

## **THE COUNCIL**

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*Minutes of the Proceedings for the*  
**STATED MEETING**  
*of*  
Thursday, July 13, 2023, 2:38 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	Robert F. Holden	Kristin Richardson Jordan
Diana I. Ayala	Crystal Hudson	Kevin C. Riley
Charles Barron	Rita C. Joseph	Carlina Rivera
Joseph C. Borelli	Ari Kagan	Rafael Salamanca, Jr
Erik D. Bottcher	Shekar Krishnan	Pierina Ana Sanchez
Justin L. Brannan	Linda Lee	Lynn C. Schulman
Gale A. Brewer	Farah N. Louis	Althea V. Stevens
Selvena N. Brooks-Powers	Christopher Marte	Sandra Ung
Tiffany Cabán	Darlene Mealy	Marjorie Velázquez
David M. Carr	Julie Menin	Inna Vernikov
Carmen N. De La Rosa	Francisco P. Moya	Nantasha M. Williams
Eric Dinowitz	Mercedes Narcisse	Julie Won
Amanda Farías	Sandy Nurse	Kalman Yeger
Oswald Feliz	Chi A. Ossé	
James F. Gennaro	Vickie Paladino	

Absent: Council Member Hanks.

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

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

*There were 50 Council Members marked present at this Stated Meeting held in the Council Chambers at City Hall, New York, N.Y. (including Council Members Avilés, Ayala, Brooks-Powers, Holden, Hudson, Marte, Menin, and Velázquez).*

### INVOCATION

The Invocation was delivered by Reverend Dr. Charles Oliver Galbreath, Senior Pastor, Clarendon Road Church located at 3304 Clarendon Road, Brooklyn, N.Y. 11203.

Let us look to God.

God of our weary tears, God of our silent tears,

God who has brought us thus far along the way,

God of us all, we thank you and honor you for this day.

We pray that you would endow us

with your power, presence, and protection.

Cast your caring eye on this Council,

its Members, their family, and Staff.

We pray that you would bless each Member and their Staff

with wisdom, justice, mercy, and love.

Rest your radiating gaze not just upon them

but all of New York City and all of your people.

Now God, help us in the words of Proverbs

to speak up for those who cannot speak for themselves,

for the rights of those who are destitute.

Help us to speak up and to judge fairly,

to defend the rights of the poor and the needy.

Help us in the words of Dr. King

to not merely be thermometers

that record the ideas and principles of popular opinion

but rather thermostats that transfer the mores of society.

God, please remind us that our budgets are moral documents.

Help us in the words of Jesus to proclaim good news to the poor,

freedom to the captives, recovery of sight to the blind,

and freedom to the oppressed.

God, while our City faces challenges,

we also know that the challenges may be great but God is also great.

Where there is sickness, would there be a healing?

Where there is violence, would you show up as the Prince of Peace?

Where there is financial uncertainty,

would you show up as a God who provides?

Where there are those who are in need,

would you show up as a rock in a weary land?

We pray, God, that you would anoint our heads with oil.

We declare that our latter shall be greater than our past,

and we declare that no weapon formed against us shall prosper,

and as I say in Brooklyn, point blank, period.

We lift this up in respect to all the various religious traditions

and those who do not share religious traditions,

but I, personally, pray this in Jesus' name.

Amen and Amen.

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

**ADOPTION OF MINUTES**

Council Member Gutiérrez moved that the Minutes of the Stated Meetings of June 8, 2023 and June 22, 2023 be adopted as printed.

**LAND USE CALL-UPS**

M-171

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 action of the City Planning Commission on Uniform Land Use Review Procedure application C 230238 ZSM (Madison Square Garden Special Permit) 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** – Ariola, Avilés, Ayala, Barron, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, Carr, De La Rosa, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Holden, Hudson, Joseph, Kagan, Krishnan, Lee, Louis, Marte, Mealy, Menin, Narcisse, Nurse, Ossé, Paladino, Restler, Richardson Jordan, Riley, Rivera, Salamanca, Sanchez, Schulman, Stevens, Ung, Vernikov, Williams, Won, Yeger, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **47**.

*Present, Not Voting:* Abreu, Moya, and Velázquez.

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 Civil Service and Labor**

Report for Int. No. 645-B

**Report of the Committee on Civil Service and Labor in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to civil service examinations for justice-involved individuals.**

The Committee on Civil Service and Labor, to which the annexed proposed amended local law was referred on September 14, 2022 (Minutes, page 2126), respectfully

**REPORTS:****I. INTRODUCTION**

On July 13, 2023, the Committee on Civil Service and Labor, chaired by Council Member Carmen De La Rosa, will consider Introduction Number 645-B-2022 (Int. No. 645-B), a local law to amend the administrative code of the city of New York, in relation to civil service examinations for justice-involved individuals. The committee previously heard testimony regarding this legislation on October 26, 2022, during a hearing held jointly with the Committee on Governmental Operations, chaired by Council Member Sandra Ung. At the hearing, the Committees heard testimony from representatives of the Department of Citywide Administrative Services (DCAS), municipal labor unions, and other members of the public. On July 13, 2023, the Committee on Civil Service and Labor passed Int. No. 645-B with eight votes in the affirmative, zero votes in the negative, and zero abstentions.

**II. ANALYSIS OF LEGISLATION****Int. No. 645-B**

This bill would require the Commissioners of Correction and of Citywide Administrative Services (the Commissioners) to administer civil service exams in City correctional facilities. The Commissioners would be required to offer civil service exams to incarcerated individuals that meet the minimum qualifications required to sit for a civil service exam whenever the exam is offered to the public.

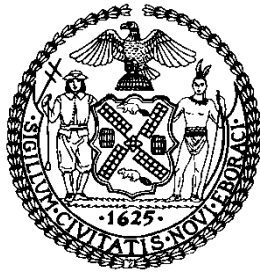
To support justice-involved individuals' ability to take civil service exams, this bill would impose a number of additional requirements. It would require the Department of Correction (DOC) to consult with the Department of Citywide Administrative Services (DCAS) to provide exam preparation programming to incarcerated individuals, which would include guided instruction, study materials, practice tests and civil service employment application counseling.

In addition, this bill would authorize DCAS to waive the civil service exam fee for any incarcerated individual or any individual enrolled in reentry services or incarceration alternative services provided by an organization contracted with the Office of Criminal Justice (OCJ). This bill would require DCAS to provide written information and conduct presentations regarding civil service exams and the appointment process to all individuals in DOC custody, as well as to provide such written information to OCJ for distribution to organizations under contract with OCJ to provide reentry services or incarceration alternative services, and to coordinate with such organizations to conduct such presentations. In connection with these requirements, this bill would require OCJ to coordinate with DCAS to forward all civil service exam announcements to such organizations.

Finally, this bill would require DCAS to report annually regarding civil service exams for justice-involved individuals, including the number of incarcerated individuals and individuals enrolled in reentry or incarceration alternative services who participated in City-provided exam preparation programming or took a civil service exam in the prior year.

Since its introduction, this bill was amended to provide that DOC and DCAS shall administer civil service exams at the city's borough-based jails no later than upon the closure of city correctional facilities located on Rikers Island, scheduled for August 31, 2027. Furthermore, the bill was amended to authorize DCAS to waive examination fees for any individuals who are currently incarcerated, or for individuals who apply for an exam who were released from custody at a correctional facility within the past 12 months. Finally, the bill received technical edits.

**(The following is the text of the Fiscal Impact Statement for Int. No. 645-B:)**



**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: 645-B**

**COMMITTEE: Civil Service and Labor**

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to civil service examinations for justice-involved individuals.

**SPONSOR(S):** By The Speaker (Council Member Adams) and Council Members Louis, Brewer, Sanchez, Restler, Won, Hanif, Farías, Narcisse, Avilés, Brooks-Powers and Dinowitz.

**SUMMARY OF LEGISLATION:** This bill would require the Commissioner of Citywide Administrative Services to collaborate with the Commissioner of the Department of Correction to administer civil service examinations for individuals incarcerated for a period of 10 days or longer in Borough-Based Jails. This bill would authorize the Department of Citywide Administrative Services (DCAS) to waive the examination fee for any individual who sits for a civil service examination while incarcerated, or within the year following their release from the custody of the Department of Correction (DOC). Additionally, this bill would require DCAS and DOC, including the Mayor's Office of Criminal Justice, to coordinate in administering informational programming about the civil service examination system to justice-involved individuals. Finally, this bill would require annual reporting in relation to participation among justice-involved individuals in civil service examinations and related programming.

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

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY24</b>	<b>FY Succeeding Effective FY25</b>	<b>Full Fiscal Impact FY25</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	(See Below)	(See Below)	(See Below)
<b>Net</b>	(See Below)	(See Below)	(See Below)

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

**IMPACT ON EXPENDITURES:** According to a December 2020 report, the average cost to the City to administer an exam is \$192 per exam. Given that that this bill authorizes the waiving of fees for the target population, the City would likely incur this cost. The number of individuals incarcerated at any given time fluctuates and will change as the City moves to the Borough-Based Jails system. As of the Preliminary Mayor's Management Report, there was an average daily population of 5,559 in Department of Correction facilities in Fiscal Year 2022 and 17,803 admissions in the same period. Given these numbers, it is estimated that the cost to administer the exam would range from \$50,000-\$350,000 for the first year. This cost should decrease in subsequent years, as we anticipate the size of the incarcerated population in the city to decline and for there to be a drop after an initial spike in exam uptake. There are other potential costs that are not possible to estimate currently, such as the necessary IT buildout at Borough-Based Jails and the logistics of administering physical exams, such as those used for sanitation positions. It is estimated that there will be no current need for more budgeted positions at DCAS or DOC as result of this legislation, although the need may arise in the future.

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

**SOURCE OF INFORMATION:** New York City Council Finance Division

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

**ESTIMATE REVIEWED BY:** Aliya Ali, Unit Head, NYC Council Finance Division  
Chima Obichere, 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 introduced to the full Council on September 14, 2022, as Intro. 645 and referred to the Committee on Civil Service and Labor (Committee). The legislation was jointly considered by the Committee on Civil Service and Labor and the Committee on Governmental Operations on October 26, 2022, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. 645-B, will be considered by the Committee on July 13, 2023. Upon successful vote by the Committee, Proposed Intro. No. 645-B will be submitted to the full Council for a vote on July 13, 2023.

**DATE PREPARED:** July 12, 2023.

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

**(The following is the text of Int. No. 645-B:)**

## Int. No. 645-B

By The Speaker (Council Member Adams) and Council Members Louis, Brewer, Sanchez, Restler, Won, Hanif, Fariás, Narcisse, Avilés, Brooks-Powers, Dinowitz, Rivera and Joseph.

**A Local Law to amend the administrative code of the city of New York, in relation to civil service examinations for justice-involved individuals**

*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 9-164 to read as follows:

§ 9-164 *Civil service examinations.* a. *The commissioner of citywide administrative services, in collaboration with the commissioner, shall administer civil service examinations for individuals incarcerated for a period of 10 days or longer in any city correctional facility. The commissioner of citywide administrative services, in consultation with the commissioner, shall determine the location of the administration of such examinations. Any such individual who meets the minimum qualifications required to sit for a civil service examination shall be permitted to take such examination, absent any significant overriding security concern or exigent circumstances, provided that such individual shall be offered a makeup examination when such concern or circumstances are no longer present. The department shall make available study materials and practice examinations, as practicable, to such individuals.*

b. *The commissioner, in collaboration with the commissioner of citywide administrative services, shall make available information regarding civil service examinations to individuals incarcerated for a period of 10 days or longer in any city correctional facility, including basic or introductory civil service information sessions; information regarding the examination process, including how to apply for an examination; and any existing schedule of civil service examinations.*

c. *The department shall make available for individuals incarcerated for a period of 10 days or longer in any city correctional facility written information related to in-person assistance sessions at borough-based civil service examination testing centers, including information regarding individual examination applications and civil service examinations. Such information shall also be made available to such individuals upon release from the custody of the department.*

§ 2. Chapter 2 of title 12 of the administrative code of the city of New York is amended by adding a new section 12-215 to read as follows:

§ 12-215 *Civil service examinations for justice-involved individuals.* a. *Definitions. For purposes of this section, the term “justice-involved individual” means an individual who has been arrested, prosecuted, or incarcerated.*

b. *The commissioner, in collaboration with the commissioner of correction, shall make available information regarding the city’s administration of civil service examinations to individuals incarcerated for a period of 10 days or longer in any city correctional facility. Such information shall include basic or introductory civil service information sessions; information regarding the examination process, including how to apply for an examination; and any existing schedule of civil service examinations. The department shall conduct presentations with information regarding civil service examinations and the appointment process to such individuals quarterly.*

c. *The department may offer to waive the fee for a civil service examination for any individual who sits for such examination while incarcerated in a city correctional facility and for any individual who applies for such examination during the 12-month period after being released from the custody of the department of correction.*

d. *The department shall coordinate with the office of criminal justice and city-contracted programs that serve justice-involved individuals to conduct presentations and make written materials available for individuals enrolled in such services. Such presentations and materials shall contain information regarding civil service examinations and the civil service appointment process.*

e. *No later than January 31, 2025, and annually thereafter, the commissioner, in collaboration with the commissioner of correction and the coordinator of criminal justice, shall submit to the mayor and the speaker of the council and shall post conspicuously on the department’s website an annual report regarding any civil*

service examinations administered pursuant to subdivision a of section 9-164 and related programming administered pursuant to this section. Each such report shall include the following information for the previous fiscal year, when applicable and not otherwise prohibited by law:

1. The number of individuals who sat for a civil service examination while incarcerated in a city correctional facility, disaggregated by the corresponding civil service title;
2. The number of individuals who sat for a civil service examination within 12 months of release from the custody of the department of correction, disaggregated by the corresponding civil service title;
3. The number of individuals who participated in a civil service examination information session while incarcerated in a city correctional facility;
4. The number of individuals enrolled in a city-contracted program that serves justice-involved individuals who sat for a civil service examination, disaggregated by the corresponding civil service title; and
5. The number of individuals enrolled in a city-contracted program that serves justice-involved individuals who attended a civil service examination information session.

§ 3. Chapter 3 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-312 to read as follows:

§ 9-312 Civil service examinations. a. Definitions. For purposes of this section, the term “justice-involved individual” means an individual who has been arrested, prosecuted, or incarcerated.

b. The office shall provide all city-contracted programs that serve justice-involved individuals with information regarding civil service examinations administered by the department of citywide administrative services and information regarding the civil service appointment process. The office, in coordination with the department of citywide administrative services, shall immediately forward all civil service examination announcements to such contracted programs upon receipt of information regarding such civil service examinations from such department.

§ 4. This local law takes effect 180 days after it becomes law, except that subdivision a of section 9-164, as added by section one of this local law, shall apply only to individuals incarcerated in city correctional facilities after the city correctional facilities located on Rikers Island are no longer in active use for the housing of incarcerated individuals.

