [a fast food] employer is found to have unlawfully discharged *an* [a fast food] employee in violation of this subchapter the relief shall include an order to reinstate or restore the hours of the [fast food] employee, unless waived by the [fast food] employee, and, in any such proceeding brought pursuant to 20-1211 or 20-1273 where *an* [a fast food] employer is found to have unlawfully discharged *an* [a fast food] employee in violation of this subchapter, the [fast food] employer shall be ordered to pay the reasonable attorneys' fees and costs of the [fast food] employee.

g. A discharge shall not be considered based on a bona fide economic reason unless supported by *an* [a fast food] employer's business records showing that the closing, or technological or reorganizational changes are in response to a reduction in volume of production[, or sales[, or profit].

h. Discharges of fast food employees based on bona fide economic reason shall be done in reverse order of seniority in the fast food establishment where the discharge is to occur, so that employees with the greatest seniority shall be retained the longest and reinstated or restored hours first. In accordance with section 20-1241, a fast food employer shall make reasonable efforts to offer reinstatement or restoration of hours, as applicable, to any fast food employee discharged based on a bona fide economic reason within the previous twelve months, if any, before the fast food employer may offer or distribute shifts to other employees or hire any new fast food employees. In accordance with section 20-1241, a fast food employer shall make reasonable efforts to offer reinstatement or restoration of hours, as applicable, to any fast food employee discharged based on a bona fide economic reason within the previous twelve months, if any, before the fast food employer may offer or distribute shifts to other employees or hire any new fast food employees.

§ 20-1272.1. Electronic monitoring. a. 1. Employers may not rely on data collected through electronic monitoring in discharging or disciplining an employee unless the employer can establish before each use that (i) there is no other practical means of tracking or assessing employee performance; (ii) the employer is using the least invasive form of electronic monitoring available; and (iii) the employer previously provided notice to the employee of that monitoring as required by this section.

2. Employers cannot establish the practical necessity for electronic monitoring without previously filing with the department an impartial evaluation from an independent auditor that said electronic monitoring is effective in undertaking its designated task.

3. Employers who have established practical necessity for using data from electronic monitoring for tracking and assessing employee performance may not rely solely on such data but must also use other means of assessment such as manager observation or interviewing clients, customers or other employees to solicit feedback.

b. Notwithstanding subdivision a, employers may use data gathered through electronic monitoring:

1. To record the beginning or end of a work shift, meal break, or rest break;

2. For non-employment-related purposes;

3. To discharge or discipline an employee in cases of egregious misconduct or involving threats to the health or safety of other persons; or

4. Where required by state or federal law.

c. Notwithstanding subdivision a, employers may not use data for discipline or discharge if such data is gathered using biometric technologies, video or audio recordings within the private home of an employee, apps or software installed on personal devices or geofencing technologies.

d. 1. Notwithstanding subdivision a, when discharging or disciplining employees, employers may rely on electronic employee work speed data to determine whether an employee has met a quota, so long as it measures total output over an increment of time that is no shorter than one day.

2. Employers may not discipline or discharge an employee based on failure to meet a daily quota if the employee did not complete their entire shift.

e. 1. Notwithstanding subdivision a, employers using electronic monitoring to measure increments of time within a day during which an employee is or is not meeting performance standards may not record or rely on such data in discharging or disciplining an employee unless it is gathered during a periodic performance review

and so long as the employee subject to the performance review has been given at least seven days advance notice of the exact timing of such review.

2. Such reviews can occur not more than once a quarter and can occur for a duration of time not longer than 3 hours.

f. An employer or agent thereof that is planning to electronically monitor an employee for the purposes of discipline or discharge shall provide the employee with notice that electronic monitoring will occur prior to conducting each specific form of electronic monitoring. Notice shall include, at a minimum, the following elements:

1. Whether the data gathered through electronic monitoring will be used to make or inform disciplinary or discharge decisions, and if so, the nature of that decision, including any associated benchmarks or performance standards;

2. Whether the data gathered through electronic monitoring will be used to assess employees' productivity performance or to set productivity standards, and if so, how;

3. The names of any vendors conducting electronic monitoring on the employer's behalf;

4. A description of the dates, times, and frequency that electronic monitoring will occur;

5. An explanation for why there is no other practical means of tracking or assessing employee performance and how the specific monitoring practice is the least invasive means available;

6. Notice of the employees' right to access or correct the data; and

7. Notice of the administrative and judicial mechanisms available to challenge the use of electronic monitoring.

g. 1. Notice of the specific form of electronic monitoring shall be clear and conspicuous. A notice that states electronic monitoring "may" take place or that the employer "reserves the right" to monitor shall not be considered clear and conspicuous.

2. An employer who engages in periodic electronic monitoring of employees for the purposes of discipline or discharge shall inform the affected employees of the specific events which are being monitored at the time the monitoring takes place.

3. Notice of periodic electronic monitoring may be given after electronic monitoring has occurred only if necessary to preserve the integrity of an investigation of illegal activity or protect the immediate safety of employees, customers or the public.

5. An employer shall provide additional notice to employees when an update or change is made to the electronic monitoring or in how the employer is using it.

h. Employers shall provide a copy of the disclosures required by this section to the department at the time they are required to be disseminated to employees.

§ 20-1272.2 Data access and accuracy. a. An employer shall ensure that any data collected through electronic monitoring that may be used for the purposes of discipline or discharge is accurate and, where relevant, kept up to date.

b. A current employee shall have the right to request a copy of employee work speed data that may be used for the purposes of discipline and termination at least once every seven days.

c. 1. Employers using electronic monitoring to collect employee work speed data for the purposes of discipline or discharge must provide employees the opportunity to supplement that data to record any increments of time during which they are not performing work-related tasks and to record the reason that they are not performing work-related tasks during that time.

2. Such opportunity must be made available to employees both at the time of data collection and after.

3. Employers must give employees the option to record reasons for not performing tasks that include, at a minimum, the following: using the bathroom, taking meal breaks, responding to an emergency, injury, illness, fear of injury, disability, complying with local, state or federal laws or exercising workplace rights under local, state or federal laws.

d. 1. Employers using electronic monitoring to collect employee work speed data for the purposes of discipline or discharge must provide employees with the opportunity to review and request correction of such data both at the time of its collection and after.

2. An employer that receives an employee request to correct inaccurate data that collected through electronic monitoring shall investigate and determine whether such data is inaccurate.

3. If an employer, upon investigation, determines that such data is inaccurate, the employer shall:

(a) Promptly correct the inaccurate data and inform the employee of the employer's decision and action.

(b) Review and adjust, as appropriate, any disciplinary or discharge decisions that were partially or solely based on the inaccurate data and inform the employee of the adjustment.

(c) Inform any third parties with which the employer shared the inaccurate data, or from which the employer received the inaccurate data, and direct them to correct it, and provide the employee with a copy of such action.

4. If an employer, upon investigation, determines that the data is accurate, the employer shall inform the employee of the following:

(a) The decision not to amend the data.

(b) The steps taken to verify the accuracy of the data and the evidence supporting the decision not to amend the data.

§ 20-1273 Arbitration. a. On or after January 1, 2022, any person or organization representing persons alleging a violation of this subchapter by *an* [a fast food] employer may bring an arbitration proceeding. In addition, the department may, to the extent permitted by any applicable law including the civil practice law and rules, provide by rule for persons bringing such a proceeding to serve as a representative party on behalf of all members of a class. Such a proceeding must be brought within 2 years of the date of the alleged violation. If the arbitrator finds that the [fast food] employer violated the provisions of this subchapter, it shall (i) require the [fast food] employer to pay the reasonable attorneys' fees and costs of the [fast food] employee, (ii) require the [fast food] employer to reinstate or restore the hours of the fast food employee, unless the employee waives reinstatement, (iii) require the [fast food] employer to pay the city for the costs of the arbitration proceeding, and (iv) award all other appropriate equitable relief, which may include back pay, rescission of discipline, in addition to other relief, and such other compensatory damages or injunctive relief as may be appropriate.

b. A person or organization bringing an arbitration proceeding under subdivision a must serve the arbitration demand, and any amendments thereto, on the [fast food] employer either in person or via certified mail at the current or most recent [fast food establishment] *workplace or job site* where each [fast food] employee named in the arbitration demand is or was employed, or pursuant to the rules for service specified in article 3 of the civil practice law and rules. Such arbitration demand must include a general description of each alleged violation but need not reference the precise section alleged to have been violated.

c. The parties to an arbitration proceeding shall jointly select the arbitrator from a panel of arbitrators. The number of arbitrators on the panel shall be determined by the department. The arbitrators on the panel shall be chosen by a committee of eight participants established by the department and comprised of:

1. Four employee-side representatives, including [fast food] employees or advocates; and

2. Four employer-side representatives, including [fast food] employers or advocates.

d. If an insufficient number of employee-side and employer-side representatives agree to participate in the committee pursuant to subdivision c of this section, the department shall consult with those that have agreed to participate and select individuals to fill the requisite number of openings on the committee.

e. If the committee established pursuant to subdivision c of this section is unable to select a sufficient number of arbitrators for the panel as determined by the department, the department shall select the remaining arbitrators.

f. If the parties are unable to agree on an arbitrator, the department shall select an arbitrator from the panel.

g. The department shall provide interpretation services to any party requiring such services for the arbitration hearing.

h. The arbitration hearing shall be held at a location designated by the department or a location agreed to by the parties and the arbitrator. Except as otherwise provided in this chapter, such arbitration shall be subject to the labor arbitration rules established by the American Arbitration Association and the rules promulgated by the department to implement this subchapter. In case of a conflict between the rules of the American Arbitration Association and the rules of the department, the rules of the department shall govern. Any rules promulgated by the department implementing this section shall be consistent with the requirement that in any arbitration conducted pursuant to this section, the arbitrator shall have appropriate qualifications and maintain personal objectivity, and each party shall have the right to present its case, which shall include the right to be in attendance during any presentation made by the other party and the opportunity to rebut or refute such presentation.

i. If *an* [a fast food] employee brings an arbitration proceeding, arbitration shall be the exclusive remedy for the wrongful discharge dispute and there shall be no right to bring or continue a private cause of action or administrative complaint under this subchapter, unless such arbitration proceeding has been withdrawn or dismissed without prejudice.

j. Each party shall have the right to apply to a court of competent jurisdiction for the confirmation, modification or vacatur of an award pursuant to article 75 of the civil practice law and rules, as such article applies, pursuant to applicable case law, to review of legally mandated arbitration proceedings in accordance with standards of due process.

§ 20-1274 Applicability of schedule change premiums. A discharged fast food employee who loses a shift on a work schedule as a result of discharge, including employees whose employment is terminated for any reason, shall be entitled to schedule change premiums for each such lost shift pursuant to section 20-1222.

§ 20-1275 Exceptions. This subchapter shall not: a. Apply to any [fast food] employee:

1. Who is currently employed within a probation period;
2. *In a short-term position discharged at the end of the contract of employment provided that the employer does not hire another employee to perform similar work for 180 days after the end of the short-term contract or in a short-term educational position at the end of the contract of employment;*
3. *Who is employed in the construction industry; or*
3. *Who is covered by a valid collective bargaining agreement if such agreement (a) expressly waives the provisions of this subchapter and (b) provides comparable terms and conditions for the discharge or laying off of employees, including, but not limited to, provisions to challenge the justification for a discharge or layoff.*

b. Limit or otherwise affect the applicability of any right or benefit conferred upon or afforded to *an* [a fast food] employee by the provisions of any other law, regulation, rule, requirement, policy or standard including but not limited to any federal, state or local law providing for protections against retaliation or discrimination.

§ 2. Items (g) and (h) of paragraph 3 of subdivision a of section 20-1208 of the administrative code of the city of New York, as amended by local law 69 of 2018, are amended to read as follows and a new item (i) is added:

(g) Subdivisions a and b of section 20-1252, \$300; [and]

(h) Subdivision a or b of section 20-1262, \$500 and an order directing compliance with such subdivision, provided, however, that an employer who fails to provide an employee with the written response required by subdivision a of section 20-1262 may cure the violation without a penalty being imposed by presenting proof to the satisfaction of the department that it provided the employee with the required written response within seven days of the department notifying the employer of the opportunity to cure[.]; *and*

(i) *Sections 20-1272.1 or 20-1272.2, \$500 and an order directing compliance with section 20-1272.1 or 20-1272.2.*

§ 3. Subdivision b of section 20-1208 of the administrative code of the city of New York, as added by local law number 2 for the year 2021, is amended to read as follows:

b. For each violation of section 20-1272, the department shall order reinstatement or restoration of hours of the [fast food] employee, unless waived by the [fast food] employee. The department may, in addition, grant the following relief: \$500 for each violation, an order directing compliance with section 20-1272, rescission of any discipline issued, payment of back pay for any loss of pay or benefits resulting from the wrongful discharge, and any other equitable relief as may be appropriate.

