

THE COUNCIL

Minutes of the Proceedings for the

STATED MEETING

of

Thursday, January 19, 2023, 2:31 p.m.

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

Council Members

Adrienne E. Adams, *The Speaker*

Shaun Abreu	Jennifer Gutiérrez	Keith Powers
Joann Ariola	Shahana K. Hanif	Lincoln Restler
Alexa Avilés	Kamillah Hanks	Kristin Richardson Jordan
Diana I. Ayala	Robert F. Holden	Kevin C. Riley
Charles Barron	Crystal Hudson	Carlina Rivera
Joseph C. Borelli	Rita C. Joseph	Rafael Salamanca, Jr
Erik D. Bottcher	Ari Kagan	Pierina Ana Sanchez
Justin L. Brannan	Shekar Krishnan	Lynn C. Schulman
Gale A. Brewer	Linda Lee	Althea V. Stevens
Selvena N. Brooks-Powers	Farah N. Louis	Sandra Ung
Tiffany Cabán	Christopher Marte	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
Oswald Feliz	Chi A. Ossé	
James F. Gennaro	Vickie Paladino	

Absent: Council Member Mealy.

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.

Council Members Moya, Sanchez, and the Minority Leader (Council Member Borelli) participated remotely.

INVOCATION

The Invocation was delivered by Venerable You Lin, Director, Fo Guang Shan New York Temple/International Buddhist Society located at 154-37 Barclay Ave., Flushing, N.Y. 11355.

Auspicious greeting to the State Leaders,
Council Members and Guests.
I'm You Lin from Fo Guang Shan New York Temple.
Thank you for inviting me.
I'm honored and humbled
to share an Invocation for today's meeting.

Let us now pray to the name of our spiritual leaders
of great compassionate God and Buddha.
At the beginning of the new year,
you will look upon everything in the past
as a yesterday that has passed away.
Everything in the future as today
that is newly born.
Oh great compassionate God and Buddha,
in the new year please grant:
that every word we say may be
compassionate, kind and encouraging;
that everything we do
may be acceptable to most people
and beneficial to the masses;
that every intention we have
may be a blessing to others
and transfer a merit to them;
that every action we take
may be beneficial to the nation
and of assistance to the world;
that we may be willing
to contribute our body and mind
to society that we may be willing
to share everything we own with others.
Oh great compassionate God and Buddha,
please give us strength.
Allow us to progress
on the way to enlightenment
wholeheartedly without regret.
A new spirit, the new year.
Allow us to start everything new.

[Speaking in another language]

Lastly, wishing everyone a Happy New Year.

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

During the Communication from the Speaker segment of this meeting, the Speaker (Council Member Adams) spoke of the recent deaths of several New Yorkers:

The Speaker (Council Member Adams) asked for a moment to remember the life of John Wright who founded The Wright Group NY. Mr. Wright passed away on January 17, 2023 at the age of 57. She described him as an incredible advocate who championed equity and support for the city's communities. She further noted that Mr. Wright's work with non-profit organizations, arts and cultural organizations, human service providers, and criminal justice organizations had benefitted countless New Yorkers. On behalf of the Council, the Speaker (Council Member Adams) sent her warmest thoughts to Mr. Wright's family, friends, colleagues, and to everyone who came to know him.

The Speaker (Council Member Adams) acknowledged the loss of several New Yorkers who died while on the job. The following individuals recently died during the course of their employment: Duane Patterson, 61, a bouncer and Air Force veteran from Inwood who was beaten and who subsequently died of his injuries on December 28, 2022; Aboubacar Toure, 34, from Harlem who was shot and killed on December 29, 2022 at the Bronx auto shop where he worked; and Police Officer Steven Hernandez of the 121st Precinct in Staten Island who served the city as a public servant and passed away on January 10, 2023. On behalf of the Council, the Speaker (Council Member Adams) sent her deepest condolences to the families and loved ones of these deceased individuals during this difficult time.

* * *

ADOPTION OF MINUTES

Council Member Cabán moved that the Minutes of the Stated Meeting of December 21, 2022 be adopted as printed.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

Preconsidered M-109

Communication from the New York County Democratic Committee recommending the name of Carol R. Edmead to the Council regarding her appointment to the office of Commissioner of Elections of the Board of Elections pursuant to § 3-204 of the New York State Election Law.

**SUPPLEMENTAL
ELECTION COMMISSIONER CERTIFICATION**

To the Clerk of the New York City Council:

I certify that:

At a meeting of the Executive Committee of the New York County Democratic Committee held via videoconferencing service on the 29th day of December, 2022, under the provision of the Election Law and Rules and Regulations of the County Committee, a quorum being present, CAROL R. EDMEAD, residing at **[redacted]** was voted to be recommended by a majority of said committee as suitable and qualified person for appointment to the office of Commissioner of Elections to fill an existing vacancy in said office for the remainder of the current term expiring December 31, 2024, and that said designee is a registered voter of the County of New York and duly enrolled member of the Democratic Party.

In the further alternative, the Executive Committee of the New York County Democratic Committee voted to permit the county leader to designate any member of the Executive Committee of the New York County Democratic Committee for appointment to the office of Commissioner of Elections to fill an existing vacancy in said office for the remainder of the current term expiring December 31, 2024.

This Supplemental Election Commissioner Certification is presented and filed as a supplement to the Election Commissioner Certification dated November 18, 2022, and filed on December 6, 2022.

Dated: New York, New York
December 29, 2022

Permitted to submit the alternative designation

Domenico Minerva
Chairperson
New York County Democratic Committee

Referred to the Committee on Rules, Privileges and Elections.

PETITIONS & COMMUNICATIONS

Preconsidered M-110

Deanna Hoskins, candidate for appointment by the Council to the New York City Board of Correction pursuant to § 626 of the New York City Charter.

(For text of Briefing Paper from the meeting of the Committee on Rules, Privileges and Elections held on January 18, 2023, please refer to the attachments section of [the M-110 of 2023 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>)

Referred to the Committee on Rules, Privileges and Elections (preconsidered but laid over by the Committee on Rules, Privileges and Elections).

Preconsidered M-111

Rachel Bedard, candidate for appointment by the Council to the New York City Board of Correction pursuant to § 626 of the New York City Charter.

(For text of Briefing Paper from the meeting of the Committee on Rules, Privileges and Elections held on January 18, 2023, please refer to the attachments section of [the M-111 of 2023 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>)

Referred to the Committee on Rules, Privileges and Elections (preconsidered but laid over by the Committee on Rules, Privileges and Elections).

LAND USE CALL-UPS

M-112

By Council Member Bottcher:

Pursuant to Sections 11.20b and 11.20c of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on Uniform Land Use Review Procedure Application Numbers C 200012 ZSM and C 200013 ZSM (213-227 West 28th Street Parking Special Permits) shall be subject to Council review.

Coupled on Call-up vote.

The Majority Leader and the Acting President Pro Tempore (Council Member Powers) put the question whether the Council would agree with and adopt such motion which was 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, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Hudson, Joseph, Kagan, Krishnan, Lee, Louis, Marte, 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**.

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

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Aging

Report for Int. No. 672-A

Report of the Committee on Aging 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 cultural programming relevant to prevalent spoken languages at older adult centers.

The Committee on Aging, to which the annexed proposed amended local law was referred on September 14, 2022 (Minutes, page 2161), respectfully

REPORTS:

I. INTRODUCTION

On January 18, 2023, the Committee on Aging, chaired by Council Member Crystal Hudson, voted on Introduction No. 672-A, in relation to cultural programming relevant to prevalent spoken languages at older adult centers; Introduction No. 673-A, in relation to promoting housing stability for older adults by making available full legal representation in eviction or termination of tenancy proceedings in housing court for any person who is 60 years of age or older and establishing a housing support program for persons 60 years of age or older who are at risk of eviction or foreclosure; and Introduction No. 674-A, in relation to requiring a know your rights pamphlet for older adults. Introduction 672-A passed with five votes in the affirmative, with no nays or abstentions. Introduction 673-A passed with five votes in the affirmative, with no nays or abstentions. Introduction 674-A passed with five votes in the affirmative, with no nays or abstentions. On September 7, 2022, the Committee on Aging heard this legislation and received testimony from the New York City (“NYC” or “City”) Department for the Aging, older adult advocacy groups and organizations, and other interested stakeholders.

II. BACKGROUND

New York City Department for the Aging

In NYC, the Department for the Aging (DFTA) provides support and information for older adults.¹ This includes, but is not limited to, promoting public awareness of resources available for older adults; cooperating with and assisting local neighborhoods in the development of programs and the establishment of local offices; serving as a clearing house for information relating to the needs of older adults; disbursing available City, State, and federal funds to programs throughout the city; and promulgating rules and regulations for the operation of facilities, services, and programs under its jurisdiction.² Additionally, DFTA engages in work to support caregivers through service, advocacy, and education.³ DFTA carries out these responsibilities with the mission

¹ N.Y.C. Charter §2402.

² *Id.*

³ N.Y.C. Dep’t for the Aging, Commissioner’s Message (n.d.), available at <https://www1.nyc.gov/site/dfta/about/commissioners-message.page>.

“to eliminate ageism and ensure the dignity and quality of life of diverse older adults,”⁴ and all New Yorkers may access DFTA and City services regardless of immigration status.⁵

Within DFTA, the Senior Employment Services Unit (SESU) helps older adults 55 and older prepare for and find work while paying them.⁶ SESU trains older adults to use computers, look for work, and write résumés; as the unit also offers career counselors to give advice.⁷ Older adults may access SESU via its website, <https://www1.nyc.gov/site/dfta/services/older-adult-employment.page>, or by calling 311 or Senior Employment Services at 212-602-6958.⁸

DFTA’s Caregiver Resource Center provides free counseling and assistance to New Yorkers caring for persons with Alzheimer’s and other forms of dementia.⁹ DFTA funds 12 community-based caregiver programs across the five boroughs that can provide: information & referrals; long-term care planning; support groups; counseling; training; respite care; and financial assistance for some types of assistive devices (e.g., medical alert systems, limited home modifications, and caregiving supplies).¹⁰

DFTA’s Elderly Crime Victims Resource Center helps older victims of crimes committed by strangers.¹¹ Such crimes can be financial, physical, or emotional, and include neglect - the same crimes that are committed in elder abuse cases.¹² DFTA partners with a community-based programs in each borough to provide elder abuse victims with crisis intervention and safety planning.¹³ The programs also help victims compile evidence, work with authorities, and seek compensation through the New York State Office of Victim Services.¹⁴

DFTA’s Grandparent Resource Center aims to help older adults adjust to their role as a kinship caregiver.¹⁵ Available services include workshops on legal issues, benefits and entitlements, nutrition, budgeting, and other topics; referrals and information; peer support groups and guidance on starting individual groups; expanded outreach at Mayor’s Action Plan for Neighborhood Safety¹⁶ sites; Parenting a Second Time Around classes; and “Grandparent sensitivity training” for professionals.¹⁷ These services are accessible by calling 311.¹⁸

DFTA’s Foster Grandparent Program is a volunteer-based program that offers New Yorkers age 55 and older, who meet income eligibility requirements, a paid non-taxable stipend to serve as mentors, tutors, and emotional support for children and youth with special and exceptional needs.¹⁹ Volunteers serve a minimum of 15 hours per week, and are placed in a variety of community settings, such as Head Start Programs, day care centers, schools, hospitals, and family courts.²⁰ Those interested in being a Foster Grandparent volunteer can contact Aging Connect at 212-AGING-NYC (212-244-6469).²¹

DFTA’s Bill Payer Program partners older New Yorkers with a financial-technology company to help them manage their household bills.²² For eligible clients, a Bill Payer representative will make a one-time visit to their

⁴ *Id.*

⁵ *Id.*; see also N.Y.C. Mayor’s Off. of Immigr. Aff., *Our Programs: Immigrant Enforcement* (n.d.), available at <https://www1.nyc.gov/site/immigrants/programs/social-economic/immigration-enforcement.page>.

⁶ ACCESS NYC, *Job training and placement for older adults* (n.d.), available at <https://access.nyc.gov/programs/senior-employment-services-ses/>.

⁷ *Id.*

⁸ *Id.*

⁹ N.Y.C. Dep’t for the Aging, *Caregiving: Caring for Adults* (n.d.), available at <https://www1.nyc.gov/site/dfta/services/caregiving.page>.

¹⁰ *Id.*

¹¹ N.Y.C. Dep’t for the Aging, *Elder Abuse & Crime* (n.d.), available at <https://www1.nyc.gov/site/dfta/services/elder-abuse-crime.page>.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ N.Y.C. Dep’t for the Aging, *Caring for Children* (n.d.), available at <https://www1.nyc.gov/site/dfta/caregivers/caring-for-children.page>.

¹⁶ According to the Mayor’s Office of Criminal Justice, the Mayor’s Action Plan for Neighborhood Safety (MAP) is “a targeted, comprehensive approach to reduce violent crime in and around the 15 public housing developments that [as of 2014] comprise almost 20 percent of violent crime in the City’s public housing.” MAP was launched in 2014 by the de Blasio Administration.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ N.Y.C. Dep’t for the Aging, *Services: Intergenerational, Foster Grandparent Program* (n.d.), available at <https://www1.nyc.gov/site/dfta/services/intergenerational.page>.

²⁰ *Id.*

²¹ *Id.*

²² N.Y.C. Dep’t for the Aging, *Bill Payer Program* (n.d.), available at <https://www1.nyc.gov/site/dfta/services/bill-payer-program.page>.

home to help with their budget and enroll them in the program.²³ After that, the program will continue to review and process the payment of their bills each month and inform them of any discrepancies or potential fraud.²⁴ For a referral, older adults may call Aging Connect.²⁵

Aging Connect, which is DFTA's information and referral contact center for older adults and their families, can be accessed by calling 212-Aging-NYC (212-244-646) or by sending a message via <https://www1.nyc.gov/site/dfta/about/contact-aging-connect.page>.²⁶ It also includes a search tool to find older adult centers (OACs), services, programs, and more by zip code or borough.²⁷

DFTA funds more than 300 OACs and affiliated sites through community partnerships in every borough.²⁸ OAC membership is free and open to anyone age 60 or older, without restriction on center choice.²⁹ OACs offer both in-person and virtual activities, and while not all services are available at all sites, popular activities and services include:

- Art, music, and dance classes;
- Walking clubs, yoga, and tai chi (that can help assist with falls prevention);
- Chronic disease self-management classes for people with arthritis, diabetes, and high blood pressure;
- Nutrition and other workshops;
- Benefits screenings (Medicare, Medicaid, the Supplemental Nutrition Assistance Program, and other programs);
- Technology classes;
- Recreational trips;
- Transportation;
- Lunch (some centers also serve breakfast and/or dinner); and
- Holiday and birthday celebrations.

DFTA partners with hundreds of community-based organizations to provide services through older adult centers (OACs), naturally occurring retirement communities (NORCs), case-management and home-care agencies, home-delivered meal programs, and mental health and friendly visiting programs in each borough.³⁰ Some OACs also provide mental health services through the Mayor's Office of Community Mental Health Geriatric Mental Health Initiative.³¹

DFTA also funds OACs for special populations, including SAGE centers (in every borough) and the Queens Center for Gay Seniors, which support LGBTQIA+ older adults, as well as VISIONS at Selis Manor Senior Center, which is an adapted center that offers an array of services for blind and low-vision older adults.³²

In addition to the Geriatric Mental Health Initiative at OACs, DFTA offers a free in-home Friendly Visiting Program through the Mayor's Office of Community Mental Health.³³ Friendly Visiting is for traditionally homebound older adults who have ongoing health challenges that make it difficult for them to go out.³⁴ Volunteers visit the older adult in their home to talk about shared interests and experiences, forming friendships in the process.³⁵ According to DFTA's website, due to the pandemic, volunteers are currently maintaining social distancing guidelines and are connecting with their matches by phone and video calls.³⁶ Similarly, the Friendly

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ N.Y.C. Dep't for the Aging, Services: Find Services (n.d.), available at <https://www1.nyc.gov/site/dfta/services/find-help.page>.

²⁷ *Id.*

²⁸ N.Y.C. Dep't for the Aging, Older Adult Centers (n.d.), available at <https://www1.nyc.gov/site/dfta/services/older-adult-center.page>.

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² VISIONS, About: VISIONS Center on Aging (n.d.), available at <https://visionsvc.org/what-we-do/senior-center/>.

³³ N.Y.C. Dep't for the Aging, Services: In-Home Services (n.d.), available at <https://www1.nyc.gov/site/dfta/services/in-home-services.page>.

³⁴ N.Y.C. Dep't for the Aging, Friendly Programs: How Friendly Visiting and Friendly VOICES Can Help (n.d.), available at <https://www1.nyc.gov/site/dfta/services/friendly-programs.page>.

³⁵ *Id.*

³⁶ *Id.*

VOICES program, which is based on the Friendly Visiting model, is for older adults who are isolated for other reasons (such as COVID-19).³⁷ Volunteers are matched with older adults and keep in touch with them by calling them via phone or video calls.³⁸ Older adults also have the option to join a virtual group, or be matched with a peer closer to their age.³⁹ In partnership with NYC Service, DFTA also has a Volunteer Resource Center, which recruits, trains, engages, and hosts individuals who are interested in learning about Aging services.⁴⁰

Lastly, DFTA partners with Older Adult Technology Services (OATS) to offer free online classes every week through their website, Senior Planet (<https://seniorplanet.org/>).

III. ISSUES & CONCERNS

Older Adults' Access to Legal Services, Financial Assistance, and Housing Support

i. Legal Services for Older Adults Facing Eviction

Older adults face a high risk of homelessness, and often live on fixed incomes or are rent burdened, even for those enrolled in programs to freeze their rent, such as the Senior Citizen Rent Increase Exemption (SCRIE).⁴¹ Older adults are more likely to spend in excess of 30 percent of their income on housing than the total population, whether they rent or own.⁴²

DFTA partners with legal services organizations to assist older adults with a variety of legal issues, including landlord-tenant issues.⁴³ According to DFTA's website, the agency currently contracts with three organizations: Legal Services NYC for older adults in the Bronx, Brooklyn, and Staten Island; Mobilization for Justice for older adults in Manhattan; and the Jewish Association Serving the Aging for older adults in Queens.⁴⁴ Additionally, DFTA partners with the Civil Court of the City of New York in operating the Assigned Counsel Project (ACP).⁴⁵ This program is available to older adults aged 60 or above who live in Brooklyn, the Bronx, Manhattan, or Queens, and are tenants in housing court facing eviction due to nonpayment of rent or holdover allegations.⁴⁶ ACP assigns an attorney and a social worker or social work intern to each older adult accepted into the program.⁴⁷ Accepted older adults then receive free legal representation in housing court, as well as free assistance with obtaining financial assistance to cover past due rent, obtaining protection from rental increases, obtaining healthcare benefits, and other related services.⁴⁸ At a Committee on Aging hearing in December 2021 on housing New Yorker's older adult population, DFTA Commissioner Lorraine Cortés-Vázquez testified that ACP worked with 415 clients each year,⁴⁹ and acknowledged that demand for this specialized program outweighs the available resources.

The Human Resources Administration (HRA) Office of Civil Justice (OCJ) Universal Access (UA) initiative makes full legal representation available in eviction proceedings to all New Yorkers at or below the 200 percent federal poverty level (FPL). According to OCJ's 2021 Annual Report, under UA, approximately 27,000 clients

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ N.Y.C. Dep't for the Aging, Volunteer Resources (n.d.), available at <https://www1.nyc.gov/site/dfta/volunteering/volunteer-resources.page>.

⁴¹ N.Y.C. Council, Our Homelessness Crises: The Case for Change, available at: <http://council.nyc.gov/data/wp-content/uploads/sites/73/2020/01/FINAL-PAPER.pdf>.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ NYC 311, Senior Legal Assistance and Inquiries, available at <https://portal.311.nyc.gov/article/?kanumber=KA-03171> (last accessed Sep. 9, 2022). See also N.Y.C. Dept. <https://data.cityofnewyork.us/Social-Services/Department-for-the-Aging-DFTA-Contracted-Providers/cqc8-am9x/data>.

⁴⁵ N.Y. St. Unified Ct. Sys. Off. For Justice Initiatives, Assigned Counsel Project (ACP), https://www.nycourts.gov/courts/nyc/civil/pdfs/acp_brochure.pdf (last accessed Sep. 2, 2022).

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ Testimony of Lorraine Cortés-Vázquez, Commissioner, N.Y.C. Dep't for the Aging, to the N.Y.C. Council Committee on Aging, Dec. 3, 2021.

received full legal representation with \$136 million. However, legal service providers report that they are understaffed and under-resourced, and they argue that tenants facing eviction are not getting adequate representation under the city's Right to Counsel law.⁵⁰ Amid rising caseloads in the city's housing courts during the pandemic, legal service providers have reportedly struggled to take on additional clients.⁵¹ As of March 2022, there were more than 219,335 active eviction cases in NYC, more than 65 percent of which were filed before the coronavirus pandemic, according to Office of Court Administration data compiled by groups including the Right to Counsel Coalition and the Housing Data Coalition.⁵²

Given these capacity concerns, it is crucial that older adults are prioritized and given the resources they need to obtain competent legal counsel to ensure they can remain in their homes. DFTA, in partnership with the Council, legal services providers, and HRA, should explore additional avenues in securing legal representation for older adults with landlord-tenant issues, especially as rents hit record highs and the city's affordability crisis deepens.⁵³

ii. Financial Assistance & Housing Support

Improved collaboration between City agencies, as well as additional outreach efforts, are essential to ensuring that older adults are aware of their potential eligibility for financial assistance and housing supports, including the City's rental assistance program, CityFHEPS,⁵⁴ and HRA Homebase,⁵⁵ which provides homeless prevention services to individuals experiencing housing instability. The NYC Housing Preservation and Development (HPD) Housing Ambassadors program partners with community-based organizations to provide assistance to affordable housing applicants.⁵⁶ Existing programs and resources, such as this program and OACs, could be leveraged to connect older adults with housing assistance.

DFTA offers its own programs to help older adults afford their housing needs. For example, the agency partners with the New York Foundation for Senior Citizens to operate a Home Sharing Program for older adults,⁵⁷ which pairs individuals aged 60 or older with other older adults, younger adults, or individuals with developmental disabilities into homes owned by a non-profit organization or an individual. DFTA also connects older adults to other City resources, such as HRA's one-shot deal, an emergency assistance program which helps people who can't meet an expense due to an unexpected situation or event.⁵⁸ One of the most common uses of the one-shot deal is for rental assistance to prevent or forestall an eviction.⁵⁹ Older adults may also be eligible for SCRIE, which is administered by the Department of Finance (DOF). This program protects low-income tenants aged 62 and older from certain rent increases in rent regulated apartments and certain types of cooperative apartments.⁶⁰ Advocates and elected officials have called for the State Legislature to reform SCRIE so that

⁵⁰ Emma Whitford, *NYC Housing Court Memo on Atty Shortages Meets Pushback*, Law360 (Apr. 1, 2022, 6:18 PM), <https://www.law360.com/articles/1479990/nyc-housing-court-memo-on-atty-shortages-meets-pushback>.

⁵¹ Emma Whitford, *NYC Housing Court Rejects 'Inundated Attys' Slowdown Ask*, Law360 (Mar. 4, 2022, 7:37 PM), <https://www.law360.com/articles/1470771/nyc-housing-court-rejects-inundated-attys-slowdown-ask>.

⁵² *Id.*

⁵³ Peter Champelli, *New York City Rents Hit Record Highs amid Nationwide Housing-Price Increases*, Wall Street Journal (Aug. 11, 2022, 8:00 AM), <https://www.wsj.com/articles/new-york-city-rents-hit-record-highs-amid-nationwide-housing-price-increases-11660219200>.

⁵⁴ N.Y.C. Dep't of Soc. Servs., Human Resources Administration, *Rental Assistance: CityFHEPS*, available at <https://www1.nyc.gov/site/hra/help/cityfheps.page> (last accessed Sep. 2, 2022).

⁵⁵ N.Y.C. Dep't of Soc. Servs., Human Resources Administration, *Homelessness Prevention: Homebase*, <https://www1.nyc.gov/site/hra/help/homebase.page> (last accessed Sep. 2, 2022).

⁵⁶ N.Y.C. Dep't of Housing Preservation & Development, *Affordable Housing: Housing Ambassadors*, available at <https://www1.nyc.gov/site/hpd/services-and-information/housing-ambassadors.page#:~:text=HPD%20partners%20with%20community%2Dbased,assistance%20with%20the%20application%20process> (last accessed Sep. 2, 2022).

⁵⁷ *New York Foundation for Senior Citizens, Department for the Aging Expand Home Sharing Program*, N.Y.C. Dep't for the Aging, Mar. 27, 2019, available at <https://www1.nyc.gov/site/dfta/about/pr-NYFC-and-DFTA-hold-pr-for-homesharing-program.page>.

⁵⁸ ACCESS NYC, *Cash during an emergency: Emergency Assistance / One Shot Deal*, <https://access.nyc.gov/programs/one-shot-deal/> (last accessed Sep. 2, 2022).

⁵⁹ MHANY Management, *One Shot Deal, Emergency Rent Relief – HRA's One Shot Deal*, <https://www.mutualhousingny.org/one-shot-deal> (last accessed Sep. 2, 2022).

⁶⁰ N.Y.C. Dep't of Finance, *A Guide for Tenants: Senior Citizens (62 and over) and People with Disabilities (18 and over)*, rev. Nov. 11, 2017, available at <https://www1.nyc.gov/assets/finance/downloads/pdf/brochures/scriedriebrochure.pdf> (last accessed Sep. 2, 2022).

eligible older adults are automatically enrolled into the program, rather than having to apply for assistance, in order to reach eligible adults who may not be aware of the program or may have difficulty completing an application.⁶¹

Eviction rates are generally up since January 2022, and Housing Court is seeing hundreds of new eviction cases filed each week.⁶² HRA has shifted from offering in-person to virtual help, now provided by a mobile application.⁶³ However, the app does not approve all rental assistance applications, particularly for aid programs that most contribute to housing stability. Prior to recent staff cuts, HRA placed representatives in Housing Court and other locations, allowing for one-shot deal emergency rental assistance applications to be processed immediately.⁶⁴ These on-site resources are no longer available, and with agency staff less accessible, many households eligible for rental assistance are not aware of such assistance.⁶⁵

Informing Older Adults of Their Rights

Older adults have certain special rights in New York, and all DFTA-funded centers are required by City law to post and honor the Senior Center Bill of Rights.⁶⁶ These rights are enumerated in the law, pertain specifically to the rights of older adults while using OACs, and must be posted conspicuously in or near the entrance to each OAC.⁶⁷ The law currently only applies to OACs, however, and does not currently require that older adults be given materials to proactively inform them of their legal protections and other special rights.⁶⁸ DFTA also informs older adults of their rights and options when they are the victims of elder abuse or crime.⁶⁹

Additionally, the NYC Commission on Human Rights posts information on its website regarding legal protections for older adults from discrimination on the basis of age, immigration or citizenship status, color, disability, gender, gender identity, marital status, national origin, race, religion or creed, sexual orientation, or status as a veteran.⁷⁰ Further, the New York State Division of Homes and Community Renewal provides information and guidance regarding older adults' rights with respect to rent protections, including SCRIE and certain eviction protections.⁷¹

Whether or to what extent DFTA partners with other agencies or organizations to offer informational sessions or distribute know-your-rights materials to older adults in their communities, and whether DFTA promotes available resources to assist older adults in protecting their rights, is not clear.

Increasing Older Adults' Access to Diverse and Culturally Relevant Programming

A core function of DFTA is its funding of more than 300 OACs and affiliated sites through community partnerships in every borough. OACs offer in-person and virtual activities for older adults.⁷² While some OACs serve special populations, such as centers for LGBTQIA+ older adults and visually impaired older adults, others

⁶¹ N.Y. S. 5102, available at <https://www.nysenate.gov/legislation/bills/2021/S5102>; see also Nikkia Rivera, *Scott Stringer Calls for Strategic City Planning for Seniors*, N.Y. for Seniors (Jun. 6, 2017), <https://nyforseniors.com/scott-stringer-calls-for-strategic-city-planning-for-seniors/>.

⁶² Princeton U.: Eviction Lab, New York, New York, <https://evictionlab.org/eviction-tracking/new-york-ny/> (last accessed Sep. 2, 2022).

⁶³ N.Y.C. Dep't of Soc. Servs., Human Resources Administration, ACCESS HRA Mobile, <https://www1.nyc.gov/site/hra/help/accesshramobile.page> (last accessed Sep. 2, 2022).

⁶⁴ Baaba Halm & Catherine Trapani, *Opinion: In this city budget, housing is going begging*, N.Y. Daily News (Jun. 4, 2022, 5:00 AM), <https://www.nydailynews.com/opinion/ny-oped-city-budget-housing-funding-20220604-kuw3widf3fbxtgtblj5n5kpwu4-story.html>.

⁶⁵ *Id.*

⁶⁶ Ad. Code § 21-202.

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ N.Y.C. Dep't for the Aging, Elder Abuse & Crime, <https://www1.nyc.gov/site/dfta/services/elder-abuse-crime.page> (last accessed Sep. 2, 2022).

⁷⁰ N.Y.C. Comm. on Hum. Rts., *NYC Commission on Human Rights Legal Enforcement Guidance on Employment Discrimination on the Basis of Age* (Jul. 2020), <https://www1.nyc.gov/assets/cchr/downloads/pdf/AgeDiscriminationGuide-2020.pdf> (last accessed Sep. 2, 2022).

⁷¹ N.Y. Div. of Homes and Community Renewal, Off. of Rent Admin., *Special Rights of Senior Citizens* (updated Nov. 2020), <https://hcr.ny.gov/system/files/documents/2020/11/fact-sheet-21-11-2020.pdf> (last accessed Sep. 2, 2022).

⁷² N.Y.C. Dep't for the Aging, Older Adult Centers, <https://www1.nyc.gov/site/dfta/services/older-adult-center.page> (last accessed Sep. 2, 2022).

offer programming reflecting the cultural diversity of the communities they serve. For example, the Fort Greene Council's 13 neighborhood OACs offer culturally specific programming catering to the largest African-American and Caribbean population in NYC.⁷³

Studies have shown that increasing the representation of diverse programming in OACs increases the level of participation of diverse elders in those centers.⁷⁴ Where cultural competency is addressed in older adult center programming, attendance improves and outcomes among diverse participants improve, especially when multilingual programming is offered.⁷⁵ Satisfaction levels are typically lower for older adults who attend culturally diverse OACs because multicultural programs are not sufficiently present.⁷⁶

Many OACs have committees or councils which, among other duties, set the programming calendars at their centers.⁷⁷ In expanding access to culturally diverse programming, advocates have encouraged local aging networks to include representatives of diverse communities and diverse backgrounds in the planning process.⁷⁸

IV. ANALYSIS OF INTRODUCTIONS

Int. No 672-A

This bill would require the Department for the Aging (DFTA) to identify the communities served by each older adult center and the prevalent spoken languages of each such community, and to notify each older adult center of such prevalent spoken languages at least once annually. The bill would also direct DFTA to require each older adult center to develop and conduct programming in each prevalent spoken language of each such center.

Since being heard, this bill received technical edits.

Int. No. 673-A

This bill would entitle any person 60 years of age or older facing eviction or termination of tenancy in housing court to full legal representation at no cost. This bill would also require the Department for the Aging (DFTA) to establish a housing support program for the purpose of providing tailored advice and support, through case management services, to persons 60 years of age or older who are at risk of eviction or foreclosure.

Since being heard, this bill was amended to eliminate a requirement that the DFTA provide rental arrears assistance to persons 60 years of age or older who are otherwise ineligible for current rental arrears assistance. In addition, this bill was amended to direct the Coordinator of the Office of Civil Justice to work with persons 60 years of age or older to educate and inform them about their rights in housing court.

⁷³ Fort Greene Council Inc., Neighborhood Senior Centers of Fort Greene Council, Inc., <https://www.fortgreeneCouncil.org/fgc-nsc>.

⁷⁴ Manoj P. Pardasani, *Senior Centers: Increasing Minority Participation Through Diversification*, Journal of Gerontological Social Work, pp. 41-56, vol. 43, 2004, iss. 2-3, pub. Online Oct. 4, 2008, available at https://www.tandfonline.com/doi/abs/10.1300/J083v43n02_04?cookieSet=1.