CARMEN N. De La ROSA, *Chairperson*; ERIK D. BOTTCHER, TIFFANY CABÁN, ERIC DINOWITZ, OSWALD FELIZ, KAMILLAH HANKS, RITA C. JOSEPH, JULIE MENIN, FRANCISCO P. MOYA, SANDY NURSE; 8-0-0; *Absent*: Oswald Feliz and Kamillah Hanks; Committee on Civil Service and Labor, July 13, 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 Criminal Justice**

Report for Int. No. 887-B

**Report of the Committee on Criminal Justice 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 reporting on gender identity of persons in the custody of the department of correction.**

The Committee on Criminal Justice, to which the annexed proposed amended local law was referred on January 19, 2023 (Minutes, page 277), respectfully

**REPORTS:**



## I. INTRODUCTION

On July 13, 2023, the Committee on Criminal Justice, chaired by Council Member Carlina Rivera, voted on Proposed Introduction Number 887-B (“Proposed Int. No. 887-B”), related to reporting on gender identity of persons in the custody of the Department of Correction. The measure passed unanimously by a vote of 8-0. On January 25, 2023, the Committee held a hearing on a prior version of this bill and heard testimony from the New York City Department of Correction (“DOC” or “Department”), Correctional Health Services, the Mayor’s Office for Equity, the Commission on Gender Equity, legal services providers, advocacy groups and organizations, and other interested stakeholders.

## II. BACKGROUND

In New York City, DOC provides for the care, custody and control of persons accused of crimes, or convicted and sentenced to one year or less of jail time.<sup>1</sup> The Department manages ten correctional facilities, eight of which are located on Rikers Island, a jail barge, and a hospital prison ward.<sup>2</sup> As of June 5, 2023, there are 6,046 people incarcerated in New York City jails.<sup>3</sup> During the third quarter of FY2023, 58.3 percent of detainees identified as Black, 30.6 percent as Hispanic, 5.7 percent as white, 3.6 percent as Other, and 1.8 percent as Asian.<sup>4</sup> Approximately six percent of detainees identified as women, and less than one percent identified as transgender, gender nonconforming, non-binary, or intersex (“TGNCNBI”).<sup>5</sup> As per DOC Directive 4498R-A, “persons shall be housed in the facility consistent with their gender identity, absent overriding concerns for the detained person’s safety.”<sup>6</sup>

In the United States (U.S.), LGBTQNBI+ individuals, especially trans people and queer women, are overrepresented at every stage of our criminal justice system.<sup>7</sup> Just as transgender people in the U.S. face persistent and pervasive discrimination and violence,<sup>8</sup> the Bureau of Justice Statistics reports that about 34 percent of transgender individuals held in prisons and jails report experiencing at least one incident of sexual violence while behind bars, which is more than eight times the rate for prisoners overall.<sup>9</sup> According to the New York Civil Liberties Union, a recent survey found that approximately 95 percent of transgender and non-binary individuals incarcerated in New York State report being verbally harassed and called derogatory names by corrections staff.<sup>10</sup>

In New York City, in 1979, DOC opened the country’s first separate housing unit for LGBT individuals in custody.<sup>11</sup> While the unit was initially lauded as a success,<sup>12</sup> it was closed in 2005 due to concerns about violence.<sup>13</sup> In November 2014, former DOC Commissioner Joe Ponte announced a new DOC policy on

<sup>1</sup> “Facilities Overview.” New York City Department of Correction, <https://www1.nyc.gov/site/doc/about/facilities.page>

<sup>2</sup> *Id.*

<sup>3</sup> People in Jail in New York City: Daily Snapshot, <https://greaterjusticenyc.vera.org/nycjail/>

<sup>4</sup> “Population Demographics Report – FY2023 Q3,” [https://www.nyc.gov/assets/doc/downloads/pdf/Population\\_Demographics\\_FY23\\_Q3.pdf](https://www.nyc.gov/assets/doc/downloads/pdf/Population_Demographics_FY23_Q3.pdf)

<sup>5</sup> *Id.*

<sup>6</sup> Ashe McGovern, Deborah Lolai, Dori Lewis, Kandra Clark, Mik Kinkead, and Shéar Avory, “First Report of the Task Force on Issues Faced by TGNCNBI People in Custody (August 15, 2022), available at: <https://www.nyc.gov/assets/boc/downloads/pdf/Jail-Regulations/FINAL-REPORT-of-the-TASK-FORCE-081522.pdf>

<sup>7</sup> Alexi Jones, Visualizing the Unequal Treatment of LGBTQ people in the Criminal Justice System (Mar. 2, 2021), available at <https://www.prisonpolicy.org/blog/2021/03/02/lgbtq/>.

<sup>8</sup> UCLA Williams Institute, *Violence and Law Enforcement Interactions with LGBT People in the US* (Mar. 2020), <https://williamsinstitute.law.ucla.edu/publications/violence-law-lgbt-us/>

<sup>9</sup> Allen J. Beck, et al, Sexual Victimization in Prisons and Jails Reported by Inmates, 2011-12-Update, available at <https://bjs.ojp.gov/library/publications/sexual-victimization-prisons-and-jails-reported-inmates-2011-12-update>

<sup>10</sup> NYCLU, *Protect trans New Yorkers in Jails and Prisons* (2022), available at [https://www.nyclu.org/sites/default/files/field\\_documents/2022-nyclu-protecttranspljailsprisons-onepager.pdf](https://www.nyclu.org/sites/default/files/field_documents/2022-nyclu-protecttranspljailsprisons-onepager.pdf).

<sup>11</sup> <https://epgn.com/2020/03/04/our-history-our-future-in-1979-rikers-island-gave-gay-prisoners-hope/>

<sup>12</sup> <https://epgn.com/2020/03/04/our-history-our-future-in-1979-rikers-island-gave-gay-prisoners-hope/>

<sup>13</sup> Paul von Zielbauer, New York Set to Close Jail Unit for Gays (Dec. 30, 2005), available at <https://www.nytimes.com/2005/12/30/nyregion/new-york-set-to-close-jail-unit-for-gays.html>; Jason Villamez, In 1979, Rikers Island Gave Gay Prisoners Hope (Mar. 4, 2020), available at <https://epgn.com/2020/03/04/our-history-our-future-in-1979-rikers-island-gave-gay-prisoners-hope/>.

alternative housing options for transgender individuals in custody in NYC<sup>14</sup> to address the disproportionate rates of violence, rape and harassment against TGNCNBI individuals in custody,<sup>15</sup> as well as plans to open a Transgender Housing Unit (THU) on Rikers Island.<sup>16</sup> While housing in the THU remained strictly voluntary, the THU was moved from Riker’s Island to the Manhattan Detention Complex in July 2015, after the Rikers location was closed for renovations.<sup>17</sup> In October 2019, the THU was renamed the Special Considerations Unit (SCU) due to a new DOC policy.<sup>18</sup> At present, the SCU has been moved back to Rikers Island. Individuals who identify as TGNCNBI during intake—or at any other time—are provided with an application form for the SCU.<sup>19</sup> Outside of the SCU, the alternative housing options for TGNCNBI individuals in DOC custody are general population, program-specific housing, or protective custody.<sup>20</sup>

In response to the death of the death of Layleen Xtravaganza Cubilette-Polanco, a transgender woman of color who died at Rikers Island after DOC staff reportedly failed to provide her with medical care following an epileptic seizure,<sup>21</sup> the City Council passed Local Law 145 of 2019, requiring the Board of Correction (BOC), the independent oversight agency for the NYC jail system, to convene a TGNCNBI Task Force comprised of government and community representatives to provide recommendations related to the treatment of TGNCNBI individuals in DOC custody.<sup>22</sup> Following a series of COVID-related delays,<sup>23</sup> the Task Force’s first report was released on August 15, 2022.<sup>24</sup> In its 146-page report, the Task Force outlines alleged failures by NYC jails to adequately care for TGNCNBI individuals.<sup>25</sup> According to the TGNCNBI Task Force’s analysis, approximately 63 percent of individuals at Rikers who have self-identified to DOC as TGNCNBI were in gender-misaligned housing in 2022.<sup>26</sup>

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<sup>14</sup> NYC Department of Corrections, Press Release: DOC Opens New Housing Unit for Transgender Women on Rikers Island (Nov. 18 2014), available at [https://www.nyc.gov/html/doc/downloads/pdf/press/DOC\\_OPENS\\_NEW\\_HOUSING\\_UNIT.pdf](https://www.nyc.gov/html/doc/downloads/pdf/press/DOC_OPENS_NEW_HOUSING_UNIT.pdf).

<sup>15</sup> Christopher Mathias, New York’s Largest Jail To Open Housing Unit For Transgender Women (Nov. 18, 2014), available at [https://www.huffpost.com/entry/rikers-transgender-women\\_n\\_6181552](https://www.huffpost.com/entry/rikers-transgender-women_n_6181552)

<sup>16</sup> NYC Department of Corrections, Press Release: DOC Opens New Housing Unit for Transgender Women on Rikers Island (Nov. 18 2014), available at [https://www.nyc.gov/html/doc/downloads/pdf/press/DOC\\_OPENS\\_NEW\\_HOUSING\\_UNIT.pdf](https://www.nyc.gov/html/doc/downloads/pdf/press/DOC_OPENS_NEW_HOUSING_UNIT.pdf).

<sup>17</sup> Mira Wassef, “Transgender inmates and jails: How to get into city’s only special housing unit,” SI Live (May 17, 2017), available at: [https://www.silive.com/news/2017/05/transgender\\_rikers.html](https://www.silive.com/news/2017/05/transgender_rikers.html)

<sup>18</sup> *Id.*

<sup>19</sup> *Supra Note 7*

<sup>20</sup> *Id.*

<sup>21</sup> NYC Board of Correction, The Death of Layleen Xtravaganza Cubilette-Polanco 1991-2019 (Jun. 23, 2020), available at [https://www1.nyc.gov/assets/boc/downloads/pdf/Reports/BOC-Reports/2020.06\\_Polanco/Final\\_Polanco\\_Public\\_Report\\_1.pdf](https://www1.nyc.gov/assets/boc/downloads/pdf/Reports/BOC-Reports/2020.06_Polanco/Final_Polanco_Public_Report_1.pdf).

<sup>22</sup> New York City Council, Local Law 45 of 2019, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3923931&GUID=94F7EE69-D9E4-45D2-8A98-A67C055EAE20&Options=ID|Text|&Search=145> (explaining the TF is required to issue its first report within one year of convening)

<sup>23</sup> New York City Council, Local Law 45 of 2019, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3923931&GUID=94F7EE69-D9E4-45D2-8A98-A67C055EAE20&Options=ID|Text|&Search=145> (explaining the TF is required to issue its first report within one year of convening)

<sup>24</sup> *Supra Note 7*; New York City Council, Local Law 45 of 2019, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3923931&GUID=94F7EE69-D9E4-45D2-8A98-A67C055EAE20&Options=ID|Text|&Search=145> (explaining that, as required by Local Law 145 of 2019, the task force includes individuals from DOC, Correctional Health Services (CHS), the Commission on Human Rights (CCHR), the Mayor’s Office to End Domestic and Gender-Based Violence (ENDGBV), the NYC Unity Project or similar organization, the City Council, as well formerly incarcerated individuals; individual(s) formerly or currently incarcerated in the transgender housing unit, to the extent practicable; at least one service provider that addresses transgender, gender nonconforming, non-binary, and intersex individuals in custody; and at least one representative from a local or national organization that addresses issues related to transgender, gender nonconforming, non-binary, and intersex individuals).

<sup>25</sup> *Supra Note 7*

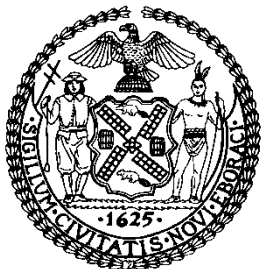
<sup>26</sup> Ashe McGovern, Deborah Lolai, Dori Lewis, Kandra Clark, Mik Kinkead, and Shéar Avory, “First Report of the Task Force on Issues Faced by TGNCNBI People in Custody (August 15, 2022), available at: <https://www.nyc.gov/assets/boc/downloads/pdf/Jail-Regulations/FINAL-REPORT-of-the-TASK-FORCE-081522.pdf>

### III. Prop. Int. No. 887-B

In 2022, the TGNCNBI Task Force was informed by DOC that the majority of the TGNCNBI people in custody were not housed according to their gender identities.<sup>27</sup> This bill would require DOC to report on a quarterly basis information related to individuals in DOC custody whose gender identity is different from the sex assigned to the individual at birth, including, but not limited to, transgender, gender nonconforming, non-binary, or intersex. DOC would be required to report information regarding such individuals' housing placements, denials of requests for housing most closely aligns with a person's gender identity, and involuntary transfers from housing most closely aligns with a person's gender identity.

Since introduction, this bill has been amended to more accurately define transgender, gender nonconforming, non-binary, and intersex individuals. The bill was also amended to define "harassment," "discrimination," and "violence" and require reporting on verbal or written allegations, complaints, or reports by TGNCNBI individuals in DOC custody as a result of experiencing violence, harassment, or discrimination. The reporting requirement was changed to include the total numbers of individuals and the average daily population, and frequency was reduced from a monthly to a quarterly basis. Categories in the report that contain fewer than 5 persons shall be replaced with a symbol; this was amended from 10 in the bill as introduced. The effective date was changed to September 1, 2023.

(The following is the text of the Fiscal Impact Statement for Int. No. 887-B:)



THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
TANISHA EDWARDS, CHIEF FINANCIAL OFFICER AND  
DEPUTY CHIEF OF STAFF TO THE SPEAKER  
RICHARD LEE, DIRECTOR  
FISCAL IMPACT STATEMENT

PROPOSED INT. 887-B

COMMITTEE: Criminal Justice

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to reporting on gender identity of persons in the custody of the department of correction.

**Sponsors:** Public Advocate (Mr. Williams) and Council Members Rivera, Cabán, Hudson, Louis, Restler, Abreu, Richardson Jordan, Brewer, Avilés and Nurse.

**SUMMARY OF LEGISLATION:** This bill would require the Department of Correction (DOC) to report on a quarterly basis information related to individuals in DOC custody whose gender identity is different from the sex assigned to the individual at birth, including, but not limited to, transgender, gender nonconforming, non-binary, or intersex. DOC would be required to report information regarding such individuals' housing placements, denials of requests for housing most closely aligned with a person's gender identity, and involuntary transfers from housing most closely aligned with a person's gender identity.

**EFFECTIVE DATE:** This local law takes effect on September 1, 2023.

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

<sup>27</sup> *Supra* Note 7

**FISCAL IMPACT STATEMENT:**

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

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

**Impact on Expenditures:** It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation as the agency responsible for carrying out its requirements would use existing resources to fulfill the requirements of this legislation.