§ 4. Section 20-1211 of the administrative code of the city of New York, as added by local law number 2 for the year 2021, is amended to read as follows:

§ 20-1211 Private cause of action. a. Claims. Any person, including any organization, alleging a violation of the following provisions of this chapter may bring a civil action, in accordance with applicable law, in any court of competent jurisdiction:

1. Section 20-1204;
2. Section 20-1221;
3. Subdivisions a and b of section 20-1222;
4. Section 20-1231;
5. Subdivisions a, b, d, f and g of section 20-1241;
6. Section 20-1251;
7. Subdivisions a and b of section 20-1252; [and]
8. Section 20-1272[.];
9. *Section 20-1272.1; and*
10. *Section 20-1272.2.*

b. Remedies. Such court may, *in the case of a public enforcement action pursuant to paragraph 5 of subdivision e of this section, order payment of the civil penalties set forth in section 20-1209, and in any action may order compensatory, injunctive and declaratory relief, including the following remedies for violations of this chapter:*

1. Payment of schedule change premiums withheld in violation of section 20-1222;
2. An order directing compliance with the recordkeeping, information, posting and consent requirements set forth in sections 20-1205, 20-1206 and 20-1221;
3. Rescission of any discipline issued in violation of section 20-1204;
4. Reinstatement of any employee terminated in violation of section 20-1204;
5. Payment of back pay for any loss of pay or benefits resulting from discipline or other action taken in violation of section 20-1204;
6. *An order directing compliance with the requirements set forth in section section 20-1272.1;*
- [6]7. Other compensatory damages and any other relief required to make the employee whole; and
- [7]8. Reasonable attorney's fees.

c. For each violation of section 20-1272, the court shall order reinstatement or restoration of hours of the [fast food] employee, unless waived by the [fast food] employee, and shall order the [fast food] employer to pay the reasonable attorneys' fees and costs of the [fast food] employee. The court may, in addition, grant the following relief: \$500 for each violation, an order directing compliance with section 20-1272, rescission of any discipline issued, payment of back pay for any loss of pay or benefits resulting from the wrongful discharge, punitive damages, and any other equitable relief as may be appropriate.

d. Statute of limitations. A civil action under this section shall be commenced within two years of the date the person knew or should have known of the alleged violation.

e. Relationship to department action.

1. *Except where the action seeks the imposition of civil penalties, any [Any] person filing a civil action shall simultaneously serve notice of such action and a copy of the complaint upon the department. Failure to so serve a notice does not adversely affect any plaintiff's cause of action.*

2. An employee need not file a complaint with the department pursuant to subdivision b of section 20-1207 before bringing a civil action; however, no person shall file a civil action after filing a complaint with the department unless such complaint has been withdrawn or dismissed without prejudice to further action.

3. No person shall file a complaint with the department after filing a civil action unless such action has been withdrawn or dismissed without prejudice to further action.

4. The commencement or pendency of a civil action by an employee does not preclude the department from investigating the employer or commencing, prosecuting or settling a case against the employer based on some or all of the same violations.

5. *Notwithstanding the foregoing subdivisions, the comptroller or any current or former employer may initiate a public enforcement action seeking to recover civil penalties and injunctive and declaratory relief as a relator on behalf of the department for a violation affecting current or former employees by giving written notice to the department, in such manner as the department may prescribe by rule, of the provisions of this title alleged to have been violated, including the facts and theories to support the alleged violation. Notwithstanding the preceding sentence, where a current or former employee is represented by a bona fide labor organization, no organization other than such labor organization may initiate a public enforcement action in relation to any violation by which they were affected. Within 65 calendar days of the postmark date of the notice, the department shall notify the relator if it intends to open an investigation. Within 60 calendar days of that decision, the department may investigate the alleged violation and take any enforcement action authorized by law. If the department determines that additional time is necessary to complete the investigation, it may extend the time by not more than 60 additional calendar days and shall notify the relator of the extension. If the department determines that no enforcement action will be taken, does not respond to the notice, or if no enforcement action is taken by the department within the time limits prescribed, a public enforcement action for civil penalties may be commenced in court. The department may intervene in a public enforcement action for civil penalties brought under this subdivision and proceed with any and all claims in the action as of right within thirty days after the filing of the public enforcement action, or for good cause, as determined by the court, at any time after the thirty-day period after the filing of the public enforcement action.*

f. Any civil penalties imposed as a result of an enforcement action described in paragraph 5 of this subdivision shall be distributed 65 percent to the department, and 35 percent to the relator to be distributed to the employees affected by the violation, except that if the department intervenes in the action, 75 percent of the penalties shall be distributed to the department and 25 percent to the relator, including a service award that reflects the burdens and risks assumed by the relator in prosecuting the action. The share of penalties recovered for the department under this subsection shall budgeted into a separate account. Such account shall be used solely to support the department's worker protection education and enforcement activities, with 25 percent of these penalties reserved for grants to designated community groups for outreach and education about rights under the city's labor standards.

g. The right to bring an action as a relator under this section shall not be contravened by any private agreement. If any part of an employee relator's claim under this part is ordered or submitted to arbitration, or is resolved by way of final judgment, settlement or arbitration in favor of the employee, the employee relator retains standing to maintain an action for violations suffered by other employees in any forum having jurisdiction over the claim.

§ 5. This local law takes effect 180 days after it becomes law, except that the commissioner of the department 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 effective date.

Referred to the Committee on Consumer and Worker Protection.

Res. No. 420

Resolution calling on the New York City Department of Education to provide civic engagement training for all public high school students and to award credentials to students who complete such training.

By Council Members Dinowitz, Williams, Louis, Yeger, Joseph, Stevens, Richardson Jordan, Brewer, Schulman, Fariás, Restler, Lee, De La Rosa, Ung and Hanks.

Whereas, The Civics Secures Democracy Act of 2021 (S.879/H.R.1814), sponsored by United States Senator Christopher Coons and United States Representative Rose DeLauro, includes in its definition of civic education the “[d]evelopment of civic behaviors, including civic habits and practices such as voting, serving on juries, engagement in deliberative discussions, volunteering, attending public meetings, and other activities related to civic life”; and

Whereas, a June 2020 Brookings Institution report by Rebecca Winthrop, entitled “The Need for Civic Education in 21st-Century Schools,” noted a lack of engagement in civic behaviors, especially among young voters, and called on schools to play a pivotal role in increasing civic engagement by “helping young people develop and practice the knowledge, beliefs, and behaviors needed to participate in civic life”; and

Whereas, CivXNow, a cross-partisan coalition of over 250 nonprofit and philanthropic organizations and higher education institutions, points out that civic education must help students develop the attitudes and skills they need to engage in important civic behaviors, including voting, volunteering, attending public meetings, and engaging in other ways with their communities; and

Whereas, New York City (NYC) public high schools enroll about 315,000 students, who, with appropriate instruction and support, could become actively engaged in civic and community activities in NYC; and

Whereas, All NYC youth aged 11 and older are eligible to take part in NYC's Participatory Budgeting process, which invites community members to come together to discuss and propose how \$5 million of the NYC budget should be spent to build stronger communities; and

Whereas, NYC youth aged 16 and older are eligible to be appointed by the Borough Presidents to serve on NYC's 59 Community Boards, which deal with community issues, including land use, transportation, small businesses, youth programs, education, and the environment; and

Whereas, Participation in Government and Civics, usually taught in grade 12, is a required course for high school graduation in New York State, but does not specify that students must be actively engaged in civic behaviors as part of the course; and

Whereas, The New York City Department of Education (DOE) could provide civic engagement training through the Participation in Government and Civics course, through other curricula, or through a variety of in-school and after-school clubs, organizations, and activities in order to get students actively engaged in civic behaviors while still in high school; and

Whereas, The DOE could provide credentials to students to signify the successful completion of civic engagement training such that students would be able to include that credential on their college applications, job applications, and résumés; now, therefore, be it

Resolved, That the Council of the City of New York call on the New York City Department of Education to provide civic engagement training for all public high school students and to award credentials to students who complete such training.

Referred to the Committee on Education.

Int. No. 838

By Council Members Gutiérrez, Louis, Marte, Yeger, Joseph, Stevens, Richardson Jordan, Farías, Restler, De La Rosa and Ung (by request of the Brooklyn Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of citywide administrative services to give two years notice of lease expiration to tenants of city-leased properties

Be it enacted by the Council as follows:

Section 1. Subdivision b of Section 4-203 of the administrative code of the city of New York, is amended to read as follows:

b. The commissioner may lease or rent, or grant any such permit, license or authorization with respect to any such property or portion thereof, for such rental or other charge and upon such terms and conditions as the commissioner may determine, in any case where the terms of such lease, rental agreement, permit, license or other authorization is less than one year except that where such property or portion thereof has previously been leased, rented, the subject of such a permit, license or other authorization, the term of such lease, rental agreement, permit, license or other authorization may be for a term of up to five years, and the rental or other charge fixed by the commissioner therein does not exceed five thousand dollars per month or any equivalent of such rental or charge. Before the commissioner shall enter into any such lease or rental agreement or issue any such permit, license or other authorization, there shall be filed in the department and with the board of estimate a written certification signed by two officers or employees of the department having the rank of senior real estate manager or an equivalent or higher rank, stating that the rental or other charge fixed therein is fair and reasonable. *In the case of a lease, rental agreement, permit, license or other authorization for a term greater than two years, the commissioner shall send notice of the expiration date of the term by mail to the tenant, occupant or other person lawfully in possession of such property two years prior to the expiration of the lease, rental agreement, permit, license or other authorization. The commissioner shall also mail a copy of the notice of expiration to the council member, borough president and community board who represent the district where the property is located.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 839

By Council Members Hudson, Velázquez, Hanif, Louis, Schulman, De La Rosa and Ung.

A Local Law to amend the New York city charter, in relation to establishing an office of refugee and migrant settlement

Be it enacted by the Council as follows:

Section 1. The New York city charter is amended by adding a new section 18-a to read as follows:

§ 18-a Office of refugee and migrant settlement. a. For the purposes of this section, the term "director" means the director of the office of refugee and migrant settlement.

b. The mayor shall establish an office of refugee and migrant settlement. Such office may, but need not, be established in the executive office of the mayor and may be established as a separate office within any other office of the mayor. Such office shall be headed by a director who shall be appointed by the mayor.

c. The office of refugee and migrant settlement shall coordinate short and long term access to relevant resources, including housing, medical care, education, and food, to any individual who is resettled from a foreign nation, for any reason, in the city of New York, providing they meet eligibility requirements established by the Mayor's office of Immigrant Affairs, including any individuals who:

(1) Have processing priority levels 1, 2 or 3 according to the federal department of state; or

(2) Are from a country designated for temporary protected status by the federal department of homeland security; or

(3) Are from a region for which the United Nations High Commissioner for Refugees declared a level 3 emergency.

d. The director of the office of refugee and migrant settlement shall:

1. Advise and assist the mayor in planning, developing and coordinating efforts among agencies under the jurisdiction of the mayor to coordinate an all-agency response to the arrival of refugees and migrants from anywhere under any circumstances to ensure those eligible individuals have the resources needed to resettle in the city of New York. The director shall, in collaboration with relevant departments and agencies, use a culturally-competent and holistic approach, based on socioeconomic and public health considerations, that addresses the needs of eligible individuals to safely establish themselves in the city of New York until they are able to return to their country of origin, or elsewhere, safely should they leave the city of New York. Such efforts may include the development and implementation of programs, initiatives and strategies that:

(a) Prevent eligible individuals from being homeless;

(b) Ensure the health and safety of eligible individuals;

(c) Place newcomer youth in schools where staff have training in supporting newcomer immigrants and English language learners;

(d) Ensure eligible individuals have access to culturally-competent, appropriate nutrition;

(e) Connect eligible individuals to appropriate city agencies, social services, legal services, and community-based organizations authorized and able to provide needed services and goods without fear of recrimination;

(f) Identify, secure and allocate funds from city, state, federal and other sources.