⁷⁵ Nancy Giunta, Carmen L. Morano, Nina S. Parikh & Dana Friedman, *Racial and Ethnic Diversity in Senior Centers: Comparing Participant Characteristics in More and Less Multicultural Settings*, Journal of Gerontological Social Work, pp. 467-83, vol. 55, 2012, iss. 6., available at

https://www.researchgate.net/publication/230594125_Racial_and_Ethnic_Diversity_in_Senior_Centers_Comparing_Participant_Characteristics_in_More_and_Less_Multicultural_Settings.

⁷⁶ Nicole Dumbeck, *The Importance of Cultural Competence in Diverse Senior Centers: Case Study at Fullerton Community Center*, California State University, Fullerton ProQuest Dissertations Publishing (2019), available at <https://www.proquest.com/openview/f728d247701e465496cc0ff5117259ca/1?pq-origsite=gscholar&cbl=18750&diss=y>.

⁷⁷ See e.g., Henry Street Settlement Older Adults Center: September 2022 Calendar, available at https://www.henrystreet.org/wp-content/uploads/2022/08/Calendar_Older-Adult-Center-09.2022-English.pdf.

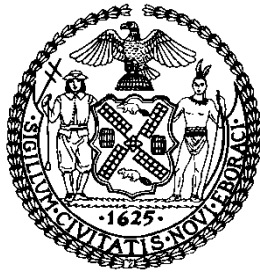
⁷⁸ Nat'l Consortium On Aging Resources For Seniors' Equity, *Serving Diverse Elders: Strategies for Meaningful Inclusion in Service Planning and Delivery*, available at <https://www.lgbtagingcenter.org/resources/pdfs/Consortium%20Planning%20Guide%20Digital%20Final.pdf> (last accessed Sep. 2, 2022).

Int. No. 674-A

This bill would require the Department for the Aging (DFTA) to create and maintain a know-your-rights pamphlet for older adults who are 60 years of age and older, to inform them of their rights on various topics. The required pamphlet would provide the name, address, contact information, and website of the relevant agency and community-based organization that an older adult may contact to obtain information to address such topics. The bill would also require such pamphlet to be posted on DFTA's website and on the 311 website. DFTA would also be required to conduct outreach on the pamphlet and annually report on such outreach efforts.

Since being heard, this bill received technical edits.

(The following is the text of the Fiscal Impact Statement for Int. No. 672-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**

RICHARD LEE, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 672-A

COMMITTEE: Aging

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to cultural programming relevant to prevalent spoken languages at older adult centers.

SPONSOR(S): By Council Members Hudson, Lee, Schulman, Richardson Jordan, Brewer, Avilés, Menin, Louis, Dinowitz, Hanif, Sanchez, Restler, Velázquez, Barron, Stevens, Won, Krishnan, Gutiérrez, Narcisse, De La Rosa, Abreu, Ossé, Cabán, Nurse, Joseph, Botcher, Brooks-Powers, Farías, Ung, Riley, Brannan, Powers and Williams.

SUMMARY OF LEGISLATION: This bill would require the Department for the Aging (DFTA) to identify the communities served by each older adult center and the prevalent spoken languages of each such community, and to notify each older adult center of such prevalent spoken languages at least once annually. The bill also directs DFTA to require each older adult center to develop and conduct programming in each prevalent spoken language of each such center.

EFFECTIVE DATE: This local law takes effect 120 days after becoming law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 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 anticipated that there would be no impact on expenditures resulting from the enactment of this legislation as the agency responsible for carrying out its requirements would be able to utilize existing resources to fulfill the requirements of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Daniel Kroop, Principal Financial Analyst, NYC Council Finance Division

ESTIMATE REVIEWED BY: Aliya Ali, Unit Head, NYC Council Finance Division
Kathleen Ahn, Counsel, NYC Council Finance Division
Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance Division

LEGISLATIVE HISTORY: The legislation was introduced to the Council as a Preconsidered Int. and was referred to the Committee on Aging (Committee). The legislation was heard by the Committee on September 7, 2022 and subsequently introduced to the full Council on September 14, 2022. The amended version, Int. 672-A, will be voted on by the Committee at a hearing on January 18, 2023. Upon successful vote by the Committee, the bill will be submitted to the full Council for a vote on January 19, 2023.

DATE PREPARED: January 12, 2023.

(For text of Int. Nos. 673-A and 674-A and their Fiscal Impact Statements, please see the Report of the Committee on Aging for Int. Nos. 673-A and 674-A, respectively, printed in these Minutes; for text of Int. No. 672-A, please see below)

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 672-A:)

Int. No. 672-A

By Council Members Hudson, Lee, Schulman, Richardson Jordan, Brewer, Avilés, Menin, Louis, Dinowitz, Hanif, Sanchez, Restler, Velázquez, Barron, Stevens, Won, Krishnan, Gutiérrez, Narcisse, De La Rosa, Abreu, Ossé, Cabán, Nurse, Joseph, Bottcher, Brooks-Powers, Farías, Ung, Riley, Brannan, Powers, Williams, Rivera, Gennaro and Paladino.

A Local Law to amend the administrative code of the city of New York, in relation to cultural programming relevant to prevalent spoken languages at older adult centers

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-210 to read as follows:

§ 21-210 Cultural programming relevant to prevalent spoken languages at older adult centers. a. Definitions. For purposes of this section, the following terms have the following meanings:

Older adult. The term “older adult” means a person 60 years of age or older.

Older adult center. The term “older adult center” means a facility, other than a social adult day care, operated by a person pursuant to a contract with the department to provide services to older adults on a regular basis including, but not limited to meals, recreation, and counseling.

Prevalent spoken language. The term “prevalent spoken language” means a language, other than English, spoken by 20 percent or more of older adults.

b. The department shall identify the communities served by each older adult center and the prevalent spoken languages of such communities, and notify each such center of such prevalent spoken languages at least once annually.

c. The department shall require each older adult center to develop and conduct programming in each prevalent spoken language of such center as identified pursuant to subdivision b of this section. Such programming shall consider the cultural and ethnic background that relates to each prevalent spoken language.

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

CRYSTAL HUDSON, *Chairperson*; ERIC DINOWITZ, LINDA LEE, CHRISTOPHER MARTE, LYNN C. SCHULMAN; 5-0-0; *Absent*: Darlene Mealy and Kristin Richardson Jordan; Committee on Aging, January 18, 2023.

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. 673-A

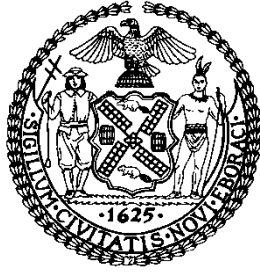
Report of the Committee on Aging in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to promoting housing stability for older adults by making available full legal representation in eviction or termination of tenancy proceedings in housing court for any person who is 60 years of age or older and establishing a housing support program for persons 60 years of age or older who are at risk of eviction or foreclosure.

The Committee on Aging, to which the annexed proposed amended local law was referred on September 14, 2022 (Minutes, page 2161), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Aging for Int. No. 672-A printed above in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 673-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

RICHARD LEE, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 673-A

COMMITTEE: Aging

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to promoting housing stability for older adults by making available full legal representation in eviction or termination of tenancy proceedings in housing court for any person who is 60 years of age or older and establishing a housing support program for persons 60 years of age or older who are at risk of eviction or foreclosure.

SPONSOR(S): By Council Members Hudson, Richardson Jordan, Lee, Schulman, Brewer, Avilés, Menin, Louis, Dinowitz, Restler, Hanif, Farías, Sanchez, Velázquez, Barron, Stevens, Won, Krishnan, Gutiérrez, Narcisse, Ayala, De La Rosa, Abreu, Ossé, Cabán, Nurse, Joseph, Bottcher, Brooks-Powers, Ung, Riley, Brannan, Powers and Williams.

SUMMARY OF LEGISLATION: This bill would entitle any person 60 years of age or older facing eviction or termination of tenancy in housing court to full legal representation at no cost. This bill would also require the Department for the Aging (DFTA) to establish a housing support program for the purpose of providing tailored advice and support, through case management services, to persons 60 years of age or older who are at risk of eviction or foreclosure. The bill also directs the Coordinator of the Office of Civil Justice to work with persons 60 years of age or older to educate and inform them about their rights in housing court.

EFFECTIVE DATE: This local law takes effect 180 days after becoming law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2024

FISCAL IMPACT STATEMENT:

	Effective FY24	FY Succeeding Effective FY25	Full Fiscal Impact FY24
Revenues	\$0	\$0	\$0
Expenditures	\$1,000,000	\$0	\$1,000,000
Net	\$1,000,000	\$0	\$1,000,000

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

IMPACT ON EXPENDITURES: It is anticipated that there would be a one-time cost of approximately \$1 million for the development of the online client-facing management portal to support existing case management services

at DFTA. Existing resources are anticipated to be used to fulfill the other requirements of this legislation. The expansion of legal representation is subject to appropriation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council Finance Division, Mayor’s Office of Legislative Affairs, Human Resources Administration

ESTIMATE PREPARED BY: Daniel Kroop, Principal Financial Analyst, NYC Council Finance Division

ESTIMATE REVIEWED BY: Aliya Ali, Unit Head, NYC Council Finance Division
Kathleen Ahn, Counsel, NYC Council Finance Division
Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance Division

LEGISLATIVE HISTORY: The legislation was introduced to the Council as a Preconsidered Int. and was referred to the Committee on Aging (Committee). The legislation was heard by the Committee on September 7, 2022 and subsequently introduced to the full Council on September 14, 2022. The amended version, Int. 673-A, will be voted on by the Committee at a hearing on January 18, 2023. Upon successful vote by the Committee, the bill will be submitted to the full Council for a vote on January 19, 2023.

DATE PREPARED: January 18, 2023.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 673-A:)

Int. No. 673-A

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

A Local Law to amend the administrative code of the city of New York, in relation to promoting housing stability for older adults by making available full legal representation in eviction or termination of tenancy proceedings in housing court for any person who is 60 years of age or older and establishing a housing support program for persons 60 years of age or older who are at risk of eviction or foreclosure

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-212 to read as follows:

§ 21-212 *Housing support.* a. *The department shall establish a housing support program for the purpose of helping persons 60 years of age or older who are at risk of eviction or foreclosure to identify and access relevant aid and other support to remain in their residence.*

b. *Such program shall provide case management services designed to provide situation-specific advice and support to each participating person. Such services shall be provided at no cost and, at minimum, include:*

1. *An intake session, which may be conducted at the participating person’s residence, for the purpose of identifying and assessing the factors contributing to such person’s risk of eviction or foreclosure, and how such factors could be addressed under relevant assistance, services or programs;*

2. *Referrals for assistance, services or programs that could address factors contributing to such person’s risk of eviction or foreclosure;*

3. Assistance completing applications for financial assistance or enrollment in services or programs; and
 4. Ongoing support to monitor such person's risk of eviction or foreclosure, the effect of referred assistance, services or programs on reducing or eliminating such risk and any factors contributing to such risk that could be ameliorated with further advice and support.

c. In assessing a person's risk for eviction or foreclosure, the department shall consider any relevant factor, including, but not limited to, such person's health status and whether other persons, including family members, also live in such person's residence.

d. In administering the program required by this section, the department shall:

1. Maintain an online portal, accessible to program participants, for the purpose of tracking events and progress of individual cases and storing information relevant to each case; and

2. Maintain a phone number for the purpose of taking questions about the department's housing support services and providing assistance to persons seeking to enroll or enrolled in such program.

e. The department shall conduct ongoing outreach and education to promote awareness of the program required by this section. Such outreach shall include, but not be limited to, an annual mailing to persons who may benefit from enrollment in such program or who may care for or serve such persons.

f. The department shall administer the program required by this section in accordance with section 23-1102.

§ 2. The definition of the term "income-eligible individual" in section 26-1301 of the administrative code of the city of New York, as added by local law number 136 for the year 2017, is amended to read as follows:

Income-eligible individual. The term "income-eligible individual" means a covered individual *who is 60 years of age or older* or whose annual gross household income is not in excess of 200 percent of the federal poverty guidelines as updated periodically in the federal register by the United States department of health and human services pursuant to subsection (2) of section 9902 of title 42 of the United States code.

§ 3. Subdivision b of section 26-1306 of the administrative code of the city of New York, as added by local law number 53 for the year 2021, is amended to read as follows:

b. Subject to appropriation, the coordinator shall work with designated community groups, *including groups that primarily serve persons 60 years of age or older*, to make efforts to educate and inform tenants about their rights in housing court, including but not limited to holding know your rights education sessions, distributing written information to tenants and facilitating referrals of tenants to designated community groups. Such education and information shall be available in any designated citywide language as defined in section 23-1101.

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

CRYSTAL HUDSON, *Chairperson*; ERIC DINOWITZ, LINDA LEE, CHRISTOPHER MARTE, LYNN C. SCHULMAN; 5-0-0; *Absent*: Darlene Mealy and Kristin Richardson Jordan; Committee on Aging, January 18, 2023.

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. 674-A

Report of the Committee on Aging in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring a know your rights pamphlet for older adults.

The Committee on Aging, to which the annexed proposed amended local law was referred on September 14, 2022 (Minutes, page 2163), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Aging for Int. No. 672-A printed above in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 674-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

RICHARD LEE, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 674-A

COMMITTEE: Aging

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring a know your rights pamphlet for older adults.

SPONSOR(S): By Council Members Hudson, Schulman, Lee, Richardson Jordan, Avilés, Menin, Louis, Dinowitz, Riley, Restler, Hanif, Sanchez, Velázquez, Barron, Stevens, Won, Krishnan, Gutiérrez, Narcisse, De La Rosa, Abreu, Ossé, Cabán, Nurse, Joseph, Bottcher, Brooks-Powers, Farías, Williams, Ung, Brannan, and Powers.

SUMMARY OF LEGISLATION: This bill would require the Department for the Aging (DFTA) to create and maintain a know-your-rights pamphlet for older adults who are 60 years of age and older, to inform them of their rights on various topics. The pamphlet would describe each topic and provide the name, address, contact information, and website of the relevant agency and community-based organization that an older adult may contact to obtain information to address such topics. The bill would also require such pamphlet to be posted on DFTA’s website and on the 311 website. DFTA would also be required to conduct outreach on the pamphlet and annually report on such outreach efforts.

EFFECTIVE DATE: This local law takes effect 180 days after becoming law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2024

FISCAL IMPACT STATEMENT:

	Effective FY24	FY Succeeding Effective FY25	Full Fiscal Impact FY25
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 anticipated that there would be no impact on expenditures resulting from the enactment of this legislation as the agency responsible for carrying out its requirements would be able to utilize existing resources to fulfill the requirements of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Daniel Kroop, Principal Financial Analyst, NYC Council Finance Division

ESTIMATE REVIEWED BY: Aliya Ali, Unit Head, NYC Council Finance Division
Kathleen Ahn, Counsel, NYC Council Finance Division
Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance Division

LEGISLATIVE HISTORY: The legislation was introduced to the Council as a Preconsidered Int. and was referred to the Committee on Aging (Committee). The legislation was heard by the Committee on September 7, 2022 and subsequently introduced to the full Council on September 14, 2022. The amended version, Int. 674-A, will be voted on by the Committee at a hearing on January 18, 2023. Upon successful vote by the Committee, the bill will be submitted to the full Council for a vote on January 19, 2023.

DATE PREPARED: January 12, 2023.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 674-A:)

Int. No. 674-A

By Council Members Hudson, Schulman, Lee, Richardson Jordan, Avilés, Menin, Louis, Dinowitz, Riley, Restler, Hanif, Sanchez, Velázquez, Barron, Stevens, Won, Krishnan, Gutiérrez, Narcisse, De La Rosa, Abreu, Ossé, Cabán, Nurse, Joseph, Bottcher, Brooks-Powers, Farías, Williams, Ung, Brannan, Powers, Brewer, Yeger, Rivera and Gennaro.

A Local Law to amend the administrative code of the city of New York, in relation to requiring a know your rights pamphlet for older adults

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-211 to read as follows:

§ 21-211 *Know your rights pamphlet for older adults. a. Definitions. For purposes of this section, the following terms have the following meanings:*

Designated citywide languages. The term “designated citywide languages” means (i) the top 6 limited English proficiency languages spoken by the population of New York city as determined by the department of city planning and the office of the language services coordinator, based on the American community survey data, as published by the United States census bureau; and (ii) the top 4 limited English proficiency languages spoken by the population served or likely to be served by agencies, as determined by the office of the language

services coordinator, based on language access data collected by the department of education, excluding the languages designated based on the American community survey data.

Naturally occurring retirement community. The term “naturally occurring retirement community” means an apartment building, a housing complex or a housing development, as identified by the department, (i) that was not constructed to house older adults, (ii) where dwelling units are not leased or sold exclusively to older adults, and (iii) where at least 2,500 older adults reside or at least 50 percent of the dwelling units are occupied by one or more older adults.

Older adult. The term “older adult” means a person 60 years of age or older.

Relevant agencies. The term “relevant agencies” means the city commission on human rights, the department of consumer and worker protection, the department of health and mental hygiene, the department of housing preservation and development, the department of parks and recreation, the department of social services, the department of youth and community development, the mayor’s office for people with disabilities, and the mayor’s office of immigrant affairs.

State agency. The term “state agency” means any New York state department, division, board, commission, or bureau of any state department, any public benefit corporation, public authority, or commission at least one of whose members is appointed by the governor of New York.

b. *Pamphlet.* The department, in consultation with relevant agencies, shall develop and publish a pamphlet written in English, using clear and accessible language, to educate older adults about their rights, and access to information and resources, on topics including, but not limited to, age discrimination, deed theft, elder abuse, emergency preparedness and response, food security, health care and insurance, home care, housing accommodations, living wills, and transportation. Such pamphlet shall (i) describe each such topic and the rights of older adults regarding such topic and (ii) list the name, address, contact information, and website of the relevant agency or state agency and relevant community-based organizations that an older adult may contact to obtain additional information. The department may include a statement in such pamphlet notifying recipients that inclusion of an organization on such list does not constitute an endorsement by the department of the services provided by any such organization. The department shall post, and update as necessary, such pamphlet on the department’s website and make it available in the designated citywide languages. Such pamphlet shall also be posted on the 311 citizen center website.

c. *Outreach.* No later than 30 days after the department publishes the pamphlet required by subdivision b of this section, the department, in collaboration with relevant agencies, shall conduct outreach on such pamphlet in the designated citywide languages and in a manner that takes into account the cultural and ethnic backgrounds of the older adults who are the subjects of such outreach. Such outreach shall include, but need not be limited to, the following:

1. Conducting informational sessions about such pamphlet; and
2. Providing such pamphlet to organizations that have contracts with the department to serve older adults.

d. The department may promulgate rules establishing a process for an organization incorporated pursuant to the not-for-profit corporation law to be included on the list required by subdivision b of this section. Such rules shall consider factors including, but not limited to, whether such organization provides services at no or low cost; the size, capacity, and services of such organization; and the experience such organization has working with older adults.

e. *Report.* No later than 1 year after the department posts the pamphlet as required by subdivision b of this section, and annually thereafter, the commissioner shall submit a report regarding the department’s outreach efforts, as required by subdivision c of this section, to the mayor and the speaker of the council, and post such report on the department’s website. Such report shall include, but need not be limited to, the following information for the previous year:

1. The number of informational sessions conducted on the pamphlet;
2. The number of pamphlets provided to organizations and institutions serving older adults; and
3. Any recommendations to improve such outreach efforts.

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

CRYSTAL HUDSON, *Chairperson*; ERIC DINOWITZ, LINDA LEE, CHRISTOPHER MARTE, LYNN C. SCHULMAN; 5-0-0; *Absent*: Darlene Mealy and Kristin Richardson Jordan; Committee on Aging, January 18, 2023.

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 Worker and Consumer Protection

Report for Int. No. 559-A

Report of the Committee on Worker and Consumer Protection 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 restricting the provision of eating utensils, condiment packets, napkins and extra eating containers, and clarifying the definition of third-party courier service.

The Committee on Worker and Consumer Protection, to which the annexed proposed amended local law was referred on June 16, 2022 (Minutes, page 1567), respectfully

REPORTS:

I. INTRODUCTION

On January 19, 2023, the Committee on Consumer and Worker Protection, chaired by Council Member Marjorie Velázquez, held a vote on Introduction Number 559-A (Int. No. 559-A) in relation to restricting eating utensils, condiment packets, napkins and extra eating containers, and clarifying the definition of third-party courier service. On December 12, 2022, the Committee held a hearing on this bill and heard from the Department of Sanitation (DSNY), the Department of Consumer and Worker Protection (DCWP), business and trade organizations, environmental groups and other interested stakeholders. Their feedback was considered in finalizing the latest version of the bill. Int. No. 559-A was approved by the Committee by a vote of 9 in the affirmative and 0 in the negative.

II. BACKGROUND

a. Plastic Utensils

Low production costs, durability and broad functionality mean that plastics are a common feature of everyday life. Globally, more than 320 million tons of plastic are consumed each year and more plastic has been produced in the last decade than ever before.¹ Additionally, use of plastics is expected to double over the next two decades.² While plastics last for centuries before biodegrading,³ they are often only used once before being

¹ Laurent Lebretton *et al* “Evidence that the Great Pacific Garbage Patch is rapidly accumulating plastic”, *Nature*, March 22, 2018, available at: <https://www.nature.com/articles/s41598-018-22939-w>.

² World Economic Forum “The new plastics economy: Rethinking the future of plastics”, January 2016, available at: http://www3.weforum.org/docs/WEF_The_New_Plastics_Economy.pdf, p. 6.

³ Laura Parker “A whopping 91% of plastic isn’t recycled”, *National Geographic*, December 20, 2018, available at: <https://news.nationalgeographic.com/2017/07/plastic-produced-recycling-waste-ocean-trash-debris-environment/>.

discarded. Ninety-five percent of plastic packaging, for example, is only used once, and only 14 percent is collected for recycling.⁴ This means that at least eight million tons of plastic leak into the ocean each year – a figure that is equivalent to dumping a garbage truck of trash into the ocean every minute.⁵ In the United States, over 100 million plastic utensils are used daily,⁶ and some analysts estimate the U.S. wastes 40 billion plastic utensils per year.⁷

The fact that most plastics are less dense than seawater means that pieces of plastic float in the ocean and break down into smaller particles (microplastics)⁸ that are consumed by fish and aquatic birdlife.⁹ The Ocean Conservancy lists cutlery as among the “most deadly” items to sea turtles, birds and mammals.¹⁰ The ubiquity of plastics, its buoyancy, and the struggle to properly dispose of it means that there is now a land mass, known as the Great Pacific Garbage Patch, floating between the coasts of California and Hawaii. Ninety-nine percent of this patch, which is twice the size of Texas,¹¹ is made up of plastic.¹² The World Economic Forum predicts that, under a business-as-usual scenario, there will be more plastic in the ocean by weight than fish by 2050.¹³

Concerns about plastic waste are not limited to ocean leakage. Pervasive microplastics penetrate the atmosphere by fragmenting into particles so small they become airborne.¹⁴ Humans consume microplastics by inhaling airborne particles, ingesting certain foods and drinking water.¹⁵ Sources with the greatest number of plastic particles include drinking water, shellfish, beer and salt.¹⁶ The average person ingests approximately 50,000 microplastic particles per year, and inhales a comparable amount.¹⁷

Recent studies discovered traces of microplastics in the human bloodstream and buried throughout lungs.¹⁸ The complex combination of chemicals that make up plastics could have long-term health implications; however, the extent of the harm caused by ingesting microplastics is largely unknown.¹⁹ The World Health Organization recently reported on the dietary and inhalation exposure to microplastic particles on human beings.²⁰ The report found that the available data are insufficient to evaluate the risks of exposure to human health, but it recommends reducing exposure to microplastics to benefit humans and the environment.²¹

⁴ World Economic Forum “The new plastics economy: Rethinking the future of plastics”, January 2016, available at: http://www3.weforum.org/docs/WEF_The_New_Plastics_Economy.pdf, p. 7.

⁵ *Id.*

⁶ Tik Root “Why carrying your own fork and spoon helps solve the plastic crisis”, *National Geographic*, June 28, 2019, available at: <https://www.nationalgeographic.com/environment/article/carrying-your-own-fork-spoon-help-plastic-crisis>

⁷ Laura Tenenbaum “Plastic Cutlery Is Terrible For The Environment And We Don't Need To Have It Delivered” *Forbes*, July 16, 2019, available at: <https://www.forbes.com/sites/lauratenenbaum/2019/07/16/plastic-cutlery-is-terrible-for-the-environment-and-we-dont-need-to-have-it-delivered/?sh=163679e74019>.

⁸ Laurent Lebreton *et al* “Evidence that the Great Pacific Garbage Patch is rapidly accumulating plastic”, *Nature*, March 22, 2018 available at: <https://www.nature.com/articles/s41598-018-22939-w>.

⁹ Laura Parker “Ocean life eats tons of plastic – here’s why that matters” *National Geographic*, August 16, 2017, available at: <https://news.nationalgeographic.com/2017/08/ocean-life-eats-plastic-larvaceans-anchovy-environment/>.

¹⁰ Ocean Conservancy, “Fighting for Trash Free Seas”, available at: <https://oceanconservancy.org/trash-free-seas/take-deep-dive/threat-rank-report/>.

¹¹ Doyle Rice “World’s largest collection of ocean garbage is twice the size of Texas”, *USA Today*, March 22, 2018, available at: <https://www.usatoday.com/story/tech/science/2018/03/22/great-pacific-garbage-patch-grows/446405002/>.

¹² Laurent Lebreton *et al* “Evidence that the Great Pacific Garbage Patch is rapidly accumulating plastic”, *Nature*, March 22, 2018 available at: <https://www.nature.com/articles/s41598-018-22939-w>.

¹³ World Economic Forum “The new plastics economy: Rethinking the future of plastics”, January 2016, available at: http://www3.weforum.org/docs/WEF_The_New_Plastics_Economy.pdf, p. 7.

¹⁴ Wijnand de Wit *et al* “No Plastic in Nature: Assessing Plastic Ingestion from Nature to People”, *WWF*, June 2019, available at: http://awsassets.panda.org/downloads/plastic_ingestion_press_singles.pdf

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Jordan Davidson “People Eat 50,000+ Microplastics Every Year, New Study Finds”, *SELF*, June 6, 2019, available at: <https://www.self.com/story/microplastics-in-humans-health>

¹⁸ *Id.*

¹⁹ Laura Parker “Microplastics are in our bodies. How much do they harm us?”, *National Geographic*, April 25, 2022, available at: <https://www.nationalgeographic.com/environment/article/microplastics-are-in-our-bodies-how-much-do-they-harm-us>

²⁰ Boobis *et al* “Dietary and inhalation exposure to nano- and microplastic particles and potential implications for human health”, *World Health Organization*, August 30, 2022, available at: <https://www.who.int/publications/i/item/9789240054608>

²¹ *Id.*

b. Waste and Recycling

According to a study published in 2020, “residents of the U.S. and the U.K. produce more plastic waste per person than any other nation, with Americans generating an average of 105kg (231lbs) of plastic per year. The British are close behind, throwing away almost 99kg (218lbs) annually.”²² Although many types of plastics can be recycled, this process has not been able to keep pace with our steady production and disposal of plastic products. A global review of plastics revealed that since plastic production was commercialized in the 1950s, more than 8.3 billion tons of plastic was made²³ – more than a ton of plastic for every person on the planet.²⁴ However, only nine percent of this plastic waste has been recycled and 79 percent was simply left in landfills.²⁵ Compared to other countries and regions examined in the study, the quantity of plastics that the US recycles was far lower. Since 2012, the US rate of plastic recycling has been nine percent, which is well behind Europe (30 percent) and China (25 percent).²⁶ New York City residents, meanwhile, recycle only about 18 percent of residential waste and a quarter of commercial waste.²⁷

In order to facilitate the recycling and disposal of the high volume of plastics used in the country, the US previously shipped a high proportion to other countries. Prior to China issuing new, stricter regulations on the types of recyclables it would accept, the US was sending half of its plastic recycling to China and Hong Kong.²⁸ However, in 2017, China announced new restrictions, which went into effect on January 1, 2018, to stop the importation of waste from other countries by December 2020.²⁹ This has caused turmoil throughout the West, as countries struggled to find a way to deal with their waste. While the US has found other countries to ship more than one million tons of plastic waste to, studies show that these countries are mismanaging most of their own plastic waste. Malaysia, which is now the biggest receiver of US waste, either dumped or inadequately disposed of 55 percent of its own waste. Indonesia and Vietnam, meanwhile, two countries that the US now regularly ships its plastics to, mismanaged 81 and 86 percent of their own waste, respectively.³⁰ This means that, while US residents are sorting and attempting to recycle their consumer goods, there is a high chance that these items will end up in landfills in countries across the globe.

c. Current Restrictions

To reduce the amount of plastic utilized and disposed of, numerous towns, cities and even countries are implementing bans and restrictions on certain plastic products. In 2019, then-Mayor de Blasio issued Executive Order 42, which requires all City agencies to develop a plan to eliminate the purchasing of single-use plastic foodware, such as cups, plates, utensils and straws.³¹ Instead, agencies are required to purchase reusable, recyclable or compostable alternatives. The goal of the Executive Order was to eliminate the estimated 500 tons

²² David Vetter “Guess which two countries produce the most plastic trash per person?”, *Forbes*, November 11, 2020, available at: <https://www.forbes.com/sites/davidvetter/2020/11/11/which-two-countries-produce-the-most-plastic-trash-per-person/?sh=35771c527187>.

²³ James Hataway “More than 8.3 billion tons of plastics made: Most has now been discarded”, *Science Daily*, July 19, 2017, available at: <https://www.sciencedaily.com/releases/2017/07/170719140939.htm>.

²⁴ Hannah Ritchie “FAQs on plastics”, *Our World in Data*, September 2, 2018, available at: <https://ourworldindata.org/faq-on-plastics#how-much-plastic-and-waste-do-we-produce>.

²⁵ Laura Parker “Ocean life eats tons of plastic – here’s why that matters” *National Geographic*, August 16, 2017, available at: <https://news.nationalgeographic.com/2017/08/ocean-life-eats-plastic-larvaceans-anchovy-environment/>.

²⁶ Id.

²⁷ Anne Barnard “7 reasons recycling isn’t working in New York City”, *New York Times*, January 29, 2020, available at: <https://www.nytimes.com/2020/01/29/nyregion/nyc-recycling.html>.

²⁸ Erin McCormick, *et al*, “Where does your plastic go? Global investigation reveals America’s dirty secret”, *The Guardian*, June 17, 2019, available at: <https://www.theguardian.com/us-news/2019/jun/17/recycled-plastic-america-global-crisis>.

²⁹ Kenneth Rapoza “China quits recycling U.S. trash as sustainable start-up makes strides”, *Forbes*, January 10, 2021, available at: <https://www.forbes.com/sites/kenrapoza/2021/01/10/china-quits-recycling-us-trash-as-sustainable-start-up-makes-strides/?sh=6be4f4105a56>.

³⁰ Erin McCormick *et al* “Where does your plastic go? Global investigation reveals America’s dirty secret”, *The Guardian*, June 17, 2019, available at: <https://www.theguardian.com/us-news/2019/jun/17/recycled-plastic-america-global-crisis>.