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

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

**ESTIMATE PREPARED BY:** Casey Lajszky, Financial Analyst

**ESTIMATE REVIEWED BY:** Jonathan Rosenberg, Managing Director  
Kathleen Ahn, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 887 on January 19, 2023 and was referred to the Committee on Criminal Justice (Committee). A joint hearing was held by the Committee and the Committee on Women and Gender Equity on January 25, 2023, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. 887-B, will be considered by the Committee on Criminal Justice on July 13, 2023. Upon a successful vote by the Committee, Proposed Int. 887-B will be submitted to the full Council for a vote on July 13, 2023.

**DATE PREPARED:** JULY 11, 2023.

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

**(The following is the text of Int. No. 887-B:)**

Int. No. 887-B

By the Public Advocate (Mr. Williams) and Council Members Rivera, Cabán, Hudson, Louis, Restler, Abreu, Richardson Jordan, Brewer, Avilés, Nurse and Narcisse.

**A Local Law to amend the administrative code of the city of New York, in relation to reporting on gender identity of persons 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 9-165 to read as follows:

*§ 9-165 Reporting on gender identity. a. Definitions. As used in this section, the following terms have the following meanings:*

*Department. The term “department” means the department of correction.*

*Discrimination.* The term “discrimination” means the act of making unfair or prejudicial distinctions between people based on the groups, classes, identities, or other categories to which they belong or are perceived to belong.

*Gender identity.* The term “gender identity” means a person’s sense of their own gender which may be the same as or different from their sex assigned at birth.

*Gender nonconforming.* The term “gender nonconforming” means a person whose gender expression differs from gender stereotypes, norms, and expectations in a given culture or historical period.

*Harassment.* The term “harassment” means unwelcome conduct that is based on someone’s gender identity, gender expression, sex, or sexual orientation.

*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.

*Intersex.* The term “intersex” refers to a person whose sex characteristics, including, but not limited to chromosomes, hormones, gonads, and genitalia, do not conform with a binary construction of sex as either male or female. This term may not be the same as a person’s gender identity and is not the same as a person’s sexual orientation.

*Non-binary.* The term “non-binary” refers to a person whose gender identity is not exclusively male or female.

*Transgender.* The term “transgender” refers to a person whose gender identity does not conform to the sex assigned at birth.

*Violence.* The term “violence” means the use of force or power, threatened or actual, against another person, or against a group or community.

b. Within 45 days of the end of each quarter of the fiscal year, the commissioner shall submit to the mayor, the speaker of the council, and the public advocate, and post on the department’s website, a quarterly report containing the following information based on the number of incarcerated individual admissions during the reporting period, and the average daily population of the city’s jails for the preceding quarter in total, and as a percentage of the average daily population of incarcerated individuals in the department’s custody during the reporting period:

1. The total number of persons in the custody of the department;
2. The total and average numbers of persons in the Special Consideration Unit, or any other housing unit dedicated to the housing of transgender, gender nonconforming, non-binary, or intersex persons;
3. The number and percentage of persons in the custody of the department who have identified themselves to the department, or have been identified by another person or agency on their behalf, as having a gender identity different from the sex assigned to the person at birth, or that were assigned an "X" gender marker or an intersex identification at birth; This data shall be further disaggregated by self-described gender identity including, but not limited to, transgender, gender non-conforming, non-binary, or intersex;
4. The total number of persons described in paragraph 3 of this subdivision housed in each jail facility;
5. The number and percentage of such persons described in paragraph 3 of this subdivision who were denied placement in a jail facility that most closely aligns with their gender identity after making a written request for such housing;
6. The number and percentage of such persons described in paragraph 3 of this subdivision who were denied placement in a housing unit dedicated to the housing of TGNCNBI identified people, regardless of whether such unit is in a facility most closely aligned with their gender identity;
7. The number and percentage of such persons as described in paragraph 3 of this subdivision who have been involuntarily transferred out of a jail facility that most closely aligns with their gender identity;
8. The number and percentage of such persons as described in paragraph 3 of this subdivision who have made an allegation, complaint, or report, whether verbal or in writing, as a result of experiencing violence, harassment, or discrimination. For the purposes of this paragraph, an allegation, complaint, or report shall include a grievance, to 311 or to any DOC staff person by an incarcerated person, or by any person or agency on their behalf, or as included in any report of a use of force or other reportable incident as required to be filed by DOC staff;
9. The facility and housing units in which such individuals as described in paragraph 1 of this subdivision are currently housed shall be reported with the number of such individuals housed in each housing unit. This

*shall be disaggregated by type, including but not limited to, new admission, mental observation, restrictive housing, protective custody, involuntary protective custody, general population, the Special Considerations Unit. This report shall further identify the number of individuals for whom a security classification has increased upon moving from men's to women's housing.*

*c. The report required by this section shall not contain identifying information as defined in section 23-1201. If a category to be reported contains fewer than 5 persons or contains an amount that would allow another category that contains fewer than 5 persons to be deduced, the number shall be replaced with a symbol. If a category to be reported contains zero individuals it shall be reported as zero.*

§ 2. This local law takes effect on September 1, 2023.

CARLINA RIVERA, *Chairperson*; SHAUN ABREU, SHAHANA K. HANIF, MERCEDES NARCISSE, LINCOLN RESTLER, LYNN C. SCHULMAN, ALTHEA V. STEVENS, DAVID M. CARR; 8-0-0; Committee on Criminal Justice, July 13, 2023. *Also Attending: The Public Advocate (Mr. Williams).*

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

### **Report of the Committee on General Welfare**

Report for Int. No. 229-A

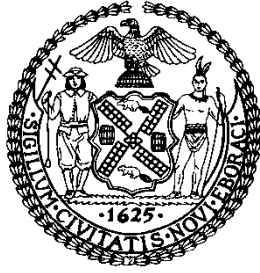
**Report of the Committee on General Welfare in favor of approving and adopting, as amended, notwithstanding the objection of the Mayor, a Local Law to amend the administrative code of the city of New York, in relation to monthly rental assistance payments for households with rental assistance vouchers.**

The Committee on General Welfare, to which the annexed proposed amended local law was referred originally on April 28, 2022 (Minutes, page 770) and adopted by the Council on May 25, 2023 (Minutes, page 1355) before being vetoed by the Mayor on June 23, 2023, respectfully

#### **REPORTS:**

**(For text of report, please see the Report of the Committee on General Welfare for Int. No. 878-A printed below in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 229-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: 229-A**

**COMMITTEE: General Welfare**

**TITLE:** To amend the administrative code of the city of New York, in relation to monthly rental assistance payments for households with rental assistance vouchers.

**SPONSOR(S):** Council Members Cabán, Ayala, Hudson, Brewer, Stevens, Williams, Restler, Abreu, Krishnan, Nurse, Won, Riley, Avilés, De La Rosa, Ossé, Hanif, Richardson Jordan, Gutiérrez, Schulman, Fariás, Sanchez, Joseph, Narcisse, Powers, Marte, Rivera, Barron, Brooks-Powers, and Public Advocate Williams.

**SUMMARY OF LEGISLATION:** Proposed Int. No. 229-A would prohibit the Department of Social Services (DSS) from deducting a utility allowance from the maximum rental allowance of a rental assistance voucher. The legislation would also require DSS, in situations where the actual rent of a household receiving a rental assistance voucher is less than the maximum rental allowance for that household, to reduce the tenant’s contribution by the difference between the maximum rental allowance and the actual rent, up to the amount of the utility allowance. If such a reduction were greater than the household rent contribution, DSS would be required to issue a check to the household equal to the excess. Additionally, the legislation provides that if a household receives a shelter allowance that is reduced by accepting an apartment that is less than the maximum rental allowance, HRA would issue the household a check to the household in the amount of the reduction.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal Year 2028

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY24</b>	<b>FY Succeeding Effective FY25</b>	<b>Full Fiscal Impact FY28</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$36.2 million	\$396.4 million	\$3.3 billion
<b>Net</b>	\$36.2 million	\$396.4 million	\$3.3 billion

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

**IMPACT ON EXPENDITURES:** To estimate the fiscal impact, Proposed Intros. 229, 878, 893, and 894 were assessed collectively as a package as they directly interact with one another and would become effective simultaneously. The Council’s estimate utilizes the Administration’s uptake projections which assume that 47,000 new households will qualify annually for a voucher under the terms of the legislation, adjusting annually

for those who continue to be enrolled in the program and those who exit the program. This projection assumes that by the end of the fifth year 192,470 households will be enrolled. Based on census data, which includes income information, the Council determined an average household contribution amount and an average cost to the City per voucher. Additionally, the package of legislation would also reduce the length of shelter stays by 90 days. Taking the current average lengths of shelter stay, the non-asylum seeker shelter population, and the average per diem cost per household, as reported by the Administration, the Council calculates that a reduction of 90 days in shelter stays would reduce the City's shelter costs by \$402 million annually. Assuming annual savings of this level brings the net cost of the first 365 days of the implementation of this legislative package to \$145 million, increasing to \$1.2 billion, \$2.1 billion, \$3.1 billion, \$4.0 billion in the next four years, for a total net total cost of \$10.6 billion over five years. Because the laws are anticipated to be effective for only a portion of Fiscal 2024, the prorated net cost of the package in Fiscal 2024 is estimated to be \$36.2 million. For Fiscal 2025, total net cost is estimated to be \$396.4 million, growing to \$1.4 billion in Fiscal 2026, \$2.4 billion in Fiscal 2027, and \$3.3 billion in Fiscal 2028. The Council's estimate does not take into account any housing market factors that may restrict the usage of vouchers, which could potentially lower the fiscal impact of the package of legislation. Additional savings may be realized as the average length of shelter stay for non-asylum seekers decreases, creating additional capacity for asylum seekers to move from emergency hotel shelters into purpose-built shelters. This estimate does not account for the potential costs and health impacts on individuals and families in the shelter system, which could be averted through the prevention and reduction of stays in shelter. Additionally, the estimate does not account for the potential social and economic benefits from an increase in individuals and families who are stably housed.

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

**SOURCE OF INFORMATION:** The Mayor's Office of City Legislative Affairs  
New York City Department of Social Services  
New York City Council Finance Division  
New York City Council Legislative Division

**ESTIMATE PREPARED BY:** Julia K. Haramis, Unit Head, NYC Council Finance Division

**ESTIMATE REVIEWED BY:** Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance Division  
Kathleen Ahn, Counsel, NYC Council Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on April 28, 2022, as Int. No. 229, and was referred to the Committee on General Welfare (the Committee). A hearing was held by the Committee on September 13, 2022, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 229-A, will be voted on by the Committee at a hearing on May 24, 2023. Upon a successful vote by the Committee, Proposed Intro. No. 229-A will be submitted to the full Council for a vote on May 25, 2023.

**DATE PREPARED:** May 24, 2023.

*Accordingly, notwithstanding the objection of the Mayor, this Committee recommends its re-adoption, as amended.*

**(The following is the text of Int. No. 229-A:)**



## Int. No. 229-A

By Council Members Cabán, Ayala, Hudson, Brewer, Stevens, Williams, Restler, Abreu, Krishnan, Nurse, Won, Riley, Avilés, De La Rosa, Ossé, Hanif, Richardson Jordan, Gutiérrez, Schulman, Farías, Sanchez, Joseph, Narcisse, Powers, Marte, Rivera, Barron, Brooks-Powers, Mealy, Feliz, Brannan, Dinowitz, Salamanca and the Public Advocate (Mr. Williams).

**A Local Law to amend the administrative code of the city of New York, in relation to monthly rental assistance payments for households with rental assistance vouchers**

*Be it enacted by the Council as follows:*

Section 1. Section 21-145 of the administrative code of the city of New York, as amended by a local law for the year 2023, relating to income and work requirements for rental assistance, as proposed in introduction number 894-A, is amended by adding new subdivisions d, e, and f to read as follows:

*d. Amount of monthly rental assistance. The department shall provide monthly rental assistance to an owner or a landlord on behalf of a household in receipt of a rental assistance voucher in the amount equal to the actual monthly rent of the leased apartment or single room occupancy, up to the maximum rental allowance, minus the household rent contribution. The department shall not deduct a utility allowance from such amount.*

*e. Utility allowance deduction. 1. The department shall provide that when a household rents an apartment or single room occupancy for less than the maximum rental allowance, the household rent contribution shall be reduced by the difference between the maximum rental allowance and the actual rent, up to the amount of the utility allowance.*

*2. If the amount by which the household rent contribution is reduced pursuant to paragraph 1 of this subdivision is greater than the household's rent contribution, the department shall issue a check to the household in the amount of such excess within the month in which such excess is accrued.*

*3. If the household receives a shelter allowance that is reduced by the amount allowed by paragraph 1 of this subdivision, the department shall issue a check to the household in the amount of such reduction within the month in which such reduction is accrued.*

*f. Within 15 days of the effective date of the local law that added subdivision d, e, and f of this section, and continuing thereafter, the commissioner, in consultation with the commissioner of housing preservation and development, shall conduct culturally appropriate outreach on this section to relevant agencies, stakeholders, landlords, and families and individuals experiencing homelessness in the designated citywide languages, as defined in section 23-1101.*

§ 2. This local law takes effect on the same date as a local law for the year 2023 amending the administrative code of the city of New York, relating to prohibiting the department of social services from requiring an applicant for a rental assistance voucher to have resided or reside in a shelter of any type, as proposed in introduction number 878-A, takes effect.

DIANA I. AYALA, *Chairperson*; KEVIN C. RILEY, TIFFANY CABÁN, CRYSTAL HUDSON, LINDA LEE, CHI A. OSSÉ, LINCOLN RESTLER, ALTHEA V. STEVENS, SANDRA UNG, NANTASHA M. WILLIAMS; 10-0-0; Committee on General Welfare, July 13, 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 M-163

**Report of the Committee on General Welfare in favor of filing a Communication from the Mayor regarding a Mayor's veto and disapproval message of Introductory Number 229-A of 2022, "A Local Law to amend the administrative code of the city of New York, in relation to monthly rental assistance payments for households with rental assistance vouchers".**

The Committee on General Welfare, to which the annexed Mayoral veto and disapproval message was referred on June 30, 2023 (Minutes, page 1959),

**REPORTS:**

**(For text of related legislation, please see the Report of the Committee on General Welfare for Int. Nos. 878-A printed below in these Minutes)**

*Accordingly, this Committee recommends the filing of M-163 (Mayor's veto and disapproval message for Int. No. 229-A).*

DIANA I. AYALA, *Chairperson*; KEVIN C. RILEY, TIFFANY CABÁN, CRYSTAL HUDSON, LINDA LEE, CHI A. OSSÉ, LINCOLN RESTLER, ALTHEA V. STEVENS, SANDRA UNG, NANTASHA M. WILLIAMS; 10-0-0; Committee on General Welfare, July 13, 2023.