5. No later than September 1, 2023, and September 1 of every year thereafter, the office shall provide to the mayor and speaker of the council and post on such office's website, a report detailing the activities of the office during the previous calendar year, including the following:

(a) The number of people for whom the office coordinated access to services the office deems relevant to its mission, their countries of origin, and reasons for seeking refuge;

(b) Information regarding initiatives the office has undertaken, including initiatives conducted in partnership with other offices, agencies, and community-based organizations; and

(c) The nature and purpose of the services provided, the cost of such services, and whether the office sought and received remuneration from the state or federal government for delivery of such services.

6. Perform such other duties as the mayor may assign.

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

Referred to the Committee on Immigration.

Int. No. 840

By Council Members Krishnan, Louis, Hanif, Yeger, Stevens, Richardson Jordan, Brewer, Farías, Lee, De La Rosa and Ung.

A Local Law in relation to developing a strategic blueprint to reduce capital project durations by at least 25 percent

Be it enacted by the Council as follows:

Section 1. By no later than December 1, 2023, the department of design and construction shall, in coordination with other agencies as appropriate, prepare and file with the mayor and the council, and post on its website, a strategic blueprint to reduce the average duration of capital projects by at least 25 percent. Such blueprint shall review, at a minimum, early completion incentives; standardization of processes, timelines, and forms; and agency coordination with utility companies.

§ 2. This local law takes effect immediately.

Referred to the Committee on Finance.

Int. No. 841

By Council Members Krishnan, Louis, Hanif, Richardson Jordan, De La Rosa and Hanks.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the city of New York from contracting with entities engaged in immigration enforcement

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 6 of the administrative code of the city of New York is amended by adding a new section 6-122 to read as follows:

§ 6-122 *Contracts with entities engaged in immigration enforcement prohibited.* a. *The city shall not provide any good to, or perform any service for, an entity engaged in immigration enforcement, as defined in subdivision a of section 10-178, in return for any monetary or in-kind payment.*

b. *This section applies to all contracts in effect on or after the effective date of this section.*

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

Referred to the Committee on Immigration.

Preconsidered Int. No. 842

By Council Members Krishnan, Brooks-Powers, Narcisse, Hudson, Brannan, Riley, Hanif, Menin, Velázquez, Louis, Yeger, Joseph, Stevens, Richardson Jordan, Farías, Restler, Lee, Avilés, Williams, De La Rosa and Ayala.

A Local Law in relation to requiring the department of parks and recreation to develop a strategic blueprint to reduce its capital project durations by at least 25 percent

Be it enacted by the Council as follows:

Section 1. By no later than December 1, 2023, the department of parks and recreation shall, in coordination with other agencies as appropriate, prepare and file with the mayor and the council, and post on its website, a strategic blueprint to reduce the average duration of its capital projects by at least 25 percent. Such blueprint shall review, at a minimum, early completion incentives; standardization of processes, timelines, and forms; and coordination with utility companies.

§ 2. This local law takes effect immediately.

Referred to the Committee on Parks and Recreation (preconsidered but laid over by the Committee on Parks and Recreation).

Int. No. 843

By Council Members Menin, Restler, Joseph, Louis, Hanif, Marte, Yeger, Stevens, Richardson Jordan, Brewer, Schulman, Farías, Lee, De La Rosa and Ung.

A Local Law to amend the administrative code of the city of New York, in relation to reporting on payments to early childhood care and education providers

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
EARLY CHILDHOOD CARE AND EDUCATION REIMBURSEMENTS*

§ 21-1000 *Early childhood care and education reimbursements. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

Full payment. The term “full payment” means a payment received by an early childhood care and education provider that reflects the amount requested by invoice from such provider.

Partial payment. The term “partial payment” means a payment received by an early childhood care and education provider that only captures a portion of the amount requested by invoice from such provider.

b. The department shall submit to the mayor and the speaker of the council, and post on the department’s website, on a monthly basis a report regarding reimbursements to early childhood care and education providers which the department has contracted with to provide these services. The report shall include:

1. The total number and value of invoices from contracted early childhood care and education providers;

2. The total number and value of such invoices for which the provider has received full payment from the department;

3. The total number and value of such invoices for which the provider has received partial payment from the department;

4. The total number and value of such invoices for which the provider has not yet received any portion of payment;

5. The average amount of days it takes to process such invoices;

6. The percentage of such invoices that have been processed for full payment; and

7. The percentage of such invoices that have been processed for partial payment.

§ 2. This law takes effect immediately.

Referred to the Committee on Education.

Int. No. 844

By Council Members Menin, Schulman, Narcisse, Abreu, Brannan, De La Rosa, Stevens, Bottcher, Feliz, Ung, Williams, Sanchez, Krishnan, Dinowitz, Hanks, Ariola, Velázquez, Louis, Hanif, Marte, Lee, Avilés, Ossé, Salamanca, Riley, Cabán, Joseph, Brewer, Gutiérrez, Brooks-Powers, Restler, Moya, Richardson Jordan, Hudson, Ayala, Nurse, Gennaro, Paladino, Vernikov, Kagan and the Public Advocate (Mr. Williams) (by request of the Manhattan, Queens and Brooklyn Borough Presidents).

A Local Law to amend the New York city charter, in relation to establishing an office of healthcare accountability

Be it enacted by the Council as follows:

Section 1. Section 20-m of chapter 1 of the New York city charter, as added by local law number 164 for the year 2021, is renumbered section 20-o.

§ 2. Chapter 1 of the New York city charter is amended by adding a new section 20-p to read as follows:

§ 20-p. *Office of healthcare accountability. a. Definitions. For purposes of this section, the following terms have the following meanings:*

Director. The term “director” means the director of healthcare accountability.

Office. The term “office” means the office of healthcare accountability.

b. Establishment of office. The mayor shall establish an office of healthcare accountability. Such office may be established as a standalone office or within any office of the mayor or within any department. Such office shall be headed by a director of healthcare accountability, who shall be appointed by the mayor or, if the office is established within an agency other than the office of the mayor, by the head of such agency.

c. Powers and duties. The director shall have the power and duty to:

1. Provide recommendations to the mayor, council, comptroller, or trustees of the city pension systems regarding healthcare and hospital costs, including, but not limited to, the proportion of healthcare costs spent on hospital care;

2. Audit city expenditures on health care costs for city employees, city retirees, and their dependents;

3. Provide, on the office’s website in a simplified and publicly accessible format, information on the costs of hospital procedures. Such information shall be based on any publicly available information relating to the cost of hospital procedures, including disclosures required pursuant to state and federal law, and shall be formatted in a way to allow for comparisons between procedure costs for specific hospitals; and

4. Provide on the office’s website a summary of the cost transparency of each hospital located in the city, categorizing each hospital as very transparent, satisfactory, or not transparent. Such summary shall be updated at least annually and shall be based on the office’s assessment of the information that each hospital has disclosed relating to the cost of hospital procedures, including:

(a) Whether such disclosures comply with the requirements of state and federal law; and

(b) Whether such disclosures were provided within the time period required by state and federal law.

d. Reporting. One year from the effective date of the local law that added this section and annually thereafter, the director shall submit to the mayor, the speaker of the council, and the attorney general of the state of New York, and shall post conspicuously on the office’s website, a report detailing the pricing practices for hospital systems in the city of New York. Such report shall include, but not be limited to, the following:

1. A summary of any audits conducted pursuant to paragraph 2 of subdivision c of this section, including the costs of hospital procedures paid for by the city disaggregated by hospital;

2. A summary of prices charged for hospital procedures disaggregated by:

(a) Hospital;

(b) Type of procedure, and;

(c) To the extent available, the average rate of reimbursement received by the hospital from each health insurance provider or other payer for each procedure;

3. A summary of each hospital’s level of transparency pursuant to paragraph 4 of subdivision c of this section;

4. To the extent available, a breakdown of each major insurance provider's and other payer's profit margins, employee headcounts, overhead costs, and executive salaries and bonuses; and

5. To the extent available, a summary of each hospital's community benefit information as publicly reported on the Internal Revenue Service's Form 990, Schedule H, as required pursuant to section 501(r) of the Internal Revenue Service code, and each hospital's publicly available implementation report regarding the hospital's performance in meeting the health care needs of the community, providing charity care services, and improving access to health care services by the underserved, as required pursuant to section 2803-l(3) of the public health law.

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

Referred to the Committee on Hospitals.

Int. No. 845

By Council Members Menin, Louis, Marte, Yeager and Hanks (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to reducing penalties, allowing opportunities to cure for certain violations, and eliminating certain requirements for commercial establishments; to repeal subchapters 6, 9, 12, and 15 of chapter 5 of title 20 of such code, relating to availability for sale of advertised merchandise, sale of travel tickets, delayed payment transactions billing practices, and disclosure of information by child care facilities, respectively; to repeal section 24-218.1 of such code, relating to the restriction of the use of mobile telephones in a place of public performance; to repeal the rows that begin 24-218.1, 24-233(b)(1) and 24-237(c) in table I in paragraph 5 of subdivision (b) of section 24-257 of such code, relating to penalties for such restriction of the use of mobile telephones, the use of personal audio devices on a public right-of-way, and the operation of a steam whistle, respectively; and to make other technical changes in relation thereto

Be it enacted by the Council as follows:

Section 1. Subdivisions g and h of section 10-157 of the administrative code of the city of New York, as amended by local law number 91 for the year 2017, are amended to read as follows:

g. A business using a bicycle for commercial purposes shall be responsible for the compliance with the provisions of this section of its bicycle operators.

(1) Violation of any of the provisions of this section by any such business, or of any of the rules or regulations that may be promulgated pursuant hereto, shall be a violation triable by a judge of the criminal court of the city of New York and upon conviction thereof shall be punishable by a fine of not less than [one hundred dollars] \$100 nor more than [two hundred fifty dollars] \$250 or imprisonment for not more than [fifteen] 15 days or both such fine and imprisonment. [In addition any]

(2) Any such business that violates any of the provisions of this section or any of the rules promulgated pursuant hereto, *except subdivision d of this section and any of the rules promulgated pursuant to such subdivision,* shall be subject to a civil penalty of [one hundred dollars] \$100. Any such business that violates a provision of this section or rule promulgated pursuant hereto more than [thirty] 30 days after such business has already violated the same provision or rule shall be subject to an additional civil penalty of [two hundred fifty dollars] \$250. *Any such business that violates subdivision d of this section or any of the rules promulgated pursuant hereto shall be subject to a civil penalty of \$0 for the first violation, and a civil penalty of \$100 for the second or any subsequent violation that occurs more than 30 days after such business has already violated the same provision or rule. Civil penalties issued pursuant to this paragraph may be in addition to any criminal penalty imposed, and shall be recoverable against such business in an action or proceeding in any court or tribunal of competent jurisdiction or the environmental control board.*

h. Any bicycle operator who makes deliveries or otherwise operates a bicycle on behalf of a business using a bicycle for commercial purposes without carrying the identification card required by subdivision c of this section, or who fails to produce such identification card upon demand pursuant to such subdivision, or who fails to wear protective headgear required by subdivision e of this section or the retro-reflective apparel required by subdivision i of this section, shall be guilty of a traffic infraction and upon conviction thereof shall be liable for a fine of not less than [twenty-five dollars] \$25 nor more than [fifty dollars] \$50. It shall be an affirmative defense to such traffic infraction that such business did not provide the protective headgear, the identification card or the retro-reflective apparel required by subdivisions c, e or i of this section. Such traffic infraction may be adjudicated by an administrative tribunal authorized under article [two-A] 2-A of the vehicle and traffic law.

§ 2. Subdivision d of section 10-157.1 of the administrative code of the city of New York, as amended by local law number 56 for the year 2012, is amended to read as follows:

d. (1) The violation of any provision of subdivision a or b of this section, or of any of the rules or regulations that may be promulgated pursuant hereto, shall be a violation triable by a judge of the criminal court of the city of New York and upon conviction thereof shall be punishable by a fine of not less than [one hundred dollars] \$100 nor more than [two hundred fifty dollars] \$250 or imprisonment for not more than [fifteen] 15 days or both such fine and imprisonment. [In addition, any]

(2) Any business using a bicycle for commercial purposes, as defined in subdivision a of section 10-157 of this chapter who violates any provision of subdivision a or b of this section or any of the rules or regulations promulgated pursuant hereto shall be subject to a civil penalty of [one hundred dollars] \$0 for the first violation. Any such business that violates a provision of this section or rule promulgated pursuant hereto more than [thirty] 30 days after such business has already violated the same provision or rule shall be subject to [an additional] a civil penalty of [two hundred fifty dollars] \$100. Such civil penalties may be in addition to any criminal penalty imposed, and shall be recoverable against such business in an action or proceeding in any court or tribunal of competent jurisdiction or the environmental control board.