³¹ Office of the Mayor, Executive Order 42, April 11, 2019, available at: <https://www1.nyc.gov/assets/home/downloads/pdf/executive-orders/2019/eo-42.pdf>.

of plastic, disposable foodware that the City bought each year.³² That same year, New York City began enforcing its ban on disposable polystyrene containers. The law, which was originally enacted in 2013, was previously halted from implementation by a series of lawsuits.³³ This Committee also recently passed Local Law 64 of 2021, which prohibits food-service establishments from providing single-use plastic straws and beverage stirrers except upon request.³⁴

At the state level, legislators aim to place the burdens of plastic waste on its producers. In New York, a recently introduced bill would require plastic manufacturers to bear the cost of the cleanup, disposal, recycling and handling of their discarded plastic waste.³⁵ Assembly Bill A.10185 would establish an extended producer responsibility program and a packaging responsibility fund, which would improve recycling practices and require producers to pay fees based on the amount of packaging material sold.³⁶

California recently passed landmark legislation to reduce plastic waste. Signed into law on June 30, 2022, SB 54 creates the Plastic Pollution Prevention and Packaging Producer Responsibility Act, which requires certain types of packaging be recyclable or compostable by 2032, cuts plastic packaging by 25 percent in 10 years, and requires all single-use plastic packaging be recycled in the same 10-year period.³⁷ The legislation creates a producer responsibility organization (PRO) to run a statewide recycling program, and requires that the PRO send \$500 million each year, for ten years, to the state to fund plastic pollution mitigation.³⁸ A majority of that contribution will benefit low-income communities that have been disproportionately impacted by plastic waste.³⁹

Various local governments across California have also issued bans or restrictions on single-use plastics. Oakland, for example, passed Ordinance Number 12747 in 2006, which prohibits foodware made from polystyrene and requires all disposable foodware to be biodegradable or compostable, so long as it is not cost prohibitive to do so.⁴⁰ Although the City of Oakland had already limited the availability of plastic straws under this 2006 foodware ordinance, the Council found that single-use straws were not being recycled. Therefore, in 2018, the Oakland City Council passed Ordinance Number 13488, which prohibited food establishments from providing single-use straws to dine-in customers, unless specifically requested.⁴¹ Numerous localities across the Country have implemented similar plastic straw bans.⁴² California law also strictly regulates the use of terms such as “biodegradable” or “compostable” in marketing.⁴³ The California legislature found that terms like these tend to confuse consumers and can act as a form of ‘greenwashing’ products that may not actually be of benefit to the environment. As such, any company employing the terms must only do so if they meet a strict scientific definition, and the State has pursued settlements against deceptive claims regarding biodegradability.⁴⁴

³² Office of the Mayor, Executive Order 42, April 11, 2019, available at: <https://www1.nyc.gov/assets/home/downloads/pdf/executive-orders/2019/eo-42.pdf>.

³³ Claire Lampen “NYC ban on some single-use foam products goes into effect January 1st”, *Gothamist*, November 23, 2018, available at: <https://gothamist.com/food/nyc-ban-on-some-single-use-foam-products-goes-into-effect-january-1st>.

³⁴ New York City Council, Int.0936-2018, available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3509897&GUID=6CF1706B-A393-407E-B0A6-78D253222450&Options=ID|Text|Search=936>.

³⁵ Joseph Winters “2 new bills aim to reduce plastic pollution in New York state”, *Grist*, May 26, 2022, available at: [2 new bills aim to reduce plastic pollution in New York state | Grist](https://grist.org/news/2-new-bills-aim-to-reduce-plastic-pollution-in-new-york-state/)

³⁶ Id.

³⁷ James Bruggers “California Passed a Landmark Law About Plastic Pollution. Why Are Some Environmentalists Still Concerned?” *Inside Climate News*, October 12, 2022, available at: <https://insideclimatenews.org/news/12102022/california-plastics-pollution-bill/#:~:text=Among%20its%20provisions%2C%20the%20law,recycled%20in%20the%20same%20timeframe>.

³⁸ Id.

³⁹ Id.

⁴⁰ City of Oakland, Ordinance Number 12747, 2006, available at: <http://www2.oaklandnet.com/oakcal/groups/pwa/documents/report/oak025366.pdf>.

⁴¹ City of Oakland, Ordinance Number 13488, 2018, available at: <https://oakland.legistar.com/View.ashx?M=F&ID=6260766&GUID=95B1AF7C-54A7-47E9-838E-6FA54E8F141F>.

⁴² For more information see: Melissa Locker “Here are the U.S. cities that have banned plastic straws so far”, *Fast Company*, June 1, 2018, available at: <https://www.fastcompany.com/40580132/here-are-the-u-s-cities-that-have-banned-plastic-straws-so-far>.

⁴³ Public Resources Code, Chapter 5.7, available at: http://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=PRC&division=30.&title=&part=3.&chapter=5.7.&article=.

⁴⁴ See for example: Sheila Millar and JC Walker “23 California Das obtain \$1.5 million settlement for deceptive biodegradable claims”, *Consumer Protection Connection*, August 9, 2018, available at: <https://www.consumerprotectioncxn.com/2018/08/23-california-das-obtain-1-5-million-settlement-for-deceptive-biodegradable-claims/>.

In 2019, the Canadian Prime Minister Justin Trudeau announced that Canada will ban single-use plastics, such as plastic bags, straws, cutlery, plates and stirrers.⁴⁵ The manufacture and import for sale in Canada of these items are banned as soon as December 20, 2022, and additional regulations will be staggered over the next three years.⁴⁶ Similarly, the European Commission has proposed European Union-wide rules that would ban plastic straws, as well as plastic cotton buds, cutlery, plates, drink stirrers and sticks for balloons,⁴⁷ and Taiwan is planning to ban all single-use plastic items by 2030.⁴⁸ Various companies have also implemented policies to reduce their reliance on plastic. Over 400 major companies have signed on to the New Plastics Economy Global Commitment, established by the Ellen MacArthur foundation in collaboration with UN Environment. By signing on, these companies have illustrated that they are willing to be guided by reporting requirements and various targets that ultimately aim to see no plastic become waste.⁴⁹

III. BILL ANALYSIS

Int. No. 559-A

Section 1 of the bill would add a new section 16-402 to chapter four of title 16 of the Administrative Code. Such section would be entitled “Restrictions on providing eating utensils and extra eating containers.” Subdivision a sets forth definitions for section 16-402. “Condiment packet” would be defined as an individual single-service container, sealed by the manufacturer, containing a sauce or other substance used to enhance the flavor of food, which may include, but need not be limited to, mustard, ketchup, mayonnaise, soy sauce, hot sauce and salad dressing. “Eating container” would be defined as a tool used for holding food or beverage, including but not limited to, a plate, bowl, cup, or lid, but does not include a beverage splash stick as defined in section 16-401. “Eating utensil” would be defined as a tool used for eating and drinking, including but not limited to, a knife, fork, spoon or chopsticks, but does not include a beverage stirrer or beverage straw as defined in section 16-401. “Extra eating container” would be defined as an empty eating container that is not used to hold a customer’s food or beverage. “Food service establishment” would be defined the same way as it is defined in section 16-401. “Napkin” would be defined as a piece of cloth or paper used to wipe a person’s hands or face or protect garments while eating. “Take-away” would mean food or beverage provided by a food service establishment to be consumed off the premises of such food service establishment. “Third-party courier service” would be defined in the same way as it is defined in section 2 of the bill, which is a service that: (i) facilitates the same-day delivery or same-day pickup of food, beverages, or other goods from a food service establishment on behalf of such food service establishment or a third-party food delivery service; (ii) is owned and operated by a person other than the person who owns such food service establishment, and (iii) is not a third-party food delivery service. “Third-party food delivery service” would be defined in the same way as it is defined in Local Law 114 of 2021, and would mean any website, mobile application or other internet service that: (i) offers or arranges for the sale of food and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages from, a food service establishment; and (ii) that is owned and operated by a person other than the person who owns such food service establishment.

Subdivision b prohibits food service establishments from providing eating utensils, condiment packets, napkins or extra eating containers to take-away customers, whether directly or through a third-party courier service or third-party food delivery service, unless such items are requested by the customer. This bill would not prohibit food service establishments from making self-service stations available from which customers may

⁴⁵ Jennifer Ferreira “Canada’s ban on single-use plastic items delayed until 2022”, *CTV News*, November 30, 2021, available at: <https://www.ctvnews.ca/climate-and-environment/canada-s-ban-on-single-use-plastic-items-delayed-until-2022-1.5687626>.

⁴⁶ Environment and Climate Change Canada “Single-Use Plastics Prohibition Regulations- Overview”, October 19, 2022, available at: <https://www.canada.ca/en/environment-climate-change/services/managing-reducing-waste/reduce-plastic-waste/single-use-plastic-overview.html#toc3>

⁴⁷ European Union “Single-use plastics: New EU rules to reduce marine litter”, May 28, 2018, available at: http://europa.eu/rapid/press-release_IP-18-3927_en.htm.

⁴⁸ *Channel News Asia* “Taiwan to ban plastic straws, cups by 2030”, 22 February, 2018 available at: <https://www.channelnewsasia.com/news/asia/taiwan-to-ban-plastic-straws-cups-by-2030-9981998>.

⁴⁹ New Plastics Economy “New Plastics Economy global commitment: June 2019 report”, June, 2019, available at: <https://www.newplasticseconomy.org/assets/doc/GC-Report-June19.pdf>.

choose to take these items, as customers serving themselves are implicitly requesting the item. Further, the bill does not prohibit food service establishments from asking the customer if they would like to receive one or more of these items and, if the customer answers in the affirmative, the food service establishment may provide the customer with the item or items they have requested.

Subdivision c places certain requirements on third-party food delivery services and third-party courier services. Paragraph one of such subdivision requires third-party food delivery services to provide their customers with the ability to request eating utensils, condiment packets, napkins and extra eating containers when submitting an order by any method, including but not limited to telephone, internet or mobile phone application orders. The default option provided to customers must be that no eating utensils, condiment packets or napkins are requested. Paragraph two prohibits third-party courier services and third-party food delivery services from providing eating utensils, condiment packets, napkins and extra eating containers unless requested by the customer or already packaged with the food or beverage by the food service establishment for delivery when picked up by the third-party courier service or third-party food delivery service.

Paragraph three provides that if a food service establishment is filling an order placed through a third-party food delivery service, the food service establishment may rely on the information provided by the third-party food delivery service as it concerns the provision of these items, pursuant to paragraph one. For the purposes of civil penalties, such reliance would be a complete defense and a copy or screenshot of a communication from the third-party food delivery service communicating the customer's preference would constitute prima facie evidence for the purposes of the food service establishment's defense. Third-party food delivery services would be required to provide a written communication of the customer's preference to a food service establishment within 72 hours of such food service establishment requesting it.

Subdivision d would grant enforcement authority to the Department of Sanitation (DSNY), the Department of Health and Mental Hygiene, and DCWP.

Subdivision e would require DSNY, in consultation with other city agencies, to conduct outreach and education about the requirements of section 16-402.

Subdivision f provides that any person who violates section 16-402 would be subject to civil penalties of \$50 for a first violation, \$150 for a second violation committed on a different day within a 12-month period, and \$250 for a third or any subsequent violation committed on different days within a 12-month period. However, any violation committed before July 1, 2024 would receive only a warning with no monetary penalty.

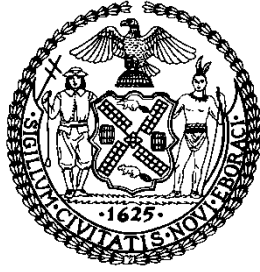
Subdivision g would require DSNY, where practicable, to assess the presence of single-use items in the waste stream and any change in the amount of items compared to previous studies. This information would be included in DSNY's Waste Characterization Study, which is currently required by section 16-316.1 (b) of the Code. Such study is submitted to the Council and the Mayor.

Section two of this bill would clarify the definition of "third-party courier service" in Local Law 114 of 2021.

This bill would take effect 180 days after it becomes law, except that section two of the bill would take effect immediately.

Since introduction, the penalty section and the warning period in subdivision f of the bill have been amended based on stakeholder feedback.

The following is the text of the Fiscal Impact Statement for Int. No. 559-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**

RICHARD LEE, FINANCE DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 559-A

COMMITTEE: Consumer and Worker Protection

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to restricting the provision of eating utensils, condiment packets, napkins and extra eating containers, and clarifying the definition of third-party courier service.

SPONSOR(S): 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, Lee, Ung, Williams, Hanks, Holden, Moya, Barron, Richardson Jordan, Stevens, Louis, and Dinowitz (in conjunction with the Brooklyn Borough President).

SUMMARY OF LEGISLATION: This bill would: (i) prohibit food service establishments, couriers who deliver food and food delivery platforms from providing eating utensils, extra eating containers, condiment packets and napkins to customers for take-out and delivery orders unless the customer requests them. Delivery platforms would have to provide a means for a customer to request the items, but the bill would require that the default option is that the customer does not request such items. Food service establishments, couriers and delivery platforms who violate this bill would be subject to civil penalties; however, the bill would require that warnings, instead of a monetary penalty, be given for any violation occurring before July 1, 2024; and (ii) clarify the definition of third-party courier service.

EFFECTIVE DATE: 180 days after the bill becomes law, except that section two of the 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 assuming full compliance.

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
Mayor's Office of Management and Budget
Department of Consumer and Worker Protections

ESTIMATE PREPARED BY: Glenn P. Martelloni, Financial Analyst

ESTIMATE REVIEWED BY: Aliya Ali, Unit Head
Jonathan Rosenberg, Managing Deputy Director
Kathleen Ahn, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council on June 16, 2022, as Int. No. 559 and referred to the Committee on Consumer and Worker Protection. The legislation was considered by the Committee on Consumer and Worker Protection at a hearing held on December 12, 2022, and was Laid Over by the Committee. It was subsequently amended, and the amended version, Proposed Intro. No. 559-A, will be considered by the Committee on Consumer and Worker Protection. Upon a successful vote by the Committee on January 19, 2022, Proposed Int. No. 559-A will be submitted to the full Council for a vote on January 19, 2022.

DATE PREPARED: January 17, 2023.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 559-A:)

Int. No. 559-A

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, Lee, Ung, Williams, Hanks, Holden, Moya, Barron, Richardson Jordan, Stevens, Louis and Dinowitz (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 the provision of eating utensils, condiment packets, napkins and extra eating containers, and clarifying the definition of third-party courier service

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-402 to read as follows:

§ 16-402 *Restrictions on providing eating utensils, condiment packets, napkins and extra eating containers.*
a. Definitions. For purposes of this section:

Condiment packet. The term "condiment packet" means an individual single-service container, sealed by the manufacturer, containing a sauce or other substance used to enhance the flavor of food, which may include, but need not be limited to, mustard, ketchup, mayonnaise, soy sauce, hot sauce or salad dressing.

Eating container. The term "eating container" means a tool used for holding food or beverage, including but not limited to, a plate, bowl, cup, or lid, but does not include a beverage splash stick as defined in section 16-401.

Eating utensil. The term “eating utensil” means a tool used for eating and drinking, including, but not limited to, a knife, fork, spoon, or chopsticks, but does not include a beverage stirrer or beverage straw as defined in section 16-401.

Extra eating container. The term “extra eating container” means an empty eating container that is not used to hold a customer’s food or beverage.

Food service establishment. The term “food service establishment” has the same meaning as set forth in section 16-401.

Napkin. The term “napkin” means a piece of cloth or paper used to wipe a person’s hands or face or protect garments while eating.

Take-away. The term “take-away” means food or beverage provided by a food service establishment to be consumed off the premises of such food service establishment.

Third-party courier service. The term “third-party courier service” means a service that: (i) facilitates the same-day delivery or same-day pickup of food, beverages, or other goods from a food service establishment on behalf of such food service establishment or a third-party food delivery service; (ii) is owned and operated by a person other than the person who owns such food service establishment, and (iii) is not a third-party food delivery service.

Third-party food delivery service. The term “third-party food delivery service” means any website, mobile application or other internet service that: (i) offers or arranges for the sale of food and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages from, a food service establishment; and (ii) that is owned and operated by a person other than the person who owns such food service establishment.

b. No food service establishment shall provide eating utensils, condiment packets, napkins, or extra eating containers to a take-away customer, whether directly to such customer or through a third-party courier service or third-party food delivery service, unless such customer requests eating utensils, condiment packets, napkins, or extra eating containers. A food service establishment maintaining a self-service station at which such items are offered shall not be a violation of this subdivision.

c. 1. Third-party food delivery services shall provide options to allow a customer to request eating utensils, condiment packets, napkins, and extra eating containers upon submission of an order, if such items are offered by the food service establishment fulfilling such order. Such options shall be prominently and conspicuously provided for all methods of ordering, including but not limited to phone, internet, or mobile phone application orders. The default selected option shall be that no eating utensils, condiment packets, napkins, or extra eating containers are requested.

2. No third-party courier service or third-party food delivery service shall provide eating utensils, condiment packets, napkins, or extra eating containers to a customer, unless such eating utensils, condiment packets, napkins, or extra eating containers are requested by such customer, or such eating utensils, condiment packets, napkins or extra eating containers are in the food or beverage packaged by the food service establishment for delivery when such third-party courier service or third-party food delivery service picks up such food or beverage.

3. If a food service establishment fills an order placed through a third-party food delivery service, such food service establishment may rely on the information provided by such third-party food delivery service regarding whether the customer has requested eating utensils, condiment packets, napkins, or extra eating containers pursuant to paragraph 1 of this subdivision. In a proceeding to collect a civil penalty pursuant to subdivision f of this section, it shall be a complete defense for a respondent food service establishment to establish that such food service establishment relied on the information provided to it by the third-party food delivery service regarding the customer's choice pursuant to paragraph 1 of this subdivision. A copy or screenshot of a communication by the third-party food delivery service to the food service establishment regarding the customer's choice pursuant to paragraph 1 of this subdivision shall constitute prima facie evidence that the food service establishment relied on the information provided to it by the third-party food delivery service. Each third-party food delivery service shall provide such communication in writing to a food service establishment within 72 hours of such food service establishment's request for such communication.

d. The department and the department of consumer and worker protection shall have the authority to enforce the provisions of this section.

e. In consultation with other city agencies, the department shall conduct outreach and education about the requirements of this section.

f. Any food service establishment, third-party food delivery service, or third-party courier service that violates this section or any rule promulgated pursuant thereto shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner or the commissioner of consumer and worker protection, or in a proceeding before the office of administrative trials and hearings pursuant to section 1049-a of the charter, or in the case of a food service establishment within the jurisdiction of the commissioner of consumer and worker protection, in a proceeding before the office of administrative trials and hearings pursuant to section 1048 of the charter. Such penalties shall be in the amount of \$50 for the first violation, \$150 for the second violation committed on a different day within a period of 12 months, and \$250 for the third and each subsequent violation committed on different days within a period of 12 months, except that any agency enforcing the provisions of this section shall not issue a notice of violation, but shall issue a warning and provide information on the provisions of this section, for any violation that occurs before July 1, 2024.

g. The department, as part of the waste characterization study required pursuant to subdivision b of section 16-316.1, shall, where practicable, assess the amount of single-use items in the waste stream and the change in such amount from any previous studies. The department shall include such information in such study submitted to the council and the mayor.

§ 2. Section 20-1501 of the administrative code of the city of New York, as added by local law number 114 for the year 2021, is amended to read as follows:

Third-party courier service. The term "third-party courier service" means a service that (i) facilitates the same-day delivery or same-day pickup of food, beverages, or other goods from a food service establishment on behalf of *such food service establishment or a third-party food delivery service*; [and] (ii) that is owned and operated by a person other than the person who owns such food service establishment; *and (iii) and is not a third-party food delivery service.*

§ 3. This local law takes effect 180 days after it becomes law, except that section two of this local law takes effect immediately.

MARJORIE VELÁZQUEZ, *Chairperson*; SHAUN ABREU, ERIK D. BOTTCHEER, GALE A. BREWER, AMANDA FARÍAS, SHEKAR KRISHNAN, JULIE MENIN, CHI A. OSSÉ, JULIE WON; 9-0-0; Committee on Consumer and Worker Protection, January 19, 2023 (Remote Hearing).

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

Report 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 Res. No. 457

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

The Committee on Finance, to which the annexed preconsidered resolution was referred on January 19, 2023, respectfully

REPORTS:

Introduction. The Council of the City of New York (the "Council") annually adopts the City's budget covering expenditures other than for capital projects (the "expense budget") pursuant to Section 254 of the Charter. On

June 30, 2021, the Council adopted the expense budget for fiscal year 2022 with various programs and initiatives (the “Fiscal 2022 Expense Budget”). On June 13, 2022, the Council adopted the expense budget for fiscal year 2023 with various programs and initiatives (the “Fiscal 2023 Expense Budget”).

Analysis. In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving funding in accordance with the Fiscal 2023 and Fiscal 2022 Expense Budgets (“Chart”).

This Resolution, dated January 19, 2023, approves the new designation and the changes in the designation of certain organizations receiving local, youth, boroughwide, and community safety and victims’ services discretionary funding and funding for certain initiatives in accordance with the Fiscal 2023 Expense Budget; approves the changes in designation of certain organizations receiving funding for local, youth, and boroughwide discretionary funding, and certain initiatives in accordance with the Fiscal 2022 Expense Budget; and amends the description for the Description/Scope of Services of certain organizations receiving youth and local discretionary funding and certain initiatives in accordance with the Fiscal 2023 Expense Budget. All new designations and changes in designations are as described in the attached Charts and the Resolution text.

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

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

It should also be noted that changes to funding for organizations in the attached Charts with a triple asterisk (***) are corrections to designations listed in Schedule C and/or a subsequent Transparency Resolution.

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

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 457:)

Preconsidered Res. No. 457

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

By Council Member Brannan.

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

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

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

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

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

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

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Community Safety and Victim Services Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation and change in the designation of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designations and change in the designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designations and change in the designation of certain organizations receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designations and the change in the designation of certain organizations receiving funding pursuant to the SU-CASA Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 11; and be it further

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

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

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

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Job Training and Placement Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 15; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Abortion Access Fund Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 16; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 17; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Mental Health Services for Vulnerable Populations Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 18; and be it further

Resolved, That the City Council approves the new designations of certain organization receiving funding pursuant to the Mental Health Services for Veterans Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 19; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Language Services Worker Co-operatives Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 20; and be it further

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

Resolved, That the City Council approves the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 22; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving youth discretionary funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 23; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 24; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 25; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Pandemic Support for Human Service Providers Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 26; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the LGBTQ Inclusive Curriculum Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 27; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the MWBE Leadership Associations Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 28; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Chamber on the Go and Small Business Assistance Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 29; and be it further

Resolved, That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 30.

(For text of the Exhibit Charts, please refer to the attachments section of [the Res. No. 457 of 2023 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>)

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, JULIE WON, ARI KAGAN; 16-1-0; *Negative*: David Carr; Committee on Finance, January 19, 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. 163

Report of the Committee on Finance in favor of a Resolution approving Kay's Place, Block 1028, Lot 7, Brooklyn, Community District No. 6, Council District No. 39.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on January 19, 2023 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

January 19, 2023

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 January 19, 2023 – Resolution approving a tax exemption for one Land Use item (Council District 39)

Item #1: Kay's Place

Kay's Place is a proposed new-construction 100% affordable, 11-story, 44-unit multifamily rental project located in the Park Slope/Gowanus neighborhood. The project will include set-asides of seven units for homeless households and 10 units for persons with developmental disabilities. The remaining units will be available to households at the 40%, 60%, and 70% of Area Median Income along with one (2-BR) superintendent unit. The project will be subject to Mandatory Inclusionary Housing. A small ground-floor commercial space and a social service office that will serve building residents will also be included.

The project will receive HPD City Capital subsidy through the Neighborhood Construction Program (NCP), as well as capital and rental subsidy from the New York State Office of People with Developmental Disabilities (OPWDD) for the 10 units for persons with developmental disabilities. The project will apply for eight Project-Based Vouchers (PBV) administered by HPD, which, if awarded, will subsidize rents at a higher level (the "Exception Payment Standard") than the standard payments due to the project location being designated a high-opportunity area. The project has been awarded Reso A funds by the Borough President in FY'21 and Council Member Lander in FY'22.

Kay's Place is being jointly developed by the nonprofit Mercy Home for Children, Inc. and by Procida Development Group LLC. The site is currently vacant land and was previously conveyed by HPD to Mercy Home HDFC in 2014. The project has obtained HPD BLDS design acceptance and is in the later stages of receiving plans approvals from DOB.

Summary:

- Borough – Brooklyn
- Block 1028, Lot 7
- Council District – 39
- Council Member – Hanif
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 44 (includes 1 superintendent unit)
- Type of exemption – Article XI, full, 40 year
- Population – affordable rental housing
- Sponsors – Mercy Home for Children, Inc., Procida Development Group LLC
- Purpose – new construction
- Cost to the city – \$3.16 million (present value)
- Housing Code Violations
 - Class A – 0
 - Class B – 0
 - Class C – 0
- AMI target – 1 unit at 40% AMI, 16 units at 60% AMI, 9 units at 70% AMI.

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

Res. No. 466

Resolution approving an exemption from real property taxes for property located at (Block 1028, Lot 7) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 163).

By Council Member Brannan.

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated December 22, 2022 that the Council take the following action regarding a housing project located at (Block 1028, Lot 7) Brooklyn (“Exemption Area”):

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

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

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

RESOLVED:

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

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

- a. “Company” shall mean 487 4th Avenue Managers 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 October 1, 2020.
 - 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 Brooklyn, City and State of New York, identified as Block 1028, Lot 7 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. “HDFC” shall mean Mercy Home Housing Development Fund Company Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - g. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - h. “Owner” shall mean, collectively, the HDFC and the Company.
 - i. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner that is executed on or after December 1, 2022 and that establishes certain controls upon the operation of the Exemption Area on or after the date such Regulatory Agreement is executed.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Notwithstanding any provision hereof to the contrary:
- a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

- b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that has a new permanent certificate of occupancy or a temporary certificate of occupancy for all of the residential areas on or before seven years from the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
4. In consideration of the Exemption, the owner of the Exemption Area shall (a) execute and record the Regulatory Agreement, and (b) for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule, or regulation. Notwithstanding the foregoing, 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, JULIE WON, DAVID M. CARR; ARI KAGAN; 17-0-0; Committee on Finance, January 19, 2023.

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. 855-A

Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to 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.

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on Governmental Operations on December 21, 2022 (Minutes, page 3057), respectfully

REPORTS:

I. INTRODUCTION

On January 19, 2023, the Committee on Governmental Operations, chaired by Council Member Sandra Ung, held a second hearing and vote on the following legislation: Proposed Int. 855-A, sponsored by Council Members Brooks-Powers, 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. The bill was approved by a unanimous vote of the Committee.

II. BACKGROUND

a. Campaign Finance Board and the Campaign Finance Act

The Campaign Finance Board is an independent, nonpartisan agency.¹ The CFB is headed by a board consisting of five members, two of which are appointed by the Speaker, two of which are appointed by the Mayor, and one of which—the Chairperson—is appointed by the Mayor in consultation with the Speaker.²

The Campaign Finance Act (“the CFA”), which the CFB is charged with administering and enforcing, regulates spending in local elections and provides participating candidates with public funds to help finance their campaigns. Candidates who choose to participate in the public financing program are eligible to receive \$8 in public funds for every matchable dollar raised. In exchange, participating candidates must abide by certain expenditure limits and other requirements.³ Regardless of their participation in the program, all candidates for local office must abide by certain contribution limits.⁴

The intent of the CFA is, among other things, “to improve popular understanding of local issues, to increase participation in local elections by voters and candidates, to reduce improper influence of local officers by large campaign contributors and to enhance public confidence in local government.”⁵ The program has been credited with improving the democratic process by increasing the diversity of representation of elected officials,⁶ limiting the potential impact of special-interest money, establishing greater engagement between voters and elected officials, and amplifying the value of small contributions.⁷

b. Campaign Finance Reforms

The City Council has been at the forefront of campaign finance reforms since the enactment of Local Law 8 of 1988, which established publicly financed campaigns in New York City.⁸ When the program was initially enacted, the City provided a dollar-for-dollar match for the first \$1,000 of each contribution. The program has since been amended multiple times, and there is a long history of improvements to the law under the Council’s stewardship. Among the many examples, in 1999, the Council passed a law to introduce a four-to-one match on the first \$250 of eligible contributions. And, prior to the 2009 election, the Campaign Finance Act was amended to increase candidates’ access to public money by providing a six-to-one match for the first \$175 of eligible contributions.⁹

In November 2018, voters approved the latest changes to the City’s campaign finance system. The first change lowered campaign contribution limits, the second increased the City’s matching rate to eight-to-one for up to the first \$250 of eligible contributions for citywide offices and the first \$175 for borough president and

¹ NYC Charter § 1052

² NYC Charter § 1052 (a)(1)

³ See generally New York City Charter §1052(19) and New York City Administrative Code §§ 3-703—3-706.

⁴ See generally New York City Administrative Code § 3-703.

⁵ New York City Local Law 8 of 1988, § 1.

⁶ Gregory Clark, Hazel Milard and Mariana Paez, *Small Donor Public Financing Plays Role in Electing Most Diverse New York City Council* Brennan Center, November 5, 2021.

⁷ New York City Campaign Finance Board, Benefits at <https://www.nyccfb.info/program/benefits/>

⁸ Friedlander, J. D., Louis, S. E., & Laufer, L. D. (n.d.). *The New York City Campaign Finance Act* (Rep.). Retrieved November 30, 2022, from Hofstra Law Review website: <http://scholarlycommons.law.hofstra.edu/cgi/viewcontent.cgi?article=1617&context=hlr>.

⁹ Liss, S., & Migally, A. (n.d.). Small Donor Matching Funds: The NYC Election Experience. Retrieved November 30, 2022, from <https://www.brennancenter.org/sites/default/files/legacy/Small%20Donor%20Matching%20Funds-The%20NYC%20Election%20Experience.pdf>.

city council races, and the third raised the cap on the amount of public matching funds candidates are eligible to receive. The last change made public funds available to candidates earlier in the election cycle.¹⁰

c. **2021 Independent Expenditures**

An independent expenditure is an election-related expenditure made by an outside organization or person that no candidate has authorized, requested, or cooperated in.¹¹ The United States Supreme Court has long held that independent expenditures are protected speech and cannot be restricted.¹² However, organizations and individuals that make independent expenditures (“independent spenders”) can be required to disclose information about their funding sources and spending.¹³ Pursuant to a ballot measure passed in 2010 and strengthened by a 2016 local law, independent spenders who spend at least \$1,000 in aggregate in support of or in opposition to a candidate or a municipal ballot proposal are required to disclose their spending to the CFB.¹⁴ In addition, entities that spend at least \$5,000 in aggregate in support of or in opposition to a candidate are required to disclose certain information about their governance structures and funding sources.¹⁵ CFB publishes the reported information on its “Follow the Money” portal.¹⁶

The Charter and CFB rules also require certain communications from independent spenders in support of or opposition to a candidate to include “paid for by” notices.¹⁷ The required wording of such notice depends on the type of communication, but in general, “paid for by” notices must identify the individual or entity who funded the communication, and, for communications funded by an entity, such entity’s top three donors.

The 2021 election cycle was the third since the implementation of independent expenditure disclosure requirements and it featured a dramatic increase in independent spending when compared to the previous two cycles.¹⁸ Independent spenders spent \$40.7 million on the 2021 primary and general election, compared to only \$1.5 million in 2017 and \$15.9 million in 2013.¹⁹ More than three-quarters of the independent spending in 2021 was on the mayoral race.²⁰ A majority of this spending was done by newly created single-candidate entities, with most of the money being spent in support of a candidate, with very little being directed towards negative advertising.²¹ This was in direct contrast to 2017 when almost 94% of independent spending was used for advertising opposing the then-incumbent Mayor.²²

Most of the independent spending in 2021 was done by just a few entities. Ten single-candidate entities made up 77% of independent spending in the mayoral race, and 60% of the total spending for the entire election cycle.²³ Independent spending did not play as much of a role in the council races. Only two single-candidate entities supported non-mayoral candidates.²⁴ \$6.6 million, or 16% of all independent spending, was spent on council races.²⁵ This was a steep decline from 2017 when 68% of independent expenditures were spent on

¹⁰ Final Report of the 2018 New York City Charter Revision Commission available at <https://www1.nyc.gov/assets/charter/downloads/pdf/final-report-20180904.pdf>

¹¹ New York City Campaign Finance Board, *Independent Expenditures Guide*, available at <https://www.nycfb.info/independent-expenditures/independent-expenditures-guide/>

¹² See, e.g., *Buckley v. Valeo*, 424 U.S. 1 (1976); *Citizen’s United v. Federal Election Commission* 588 U.S. 310 (2010).

¹³ See id.; see also New York City Campaign Finance Board, *Independent Expenditures Guide*, available at <https://www.nycfb.info/independent-expenditures/independent-expenditures-guide/>

¹⁴ See Charter § 1052(a)(15)(b); CFB Rules § 14-02(b).

¹⁵ See Charter § 1052(a)(15)(b); CFB Rules § 14-02(d).

¹⁶ New York City Campaign Finance Board, Follow the Money, Independent Expenditures Portal, <https://www.nycfb.info/follow-the-money/follow-the-money/> (last accessed December 8, 2022).