Coupled to be Filed.

## Report for Int. No. 878-A

**Report of the Committee on General Welfare in favor of approving and adopting, as amended, notwithstanding the objection of the Mayor, a Local Law to amend the administrative code of the city of New York, in relation to prohibiting the department of social services from requiring an applicant for a rental assistance voucher to have resided or reside in a shelter of any type, and to repeal sections 21-145.1 and 21-145.2 of such code in relation thereto.**

The Committee on General Welfare, to which the annexed proposed amended local law was referred originally on January 19, 2023 (Minutes, page 263) and adopted by the Council on May 25, 2023 (Minutes, page 1358) before being vetoed by the Mayor on June 23, 2023, respectfully

**REPORTS:****I. Introduction**

On July 13, 2023, the Committee on General Welfare, chaired by Deputy Speaker Diana Ayala, will meet to consider whether to recommend the override of the Mayor's veto of Introduction Number (Int. No.) 878-A, sponsored by Deputy Speaker Ayala; Int. No. 893-A, Sponsored by Council Member Sanchez; Int. No. 894-A, sponsored by Council Member Sanchez; and Int. No. 229-A, sponsored by Council Member Caban; and whether to recommend that veto messages M-0163-2023, M-0164-2023, M-0165-2023, and M-0166-2023 be filed.

On April 28, 2022, Int. No. 229 was introduced and referred to the Committee on General Welfare.<sup>1</sup> On January 19, 2023, Int. No. 878, Int. No. 893, and Int. No. 894 were introduced and referred to the Committee on

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<sup>1</sup> NYC Council Stated Meeting April 28, 2022. Available at:

<https://legistar.council.nyc.gov/View.ashx?M=F&ID=10852825&GUID=547D1EEE-399A-41A5-86BF-0FA6715FDF73>

General Welfare.<sup>2</sup> On September 13, 2022, the Committee on General Welfare considered testimony on Int. No. 229.<sup>3</sup> On January 18, 2023, the Committee on General Welfare considered testimony on Int. No. 878, Int. No. 893, and Int. No. 894.<sup>4</sup> All four bills were subsequently amended, and on May 24, 2023, the Committee on General Welfare considered Int. Nos. 878-A, 893-A, 894-A, and 229-A and passed the legislation by a vote of 8 in the affirmative and zero in the negative, with zero abstentions and sent them for approval by the full Council. At the Stated Meeting of May 25, 2023, the Council approved all four bills by a vote of 41 in favor, seven against, with zero abstentions.

On June 23, 2023, the Mayor issued a message of disapproval for Int. Nos. 878-A, 893-A, 894-A, and 229-A. Pursuant to Section 37(b) of the Charter, the clerk presented the Mayor's veto messages, M-0163-2023, M-0164-2023, M-0165-2023, and M-0166-2023 messages at the next Stated Meeting on June, 30, 2023, and they were referred to the Committee on General Welfare. Notably, the Mayor did not file his specific objections to Int. No. 229-A in writing as required by Section 37(b) of the Charter. The Mayor's veto messages are appended hereto as Appendix A.

The question before the Committee on General Welfare today is whether to recommend that Int. Nos. 878-A, 893-A, 894-A, and 229-A be re-passed notwithstanding the objections of the Mayor, and whether to recommend that the Mayor's veto messages, M-0163-2023, M-0164-2023, M-0165-2023, and M-0166-2023, be filed.

## II. Background

New York City is experiencing a homelessness crisis; in fact, as of this June, for the first time, the number of people experiencing homelessness in the city has exceeded 100,000.<sup>5</sup> Governments have tools at their disposal to help prevent and alleviate homelessness, such as providing legal counsel to tenants in eviction proceedings<sup>6</sup> and providing rental arrears assistance.<sup>7</sup> In New York City, among these tools is the ability to provide individuals and families with rental assistance vouchers.

### *Rental Assistance Vouchers*

Decades of research on federal rental assistance programs such as the Housing Choice Voucher program, also known as Section 8, has shown that rental assistance vouchers are a highly effective tool for reducing homelessness, housing instability, and improving overall outcomes for families and children.<sup>8</sup> Federal rental assistance programs help an estimated 10 million people with low-incomes afford housing.<sup>9</sup> One six-city study, comparing families randomly selected to receive rental assistance with similar families in a control group that did not receive rental assistance, found that rental assistance reduced the share of families living in shelters or on the street by 75%, reduced the share of families without a home of their own, meaning those who are doubled up with friends or family and including those living in shelter, from 45% to 9%, reduced the share of families living in overcrowded conditions by more than half, and reduced the number of times that families moved in a

<sup>2</sup> NYC Council Stated Meeting January 19, 2023. Available at:

<https://legistar.council.nyc.gov/View.ashx?M=F&ID=11586513&GUID=C99EB9B8-451B-4E79-954A-ABAF9592E856>

<sup>3</sup> NYC Council Committee on General Welfare Meeting. September 13, 2022. Available at:

<https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=993458&GUID=8CA299BE-A231-482E-924A-2639111F6790&Options=&Search=>

<sup>4</sup> NYC Council Committee on General Welfare. January 18, 2023. Available at:

<https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=1070802&GUID=681D4B88-BBC6-48FD-9A8C-7E320E58C9BF&Options=&Search=>

<sup>5</sup> Michael Wilson, Matthew Haag, and Mihir Zaveri, New York's Shelters Were Packed. Now They Are Bursting at the Seams. June 30, 2023. Available at: <https://www.nytimes.com/2023/06/30/nyregion/nyc-homeless-shelters-migrants.html>

<sup>6</sup> Local Law 136 of 2017. Available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1687978&GUID=29A4594B-9E8A-4C5E-A797-96BDC4F64F80&Options=ID|Text|&Search=>

<sup>7</sup> NYC Department of Homeless Services. Rent Issues. Available at: <https://www.nyc.gov/site/dhs/prevention/rent-issues.page>

<sup>8</sup> Will Fischer, Douglas Rice, Alicia Mazzara. Research Shows Rental Assistance Reduces Hardship and Provides Platform to Expand Opportunity for Low-Income Families. December 5, 2019. Available at: <https://www.cbpp.org/research/housing/research-shows-rental-assistance-reduces-hardship-and-provides-platform-to-expand>

<sup>9</sup> *Id.*

five year period by 40%.<sup>10</sup> A second study comparing homeless families with children who received rental assistance to similar families assigned to other anti-homelessness interventions, such as transitional housing, found that rental assistance reduces homelessness, overcrowding, and instability more effectively than any other intervention strategy.<sup>11</sup> Further, when combined with other support services, rental assistance has been found to be highly effective in reducing homelessness among individuals with severe mental illness and veterans with psychiatric or substance use disorders.<sup>12</sup>

Rental assistance improves the health and well-being of adults by enabling them to experience better mental and physical health.<sup>13</sup> Rental assistance significantly reduces psychological distress among adults in homeless families, likely by easing the stress and anxiety that comes from being at risk of eviction or homeless, experiencing housing instability, and trying to balance excessive rental costs with other basic needs.<sup>14</sup> Further, rental assistance may allow families to move to neighborhoods with lower concentrations of poverty, which can lead to significant health improvements. One study by Moving to Opportunity (MTO), which studied the impacts of rental assistance over the long term, found that adults who received rental assistance, compared to those in similar situations without rental assistance, reported lower prevalence of extreme obesity, diabetes, and fewer self-reported physical limitations.<sup>15</sup> The study further showed that adults receiving rental assistance have lower levels of psychological distress, as well as lower prevalence of depression and anxiety.<sup>16</sup>

Rental assistance also significantly improves outcomes for children. More than 100,000 school children, roughly 1 in 10 of all New York City public school children, were homeless at some point during the past school year.<sup>17</sup> Among children, homelessness is associated with increased likelihood of cognitive and mental health issues, physical health problems, physical assaults, accidental injuries, and poor school performance.<sup>18</sup> Studies have found that children in crowded homes score lower on reading tests and complete less schooling than their peers.<sup>19</sup> Further, frequent family moves are linked to attention and behavioral problems among preschool children.<sup>20</sup> Rental assistance vouchers promote stability that reduces the frequency with which children must change schools, providing a benefit not only to the child, but to their classmates as well, as high-turnover schools tend to be less able to gauge the rate of learning and have slower paced curriculums.<sup>21</sup> Further, as highlighted in the aforementioned MTO study, children whose families used rental assistance vouchers to move to low-poverty neighborhoods had significantly higher adult earning and college attendance rates.<sup>22</sup>

In New York City, the City Fighting Homelessness and Eviction Prevention Supplement (CityFHEPS)<sup>23</sup> is a rental assistance supplement to help individuals and families find and keep housing.<sup>24</sup> CityFHEPS is administered by the Department of Social Services (DSS), which includes the Department of Homeless Services (DHS) and the Human Resources Administration (HRA).<sup>25</sup> CityFHEPS assists eligible households in the community who are at risk of homelessness avert a shelter entry<sup>26</sup> and also assists households who are experiencing street homelessness or residing in a DHS or HRA shelter to obtain permanent housing.<sup>27</sup> CityFHEPS can be used to rent “an entire apartment, a single room in an apartment, or an SRO unit” provided

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<sup>10</sup> Daniel Gubits *et al.*, Family Options Study: Short-Term Impacts of Housing and Services Interventions for Homeless Families, prepared for Department of Housing and Urban Development, July 2015, [http://www.huduser.org/portal/sites/default/files/pdf/FamilyOptionsStudy\\_final.pdf](http://www.huduser.org/portal/sites/default/files/pdf/FamilyOptionsStudy_final.pdf).

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

<sup>12</sup> *Supra* note 23.

<sup>13</sup> *Id.*

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

<sup>15</sup> Jeffrey R. Kling *et al.*, Experimental Analysis of Neighborhood Effects, *Econometrica*, January 2007; Lisa Sanbonmatsu *et al.*, Moving to Opportunity for Fair Housing Demonstration Program: Final Impacts Evaluation prepared for Department of Housing and Urban Development, November 2011, [https://www.huduser.gov/portal/publications/pdf/MTOFHD\\_fullreport\\_v2.pdf](https://www.huduser.gov/portal/publications/pdf/MTOFHD_fullreport_v2.pdf).

<sup>16</sup> *Id.*

<sup>17</sup> *Supra* note 12

<sup>18</sup> *Supra* note 23

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Supra* note 30.

<sup>23</sup> For additional information on the CityFHEPS program, see

<sup>24</sup> NYC Human Resources Administration, Rental Assistance, CityFHEPS, available at: <https://www.nyc.gov/site/hra/help/cityfheps.page>

<sup>25</sup> *Id.*

<sup>26</sup> R.C.N.Y. Title 68 § 10-04.

<sup>27</sup> R.C.N.Y. Title 68 § 10-03.

it is located in one of the five boroughs.<sup>28</sup> The payment standards are based on the Federal Section 8 standard adopted by the New York City Housing Authority (NYCHA).<sup>29</sup> The City also administers the Family Homelessness and Eviction Prevention Supplement (State FHEPS), through which the State reimburses the City for making rental assistance vouchers available for families with minor children who are on cash assistance.<sup>30</sup>

### *Worsening Homelessness Crisis*

Pursuant to a series of consent decrees, the City has a legal obligation to provide shelter to all homeless individuals.<sup>31</sup> As of June 22, 2023, there were a record 80,889 individuals living in shelter in New York City.<sup>32</sup> In the past year, the homelessness crisis has been amplified due to an influx of migrants into the city. Since June 2022, more than 74,000 migrants have arrived in New York City, and more than 47,000 remain in the City's care, leaving the City's already-full shelter system overwhelmed.<sup>33</sup>

In his attempts to manage the crisis, the Mayor has focused on responses that have been viewed as short-sighted and misguided<sup>34</sup>, such as using public school gymnasiums, paying for hotel rooms outside the city, or seeking to undermine the right to shelter.<sup>35</sup> The Mayor issued an executive order suspending certain minimum shelter requirements, suspending the rule that those seeking shelter must receive a bed within a certain time frame, and suspending the requirement that families be housed in units with access to a bathroom, refrigerator, and kitchen.<sup>36</sup> Further, the Adams Administration has filed an application for the modification of the Callahan consent decree, to allow the obligations under the consent decree to be stayed if the City lacks resources and capacity to maintain sufficient shelter sites.<sup>37</sup> The Legal Aid Society, which represents the plaintiffs in the case, has argued that eliminating the right to shelter would not solve the homelessness crisis but, rather, would result in people "living on the streets, getting sicker and dying."<sup>38</sup>

According to testimony delivered by Homeless Services United at the aforementioned January 2023 Committee on General Welfare hearing, "New York City is facing a confluence of challenges which is testing the strength of the City's homeless services and eviction prevention safety net."<sup>39</sup> Importantly, the issue of shelter capacity is not new. Long before the influx of people from the southern border and elsewhere, the City struggled to maintain sufficient capacity in the shelter system for homeless families with children.<sup>40</sup> Excluding the

<sup>28</sup> NYC Department of Social Services, CityFHEPS Frequently Asked Questions (for Residents of Department of Homeless Services or Human Resources Administration Shelters or Those Experiencing Street Homelessness), May 5, 2022. Available at <https://www1.nyc.gov/assets/hra/downloads/pdf/cityfheps-documents/dss-7r-e.pdf>

<sup>29</sup> NYC Department of Social Services, DSS CITYFHEPS Payment Standards. Available at <https://www1.nyc.gov/assets/hra/downloads/pdf/cityfheps-documents/DSS-8r-E.pdf>

<sup>30</sup> N.Y. Soc. Serv. Law. § 131-bb

<sup>31</sup> In 1979, Coalition for the Homeless brought a class action lawsuit against the City in New York State Supreme Court, arguing that a constitutional right to shelter existed in New York. In August 1981, the case was settled as a consent decree, where the City agreed to provide shelter and board to all homeless men. *Callahan v. Carey*, No. 42582/79 (N.Y. Sup. Ct. Dec. 10, 1979). In 1982, litigation was filed to extend the right to shelter to women. *Eldridge v. Koch*, N.Y.S.2d 960, 961 (Sup. Ct. 1983). In 1983, litigation to extend the right to shelter was filed on behalf of homeless families with children seeking shelter. *McCain v. Koch*, 117 A.D.2d 198, 212 (N.Y. App. Div. 1986).