§ 3. Subparagraph ii of paragraph 1 of subdivision c of section 16-306.1 of the administrative code of the city of New York, as added by local law number 146 for the year 2013, is amended to read as follows:

ii. post a sign, which shall be in addition to any other sign required to be posted pursuant to this code, that states clearly and legibly the trade or business name, address, and telephone number of, and the day and time of pickup by, the private carter that collects the covered establishment's organic waste, [that such covered establishment transports its own organic waste, or that such covered establishment provides for on-site processing for all of the organic waste it generates on its premises,] provided that:

(A) such sign shall be prominently displayed by affixing it to a window near the principal entrance to the covered establishment so as to be easily visible from outside the building or, if this is not possible, prominently displayed inside the covered establishment near the principal entrance;

(B) catering establishments shall not be required to display on such sign the day and time of the pickup by the private carter that collects the establishment's organic waste; and

(C) this paragraph shall not apply to sponsors of temporary public events;

§ 4. Paragraphs 3, 4, and 5 of subdivision a of section 16-324 of the administrative code of the city of New York are renumbered paragraphs 4, 5, and 6, respectively.

§ 5. Paragraph 2 of subdivision a of section 16-324 of the administrative code of the city of New York, as added by local law number 34 for the year 2010, is amended, and subdivision a of section 16-324 of such code is amended to add a new paragraph 3, to read as follows:

2. For residential buildings containing nine or more dwelling units [and commercial, manufacturing or industrial buildings,] the civil penalty shall be in an amount of one hundred dollars for the first violation, two hundred dollars for the second violation committed on a different day within a period of twelve months, and four hundred dollars for the third and each subsequent violation committed on a different day within a period of twelve months, provided that the court before which such civil action is brought or such board may waive the penalty for the first violation upon a showing of good cause. The owner, net lessee or person in charge of any residential building of nine or more dwelling units [or a commercial, manufacturing or industrial building] with respect to which four or more violations were committed on different days within a period of six months shall be classified as a persistent violator.

3. (a) For commercial, manufacturing or industrial buildings, the civil penalty shall be in an amount of one hundred dollars for the first violation, two hundred dollars for the second violation committed on a different day

within a period of twelve months, and four hundred dollars for the third and each subsequent violation committed on a different day within a period of twelve months, provided that the court before which such civil action is brought or such board may waive the penalty for the first violation upon a showing of good cause. The owner, net lessee or person in charge of any commercial, manufacturing or industrial building with respect to which four or more violations were committed on different days within a period of six months shall be classified as a persistent violator.

(b) Notwithstanding subparagraph (a) of this paragraph, a civil penalty of zero dollars shall be imposed for a first violation relating to any labelling or signage requirement set forth in section 1-10 of title 16 of the rules of the city of New York, except the requirements of paragraph (2) of subdivision (d) of such section. The notice of violation for such first-time violation shall inform the respondent of the provision of law or rule that the department believes the respondent has violated, describe the condition or activity that is the basis for the notice of violation, and advise the respondent that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties. Any person who violates a requirement relating to labeling or signage set forth in section 1-10 of title 16 of the rules of the city of New York, except requirements of paragraph (2) of subdivision (d) of such section, shall be subject to a civil penalty of two hundred dollars for the second violation committed on a different day within a period of twelve months, and four hundred dollars for the third and subsequent violation committed on a different day within a period of twelve months. The owner, net lessee or person in charge of any commercial, manufacturing or industrial building with respect to which four or more violations were committed on different days within a period of six months shall be classified as a persistent violator.

§ 6. Paragraph 1 of subdivision e of section 16-324 of the administrative code of the city of New York, as amended by local law number 80 for the year 2020, is amended to read as follows:

(1) Any covered establishment that violates section 16-306.1 of this chapter or rules of the department, the department of health and mental hygiene, or the department of consumer and worker protection promulgated pursuant thereto shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner or the commissioner of health and mental hygiene, or the commissioner of consumer and worker protection, or in a proceeding returnable before any tribunal established within the office of administrative trials and hearings, in the amount of [two hundred fifty] *zero* dollars for the first violation, five hundred dollars for the second violation committed on a different day within a period of twelve months, and one thousand dollars for the third and each subsequent violation committed on different days within a period of twelve months, except that the department, the department of health and mental hygiene, and the department of consumer and worker protection shall not issue a notice of violation, but shall issue a warning, for any violation by a designated covered establishment that occurs during the first twelve months after the commissioner designates such covered establishment pursuant to subdivision b of section 16-306.1. *The notice of violation for such first-time violation shall inform the respondent of the provision of law or rule that the department, the department of health and mental hygiene, or the department of consumer and worker protection believes the respondent has violated, describe the condition or activity that is the basis for the notice of violation, and advise the respondent that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties.*

§ 7. Paragraph 2 of subdivision c section 16-401 of the administrative code of the city of New York, as added by local law number 64 for the year 2021, is amended to read as follows:

2. All food service establishments shall maintain a sufficient supply of single-use plastic beverage straws that are not compostable. If a person specifically requests a plastic beverage straw, such food service establishment shall provide a single-use plastic beverage straw that is not compostable free of charge [and shall make no inquiry into the reason for such request]. A violation of this paragraph may also violate the reasonable accommodation provisions of title 8 of this code and be subject to enforcement by the city commission on human rights.

§ 8. Subdivision d of section 16-401 of the administrative code of the city of New York, as added by local law number 64 for the year 2021, is amended to read as follows:

d. Notwithstanding subdivision c of this section, food service establishments may provide compostable beverage straws that are made from plastic [upon request only if such straws are used by persons on such food service establishments' premises and] only if such food service establishments dispose of all such straws *that are discarded on the premises* through a commercial composting provider or in accordance with paragraph 1 of

subdivision c of section 16-306.1 if such establishments are covered establishments pursuant to such section. [Food service establishments that are not covered under section 16-306.1 that provide compostable beverage straws that are made of plastic pursuant to this subdivision shall maintain distinct and clearly labeled bins indicating where such compostable beverage straws that are made from plastic are to be separated for purposes of disposal.]

§ 9. Subdivision c of section 17-172 of the administrative code of the city of New York is amended to read as follows:

c. Fees. The department shall make signs available[, and may charge a fee to cover printing, postage and handling expenses] *at no cost to such an establishment.*

§ 10. Sections 17-199.3.2, 17-199.5, and 17-199.6 of the administrative code of the city of New York, such section 17-199.3.2 as added by local law number 89 for the year 2022, such section 17-199.5 as added by local law number 118 for the year 2017, and such section 17-199.6 as added by local law number 182 for the year 2017, are renumbered as sections 17-199.3.3, 17-197.1, and 17-199.12.1, respectively.

§ 11. Subdivision d of section 17-199.11 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

d. Any food service establishment that violates any of the provisions of this section or any rule promulgated thereunder by the department shall be liable for a civil penalty of [\$100] \$50. Where a person is found to have violated this section or any rule promulgated thereunder by the department, the department shall commence a proceeding to recover any civil penalty authorized by this section by the service of a summons returnable to the office of administrative trials and hearings.

§ 12. Subdivision c of section 17-1507 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

c. Any food service establishment that violates subdivision a of this section, or any rules promulgated pursuant to this section, shall be liable for a civil penalty of not more than [\$500] \$200, recoverable in a proceeding before any tribunal established within the office of administrative trials and hearings or within any agency of the city of New York designated to conduct such proceedings.

§ 13. Subdivision a of section 17-1702 of the administrative code of the city of New York, as amended by local law number 53 for the year 2015, is amended to read as follows:

a. Any pet shop that displays, offers for sale, delivers, barter, auctions, gives away, transfers or sells any dog or cat shall obtain such dog or cat from a source that, as of the date such pet shop receives such animal, *shall attest in a sworn affidavit that such source:*

1. holds a valid and active class A license that has not been suspended at any time during the prior five years[, as such information is available from the United States department of agriculture]; and

2. has not received any of the following in connection with such license[, as such information is available from the United States department of agriculture]:

(a) a finally determined “direct” non-compliant item citation pursuant to 7 U.S.C. § 2131, et seq., and regulations promulgated thereunder[, as indicated on any United States department of agriculture inspection report] at any time during the prior three years; or

(b) a finally determined citation for failure to provide inspectors access to property or records as required pursuant to 9 C.F.R. § 2.126, or successor regulations[, as indicated on] in either of the two most recent United States department of agriculture inspection reports; or

(c) three or more distinct finally determined non-compliant item citations pursuant to 7 U.S.C. § 2131, et seq., and regulations promulgated thereunder, other than citations for failure to provide inspectors access to property or records as required pursuant to 9 C.F.R. § 2.126, or successor regulations, [as indicated on] *in* the most recent United States department of agriculture inspection report; or

(d) one or more finally determined repeat non-compliant item citations pursuant to 7 U.S.C. § 2131, et seq., and regulations promulgated thereunder, [as indicated on] *in* the most recent United States department of agriculture inspection report; or

(e) a finally determined order to cease and desist, issued by an administrative law judge, at any time during the prior five years; or

(f) a finally determined order to pay a civil penalty, issued by an administrative law judge, at any time during the prior five years; and

3. [provides to such pet shop a sworn affidavit attesting that such source] has not been convicted of a violation of the minimum standards of animal care provided for in section four hundred one of the agriculture and markets law at any time during the prior five years; and

4. [provides to such pet shop a sworn affidavit attesting that] *has never been convicted of an animal abuse crime* prior to delivering such animal or animals into the custody of such pet shop [such source has never been convicted of an animal abuse crime].

§ 14. Subdivision a of section 17-1903 of the administrative code of the city of New York, as added by local law number 202 for the year 2019, is amended to read as follows:

a. Any person who is found to violate any provision of this chapter shall be subject to a civil penalty of not less than [500] \$400 and not more than \$2,000 for each violation. Each such violation may be treated as a separate and distinct offense, and in the case of a continuing violation, each day's continuance thereof may be treated as a separate and distinct offense.

§ 15. Section 20-241.1 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

d. Notwithstanding any inconsistent provision of this section, a person who violates subdivisions (e) or (f) of section 2-70.2 of title 6 of the rules of the city of New York, or any successor to such provisions, shall be liable for a civil penalty of: (i) zero dollars for a first violation; (ii) not more than one hundred seventy-five dollars for a second violation; and (iii) not more than three hundred dollars for a third or subsequent violation.

§ 16. Section 20-545 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

d. Notwithstanding any other section of this title, a person shall be subject to a civil penalty of zero dollars for a first violation of section 20-544 of this subchapter or any rule promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes other than being the basis for the suspension or revocation of a license pursuant to subdivision a of this section. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-544 of this subchapter or any rule promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 17. Section 20-688 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

§ 20-688 Penalties. Any person, firm, corporation or association or agent or employee thereof, who shall violate any of the provisions of this subchapter or of the regulations promulgated pursuant to section 20-686 shall pay a civil penalty of [one hundred] zero dollars for the first violation, *not more than* one hundred seventy-five dollars for the second violation and *not more than* two hundred twenty-five dollars for the third and any subsequent violation; and shall, upon conviction thereof, be punished by a fine of not less than twenty-five nor more than two hundred fifty dollars for each such violation.

§ 18. Subchapters 6, 9, 12, and 15 of chapter 5 of title 20 of the administrative code of the city of New York, such subchapter 15 as added by local law number 23 for the year 2005, are REPEALED.