¹⁷ Specifically, any communication referring to a candidate in a local election that was funded by an individual or entity making at least \$1,000 in aggregate independent expenditures must include a paid-for-by notice. See Charter § 1052(a)(15)(c); CFB Rules § 14-04.

¹⁸ New York City Campaign Finance Board 2021 Post-Election Report available at http://www.nycfb.info/PDF/2021_Post-Election_Report.pdf

¹⁹ Id.

²⁰ Id.

²¹ Id.

²² Id.

²³ Id.

²⁴ Id.

²⁵ Id.

council races, and even 2013, the last year with an open mayoral race, when 39% of independent expenditures were for council races.²⁶

III. Legislative Analysis

Int. 855-A

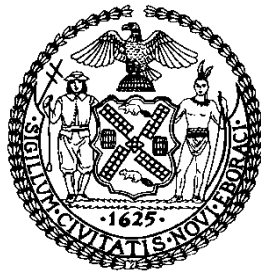
Unlike independent spenders that spend money in support of or opposition to local *candidates*, those that spend money in support of or opposition to local *ballot proposals* are not required to report their funding sources to the CFB or include “paid for by” notices on their communications. Int. 855-A (Brooks-Powers.) would eliminate this discrepancy by ensuring that individuals and entities that spend on local ballot proposals are subject to the same disclosure and notice requirements as those that spend on local candidates.

The bill achieves this by amending two provisions of the Charter related to independent expenditures. The first is section 1052(a)(15)(b). Currently, this provision provides that any entity that makes independent expenditures of \$5,000 or more with respect to a candidate for local office must report certain information regarding its funding sources to the CFB. Specifically, such entity (hereinafter, the “reporting entity”) must report: (i) the identity of any entity that contributed to the reporting entity on or after January 1 of the year before the election; (ii) the identity of any individual or entity that, in the 12 months leading up to the election, contributed \$25,000 or more to an entity that, during that same period, contributed \$50,000 or more to the reporting entity; and (iii) the identity of any individual that contributed \$1,000 or more to the reporting entity in the 12 months leading up to the election. Int. 855-A would require this same information to be reported by any entity that makes independent expenditures of \$5,000 or more with in support of or opposition to a municipal ballot proposal.

The second provision that Int. 855-A would expand is section 1052(a)(15)(c) of the Charter. This provision currently requires “paid for by” notices to be included on any communication with respect to a candidate for local office that was funded by an individual or entity making \$1,000 or more in aggregate independent expenditures. Such notices must include the words “paid for by” followed by the name of the individual or entity who funded the communication. For communications funded by an entity, such notices must also include the words “Top Three Donors,” followed by a list of the three largest aggregate donors to such entity in the 12 months leading up to the election. Int. 855-A would require these same “paid for by” notices to be included on communications in support of or opposition to municipal ballot proposals (provided such communications were funded by an individual or entity making \$1,000 or more in independent expenditures).

This bill would take effect on January 1, 2024.

(The following is the text of the Fiscal Impact Statement for Int. No. 855-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: 855-A

COMMITTEE: Governmental Operations

²⁶ Id.

TITLE: 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.

SPONSOR(S): By Council Members Brooks-Powers, Farías, Cabán, Hanif, Ayala, Louis, Joseph, Restler, Hudson, Avilés, Ung, Abreu and Ossé.

SUMMARY OF LEGISLATION: This bill would require independent spenders working to influence the results of a municipal ballot initiative to disclose such spenders' donors to the Campaign Finance Board and, in certain cases, in their advertisements.

EFFECTIVE DATE: This local law will take effect on January 1, 2024

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

FISCAL IMPACT STATEMENT:

	Effective FY24	FY Succeeding Effective FY25	Full Fiscal Impact FY25
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 the Campaign Finance Board would use existing resources to fulfill its requirements.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Campaign Finance Board

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

ESTIMATE REVIEWED BY: Aliya Ali, Unit Head, NYC Council Finance Division

Cirilhen Francisco, Assistant Deputy Director, NYC Council Finance Division

Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance Division

Kathleen Ahn, Counsel, NYC Council Finance Division

LEGISLATIVE HISTORY: The legislation was first considered by the Committee on Governmental Operations (the Committee), as a Preconsidered Introduction, at a hearing held on December 13, 2022. The legislation was then introduced to the full Council on December 21, 2022, as Intro. 855 and referred to the Committee on Governmental Operations. It was subsequently amended, and the amended version, Proposed Intro. No. 855-A, will be considered by the Committee on January 19, 2023. Upon successful vote by the Committee, Proposed Intro No. 855-A will submitted to the full Council for a vote on January 19, 2023.

DATE PREPARED: 1/12/2022.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 855-A:)

Int. No. 855-A

By Council Member Brooks-Powers, Farías, Cabán, Hanif, Ayala, Louis, Joseph, Restler, Hudson, Avilés, Ung, Abreu, Ossé, Brewer, Menin, Velázquez, Brannan, Rivera and Gennaro.

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

Be it enacted by the Council as follows:

Section 1. Subparagraphs (b) and (c) of paragraph 15 of subdivision a of section 1052 of the New York city charter, as amended by local law number 41 for the year 2014, are amended to read as follows:

(b) Every individual and entity that makes independent expenditures aggregating one thousand dollars or more in support of or in opposition to any candidate [in any covered election], or in support of or in opposition to any municipal ballot proposal or referendum, shall be required to disclose such expenditure to the board. In addition, every entity that, in the twelve months preceding a covered election, makes independent expenditures aggregating five thousand dollars or more in support of or in opposition to any candidate [in any covered election], *or in support of or in opposition to any municipal ballot proposal or referendum*, shall disclose the following: (i) the identity of any entity that, on or after the first day of the calendar year preceding the covered election, contributed to the entity reporting the expenditure, and the owners, partners, board members, and officers, or their equivalents, of such contributing entity, or, if no individuals exist in any such roles, the name of at least one individual who exercises control over the activities of such contributing entity; (ii) the identity of any entity or individual who, in the twelve months preceding the covered election, contributed twenty-five thousand dollars or more to any entity that, in the twelve months preceding the covered election, contributed fifty thousand dollars or more to the entity reporting the expenditure; and (iii) the identity of any individual who, in the twelve months preceding the covered election, contributed one thousand dollars or more to the entity reporting the expenditure.

(c) Any literature, advertisement or other communication in support of or in opposition to any candidate in any covered election, *or in support of or in opposition to any municipal ballot proposal or referendum*, that is paid for by an individual or entity making independent expenditures aggregating one thousand dollars or more shall, in addition to any applicable disclosure requirements in state law, disclose information as follows:

§ 2. This local law takes effect January 1, 2024; provided that the campaign finance board shall take all action necessary for the timely implementation of this law, including the promulgation of rules, prior to such date.

SANDRA UNG, *Chairperson*; GALE A. BREWER, SHAHANA K. HANIF, LINCOLN RESTLER, LYNN C. SCHULMAN; 5-0-0; Committee on Governmental Operations, January 19, 2023. *Other Council Members Attending: Council Member Brooks-Powers.*

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 Higher Education

Report for Int. No. 660-A

Report of the Committee on Higher Education in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to establishing a program to provide transition services for students with disabilities entering higher education.

The Committee on Higher Education, to which the annexed proposed amended local law was referred on September 14, 2022 (Minutes, page 2149), respectfully

REPORTS:

I. INTRODUCTION

On Thursday, January 19, 2023, the Committee on Higher Education, chaired by Council Member Eric Dinowitz, will consider Proposed Int. No. 660-A (Dinowitz), in relation to establishing a program to provide transition services for students with disabilities entering higher education. On Wednesday, November 2, 2022, the Committee heard this legislation in a joint hearing with the Committee on Mental Health, Disabilities and Addiction, chaired by Council Member Linda Lee. Witnesses who testified included representatives from the Mayor’s Office for People with Disabilities (MOPD), The City University of New York (CUNY) Administration, CUNY past and current students, and other interested parties.

II. BACKGROUND

Federal Laws Relating to Students with Disabilities

Under federal law,¹ students with disabilities are eligible to receive accommodations and services tailored to their individual needs to succeed in school, as specified in each Individualized Education Program (IEP) or Section 504 Plan developed collectively by the school, parents or guardians, and the student’s therapists.² However, the legal requirements for the development of these plans shift when a student leaves high school, and the services in the IEP or Section 504 plan effectively end after graduation.³ Nonetheless, Section 504 does apply to colleges and universities receiving federal financial assistance (though Individuals with Disabilities Education Act or “IDEA” does not). Yet, although a student may have previously had accommodations under a Section 504 plan in high school, it is not guaranteed that colleges will provide the same services – or any at all.⁴ At the higher education level, students must request accommodations and provide the necessary documentation verifying the existence of a permanent or temporary disability that restricts access to general education environments, and impacts at least one life activity (e.g., communicating, reading, hearing, walking).⁵

¹ The Individuals with Disabilities Education Act (IDEA) requires public schools to make available and to provide all eligible children with disabilities a free appropriate public education in the least restrictive environment appropriate to their individual needs. MOPD, *Federal Laws*, available at <https://www1.nyc.gov/site/mopd/laws/federal-laws.page>.

² *The difference between IEPs and 504 plans*, available at <https://www.understood.org/en/articles/the-difference-between-ieps-and-504-plans>. This briefing paper focuses on **Section 504 of the Rehabilitation Act of 1973**, which makes it illegal for any program receiving federal funds to discriminate against people with disabilities. See Advocates for Children of New York, *AFC’s Guide to Section 504*, available at https://www.advocatesforchildren.org/sites/default/files/library/section_504_guide.pdf. Because NYC public schools receive federal funding, they cannot discriminate against students with disabilities.

³ Elizabeth Hamblet, *Do Colleges Have to Follow IEPs or 504 Plans?*, available at <https://www.wrightslaw.com/info/trans.college.accoms.hamblet.htm>.

⁴ *Id.*

⁵ “According to section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990, an individual with a disability is a person who 1) has a physical or mental impairment that substantially limits one or more life activities; or 2) has a record of such impairment; or 3) is regarded as having such impairment.” <https://www.cuny.edu/current-students/student-affairs/student-services/disability>.

Because about 20 percent of college undergraduates and 12 percent of postbaccalaureate students report that they have a disability, every year, many higher education students are eligible to seek accommodations under federal law.⁶ But because colleges are not legally required to convene meetings with such students and interested parties to draw up IEPs or Section 504 plans, as K-12 schools are, college students with disabilities must *request* accommodations and services directly from the colleges they attend.⁷ Stephanie Dawson, Director of the Miller Center for Student Disability Services at Miami University, explains that “[a]ccommodation planning is an interactive, ongoing and creative process so it is critical that students develop skills to participate in co-creating access plans.”⁸

Accommodations for Students with Disabilities at CUNY

Each CUNY campus has an Office of Disability Services, which is managed by a director who “coordinates the provision of reasonable accommodations and support services for students with disabilities.”⁹ It is the responsibility of the staff members in these offices to verify that students who come to them seeking accommodations and services are, in fact, eligible to receive them based on a qualified disability.¹⁰ These offices offer counseling and arrange necessary services, including, “assistive technology services, note takers, readers, and sign language interpreter services, distance learning networks, priority registration, and alternative testing arrangements.”¹¹ In addition to providing fundamental accommodations and services that students with disabilities might need to succeed academically in their courses, CUNY has a variety of programs, including these:

- CUNY LEADS (available on all CUNY campuses) prepares degree and nondegree students with disabilities to make academic and career choices and provides a variety of services, including academic advisement, career counseling, résumé and interview preparation, internship preparation, job seeking and placement assistance, and advocacy skills.¹² CUNY LEADS also works directly with employers to connect qualified students with disabilities to jobs.¹³
- Project REACH (Resources and Education on Autism as CUNY’s Hallmark) supports CUNY’s students with Autism Spectrum Disorders and provides relevant professional development for faculty and staff on seven CUNY campuses.¹⁴
- CUNY Unlimited (available on six CUNY campuses) provides a credential in Academic and Career Studies for students with intellectual disabilities, who take college classes with their peers, complete internships, learn self-advocacy skills, and participate in all campus activities. Students earning this credential may go on to employment directly and/or more college study with the goal of attaining a degree.¹⁵

As previously mentioned, unlike K-12 students with disabilities, college and university students are expected to advocate for themselves. Each student is ultimately responsible for seeking out the Office of Disability Services on their CUNY campus as well as for working with the Office of Disability Services staff to submit the

⁶ National Center for Education Statistics (May, 2018), available at <https://nces.ed.gov/fastfacts/display.asp>.

⁷ Bernard Grant, *How to Access College Disability Services and Accommodations* (October 7, 2022), available at <https://www.bestcolleges.com/blog/how-to-access-college-disability-services>.

⁸ *Id.*

⁹ The City University of New York, *Disability & Accessibility Services*, available at <https://www.cuny.edu/current-students/student-affairs/student-services/disability/>.

¹⁰ *Id.* The meaning of “qualified individual with a disability” differs in higher education. A qualified individual with a disability in a postsecondary institution must meet the academic and technical requirements for participating in the institution’s educational program or activity. Advocates for Children of New York, *supra* note 2. The types of accommodations available in postsecondary schools are generally more limited than those available K-12. *Id.*

¹¹ *Id.*

¹² *Supra* note 9.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

documentation needed for the Office to make a determination on what accommodations and services, if any, should be provided.¹⁶ While not all students with disabilities request services, all CUNY students with disabilities—both degree and nondegree students—are eligible to request them.¹⁷

The Mayor’s Office for People with Disabilities

MOPD serves as the liaison between all New York City (NYC) government offices and the disability community.¹⁸ Working in partnership with NYC agencies, MOPD is concerned with ensuring the rights of the disability community in all areas of NYC life by actively participating in policymaking and making certain that inclusion and accessibility remain priorities for public and private stakeholders.¹⁹ Thus, MOPD primarily acts as a “coordinating agency,” which works in conjunction with other agencies to develop and implement disability-related policies, oversee compliance with disability-related laws, coordinate and promote disability-related programs, and liaise among public and private agencies, entities, and individuals in relation to those programs.²⁰

Notably, MOPD oversees and trains NYC’s Disability Service Facilitators (DSFs).²¹ DSFs are appointed as contacts for disability-related issues within NYC agencies, and they ensure that NYC agencies are complying with and carrying out their responsibilities pursuant to the Americans with Disabilities Act (ADA) and other federal, state, and local laws and regulations pertaining to accessibility.²² MOPD administers two-day trainings for DSFs on these laws, including a review of the most current information, guidelines, and resources related to NYC programs, services, and activities offered to New Yorkers with disabilities.²³ Other MOPD programs and initiatives include the publication of *AccessibleNYC*, an annual report outlining NYC’s planned initiatives and programs for people with disabilities;²⁴ MOPD’s NYC:ATWORK employment program, which has connected over 500 individuals with disabilities to paying jobs and internships; and EmpoweredNYC, which provides financial counseling to people with disabilities in conjunction with the Department of Consumer and Worker Protection’s Office of Financial Empowerment.²⁵

MOPD provides access to an array of education-related programs, such as: INCLUDEnyc, which provides a comprehensive list of resources for young people with disabilities in the areas of learning, school, family support, and social resources;²⁶ the Early Childhood Direction Center, which provides information and referral services for children with disabilities ages 0 to 5;²⁷ information regarding disability-specific schools in NYC;²⁸ and special education programs and resources.²⁹ MOPD also provides links to resources for high school students with disabilities, such as GenerationNYC.³⁰ Relating specifically to college programs, MOPD highlights a range

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ NYC Mayor’s Office for People with Disabilities (MOPD), *What We Do* (October 2022), available at <https://www1.nyc.gov/site/mopd/about/about.page>.

¹⁹ *Id.*

²⁰ Holly Jeanine Boux & Michael Ashley Stein, *Assessing Employment and Transportation: The Role of The New York City Mayor’s office for People with Disabilities*, Fordham Urban Law Journal (2020), available at <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=2815&context=ulj>.

²¹ NYC Mayor’s Office for People with Disabilities, *Disability Service Facilitator/ADA Coordinator Trainings*, available at <https://www1.nyc.gov/site/mopd/initiatives/disability-service-facilitator-academy.page>.

²² *Id.*

²³ *Id.*

²⁴ NYC Mayor’s Office for People with Disabilities, *AccessibleNYC* (2021 Edition), available at <https://www1.nyc.gov/site/mopd/initiatives/accessiblenyc.page>.

²⁵ NYC Mayor’s Office for People with Disabilities, *NYC: ATWORK*, available at <https://www1.nyc.gov/site/mopd/employment/nyc-at-work.page>; NYC Mayor’s Office for People with Disabilities, *Empowered NYC*, available at <https://www1.nyc.gov/site/mopd/initiatives/empowerednyc.page>.

²⁶ NYC Mayor’s Office for People with Disabilities, *Early Intervention*, available at <https://www1.nyc.gov/site/mopd/resources/early-intervention.page>.

²⁷ *Id.*

²⁸ NYC Mayor’s Office for People with Disabilities, *Disability Specific Schools*, available at <https://www1.nyc.gov/site/mopd/resources/disability-specific-schools.page>.

²⁹ NYC Mayor’s Office for People with Disabilities, *School Programs*, available at <https://www1.nyc.gov/site/mopd/resources/school-programs-resources.page>.

³⁰ NYC Mayor’s Office for People with Disabilities, *High School Transition*, available at <https://www1.nyc.gov/site/mopd/resources/high-school-transition.page>.

of disability-specific programs and scholarships for people with disabilities,³¹ including an overview of and contact information for CUNY programs and accessibility services.³²

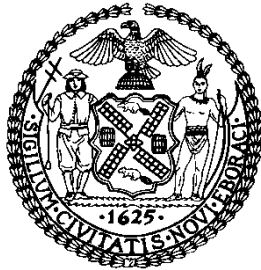
III. BILL ANALYSIS

Proposed Int. 660-A

This bill would require MOPD or any other office designated by the mayor, to establish a program to help high school students with disabilities who are graduating in the current school year to obtain accommodations at institutions of higher education. As part of such program, the designated office would (i) develop and implement a system of shared information with institutions about students' special education services and (ii) provide students with student advocates for related supports. This bill would also require the designated office to conduct outreach on the program and to annually submit a report on the program and the outreach to the Mayor and the Speaker of the Council and post it on its website.

Since being heard, this bill received technical edits, and was amended to provide that any office designated by the mayor or MOPD can carry out the required program. Further, the definition of "student advocate" was amended to exclude pedagogical employees of the department of education from the definition.

(The following is the text of the Fiscal Impact Statement for Int. No. 660-A:)



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

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

RICHARD LEE, FINANCE DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: Int. 660-A

COMMITTEE: Higher Education (CUNY)

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to establishing a program to provide transition services for students with disabilities entering higher education.

SPONSOR(S): By Council Members Dinowitz, Louis, Riley, Stevens, Hanif, Velázquez, Brewer, Ung, Farías, Sanchez, Lee, Won, Gutiérrez, Mealy, Feliz, Ayala, Williams, Krishnan, Abreu, Cabán, Carr, Borelli and Paladino.

SUMMARY OF LEGISLATION: This bill would require the Mayor's Office for People with Disabilities (MOPD) or any other office designated by the mayor, to establish a program to help high school students with disabilities

³¹ NYC Mayor's Office for People with Disabilities, *College and University Programs*, available at <https://www1.nyc.gov/site/mopd/resources/college-university-programs.page>.

³² NYC Mayor's Office for People with Disabilities, *CUNY College Programs*, available at <https://www1.nyc.gov/site/mopd/resources/education-cuny-college-programs.page>.

who are going on to any institutions of higher education to obtain accommodations. As part of such program, the designated office would (i) develop and implement a system to facilitate the sharing of information about students' special education services and (ii) provide students with student advocates to access related supports. This bill would also require the designated office to conduct outreach on the program and to annually submit a report on the program and the outreach conducted to the Mayor and the Speaker of the Council and post it on its website.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2024

FISCAL IMPACT STATEMENT:

	Effective FY23	FY Succeeding Effective FY24	Full Fiscal Impact FY24
Revenues	\$0	\$0	\$0
Expenditures	\$0	(See below)	(See below)
Net	\$0	(See Below)	(See below)

IMPACT ON REVENUES: It is estimated that this bill would have no impact on revenues.

IMPACT ON EXPENDITURES: It is anticipated that there could be an adjustment in funding needed if the demand for services or accommodations increases. Typically, CUNY's offices for students with disabilities are understaffed and underfunded. The State currently provides \$3 million for these offices and the services they provide which are meant to serve 10,000 self-identified/registered students with disabilities. Therefore, if demand for services increases by 25 percent it is anticipated that CUNY would need at least an additional \$750,000 (\$3 mil * .25). If demand increases by 50 percent, CUNY could require at least an additional \$1.5 million. It should also be noted that this demand is speculative, the actual demand will be unknown until post passage of Int. 660 A. Additionally, CUNY estimates that there could be some CIS/tech costs. Whatever new system is put in place by the city, CUNY's system would need to be modified to be able to extract the additional data feeds the designated city agency will be sharing. However, there are no estimates on these costs as of yet.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Nia Hyatt, Senior Financial Analyst

ESTIMATE REVIEWED BY: Crilhien Francisco, Assistant Director
Kathleen Ahn, Finance Division Counsel
Jonathan Rosenberg, Managing Deputy Director

LEGISLATIVE HISTORY: This legislation was introduced to the Council on September 14, 2022 as Int. No. 660 and was referred to the Committee on Higher Education (Committee). At a hearing held by the Committee, jointly with Committee on Mental Health, Disabilities and Addiction on November 2, 2022, the bill was heard and laid over. It was subsequently amended, and the amended version, Proposed Intro. No. 660-A, will be considered by the Committee. Upon a successful vote by the Committee on January 19, 2023, Proposed Int. No. 660-A will be submitted to the full Council for a vote on January 19, 2023.

DATE PREPARED: January 18, 2023.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 660-A:)

Int. No. 660-A

By Council Members Dinowitz, Louis, Riley, Stevens, Hanif, Velázquez, Brewer, Ung, Farías, Sanchez, Lee, Won, Gutiérrez, Mealy, Feliz, Ayala, Williams, Krishnan, Abreu, Cabán, Holden, Barron, Menin, Narcisse, Brannan, Rivera, Gennaro, Carr, Borelli, Paladino and Vernikov.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a program to provide transition services for students with disabilities entering higher education

Be it enacted by the Council as follows:

Section 1. Chapter 10 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-1005 to read as follows:

§ 23-1005 *Transition services for students with disabilities entering higher education. a. Definitions. For purposes of this section, the following terms have the following meanings:*

Accommodation. The term “accommodation” means an adjustment or a modification that enables a student at an institution of higher education with a documented disability to participate as fully as possible in such institution, including, but not limited to, recording lectures or extended time for test-taking.

Higher education. The term “higher education” has the same meaning as is ascribed to such term in subdivision 8 of section 2 of the education law.

Individualized education program. The term “individualized education program” has the same meaning as set forth in section 200.1 of title 8 of the New York codes, rules and regulations.

Office. The term “office” means the mayor’s office for people with disabilities or any other agency or office designated by the mayor.

Section 504 plan. The term “section 504 plan” means an accommodation plan provided to a student pursuant to section 504 of the rehabilitation act of 1973.

Special education services. The term “special education services” means services that a student receives through an individualized education program or a section 504 plan.

Student advocate. The term “student advocate” means an advocate designated by the office who provides information and support to students regarding obtaining accommodations at institutions of higher education, and who shall not be a pedagogical employee of the department of education.

Student with a disability. The term “student with a disability” means a student of a New York city public high school who receives special education services.

b. Program established. The office, in consultation with the department of education and relevant stakeholders, shall develop and manage a program, consistent with any applicable federal, state or local laws, to help advise students about how to obtain accommodations at institutions of higher education. As part of such program, the office shall:

1. In consultation with relevant agencies, develop and implement a system to facilitate the electronic sharing of information about such students’ special education services by the department of education with institutions of higher education, for which sharing the department of education shall have obtained any consent required by federal, state or local law. Such system shall allow a student, a student’s parent or a student’s person in parental relation, as defined in subdivision 10 of section 2 of the education law, to provide consent for the department of education to share such information;

2. Utilize student advocates to assist such students;

3. Post information on its website about how to obtain accommodations at institutions of higher education; and

4. Ensure such program complies with any applicable federal, state or local laws, including, but not limited to, those related to the education and privacy of such students.

c. Outreach. Not later than 30 days after the effective date of the local law that added this section, and continuing thereafter, the office, in consultation with relevant agencies and stakeholders, shall conduct

culturally appropriate outreach on the program established by subdivision b of this section. Such outreach shall include, but need not be limited to, the following:

1. Creating a webpage that provides current information, made available in the designated citywide languages as defined in section 23-1101, regarding such program, including, but not limited to, a description of such program, contact information, eligibility information, and information about how to participate;

2. Provide culturally appropriate outreach materials regarding such program to the department of education for distribution to each student with a disability who will be graduating from high school in the current school year and such student's parent or person in parental relation; and

3. Collaborating with relevant agencies and stakeholders to enhance awareness of such program, including, but not limited to, posting culturally appropriate information about such program on the websites of such agencies and stakeholders.

d. Reporting. 1. No later than one year after the effective date of the local law that added this section, and annually thereafter, the office shall report on the program established by subdivision b of this section to the mayor and the speaker of the council and post such report on the office's website. Such annual reports shall include, but need not be limited to, the following information for the previous year:

(a) The number of students who participated in such program, to the extent known;

(b) A description of the assistance that such program provided such students;

(c) A description of the system established pursuant to paragraph 1 of subdivision b of this section;

(d) A description of the duties of student advocates; and

(e) An evaluation of the outreach required by subdivision c of this section, including, but not limited to, recommendations to improve such outreach, recommendations to improve utilization of such program and any resources needed to implement such recommendations.

2. No information that is required to be reported pursuant to this subdivision shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of information.

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

ERIC DINOWITZ, Chairperson; OSWALD FELIZ, CHARLES BARRON, GALE A. BREWER, INNA VERNIKOV; 5-0-0; Committee on Higher Education, January 19, 2023.

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

Report of the Committee on Land Use

Report for L.U. No. 155

Report of the Committee on Land Use in favor of approving Application number C 220250 ZMQ (97-27 57th Ave. Commercial Overlay) submitted by SWDM 57 LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 10b & 14a: eliminating from within an existing R6A District a C1-2 District, establishing within an existing R6B District a C2-4 District, and establishing within the existing R6A District a C2-4 District, Borough of Queens, Community District 4, Council District 21.

The Committee on Land Use, to which the annexed Land Use item was referred on December 21, 2022 (Minutes, page 3084) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

QUEENS CB - 4 – 97-27 57th AVENUE COMMERCIAL OVERLAY

C 220250 ZMQ (L.U. No. 155)

City Planning Commission decision approving an application submitted by SWDM 57 LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 10b and 14a:

1. eliminating from within an existing R6A District a C1-2 District bounded by a line 100 feet northwesterly of 57th Avenue, 98th Street, 57th Avenue, and 97th Place;
2. establishing within an existing R6B District a C2-4 District bounded by a line perpendicular to the northeasterly street line of 97th Place distant 185 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 97th Place and northwesterly street line of 57th Avenue, a line midway between 97th Place and 98th Street, a line perpendicular to the southwesterly street line of 99th Street distant 160 northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of 98th Street and the northwesterly street line of 57th Avenue, 98th Street, and a line 100 feet northwesterly of 57th Street; and
3. establishing within the existing R6A District a C2-4 District bounded by a line 100 feet northwesterly of 57th Avenue, 98th Street, 57th Avenue, and 97th Place.

as shown on a diagram (for illustrative purposes only) dated June 6, 2022, and subject to the conditions of CEQR Declaration E-680.

INTENT

To approve the amendment to eliminating from within an existing R6A District a C1-2 District; establishing within an existing R6B District a C2-4 District; and establishing within the existing R6A District a C2-4 District, which would facilitate the development of a ground-floor supermarket within a new six-story building at 97-27 57th Avenue in the Corona neighborhood of Queens, Community District 4.

PUBLIC HEARING

DATE: January 5, 2023

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: January 18, 2023

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on L.U. No. 155.

In Favor:

Riley
Moya
Louis
Abreu
Bottcher
Hanks
Schulman
Carr

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: January 18, 2023

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca
Moya
Rivera
Louis
Riley
Brooks-Powers
Bottcher

Against:

None

Abstain:

None

Hanks
 Krishnan
 Sanchez
 Kagan
 Borelli

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

Res. No. 467

Resolution approving the decision of the City Planning Commission on ULURP No. C 220250 ZMQ, a Zoning Map amendment (L.U. No. 155).

By Council Members Salamanca and Riley.

WHEREAS, SWDM 57 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 Nos. 10b and 14a by eliminating from within an existing R6A District a C1-2 District; establishing within an existing R6B District a C2-4 District; and establishing within the existing R6A District a C2-4 District, which would facilitate the development of a ground-floor supermarket within a new six-story building at 97-27 57th Avenue in the Corona neighborhood of Queens, Community District 4 (ULURP No. C 220250 ZMQ) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on December 12, 2022 its decision dated November 30, 2022 (the "Decision") on the Application;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on January 5, 2023;

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 June 3, 2022 (CEQR No. 22DCP144Q), which includes an (E) designation (E-680) to avoid the potential for significant adverse impacts related to air quality and noise (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-680) and Negative Declaration.

Pursuant to Sections 197-d and 201 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 220250 ZMQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 10b and 14a:

1. eliminating from within an existing R6A District a C1-2 District bounded by a line 100 feet northwesterly of 57th Avenue, 98th Street, 57th Avenue, and 97th Place;
2. establishing within an existing R6B District a C2-4 District bounded by a line perpendicular to the northeasterly street line of 97th Place distant 185 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 97th Place and northwesterly street line of 57th Avenue, a line midway between 97th Place and 98th Street, a line perpendicular to the southwesterly street line of 998th Street distant 160 northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of 98th Street and the northwesterly street line of 57th Avenue, 98th Street, and a line 100 feet northwesterly of 57th Street; and
3. establishing within the existing R6A District a C2-4 District bounded by a line 100 feet northwesterly of 57th Avenue, 98th Street, 57th Avenue, and 97th Place.

as shown on a diagram (for illustrative purposes only) dated June 6, 2022, and subject to the conditions of CEQR Declaration E-680.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, KAMILLAH HANKS, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, ARI KAGAN, JOSEPH C. BORELLI; 12-0-0; *Absent*: Darlene Mealy; Committee on Land Use, January 18, 2023. *Other Council Members Attending: Council Member 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. 156

Report of the Committee on Land Use in favor of disapproving Application number C 210389 ZMQ (58-02 Northern Blvd Rezoning) submitted by 58-02 Northern Blvd LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9d: changing from an R5 District to an R6B District and establishing within the proposed R6B District a C2-2 District, Borough of Queens, Community District 2, Council District 26.

The Committee on Land Use, to which the annexed Land Use item was referred on December 21, 2022 (Minutes, page 3084) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

QUEENS CB-2 - TWO APPLICATIONS RELATED TO 58-02 NORTHERN BOULEVARD REZONING

C 210389 ZMQ (L.U. No. 156)

City Planning Commission decision approving an application submitted by 58-02 Northern Blvd LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9d:

1. changing from an R5 District to an R6B District property bounded by Northern Boulevard, 60th Street, a line 100 feet southerly of Northern Boulevard, and 58th Street; and
2. establishing within the proposed R6B District a C2-2 District bounded by Northern Boulevard, 60th Street, a line 100 feet southerly of Northern Boulevard, and 58th Street;

as shown on a diagram (for illustrative purposes only) dated June 6th, 2022, and subject to the conditions of CEQR Declaration E-672.

N 210390 ZRQ (L.U. No. 157)

City Planning Commission decision approving an application submitted by 58-02 Northern Blvd LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing Area.

INTENT

To approve a map amendment changing a R5 zoning district to a R6B zoning district with a C2-2 commercial overlay and a zoning text amendment to establish a Mandatory Inclusionary Housing (MIH) area to facilitate the construction of a new two-story, 8,000-square-foot auto showroom in the Woodside neighborhood of Queens, Community District 2.

PUBLIC HEARING

DATE: January 5, 2023

Witnesses in Favor: Ten

Witnesses Against: Seven

SUBCOMMITTEE RECOMMENDATION

DATE: January 18, 2023

The Subcommittee recommends that the Land Use Committee disapprove the decision of the City Planning Commission on L.U. Nos. 156 and 157.