<sup>32</sup> Department of Homeless Services, *Daily Report*. Available at: <https://www.nyc.gov/assets/dhs/downloads/pdf/dailyreport.pdf>

<sup>33</sup> Ethan Stark-Miller, Two New Migrant Relief Centers Coming to Upper West Side College Dorm Buildings. June 12, 2023. Available at: <https://www.amny.com/housing/two-new-migrant-relief-centers-coming-to-upper-west-side-college-dorm-buildings/>

<sup>34</sup> Greg David, Mayor Adams Declared NYC 'Destroyed' by Migrants, but Economics Tell a Different Story. June 6, 2023. Available at: <https://www.thecity.nyc/immigration/2023/6/6/23750030/immigrants-asylum-seekers-good-for-economy>; See also Ginia Bellafante, Mayor Adams Improvises His Way Through an Impossible Crisis. May 20, 2023. Available at:

<https://www.nytimes.com/2023/05/20/nyregion/nyc-eric-adams-migrants.html>

<sup>35</sup> Michael Gartland, NYC Mayor Adams Unveils Plans to House Migrants in Houses of Worship; Private Homes are Next Step. June 5, 2023. Available at: <https://www.nydailynews.com/news/politics/new-york-elections-government/ny-mayor-adams-migrants-asylum-faith-based-churches-mosques-synagogues-shelter-20230605-vd7fwcsfjnbjhpknqnao5o3ke-story.html>

<sup>36</sup> NYC Emergency Executive Order 402. May 10, 2023. Available at: <https://www.nyc.gov/office-of-the-mayor/news/402-003/emergency-executive-order-402>

<sup>37</sup> Courtney Gross. Adams Defends Court Action on 'Right-to-Shelter' Law. May 24, 2023. Available at: <https://www.ny1.com/nyc/all-boroughs/politics/2023/05/24/adams-defends-court-action-on-right-to-shelter-law>

<sup>38</sup> *Id.*

<sup>39</sup> Homeless Services United Testimony. January 18, 2023 Committee on General Welfare Hearing. Available at <https://legistar.council.nyc.gov/View.ashx?M=F&ID=12054069&GUID=08F19B7A-9CF7-49F2-BF38-2B852CB4CF51>

<sup>40</sup> Coalition for the Homeless. State of the Homeless 2023: Compounding Crises, Failed Responses. June 2023. Available at: <https://www.coalitionforthehomeless.org/wp-content/uploads/2023/06/StateoftheHomeless2023.pdf>

migrants, there are almost 50,000 New Yorkers sleeping in shelter every night.<sup>41</sup> Overall, New York City is facing a crisis where the number of people sleeping in shelter each night is the highest it has ever been, the average length of time that people must spend in shelter is now longer than it has ever been, and the number of households provided with City rental assistance vouchers is at its lowest level in five years.<sup>42</sup>

More New Yorkers now find themselves straining or unable to pay their rent, which may be a large contributor to the surging homelessness crisis. In 2021, more than half (53% or just under 1 million households) of New York City Renters were considered rent burdened, meaning they paid more than 30% of their incomes toward rent.<sup>43</sup> Additionally, 32% of New Yorkers are severely rent burdened, meaning they spend at least 50% of their income on rent.<sup>44</sup> Among those who were severely rent burdened, 17% reported missing one or more rent payments in the past year, and two out of every five such households were still behind on rent when surveyed.<sup>45</sup>

### *Costs of Shelter and Rental Assistance*

As described by Citizens' Committee for Children at a Committee on General Welfare hearing held on January 18, 2023, since the eviction moratorium ended in January 2022, more than 4,400 households had been evicted by City marshals.<sup>46</sup> According to a recently published report by Women in Need (WIN), on a per person basis per year, continuing to allow housing-unstable individuals, namely those at risk of eviction, to become homeless and enter into shelter would cost \$18,883.<sup>47</sup> By comparison, the cost of providing a CityFHEPS voucher is \$10,950 on a per person basis per year.<sup>48</sup> In that same report, WIN analyzed eviction data to estimate the cost-savings resulting from reductions in shelter and corollary service utilization and estimated a financial savings of over \$730,000,000 for New York City.<sup>49</sup> WIN also estimates that with the implementation of this package of legislation, more than 38,000 families and 92,000 individuals would avert homelessness.<sup>50</sup>

The Community Service Society estimates that, with the implementation of this legislation, the City would save \$5.6 billion in diverted shelter and rehousing costs, with a net cost of \$3 billion cumulatively over the course of five years.<sup>51</sup> According to Community Service Society, the costs associated with expanding eligibility for CityFHEPS upon implementation of these bills would be "offset by savings from reduced shelter costs, resulting from shortened shelter stays and preventing evictions."<sup>52</sup> The Community Service Society also states that there will be "long-term savings from keeping people housed in less expensive apartments than market units they may move into after spending months or years in shelter."<sup>53</sup>

Paying for housing rather than paying for shelter results in both social and economic benefits. Studies have shown that these benefits include rising incomes for those who access permanent housing, lowering healthcare costs, and raising educational prospects and future wages of children.<sup>54</sup> Research has additionally demonstrated

<sup>41</sup> Melissa Russo. NYC Housing more Asylum Seekers than Homeless NYers in Migrant Crisis First. June 26, 2023. Available at: <https://www.nbcnewyork.com/investigations/migrant-crisis/nyc-housing-more-asylum-seekers-than-homeless-nyers-in-migrant-crisis-first/4455469/>

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

<sup>43</sup> Taysha Milagros Clark. Housing Affordability: The Dire Housing Crisis for Extremely Low-income New Yorkers. June 2022. Available at: [https://www.coalitionforthehomeless.org/wp-content/uploads/2022/05/Housing-Affordability-Brief\\_June-2022.pdf](https://www.coalitionforthehomeless.org/wp-content/uploads/2022/05/Housing-Affordability-Brief_June-2022.pdf)

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

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

<sup>46</sup> David Brand. "NYC eviction rate continues to rise since ban was lifted, as homelessness surges." January 18, 2023. Gothamist. Available at <https://gothamist.com/news/nyc-eviction-rate-continues-to-rise-since-ban-was-lifted-as-homelessness-surges>.

<sup>47</sup> Cassidy Teminsky; Christopher Mann, MA; Hannah Tager; Henry Love, PhD; Martin Gambao, PhD, "CityFHEPS Bills Could Save NYC Millions and House Thousands of Families." July 2023. On file with Committee on General Welfare staff.

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

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

<sup>50</sup> *Id.*

<sup>51</sup> Debipriya Chatterjee, Samuel Stein, Oksana Mironova, Jennifer Hinojosa. "To Fight Homelessness, House the People: A deeper dive into the costs, benefits and savings of CityFHEPS reform and expansion." Community Service Society. June 20, 2023. Available at <https://www.cssny.org/news/entry/to-fight-homelessness-house-the-people-part-2-city-fheps-costs-benefits-savings-nyc>.

<sup>52</sup> *Id.*

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

<sup>54</sup> *Id.*

that large-scale voucher expansion would create a two-fold increase in residential income for voucher-recipients and contribute to \$7,680 of new spending in the local economic per each voucher-holder annually.<sup>55</sup>

### *Enhancing the CityFHEPS Voucher System*

Mindful of the increase in the number of individuals experiencing homelessness in the city, and of the successes and positive impacts of federal rental assistance, the bills under consideration today seek to provide similar benefits to the people of New York City. The bills are intended to enhance the CityFHEPS rental assistance voucher system by expanding eligibility and removing arbitrary bureaucratic obstacles. These four bills form a large scale investment in New Yorkers that will serve to alleviate the shelter capacity crisis by (i) helping New Yorkers residing in shelter afford permanent housing, and (ii) assisting New Yorkers who are at risk of eviction to remain stably housed. The bills in this package would define the scope of which persons, at minimum, must be eligible to receive a rental assistance voucher. That scope would include people who are (i) income eligible and (ii) either a household at risk of eviction or experiencing homelessness.

Notably, the Council has previously legislated on the CityFHEPS program. Recognizing that the program is an invaluable tool to curb homelessness and that the amounts of the CityFHEPS rental assistance voucher were woefully inadequate, the Council passed Local Law 71 of 2021,<sup>56</sup> which raised the value of the vouchers to the same rate as levels equal to those established by Section 8.<sup>57</sup> In 2021, the Council passed Local Law 157 of 2021 and Local Law 170 of 2021, allowing time in foster youth or runaway and homeless youth services to count toward the 90 day shelter residency requirement for eligibility.<sup>58</sup> In 2023, the Council passed Local Law 64 of 2023, requiring rental assistance payments to be available via an electronic funds transfer.<sup>59</sup>

### **III. Bill Analysis**

The proposed legislation sets forth a set of defined terms, as follows. Pursuant to the proposed legislation, “income eligible” would mean an applicant whose total gross income does not exceed 50 percent of the area median income (AMI); who, if eligible, has applied for public assistance and, if approved, is in receipt of such assistance; who is in compliance with public assistance requirements if eligible; who has applied for and accepted any federal or state housing benefits for which they are eligible; who is ineligible for State FHEPS; and who has not previously received a rental assistance voucher, unless they meet the requirements in Section 10-08 of title 68 of the Rules of the City of New York. The term “household at risk of eviction” would mean an individual or family who has received a written demand for rent, a predicate holdover notice, or a notice of non-renewal of residential tenancy. The term “experiencing homelessness” would mean residing in a City-administered shelter; working with a Department of Homeless Services (DHS) or Department of Youth and Community Development (DYCD) outreach team while receiving services in a safe haven, stabilization bed, drop-in center or runaway and homeless youth services program; or receiving case management services from a provider under contract with DHS.

#### ***Int. No. 878-A***

Currently, voucher applicants must demonstrate that they have lived in shelter for a minimum of 90 days before being deemed eligible to apply for a CityFHEPS rental assistance voucher. This bill would prohibit DSS from requiring an applicant for a rental assistance voucher to have resided or reside in a shelter of any type. This

<sup>55</sup> HR&A for New York Housing Conference. Universal Rental Assistance Economic & Discal Impact Study Final Report. August 20, 2021. Available at [https://issuu.com/nyhc2020/docs/20210820\\_nyhc\\_hra\\_universal\\_rental\\_assistance\\_repo](https://issuu.com/nyhc2020/docs/20210820_nyhc_hra_universal_rental_assistance_repo)

<sup>56</sup> Local Law 71 of 2021. Available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3331786&GUID=2888B24C-E4CF-420E-96B9-2A5DF9B1995B&Options=ID%7cText%7c&Search=146>.

<sup>57</sup> Section 982.503 of the Code of Federal Regulations

<sup>58</sup> Local Law 157 of 2021. Available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3331970&GUID=FFD262A3-0EF3-4E53-819A-4FD46EECEF43&Options=ID|Text|&Search=157>; Local Law 170 of 2021. Available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5146237&GUID=1A2F9094-0130-46E0-9C4A-D9A5AC55F8A5&Options=ID|Text|&Search=170>

<sup>59</sup> Local Law 64 of 2023. Available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5858512&GUID=1968B896-BD0D-4D1F-BF24-A5A4A7514AAA&Options=ID|Text|&Search=rental+assistance+payments>

bill includes key definitions that would be used as part of the entire legislative package. As explained above, this bill would define what it means to be income eligible, a household at risk of eviction, and to be experiencing homelessness. Further this bill would repeal sections 21-145.1 and 21-145.2 of the Administrative Code of the City of New York, because DSS would no longer be able to require a minimum amount of time in shelter to be eligible.

***Int. No. 893-A***

Currently, there are narrow qualifications regarding eligibility for rental assistance vouchers in the community, including eligibility only for specific populations including those who are in receipt of Adult Protective Services (APS) or community guardianship, those who are in rent-controlled apartments and those who previously resided in a DHS shelter. This bill would expand eligibility for a rental assistance voucher in the community by establishing that DSS will deem eligible for a rental assistance voucher any applicant who is a household at risk of eviction or experiencing homelessness, as such terms are defined in Int. No. 878-A.

***Int. No. 894-A***

The CityFHEPS rental assistance program is intended to support households who fall through existing federal and state social safety nets. This bill would prohibit DSS from basing eligibility for a rental assistance voucher on an applicant's employment status or source of income. Further, this bill would codify existing income requirements and expand income eligibility to include households whose gross income does not exceed 50% of the area median income as defined in Int. No. 878-A and explained above. The bill still ensures income requirements to meet eligibility for CityFHEPS, but would provide that those making up to 50% of the area median income, many whose income has been deemed too much to qualify for rental assistance, would be eligible for CityFHEPS.

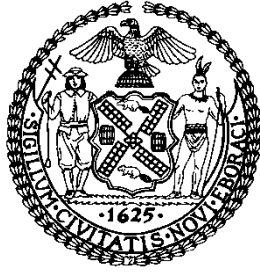
***Int. No. 229-A***

This bill would prohibit DSS from deducting a utility allowance from the maximum rental allowance of a voucher, for units where utilities are not included in the final rent. The bill provides that, in situations where a household in receipt of a rental assistance voucher rents a unit that is less than the maximum rental allowance, the household rent contribution will be reduced by the difference between the maximum rental allowance and the actual rent, up to the amount of a utility allowance. If such a reduction is greater than the household's rent contribution, DSS would be required to issue a check to the household in the amount of such excess within the month in which it accrued. If renting a unit for less than the maximum rental allowance were to result in a tenant's public assistance shelter allowance being reduced, DSS would be required to issue a check to the household in the amount of such reduction within the month in which the reduction accrued. Further, DSS, in consultation with the Department of Housing Preservation and Development, would be required to conduct culturally appropriate outreach on the changes to relevant agencies, stakeholders, landlords, and individuals and families experiencing homelessness in the designated citywide languages, as defined in section 23-1101 of the administrative code of the City of New York.

The proposed bills would take effect 180 days after they become law.

**(The following is the text of the Fiscal Impact Statement for Int. No. 878-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: 878-A**

**COMMITTEE: General Welfare**

**TITLE:** To amend the administrative code of the city of New York, in relation to prohibiting the department of social services from requiring an applicant for a rental assistance voucher to have resided or reside in a shelter of any type, and to repeal sections 21-145.1 and 21-145.2 of such code in relation thereto.

**SPONSOR(S):** Council Members Ayala, Sanchez, Bottcher, Won, the Public Advocate (Mr. Williams), Hanif, Cabán, Louis, Stevens, Hudson, Restler, Ung, Abreu, Brooks-Powers, Brannan, Velázquez, De La Rosa, Brewer, Ossé, Narcisse, Avilés, Williams, Marte, Richardson Jordan, Schulman Farías, Joseph, Nurse, Powers, Gennaro, Krishnan, Rivera, and Barron.