§ 19. Section 20-743 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

§ 20-743 Penalties. (a) Any person, partnership, corporation or other business entity who violates any provision of this subchapter or any of the regulations promulgated hereunder shall be liable for a civil penalty of not less than two hundred fifty dollars nor more than five hundred dollars for the first violation and for each succeeding violation a civil penalty of not less than five hundred dollars nor more than seven hundred fifty dollars; except that a person, partnership, corporation or other business entity shall not be subject to the civil penalty described above for a first-time violation of subdivision a of section 20-740 of this subchapter or any rule or regulation promulgated thereunder, if such person, partnership, corporation or other business entity proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of

proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person, partnership, corporation or other business entity who has received, for the first time, a notice of violation of subdivision a of section 20-740 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person, partnership, corporation or other business entity may seek review, in the department's administrative tribunal, of the determination that the person or entity has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

(b) Notwithstanding subdivision a of this section, any person, partnership, corporation or other business entity who violates subdivision b of section 20-740 of this subchapter or any rule promulgated thereunder shall be liable for a civil penalty of: (i) zero dollars for the first violation; (ii) not less than two hundred fifty dollars nor more than five hundred dollars for a second violation; and (iii) not less than five hundred dollars nor more than seven hundred fifty dollars for each succeeding violation.

§ 20. Subdivision b of section 20-822 of the administrative code of the city of New York, as added by local law number 53 for the year 2011, is amended to read as follows:

b. Violations. A person violating section 20-822 of this subchapter shall be guilty of a violation punishable by a fine not to exceed two hundred and fifty dollars for the first violation and a fine not to exceed five hundred dollars for any subsequent violation. In addition to such penalties, any person who violates this section shall be liable for a civil penalty of [not less than one hundred dollars nor more than two hundred and fifty] *zero* dollars for the first violation and of not less than two hundred and fifty dollars nor more than five hundred dollars for each subsequent violation. For purposes of this subdivision, each group of identical over-the-counter medication subject to this subchapter marked with the same date shall constitute a single violation. However, where the expired over-the-counter medication is sold to a person, each sale shall constitute a separate violation under this section. [Penalties shall be enforced in accordance with subdivision g of section twenty-two hundred and three of the charter of the city of New York.]

§ 21. Subdivisions e and f of section 20-910 of the administrative code of the city of New York, subdivision e as amended by local law number 92 for the year 2015 and subdivision f as added by such local law, are amended to read as follows:

e. [(i) Prior to July 1, 2016, any person who violates this section shall receive a written warning for the first violation, and shall be liable for a civil penalty in the amount of two hundred fifty dollars for each open door or window for a second violation within an eighteen month period and five hundred dollars for each open door or window for any third and subsequent violation within an eighteen month period, except that such person shall be liable for a civil penalty in the amount of five hundred dollars for each open door or window for a second violation within an eighteen month period and one thousand dollars for each open door or window for any third and subsequent violation within an eighteen month period if the violation occurs at a store that is part of a chain of stores.

(ii) On and after July 1, 2016, any] *Any* person who violates this section shall be liable for a civil penalty in the amount of [two hundred fifty] *zero* dollars for each open door or window for the first violation and *not more than* five hundred dollars for each open door or window for any second and subsequent violation within an eighteen month period, except that such person shall be liable for a civil penalty in the amount of *not more than* five hundred dollars for each open door or window for the first violation and *not more than* one thousand dollars for each open door or window for any second and subsequent violation within an eighteen month period if the violation occurs at a store that is part of a chain of stores.

[(iii) All violations issued prior to July 1, 2016, shall continue to count toward the cumulative total of violations issued to a person for the purpose of assessing the amount of a civil penalty under paragraph (i) or (ii) of this subdivision.]

f. Every store that is part of a chain of stores shall conspicuously post on each door a notice that states that violations of this section may be reported to 311. Such notice must be in the form and must contain the content as provided by the commissioner on the department's website. *Notwithstanding subdivision e of this section, any person who violates this subdivision or any rule promulgated thereunder shall be liable for a civil penalty not to exceed five hundred dollars, except that a person shall be subject to a civil penalty of zero dollars for the first violation of this subdivision or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the*

commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of this subdivision or any rule promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 22. Section 24-218.1 of the administrative code of the city of New York is REPEALED.

§ 23. Subdivision (b) of section 24-233 of the administrative code of the city of New York, as added by local law number 113 for the year 2005, is amended to read as follows:

(b) For the purposes of this section unreasonable noise shall include but shall not be limited to [:

(1) the operation or use of a personal audio device on or in any public right-of-way so that sound emanating from such device is plainly audible to another individual at a distance of 25 feet or more from the source.

(2)] the operation or use of a personal audio device from on or inside a motor vehicle, whether moving, parked, stopped or standing, on or in any public right-of-way so that sound emanating from such device is plainly audible to another individual outside of such motor vehicle at a distance of 25 feet or more from the source.

§ 24. Subdivisions (c) and (d) of section 24-237 of the administrative code of the city of New York, as added by local law number 113 for the year 2005, are amended to read as follows:

(c) [No person shall operate or use or cause to be operated or used any steam whistle attached to any stationary boiler, except to give notice of the time to start and stop work or as a sound signal of imminent danger.

(d)] No person shall operate or use or cause to be operated or used on any public right-of-way any electrically operated or electronic sound signal device (other than a safety device, such as but not limited to a car horn or back up signal, that is actually used for its intended purpose) attached to, on or in a motor vehicle, wagon or manually propelled cart from which food or any other items are sold or offered for sale when the vehicle is stopped, standing or parked. For the purposes of this subdivision the term "stopped" means the halting of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with a police officer or other authorized enforcement officer or a traffic control sign or signal. The terms "standing" and "parked" shall be as defined in the vehicle and traffic law.

§ 25. The rows in table I in paragraph 5 of subdivision (b) of section 24-257 of the administrative code of the city of New York that begin 24-218.1, 24-233(b)(1), and 24-237(c) are REPEALED, and the rows in such table beginning 24-233(b)(2) and 24-237(d), as amended by local number 80 for the year 2021, are amended to read as follows:

| TABLE I | | | | | | |
|---|-----------------|---------|-------------------|---------|----------------------------------|---------|
| Civil Penalties | | | | | | |
| Violations related to section and subdivision | First Violation | | Second Violation* | | Third and Subsequent Violations* | |
| | Maximum | Minimum | Maximum | Minimum | Maximum | Minimum |
| [24-233(b)(2)] 24-233(b) | 350 | 100 | 700 | 200 | 1,050 | 300 |
| [24-237(d)] 24-237(c) | 350 | 350 | 700 | 700 | 1,050 | 1,050 |

§ 26. Subdivision (h) of section 24-257 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

(h) [(1)] Notwithstanding table I in paragraph 5 of subdivision (b) of this section, a cure period is available for a first violation of subdivision (e) of section 24-218 as set forth in such subdivision, a first violation of section 24-227 as set forth in subdivision (d) of such section, a first violation of section 24-231 as set forth in paragraph (1) of subdivision (b) of such section and a first violation of section 24-232 as set forth in subdivision (g) of such section.

[(2)] Notwithstanding table I in paragraph 5 of subdivision (b) of this section, an owner, operator, manager or other person having control of any place of public performance shall be subject to a civil penalty of \$0 for a first violation of subdivision d of section 24-218.1. The notice of violation for such first violation shall inform such owner, operator, manager or other person of the provision of law or rule that the department believes such owner, operator, manager or other person has violated, describe the condition or activity that is the basis for the notice of violation, advise such owner, operator, manager or other person that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties. For a second, third or subsequent violation of subdivision d of section 24-218.1 or any rules promulgated pursuant thereto, such owner, operator, manager or other person shall be liable for a civil penalty in the amount prescribed for such violation in table I of paragraph 5 of subdivision (b) of this section.]

§ 27. Subdivision (b) of section 24-713 of the administrative code of the city of New York, as amended by local law number 82 for the year 2003, is amended to read as follows:

(b) Any person who violates the requirements of sections 24-706, 24-711 or 24-718 of this chapter shall be liable for a civil penalty, as follows: (1) for a first violation, in an amount of not less than [five] *one* hundred nor more than five thousand dollars; (2) for a second violation, in an amount of not less than three thousand five hundred nor more than ten thousand dollars; and (3) for each subsequent violation, in an amount of not less than seven thousand five hundred nor more than twenty thousand dollars. For purposes of this section, the second and any subsequent violation shall only occur after notice of the first violation has been properly served and an opportunity to cure said violation has been provided to the violator, provided that such opportunity to cure shall not exceed thirty days. For purposes of this section, a second or subsequent violation shall occur where a person violates section 24-706, 24-711 or 24-718 of this chapter within five years of having been found to have violated this chapter. Such penalties may be recovered in a civil action brought in the name of the commissioner or in a proceeding before the environmental control board. In determining the civil penalty, the hearing officer or judge shall consider any evidence presented by the defendant showing a good faith effort to comply with relevant requirements of this chapter, the nature and seriousness of the defendant's violation of the chapter, whether the violation was voluntarily disclosed, previous violations, if any, of this chapter and any other evidence found to be relevant.

§ 28. This local law takes effect immediately, except that sections fifteen through twenty-one of this local law take effect 180 days after they become law.

Referred to the Committee on Small Business.

Res. No. 421

Resolution recognizing April 6 annually as Tartan Day in the City of New York.

By Council Members Menin, Joseph and Ariola.

Whereas, The United States (U.S.) Senate passed S. Res. 155 in March, 1998, which designated April 6 annually as National Tartan Day to celebrate the many noteworthy achievements and contributions made by Scottish Americans to the U.S. since the nation's founding; and

Whereas, S. Res. 155 was followed by H. Res. 41, a companion bill passed by the U.S. House of Representatives in March, 2005; and

Whereas, Presidential Proclamation 8233 in April, 2008, in support of national Tartan Day, cited the "enduring contributions to our Nation" by Scottish Americans' "hard work, faith, and values" as well as the "long shared ties of family and friendship" between Scotland and the U.S.; and

Whereas, April 6 was chosen because of its important significance as the date in 1320 when the Declaration of Arbroath, the Scottish Declaration of Independence, was signed by Scottish nobility at Arbroath Abbey and because the U.S. Declaration of Independence “was modeled on that inspirational document,” according to the Senate resolution; and

Whereas, Colonists in the original 13 colonies echoed the Scots’ belief in liberty, as memorably stated in the Declaration of Arbroath, that “for so long as a hundred of us are left alive, we will yield in no least way to English dominion” and that “[w]e fight not for glory nor for wealth nor honours; but only and alone we fight for freedom, which no good man surrenders but with his life” (translated by Agnes Mure Mackenzie); and

Whereas, An April 6 holiday recognizes the remarkable legacy of the almost half of the signers of the U.S. Declaration of Independence and 9 of the governors of the first 13 states, who claimed Scottish ancestry; and

Whereas, It also recognizes the legacy of the early Scottish settlers, starting in the 1680s and increasing in the 1720s, who came to the U.S. for religious freedom (like the Presbyterian Scots) or a new beginning and fought with their fellow colonists against the British in George Washington’s Continental Army; and

Whereas, An April 6 holiday honors the accomplishments of many Scottish Americans since then, across many fields in the arts and sciences, including figures as different as environmentalist John Muir; writers Edgar Allen Poe, Washington Irving, and William Faulkner; inventor Alexander Graham Bell; businessman and philanthropist Andrew Carnegie; New York City (NYC) architect Charles McKim; musicians Elvis Presley and Johnny Cash; astronauts Alan Shepherd, John Glenn, Buzz Aldrin, and Neil Armstrong; New York businessman Samuel Wilson, popularly known as Uncle Sam since the War of 1812; New York Giants baseball great Bobby Thomson; and 34 U.S. presidents; and

Whereas, Americans today enjoy many aspects of Scottish culture, including golf, bagpipe music, shortbread, Scotch whiskey, and tartan kilts and fabric; and

Whereas, According to The New York Times, about 40,000 NYC residents in 2010 claimed Scottish roots; and

Whereas, While Tartan Day is now celebrated throughout the U.S. and Canada, the largest U.S. commemorative event is the NYC Tartan Day Parade, first held officially in 1999; and

Whereas, The NYC Tartan Day Parade, free for all participants and the culmination of a week of Scottish-themed festivities, boasts 3,000 bagpipers from all over the world, Highland dancers, and Scottish clan organizations; and

Whereas, The designation of a holiday here in NYC would honor the vital role that Scottish Americans have played and continue to play in the City as well as their positive impacts on the City’s culture and economy; now, therefore, be it

Resolved, That the Council of the City of New York recognizes April 6 annually as Tartan Day in the City of New York.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Int. No. 846

By Council Members Nurse, Hanif, Marte, Yeger, Joseph, Stevens, Richardson Jordan, Schulman, Restler, Menin, Ung and Hanks.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of sanitation to develop a plan for ensuring proper disposal of rechargeable batteries used for powered mobility devices

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 16-144 to read as follows:

§ 16-144 Disposal of rechargeable batteries used for motorized bicycles and scooters. a. Definition. The

term “powered mobility devices” means motorized bicycles, motorized scooters and other personal mobility devices powered by a lithium-ion or other storage battery. The term does not include motor vehicles or motorcycles or other mobility devices that must be registered with the New York state department of motor vehicles.

b. The department shall develop and implement a plan for promoting the proper disposal of rechargeable batteries used by powered mobility devices. Such plan shall include, but not be limited to:

1. Maintaining at least two collection locations in each borough where the public can properly dispose of such rechargeable batteries. Such locations shall be open to receive items from the public seven days per week.