In Favor:

None

Against:

Riley
 Moya
 Louis
 Abreu
 Bottcher
 Hanks
 Schulman
 Carr

Abstain:

None

COMMITTEE ACTION**DATE:** January 18, 2023

The Committee recommends that the Council approve the attached resolutions.

In Favor:

None
 Moya
 Rivera
 Louis
 Riley
 Brooks-Powers
 Bottcher
 Hanks
 Krishnan
 Sanchez
 Kagan
 Borelli

Against:

Salamanca

Abstain:

None

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

Res. No. 468

Resolution disapproving the decision of the City Planning Commission on ULURP No. C 210389 ZMQ, a Zoning Map amendment (L.U. No. 156).

By Council Members Salamanca and Riley.

WHEREAS, 58-02 Northern Blvd 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. 9d, changing from an R5 District to an R6B District and establishing within the proposed R6B District a C2-2 District, which in conjunction with the related action would facilitate the construction of a new two-story, 8,000-square-foot auto showroom in the Woodside neighborhood of Queens, Community District 2 (ULURP No. C 210389 ZMQ) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on December 12, 2022 its decision dated November 30, 2022 (the "Decision") on the Application;

WHEREAS, the Application is related to application N 210390 ZRQ (L.U. No. 157), 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 January 5, 2023;

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 issued June 3, 2022 (CEQR No. 22DCP117Q), which include an (E) designation to avoid the potential for significant adverse impacts related to air quality and noise (E-672) (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-672) 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 210389 ZMQ, incorporated by reference herein, and the record before the Council, the Council disapproves the Decision of the City Planning Commission.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, KAMILLAH HANKS, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, ARI KAGAN, JOSEPH C. BORELLI; 12-0-0; *Absent*: Darlene Mealy; Committee on Land Use, January 18, 2023. *Other Council Members Attending: Council Member Won.*

Coupled to be Disapproved.

Report for L.U. No. 157

Report of the Committee on Land Use in favor of disapproving Application number N 210390 ZRQ (58-02 Northern Blvd Rezoning) submitted by 58-02 Northern Blvd LLC, pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Community District 2, Council District 26.

The Committee on Land Use, to which the annexed Land Use item was referred on December 21, 2022 (Minutes, page 3084) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 156 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 469

Resolution disapproving the decision of the City Planning Commission on Application No. N 210390 ZRQ, for an amendment of the text of the Zoning Resolution (L.U. No. 157).

By Council Members Salamanca and Riley.

WHEREAS, 58-02 Northern Blvd 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 two-story, 8,000-square-foot auto showroom in the Woodside neighborhood of Queens, Community District 2 (ULURP No. N 210390 ZRQ) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on December 12, 2022, its decision dated November 30, 2022 (the “Decision”), on the Application;

WHEREAS, the Application is related to application C 210389 ZMQ (L.U. No. 156), a zoning map amendment to change a R5 zoning district to a R6B zoning district with a C2-2 commercial overlay;

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 January 5, 2023;

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 issued June 3, 2022 (CEQR No. 22DCP117Q), which include an (E) designation to avoid the potential for significant adverse impacts related to air quality and noise (E-672), (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-672), and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 210390 ZRQ, incorporated by reference herein, and the record before the Council, the Council disapproves the Decision of the City Planning Commission.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, KAMILLAH HANKS, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, ARI KAGAN, JOSEPH C. BORELLI; 12-0-0; *Absent*: Darlene Mealy; Committee on Land Use, January 18, 2023. *Other Council Members Attending: Council Member Won.*

Coupled to be Disapproved.

Report for L.U. No. 158

Report of the Committee on Land Use in favor of approving, as modified, Application number C 210332 ZMK (446-448 Park Avenue Rezoning) submitted by 446-448 Park Realty Corp., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d: changing from an M1-1 District to an M1-4/R6A District and establishing a Special Mixed Use District (MX-4), Borough of Brooklyn, Community District 3, Council District 33.

The Committee on Land Use, to which the annexed Land Use item was referred on January 4, 2023 (Minutes, page 174), respectfully

REPORTS:

SUBJECT

BROOKLYN CB-3 - TWO APPLICATIONS RELATED TO 446-448 PARK AVENUE REZONING

C 210332 ZMK (L.U. No. 158)

City Planning Commission decision approving an application submitted by 446-448 Park Avenue Realty Corp., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section 12d:

1. changing from an M1-1 District to an M1-4/R6A District property bounded by Park Avenue, a line midway between Franklin Avenue and Skillman Street, a line 80 feet southerly of Park Avenue, and a line 105 feet westerly of Franklin Avenue;
2. establishing a Special Mixed Use District (MX-4) bounded by Park Avenue, a line midway between Franklin Avenue and Skillman Street, a line 80 feet southerly of Park Avenue, and a line 105 feet westerly of Franklin Avenue

as shown on a diagram (for illustrative purposes only) dated April 25, 2022, and subject to the conditions of CEQR Declaration E-681.

N 210333 ZRK (L.U. No. 159)

City Planning Commission decision approving an application submitted by 446-448 Park Avenue Realty Corp., 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 an M1-1 zoning district to an M1-4/R6A zoning district and amend the zoning text to establish a Mandatory Inclusionary Housing area, which would facilitate the construction of a new six-story residential building containing 11 dwelling units, 3 of which would be permanently income-restricted, at 446 – 448 Park Avenue in the Bedford-Stuyvesant neighborhood of Brooklyn, Community District 3.

PUBLIC HEARING

DATE: January 5, 2023

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: January 18, 2023

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on L.U. No. 158 and approve with modifications the decision of the City Planning Commission on L.U. No 159.

In Favor:

Riley
Moya
Louis
Abreu
Bottcher
Hanks
Schulman
Carr

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** January 18, 2023

The Committee recommends that the Council approve the attached resolutions.

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

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, KAMILLAH HANKS, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, ARI KAGAN, JOSEPH C. BORELLI; 12-0-0; *Absent*: Darlene Mealy; Committee on Land Use, January 18, 2023. *Other Council Members Attending: Council Member Won.*

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

Report for L.U. No. 159

Report of the Committee on Land Use in favor of approving, as modified, Application number N 210333 ZRK (446-448 Park Avenue Rezoning) submitted by 446-448 Park Realty Corp., pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 3, Council District 33.

The Committee on Land Use, to which the annexed Land Use item was referred on January 4, 2023 (Minutes, page 174), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 158 printed above in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, KAMILLAH HANKS, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, ARI KAGAN, JOSEPH C. BORELLI; 12-0-0; *Absent*: Darlene Mealy; Committee on Land Use, January 18, 2023. *Other Council Members Attending: Council Member Won.*

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

Report for L.U. No. 160

Report of the Committee on Land Use in favor of approving, as modified, Application number C 220274 ZMQ (Reform Temple of Forest Hills Rezoning) submitted by Werber Management, Inc. and Reform Temple of Forest Hills, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 14a, changing from an R1-2A District an R7D District, Borough of Queens, Community District 6, Council District 29.

The Committee on Land Use, to which the annexed Land Use item was referred on January 4, 2023 (Minutes, page 174), respectfully

REPORTS:

SUBJECT

QUEENS CB-6 - TWO APPLICATIONS RELATED TO REFORM TEMPLE OF FOREST HILLS REZONING

C 220274 ZMQ (L.U. No. 160)

City Planning Commission decision approving an application submitted by Werber Management, Inc. and Reform Temple of Forest Hills, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 14a, changing from an R1-2A District an R7D District property bounded by 71st Avenue, a line 175 feet northeasterly of 112th Street, 71st Road, and 112th Street, Borough of Queens, Community District 6, as shown on a diagram (for illustrative purposes only) dated August 22, 2022, and subject to the conditions of CEQR Declaration E-685.

N 220275 ZRQ (L.U. No. 161)

City Planning Commission decision approving an application submitted by Werber Management, Inc. and Reform Temple of Forest Hills, 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 an R1-2A zoning district to an R7D zoning district and a text amendment to establish a Mandatory Inclusionary Housing (MIH) area, would facilitate the development of a 10-story residential and community facility use building that would include space for the RTFH on the ground floor and 153 residential units on the floors above, 38 to 46 units of which would be permanently affordable, located at 71-11 112th Street in the Forest Hills neighborhood of Queens, Community District 6.

PUBLIC HEARING

DATE: January 5, 2023

Witnesses in Favor: Seven

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: January 18, 2023

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on L.U. No. 160 and approve with modifications the decision of the City Planning Commission on L.U. No. 161.

In Favor:

Riley
Moya
Louis
Abreu
Bottcher
Hanks
Schulman
Carr

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: January 18, 2023

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca
Moya
Rivera
Louis
Riley

Against:

None

Abstain:

None

Brooks-Powers
 Bottcher
 Hanks
 Krishnan
 Sanchez
 Kagan
 Borelli

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, KAMILLAH HANKS, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, ARI KAGAN, JOSEPH C. BORELLI; 12-0-0; *Absent*: Darlene Mealy; Committee on Land Use, January 18, 2023. *Other Council Members Attending: Council Member Won.*

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

Report for L.U. No. 161

Report of the Committee on Land Use in favor of approving, as modified, Application number N 220275 ZRQ (Reform Temple of Forest Hills Rezoning) submitted by Werber Management, Inc. and Reform Temple of Forest Hills, pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Community District 6, Council District 29.

The Committee on Land Use, to which the annexed Land Use item was referred on January 4, 2023 (Minutes, page 175), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 160 printed above in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, KAMILLAH HANKS, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, ARI KAGAN, JOSEPH C. BORELLI; 12-0-0; *Absent*: Darlene Mealy; Committee on Land Use, January 18, 2023. *Other Council Members Attending: Council Member Won.*

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

Report for L.U. No. 162

Report of the Committee on Land Use in favor of approving Application number G 220025 GAK (Gowanus Green ESDC Grant Application) submitted by the New York City Department for Housing Preservation and Development for a favorable resolution in support of a Restore New York Communities grant application to the Empire State Development Corporation, pursuant to Section 6266-n of the New York State Urban Development Corporation Act, and in connection with the Gowanus Green (Block 471, Lot 1), Borough of Brooklyn, Community District 6, Council District 39.

The Committee on Land Use, to which the annexed Land Use item was referred on January 4, 2023 (Minutes, page 175) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****BROOKLYN CB – 6****G 220025 GAK**

Application submitted by the New York City Department of Housing Preservation and Development (HPD), requesting a favorable resolution in support of a Restore New York Communities grant application to the Empire State Development Corporation, pursuant to Section 6266-n of the New York State Urban Development Corporation Act, and in connection with the Gowanus Green (Block 471, Lot 1), Borough of Brooklyn, Community District 6, Council District 39.

INTENT

To support the City's application for funding for capital projects under the Restore New York Communities Initiative pursuant to the New York State Urban Development Corporation Act, for Gowanus Green (Block 471, Lot 1), in the borough of Brooklyn.

PUBLIC HEARING**DATE:** January 5, 2023**Witnesses in Favor:** 2**Witnesses Against:** 0**SUBCOMMITTEE RECOMMENDATION****DATE:** January 18, 2023

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

In Favor:

Riley
Moya
Louis
Abreu
Bottcher
Hanks
Schulman
Carr

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: January 18, 2023

The Committee recommends that the Council approve the attached resolution.

In Favor:

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

Against:

None

Abstain:

None

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

Res. No. 470

Resolution in support of New York City's application for funding for a capital project under the Restore New York Communities Initiative pursuant to Section 16-n of the New York State Urban Development Corporation Act, related to property known as Gowanus Green Building A (Block 471, Lot 1), in the Borough of Brooklyn (L.U. No. 162; G 220025 GAK).

By Council Members Salamanca and Riley.

WHEREAS, the 2022-23 New York State Budget provided new funding for the Restore New York Communities Initiative (“Restore NY”), which is implemented by the New York State Empire State Development Corporation (“ESDC”) and intended to provide funding for capital projects under the New York State Urban Development Corporation Act; and

WHEREAS, under Round 7 of Restore NY funding, New York City is permitted to submit applications for the funding of one capital project, receiving up to \$5 million; and

WHEREAS, New York City has submitted a notice of intent to apply to ESDC for funding Gowanus

Green Building A, in the Borough of Brooklyn; and

WHEREAS, Gowanus Green will be located on Block 471, Lot 1 and Lot 100, located in the Gowanus neighborhood, and in the Borough of Brooklyn; and

WHEREAS, up to \$5 million is being sought by New York City in connection with the first residential phase of Gowanus Green (Building A) for remediation and reconstruction of approximately 172,000 square feet on vacant surplus property; and

WHEREAS, the Gowanus Neighborhood Plan, approved in November 2021, addressed zoning updates to approximately 82 blocks, aimed at facilitating development patterns that meet the long-term vision of a thriving, inclusive, and more resilient Gowanus where existing and future residents and workers can participate in civic, cultural, and economic activities and where a wholly unique resource—the Gowanus Canal—can flourish and play an active role in that equitable and sustainable growth; and

WHEREAS, Building A is eligible to receive Restore NY funding because it is located within an Urban Development Action Area; and

WHEREAS, infrastructure improvements to Gowanus Green would improve safety, alleviate traffic congestion, induce commercial investment, and complement necessary infrastructure improvements throughout the area to support the continued cleanup of the Gowanus Canal to accommodate existing and future needs; and

WHEREAS, Gowanus Green will include approximately 950 affordable residential units across six mixed-use buildings, a space reserved for a new public school, and a new 1.5-acre mapped park; and

WHEREAS, the Council finds that the proposed Gowanus Green infrastructure project is consistent with the Gowanus Neighborhood Plan and Bridging Gowanus; and

WHEREAS, the Council finds that the proposed financing is appropriate for Gowanus Green Building A; and

WHEREAS, the Council finds that using these funds for Gowanus Green facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources; and

WHEREAS, the Council also finds that Gowanus Green will develop and enhance infrastructure and increase local housing stock in a manner that will attract, create, and sustain employment and economic development opportunities.

RESOLVED:

The Council of the City of New York supports New York City's application for funding for capital projects under the Restore New York Communities Initiative pursuant to the New York State Urban Development Corporation Act, for Gowanus Green Building A (Block 471, Lot 1), in the Borough of Brooklyn.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHER, KAMILLAH HANKS, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, ARI KAGAN, JOSEPH C. BORELLI; 12-0-0; *Absent*: Darlene Mealy; Committee on Land Use, January 18, 2023. *Other Council Members Attending: Council Member 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).

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

Report for L.U. No. 164

Report of the Committee on Land Use in favor of approving Application number G 220026 CCM (34 Morningside Avenue Cluster Technical Correction) submitted by the New York City Department of Housing Preservation and Development, requests a technical amendment to Council Resolution 261 for the year 2022, related to Urban Development Action Area Project (UDAAP) approval pursuant to Section 694 of the General Municipal Law, and approval of a new 40-year Article XI tax exemption, pursuant to Section 577 of the Private Housing Finance Law, for the 34 Morningside Avenue ANCP Cluster, to indicate that such tax exemption shall apply separately to each individual property comprising the Disposition Area. Borough of Manhattan, Community District 10, Council District 9.

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on January 19, 2023 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 10

G 220026 CCM

Application submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Section 576-a(2) of the New York State Private Housing Finance Law requesting a technical amendment to Council Resolution No. 261 for the year 2022 related to the disposition of City owned property located at 494 Manhattan Avenue (Block 1947, Lot 118), 321 West 116 Street (Block 1943, Lot 18), 231 West 116 Street (Block 1922, Lot 14), 357 West 115 Street (Block 1849, Lot 27), and 34 Morningside Avenue (Block 1944, Lot 4), Community District 10, Council District 9, Borough of Manhattan.

INTENT

To approve the amendment of a previously approved City Council Resolution dated July 14, 2022 (Resolution No. 261, L.U. No. 45), clarifying that provisions of the Exemption shall apply separately to each individual property comprising the Disposition Area.

PUBLIC HEARING

DATE: January 17, 2023

Witnesses in Favor: 1

Witnesses Against: 0

SUBCOMMITTEE RECOMMENDATION**DATE:** January 17, 2023

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

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

COMMITTEE ACTION**DATE:** January 18, 2023

The Committee recommends that the Council approve the attached resolution.

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

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

Res. No. 471

Resolution amending Resolution 261 of the year 2022 related to the 34 Morningside Avenue ANCP Cluster Application No. G 220026 CCM, for approval of an Urban Development Action Area Project and related real property tax exemption (L.U. No. 471) (Preconsidered L.U. 164).

By Council Members Salamanca and Louis.

Resolution 261 for the year 2022 is hereby amended to read as follows:

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on March 17, 2022 its request dated March 17, 2022 that the Council take the following actions regarding the proposed Urban Development Action Area Project (the "Project") located at 494 Manhattan Avenue (Block 1947, Lot 118), 321 West 116 Street (Block 1943, Lot 18), 231 West 116 Street (Block 1922,

Lot 14), 357 West 115 Street (Block 1849, Lot 27), and 34 Morningside Avenue (Block 1944, Lot 4), Community District 10, Borough of Manhattan (the "Disposition Area or Exemption Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to Section 693 of the General Municipal Law;
3. Waive the requirements of Sections 197-c and 197-d of the Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve an exemption of the Exemption Area from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law.

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on May 11, 2022;

WHEREAS, by letter dated July 8, 2022 HPD committed that for 34 Morningside Ave, and for any building where the residents do not wish to move forward with the Affordable Neighborhood Cooperative Program and it is determined that removal from the cluster is the best available alternative, then within approximately 60 days from the full Council approval HPD will remove that building from the cluster and work with the residents to determine next steps (the "Commitment Letter"); and

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

RESOLVED:

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

The Council waives the area designation requirement pursuant to Section 693 of the General Municipal Law.

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

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

The Project shall be developed in a manner consistent with the Project Summary that HPD has submitted to the Council on March 17, 2022, a copy of which is attached hereto.

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

- a. For the purposes hereof, the following terms shall have the following meanings:
 - a. All of the value of the property in the Disposition Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial use or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the later of (i) the date of conveyance of the Disposition Area to the Sponsor, or (ii) the date that HPD and the Sponsor enter into a regulatory agreement governing the operation of the Disposition Area (“Effective Date”) and terminating upon 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 between HPD and the Sponsor, or (iii) the date upon which the Disposition Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company (“Expiration Date”).
 - b. Notwithstanding any provision hereof to the contrary, the exemption from real property taxation provided hereunder (“Exemption”) shall terminate if HPD determines at any time that (i) the Disposition Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Disposition Area is not being operated in accordance with the requirements of the regulatory agreement between HPD and the Sponsor, (iii) the Disposition 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, or (iv) the demolition of any private or multiple dwelling on the Disposition Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the owner of the Disposition Area 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 herein, the Exemption shall prospectively terminate.
 - c. In consideration of the Exemption, the Sponsor and any future owner of the Disposition Area, for so long as the Exemption shall remain in effect, shall waive the benefits, if any, 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.
 - d. The provisions of the Exemption shall apply separately to each individual property comprising the Disposition Area. A sale or other event which would cause the expiration, termination, or revocation of the Exemption with respect to one property in the Disposition Area shall not affect the continued validity of the Exemption with respect to other properties in the Disposition Area.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, ERIK D. BOTTCHEER, KAMILLAH HANKS, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, ARI KAGAN, JOSEPH C. BORELLI; 12-0-0; *Absent*: Darlene Mealy; Committee on Land Use, January 18, 2023. *Other Council Members Attending: Council Member 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).

GENERAL ORDERS CALENDAR**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>
VINAY SEWKARANSING	106-51 Union Hall Street Queens, New York 11433	28
TATIANA TCOI	119-40 Union Turnpike Queens, New York 11415	29
CYNTHIA CUMMINGS	222-12 141st Ave Queens, New York 11413	31
KAFELE HAMADI WALKER	200 Sixth Street, Apt 2D Brooklyn, New York 11215	39
SANAA BENSALLOUM	91 Parkview Loop Staten Island, New York 10314	50

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) Int 559-A - | Provision of eating utensils, condiment packets, napkins and extra eating containers, and clarifying the definition of third-party courier service. |
| (2) Int 660-A - | Program to provide transition services for students with disabilities entering higher education. |
| (3) Int 672-A - | Cultural programming relevant to prevalent spoken languages at older adult centers. |
| (4) Int 673-A - | Housing stability for older adults by making available full legal representation in eviction or termination of tenancy proceedings in housing court for any person who is 60 years of age or older and housing support program for persons 60 years of age or older who are at risk of eviction or foreclosure. |
| (5) Int 674-A - | Know your rights pamphlet for older adults. |
| (6) Int 855-A - | Disclosure of the identity of contributors to entities making independent expenditures in support of or in opposition to any municipal ballot proposal or referendum. |
| (7) Preconsidered
Res 457 - | New designation and changes in the designation of certain organizations to receive funding in the Expense Budget (Transparency Resolution). |
| (8) L.U. 155 & Res 467 - | App. C 220250 ZMQ (97-27 57th Ave. Commercial Overlay) Borough of Queens, Community District 4, Council District 21. |
| (9) L.U. 156 & Res 468 - | App. C 210389 ZMQ (58-02 Northern Blvd Rezoning) Borough of Queens, Community District 2, Council District 26 (Coupled to be Disapproved). |

- (10) **L.U. 157 & Res 469 - App. N 210390 ZRQ (58-02 Northern Blvd Rezoning)** Borough of Queens, Community District 2, Council District 26
(Coupled to be Disapproved).
- (11) **L.U. 162 & Res 470 - App. G 220025 GAK (Gowanus Green ESDC Grant Application)** Borough of Brooklyn, Community District 6, Council District 39.
- (12) **Preconsidered L.U. 163 & Res 466 -** Kay's Place, Brooklyn, Community District No. 6, Council District No. 39.
- (13) **Preconsidered L.U. 164 & Res 471 - App. G 220026 CCM (34 Morningside Avenue Cluster Technical Correction)** Borough of Manhattan, Community District 10, Council District 9.
- (14) **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, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Hudson, Joseph, Kagan, Krishnan, Lee, Louis, Marte, 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 **Int. No 559-A**:

Affirmative – Abreu, Avilés, Ayala, Barron, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, De La Rosa, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Hudson, Joseph, Krishnan, Lee, Louis, Marte, Menin, Moya, Narcisse, Nurse, Ossé, Restler, Richardson Jordan, Riley, Rivera, Salamanca, Sanchez, Schulman, Stevens, Ung, Velázquez, Williams, Won, the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **43**.

Negative – Ariola, Carr, Kagan, Paladino, Vernikov, Yeger, and the Minority Leader (Council Member Borelli) - **7**.

The following was the vote recorded for **Preconsidered Res. No. 457**:

Affirmative – Abreu, Avilés, Ayala, Barron, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, De La Rosa, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Hudson, Joseph, Krishnan, Lee, Louis, Marte, Menin, Moya, Narcisse, Nurse, Ossé, Restler, Richardson Jordan, Riley, Rivera, Salamanca, Sanchez, Schulman, Stevens, Ung, Velázquez, Williams, Won, the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **42**.

Negative – Ariola, Carr, Holden, Kagan, Paladino, Vernikov, and the Minority Leader (Council Member Borelli) - **7**.

Abstention – Yeger - **1**.

The following was the vote recorded for **L.U. No. 155 & Res. No. 467**:

Affirmative – Abreu, Ariola, Avilés, Ayala, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, Carr, De La Rosa, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Joseph, Kagan, Krishnan, Lee, Louis, Marte, 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) - **48**.

Abstention – Barron and Hudson - **2**.

The following was the **vote to disapprove** recorded for **L.U. No. 156 & Res. No. 468 and L.U. No. 157 & Res. No. 469**:

Affirmative – Abreu, Ariola, Avilés, Ayala, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, Carr, De La Rosa, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Hudson, Joseph, Kagan, Krishnan, Lee, Louis, Marte, 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. 559-A, 660-A, 672-A, 673-A, 674-A, and 855-A.*

RESOLUTIONS

Presented for voice-vote

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

Report for voice-vote item Res. No. 57-A

Report of the Committee on Cultural Affairs, Libraries, and International Intergroup Relations in favor of approving a Resolution, as amended, calling on Congress to pass, and the President to sign, a bill in support of self-determination for Puerto Rico.

The Committee on Cultural Affairs, Libraries, and International Intergroup Relations, to which the annexed amended resolution was referred on March 10, 2022 (Minutes, page 326), respectfully

REPORTS:

I. Introduction

On January 19, 2023, the Committee on Cultural Affairs, Libraries, and International Intergroup Relations, chaired by Council Member Chi Ossé, will consider three resolutions covering a range of issues related to Puerto Rico, including:

- Proposed Resolution Number (Res. No.) 57-A, co-sponsored by Council Members Ayala, Rivera and Farías, a Resolution calling on Congress to pass, and the President to sign, a bill in support of self-determination for Puerto Rico;
- Res. No. 387, sponsored by Council Members Ayala and Salamanca, a Resolution calling on the U.S. Congress to repeal the Merchant Marine Act of 1920, commonly known as the "Jones Act"; and
- Res. No. 392-A, co-sponsored by Council Members Cabán, Avilés, Rivera, Farías, Velázquez, Ayala, Stevens, Hanif, Restler, Hudson, Gutiérrez, Krishnan, Won, Nurse, Abreu, Brewer, Marte, Sanchez, Brooks-Powers, Schulman, Louis, Menin, De La Rosa and Ossé, a Resolution supporting a democratically governed public entity that will provide reliable and affordable electrical power to the people of Puerto Rico and supporting the immediate cancellation of the contract with LUMA Energy.

Proposed Res. No. 57-A was originally heard by the Committee on April 27, 2022, at a hearing related to *Using NYC Libraries to Help Overcome BIPOC Youth Learning Losses Due to COVID-19*. Res. No. 387 and Res. No. 392-A were originally heard by the Committee on December 8, 2022, at a hearing related to *Equity, Civic Engagement, and the Role of Libraries*. At both hearings, the Committee heard testimony from representatives of the New York City library systems as well as advocacy group members, community members, and other interested stakeholders.

(For text of Res. Nos. 387 and 392-A, please see the Report of the Committee on Cultural Affairs, Libraries and Intergroup Relations for Res. Nos. 397 and 392-A printed below in this voice-vote Resolutions section of these Minutes)

Accordingly, this Committee recommends the adoption of Res. No. 57-A, 387, and 392-A.

(The following is the text of Res. No. 57-A:)

Res. No. 57-A

Resolution calling on Congress to pass, and the President to sign, a bill in support of self-determination for Puerto Rico.

By Council Members Ayala, Rivera, Farías, Hanif, Cabán, Restler, Avilés, Louis and Velázquez.

Whereas, According to the United States (U.S.) Census Bureau’s 2017 American Community Survey, nearly one million New York City (NYC) residents are of Puerto Rican descent; and

Whereas, Because Puerto Rico is an insular U.S. territory and not a state, Puerto Ricans lack the right to have voting representation in Congress and to participate fully in federal elections; and

Whereas, The United Nations has recognized Puerto Rico as a self-governing political entity under General Assembly Resolution 748; and

Whereas, According to the Council on Foreign Relations, “Puerto Rico is a political paradox,” facing a multi-layered economic and social crisis that is rooted in its long-standing status as a U.S. territory and has been compounded by government mismanagement over the years; and

Whereas, According to the Harvard Political Review, recent economic and social issues stemming from repeated natural disasters, mishandled federal assistance, and rising debt have underscored the urgency of re-evaluating Puerto Rico’s status as a territory, prompting discussion of a democratic referendum on the issue; and

Whereas, Article 1 of the International Covenant on Civil and Political Rights, to which the United States is a signatory and which it is required to recognize, establishes that all peoples have the right to self-determination and “by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development”; and

Whereas, According to a press release by Congresswoman Ayanna Pressley on October 9, 2020, “Puerto Rico’s status as a U.S. territory has served as a roadblock to the Island’s progress, inflicting over a century of hurt and harm on the Island’s residents and depriving them of their fundamental right to determine their own future.”; and

Whereas, Representative Nydia M. Velázquez of New York had introduced legislation in the U.S. House of Representatives on March 18, 2021, to recognize the right of the people of Puerto Rico to call a status convention through which they would exercise their right to self-determination; and

Whereas, In accordance with fundamental principles of human rights, Puerto Rico, rather than Congress, must determine its own future by having the authority to support its enfranchisement and democratic self-governance; now, therefore, be it

Resolved, That the Council of the City of New York calls on Congress to pass, and the President to sign, a bill in support of self-determination for Puerto Rico.

CHI A. OSSÉ, *Chairperson*; FRANCISCO P. MOYA, FARAH N. LOUIS, ERIC DINOWITZ, AMANDA FARÍAS, SHAHANA K. HANIF, CRYSTAL HUSDON, RITA C. JOSEPH, SANDRA UNG; 9-0-0, Committee on Cultural Affairs, Libraries and International Intergroup Relations, January 19, 2023.

Pursuant to Rule 8.50 of the Council, the Majority Leader and Acting President Pro Tempore (Council Member Powers) called for a voice-vote. Hearing no objections, the Majority Leader and Acting President Pro Tempore (Council Member Powers) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

Report for voice-vote item Res. No. 387

Report of the Committee on Cultural Affairs, Libraries and International Intergroup Relations in favor of approving a Resolution calling on the U.S. Congress to repeal the Merchant Marine Act of 1920, commonly known as the “Jones Act”.

The Committee on Cultural Affairs, Libraries and International Intergroup Relations, to which the annexed resolution was referred on Committee on Cultural Affairs, Libraries and International Intergroup Relations, on November 22, 2022 (Minutes, page 2810), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Cultural Affairs, Libraries and International Intergroup Relations for Res. No. 57-A printed above in this voice-vote Resolutions Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 387:)

Res. No. 387

Resolution calling on the U.S. Congress to repeal the Merchant Marine Act of 1920, commonly known as the “Jones Act”.

By Council Members Ayala, Salamanca, Joseph, Farías, Louis, De La Rosa, Hanif, Cabán, Avilés, Velázquez, Rivera, Gennaro and the Public Advocate (Mr. Williams).

Whereas, The Merchant Marine Act of 1920, commonly known as the “Jones Act,” requires that all shipping between United States (U.S.) ports be conducted by U.S. built, flagged, crewed and owned vessels; and

Whereas, The Jones Act was originally intended to promote and maintain a merchant marine industry for the sake of domestic commerce, and provide appropriate vessels and trained crews ready to assist the U.S. Navy and military in time of war or national emergency; and

Whereas, Puerto Rico, a U.S. territory and island in the Caribbean, is almost entirely reliant on shipping for the receipt of goods; and

Whereas, Therefore, the requirements of the Jones Act affect the cost of nearly every product Puerto Ricans consume; and

Whereas, a 2019 analysis conducted by consulting firm John Dunham & Associates estimated the Act increased the cost of shipping to Puerto Rico by \$568.9 million and overall consumer prices by \$1.1 billion, prevented the creation of 13,250 jobs paying \$337 million in wages, and reduced tax revenues by \$106.4 million; and

Whereas, Puerto Rico’s recovery from Hurricane Maria in 2017 has been hindered by longtime impediments to economic growth and resiliency, including the Jones Act; and

Whereas, Hurricane Fiona’s impact on Puerto Rico in 2022 was exacerbated by fact that the island had not fully recovered from Maria five years earlier; and

Whereas, The federal government has regularly granted Puerto Rico waivers from the Jones Act following hurricanes including Fiona and Maria, and has permanently exempted other United States overseas territories from the Act; and

Whereas, Economists across the ideological spectrum have condemned the Jones Act; and

Whereas, The United States’ shipping industry has radically shrunk in the century since the Jones Act passed, demonstrating that it failed in its protectionist purpose; now, therefore, be it

Resolved, That the Council of the City of New York calls on the U.S. Congress to repeal the Merchant Marine Act of 1920, commonly known as the “Jones Act.”

CHI A. OSSÉ, *Chairperson*; FRANCISCO P. MOYA, FARAH N. LOUIS, ERIC DINOWITZ, AMANDA FARÍAS, SHAHANA K. HANIF, CRYSTAL HUSDON, RITA C. JOSEPH, SANDRA UNG; 9-0-0, Committee on Cultural Affairs, Libraries and International Intergroup Relations, January 19, 2023.