**SUMMARY OF LEGISLATION:** Proposed Int. No. 878-A prohibits the Department of Social Services from requiring an applicant for a rental assistance voucher to have resided or reside in a shelter of any type. Additionally, this legislation repeals section 21-145.1 and 21-145.2 of the administrative code of the city of New York, removing the requirement therein to reside in shelter for 90 days prior to being eligible for rental assistance.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal Year 2028

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY24</b>	<b>FY Succeeding Effective FY25</b>	<b>Full Fiscal Impact FY28</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$36.2 million	\$396.4 million	\$3.3 billion
<b>Net</b>	\$36.2 million	\$396.4 million	\$3.3 billion

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

**IMPACT ON EXPENDITURES:** To estimate the fiscal impact, Proposed Intros. 229, 878, 893, and 894 were assessed collectively as a package as they directly interact with one another and would become effective simultaneously. The Council’s estimate utilizes the Administration’s uptake projections which assume that 47,000 new households will qualify annually for a voucher under the terms of the legislation, adjusting annually for those who continue to be enrolled in the program and those who exit the program. This projection assumes that by the end of the fifth year 192,470 households will be enrolled. Based on census data, which includes income information, the Council determined an average household contribution amount and an average cost to the City per voucher. Additionally, the package of legislation would also reduce the length of shelter stays by 90 days. Taking the current average lengths of shelter stay, the non-asylum seeker shelter population, and the average per diem cost per household, as reported by the Administration, the Council calculates that a reduction of 90 days in shelter stays would reduce the City’s shelter costs by \$402 million annually. Assuming annual savings of this level brings the net cost of the first 365 days of the implementation of this legislative package to

\$145 million, increasing to \$1.2 billion, \$2.1 billion, \$3.1 billion, \$4.0 billion in the next four years, for a total net total cost of \$10.6 billion over five years. Because the laws are anticipated to be effective for only a portion of Fiscal 2024, the prorated net cost of the package in Fiscal 2024 is estimated to be \$36.2 million. For Fiscal 2025, total net cost is estimated to be \$396.4 million, growing to \$1.4 billion in Fiscal 2026, \$2.4 billion in Fiscal 2027, and \$3.3 billion in Fiscal 2028. The Council's estimate does not take into account any housing market factors that may restrict the usage of vouchers, which could potentially lower the fiscal impact of the package of legislation. Additional savings may be realized as the average length of shelter stay for non-asylum seekers decreases, creating additional capacity for asylum seekers to move from emergency hotel shelters into purpose-built shelters. This estimate does not account for the potential costs and health impacts on individuals and families in the shelter system, which could be averted through the prevention and reduction of stays in shelter. Additionally, the estimate does not account for the potential social and economic benefits from an increase in individuals and families who are stably housed.

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

**SOURCE OF INFORMATION:** The Mayor's Office of City Legislative Affairs  
New York City Department of Social Services  
New York City Council Finance Division  
New York City Council Legislative Division

**ESTIMATE PREPARED BY:** Julia K. Haramis, Unit Head, NYC Council Finance Division

**ESTIMATE REVIEWED BY:** Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance  
Division Kathleen Ahn, Counsel, NYC Council Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on January 18, 2023, as Int. No. 878, and was referred to the Committee on General Welfare (the Committee). A hearing was held by the Committee on January 19, 2023, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 878-A, will be voted on by the Committee at a hearing on May 24, 2023. Upon a successful vote by the Committee, Proposed Intro. No. 878-A will be submitted to the full Council for a vote on May 25, 2023.

**DATE PREPARED:** May 24, 2023.

**(For text of Int. Nos. 229-A, 893-A, and 894-A and their Fiscal Impact Statements, please see the Report of the Committee on General Welfare for Int. Nos. 229-A, 893-A, and 894-A, respectively, printed in these Minutes; for text of Int. No. 878-A, please see below)**

*Accordingly, notwithstanding the objection of the Mayor, this Committee recommends the re-adoption of Int. Nos. 229-A, 878-A, 893-A, and 894-A*

**(The following is the text of Int. No. 878-A:)**

Int. No. 878-A

By Council Members Ayala, Sanchez, Bottcher, Won, the Public Advocate (Mr. Williams), Hanif, Cabán, Louis, Stevens, Hudson, Restler, Ung, Abreu, Brooks-Powers, Brannan, Velázquez, De La Rosa, Brewer, Ossé, Narcisse, Avilés, Williams, Marte, Richardson Jordan, Schulman, Farías, Gutiérrez, Joseph, Nurse, Powers, Gennaro, Krishnan, Rivera, Barron, Mealy, Feliz and Salamanca.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the department of social services from requiring an applicant for a rental assistance voucher to have resided or reside in a shelter of any type, and to repeal sections 21-145.1 and 21-145.2 of such code in relation thereto**

*Be it enacted by the Council as follows:*

Section 1. Section 21-145 of the administrative code of the city of New York, as added by local law number 71 for the year 2021, is amended to read as follows:

§ 21-145 Use of rental assistance vouchers. a. Definitions. For [the] purposes of this section, the following terms have the following meanings:

*Applicant.* The term “applicant” means an individual or family applying for a rental assistance voucher.

*Drop-in center.* The term “drop-in center” means a facility operated by the department of homeless services or a provider under contract or similar agreement with such department that provides single adults with hot meals, showers, laundry facilities, clothing, medical care, recreational space, employment referrals, or housing placement services, but not overnight housing.

*Experiencing homelessness.* The term “experiencing homelessness” means: (i) residing in a city-administered shelter; (ii) working with a department of homeless services or department of youth and community development outreach team while receiving services in a safe haven, stabilization bed, drop-in center, or runaway and homeless youth services; or (iii) receiving case management services from a provider under contract with the department of homeless services.

*FHEPS.* The term “FHEPS” means the family homelessness and eviction prevention supplement program described in section 131-bb of the social services law.

*Homeless young adult.* The term “homeless young adult” has the same meaning as provided in section 532-a of the executive law.

*Homeless youth.* The term “homeless youth” has the same meaning as provided in section 532-a of the executive law and includes homeless young adults.

*Household.* The term “household” means an individual or family in receipt of [CityFHEPS or any successor program] a rental assistance voucher.

*Household at risk of eviction.* The term “household at risk of eviction” means an individual or family that has received: (i) a written demand for rent payment or a predicate holdover notice pursuant to sections 711 or 713 of the real property actions and proceedings law; or (ii) a notice of non-renewal of residential tenancy pursuant to section 226-c of the real property law.

*Household rent contribution.* The term “household rent contribution” means the percent of income that a household in receipt of a rental assistance voucher contributes toward the rent of an apartment or a single room occupancy.

*Income eligible.* The term “income eligible” means an applicant: (i) whose total gross income does not exceed 50 percent of the area median income, as defined by the federal department of housing and urban development; (ii) who, if eligible, has applied for public assistance and, if approved for such assistance, is in receipt of such assistance; (iii) who is in compliance with public assistance requirements, if applicable; (iv) who has applied for and accepted any federal or state housing benefits for which such applicant is eligible, including section 8 or the rental assistance program described in chapter 9 of title 68 of the rules of the city of New York, regarding the human resources administration home tenant-based rental assistance program, or a successor provision; (v) who is ineligible for FHEPS; and (vi) who has not previously received a rental assistance voucher, except an applicant who meets the requirements of subdivision (d) of section 10-08 of title 68 of the rules of the city of New York, regarding restoration of rental assistance vouchers for certain households, or a successor provision.

*Maximum rental allowances.* The term “maximum rental allowances” means the maximum rent toward which rental assistance vouchers may be applied.

*Public assistance.* The term “public assistance” means benefits, including, but not limited to, monthly grants and shelter allowances issued under the family assistance program pursuant to section 349 of the social services law or the safety net assistance program pursuant to section 159 of the social services law.

*Rental assistance voucher.* The term “rental assistance voucher” means [any city-initiated rental housing subsidy for homeless families and individuals.] rent payments made pursuant to chapter 10 of title 68 of the rules of the city of New York or any other city-initiated rental housing subsidy for households at risk of eviction or families and individuals residing in shelter.

*Runaway youth.* The term “runaway youth” has the same meaning as provided in section 532-a of the executive law.

*Runaway and homeless youth services.* The term “runaway and homeless youth services” has the same meaning as provided in section 21-401.

*Safe haven.* The term “safe haven” means a facility operated by the department of homeless services or a provider under contract or similar agreement with such department that provides low-threshold, harm-reduction housing to chronic street homeless individuals, who are referred to such facilities through a department of homeless services outreach program, without the obligation of entering into other supportive and rehabilitative services in order to reduce barrier to temporary housing.

*Section 8.* The term “section 8” means the housing choice voucher program administered pursuant to section 982.1 of title 24 of the code of federal regulations.

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

*Shelter allowance.* The term “shelter allowance” means financial assistance provided by the department for the purposes of paying rent on an ongoing basis in accordance with section 131-a of the social services law.

*Stabilization beds.* The term “stabilization bed” means city-administered facilities that provide a short-term housing option for an individual experiencing homelessness while such individual works with a department of homeless services outreach team to locate a more permanent housing option.

*Utility allowance.* The term “utility allowance” means a monthly allowance for utility services, excluding cable, internet, and telephone services, paid by a subsidized housing tenant.

b. Eligibility. 1. Subject to [the] appropriation, a household [or individual] will continue to receive additional annual renewals of their vouchers after their fifth year in the CityFHEPS rental assistance program established pursuant to chapter 10 of title 68 of the rules of the city of New York, or a successor program, if they continue to meet the requirements set forth in [title 68 chapter] section 10-08 of title 68 the rules of the city of New York, regarding renewals and restorations of CityFHEPS, or a successor provision.

2. The department shall not require an applicant to have resided or reside in a shelter of any type.

c. Maximum rental allowances. Subject to appropriation, [such] maximum rental allowances shall be set in accordance with section 982.503 of title 24 of the code of federal regulations, regarding voucher payment standard amounts, or a successor provision.

§ 2. Section 21-145.1 of the administrative code of the city of New York is REPEALED.

§ 3. Section 21-145.2 of the administrative code of the city of New York is REPEALED.

§ 4. This local law takes effect 180 days after it becomes law, except that the commissioner of social services shall take such measures as necessary for the implementation of this local law, including the promulgation of rules, before such date.

DIANA I. AYALA, Chairperson; KEVIN C. RILEY, TIFFANY CABÁN, CRYSTAL HUDSON, LINDA LEE, CHI A. OSSÉ, LINCOLN RESTLER, ALTHEA V. STEVENS, SANDRA UNG, NANTASHA M. WILLIAMS; 10-0-0; Committee on General Welfare, July 13, 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 M-164

**Report of the Committee on General Welfare in favor of filing a Communication from the Mayor regarding a Mayor’s veto and disapproval message of Introductory Number 878-A of 2023, “A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the department of social services from requiring an applicant for a rental assistance voucher to have resided or reside in a shelter of any type, and to repeal sections 21-145.1 and 21-145.2 of such code in relation thereto”.**

The Committee on General Welfare, to which the annexed Mayoral veto and disapproval message was referred on June 30, 2023 (Minutes, page 1959),

**REPORTS:**

**(For text of related legislation, please see the Report of the Committee on General Welfare for Int. Nos. 878-A printed above in these Minutes)**

*Accordingly, this Committee recommends the filing of M-164 (Mayor's veto and disapproval message for Int. No. 878-A).*

DIANA I. AYALA, *Chairperson*; KEVIN C. RILEY, TIFFANY CABÁN, CRYSTAL HUDSON, LINDA LEE, CHI A. OSSÉ, LINCOLN RESTLER, ALTHEA V. STEVENS, SANDRA UNG, NANTASHA M. WILLIAMS; 10-0-0; Committee on General Welfare, July 13, 2023.

Coupled to be Filed.

Report for Int. No. 893-A

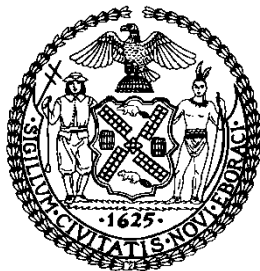
**Report of the Committee on General Welfare in favor of approving and adopting, as amended, notwithstanding the objection of the Mayor, a Local Law to amend the administrative code of the city of New York, in relation to expanding eligibility for rental assistance to any applicant at risk of eviction or experiencing homelessness.**

The Committee on General Welfare, to which the annexed proposed amended local law was referred originally on January 19, 2023 (Minutes, page 284) and adopted by the Council on May 25, 2023 (Minutes, page 1364) before being vetoed by the Mayor on June 23, 2023, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on General Welfare for Int. No. 878-A printed above in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 893-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: 893-A**

**COMMITTEE: General Welfare**

**TITLE:** To amend the administrative code of the city of New York, in relation to expanding eligibility for rental assistance to any applicant at risk of eviction or experiencing homelessness.

**SPONSOR(S):** Council Members Sanchez, Ayala, Cabán, Hanif, Louis, Stevens, Hudson, Restler, Abreu, Brannan, Velázquez, De La Rosa, Brewer, Ung, Ossé, Narcisse, Avilés, Williams, Marte Richardson Jordan,

Farías, Won, Schulman, Gutiérrez, Joseph, Nurse, Gennaro, Krishnan, Rivera, Barron, Brooks-Powers, and Public Advocate Williams.

**SUMMARY OF LEGISLATION:** Proposed Int. No. 893-A would expand eligibility for a rental assistance voucher to any applicant who is a household at risk of eviction or experiencing homelessness.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal Year 2028

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY24</b>	<b>FY Succeeding Effective FY25</b>	<b>Full Fiscal Impact FY28</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$36.2 million	\$396.4 million	\$3.3 billion
<b>Net</b>	\$36.2 million	\$396.4 million	\$3.3 billion

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

**IMPACT ON EXPENDITURES:** To estimate the fiscal impact, Proposed Intros. 229, 878, 893, and 894 were assessed collectively as a package as they directly interact with one another and would become effective simultaneously. The Council’s estimate utilizes the Administration’s uptake projections which assume that 47,000 new households will qualify annually for a voucher under the terms of the legislation, adjusting annually for those who continue to be enrolled in the program and those who exit the program. This projection assumes that by the end of the fifth year 192,470 households will be enrolled. Based on census data, which includes income information, the Council determined an average household contribution amount and an average cost to the City per voucher. Additionally, the package of legislation would also reduce the length of shelter stays by 90 days. Taking the current average lengths of shelter stay, the non-asylum seeker shelter population, and the average per diem cost per household, as reported by the Administration, the Council calculates that a reduction of 90 days in shelter stays would reduce the City’s shelter costs by \$402 million annually. Assuming annual savings of this level brings the net cost of the first 365 days of the implementation of this legislative package to \$145 million, increasing to \$1.2 billion, \$2.1 billion, \$3.1 billion, \$4.0 billion in the next four years, for a total net total cost of \$10.6 billion over five years. Because the laws are anticipated to be effective for only a portion of Fiscal 2024, the prorated net cost of the package in Fiscal 2024 is estimated to be \$36.2 million. For Fiscal 2025, total net cost is estimated to be \$396.4 million, growing to \$1.4 billion in Fiscal 2026, \$2.4 billion in Fiscal 2027, and \$3.3 billion in Fiscal 2028. The Council’s estimate does not take into account any housing market factors that may restrict the usage of vouchers, which could potentially lower the fiscal impact of the package of legislation. Additional savings may be realized as the average length of shelter stay for non-asylum seekers decreases, creating additional capacity for asylum seekers to move from emergency hotel shelters into purpose-built shelters. This estimate does not account for the potential costs and health impacts on individuals and families in the shelter system, which could be averted through the prevention and reduction of stays in shelter. Additionally, the estimate does not account for the potential social and economic benefits from an increase in individuals and families who are stably housed.