2. Accepting such rechargeable batteries at any disposal or collection event organized by the department.

3. Coordinating with businesses that sell or service powered mobility devices regarding voluntary participation in in-store collection programs for such rechargeable batteries.

4. Conducting an outreach and education campaign relating to the proper disposal of such rechargeable batteries, including but not limited to, disseminating information on existing recycling and disposal programs for such rechargeable batteries, locations where such rechargeable batteries can be properly disposed of, and the hazards of improper disposal of such rechargeable batteries. Any written materials disseminated by the department pursuant to this section shall be made available in the designated citywide languages as defined in section 23-1101.

§ 2. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Res. No. 422

Resolution calling upon the New York City Department of Education to expand career-connected learning programs and opportunities at all public high schools.

By Council Members Paladino, Louis, Yeger, Stevens, Richardson Jordan, Lee, Holden, Riley, Brooks-Powers, Menin, Williams, Krishnan, Hudson, Hanks, Kagan and Ariola.

Whereas, As reported by the National Student Clearinghouse Research Center, approximately 662,000 fewer students enrolled in undergraduate programs in the spring of 2022 compared to a year earlier, amounting to a decline of 4.7 percent; and

Whereas, According to The New York Times, this decline in enrollment raises questions about a potential change in attitudes towards the value of college and whether prospective college students may be weighing the relative value of jobs that require a college degree against equally attractive job opportunities that do not; and

Whereas, Career and Technical Education (CTE) programs provide high school students with academic and technical instruction alongside work-based learning experiences and opportunities to obtain industry-recognized certifications in order to better prepare students to make informed post-secondary decisions, whether it be to continue at college or university, enter the workforce immediately, or select vocational training programs or apprenticeships; and

Whereas, New York State Education Law requires school districts to provide secondary school students access to career education programs commensurate with the interests and capabilities of those desiring and having a need for preparatory training, retraining or upgrading for employment, and develop realistic programs in accord with employment needs in existing and emerging occupations for present and projected employment opportunities; and

Whereas, The New York City Department of Education (DOE) offers over 260 CTE elective courses and programs across 135 high schools with over 60,000 participating students; and

Whereas, The DOE recently launched two new career-connected learning opportunities for high school students: FutureReadyNYC, which provides students access to career exploration in high-growth fields and the chance to receive early college credit and industry-validated credentials, and the Career Readiness and Modern

Youth Apprenticeship, which connects students with paid multi-year apprenticeships in high-growth, high wage fields; and

Whereas, The New York City public school system consists of 542 high schools with an enrollment of over 300,000 high school students; and

Whereas, All New York City high school students should have the opportunity to participate in CTE programs and other career-connected learning opportunities offered by the DOE to meet the interests and capabilities of a diverse student body and better prepare all students for their next steps after high school; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Education to expand career-connected learning programs and opportunities at all public high schools.

Referred to the Committee on Education.

Int. No. 847

By Council Members Restler, Gutiérrez, Yeger and Stevens.

A Local Law to amend the administrative code of the city of New York, in relation to limiting movie-making, telecasting and photography permits

Be it enacted by the Council as follows:

Section 1. Section 22-205 of chapter 2 of title 22 of the administrative code of the city of New York, is renumbered and amended to read as follows:

§ [22-205] 22-290 Permits for movie-making, telecasting and photography [in public places]; violations; penalties. a. The [executive director of the office for economic development] *the commissioner of small business services or any other person or entity designated by the mayor to issue permits pursuant to section 1301 of the charter* shall not issue to any applicant any permit for any activity subject to the provisions of [subdivision thirteen of section thirteen hundred of the charter] *that section*, unless and until:

(1) all other permits, approvals and sanctions required by any other provision of law for the conduct of such activities by the applicant have been obtained by the [executive director] *commissioner or mayor's designee*, in the name and in behalf of the applicant, from the agency or agencies having jurisdiction; [and]

(2) all fees required to be paid by, or imposed pursuant to, any provision of law for the issuance of such other permits, approvals and sanctions have been paid by the applicant[.]; *and*

(3) *the permit requested would not cause the total number of cumulative filming days per month on a given census tract to exceed 10 days per calendar month, provided that such limitation may be waived by the commissioner or mayor's designee upon a showing of special or unusual circumstances.*

b. It shall be unlawful for any person to conduct, without a permit from such [executive director] *commissioner, or mayor's designee*, any activity with respect to which such [executive director] *commissioner, or mayor's designee* is authorized to issue a permit under the provisions of the charter referred to in subdivision a of this section. Any violation of the provisions of this subdivision b shall be punishable by a fine of not more than five hundred dollars or by imprisonment for not more than ninety days, or both.

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

Referred to the Committee on Technology.

Int. No. 848

By Council Members Riley, Marte, Yeger, Joseph, Stevens, Richardson Jordan, Schulman, De La Rosa, Ung and Hanks.

A Local Law to amend the administrative code of the city of New York, in relation to requiring an audit and report on foster care placement notices

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 Foster care placement notices; audit and report. a. ACS shall conduct quarterly random audits of a statistically significant sample of foster care placement change notices required by paragraph (g) of subdivision (3) of section 358-a of the social services law, subdivision (5) of section 1017 of the family court act, subdivision (j) of section 1055 of the family court act and item (H) of paragraph (vii) of subdivision (d) of section 1089 of the family court act. Such audit shall include a review of the following:

- 1. The incidence of failure to provide a notice of placement change where required by law;*
- 2. The amount of time that elapsed between changes in foster care placement and the provision of the placement change notice;*
- 3. When the notice of such placement change was provided to an attorney for the child in relation to the date of such placement change;*
- 4. Whether or not the notice included all the information required by law; and*
- 5. A summary of the legally required information that was missing from the notice, if any.*

b. No later than April 30, 2023, 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 with the results of the audit required by subdivision a. Such report shall include the following:

- 1. The number of instances in which a placement change notice was required but no such notice was sent;*
- 2. The number of placement change notices sent, disaggregated by the number of days before or after the change;*
- 3. The number of emergency placement changes made, disaggregated by the number of notices sent within 24 hours of the change and the number of notices sent 24 hours or more after the change;*
- 4. The number of notices that included all required information; and*
- 5. The number of notices that did not include all required information, disaggregated by the category of information that was missing; provided that such categories shall include, but not be limited to, the information missing as to the reason for the change, the planned new placement location, the contact information for the new placement location, and the number of placement changes in which a child moved from one borough to another.*

c. No report required by subdivision a 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 child information.

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 849

By Council Members Riley and Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to bus lane restrictions

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-162.6 to read as follows:

§ 19-162.6 *Bus lane restrictions. a. Signage. The department shall post signs indicating the days and hours during which bus lane restrictions are in effect for all streets that are subject to any such restrictions. The department shall post at least one such sign on every block that is subject to such a restriction and shall make all such signs clearly visible from the street.*

b. Publication. The department shall publish and maintain on its website the days and hours during which bus lane restrictions are in effect for all streets that are subject to any such restrictions. Such publication shall at a minimum be searchable by street name.

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

Referred to the Committee on Transportation and Infrastructure.

Int. No. 850

By Council Members Riley, Powers, Holden, Louis, Yeger, Richardson Jordan, Lee, Ung and Hanks.

A Local Law to amend the administrative code of the city of New York, in relation to the cleaning and maintenance of city property

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 4 of the administrative code of the city of New York is amended by adding a new section 4-218 to read as follows:

§ 4-218 *Cleaning and maintenance of city property. a. As used in this section, the following terms have the following meanings:*

City property. The term “city property” means real property and physical structures owned by the city of New York including, but not limited to, roadways and sidewalks.

Cleaning. The term “cleaning” has its ordinary meaning and also includes weed removal, where appropriate, and snow removal when required for pedestrian and vehicular safety.

Park. The term “park” refers to public parks, beaches, waters, pools, boardwalks, playgrounds, recreation centers and all other property, buildings and facilities under the jurisdiction, charge or control of the department of parks and recreation.

Step street. The term “step street” means a city-owned staircase, whether mapped as a street or not, that leads from one sidewalk level to another.

b. The department of sanitation shall clean and maintain all center malls, traffic islands, triangles, medians, sitting areas, underpasses, overpasses, safety zones, step streets, throw-out areas at the end of dead-end streets and pedestrian walkways and other strips of city property adjacent to streets. This subdivision shall not be construed to conflict with or lessen the department of parks and recreation’s responsibility for maintaining trees and other forms of vegetation, pursuant to section 18-104.

c. The department of parks and recreation shall clean and maintain all areas and all city properties that are located entirely within the boundaries of any park except those properties located within the right-of-way of arterial highways which are the responsibility of the department of transportation. This subdivision shall not be construed to conflict with or lessen the department of sanitation’s responsibility for snow removal, pursuant to section 16-124.

d. The department of transportation shall clean and maintain all areas and all city properties that are located on or along arterial highways, except those portions which run through parks which are the responsibility of the department of parks and recreation, including those areas and city properties which are part of exits and entrances to an arterial highway extending outward from the roadway until they reach a fence or other barrier designed to limit access to the main road, the curb of a street, service road or other roadway which is not an arterial highway or a cliff or steep embankment which restricts passage beyond that point. This subdivision shall not be construed to conflict with or lessen the department of sanitation's responsibility for snow removal, pursuant to section 16-124, or with the department of parks and recreation's responsibility for maintaining trees and other forms of vegetation, pursuant to section 18-104.

e. Each department specified in subdivisions b, c or d of this section shall develop and maintain a web-based application on its respective website to track such department's progress in cleaning and maintaining properties pursuant to such subdivisions b, c and d.

f. It shall be the responsibility of any agency or other governmental body having jurisdiction over any subway, railway or developed property to clean alongside such subway, railway or developed property. When cleaning of such areas or properties is not performed, the commissioner of sanitation shall order compliance as provided in subdivision c of section 753 of the charter.

g. Nothing in this section shall be construed as prohibiting or conflicting with any obligation pursuant to the highway law.

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

Referred to the Committee on Governmental Operations.

Res. No. 423

Resolution calling on Congress and the President to move significant funds away from the military budget in order to fund social services, and to hold in-depth public hearings on the basic human needs of City residents that are unmet because of government appropriations for the Pentagon.

By Council Members Rivera, Barron, Hudson, Restler, Louis, Hanif, Richardson Jordan and Avilés.