Pursuant to Rule 8.50 of the Council, the Majority Leader and Acting President Pro Tempore (Council Member Powers) called for a voice vote. Hearing those in favor, the Majority Leader and Acting President Pro Tempore (Council Member Powers) declared the Resolution to be adopted.

The following 7 Council Members formally noted their intention to vote negative on this item: Council Members Ariola, Carr, Holden, Kagan, Paladino, Vernikov, and the Minority Leader (Council Member Borelli).

The following Council Member formally noted his intention to abstain from voting on this item: Council Member Yeger.

Adopted by the Council by voice-vote.

Report for voice-vote item Res. No. 392-A

Report of the Committee on Cultural Affairs, Libraries and International Intergroup Relations in favor of approving, as amended, a Resolution supporting a democratically governed public entity that will provide reliable and affordable electrical power to the people of Puerto Rico and supporting the immediate cancellation of the contract with LUMA Energy.

The Committee on Committee on Cultural Affairs, Libraries and International Intergroup Relations, to which the annexed amended resolution was referred on November 22, 2022 (Minutes, page 2819), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Cultural Affairs, Libraries and International Intergroup Relations for Res. No. 57-A 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. 392-A:)

Res. No. 392-A

Resolution supporting a democratically governed public entity that will provide reliable and affordable electrical power to the people of Puerto Rico and supporting the immediate cancellation of the contract with LUMA Energy.

By Council Members Cabán, Avilés, Rivera, Farías, Velázquez, Ayala, Stevens, Hanif, Restler, Hudson, Gutiérrez, Krishnan, Won, Nurse, Abreu, Brewer, Marte, Sanchez, Brooks-Powers, Schulman, Louis, Menin, De La Rosa, Ossé and Gennaro.

Whereas, According to United States (US) Census estimates for 2019, New York City (NYC) has a population of more than 650,000 people of Puerto Rican origin, or about 8 percent of NYC’s total population; and

Whereas, Mayor Eric Adams emphasized NYC’s strong connection to Puerto Rico, referring to it as NYC’s “sixth borough” when responding to the devastation in Puerto Rico caused by Hurricane Fiona in September, 2022, which left the entire island without power and further compromised its already severely damaged electrical grid; and

Whereas, Access to affordable and reliable electricity is a basic human need and right; and

Whereas, Climate change will result in increasing frequency and intensity of the kinds of hurricanes that have wreaked havoc on Puerto Rico in recent years—Irma and Maria in 2017 and Fiona in 2022—and have virtually destroyed the power grid that is essential to the well-being of all Puerto Ricans; and

Whereas, Following Irma and Maria, families were displaced and left without power, water, food, medical care, communications, and transportation for months as thousands of Puerto Ricans died; and

Whereas, The Puerto Rico Electric Power Authority (PREPA), a public corporation and the sole electricity utility in Puerto Rico, owns and operates the generation, transmission, and distribution facilities that provide electricity to about 1.5 million customers; and

Whereas, On June 22, 2020, PREPA and the Puerto Rico Public-Private Partnership Authority chose LUMA Energy—a private US-Canadian consortium of Houston-based Quanta Services and Alberta-based ATCO—to operate, maintain, and modernize PREPA’s badly damaged electricity transmission and distribution system over the next 15 years through a public-private partnership; and

Whereas, Concerned Puerto Rican residents and union workers have criticized the services provided by LUMA Energy as being both too expensive, due to a total of seven rate hikes since June, 2021, and too unreliable, with frequent and lengthy power outages; and

Whereas, Members of the Unión de Trabajadores de la Industria Eléctrica y Riego (UTIER), the union that represents PREPA workers, were offered jobs with LUMA, but those offers included working conditions that were worse than those they had won through a collective bargaining agreement and would cause loss of seniority, pensions, and preferred health care plans; and

Whereas, Experienced, skilled linemen who did not transition to work for LUMA were, under Puerto Rican law, reassigned to other government jobs, which did not utilize their training and in which they were not interested; and

Whereas, Concerned Puerto Ricans and union workers have expressed their disapproval of the temporary contract with LUMA Energy, including through protests in Aguadilla and San Juan and, in solidarity, through protests by Puerto Ricans and New Yorkers of Puerto Rican heritage in NYC’s Union Square; and

Whereas, Puerto Rico’s House of Representatives passed a resolution calling for the termination of LUMA Energy’s temporary contract, which expired on November 30, 2022; and

Whereas, That temporary LUMA Energy contract was extended by a 4-to-1 vote of PREPA’s board, with the support of Puerto Rico Governor Pedro Pierluisi; and

Whereas, LUMA Energy’s current contract will become permanent for a term of 15 years once a federal judge approves the restructuring of PREPA’s debt, which is now being negotiated; and

Whereas, LUMA Energy has faced hearings before the Natural Resources Committee of the US House of Representatives and a call from New York State Attorney General Letitia James for a federal investigation into the consortium; and

Whereas, Many concerned citizens believe that PREPA could better serve the people of Puerto Rico by providing electricity efficiently and effectively if it were governed by a board democratically elected by the public; and

Whereas, Puerto Rico’s status as one of the world’s oldest colonies, with a history of military occupation and protectorate status since 1508, makes it even more important for its public electrical utility to be governed by a board that is democratically elected by Puerto Ricans themselves; now, therefore, be it

Resolved, That the Council of the City of New York supports a democratically governed public entity that will provide reliable and affordable electrical power to the people of Puerto Rico and supports the immediate cancellation of the contract with LUMA Energy.

CHI A. OSSÉ, *Chairperson*; FRANCISCO P. MOYA, FARAH N. LOUIS, ERIC DINOWITZ, AMANDA FARÍAS, SHAHANA K. HANIF, CRYSTAL HUDSON, RITA C. JOSEPH, SANDRA UNG; 9-0-0, Committee on Cultural Affairs, Libraries and International Intergroup Relations, January 19, 2023.

Pursuant to Rule 8.50 of the Council, 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 7 Council Members formally noted their intention to vote negative on this item:

Council Members Ariola, Carr, Holden, Kagan, Paladino, Vernikov, and the Minority Leader (Council Member Borelli).

The following Council Member formally noted his intention to abstain from voting on this item:

Council Member Yeger.

Adopted by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Int. No. 877

By Council Members Abreu, De La Rosa, Menin, Louis, Stevens, Hanif and Ung.

A Local Law to amend the administrative code of the city of New York, in relation to requiring an exit interview for departing and retiring municipal employees

Be it enacted by the Council as follows:

Section 1. Chapter two 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 Retirement exit interviews. a. Definitions. For purposes of this section, the following terms have the following meaning:

Agency. The term “agency” has the same meaning as such term is defined in section 1150 of the charter.

Departing employee. The term “departing employee” means an individual who was directly employed by a city agency and who has voluntarily left city service for reasons other than retirement.

b. By January 1, 2023, each agency, to the extent the department of citywide administrative services does not already have such information, shall provide to the department any exit surveys or policies that they currently administer to departing employees.

c. The commissioner of citywide administrative services, in consultation with the New York city commission on human rights and based on the exit surveys received from agencies, shall develop a comprehensive exit survey for departing and retiring municipal employees. Such survey shall include, at a minimum, but not be limited to, questions about:

1. Whether the employee is leaving city service or retiring;

2. Whether their departure or retirement is voluntary; 3. Promotions or increases in salary not due to cost-of-living adjustment at their current agency and any other agencies they might have worked for previously throughout their municipal career;

4. Changes in personnel status other than promotions or increases in salary at their current agency and any other agencies they might have worked for previously throughout their municipal career;

5. Their experience during their municipal career, including questions designed to ascertain whether they faced any perceived discrimination in their most recent position and/or any other agencies they might have worked for previously; and

6. Their reasons for leaving or retiring from municipal service.

d. Each agency shall administer the exit survey developed in subsection c to each departing and retiring municipal employee within two weeks of such employee’s last day of service.

e. No later than September 15, 2023, and on or before September 15 annually thereafter, each agency shall provide to the department of citywide administrative services all compiled data from the exit surveys conducted pursuant to subdivision d of this section.

f. Not later than March 30, 2024, and by March 30th annually thereafter, the department shall submit to the New York city commission on human rights and to the speaker of the council a report on its findings, including, but not limited to:

1. An enumeration of the following, each disaggregated by reporting agency and position title:

A. The total number of departing municipal employees and the total number of retiring municipal employees over the past calendar year;

B. The number that have departed and the number that have retired for each of the top five categorized or grouped reasons given in the exit survey;

C. The number of departed employees and the number of retired that have worked at other agencies during their careers;

- D. The number of departed employees and the number of retired that have had at least one promotion during their municipal careers;*
- E. The number of departed employees and the number of retired that asked for a promotion, but did not receive one;*
- F. The number of departed employees and the number of retired that indicated age discrimination in the exit survey;*
- G. The number of departed employees and the number of retired that indicated age discrimination and any other type of discrimination in the exit survey;*
- H. The number of departed employees and the number of retired that have described or indicated age discrimination for each of the top five categorized or groups reasons given in the exit survey;*
- I. The number of departed employees and the number of retired that have ever been demoted, transferred or experienced any of the other changes in personnel categories during their municipal careers;*
- J. The number of departed employees and the number of retired that indicated their departure or retirement was voluntary;*
- K. The number of departed employees and the number of retired that indicated their departure or retirement was not voluntary;*
- L. The number that have involuntarily departed and the number that have involuntarily retired for each of the top five categorized or grouped reasons given in the exit survey;*
- M. The number whose departure was planned and the number whose retirement was planned;*
- N. The number whose departure was unexpected and the number whose retirement was unexpected;*
- O. The number of departed employees and the number of retired that transferred their job knowledge and experiences to other employees before their departure or retirement;*
- 2. For each reporting agency, a list and description of all reasons given during the exit survey for any involuntary departure or retirement; and*
- 3. For each reporting agency, a list and description of any reported discrimination or challenges indicated during the exit survey, including, but not limited to, perceived discrimination based on race, gender, disability, and age.*
- § 2. This local law takes effect immediately.

Referred to the Committee on Civil Service and Labor.

Res. No. 456

Resolution calling on the United States Congress to pass, and the President to sign, H.R.9319, known as the SNAP Theft Protection Act of 2022.

By Council Members Avilés, Cabán, Louis, Hanif, Restler and Farías.

Whereas, According to the Legal Aid Society, as of August, at least 2,208 low-income New Yorkers receiving Temporary Assistance and Supplemental Nutrition Assistance Program (“TA/SNAP”) benefits had their benefits stolen in electronic benefit transfer (“EBT”) card skimming scams, totaling approximately \$737,522.94 in 2022; and

Whereas, According to the New York State Office of Temporary and Disability Assistance (“OTDA”) scammers copy card and personal identification number (“PIN”) information from EBT users at legitimate retailers by using authorized EBT point of sale (“POS”) devices; and

Whereas, Card skimming scams involve the use of a physical overlay devices with Bluetooth technology to temporarily commandeer a retailer’s POS device; and

Whereas, Once thieves gain access to the POS device they steal (skim) and remotely transmit card/PIN information to an offsite location and use the stolen data to create a duplicate card that enables remote access of the compromised account; and

Whereas, Since card skimming transmits information while allowing legitimate EBT transactions to proceed unimpeded, targeted retailers and victims are typically unaware the accounts have been compromised until the next attempted purchase or account balance review; and

Whereas, According to OTDA policy, skimming victims are denied compensation for the value of benefits stolen through skimming; and

Whereas, The United States Department of Agriculture, Food, and Nutrition Service, which oversees SNAP, prohibits replacing stolen TA/SNAP benefits even if skimming is confirmed; and

Whereas, While Districts are able to issue emergency food allowance, this is meant to be a last resort after households have explored all community resources, such as local food pantries; and

Whereas, The loss of TA/SNAP benefits have a devastating impact on affected households, leaving families without resources to pay for food and basic needs; and

Whereas, H.R.9319, sponsored by Rep. Ruppberger, seeks to amend the Food and Nutrition Act of 2008 by providing for the reissuance of stolen benefits and would help states track SNAP skimming data to determine the spread of the crime and develop mechanisms to enhance security technology; and

Whereas, Victims of skimming need to have their stolen benefits restored so they and their families will not go hungry or suffer from food insecurity; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to pass and the President to sign, H.R.9319, known as the SNAP Theft Protection Act of 2022.

Referred to the Committee on General Welfare.

Preconsidered Int. No. 878

By Council Members Ayala, Sanchez, Bottcher, Won, the Public Advocate (Mr. Williams), Hanif, Cabán, Louis, Stevens, Hudson, Restler, Ung and Abreu.

A Local Law to amend the administrative code of the city of New York, in relation to rental assistance eligibility requirements

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-151 to read as follows:

§ 21-151 Rental assistance eligibility requirements. a. Definitions. For purposes of this section, the following terms have the following meanings:

Rental assistance voucher. The term “rental assistance voucher” means any city-initiated rental housing subsidy for homeless families and individuals.

Shelter. The term “shelter” means temporary emergency housing provided to homeless adults, adult families, and families with children by the department or a provider under contract or similar agreement with the department.

b. Rental assistance voucher eligibility. The department shall not require an applicant to have lived in shelter as a precondition to receive a rental assistance voucher.

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare (preconsidered but laid over by the Committee on General Welfare).

Preconsidered Res. No. 457

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

By Council Member Brannan.

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

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

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

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

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

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

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Community Safety and Victim Services Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation and change in the designation of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designations and change in the designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designations and change in the designation of certain organizations receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designations and the change in the designation of certain organizations receiving funding pursuant to the SU-CASA Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 11; and be it further

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

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

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

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Job Training and Placement Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 15; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Abortion Access Fund Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 16; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 17; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Mental Health Services for Vulnerable Populations Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 18; and be it further

Resolved, That the City Council approves the new designations of certain organization receiving funding pursuant to the Mental Health Services for Veterans Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 19; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Language Services Worker Co-operatives Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 20; and be it further

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

Resolved, That the City Council approves the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 22; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving youth discretionary funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 23; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 24; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 25; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Pandemic Support for Human Service Providers Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 26; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the LGBTQ Inclusive Curriculum Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 27; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the MWBE Leadership Associations Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 28; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Chamber on the Go and Small Business Assistance Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 29; and be it further

Resolved, That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 30.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for text of the Exhibit Charts, please refer to the attachments section of [the Res. No. 457 of 2022 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>).

Res. No. 458

Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.7001B/S.6677A to enact the Gender Identity Respect, Dignity and Safety Act, which would allow for appropriate treatment and placement of incarcerated people based upon their gender identity.

Council Members Bottcher, Hudson, Cabán, Hanif, Louis, Restler, Farías and Ossé.

Whereas, The National Center for Transgender Equality (NCTE) confirmed transgender, gender nonconforming, non-binary, and intersex (TGNCNBI) people regularly experience social and economic discrimination based upon their race, gender and immigration status; and

Whereas, The New York Civil Liberties Union (NYCLU) found TGNCNBI New Yorkers experience persistent discrimination challenges in many fundamental aspects of daily life, such as trying to earn a living, going to school, finding housing and even “safely walking down the street”; and

Whereas, A 2021 McKinsey & Co. report found transgender adults were twice as likely as cisgender adults with similar education levels to be unemployed, and when they did secure employment, cisgender employees earned up to 32 percent more money each year than their transgender counterparts; and

Whereas, According to a National Crime Victimization Survey, TGNCNBI individuals were found to be four times more likely than cisgender people to be victims of violent crimes; and

Whereas, The NYCLU found TGNCNBI individuals are more frequently policed and criminalized and therefore more likely to be at risk for incarceration than their cisgender counterparts; and

Whereas, According to the NCTE, one in six transgender people—and one in two Black transgender women—report having been incarcerated at some point in their lifetime; and

Whereas, According to the NYCLU, TGNCNBI New Yorkers in the carceral system are increasingly and disproportionately vulnerable to acts of discrimination and violence, and are 10 times more likely to face sexual assault by fellow prisoners and guards than the general prison population; and

Whereas, According to an NYCLU survey, 95 percent of TGNCNBI respondents reported having been verbally harassed by correction staff; and

Whereas, A 2021 report by the NYCLU found TGNCNBI people being 10 times more likely to be sexually assaulted than the general prison population with 75 percent of respondents reporting at least one instance of sexual violence and assault by correction officers; and

Whereas, The NYCLU reports discriminatory policies in New York jails and prisons exacerbate abuse, misgendering and the denial of essential medical care like hormone therapy for TGNCNBI incarcerated individuals; and

Whereas, The 2022 Report of the NYC Task Force on Issues Faced by TGNCNBI People in Custody, convened by the NYC Board of Correction, determined transgender women were routinely sent and kept in men’s NYC Department of Correction jail intake facilities and threatened by Correction officers with opposite-sex housing for minor rules infractions; and

Whereas, According to the NYCLU the vast majority of incarcerated TGNCNBI individuals are placed in facilities that do not match their gender identities serving to further exacerbate incidences of violence from other detainees and correctional staff; and

Whereas, A.7001B, sponsored by New York State Assembly Member Nily Rozic, and companion bill S.6677A, sponsored by State Senator Julia Salazar last session, would increase safety for TGNCNBI individuals by requiring New York prisons and jails to presumptively house people consistent with their gender identities unless they opt out; and

Whereas, A.7001B/S.6677A would ensure facilities staff respect a person's gender identity in all contexts during incarceration including search procedures, as well as mandating access to clothing and toiletry items consistent with a person's gender identification; and

Whereas, A.7001B/S.6677A would place a 14-day limit on involuntary protective custody, also known as isolated confinement, which disincentivizes individuals from reporting incidence of harassment and assault; and

Whereas, Respecting and upholding the rights of TGNCNBI people during incarceration will serve to decrease violence and save lives; therefore, be it

Resolved, That the New York City Council calls on the New York State Legislature to pass, and the Governor to sign, A.7001B/S.6677A to enact the Gender Identity Respect, Dignity and Safety Act, which would allow for appropriate treatment and placement of incarcerated people based upon their gender identity.

Referred to the Committee on Criminal Justice.

Int. No. 879

By Council Members Brooks-Powers, Krishnan, Stevens, Hanif and Hudson.

A Local Law to amend the administrative code of the city of New York, in relation to the installation of bollards at reconstructed sidewalks, curb extensions and pedestrian ramps

Be it enacted by the Council as follows:

Section 1. Section 19-189.1 of the administrative code of the city of New York, as added by local law number 80 for the year 2018, is amended to read as follows:

§ 19-189.1 Installation of bollards. a. [Definition. As used in this section the term "bollard" means any raised concrete and/or metal post that is designed to stop or slow motor vehicles.] *Definitions. For purposes of this section, the following terms have the following meanings:*

Bollard. The term "bollard" means any raised concrete and/or metal post that is designed to stop or slow motor vehicles.

Curb extension. The term "curb extension" means an expansion of the curb line into the lane of the roadway adjacent to the curb for a portion of a block either at a corner or mid-block.

Pedestrian ramp. The term "pedestrian ramp" means a curb area which has been cut down, lowered or otherwise constructed or altered to provide access to persons with disabilities at a marked or unmarked crosswalk.

Sidewalk. The term "sidewalk" has the same meaning as provided in section 19-176.

b. By July 30, 2019, and every year thereafter, the commissioner shall submit to the council an annual report on the installation of bollards in the city. [Such report] *The applicable time period for such report shall be the 12-month period beginning on June 30 of the prior year and ending on June 30 of such year and shall include:*

1. The total number of locations under the jurisdiction of the department where bollards have been installed by the department and the total number of such bollards installed [in the 12-month period ending on June 30 of such year; and];

2. The total number of authorizations for bollard installation by third parties at locations under the jurisdiction of the department issued [during the 12-month period ending on June 30 of such year.];

3. *The total number of requests submitted to the department for bollard installation and the determinations reached on those requests; and*

4. *The total number of bollard installations performed in response to approved installation requests.*

c. *No later than 6 months after the effective date of the local law that added this subdivision, the commissioner shall conduct a study on the effectiveness of bollards in high pedestrian traffic areas throughout*

the city and establish guidelines governing the installation of bollards at sidewalks, curb extensions, and pedestrian ramps throughout the city, during the repair or reconstruction of such a sidewalk, curb extension, or pedestrian ramp to make it accessible for pedestrians with a disability. Such guidelines shall consider pedestrian safety, risk of vehicular collision, feasibility of installation, and any other criteria necessary to determine whether bollards should be installed at sidewalks, curb extensions and pedestrian ramps in the interest of pedestrian safety. Such guidelines shall list the conditions under which installation of bollards is appropriate.

d. Upon determination that the installation of bollards at a sidewalk, curb extension or pedestrian ramp is necessary pursuant to the guidelines issued under subdivision c, the commissioner shall install bollards whenever the department or its agent makes accessibility-related repairs to or reconstruction of such sidewalk, curb extension or pedestrian ramp. Such bollards shall be installed and maintained to the satisfaction of the department.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 880

By Council Members Dinowitz, Cabán, Louis, Stevens, Hanif, Hudson, Farías, Ung and Holden.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the 311 customer service center to provide live chat functionality

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-312 to read as follows:

§ 23-312 Service requests or complaints; live chat. Any website or mobile device application used by the 311 customer service center for the intake of 311 requests from the public shall be capable of live chat functionality in connection with all requests for service or complaints. Such live chat functionality shall include, at minimum, a text-based instant messaging service that allows for synchronous written communication with a natural person. The department of information technology and telecommunications shall transmit live chat logs to relevant agencies and shall make such logs available to inspectors or other relevant persons within such agencies.

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

Referred to the Committee on Technology.

Int. No. 881

By Council Members Dinowitz, Williams, Hanif, Hudson, Restler, Ung, Abreu and Holden.

A Local Law to amend the administrative code of the city of New York, in relation to requiring that 311 allow persons to request snow and ice removal on pedestrian bridges and that those reports be routed to the appropriate agency

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-311 to read as follows:

§ 23-311 Reporting snow and ice conditions on pedestrian bridges. The department of information technology and telecommunications shall create a mechanism for persons using the 311 app, 311 website, and

311 phone line to report snow and ice conditions on pedestrian bridges, and for such reports to be routed to the appropriate agency.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of information technology and telecommunications shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Technology.

Res. No. 459

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A.7273/S.3063 prohibiting municipalities from requiring all employers to check prospective employees' work authorization status by using the federal electronic verification system and prohibiting employers from checking the employment authorization status of an existing employee or an applicant who has not been offered employment.

By Council Members Farías, Louis, Menin, Hudson and Restler.

Whereas, The Immigration Reform and Control Act of 1986 established a prohibition on employers hiring unauthorized workers; and

Whereas, To prevent unauthorized workers from obtaining employment in the United States, Congress established the I-9 verification process, which requires prospective and current employees to submit documentation proving their work eligibility to their employers; and

Whereas, E-Verify was introduced as part of the Illegal Immigration Reform and Responsibility Act of 1996 as a pilot program that seeks to aid employers in accurately determining the work eligibility of current and prospective employees; and

Whereas, E-Verify is a federal electronic system that determines an employee's work eligibility by comparing the information on an employee's I-9 form to Social Security Administration (SSA) and Department of Homeland Security (DHS) records; and

Whereas, If the individual's I-9 information does not match SSA and DHS records, E-Verify will issue a tentative non-confirmation or a final non-confirmation result, which signifies that they are not currently authorized to work; and

Whereas, According to the U.S. Government Accountability Office, in 2010, an estimated 80,000 work eligible employees lost their position as a result of erroneous E-Verify non-confirmation results; and

Whereas, According to the National Immigration Law Center (NILC), E-Verify's errors disproportionately impact lawful permanent residents and other noncitizens working legally in the United States; and

Whereas, An employee who receives a non-confirmation result is often not given the opportunity to contest the finding since employers do not always notify employees about non-confirmation results or about the necessary procedures to rectify potential errors; and

Whereas, Challenging a non-confirmation result is a time consuming process that can require a worker to travel several hours to visit an SSA office; and

Whereas, E-Verify is currently a voluntary program at the federal level except for federal agencies and their contractors and vendors; and

Whereas, Twenty-two states have laws requiring some or all employers to use E-Verify; and

Whereas, New York State does not require employers to use E-Verify, but employers can voluntarily use the program and municipal governments can opt to require employers to use the system; and

Whereas, According to DHS, over 34,000 employers in New York State participate in E-Verify; and

Whereas, Mandating that employers join the program would likely cause the error rate for all workers to increase, given the enormous expansion of E-Verify that such a mandate would require; and

Whereas, If E-Verify becomes mandatory it could negatively affect the more than three million immigrants residing in New York City; and

Whereas, California limits the use of E-Verify by prohibiting localities from requiring employers to use the program; and

Whereas, A.7273, introduced by Assembly Member Kenny Burgos and pending in the New York State Assembly, and companion bill S.3063, introduced by State Senator Jessica Ramos and pending in the New York State Senate, would prohibit municipalities from requiring employers to use E-Verify and prohibit employers from using E-Verify to check the employment authorization status of an existing employee or an applicant who has not been offered employment; 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.7273/S.3063 prohibiting municipalities from requiring all employers to check prospective employees' work authorization status by using the federal electronic verification system and prohibiting employers from checking the employment authorization status of an existing employee or an applicant who has not been offered employment.

Referred to the Committee on Immigration.

Res. No. 460

Resolution calling on the New York State Legislature and Governor to fully fund the Metropolitan Transportation Authority (MTA) in the State's upcoming Fiscal Year 2024 Budget in an effort to ensure that: public transit riders have effective, affordable public transportation; the MTA maintains fiscal stability in the face of a looming fiscal cliff; and the MTA operate more frequent bus and train service statewide.

By Council Members Farias, Louis, Menin, Hanif, Restler, Holden, Won, Cabán, Marte, Ung, Moya and Hudson.

Whereas, The Metropolitan Transportation Authority (MTA) operates critical transit service for millions of New Yorkers, including for those in New York City (NYC); and

Whereas, As of November 22, 2022, daily subway ridership was estimated to be about 3.54 million riders, just 60.8% of comparable ridership pre-pandemic on the same day, and daily bus ridership was estimated to be about 1.23 million riders, just 53.7% of comparable ridership pre-pandemic on the same day; and

Whereas, More than two years into the COVID-19 pandemic, weekday ridership has continued to remain almost half of pre-pandemic levels, helping deprive the MTA of billions in farebox revenue annually, with the MTA projecting that, at its current pace of spending and ridership, it will lose almost \$4 billion in expected fare and toll revenue through 2026; and

Whereas, As federal aid runs out, the MTA, with proposed actions, faces an annual budget fiscal cliff of \$1.2 billion starting in 2024 and 2025, and \$1.6 billion in 2026, which could threaten thousands of jobs and reduce service for millions of daily subway and bus riders; and

Whereas, In addition, the New York State Comptroller Thomas DiNapoli has warned of "serious structural budgetary imbalance" in the MTA, of which the MTA must address, as the more money required to fill budget gaps, the higher strain on the MTA's capital plan to update and repair the systems; and

Whereas, Fully funding the MTA in the State budget during this looming budget crisis could: prevent future service cuts and delays, which might further depress farebox revenue; and ensure the fiscal stability of the MTA in the future; and

Whereas, In October of 2021, former-NYC Comptroller Scott Stringer published transit data and recommendations regarding the COVID-19 pandemic's impacts on the City's workforce and commuting patterns; and

Whereas, The recommendations made included the following: calling on Congress to pass the "Stronger Communities through Better Transit" Act; re-balancing the 12-county Metropolitan Commuting Transit District gas tax; calling on the NYC Department of Transportation to add 35 miles of dedicated bus lanes and busways per year; and calling on the MTA to implement the "New York City in Six" plan; and

Whereas, The “New York City in Six” plan, which is also supported by the Riders Alliance, would cost about \$300 million in operating funds in the next State budget, and would increase subway, bus and commuter rail frequencies all day, every day, such that each subway line and the 100 highest ridership bus routes run at a minimum of every six minutes throughout the day, seven days a week; and

Whereas, This plan, along with other investments and recommendations, could both stabilize and expand transit operations, while decreasing the average time of service on subways and buses, with some predictions citing that the “New York City in Six” plan could result in a 15% rise in system wide ridership, and thus, increased farebox revenue; and

Whereas, As the City struggles to recover, advance equity, and fight climate change, New York needs to leverage existing transit infrastructure and operations to ensure that the MTA and the City has effective, reliable and affordable transit options; now, therefore be it

Resolved, That the Council of the City of New York calling on the New York State Legislature and Governor to fully fund the Metropolitan Transportation Authority (MTA) in the State’s upcoming Fiscal Year 2024 Budget in an effort to ensure that: public transit riders have effective, affordable public transportation; the MTA maintains fiscal stability in the face of a looming fiscal cliff; and the MTA operate more frequent bus and train service statewide.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 882

By Council Members Holden, Farías and Abreu.

A Local Law to amend the administrative code of the city of New York, in relation to requiring that balloons made with electrically conductive material and filled with gas lighter than air be weighted and include warning labels

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 15 to read as follows:

*SUBCHAPTER 15
TOYS AND AMUSEMENTS*

§ 20-699.12 Balloon weights and warnings required. a. Any retailer who sells or offers for sale balloons made of electrically conductive material or accessorized with electrically conductive material shall attach to each such balloon:

1. A label warning the consumer about the risk of fire and electrical outages if the balloon touches an electrical power line. Such statement shall be printed in a legible font size, as specified by the commissioner by rule, and attached to the body of the balloon;

2. A label with the identity of the retailer to each balloon; and

3. If the balloon is filled with a gas lighter than air, an object of sufficient weight to prevent the balloon from floating away.

b. Any retailer who sells or offers for sale a balloon in violation of subdivision a of this section shall be subject to a civil penalty of not less than \$100 for each such balloon, except that total penalties assessed against such a retailer shall not exceed \$2,000 per day.

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

Referred to the Committee on Consumer and Worker Protection.

Int. No. 883

By Council Members Holden, Stevens and Paladino.

A Local Law to amend the administrative code of the city of New York, in relation to the operation of motorized scooters, and to repeal subdivision e of section 19-176.2 of such code, relating to operators of electric scooters and bicycles with electric assist

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 19-176.2 of the administrative code of the city of New York, as amended by local law number 73 for the year 2020, is amended to read as follows:

a. *Definitions.* For purposes of this section, the term "motorized scooter" [shall mean] *means* (i) any wheeled device that has handlebars that is designed to be stood or sat upon by the operator, is powered by an electric motor or by a gasoline motor that is capable of propelling the device without human power and is not capable of being registered with the New York State Department of Motor Vehicles[.], (ii) *an electric scooter as defined in section 114-e of the vehicle and traffic law or successor provision, and* (iii) *a bicycle with electric assist as defined in section 102-c of the vehicle and traffic law or successor provision.* For the purposes of this section, the term motorized scooter [shall] *does* not include wheelchairs or other mobility devices designed for use by persons with disabilities[; or an electric scooter as such term is defined in section 114-e of the vehicle and traffic law or successor provision; or a bicycle with electric assist as defined in section 102-c of the vehicle and traffic law or successor provision].

§ 2. Subdivision c of section 19-176.2 of the administrative code of the city of New York, as amended by local law number 72 for the year 2020, is amended to read as follows:

c. Any person who violates subdivision b of this section shall be liable for a civil penalty in the amount of [\$250] \$500. Authorized employees of the police department and department of parks and recreation shall have the authority to enforce the provisions of this section. Such penalties shall be recovered in a civil action or in a proceeding commenced by the service of a notice of violation that shall be returnable before the environmental control board. In addition, such violation shall be a traffic infraction and shall be punishable in accordance with section eighteen hundred of the New York state vehicle and traffic law.

§ 3. Subdivision d of section 19-176.2 of the administrative code of the city of New York, as amended by local law number 72 for the year 2020, is amended to read as follows:

d. Any motorized scooter that has been used or is being used in violation of the provisions of this section [that has been operated in a manner that endangers the safety of the operator or the safety or property of another] may be impounded and shall not be released until any and all removal charges and storage fees and the applicable fines and civil penalties have been paid or a bond has been posted in an amount satisfactory to the commissioner of the agency that impounded such device.

§ 4. Subdivision e of section 19-176.2 of the administrative code of the city of New York is REPEALED.

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

Referred to the Committee on Transportation and Infrastructure.

Res. No. 461

Resolution calling upon the Metropolitan Transportation Authority to allow seniors and people with disabilities to receive fare discounts on express buses during rush hours, between the hours of 6 am to 10 am and between 3 pm and 7 pm on Monday through Friday.