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

**SOURCE OF INFORMATION:** The Mayor's Office of City Legislative Affairs  
 New York City Department of Social Services  
 New York City Council Finance Division  
 New York City Council Legislative Division

**ESTIMATE PREPARED BY:** Julia K. Haramis, Unit Head, NYC Council Finance Division

**ESTIMATE REVIEWED BY:** Jonathan Rosenberg, Managing Deputy Director,  
NYC Council Finance Division  
Kathleen Ahn, Counsel, NYC Council Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on January 18, 2023, as Int. No. 893, and was referred to the Committee on General Welfare (the Committee). A hearing was held by the Committee on January 19, 2023, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 893-A, will be voted on by the Committee at a hearing on May 24, 2023. Upon a successful vote by the Committee, Proposed Intro. No. 893-A will be submitted to the full Council for a vote on May 25, 2023.

**DATE PREPARED:** May 24, 2023.

*Accordingly, notwithstanding the objection of the Mayor, this Committee recommends its re-adoption, as amended.*

**(The following is the text of Int. No. 893-A:)**

Int. No. 893-A

By Council Members Sanchez, Ayala, Cabán, Hanif, Louis, Stevens, Hudson, Restler, Abreu, Brannan, De La Rosa, Brewer, Ung, Ossé, Narcisse, Avilés, Williams, Marte, Richardson Jordan, Farías, Won, Schulman, Gutiérrez, Joseph, Nurse, Gennaro, Krishnan, Rivera, Barron, Brooks-Powers, Mealy, Feliz, Salamanca and the Public Advocate (Mr. Williams).

**A Local Law to amend the administrative code of the city of New York, in relation to expanding eligibility for rental assistance to any applicant at risk of eviction or experiencing homelessness**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 21-145 of the administrative code of the city of New York, as amended by a local law for the year 2023 amending the administrative code of the city of New York, relating to prohibiting the department of social services from requiring an applicant for a rental assistance voucher to have resided or reside in a shelter of any type, as proposed in introduction number 878-A, is amended by adding a new paragraph 3 to read as follows:

*3. The department shall deem eligible for a rental assistance voucher any applicant who is a household at risk of eviction or experiencing homelessness.*

§ 2. This local law takes effect on the same date as a local law for the year 2023 amending the administrative code of the city of New York, relating to prohibiting the department of social services from requiring an applicant for a rental assistance voucher to have resided or reside in a shelter of any type, as proposed in introduction number 878-A, takes effect.

DIANA I. AYALA, *Chairperson*; KEVIN C. RILEY, TIFFANY CABÁN, CRYSTAL HUDSON, LINDA LEE, CHI A. OSSÉ, LINCOLN RESTLER, ALTHEA V. STEVENS, SANDRA UNG, NANTASHA M. WILLIAMS; 10-0-0; Committee on General Welfare, July 13, 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 M-165

**Report of the Committee on General Welfare in favor of filing a Communication from the Mayor regarding a Mayor's veto and disapproval message of Introductory Number 893-A of 2023, "A Local Law to amend the administrative code of the city of New York, in relation to expanding eligibility for rental assistance to any applicant at risk of eviction or experiencing homelessness".**

The Committee on General Welfare, to which the annexed Mayoral veto and disapproval message was referred on June 30, 2023 (Minutes, page 1959),

**REPORTS:**

**(For text of related legislation, please see the Report of the Committee on General Welfare for Int. Nos. 878-A printed above in these Minutes)**

*Accordingly, this Committee recommends the filing of M-165 (Mayor's veto and disapproval message for Int. No. 893-A).*

DIANA I. AYALA, *Chairperson*; KEVIN C. RILEY, TIFFANY CABÁN, CRYSTAL HUDSON, LINDA LEE, CHI A. OSSÉ, LINCOLN RESTLER, ALTHEA V. STEVENS, SANDRA UNG, NANTASHA M. WILLIAMS; 10-0-0; Committee on General Welfare, July 13, 2023.

Coupled to be Filed.

## Report for Int. No. 894-A

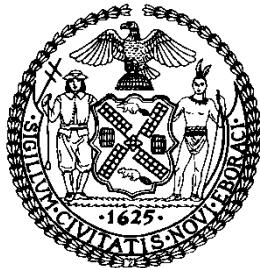
**Report of the Committee on General Welfare in favor of approving and adopting, as amended, notwithstanding the objection of the Mayor, a Local Law to amend the administrative code of the city of New York, in relation to income and work requirements for rental assistance.**

The Committee on General Welfare, to which the annexed proposed amended local law was referred originally on January 19, 2023 (Minutes, page 285) and adopted by the Council on May 25, 2023 (Minutes, page 1366) before being vetoed by the Mayor on June 23, 2023, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on General Welfare for Int. No. 878-A printed above in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 894-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: 894-A

COMMITTEE: General Welfare



**TITLE:** To amend the administrative code of the city of New York, in relation to income and work requirements for rental assistance.

**SPONSOR(S):** Sanchez, Avilés, Ayala, Cabán, Hanif, Stevens, Hudson, Restler, Ung, Abreu, Brannan, De La Rosa, Ossé, Narcisse, Williams, Marte, Richardson Jordan, Farías, Louis, Schulman, Gutiérrez, Joseph, Brewer, Nurse, Gennaro, Krishnan, Rivera, Barron, Brooks-Powers, and Public Advocate Williams.

**SUMMARY OF LEGISLATION:** Proposed Int. No. 894-A would prohibit the Department of Social Services from basing eligibility for a rental assistance voucher on an applicant’s employment status or source of income. This legislation would also codify the income eligibility requirements for rental assistance vouchers.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal Year 2028

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY24</b>	<b>FY Succeeding Effective FY25</b>	<b>Full Fiscal Impact FY28</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$36.2 million	\$396.4 million	\$3.3 billion
<b>Net</b>	\$36.2 million	\$396.4 million	\$3.3 billion

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

**IMPACT ON EXPENDITURES:** To estimate the fiscal impact, Proposed Intros. 229, 878, 893, and 894 were assessed collectively as a package as they directly interact with one another and would become effective simultaneously. The Council’s estimate utilizes the Administration’s uptake projections which assume that 47,000 new households will qualify annually for a voucher under the terms of the legislation, adjusting annually for those who continue to be enrolled in the program and those who exit the program. This projection assumes that by the end of the fifth year 192,470 households will be enrolled. Based on census data, which includes income information, the Council determined an average household contribution amount and an average cost to the City per voucher. Additionally, the package of legislation would also reduce the length of shelter stays by 90 days. Taking the current average lengths of shelter stay, the non-asylum seeker shelter population, and the average per diem cost per household, as reported by the Administration, the Council calculates that a reduction of 90 days in shelter stays would reduce the City’s shelter costs by \$402 million annually. Assuming annual savings of this level brings the net cost of the first 365 days of the implementation of this legislative package to \$145 million, increasing to \$1.2 billion, \$2.1 billion, \$3.1 billion, \$4.0 billion in the next four years, for a total net total cost of \$10.6 billion over five years. Because the laws are anticipated to be effective for only a portion of Fiscal 2024, the prorated net cost of the package in Fiscal 2024 is estimated to be \$36.2 million. For Fiscal 2025, total net cost is estimated to be \$396.4 million, growing to \$1.4 billion in Fiscal 2026, \$2.4 billion in Fiscal 2027, and \$3.3 billion in Fiscal 2028. The Council’s estimate does not take into account any housing market factors that may restrict the usage of vouchers, which could potentially lower the fiscal impact of the package of legislation. Additional savings may be realized as the average length of shelter stay for non-asylum seekers decreases, creating additional capacity for asylum seekers to move from emergency hotel shelters into purpose-built shelters. This estimate does not account for the potential costs and health impacts on individuals and families in the shelter system, which could be averted through the prevention and reduction of stays in shelter. Additionally, the estimate does not account for the potential social and economic benefits from an increase in individuals and families who are stably housed.

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

**SOURCE OF INFORMATION:** The Mayor's Office of City Legislative Affairs  
New York City Department of Social Services  
New York City Council Finance Division  
New York City Council Legislative Division

**ESTIMATE PREPARED BY:** Julia K. Haramis, Unit Head, NYC Council Finance Division

**ESTIMATE REVIEWED BY:** Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance  
Division Kathleen Ahn, Counsel, NYC Council Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on January 18, 2023, as Int. No. 894, and was referred to the Committee on General Welfare (the Committee). A hearing was held by the Committee on January 19, 2023, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 894-A, will be voted on by the Committee at a hearing on May 24, 2023. Upon a successful vote by the Committee, Proposed Intro. No. 894-A will be submitted to the full Council for a vote on May 25, 2023.

**DATE PREPARED:** May 24, 2023.

*Accordingly, notwithstanding the objection of the Mayor, this Committee recommends its re-adoption, as amended.*

**(The following is the text of Int. No. 894-A:)**

Int. No. 894-A

By Council Members Sanchez, Avilés, Ayala, Cabán, Hanif, Stevens, Hudson, Restler, Ung, Abreu, Brannan, De La Rosa, Ossé, Narcisse, Williams, Marte, Richardson Jordan, Fariás, Louis, Schulman, Gutiérrez, Joseph, Brewer, Nurse, Gennaro, Krishnan, Rivera, Barron, Brooks-Powers, Mealy, Feliz, Won, Salamanca and the Public Advocate (Mr. Williams).

**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. Paragraph 2 of subdivision b of section 21-145 of the administrative code of the city of New York, as amended by a local law for the year 2023 amending the administrative code of the city of New York, relating to prohibiting the department of social services from requiring an applicant for a rental assistance voucher to have resided or reside in a shelter of any type, as proposed in introduction number 878-A, is amended to read as follows:

2. The department shall not *base eligibility for a rental assistance voucher on the applicant's employment status or source of income, and shall not* require an applicant to have resided or reside in a shelter of any type.

§ 2. Paragraph 3 of subdivision b of section 21-145 of the administrative code of the city of New York, as amended by a local law for the year 2023 amending the administrative code of the city of New York, relating to expanding eligibility for rental assistance as proposed in introduction number 893-A, is amended to read as follows:

3. The department shall deem eligible for a rental assistance voucher any applicant who is *income eligible and* is a household at risk of eviction or experiencing homelessness.

§ 3. This local law takes effect on the same date as a local law for the year 2023 amending the administrative code of the city of New York, relating to prohibiting the department of social services from requiring an applicant for a rental assistance voucher to have resided or reside in a shelter of any type, as proposed in introduction number 878-A, takes effect.

DIANA I. AYALA, *Chairperson*; KEVIN C. RILEY, TIFFANY CABÁN, CRYSTAL HUDSON, LINDA LEE, CHI A. OSSÉ, LINCOLN RESTLER, ALTHEA V. STEVENS, SANDRA UNG, NANTASHA M. WILLIAMS; 10-0-0; Committee on General Welfare, July 13, 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 M-166

**Report of the Committee on General Welfare in favor of filing a Communication from the Mayor regarding a Mayor's veto and disapproval message of Introductory Number 894-A of 2023, "A Local Law to amend the administrative code of the city of New York, in relation to income and work requirements for rental assistance".**

The Committee on General Welfare, to which the annexed Mayoral veto and disapproval message was referred on June 30, 2023 (Minutes, page 1961),

#### REPORTS:

**(For text of related legislation, please see the Report of the Committee on General Welfare for Int. Nos. 878-A printed above in these Minutes)**

*Accordingly, this Committee recommends the filing of M-166 (Mayor's veto and disapproval message for Int. No. 894-A).*

DIANA I. AYALA, *Chairperson*; KEVIN C. RILEY, TIFFANY CABÁN, CRYSTAL HUDSON, LINDA LEE, CHI A. OSSÉ, LINCOLN RESTLER, ALTHEA V. STEVENS, SANDRA UNG, NANTASHA M. WILLIAMS; 10-0-0; Committee on General Welfare, July 13, 2023.

Coupled to be Filed.

#### Report of the Committee on Health

Report for Int. No. 200-A

**Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to reporting on objections to orders for the abatement or remediation of lead conditions.**

The Committee on Health, to which the annexed proposed amended local law was referred on April 14, 2022 (Minutes, page 620), respectfully

#### REPORTS:

##### I. INTRODUCTION

On July 13, 2023, the New York City Council Committee on Health, chaired by Council Member Lynn Schulman, held a vote on Introduction No. 200-A (Int. No. 200-A), sponsored by Council Member Salamanca,

in relation to reporting on objections to orders for the abatement or remediation of lead conditions; and Introduction No. 1074-A (Int. No. 1074-A), sponsored by Council Member Hudson, in relation to prohibiting the use of city resources to enforce restrictions on gender-affirming care. Int. No. 200-A and Int. No. 1074-A passed with 9 in the affirmative, zero in the negative and no abstentions.

On April 25, 2023, the Committee on Health heard Introduction No. 200 and received testimony from the New York City Department of Health and Mental Hygiene (DOHMH), the Department of Housing Preservation and Development (HPD), as well as other relevant agencies, advocates, and interested parties. On June 12, 2023, the Committee on Health heard Introduction No. 1074 and received testimony from DOHMH, the New York City Health + Hospitals Corporation (H+H), advocates, and other interested parties.