Whereas, The United States spends more than 10 percent of its federal budget on the U.S. Military, and over half of the federal discretionary budget goes to defense-related programs; and

Whereas, In 2021, the United States spent over \$801 billion on the military, \$24 billion more than China, India, the United Kingdom, Russia, France, Germany, Saudi Arabia, Japan, and South Korea combined; and

Whereas, On March 28, 2022, the Biden administration submitted a national defense budget request of \$813.3 billion for Fiscal Year (FY) 2023; and

Whereas, If approved, this proposed budget will add \$30.7 billion to the \$782.6 billion budgeted for defense in FY 2022; and

Whereas, Under the Trump administration, defense spending increased by more than \$100 billion, a 16 percent increase from defense spending under the Obama administration; and

Whereas, The proposed FY 2023 defense budget is about 72 percent higher than the Obama administration's proposed defense budget of \$582.17 billion for FY 2017; and

Whereas, The \$30.7 billion increase in FY 2023 defense budget could be offset by cuts to social services, and New York City could lose hundreds of millions of dollars in federal funding for such services; and

Whereas, Former President Dwight D. Eisenhower recognized, that "every gun that is made, every warship launched, every rocket fired signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and are not clothed;" and

Whereas, Like other local governments, the City's ability to fund essential social services relies in part on federal grants; and

Whereas, The City's Department of Housing and Preservation, for example, is the largest municipal housing agency in the nation, and 68 percent of its FY 2021 budget came from federal funds; and

Whereas, According to the City Comptroller, cuts to federal programs would directly impact the lives of New Yorkers because they would eliminate the Low-Income Home Energy Assistance Program, which more than a million New Yorkers rely on to keep their homes warm in the winter; and

Whereas, Additional federally funded local programs that could experience cuts include the Summer Youth Employment Program (SYEP), as well as Meals on Wheels, which provides meals and other services to the elderly, and NYC Hope, which helps victims of domestic violence find safe shelter and other needed resources; and

Whereas, Polling has shown that constituents do not want increases in defense budgets, especially at the cost of social services; and

Whereas, A 2022 study conducted by the American Friends Service Committee found that, of the 1,240 U.S. adults surveyed, 56 percent supported cuts to the U.S. Department of Defense (DoD) and reinvesting that funding into pandemic recovery, healthcare, and jobs; and

Whereas, The Build Back Better Act, which would expand spending on health care, child care, jobs, housing, and clean energy, would cost an average of just \$170 billion per year, which equates to only 20 percent of the proposed FY 2023 defense budget; and

Whereas, The National Priorities Project estimates that diverting the additional \$30.7 billion proposed for the defense budget could, for a year, fund healthcare for approximately 850,000 children from low-income families, medical care for nearly 200,000 veterans, create more than 46,000 clean energy jobs, build 650,000 public housing units, hire 160,000 nurses, and employ an additional 54,000 elementary school teachers; and

Whereas, According to the National Priorities Project, taxpayers in New York City contributed more than \$25 billion to the DoD in 2017, and a portion of their annual tax contribution could be reallocated to provide a range of essential social services for New Yorkers; and

Whereas, In June 2017, the United States Conference of Mayors, including former Mayor Bill de Blasio, unanimously passed a resolution calling upon all cities to hold public hearings on the ways that the federal defense budget hampers local spending on essential social services; and

Whereas, the Poor People's Campaign, the Cut the Pentagon Coalition, and the Congressional Defense Spending Reduction Caucus, have called for at least a 10 percent reduction in the defense budget to meet human needs at home; and

Whereas, Residents of New York City have a right to know and publicly comment on how their tax dollars are spent and which services they want funded and prioritized;

Whereas, Local governments are the main victims of lopsided federal priorities embodied in a federal budget skewed to favor defense spending; and

Whereas, New York City would benefit if the federal government spent less on the military and more on transportation, education, housing, healthcare, environmental protection, and public goods and services; and

Whereas, Dr. Martin Luther King, Jr. powerfully and truly declared that "A nation that continues, year after year, to spend more money on military defense than on programs of social uplift is approaching spiritual death;" now, therefore, be it

Resolved, That the Council of the City of New York calls on Congress and the President to move significant funds away from the military budget in order to fund social services, and to hold in-depth public hearings on the basic human needs of City residents that are unmet because of government appropriations for the Pentagon.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Res. No. 424

Resolution calling on the United States Congress to pass, and the President to sign, the Lunar New Year Day Act (H.R. 6525).

By Council Members Ung, Lee, Krishnan, Hanif, Won, Ossé, Yeger, Schulman, Hanks, Avilés, De La Rosa, Dinowitz, Brannan and the Public Advocate (Mr. Williams).

Whereas, Lunar New Year begins on the second new moon after the winter solstice, or typically on a date from late January through mid-February, and concludes 15 days later on the next full moon; and

Whereas, Lunar New Year, with its origins more than 4,000 years ago in China, is one of the most important annual celebrations in many East and Southeast Asian cultures that use a lunisolar calendar; and

Whereas, Although Asian cultures call this celebration by their own names, such as Spring Festival in China, the inclusive term Lunar New Year is now used to encompass festivals and festivities across many Asian cultures, including Chinese, Korean, Vietnamese, Cambodian, Taiwanese, Malaysian, and more; and

Whereas, Lunar New Year is now celebrated worldwide in many countries, wherever communities with populations of Asian heritage exist; and

Whereas, a growing number of Asian Americans and new Asian immigrants has increased awareness of Lunar New Year in the United States (U.S.); and

Whereas, According to figures from the U.S. Census Bureau, as reported by the New York City (NYC) Department of City Planning in “2020 Census: Results for New York City,” almost 1.4 million residents identifying solely as Asian live in NYC and make up more than 15 percent of NYC’s population; and

Whereas, According to U.S. Census figures, the Asian population in Queens grew by 29 percent and in Brooklyn by 43 percent between 2010 to 2020; and

Whereas, Although different Asian cultures celebrate in their own ways, Lunar New Year festivities usually include traditional foods; cultural performances; parades, street fairs, and fireworks displays; and the giving of gifts or money in red envelopes to wish others good fortune, health, and prosperity; and

Whereas, Many Asian Americans travel to spend Lunar New Year with immediate and extended family, often participating in rituals to honor their ancestors, and contribute to what is the world’s largest annual movement of humans at more than one billion, according to National Geographic; and

Whereas, Asian-American communities in NYC often host Lunar New Year events that attract New Yorkers of all racial, ethnic, and religious backgrounds from many communities to enjoy the festivities in Flushing in Queens, in Chinatown in Manhattan, and in other neighborhoods, thus benefitting small businesses in those communities; and

Whereas, In June 2015, Mayor Bill de Blasio designated Lunar New Year a public school holiday, celebrated for the first time in 2016; and

Whereas, The increase in anti-Asian hate crimes in the U.S. has caused concerned citizens and government officials to look for ways to fight against anti-Asian bigotry and to support our Asian-American communities; and

Whereas, The designation of a federal holiday honors the vital role that our Asian-American communities play in NYC and their positive impacts on our culture and economy; and

Whereas, Federal legislation, entitled the Lunar New Year Day Act (H.R. 6525), was introduced in January 2022 in the U.S. House of Representatives by Representative Grace Meng (D-NY-6), along with 49 cosponsors, to establish Lunar New Year Day as a Federal holiday; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to pass, and the President to sign, the Lunar New Year Day Act (H.R. 6525).

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Int. No. 851

By Council Members Won, Louis, Yeger, Schulman, De La Rosa, Ung, Restler and Hanks.

A Local Law to amend the administrative code of the city of New York, in relation to reporting on student disenrollment from public schools and placements following disenrollment

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 REPORT ON STUDENT DISENROLLMENT

§21-1000 Report on student disenrollment. a. Definitions. For the purposes of this section, the term “student” means any pupil under the age of 21 as of September first of the school year being reported, who does not have a high school diploma and who is enrolled in a school, excluding any child who is less than four years of age on or before December thirty-first of the school year being reported.

b. Not later than August 31, 2023, and annually thereafter, the department shall submit to the mayor and the speaker of the council a report regarding student disenrollment from schools. Such report shall include but not be limited to the following information for the previous reporting period, to the extent practicable:

1. The total number of students who disenrolled from public schools and such number broken down by:

(a) Community school district;

(b) Borough;

(c) Age group;

(d) Grade level; and

(e) Race or ethnicity of such students;

2. The total number of students who disenrolled from public schools and transferred to a school in another school district, and the location of the school district where such students transferred; and

3. A list of schools where students enrolled following disenrollment from public schools, including the total number of students who chose each school and the age group, grade level, and race or ethnicity of such students.

c. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information. If a category contains between zero and five students, or contains an amount that would allow the amount of another category that is five or less to be deduced, the number shall be replaced with a symbol.

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 852

By Council Members Won, Louis, Yeger, Richardson Jordan, Schulman, Lee, Ung and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to information on affordable internet programs and community-based internet services

Be it enacted by the Council as follows:

Section 1. Title 23 of the administrative code of the city of New York is amended by adding a new chapter 13 to read as follows:

CHAPTER 13

AFFORDABLE INTERNET PROGRAMS AND COMMUNITY-BASED INTERNET SERVICES

§ 23-1301 Definitions. As used in this chapter, the following terms have the following meanings:

Affordable internet program. The term “affordable internet program” means a program that provides discounts to households to help pay for broadband internet service or internet connected devices.

Community-based internet service. The term “community-based internet services” means a service that provides internet service through infrastructure built, used and managed by local communities.

Department. The term “department” means the department of information technology and telecommunications.

§ 23-1302 Information on affordable internet programs. a. Written materials. No later than February 1, 2023, the department shall coordinate with community-based organizations to provide materials with

information on affordable internet programs and community-based internet services to communities in the city. Such materials shall include, but need not be limited to, the following information:

1. Descriptions of affordable internet programs and community-based internet services available to households in the city;

2. Eligibility criteria for such affordable internet programs and community-based internet services; and

3. Instructions on how to apply for such affordable internet programs and community-based internet services.

b. Distribution. No later than February 1, 2023, and annually thereafter, the department shall provide the materials required by subdivision a of this section electronically and in hard copy to community-based organizations for distribution to individuals served by such organizations. The department shall provide updated materials electronically and in hard copy to such community-based organizations if any substantial changes are made to affordable internet programs and community-based internet services available to households in the city.

c. Website. No later than February 1, 2023, the department shall post on its website the information about affordable internet programs and community-based internet services required by subdivision a of this section, including links to websites that allow individuals to apply for each affordable internet program and community-based internet service.

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

Referred to the Committee on Technology.

Preconsidered L.U. No. 149

By Council Member Brannan:

Yorkville Gardens, Block 1539, Lot 10, Manhattan, Community District No. 8, Council District No. 5.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 150

By Council Member Brannan:

Sherwood LLC.HUDMF.FY23, Block 1909, Lot 1; Block 1956, Lot 29, Queens, Community District No. 4, Council District No. 21.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 151

By Council Member Brannan:

Briarwood-Black Spruce, Block 9663, Lots 2 and 20, Queens, Community District No. 8, Council District No. 24.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 152

By Council Member Brannan:

157 West 119 St: Block 1904, Lot 6, Manhattan, Community District No. 10, Council District No. 9.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 153

By Council Member Brannan:

CB WHCO: Block 1831, Lot 53, Manhattan, Community District No. 10, Council District No. 9.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

NEW YORK CITY COUNCIL

A N N O U N C E M E N T S

Thursday, December 8, 2022

Committee on Civil & Human Rights

Nantasha Williams, Chairperson

Oversight - Fair Chance Housing.

Int 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, Mealy, Barron and Louis (in conjunction with the Manhattan Borough President, Brooklyn Borough President, Bronx Borough President and 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. Committee Room – City Hall.....10:00 a.m.

Committee on Civil Service and Labor

Carmen De La Rosa, Chairperson

Oversight - Support for New York City Worker Unionization Drives.

Res 131 - By Council Members De La Rosa, Hanif, Brewer, Sanchez, Stevens, Cabán, Restler, Narcisse, Bottcher, Moya, Abreu, Rivera, Richardson Jordan, Nurse, Barron, Schulman, Dinowitz, Joseph, Menin, Marte, Avilés, Riley and Velázquez (by request of the Manhattan Borough President) - **Resolution** calling on Wendy’s to join the Fair Food Program and support farmworkers’ human rights.

Res 257 - By Council Members Cabán, Avilés, De La Rosa, the Public Advocate (Mr. Williams) and Council Members Powers, Brewer, Hanif, Louis, Hudson, Nurse, Ossé, Ung, Restler, Feliz, Williams, Won, Sanchez, Stevens, Joseph, Gutiérrez, Menin, Riley and Velázquez - **Resolution** expressing solidarity with unionization drives across New York City’s workforce and affirming the right to have union elections free from anti-democratic union-busting practices.

Council Chambers – City Hall.....10:00 a.m.

Committee on Cultural Affairs, Libraries & International Intergroup Relations

Chi A. Ossé, Chairperson

Oversight - Equity, Civic Engagement, and the Role of Libraries.

Res 285 - By Council Members Barron, Cabán, Brewer, Restler, Hanif, Bottcher, Nurse, Krishnan, Avilés, Stevens, Hudson, Rivera, Williams, Gutiérrez, Richardson Jordan, Riley, Marte and Ossé - **Resolution** calling upon the United States Congress and President to end the Cuban embargo and Cuban travel ban.

Res 387 - By Council Members Ayala, Salamanca, Joseph, Farías and the Public Advocate (Mr. Williams) - **Resolution** calling on the U.S. Congress to repeal the Merchant Marine Act of 1920, commonly known as the “Jones Act”.