By Council Members Holden, Louis, Stevens, Restler and Farías.

Whereas, Currently eligible seniors, those 65 and older, and people with disabilities can ride the local bus and subway for the half-price fare any time of the day; and

Whereas, However, seniors and people with disabilities are not eligible for the half-price fare on express bus service during rush hours; and

Whereas, With recent changes to decrease door-to-door service and to increase Access-A-Ride's feeder service to and from fixed routes, it is crucial that seniors and people with disabilities have access to alternative forms of transportation; and

Whereas, Many seniors and people with disabilities live on a fixed income; and

Whereas, The express bus base fare has risen from \$5.00 in 2010 to \$6.75 currently and biannual MTA fare increases are scheduled to continue; and

Whereas, The lack of rush hour discounted fares discourages some seniors and people with disabilities from being more active; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Metropolitan Transportation Authority to allow seniors and people with disabilities to receive fare discounts on express buses during rush hours, between the hours of 6 am to 10 am and between 3 pm and 7 pm on Monday through Friday.

Referred to the Committee on Transportation and Infrastructure.

Res. No. 462

Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation allowing family and friends of incarcerated individuals to deliver packages in person during prison visits.

By Council Members Hudson, Rivera, Cabán, Louis, Hanif and Restler.

Whereas, Under a recent New York State Department of Corrections and Community Supervision (DOCCS) policy, Directive 4911A, known as the Secure Vendor Package Program, family members and friends of individuals incarcerated in New York State prisons are no longer allowed to ship food directly to incarcerated people, or bring packages on in-person visits, except for two non-food packages per year, and

Whereas, The Secure Vendor Package Program's intended crackdown on contraband stipulates packages have to be mailed, and must be ordered from online vendors willing to ship to prisons, and

Whereas, Directive 4911A, which began in May 2022 as a pilot program in 8 prisons with plans to expand to all 44 prisons in New York State, and

Whereas, The Secure Vendor Package Program follows a failed attempt in 2018 to implement a similar policy that was reversed after 10 days amid intense public outcry, and

Whereas, Directive 4911A adds financial and logistical burdens to an already difficult shipping process, and

Whereas, Mandating items must be ordered from online vendors creates hardships on families as vendors like Access Securepak and Union Supply charge steep markups for a limited selection of food products, and

Whereas, Many grocery stores and affordable retail vendors don't ship fresh food to prisons, which impacts vulnerable prisoners, such as diabetics, who view food packages as a lifeline, and

Whereas, According to watchdog organization Correctional Association of New York (CANY), the purported relationship between packages and contraband used to justify the new restrictive policy is questionable, and

Whereas, Tyrell Muhammad senior advocate at CANY reportedly indicates that during the pandemic there were no visits and very few packages, but DOCCS had an explosion in drug use, and

Whereas, Advocates argue that much of the contraband making its way into prisons comes from corrections officers and prison staff, an issue the package restrictions fails to address, and

Whereas, According to present and former incarcerated individuals, packages from home provide both access to fresh food and an emotional connection to loved ones, and

Whereas, By further tying a prisoner’s access to fresh food to their financial resources, the new package policy threatens to entrench existing health disparities behind bars, especially among Black and low-income people who are highly overrepresented in New York’s prison system and must be overturned; now, therefore, be it

Resolved, That the Council of the City of New York calls the New York State Legislature to pass, and the Governor to sign, legislation allowing family and friends of incarcerated individuals to deliver packages in person during prison visits.

Referred to the Committee on Criminal Justice.

Res. No. 463

Resolution recognizing November 26 as Holodomor Memorial Day in the City of New York to honor the courage and resilience of the Ukrainian people.

By Council Members Menin, Vernikov and Holden.

Whereas, United States (U.S.) President Joseph R. Biden, Jr. issued a statement on November 23, 2022, to commemorate the 90th anniversary of the 1932-1933 Holodomor—or “death by hunger”—in which millions of innocent Ukrainians died at the hands of Joseph Stalin; and

Whereas, H. Res. 1109, sponsored by U.S. Representative Don Bacon and introduced on May 12, 2022, expressed “the sense of the House of Representatives that the Ukrainian famine of 1932-1933, known as the Holodomor, is recognized as a genocide and should serve as a reminder of repressive Soviet policies against the people of Ukraine”; and

Whereas, The Soviet Union viciously crushed any resistance by the Ukrainian people in 1932-1933 in their fight to be free in their own land, speak their own language, and celebrate their own culture; and

Whereas, The Soviet Union forced the Ukrainian people to turn over their land and property to collective farms and then confiscated their grain harvests, thus starving Ukrainian families on a massive scale; and

Whereas, The Soviet Union closed the borders of Ukraine so that its people could not flee in search of food or freedom and so that humanitarian aid could not be provided by other countries; and

Whereas, According to the Ukrainian Institute of Demographic and Social Studies and the University of North Carolina at Chapel Hill, approximately 3.9 million Ukrainians died during the Holodomor, and many were buried in mass unmarked graves to conceal from the world the truth of what the Soviet regime had perpetrated; and

Whereas, After the dissolution of the Soviet Union, documents were found that exposed the atrocities of the Holodomor and confirmed that the Soviet actions against Ukraine were purposefully planned; and

Whereas, Public Law 109-340, signed by President George W. Bush on October 12, 2006, allowed the establishment of “a memorial on Federal land in the District of Columbia to honor the victims” of the Holodomor; and

Whereas, Ukrainian communities in the U.S. and worldwide continue their work in spreading awareness of the causes and consequences of the Soviet repression that resulted in the Holodomor; and

Whereas, More than 150,000 Ukrainians live in New York City (NYC)—more than in any other city in the U.S.; and

Whereas, Ukrainian communities in NYC celebrate Ukrainian history and culture and are home to Ukrainian banks, restaurants, schools, houses of worship, and cultural centers; and

Whereas, The Ukrainian culture brought by immigrants over many decades has enriched the multicultural fabric of NYC and continues to do so; and

Whereas, Newly arrived Ukrainians fleeing Russian President Vladimir Putin’s 2022 invasion of their homeland have brought the concerns of the Ukrainian people once again to the forefront for many New Yorkers; and

Whereas, Establishing November 26 as a day of remembrance allows New Yorkers time to reflect on the meaning and lasting effects of the Holodomor on the Ukrainian people as well as to express our support for NYC’s recently arrived Ukrainian immigrants; and

Whereas, President Biden said in his statement on remembering the Holodomor that “[w]e commemorate all the lives lost in this senseless tragedy, and we pay tribute to the resilience of the Ukrainian people who endured devastation and tyranny to ultimately create a free and democratic society”; now, therefore, be it

Resolved, That the Council of the City of New York recognizes November 26 as Holodomor Memorial Day in the City of New York to honor the courage and resilience of the Ukrainian people.

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

Int. No. 884

By Council Members Narcisse, Louis, Stevens, Hudson, Restler and Abreu.

A Local Law in relation to the establishment of a task force to study city mental health resources and mental health bed capacity in hospitals and jails and issue a report and make recommendations for remedying any deficiencies

Be it enacted by the Council as follows:

Section 1. Definitions. For purposes of this local law, the following terms have the following meanings:
City. The term “city” means the city of New York.

Task force. The term “task force” means the mental health resources and bed capacity task force established by this local law.

§ 2. Task force established. There is hereby established a task force to be known as the mental health resources and bed capacity task force.

§ 3. Duties. The task force shall study the state of mental health resources in the city and the state of mental health bed capacity in hospitals and jails in the city and shall make recommendations for legislation and policy to remedy any deficiencies in mental health resources or mental health bed capacity. Those recommendations shall take into account potential effects on the health and welfare of persons in the city, the projected costs of implementing any recommended programs, anticipated effects on stakeholders, and any other considerations the task force deems relevant.

§ 4. Membership. a. The task force shall be composed of the following members:

1. The commissioner of health and mental hygiene or such commissioner’s designee, who shall serve as chair;

2. The commissioner of buildings or such commissioner’s designee;

3. The commissioner of social services or such commissioner’s designee;

4. Two members appointed by the mayor; and

5. Two members appointed by the speaker of the council.

b. The mayor may invite officers and representatives of relevant federal, state, and local agencies and authorities to participate in the work of the task force.

c. All appointments required by this section shall be made no later than 90 days after the effective date of this local law.

d. Each member of the task force shall serve at the pleasure of the officer who appointed the member. In the event of a vacancy on the task force, a successor shall be appointed in the same manner as the original appointment. All members of the task force shall serve without compensation.

§ 5. Meetings. a. The chair shall convene the first meeting of the task force no later than 30 days after the last member has been appointed, except that where not all members of the task force have been appointed within

the time specified in section four, the chair shall convene the first meeting of the task force within 10 days of the appointment of a quorum.

b. The task force may invite experts and stakeholders to attend its meetings and to provide testimony and information relevant to its duties.

c. The task force shall meet no less than once each quarter to carry out the duties described in section three.

d. The meeting requirement of subdivision c shall be suspended when the task force submits its report as required by section six.

§ 6. Report. a. No later than 270 days after the effective date of this local law, the task force shall submit a report to the mayor and the speaker of the council setting forth its recommendations for legislation and policy relating to remedying any deficiencies in mental health resources in the city or mental health bed capacity in hospitals and jails in the city. The report shall include a summary of the study's findings and any other information the task force considered in formulating its recommendations.

b. The commissioner of health and mental hygiene shall publish the task force's report electronically on the website of the department of health and mental hygiene no later than 10 days after its submission to the mayor and the speaker of the council.

§ 7. Agency support. Each agency affected by this local law shall provide appropriate staff and resources to support the work of such agency related to the task force.

§ 8. Termination. The task force shall terminate 180 days after the date on which it submits its report, as required by section six.

§ 9. Effective date. This local law takes effect immediately.

Referred to the Committee on Mental Health, Disabilities and Addiction.

Int. No. 885

By Council Member Narcisse.

A Local Law to amend the administrative code of the city of New York, in relation to the automatic waiver of certain additional penalties for a parking violation if a vehicle owner responds to a notice of violation between forty-five and ninety days of its issuance

Be it enacted by the Council as follows:

Section 1. Section 19-211 of the administrative code of the city of New York, as added by local law number 33 for the year 1993, is amended by adding a new subdivision c to read as follows:

c. If an owner makes a plea or appears between forty-five and ninety days after the issuance of a notice of violation for a parking violation, any additional penalty for failure to respond to a notice of violation for a parking violation within forty-five days and any additional penalty for failure to respond to a notice of violation for a parking violation within seventy-five days, as described in subdivision a, shall be waived.

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

Referred to the Committee on Transportation and Infrastructure.

Int. No. 886

By Council Members Powers, Sanchez, Brannan, Velázquez, Menin, Holden, Restler, Ung, Abreu and Avilés.

A Local Law in relation to accessory sign violations and waiving penalties and fees for signs that are accessory to a use on the same zoning lot

Be it enacted by the Council as follows:

Section 1. Section 3 of local law number 28 for the year 2019, as amended by local law number 29 for the year 2021, is amended to read as follows:

§ 3. Violations for existing accessory signs. Notwithstanding any other provision of law, no applicable violations shall be issued on or after the effective date of the local law that [last amended] *established* this section for an accessory sign in existence on or before such date for a period of [two] *six* years, unless such accessory sign creates an imminent threat to public health or safety or the commissioner of buildings determines that such sign is otherwise not eligible for the temporary waiver created under this section.

§ 2. Section 4 of local law number 28 for the year 2019, as amended by local law number 29 for the year 2021, is amended to read as follows:

§ 4. Temporary assistance for respondents. a. Notwithstanding any other provision of law to the contrary, the commissioner of buildings shall establish a temporary program to provide assistance to respondents of judgments resulting from applicable violations resolved by payment by the respondent or other payor between June 1, 2006 and the effective date of the local law that [last amended] *established* this section for a [two-year] *six-year* period. The assistance provided by such program shall include, but not be limited to:

1. Technical assistance in acquiring the permit or permits required to install an accessory sign;
2. Review of all permit applications relevant to the installation of an accessory sign including a preliminary review of compliance with paragraph (a) of section 32-653 or paragraph (a) of section 42-542 of the zoning resolution, or any provision amending, replacing or supplementing such sections of the zoning resolution within seven days of receiving such application; and
3. A waiver of all fees in connection with permits relevant to the installation of an accessory sign incurred on or after the effective date of the local law that [last amended] *established* this section.

§ 3. This local law takes effect immediately and is retroactive to and deemed to have been in effect as of January 1, 2023.

Referred to the Committee on Housing and Buildings.

Int. No. 887

By the Public Advocate (Mr. Williams) and Council Members Rivera, Cabán, Hudson, Louis, Restler and Abreu.

A Local Law to amend the administrative code of the city of New York, in relation to reporting on gender identity of individuals in the custody of the department of correction

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-163 to read as follows:

§ 9-163 *Reporting on gender identity. a. Definitions. As used in this section, the following terms have the following meanings:*

- Commissioner. The term “commissioner” means the commissioner of correction.*
- Correctional health authority. The term “correctional health authority” means the entity responsible for the delivery of health and mental health services to individuals in the custody of the department.*
- Department. The term “department” means the department of correction.*

Gender identity. The term “gender identity” means an individual’s sense of such individual’s own gender which may be the same as or different from the sex assigned to such individual at birth.

Housing unit. The term “housing unit” means a structure or part of a structure that contains single occupancy housing units or multiple occupancy housing units, as such terms are defined in the rules of the New York state commission of correction.

Relevant organization. The term “relevant organization” means any non-governmental organization that provides reentry services pursuant to a contract with the office of criminal justice.

b. Beginning July 15, 2023, and no later than the fifteenth day of each month thereafter, the commissioner shall submit to the mayor, the speaker of the council, and the public advocate, and post on the department’s website, a report containing the following information for the prior month:

1. The number of individuals in the custody of the department whose gender identity is different from the sex assigned to the individual at birth, further disaggregated by self-described gender identity including, but not limited to, transgender, gender nonconforming, non-binary, or intersex;

2. The housing units in which such individuals as described in paragraph 1 of this subdivision are currently housed and the number of such individuals housed in each housing unit;

3. The number of such individuals as described in paragraph 1 of this subdivision who objected to their current housing unit placement or applied for a different housing unit placement;

4. The number of such individuals as described in paragraph 1 of this subdivision who were denied a request for a different housing unit placement; and

5. The number of incidents involving violence against such individuals as described in paragraph 1 of this subdivision.

c. Unless otherwise precluded by law, the correctional health authority and relevant organizations shall assist the department in collecting the information enumerated in subdivision b of this section.

d. Reports required pursuant to this section shall not contain identifying information as defined in section 23-1201. If a category to be reported contains fewer than 10 individuals or contains an amount that would allow another category that contains fewer than 10 individuals to be deduced, the number shall be replaced with a symbol.

§ 2. This local law takes effect immediately.

Referred to the Committee on Criminal Justice.

Int. No. 888

By the Public Advocate (Mr. Williams) and Council Members Lee, Cabán, Louis, Stevens, Hanif, Hudson, Farías and Abreu.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of small business services to offer training and education to small businesses regarding accessibility of the workplace and inclusion of workers with disabilities

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 22-1003 of the administrative code of the city of New York, as added by local law number 156 for the year 2019, is amended to read as follows:

a. The department shall provide business services including training and education to small businesses regarding the following subjects:

1. Business operations, including the establishment and use of technological or other systems to deliver goods or services to customers efficiently, reduce costs, and maximize profits;

2. Marketing, including identifying market opportunities, preparing and executing marketing plans, developing pricing strategies, locating contract opportunities, negotiating contracts, utilizing public relations and advertising techniques, engaging in e-commerce, and retail merchandizing;

3. Compliance obligations, including education about regulatory requirements and assistance in understanding laws and rules applicable to small businesses; [and]

4. *Increasing workplace accessibility and inclusion of workers with disabilities, including how to make workplaces more accessible and provide accommodations for workers with disabilities, information about resources available to help small businesses accomplish these goals, the benefits of hiring workers with disabilities and information about organizations that can help small businesses connect with and hire workers with disabilities; and*

[4]5. Such other training and education as the commissioner may deem appropriate.

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

Referred to the Committee on Small Business.

Res. No. 464

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.6627/A.7562, an act to amend the banking law in relation to restructuring unsustainable sovereign and subnational debt.

By the Public Advocate (Mr. Williams) and Council Member Cabán.

Whereas, Sovereign debt is the money a nation's government owes to individuals, organizations or other governments; and

Whereas, Sovereign debt is a method for governments to finance growth and development; and

Whereas, Sovereign debt is used to pay for necessary services like hospitals, schools, public transportation and pensions, among other things; and

Whereas, According to Eric LeCompte, a member of the United Nations debt working group, more than half of all sovereign debt contracts are governed by New York State Law; and

Whereas, Unlike individuals and corporations, countries cannot use bankruptcy to restructure sovereign debt; and

Whereas, If a country is unable to meet its debt obligations, it can restructure the debt to get payments down to a manageable level; and

Whereas, Under current law, all debt holders must agree on the terms for a country to restructure its sovereign debt; and

Whereas, Vulture funds are investment funds that buy distressed debt at a discount and use legal action to collect the full amount of the debt, regardless of the debtor's ability to pay; and

Whereas, One type of debt that Vulture funds purchase is sovereign debt; and

Whereas, Vulture funds make huge profits from sovereign debt; and

Whereas, According to The Intercept, Vulture funds bought up hundreds of millions of dollars in Puerto Rican debt in the aftermath of Hurricane Maria; and

Whereas, Vulture funds, which have bought the debt at a deep discount, can block a restructuring even if all the other credit holders agree to it; and

Whereas, Vulture funds often refuse to renegotiate sovereign debt to level that is more easily managed by the debtor country; and

Whereas, Unsustainable debt burdens can cause a country to lose access to much needed credit; and

Whereas, Vulture funds, purchased Puerto Rico's debt at a steep discount and continued to pursue full repayment even after the majority of the other debt holders had reached settlements; and

Whereas, According to the American Prospect, due to the need to pay the vulture funds, Puerto Rico had to cut back on healthcare and transportation, closed schools and laid off 30,000 public sector workers among other austerity measures; and

Whereas, A.7652 introduced by Assembly Member Davila and pending in the New York State Assembly, and companion bill S.6627, introduced by Senator Gustavo Rivera and pending in the New York State Senate, would allow for a supermajority of creditors to approve a restructuring; and

Whereas, A.7652/S.6627 would prevent vulture funds, by themselves, from blocking a country's debt restructuring when a supermajority of creditors agree that the restructuring is reasonable; and

Whereas, A.7652/S.6627 would allow debtor countries access to capital during the restructuring process by giving new lenders priority over existing creditors; and

Whereas, Having access to credit during the restructuring process is critical to allowing debtor countries to continue to provide necessary services for their citizens; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, S.6627/A.7562, an act to amend the banking law in relation to restructuring unsustainable sovereign and subnational debt.

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

Int. No. 889

By Council Members Restler, Won, Gutiérrez, Yeager, De La Rosa, Ossé, Holden, Krishnan, Sanchez, Williams, Avilés, Hanif, Cabán, Hudson, Nurse, Farías and Marte.

A Local Law to amend the New York city charter, in relation to post-employment activities of certain former public servants

Be it enacted by the Council as follows:

Section 1. Paragraph 2 of subdivision d of section 2604 of the New York city charter, as amended by a vote of the electors on November 5, 2019, is amended to read as follows:

2. (a) No former public servant, other than those public servants listed in subparagraphs (b), [and] (c), *and* (d) of this paragraph, shall, within a period of one year after termination of such person's service with the city, appear before the city agency served by such public servant.

(b) The following former public servants shall not, *within a period of one year after termination of their service with the city, appear before any city agency, and* within a period of two years after termination of their service with the city, appear before the city agency they served:

(1) [any head of an agency that is not a board or commission, other than the agency heads listed in subparagraph (c) of this paragraph;

(2)] the executive director or the highest ranking public servant employed by a board or commission; [and

(3)] (2) any paid member of a board or commission[.]; *and*

(3) *any other public servant charged with substantial policy discretion as established by rule of the board.*

(c) The following former public servants shall not, within a period of two years after termination of their service with the city, appear before any agency [in the branch of city government they served]:

(1) [any elected official; and

(2) the holder of the position of deputy mayor, director of the office of management and budget, commissioner of citywide administrative services, corporation counsel, commissioner of finance, commissioner of investigation and chair of the city planning commission.] *any head of an agency; and*

(2) *any public servant charged with substantial policy discretion while in the service of the executive office of the mayor, the city council, or the law department, as established by rule of the board.*

For the purposes of this subparagraph (c), the term "public servant" shall not include any elected official.

§ 2. Paragraph 2 of subdivision d of section 2604 of the New York city charter, as amended by a vote of the electors on November 5, 2019, is amended by adding a new subparagraph d to read as follows:

(d) *Elected officials shall not, within a period of two years after termination of their service with the city, appear before any agency in the branch of city government they served.*

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

Referred to the Committee on Governmental Operations.

Int. No. 890

By Council Members Restler, Won, Gutiérrez, Yeger, De La Rosa, Ossé, Holden, Krishnan, Sanchez, Avilés, Hanif, Cabán, Hudson, Nurse and Marte.

A Local Law to amend the New York city charter, in relation to post-employment activities of former elected officials

Be it enacted by the Council as follows:

Section 1. Subparagraph c of paragraph 2 of subdivision d of Section 2604 of the New York city charter, as amended by a vote of the electors on November 5, 2019, is amended to read as follows:

(c) [The following former public servants] *Former elected officials* shall not, within a period of two years after termination of their service with the city, appear before any agency [in the branch of city government they served:

(1) any elected official; and

(2) the holder of the position of deputy mayor, director of the office of management and budget, commissioner of citywide administrative services, corporation counsel, commissioner of finance, commissioner of investigation and chair of the city planning commission.

For the purposes of this subparagraph (c), the legislative branch of the city consists of the council and the offices of the council, and the executive branch of the city consists of all other agencies of the city, including the office of the public advocate].

§ 2. This local law takes effect immediately following its ratification by the voters of this city in a referendum to be held in the general election next following its enactment.

Referred to the Committee on Governmental Operations.

Int. No. 891

By Council Members Salamanca and Velázquez.

A Local Law to amend the administrative code of the city of New York, in relation to allowing charitable organizations to conduct games of chance at professional sporting venues

Be it enacted by the Council as follows:

Section 1. Section 20-435 of the administrative code of the city of New York is amended by adding a new subdivision 12 to read as follows:

12. *“Sports venue” shall mean a building, structure, or place in which professional sporting competitions are held.*

§ 2. Section 20-436 of the administrative code of the city of New York is amended to read as follows:

§ 20-436 Conduct of games of chance. 1. No person, firm, association, corporation or organization, other than a licensee under the provisions of this subchapter, shall conduct such game or shall lease or otherwise make available for conducting games of chance a hall or other premises for any consideration whatsoever, direct or indirect, except as provided in section 20-437 of this subchapter.

2. No game of chance shall be held, operated or conducted on or within any leased premises if rental under such lease is to be paid, wholly or partly, on the basis of a percentage of the receipts or net profits derived from the operation of such game.

3. No authorized organization licensed under the provisions of this subchapter shall purchase or receive any supplies or equipment specifically designed or adapted for use in the conduct of games of chance from other than a supplier licensed by the board or from another authorized organization.

4. The entire net proceeds of any game of chance and of any rental shall be exclusively devoted to the lawful purposes of the organization permitted to conduct the same.

5. [No] *Except as otherwise provided in this section, no prize shall exceed the sum or value of one hundred dollars in any operation or conducting of a single game of chance as defined in section 20-435 of this subchapter. No single wager shall exceed ten dollars. Sports venues may conduct games of chance during professional and collegiate sporting competitions, from two hours before the beginning of play until the end of play, with no limitation on the sum or value of the prize for such game of chance.*

6. [No] *Except for games of chance conducted during professional and collegiate sporting competitions at sports venues, no series of prizes on any one occasion of games of chance shall aggregate more than one thousand dollars as defined in section 20-435 of this subchapter.*

7. [No] *Except for games of chance conducted during professional and collegiate sporting competitions at sports venues, no person except a bona fide member of any such organization, its auxiliary or affiliated organization, shall participate in the management or operation of such game, as set forth in section 20-444 of this subchapter.*

8. [No] *Except for games of chance conducted during professional and collegiate sporting competitions at sports venues, no person shall receive any remuneration for participating in the management or operation of any such game.*

9. The unauthorized conduct of a game of chance shall constitute and be punishable as a misdemeanor.

§ 3. Section 20-441 of the administrative code of the city of New York is amended to read as follows:

§ 20-441 Control and supervision; suspension of licenses; inspection of premises; rulemaking. 1. The department shall have and exercise rigid control and close supervision over all games of chance conducted under such license, to the end that the same are fairly conducted in accordance with the provisions of such license, the provisions of the rules and regulations promulgated by the board and the provisions of this subchapter, and the department and the board shall have the power and authority to temporarily suspend any license issued by the department pending a hearing and, after notice and hearing, the department and the board may suspend or revoke same, and additionally, impose a fine not exceeding one thousand dollars for violation of any such provisions, and the department and the board shall have the right of entry, by their respective officers and agents, at all times into any premises where any game of chance is being conducted or where it is intended that any such game shall be conducted, or where any equipment being used or intended to be used in the conduct thereof is found, for the purpose of inspecting the same. An agent of the department shall make an on-site inspection during the conduct of all games of chance licensed pursuant to this subchapter.

[2. Service of alcoholic beverages. Subject to the applicable provisions of the alcoholic beverage control law, beer may be offered for sale during the conduct of games of chance but the offering of all other alcoholic beverages is prohibited.

3.] 2. The commissioner of the department may promulgate such rules and regulations as deemed necessary for the proper implementation and enforcement of this subchapter and which are not inconsistent with those rules and regulations promulgated by the board.

§ 4. Section 20-443 of the administrative code of the city of New York is amended to read as follows:

§ 20-443 Frequency of games. [No] *Except for games of chance conducted during professional and collegiate sporting competitions at sports venues, no game or games of chance shall be conducted under any license issued under this subchapter more often than twelve times in any calendar year. Games shall be conducted only between the hours of noon and midnight on Monday, Tuesday, Wednesday, Thursday, and Sunday; and between the hours of noon on Friday and two a.m. Saturday; and between the hours of noon on Saturday and two a.m. Sunday. The two a.m. closing period shall also apply to a legal holiday. Notwithstanding the foregoing provisions of this section no games of chance shall be conducted on Easter Sunday, Christmas Day, New Year's Eve, and the days of Rosh Hashanah and Yom Kippur.*

§ 5. Section 20-444 of the administrative code of the city of New York is amended to read as follows:

§ 20-444 Persons operating and conducting games; equipment; expenses; compensation. [No] *1. Except for games of chance conducted during professional and collegiate sporting competitions at sports venues, no person shall hold, operate or conduct any games of chance under any license issued under this subchapter except an active member of the authorized organization to which the license is issued, and no person shall assist in the holding, operating or conducting of any game of chance under such license except such an active member or a member of an organization or association which is an auxiliary to the licensee or a member of an organization or association of which such licensee is an auxiliary or member of an organization or association which is affiliated with the licensee by being, with it, auxiliary to another organization or association. [No] An authorized*

organization affiliated with a sports venue may contract a licensed third-party to operate or conduct a game of chance, so long as an active member of the organization is on site.

2. *Except for games of chance conducted during professional and collegiate sporting competitions at sports venues, no game of chance shall be conducted with any equipment except such as shall be owned or leased by the authorized organization so licensed or used without payment of any compensation therefore by the licensee. An authorized organization affiliated with a sports venue that contracts a licensed third-party to operate or conduct a game of chance may utilize equipment supplied by such third-party operator.*

3. *At least two officers, directors, trustees or clergy of the authorized organization shall upon request certify, under oath, that the persons assisting in holding, operating or conducting any game of chance are bona fide members of such authorized organization, auxiliary or affiliated organization, or a licensed third party contracted by the authorized organization to hold, operate or conduct a game of chance at a sports venue during a professional or collegiate sporting competition. Upon request by the department, any such person involved in such games of chance shall certify that he or she has no criminal record.*

4. *No items of expense shall be incurred or paid in connection with the conducting of any game of chance pursuant to any license issued under this subchapter except those that are reasonable and are necessarily expended for games of chance supplies and equipment, prizes, stated rental if any, bookkeeping or accounting services according to a schedule of compensation prescribed by the board, janitorial services and utility supplies if any, license fees, and the cost of bus transportation, if authorized by such department. A licensed third party contracted to operate or conduct a game of chance on behalf of an authorized organization affiliated with a sports venue may be compensated, inclusive of all operation costs of the game or games of chance, with a portion of the prize, not to exceed 15 percent of the daily gross of the games of chance.*

§ 6. Section 20-445 of the administrative code of the city of New York is amended to read as follows:

§ 20-445 Charge for admission and participation; amount of prizes; award of prizes. [Not] *Except for games of chance conducted during professional and collegiate sporting competitions at sports venues, no more than two dollars shall be charged by any licensee for admission to any room or place in which any game or games of chance are to be conducted under any license issued under this subchapter. The department may in its discretion fix a minimum fee. Every winner shall be determined and every prize shall be awarded and delivered within the same calendar day as that upon which the game was played. No alcoholic beverage shall be offered or given as a prize in any game of chance.*

§ 7. Section 20-446 of the administrative code of the city of New York is amended to read as follows:

§ 20-446 Advertising games. [No] *Except for games of chance conducted during professional and collegiate sporting competitions at sports venues, no game of chance conducted or to be conducted in this city shall be advertised as to its location, the time when it is to be or has been played, or the prizes awarded or to be awarded, or transportation facilities to be provided to such game, by means of newspapers, radio, television or sound trucks or by means of billboards, posters or handbills or any other means addressed to the general public, except that one sign not exceeding sixty square feet in area may be displayed on or adjacent to the premises owned or occupied by a licensed authorized organization, and when an organization is licensed to conduct games of chance on premises of an authorized games of chance lessor, one additional such sign may be displayed on or adjacent to the premises in which the games are to be conducted. Additional signs may be displayed throughout sports venues for games of chance conducted within the premises during professional and collegiate sporting competitions. Additional signs may be displayed upon any fire fighting equipment belonging to any licensee, which is a volunteer fire company, or upon any first-aid or rescue squad equipment belonging to any licensee, which is a first-aid or rescue squad, in and throughout the community or communities served by such volunteer fire company or such first-aid or rescue squad, as the case may be.*

§ 8. This local law takes effect immediately.

Referred to the Committee on Consumer and Worker Protection.

Int. No. 892

By Council Members Salamanca, Rivera, Louis, Hudson and Abreu.

A Local Law to amend the administrative code of the city of New York, in relation to a voluntary community gun buy-back program

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 10 of the administrative code of the city of New York is amended by adding a new section 10-317 to read as follows:

§ 10-317 *Voluntary community gun buy-back program. a. Definitions. As used in this section, the following terms have the following meanings:*

Department. The term “department” means the police department.

Gun. The term “gun” means a firearm, shotgun, rifle, assault weapon or antique firearm, as such terms are defined in section 10-301.

b. No later than June 1, 2023, the department shall create and implement a monthly community gun buy-back program, whereby an individual may voluntarily surrender to the department in exchange for monetary compensation a working or non-working unloaded gun or parts thereof, including a gun or parts thereof created using a three-dimensional printer. All guns or parts thereof surrendered shall be contained in an opaque bag or box, or in such form as otherwise prescribed by the department. The department shall inspect each gun or parts thereof upon surrender, and shall determine the appropriate form of and sum of money that will be provided in exchange for each gun or parts thereof. Such program shall be offered in at least one borough every month, provided that the program takes place in each borough at least once in any five month period. Such program shall be administered in accordance with all applicable federal, state and local laws, rules and regulations.

c. The department shall not require any individual surrendering a gun or parts thereof pursuant to the program established by subdivision b of this section to provide identification or personally identifiable information. A person who surrenders a gun or parts thereof pursuant to the program established by subdivision b of this section shall not be subject to criminal or civil penalties for unlawful possession of such gun or parts thereof surrendered, except as otherwise required by local, state or federal laws, rules or regulations.

d. A retired or active law enforcement officer may not receive monetary compensation for the surrender of a gun or parts thereof pursuant to the program established by subdivision b of this section.

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

Referred to the Committee on Public Safety.

Preconsidered Int. No. 893

By Council Members Sanchez, Ayala, Cabán, Hanif, Louis, Stevens, Hudson, Restler and Abreu.

A Local Law to amend the administrative code of the city of New York, in relation to expanding eligibility for rental assistance

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-151 to read as follows:

§ 21-151 *Expanding eligibility for rental assistance. a. Definitions. For purposes of this section, the following terms have the following meanings:*

Household. The term “household” means households who are not living in shelter or experiencing street homelessness.

Rental assistance voucher. The term “rental assistance voucher” means any city-initiated rental housing subsidy for homeless families and individuals.

Shelter. The term “shelter” means temporary emergency housing provided to homeless adults, adult families, and families with children by the department or a provider under contract or similar agreement with the department.

b. The department shall not base eligibility for a rental assistance voucher on the following:

- 1. whether a household resides in a rent-controlled apartment;*
- 2. whether a member of a household receives adult protective services pursuant to section 472 of the social services law; or*
- 3. whether a member of a household participates in a community guardianship program pursuant to section 472-d of the social services law.*

c. For purposes of determining eligibility for a rental assistance voucher, the department shall accept documents demonstrating that a household is at risk of eviction. Such documents may include, but not be limited to, written demands for payment of past due rent.

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare (preconsidered but laid over by the Committee on General Welfare).

Preconsidered Int. No. 894

By Council Members Sanchez, Avilés, Ayala, Cabán, Hanif, Stevens, Hudson, Restler, Ung and Abreu.

A Local Law to amend the administrative code of the city of New York, in relation to income and work requirements for rental assistance

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-151 to read as follows:

§ 21-151 Income and work requirements for rental assistance. a. Definitions. For purposes of this section, the following terms have the following meanings:

Rental assistance voucher. The term “rental assistance voucher” means any city-initiated rental housing subsidy for homeless families and individuals.

Shelter. The term “shelter” means temporary emergency housing provided to homeless adults, adult families, and families with children by the department or a provider under contract or similar agreement with the department.

b. The department shall not base eligibility for a rental assistance voucher on employment status when the applicant for rental assistance is living in shelter or experiencing street homelessness.

c. An applicant who earns more than 50 percent of the area median income, as defined by the federal department of housing and urban development, shall not be eligible for a rental assistance voucher when such applicant is living in shelter or experiencing street homelessness.

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare (preconsidered but laid over by the Committee on General Welfare).

Int. No. 895

By Council Members Sanchez, the Public Advocate (Mr. Williams), Louis, Hanif, Hudson and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to expanding availability of rapid testing for sexually transmitted infections

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-184.2 to read as follows:

§ 17-184.2 Availability of rapid testing for sexually transmitted infections. a. Definitions. As used in this section, the term “rapid testing” means testing for sexually transmitted infections including, but not limited to, chlamydia, gonorrhea, syphilis, and HIV, that produces results in the same day or within hours.

b. Availability. The department shall make available rapid testing services in all boroughs of the city. The department shall prioritize areas of each borough with the highest rates of sexually transmitted infections as determined by the department.

c. Outreach. The department shall conduct an education campaign to inform communities of the locations and availability of rapid testing services.

§ 2. This law takes effect 180 days after it becomes law.

Referred to the Committee on Health.

Preconsidered Res. No. 465

Resolution calling upon the New York state legislature to enact legislation that would expand eligibility for the CityFHEPS (New York City Family Homelessness and Eviction Prevention Supplement) program in New York City.

By Council Members Sanchez, Hanif, Ayala, Cabán, Louis, Hudson, Restler and Farías.

Whereas, In New York City there are a number of public benefits that support residents to secure access to affordable housing; and

Whereas, One such program is CityFHEPS (New York City Family Homelessness and Eviction Prevention Supplement); and

Whereas, CityFHEPS assists individuals or families by providing them with rental subsidies to access and keep safe housing; and

Whereas, Typically, a CityFHEPS applicant must meet one of the following criteria: 1) the household includes someone who served in the United States (U.S.) Armed Forces and is at risk of homelessness; 2) the household gets Pathway Home benefits and would be eligible for CityFHEPS if they are in a Department of Homeless Services (DHS) or Human Resources Administration (HRA) shelter; or 3) the household is referred by a CityFHEPS qualifying program, and Department of Social Services (DSS) determines that CityFHEPS is needed to avoid shelter entry; or 4) the household is facing eviction in court (or was evicted in the past year) and includes someone: who has previously lived in a DHS shelter, who has an active Adult Protective Services (APS) case or is in a designated community guardianship program; or lives in a rent-controlled apartment and will use CityFHEPS to stay in that apartment; and

Whereas, In addition to meeting one of the above listed criteria, a household was also previously required to earn a gross income at or below 200 percent of the federal poverty level; and

Whereas, However, in order to broaden the scope of eligibility, late last year, Mayor Adams removed this requirement so that single adults working full-time can apply, even if their income is above 200 percent of the federal poverty level; and

Whereas, Although these and other changes made to CityFHEPS should allow more people to access the rental supplement program, there are still large proportions of vulnerable populations that are excluded; and

Whereas, For instance, undocumented immigrants are largely prohibited from receiving CityFHEPS, due to restrictions under federal law; and

Whereas, According to research from the Mayor’s Office of Immigrant Affairs (MOIA), there were approximately 476,000 undocumented immigrants in New York City in 2021; and

Whereas, Over the past year, it is likely that this figure has grown substantially because there has been an influx of asylum seekers that have been transported to the City from some southern states; and

Whereas, According to information provided to the New York City Council by the Adams Administration, as of January 8, 2023, there were approximately 38,700 asylum seekers, including children, that have arrived in the City since the spring of 2022; and

Whereas, In 1979, the New York State Supreme Court ordered New York City and State to provide shelter for homeless men in a landmark decision known as *Callahan v. Carey*; and

Whereas, Subsequent successful cases against the City resulted in a “right to shelter” being established in New York City, which means that all who apply for shelter – men, women, children and families, must be given a bed for the night; and

Whereas, Recently, however, the City has struggled to meet this mandate and has, at times, violated this law; and

Whereas, At other times, the City was forced to establish temporary “tent shelters” to house some of the newly arrived asylum seekers; and

Whereas, All of this has occurred while the City is already dealing with a housing crisis; and

Whereas, Although federal law (8 U.S. Code § 1621) generally prohibits undocumented people from accessing benefits, subdivision d allows for a state or its locality to deem undocumented persons eligible for public benefits if a state law is enacted to affirm this eligibility; and

Whereas, This means that the State legislature could enact legislation that would provide New York City with the authority to expand CityFHEPS to undocumented immigrants; and

Whereas, This change would allow the City to provide additional housing benefits to a wider range of New Yorkers; and

Whereas, Given that New York City is a city of immigrants and is a right to shelter city, it is important that the State provide this authority to expand CityFHEPS; now, therefore, be it

Resolved, That the New York state legislature enact legislation that would expand eligibility for the CityFHEPS (New York City Family Homelessness and Eviction Prevention Supplement) program in New York City.

Referred to the Committee on General Welfare (preconsidered but laid over by the Committee on General Welfare).

Int. No. 896

By Council Members Schulman, Hudson, Louis, Stevens, Hanif, Farías and Abreu.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department for the aging to report on senior and accessible dwelling units

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-210 to read as follows:

§ 21-210 Annual report on seniors and accessible housing. *a. Definitions. For the purposes of this section, the following terms have the following meanings:*

The term “multiple dwelling” has the same meaning as set forth in paragraph 7 of subdivision a of section 27-2004.

The term “senior” has the same meaning as set forth in subdivision a of section 21-208.

b. Annual report. No later than December 31, 2023 and annually thereafter, the department, in collaboration with the department for housing preservation and development, shall submit to the speaker of the council and post conspicuously to its website a report regarding senior and accessible housing. Such report shall include, but need not be limited to, the following information for the prior year in a non-proprietary format that permits automated processing:

1. The number of seniors living in multiple dwelling units in New York city, disaggregated by zip code and by council district; and

2. The number of multiple dwelling units in New York city which abide by universal design principles or which are otherwise designed or retrofitted to be accessible for individuals with disabilities or mobility issues, disaggregated by zip code and by council district.

c. Personally identifiable information. No report required by subdivision b of this section shall contain personally identifiable information.

§ 2. This local law takes effect immediately.

Referred to the Committee on Aging.

Preconsidered L.U. No. 163

Kay's Place, Block 1028, Lot 7, Brooklyn, Community District No. 6, Council District No. 39.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 164

By Council Member Salamanca:

Application number G 220026 CCM (34 Morningside Avenue Cluster Technical Correction) submitted by the New York City Department of Housing Preservation and Development, requests a technical amendment to Council Resolution 261 for the year 2022, related to Urban Development Action Area Project (UDAAP) approval pursuant to Section 694 of the General Municipal Law, and approval of a new 40-year Article XI tax exemption, pursuant to Section 577 of the Private Housing Finance Law, for the 34 Morningside Avenue ANCP Cluster, to indicate that such tax exemption shall apply separately to each individual property comprising the Disposition Area. Borough of Manhattan, Community District 10, Council District 9.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings & Dispositions).

L.U. No. 165

By Council Member Salamanca:

Application number C 200012 ZSM (213-227 West 28th Street Parking Special Permits) submitted by 215 West 28th Street Property Owner LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-45 (Special Permits for additional parking spaces) and 13-451 (Additional parking spaces for residential growth) of the Zoning Resolution to allow an automated accessory parking garage with a maximum capacity of 41 spaces on portions of the ground floor, cellar and sub-cellar levels 1, 2 and 3, of a proposed mixed-use building at 213-219 West 28th Street (Block 778, Lot 31), on a zoning lot located at 213-227 West 28th Street (Block 778, Lots 25 & 31), in an M1-6D District. Borough of Manhattan, Community District 5, Council District 3.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 166

By Council Member Salamanca:

Application number C 200013 ZSM (213-227 West 28th Street Parking Special Permits) submitted by 225 West 28th Street Property Owner LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-45 (Special Permits for additional parking spaces) and 13-451 (Additional parking spaces for residential growth) of the Zoning Resolution to allow an automated accessory parking garage with a maximum capacity of 36 spaces on portions of the ground floor, cellar and sub-cellar levels 1, 2 and 3, of a proposed mixed-use building at 221-227 West 28th Street (Block 778, Lot 25), on a zoning lot located at 213-227 West 28th Street (Block 778, Lots 25 & 31), in an M1-6D District. Borough of Manhattan, Community District 5, Council District 3.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

NEW YORK CITY COUNCIL

A N N O U N C E M E N T S

Monday, January 23, 2023

<u>Committee on Public Safety</u>	Kamillah Hanks, Chairperson
Oversight - NYPD’s Strategic Response Group.	
Council Chambers – City Hall.....	10:00 a.m.

Tuesday, January 24, 2023

<u>Subcommittee on Zoning & Franchises</u>	Kevin C. Riley, Chairperson
See Land Use Calendar	
Committee Room – 250 Broadway, 14th Floor	10:00 a.m.

<u>Committee on Housing and Buildings</u>	Pierina Ana Sanchez, Chairperson
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Oversight - Accessory Dwelling Units and a Pathway to Basement Legalization.

Int 150 - By Council Members Brannan, Cabán, Stevens, Dinowitz, Restler, Nurse, Bottcher, Williams, Avilés, Gutiérrez, Schulman, Sanchez, Brewer, Riley, Brooks-Powers, Gennaro, Joseph, Hudson, Abreu, Hanif, Krishnan, De La Rosa, Ayala, Velázquez, Powers, Rivera, Marte, Ung, Won, Narcisse, Salamanca, Farías, Hanks, Holden, Lee, Richardson Jordan, Barron, Ossé, Louis and Feliz (by request of the Queens Borough President) - **A Local Law** to amend the administrative code of the city of New York and the New York city building code, in relation to electric vehicle charging stations in open parking lots and parking garages

Int 875 - By Council Member Sanchez (by request of the Mayor) - **A Local Law** to amend the administrative code of the city of New York, the New York city plumbing code, the New York city building code, the New York city mechanical code and the New York city fuel gas code, in relation to technical corrections, clarifications and modifications to provisions of the New York city construction codes.

Int 876 - By Council Member Sanchez (by request of the Mayor) - **A Local Law** to amend the New York city charter and the administrative code of the city of New York in relation to green building standards and repealing section 224.1 of the New York city charter in relation thereto.

Int 886 - By Council Members Powers, Sanchez, Brannan, Velázquez, Menin and Holden - **A Local Law** in relation to accessory sign violations and waiving penalties and fees for signs that are accessory to a use on the same zoning lot.

Res 161 – By Council Members Hanif, Krishnan, the Public Advocate (Mr. Williams) and Council Members Narcisse, Hudson, Louis, Joseph, Ung, Nurse, Restler, Sanchez, Menin, Marte, Gutiérrez, Won, Cabán, De La Rosa, Avilés, Ossé, Velázquez and Riley - **Resolution** calling upon the New York State Legislature to pass and the Governor to sign A.9802/S.8783, in relation to establishing a program to address the legalization of specified accessory dwelling units in a city with a population of one million or more.

Council Chambers – City Hall.....1:00 p.m.

Wednesday, January 25, 2023

<u>Committee on Criminal Justice</u> jointly with the	Carlina Rivera, Chairperson
<u>Committee on Women and Gender Equity</u>	Tiffany Cabán, Chairperson

Oversight – The TGNCNBI Task Force Report Update and TGNCNBI Individuals in Rikers.

Int 355 - By Council Members Rivera, Louis, Joseph, Narcisse, Avilés, Williams, Cabán, Ung, Ossé, Richardson Jordan, Riley, Gutiérrez, Abreu, Won, Barron, Hudson and Sanchez - **A Local Law** to amend the administrative code of the city of New York, in relation to permitting incarcerated individuals in city jails to choose the gender of their doctor.

Int 728 - By Council Members Powers, Cabán, Rivera, Hanif, Brewer, Restler, Hudson, Ung, Joseph, Abreu, Avilés, Ossé and Sanchez - **A Local Law** to amend the administrative code of the city of New York, in relation to housing decisions for transgender, gender nonconforming and intersex individuals.

Int 831 - By Council Members Rivera, Cabán, Hanif, Stevens, Restler, Hudson, De La Rosa, Abreu and Sanchez - **A Local Law** to amend the administrative code of the city of New York, in relation to establishing a citywide resource navigator for women and gender-expansive persons.

Int 887 - By the Public Advocate (Mr. Williams) and Council Members Rivera and Cabán - **A Local Law** to amend the administrative code of the city of New York, in relation to reporting on gender identity of individuals in the custody of the department of correction.

Res 117 – By The Public Advocate (Mr. Williams) and Council Members Hudson, Schulman, Bottcher, Cabán, Ossé, Richardson Jordan, Hanif, Brewer, Won, Restler, Krishnan and Nurse - Resolution calling on the New York State Legislature to pass, and the Governor to sign, a bill that would mandate the Office of Court Administration to update the securing order form to include a gender X option.

Res 458 – By Council Members Bottcher, Hudson and Cabán - **Resolution** calling on the New York State Legislature to pass, and the Governor to sign, A.7001B/S.6677A to enact the Gender Identity Respect, Dignity and Safety Act, which would allow for appropriate treatment and placement of incarcerated people based upon their gender identity.

Council Chambers – City Hall.....10:00 a.m.

Committee on Education

Rita Joseph, Chairperson

Oversight - DOE’s New Admissions Processes.

Int 338 - By Council Members Joseph, Louis, Ung, Ayala, Restler, Sanchez, Vernikov and Paladino (by request of the Manhattan Borough President) - **A Local Law** in relation to establishing a bullying prevention task force.

Int 403 - By Council Members Joseph, Stevens, Schulman, Hanif, Ayala, Hudson, Brewer, Louis, Ung, Nurse, Marte, Avilés, Riley, De La Rosa, Krishnan, Dinowitz, Barron, Ossé, Farías, Abreu, Restler, Richardson Jordan, Sanchez and Vernikov - **A Local Law** to amend the administrative code of the city of New York, in relation to distributing IDNYC applications to all high school students.

Res 129 - By Council Members Bottcher, Joseph, Brooks-Powers, Ossé, Dinowitz, Marte, Abreu, Farías, Hanif, Hudson, Brewer, Sanchez, Stevens, Schulman, Riley, Menin, Narcisse, Ung, Barron, Restler, De La Rosa, Williams, Krishnan, Nurse, Avilés, Brannan, Gutiérrez, Moya, Hanks, Richardson Jordan, Louis, Won, Powers, Gennaro and Paladino - **Resolution** calling upon the New York City Department of Education to carry out instruction in bicycle safety in all New York City schools.

Council Chambers – City Hall.....1:00 p.m.

Monday, January 30, 2023

Committee on Small Business jointly with the
Committee on Governmental Operations

Julie Menin, Chairperson
Sandra Ung, Chairperson

Int 491 - By Council Members Menin, Abreu, Restler, Sanchez and Narcisse - **A Local Law** to amend the administrative code of the city of New York, in relation to reducing civil penalties where food service establishments donate left over food.

Int 815 - By Council Members Menin, Ung, Brewer and Louis - **A Local Law** to amend the New York city charter and the administrative code of the city of New York, in relation to the rules of construction for unspecified ranges of civil penalties.

Committee Room – City Hall.....1:00 p.m.

Committee on Youth Services jointly with the
Committee on Aging and the
Committee on Contracts

Althea V. Stevens, Chairperson
Crystal Hudson, Chairperson
Julie Won, Chairperson

Oversight - Nonprofit Contracting and the Joint Task Force to Get Nonprofits Paid on Time.

Int 510 - By Council Members Stevens, Restler, Won, Lee, Riley, Williams, Krishnan, Louis, Hudson, Hanif, Brewer, Joseph, Nurse, Farías, Avilés, Menin, Ossé, Ung, Gutiérrez, Richardson Jordan, Abreu, Schulman,

Brannan, Sanchez, De La Rosa and Ayala - **A Local Law** to amend the administrative code of the city of New York, in relation to establishing prevailing wage requirements for city-contracted human service workers.

Int 511 - By Council Members Stevens, Won, Louis, Nurse, Farías, Avilés, Menin, Ossé, Williams, Schulman, Gutiérrez, Richardson Jordan, Restler, Riley, Sanchez and Hudson - **A Local Law** to amend the administrative code of the city of New York, in relation to setting time limits for the procurement process, reporting on agency compliance and developing an online platform for managing procurement.

Int 514 - By Council Members Won, Stevens, Hudson, Brewer, Nurse, Farías, Avilés, Menin, Ossé, Williams, Schulman, Richardson Jordan, Riley, Louis, Sanchez and Ayala - **A Local Law** to amend the administrative code of the city of New York, in relation to a public procurement database.

Council Chambers – City Hall.....1:00 p.m.

Tuesday, January 31, 2023

Committee on Public Housing

Alexa Avilés, Chairperson

Oversight – Examining the Causes of Vacancies In New York City Housing Authority Properties.

Committee Room – City Hall.....10:00 a.m.

Committee on Higher Education jointly with the

Eric Dinowitz, Chairperson

Committee on Veterans

Robert F. Holden, Chairperson

Oversight - Support Services for Student Veterans at The City University of New York.

Committee Room – 250 Broadway, 14th Floor11:00 a.m.

Committee on Parks and Recreation

Shekar Krishnan, Chairperson

Preconsidered Int ____ - By Council Members Abreu, Ariola, Avilés, Ayala, Barron, Borelli, Brannan, Brooks-Powers, Cabán, Carr, De La Rosa, Farías, Feliz, Gutiérrez, Hanks, Holden, Hudson, Richardson Jordan, Joseph, Kagan, Krishnan, Lee, Marte, Menin, Moya, Narcisse, Ossé, Paladino, Powers, Restler, Riley, Rivera, Salamanca, Jr., Sanchez, Schulman, Stevens, Velázquez, Vernikov, Won, The Speaker (Council Member Adams) and Dinowitz - A Local Law in relation to the naming of 127 thoroughfares and public places, Allama Iqbal Avenue, Borough of Queens, Cecelia Owens Cox Way, Borough of Queens, Clifford Glover Road, Borough of Queens, Guru Nanak Way, Borough of Queens, Carmichael Way, Borough of Queens, S.W.A.M. Way, Borough of Queens, Trinidad and Tobago Street, Borough of Queens, Rafael “Monkey” Delgado Way, Borough of Manhattan, Agripina Núñez Way, Borough of Manhattan, Tom Demott Way, Borough of Manhattan, Valentina’s Way, Borough of Queens, Joseph “JoJo” DeToma, Jr. Way, Borough of Queens, Timothy Klein Way, Borough of Queens, Little Bangladesh Way, Borough of Queens, Daniel Defonte Way, Borough of Brooklyn, Carmen Maristany Ward Way, Borough of Manhattan, Edwin Marcial Way, Borough of Manhattan, Matthew Rivera Way, Borough of Manhattan, John Crawford Way, Borough of the Bronx, Kristal Nieves Way, Borough of Manhattan, Saint Cecilia’s Parish Way, Borough of Manhattan, Robert Carter Way, Borough of the Bronx, Eva De La O Way, Borough of Manhattan, Jacolia James Way, Borough of Brooklyn, Juanita Caballero Way, Borough of Brooklyn, Myrtle McKinney Way, Borough of Brooklyn, FDNY Lt. James J. Winters Avenue, Borough of Staten Island, Principal Philip Carollo Way, Borough of Staten Island, John G. Vosilla Drive, Borough of Staten Island, Judge David Frey Way, Borough of Staten Island, Josephine “Pat” Miller Street, Borough of Staten Island, Peter A. Amentas Way, Borough of Brooklyn, St. John’s Episcopal Hospital Way, Borough of Queens, Don E. Smalls, Sr. Way, Borough of Queens, Alvin Benjamin Way, Borough of Queens, Rayquon M. Elliott “Stackbundles” Way, Borough of Queens, Benjamin Wright Jr. Way, Borough of Queens, Reverend Andrew L. Struzzieri Way, Borough of Queens, Wendell S. G. O’Brien Way, Borough of Queens, Lieutenant Alison Russo-Elling Way, Borough of Queens, Little Egypt, Borough of Queens, Vincent “Jimmy” Anthony Navarino Way, Borough of Staten Island, Ismail Qemali Way, Borough of Staten Island, Walter Curro “Supercycles” Way, Borough of Staten Island, Police Officer Emil A. Borg Way, Borough of Staten Island, Victor Aurelio Tapia “Clasico” Way, Borough of Manhattan, NYPD Detective Jason “TATA” Rivera Way, Borough of Manhattan, John Collado Way, Borough of Manhattan, Marie Reid Way, Borough of the Bronx, Glynn Mario Halsey Way, Borough of the Bronx, Sahan Erguder Way, Borough of the Bronx, Mary Mitchell Way, Borough of the Bronx, Jannie Bell Armstrong Way, Borough of the Bronx, Paul Victor Way, Borough of the Bronx, Monsignor John A. Ruvo Way, Borough of the Bronx, Mike Greco Way, Borough of the Bronx, 17 Abdoulie Touray Way, Borough of the Bronx, Andres “Andy” Rodriguez II Street, Borough of Brooklyn,

Detective Wilbert Mora Street, Borough of Brooklyn, Jennifer Gray-Brumskine Way, Borough of Staten Island, Joseph Carroll Way, Borough of Staten Island, Florence & Jack Campbell Way, Borough of Staten Island, Anthony Varvaro Way, Borough of Staten Island, Alafia Rodriguez Way, Borough of Staten Island, Emily Sankewich Way, Borough of Staten Island, Benjamin Prine Way, Borough of Staten Island, Jahade “Panda” Chancey Way, Borough of Staten Island, Rev. James L. Seawood Way, Borough of Staten Island, American Legion Square, Borough of Queens, Max Rosner Way, Borough of Queens, Joyce Quamina’s Way, Borough of Brooklyn, Ruth Logan Roberts Place, Borough of Manhattan, Bishop Samuel Green II Place, Borough of Brooklyn, Jimmy Prince Way, Borough of Brooklyn, Bangladesh Street, Borough of Queens, John Browne Way, Borough of Queens, Asif Rahman Way, Borough of Queens, Sylvia Weprin Way, Borough of Queens, Lt. Robert Cruz Way, Borough of Queens, Morris “Moishe” Cohen Way, Borough of Manhattan, Patrolman John Patrick Flood Way, Borough of Manhattan, Cecil K. Watkins Street, Borough of Queens, Detective Myron Parker Way, Borough of Queens, Firefighter Steven Pollard Way, Borough of Brooklyn, Charles Rogers Way, Borough of Brooklyn, Ethan Zachary Holder Way, Borough of Brooklyn, Kaitlyn Bernhardt Way, Kevin Alves Way, Borough of Brooklyn, Hon. Dr. Albert Vann Way, Borough of Brooklyn, Reverend D.W. Batts Boulevard, Borough of Brooklyn, Police Officer Raymond Harris Way, Borough of Brooklyn, Firefighter, SGT USA Reservist Shawn E. Powell Way, Borough of Brooklyn, Rev. Dr. Samuel B. Joubert Sr. Street, Borough of Queens, Patrolman William E. McAuliffe Way, Borough of Manhattan, FDNY Deputy Chief Vinny Mandala Way, Borough of Brooklyn, Virgil and Claudia Bell Way, Borough of Brooklyn, Willie Winfield Way, Borough of Brooklyn, Walter Burgin Way, Borough of the Bronx, Mary Jean Jefferson Lane, Borough of the Bronx, Sarah P. Turner Lane, Borough of the Bronx, Louise Barnes Jackson Way, Borough of the Bronx, Frank Pesce Way, Borough of Manhattan, Pedro Luis Laspina Way, Borough of the Bronx, Father Louis R. Gigante Way, Borough of the Bronx, Fort Apache Youth Center Way, Borough of the Bronx, El Condado de la Salsa Way, Borough of the Bronx, Cornell ‘Black Benjie’ Benjamin Way, Borough of the Bronx, Joseph Bastone Way, Borough of the Bronx, Dave Valentin Way, Borough of the Bronx, Héctor Luis Márquez Way, Borough of the Bronx, Angellyh Marieh Yambo Way, Borough of the Bronx, Thomasina Bushby Way, Borough of the Bronx, Rabbi Moshe Neuman Way, Borough of Queens, Rev. O. L. Sutton, Sr. Way, Borough of the Bronx, Leroy Meyers Way, Borough of the Bronx, Side Street Way, Borough of the Bronx, Alissa Kolenovic Way, Borough of the Bronx, James McQuade Way, Borough of the Bronx, Richard DePierro Way, Borough of the Bronx, Salvatore Triscari Way, Borough of the Bronx, Eddie Kay Way, Borough of Brooklyn, Benjamin W. Schaeffer Way, Borough of Brooklyn, Moshe Berkowitz Way, Borough of Brooklyn, Dr. Bhim Rao Ambedkar Way, Borough of Queens, Prodigy Way, Borough of Queens, The Most Honorable Elijah Muhammad Way, Borough of Manhattan, Bill Stone Way, Borough of the Bronx and the repeal of sections 31, 35, 42 and 194 of local law number 54 for the year 2022 and sections 16, 21, 24, 25, 27, 28, 55 and 56 of local law number 81 for the year 2022.

Council Chambers – City Hall.....1:00 p.m.

Wednesday, February 1, 2023

Committee on Health

Lynn C. Schulman, Chairperson

Oversight – NYC’s Efforts to Address the Growing Diabetes Epidemic.

Int 675 - By Council Members Hudson, Louis, Restler, Hanif, Brewer, Sanchez, Velázquez, Barron, Stevens, Avilés, Won, Krishnan, Gutiérrez, Narcisse, De La Rosa, Abreu, Ossé, Cabán, Nurse, Joseph, Bottcher, Lee, Brooks-Powers, Ung, Brannan, Riley, Williams, Powers, Farías and Schulman (by request of the Manhattan Borough President) - **A Local Law** in relation to requiring the department of health and mental hygiene to create a telemedicine accessibility plan.

Int 687 – By Council Members Powers, Schulman, Narcisse, Ung, Brooks-Powers, Ayala, Hudson, Brewer, Abreu, De La Rosa, Velázquez, Bottcher, Menin, Holden, Restler, Gutiérrez, Brannan, Riley Lee, Gennaro, Louis, Nurse, Joseph, Sanchez, Williams, Marte, Cabán, Krishnan, Hanks, Barron, Farías, Avilés, Richardson Jordan, Dinowitz and Feliz (in conjunction with the Bronx Borough President) (by request of Manhattan Borough President) – **A Local Law** to amend the administrative code of the city of New York, in relation to requiring added sugar notifications for menu items in chain restaurants.

Committee Room – City Hall.....10:00 a.m.

Thursday, February 2, 2023

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 Council was reviewing the details of the Mayor’s Preliminary Budget for Fiscal Year 2024 in order to prepare a more comprehensive response and to prepare for oversight hearings on agency budgets. She reiterated that the budget outlook put forward in the Mayor’s November 2022 Financial Plan, which remained largely intact in this preliminary budget, was found unacceptable to the Council as not being in the best interests of the city. The Speaker (Council Member Adams) spoke of prioritizing investments which would maintain essential services for all New Yorkers. As part of the budget oversight process, she noted that the Council would examine the efficiencies of current city spending as well as the problems brought about by ongoing city agency staffing challenges which was hindering the delivery of these essential services.

The Speaker (Council Member Adams) spoke of the City’s approach in helping both asylum seekers and long-time New Yorkers who faced similar challenges in the homeless shelter and social service systems. She reiterated that more funding and coordinating support from the federal government was needed to address these problems including solutions to expedite work authorizations. She also acknowledged that New York City had an obligation to address these challenges with policies and services within its own control. She referred to the recent release of an important report by the Council that proposed various solutions through legislation and other means.

The Speaker (Council Member Adams) acknowledged that the life and legacy of Reverend Dr. Martin Luther King, Jr. was celebrated on Monday, January 16, 2023. She noted that as the country celebrated Dr. King and his message of love, the city had experienced several acts of hate which needed to be condemned. She condemned the homophobic and transphobic messages and vandalism relating to drag story hour directed at Council Member Krishnan and his family in front of their home. She also condemned the anti-Semitic graffiti found at Forest Park in Council Member Schulman’s district. She noted that such acts of hate targeting the city’s Jewish communities was especially harmful with the approach of International Holocaust Remembrance Day on January 27, 2023. On this day of remembrance, the memory of millions of Jewish people and other victims who were murdered during the Holocaust is honored and commemorated.

The Speaker (Council Member Adams) acknowledged that January 15th marked Founders Day for the Sisters of Alpha Kappa Alpha Sorority Incorporated. She noted that 2023 was the Sorority’s 115th year of service and sisterhood. She wished a Happy Founders Day to her sorority sister Council Member Farias and to all her sorority sisters across the country and the world.

The Speaker (Council Member Adams) acknowledged that January 22nd marks the start of the Lunar New Year. She noted that 2023 would be celebrated as the Year of the Rabbit symbolizing longevity, peace, and positivity. She further acknowledged that she had recently hosted a Lunar New Year celebration with Council Members Ung, Lee, and Won in the Council Chambers. The Speaker (Council Member Adams) wished a happy, healthy, and prosperous Lunar New Year to all New Yorkers celebrating.

The Speaker (Council Member Adams) acknowledged that Roe v. Wade Day would be observed on January 22nd. She noted that 2023 would have been the 50th anniversary of the *Roe v. Wade* decision if the U.S. Supreme Court had not overturned the legal right to safe, reproductive healthcare in 2022. She also acknowledged the safeguarding of abortion rights and the expanded access to abortion that was brought about by the passage of the New York City Abortion Rights Act.

The Speaker (Council Member Adams) acknowledged that the month of January marks National Human Trafficking Prevention Month when awareness is raised concerning human trafficking. She noted that it was also the time to highlight the efforts to combat this problem and to empower and support the survivors. She added that 27.6 million people around the world were subjected to human trafficking according to the U.S. State Department.

Whereupon on motion of the Speaker (Council Member Adams), the Majority Leader and Acting President Pro Tempore (Council Member Powers) adjourned these proceedings to meet again for the Stated Meeting of Thursday, February 2, 2023.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

*Editor's Local Law Note: Int. Nos. 76-A, 658-A, 696, 698-A, and 759-B, all adopted at the December 7, 2022 Stated Meeting, were **returned unsigned by the Mayor** on January 10, 2023. These items had become law on January 7, 2023 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Laws Nos. 1 to 5 of 2023, respectively.*