Res 392 - By Council Members Cabán, Avilés, Rivera, Farías, Velázquez, Ayala, Stevens, Hanif, Restler, Hudson, Gutiérrez, Krishnan, Won, Nurse, Abreu, Brewer, Marte, Sanchez, Brooks-Powers and Schulman - **Resolution** supporting a democratically governed public entity that will provide reliable and affordable electrical power to the people of Puerto Rico and supporting the cancellation of the contract with LUMA Energy.

Committee Room – City Hall.....1:00 p.m.

Committee on Finance

Justin Brannan, Chairperson

Oversight – Mayor’s November Financial Plan.

Council Chambers – City Hall.....1:00 p.m.

Monday, December 12, 2022

Committee on Consumer and Worker Protection

Marjorie Velázquez, Chairperson

Int 559 - By Council Members Velázquez, Bottcher, Brannan, Cabán, Abreu, Brewer, Joseph, Hudson, Restler, Gennaro, Krishnan, Won, Avilés, Brooks-Powers, Ossé, Rivera, Nurse, Menin, Hanif, De La Rosa, Marte, Narcisse, Gutiérrez, Powers, Sanchez, Salamanca, Farías, Ayala, Feliz and Lee (in conjunction with the Brooklyn Borough President) - **A Local Law** to amend the administrative code of the city of New York, in relation to restricting eating utensils and extra eating containers, and clarifying the definition of third-party courier service.

Committee Room – 250 Broadway, 16th Floor10:00 a.m.

Committee on Transportation and Infrastructure jointly with the
Committee on Public Safety

Selvena N. Brooks-Powers, Chairperson
Kamillah Hanks, Chairperson

Oversight - Public Safety in the Subway System.

Council Chambers – City Hall.....11:00 a.m.

Committee on Women and Gender Equity jointly with the
Committee on Civil & Human Rights

Tiffany Cabán, Chairperson
Nantasha Williams, Chairperson

Oversight - Coerced Debt.

Int 148 - By Council Members Brannan, Louis, Ayala, Cabán, Stevens, Hanif, Won, Restler, Hudson, Nurse, Abreu, Williams and Yeger - **A Local Law** to amend the administrative code of the city of New York, in relation to expanding protections for victims of domestic violence to include economic abuse.

Committee Room – City Hall.....1:00 p.m.

Tuesday, December 13, 2022

Committee on Fire and Emergency Management jointly with the
Committee on Technology

Joann Ariola, Chairperson
Jennifer Gutiérrez, Chairperson

Oversight - New York City Fire Department's Emergency Dispatch System.

Committee Room – City Hall.....10:00 a.m.

Committee on Governmental Operations

Sandra Ung, Chairperson

Oversight - New York City's Campaign Finance Program in the 2021 Citywide Elections.

Preconsidered Int ___ - By Council Member Brooks-Powers, Farías and Cabán - **A Local Law** to amend the New York city charter, in relation to requiring disclosure of the identity of contributors to entities making independent expenditures in support of or in opposition to any municipal ballot proposal or referendum.

Council Chambers – City Hall.....10:00 a.m.

Committee on Criminal Justice

Carlina Rivera, Chairperson

Oversight - Nunez Compliance: DOC's Action Plan Progress Update.

Int 589 - By Council Members Rivera, Cabán, Louis, Hanif, Joseph, Nurse, Gutiérrez and Sanchez - **A Local Law** to amend the administrative code of the city of New York, in relation to reporting on medical care and outcomes for incarcerated pregnant persons.

Int 806 - By Council Members Rivera, The Speaker (Council Member Adams), Hanif, Louis, Restler, Brewer, Joseph and Abreu - **A Local Law** to amend the administrative code of the city of New York, in relation to the establishment of jail population review teams.

Council Chambers – City Hall.....1:00 p.m.

Committee on Veterans jointly with the
Committee on Mental Health, Disabilities & Addiction

Robert F. Holden, Chairperson
Linda Lee, Chairperson

Oversight - Veterans Treatment Courts.

Committee Room – City Hall.....1:00 p.m.

Wednesday, December 14, 2022

Committee on Environmental Protection

James F. Gennaro, Chairperson

Oversight - New York City's air quality, and its effects on public health.

Int 279 - By Council Members Powers, Rivera, Hudson, Brewer, Stevens, Yeger, Ayala, Farías, Restler, Abreu, Krishnan, Marte, Nurse, Hanif, Brannan, Velázquez, Avilés, Schulman, Bottcher, Moya, Williams, Cabán, Dinowitz, Riley, Gutiérrez, Brooks-Powers, Hanks, Narcisse, De La Rosa, Menin, Sanchez, Feliz, Joseph, Won, Ossé, Salamanca and Gennaro (in conjunction with the Manhattan Borough President) - **A Local Law** to amend the administrative code of the city of New York, in relation to the purchase of zero emission vehicles by the city.

Int 606 - By Council Members Avilés, Ossé, Nurse, Marte, Gennaro, Restler, Hanif, Ung, Narcisse, Won, Krishnan, Holden, Gutiérrez, Joseph, Menin, Bottcher, Brooks-Powers, Velázquez, Williams, De La Rosa, Farías, Abreu, Feliz, Kagan, Sanchez, Lee, Hanks, Brewer, Barron, Rivera, Yeger, Dinowitz, Salamanca, Brannan and Paladino - **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.

Int 612 - By Council Members Cabán, Richardson Jordan, Nurse, Won, Brewer, Restler, Hanif, Gutiérrez, Joseph, Abreu, Sanchez and Gennaro - **A Local Law** to amend the New York city charter, in relation to monitoring power plants performance.

Int 684 - By Council Members Menin, Avilés, Louis, Nurse, Restler, Hanif, Hudson, Joseph, Ung, Marte, Velázquez, De La Rosa, Holden, Farías, Williams, Cabán, Powers, Narcisse, Bottcher, Schulman, Richardson Jordan, Ayala, Won, Krishnan, Abreu, Feliz, Ossé, Gutiérrez, Dinowitz, Kagan, Sanchez, Hanks, Riley, Rivera, Salamanca, Brannan, Gennaro and Paladino (in conjunction with the Manhattan Borough President) - **A Local Law** to amend the administrative code of the city of New York, in relation to increasing civil penalties for idling infractions by trucks and buses.

Int 707 - By Council Members Avilés, Restler, Cabán, Gutiérrez, Hanif, Gennaro, Nurse, Hudson, Ung, Joseph and Abreu (by request of the Brooklyn Borough President) - **A Local Law** to amend the administrative code of the city of New York, in relation to air quality monitoring at designated “heavy use” thoroughfares.

Committee Room – City Hall.....10:00 a.m.

Committee on Health

Lynn C. Schulman, Chairperson

Int 4 - By Council Members Ayala, Menin, Powers, Holden, Schulman, Louis, Farías, Ossé, Hanif, Krishnan, Brannan, Marte, Abreu, Joseph, Bottcher, Riley, Brewer, Dinowitz, Gennaro, De La Rosa, Gutiérrez, Moya, Ung, Cabán, Nurse, Rivera, Sanchez, Lee, Salamanca, Narcisse, Avilés, Hudson, Velázquez, Richardson Jordan and Williams - **A Local Law** to amend the administrative code of the city of New York, in relation to prohibiting the sale of guinea pigs as pets, and clarifying the definition of the term “pet shop” to address inconsistent use of such term in the code.

Council Chambers – City Hall.....10:00 a.m.

Subcommittee on Senior Centers and Food Insecurity jointly with the
Committee on Aging

Darlene Mealy, Chairperson
Crystal Hudson, Chairperson

Oversight - Food Insecurity and Older Adult Centers.

Committee Room – 250 Broadway, 16th Floor10:00 a.m.

Committee on Public Housing

Alexa Avilés, Chairperson

Oversight - Winter Preparedness Across NYCHA Developments.

Committee Room – 250 Broadway, 14th Floor10:00 a.m.

Thursday, December 15, 2022

Committee on General Welfare

Diana I. Ayala, Chairperson

Oversight - Timeliness of Public Benefits Processing at the Human Resources Administration.

Int 641 - By Council Members Williams, Restler, Hanif, Nurse, Gutiérrez, Yeger, Sanchez and Ayala - **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.

Int 703 - By Council Members Abreu, Avilés, Restler, Hudson, Ung and Ayala - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring information on the timeliness of city-funded rental payments.

Int 704 - By Council Members Abreu, Avilés, Restler, Hudson, Ung, Joseph and Ayala - **A Local Law** to amend the administrative code of the city of New York, in relation to the receipt of rental assistance payments.

Council Chambers – City Hall.....10:00 a.m.

Monday, December 19, 2022

The New York City Council - Committee of the Whole

Oversight - Examining the City’s Response and Delivery of Services to Migrants.

AGENCY TESTIMONY

| | |
|-------------------------|--|
| 10:00 a.m. – 12:00 p.m. | Mayor’s Office of Immigrant Affairs New York City Office of Emergency Management Mayor’s Office of Contracts Health + Hospitals Corporation |
| 12:00 p.m. – 1:00 p.m. | Health + Hospitals Corporation Department of Health and Mental Hygiene |
| 1:00 p.m. – 2:30 p.m. | Department of Social Services Department of Youth and Community Development |
| 2:30 p.m. – 4:00 p.m. | Department of Education |

Council Chambers – City Hall.....10:00 a.m.

Tuesday, December 20, 2022

The New York City Council - Committee of the Whole

Oversight - Examining the City’s Response and Delivery of Services to Migrants.

10:00 a.m. – PUBLIC TESTIMONY

Council Chambers – City Hall.....10:00 a.m.

Wednesday, December 21, 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 the city had been working over the past several months to accommodate and support tens of thousands of people seeking asylum from their home countries. She recognized the hard work of the city and the non-profit workers who had provided critical support and resources. She noted that she had recently joined Council Member Krishnan and the New York Immigration Coalition for a Key to the City Holiday Family Resource Fair where basic necessities for families seeking asylum were provided. She further pointed out that the Council was hosting a holiday drive for asylum seekers to collect new clothes, coats, school supplies, baby formula, diapers, and other essentials. The drive would take place at City Hall and 250 Broadway and would continue until December 22nd.

The Speaker (Council Member Adams) noted that a two day hearing would be held by the Committee of the Whole on December 19 and 20, 2022 to examine the city's response and delivery of services to migrants who had arrived in New York. She noted that the Committee of the Whole would be chaired by herself and the Deputy Speaker (Council Member Ayala). The first day would consist of testimony from key city agencies including the Mayor's Office of Immigrant Affairs, the New York City Health and Hospitals, the Department of Health and Mental Hygiene, the Department of Social Services, the Department of Youth and Community Development and the Department of Education. The second day would be dedicated solely to public testimony. In response to this crisis, she reiterated that everyone needed to work together to support those individuals and families seeking asylum and to help everyone seeking help across the City.

The Speaker (Council Member Adams) acknowledged that December 2, 2022 marked Special Education Day which commemorated the signing into law of the Individuals with Disabilities Education Act in 1975. She noted that it was critical that effective and sustained services are provided to our most vulnerable students so as to enable them to succeed.

The Speaker (Council Member Adams) also acknowledged that the week of December 5th, 2022 marked National Influenza Vaccination Week which served as a reminder for everyone to receive a flu shot. She noted that one could make an appointment for a flu shot by referring to the [vaccinefinder.NYC.gov](https://vaccinefinder.nyc.gov) website.

Toward the end of the Communication from the Speaker segment of this meeting, the Majority Leader and Acting President Pro Tempore (Council Member Powers) wished a very happy birthday to the Speaker (Council Member Adams) in anticipation of her December 9th birthday.

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 on Wednesday, December 21, 2022.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

*Editor's Local Law Note: Int. Nos. 153-A and 154-A, both adopted by the Council at the October 27, 2022 Stated Meeting, were **signed into law** by the Mayor on November 22, 2022 as, respectively, Local Law Nos. 112 and 113 of 2022.*

*Int. Nos. 258-A and 291-A, both adopted by the Council at the October 27, 2022 Stated Meeting, were **returned unsigned** by the Mayor on November 28, 2022. These items had become law on November 27, 2022 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Laws Nos. 114 and 115 of 2022, respectively.*

*Int. Nos. 516-A, 519-A, 552-A, 553-A, and 560-A, all adopted by the Council at the November 3, 2022 Stated Meeting, were **signed into law** by the Mayor on November 28, 2022 as, respectively, Local Law Nos. 116 to 120 of 2022.*