## II. BACKGROUND – LEAD PAINT

Lead is a naturally occurring element that can be found in air, soil, water, household products, and, most commonly, lead-based paint and dust.<sup>1</sup> Lead is a human neurotoxin that is especially harmful to infants and children.<sup>2</sup> Adult exposure can also cause health problems, in particular to pregnant women whose exposure can also impact the developing fetus.<sup>3</sup>

For children under six years of age, lead poisoning<sup>4</sup> can have serious health consequences, as their developing brains and bodies are particularly vulnerable to exposure.<sup>5</sup> Even low levels of exposure can cause irreversible neurological damage, leading to developmental delays, learning disabilities, and behavioral problems.<sup>6</sup> Children who are poisoned by lead may show no symptoms.<sup>7</sup> Long-term exposure has also been linked to other health issues, including headaches, stomachaches, hypertension, nausea, kidney damage, and reproductive problems.<sup>8</sup>

### A. *Recent Developments Regarding Lead*

Over the past 50 years, public health efforts have led to enormous progress in protecting American children from lead poisoning and the irreversible neurological damage it can cause.<sup>9</sup> Since the 1970s, the percentage of children with high levels of lead in their blood has decreased significantly.<sup>10</sup> However, the arrival of the COVID-19 pandemic in 2020 eroded this progress, as lockdowns confined young children to their homes and increased the potential for lead exposure, delayed lead-removal efforts, and disrupted childhood lead screening protocols.<sup>11</sup> Public health officials estimate that hundreds of thousands of young children across the country did not participate in lead screening processes in the first few months of the pandemic alone.<sup>12</sup>

Additionally, in October 2021 the Centers for Disease Control and Prevention (“CDC”) updated the blood lead reference value (“BLRV”) from 5.0 micrograms per deciliter (“mcg/dL”) to 3.5 mcg/dL.<sup>13</sup> The BLRV is

<sup>1</sup> Environmental Protection Agency, *Learn About Lead*, <https://www.epa.gov/lead/learn-about-lead> (last accessed Apr. 19, 2023).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup>“Lead poisoning” is defined by the Cleveland Clinic as occurring when an individual has been exposed to high levels of lead. <https://my.clevelandclinic.org/health/diseases/11312-lead-poisoning> (last accessed Apr. 19, 2023). Lead poisoning is typically caused by eating or drinking (ingesting) lead, but touching or breathing in the toxic metal can also cause it. *Id.* Lead poisoning is when “any detectable amount of lead is found in your [] blood.” *Id.*

<sup>5</sup> U.S. Department of Housing and Urban Development, *About Lead-Based Paint*, [https://www.hud.gov/program\\_offices/healthy\\_homes/healthyhomes/lead](https://www.hud.gov/program_offices/healthy_homes/healthyhomes/lead) (last accessed Apr. 19, 2023).

<sup>6</sup> *Id.* In New York State, students who meet the criteria under the Individuals with Disabilities Education Act (IDEA) for “other health impairment,” which includes lead exposure, may be considered for special education services. 34 C.F.R. Parts 300, 301; National Center for Health Housing, *Issue Brief: Childhood Lead Exposure and Educational Outcomes*, <https://www.nhlp.org/wp-content/uploads/NCHH-Childhood-Lead-Exposure-and-Educ-Outcomes.pdf> (last accessed Apr. 19, 2023).

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> Emily Anthes, *More Childhood Lead Poisoning is a Side Effect of COVID Lockdowns*, NY TIMES, Mar. 11, 2021, <https://www.nytimes.com/2021/03/11/health/virus-lead-poisoning-children.html?searchResultPosition=35>.

<sup>10</sup> *Id.*

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

<sup>12</sup> *Id.*

<sup>13</sup> Centers for Disease Control and Prevention, *CDC Updates Blood Lead Reference Value to 3.5 mcg/dL*,

intended to identify children with higher levels of lead in their blood compared with levels in most children.<sup>14</sup> Acknowledging that even low levels of lead in blood have been shown to reduce a child’s learning capacity, ability to pay attention, and academic achievement, the CDC updated the BLRV to ensure that children with blood lead levels within the range of 3.5–5 mcg/dL, below the existing 5.0 mcg/dL threshold, receive prompt actions to mitigate health effects and remove or control exposure sources.<sup>15</sup>

In New York City, lead-based paint hazards remain a significant public health concern, particularly for children. Lead-based paint was commonly used in homes and buildings prior to its ban in 1960 in New York City, and many older buildings still contain lead paint.<sup>16</sup> When lead paint deteriorates or is disturbed, it can release toxic lead dust or chips, which can be ingested or inhaled, leading to lead poisoning.<sup>17</sup> Due to New York City’s high population density and older housing stock, vulnerable populations, including low-income families, communities of color, and immigrants, are at an increased risk of exposure to lead-based paint hazards.<sup>18</sup> As discussed below, New York City has implemented various regulations and programs to address lead-based paint hazards, including local laws requiring lead inspections and remediation in certain housing units. In 2023, HPD’s Office of Enforcement and Neighborhood Services held a lead-based paint webinar series, including a broad introduction to New York City’s lead-based paint rules for residential building owners.<sup>19</sup>

Challenges still persist related to enforcement, lack of affordable housing options without lead hazards, and gaps in public awareness and education about lead paint risks.<sup>20</sup> Between 2004 and 2018, there were 133,372 lead-based paint violations issued in New York City.<sup>21</sup> As of March 2023, 45% of all lead-related court cases in New York City were in the Bronx.<sup>22</sup> Ongoing efforts are needed to prevent and address lead exposure in New York City, including robust enforcement of existing regulations, increased public education and awareness, targeted interventions in vulnerable communities, and investment in safe and affordable housing options for all residents.

## B. Existing Lead Laws in New York City

### 1. Local Law 1 of 2004

While the use of lead-based paint in residential buildings was first banned in New York City in 1960<sup>23</sup> and banned by the federal government in 1978,<sup>24</sup> widespread lead exposure, particularly for New York City’s children, has continued over subsequent decades. To combat the ongoing crisis, the City Council enacted Local Law 1 of 2004 (“Local Law 1”), also known as the Childhood Lead Poisoning Prevention Act, with a stated goal of the “elimination of childhood lead poisoning by the year 2010.”<sup>25</sup>

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<https://www.cdc.gov/nceh/lead/news/cdc-updates-blood-lead-reference-value.html> (last accessed Apr. 19, 2023).

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

<sup>15</sup> *Id.*

<sup>16</sup> NYC Housing Preservation & Development, *Lead-Based Paint*, <https://www.nyc.gov/site/hpd/services-and-information/lead-based-paint.page> (last accessed Apr. 19, 2023).

<sup>17</sup> Centers for Disease Control and Prevention, *Protect Your Family from Sources of Lead* (last updated May 26, 2022), <https://www.epa.gov/lead/protect-your-family-sources-lead> (last accessed Apr. 19, 2023).

<sup>18</sup> Centers for Disease Control and Prevention, *Populations at Higher Risk* (last reviewed Oct. 29, 2021), <https://www.cdc.gov/nceh/lead/prevention/populations.htm> (last accessed Apr. 19, 2023).

<sup>19</sup> *Supra* note 16.

<sup>20</sup> *Lead in NYC Homes*, <https://council.nyc.gov/data/lead-in-nyc-homes> (last accessed Apr. 19, 2023).

<sup>21</sup> *Id.*

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

<sup>23</sup> New York City Dept. of Health and Mental Hygiene, *Lead Poisoning: Information for Building Owners*, <https://www.nyc.gov/site/doh/health/health-topics/lead-poisoning-information-for-building-owners.page#:~:text=Dust%20from%20lead%20paint%20is,may%20still%20have%20lead%20paint> (last accessed Apr. 19, 2023).

<sup>24</sup> Environmental Protection Agency, *Protect Your Family from Sources of Lead*, <https://www.epa.gov/lead/protect-your-family-sources-lead> (last accessed Apr. 19, 2023).

<sup>25</sup> New York City Council, Local Law 1 of 2004, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=437484&GUID=23ACF449-F6E1-4318-883B-62FF3C4FEBE0&Options=ID%7cText%7c&Search=>

Local Law 1 requires, in part, that building owners investigate units and common areas in which lead-based paint may be present, with special attention paid to units where a child under six resides.<sup>26</sup> Any lead-based paint hazards or violations must be remediated using safe work practices to prevent additional exposure to lead, and owners must keep detailed records of such actions.<sup>27</sup> Owners must also inquire as to the presence of children under age six residing in the building and provide all tenants with information regarding the presence of lead-based paint (if applicable) and the owner's responsibilities under Local Law 1.<sup>28</sup>

HPD holds primary responsibility for implementing and enforcing Local Law 1, with DOHMH also playing a large part in the development of rules and procedures.<sup>29</sup> Local Law 1 requires that the agencies provide training and create inspection and remediation standards as well as safe work practices.<sup>30</sup> Local Law 1 also requires collaboration between HPD and DOHMH throughout the processes of conducting inspections and correcting violations by requiring HPD to audit or inspect dwelling units for lead paint following an order to abate from DOHMH.<sup>31</sup>

### C. DOHMH 2022 Report to the City Council

Local Law 1 requires the DOHMH to annually report to the City Council on the City's progress toward reducing elevated blood lead levels among children and increasing blood lead testing in the city.<sup>32</sup> The 2022 report included the following data from 2021:

- In 2021, 2,557 New York City children under six years of age were identified with a blood lead level of 5 mcg/dL or greater, representing a 2% decline from 2020. The rate of children under six with elevated blood lead levels was 10.8 per 1,000, down from 11.2 per 1,000 in 2020.<sup>33</sup>
  - The burden of lead exposure is highest among children of color and children living in high poverty neighborhoods: 88% of children under six with blood lead levels of 5 mcg/dL or higher were from moderate (51%) to high (37%) poverty neighborhoods.<sup>34</sup>
  - Asian, Black, and Latino children represented 81% of children under age six newly identified with blood lead levels of 5 mcg/dL or greater.<sup>35</sup>
  - An estimated 80% of New York City children turning three years of age in 2021 were tested for lead poisoning at least once. Forty-eight percent of them were tested at or around age one and age two, as required by New York State law.<sup>36</sup>

## III. BACKGROUND - LGBTQIA+ HEALTHCARE

### A. New York City Laws and Policies Related to LGBTQIA+ Healthcare

Discrimination based on an individual's sexual orientation, gender identity, or gender expression in public accommodations, including in health care settings, is prohibited in New York City.<sup>37</sup> The City's LGBTQ Health

<sup>26</sup> *Id.*

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

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

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

<sup>32</sup> *Supra* note **Error! Bookmark not defined.** at 1.

<sup>33</sup> *Id.* at 2.

<sup>34</sup> *Id.* at 3.

<sup>35</sup> *Id.* at 5.

<sup>36</sup> The DOHMH infers that the ongoing COVID-19 pandemic played a role in decreased blood lead testing in 2021. *Id.* at 8.

<sup>37</sup> NYC Admin. Code §8.107; New York City Department of Health and Mental Hygiene, *LGBTQ+ Health*, <https://www.nyc.gov/site/doh/health/health-topics/lgbtq.page>.

Care Bill of Rights, which was released in June 2017 alongside DOHMH's ad campaign "Bare It All,"<sup>38</sup> is accessible on the DOHMH website and lists the current legal rights an individual can rely on to help advocate for themselves in healthcare settings.<sup>39</sup> Individuals can submit complaints to the City's Commission on Human Rights if they believe that they have been mistreated or denied care because of sexual orientation, gender identity, or gender expression.<sup>40</sup> DOHMH also provides access to the NYC Health Map, which helps individuals find LGBTQ-knowledgeable providers who offer services in primary care, sexual health care, gender-affirming care, and HIV testing and treatment.<sup>41</sup> DOHMH's website also provides tips for talking with medical services providers and access to informational resources for both patients and medical service providers.<sup>42</sup>

Further, the City Health and Hospitals Corporation (H+H) operates 7 Pride Health Centers in the City – 4 in Manhattan, 1 in Brooklyn, and 2 in the Bronx.<sup>43</sup> Pride Health Centers are dedicated to the needs of LGBTQIA+ patients, and according to H+H, providers in such centers receive "extensive training to provide culturally responsive care."<sup>44</sup> In addition to providing access to puberty blockers, affirming OB/GYN care, and gender-affirming surgery, Pride Health Centers provide access to primary care, behavioral health services and referrals, HIV testing and treatment, PrEP and PEP access, STI testing and treatment, and insurance navigation and enrollment.<sup>45</sup>

### B. Access to Gender-Affirming Care in New York City

Gender-affirming care is provided in New York City. H+H offers gender-affirming services, including hormone therapy, puberty blockers, and gender-affirming surgeries, such as top surgeries.<sup>46</sup> H+H provides training to all staff members on the special health, psychological, and social issues of LGBTQIA+ individuals.<sup>47</sup>

However, some groups face more challenges when seeking services related to gender transition in New York City. According to the *New York State LGBTQ+ Health and Human Services Needs Assessment 2021 Community Survey*, respondents with less than a college degree reported higher levels of challenges due to a lack of transition care providers and personal financial resources.<sup>48</sup> However, respondents in New York City, Finger Lakes, and Central New York experienced the fewest challenges related to geography of providers (i.e., distance to care) and availability of transition care, while all other regions of the state experienced a much higher level of geographic challenges to gender transition care.<sup>49</sup>

On June 12, 2023, New York City Mayor Eric Adams signed Executive Order 32. This executive order prevents the use of city resources to detain any individual who is providing or receiving gender-affirming health care services in New York City.<sup>50</sup> Additionally, the executive order denies the use of resources by the City of New York to cooperate with any prosecution or investigation by another state of an individual for providing or receiving gender-affirming care.<sup>51</sup>

<sup>38</sup> The "Bare It All" Campaign encouraged LGBTQIA+ New Yorkers to "bare it all" to their doctors by having open and honest discussions with their healthcare providers. *NYC Launches First Ever LGBTQ Health Care Bill of Rights*, CBS New York (June 2017), <https://www.cbsnews.com/newyork/news/lgbtq-health-bill-of-rights>.

<sup>39</sup> New York City Department of Health and Mental Hygiene, *LGBTQ Health Care Bill of Rights*, <https://www.nyc.gov/assets/doh/downloads/pdf/ah/lgbtq-bor-wallet.pdf>.

<sup>40</sup> New York City Department of Health and Mental Hygiene, *LGBTQ+ Health*, <https://www.nyc.gov/site/doh/health/health-topics/lgbtq.page>.

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

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

<sup>43</sup> NYC Health + Hospitals, *Partners in LGBTQ+ Health Care*, <https://www.nychealthandhospitals.org/services/lgbtq-health-care-services>.

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

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

<sup>46</sup> *Id.*

<sup>47</sup> NYC Health + Hospitals, *We are an ally*, [https://hhinternet.blob.core.windows.net/uploads/2016/12/LGBTQ\\_Brochure\\_2.pdf](https://hhinternet.blob.core.windows.net/uploads/2016/12/LGBTQ_Brochure_2.pdf).

<sup>48</sup> John A. Guidry et al., *New York State LGBTQ+ Health and Human Services Needs Assessment 2021 Community Survey*, The NYS Network for LGBT Health and Human Services (2022), <https://nyslgbtq.org/wp-content/uploads/2023/03/TRX-Report-010823-FINAL-REV-2.pdf>.

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

<sup>50</sup> N.Y.C. Exec. Order 32, *Prohibiting Use of City Resources to Assist Jurisdictions Seeking to Enforce Prohibitions on Gender-Affirming Care* (Jun. 12, 2023), available at <https://www.nyc.gov/assets/home/downloads/pdf/executive-orders/2023/eo-32.pdf>.

<sup>51</sup> *Id.*

On June 25, 2023, New York State Governor Kathy Hochul signed legislation prohibiting:

1. Consideration of a law of another state that authorizes a child to be removed from their parent or guardian based on the parent or guardian allowing their child to receive gender-affirming care in custody cases;
2. Law enforcement agencies from cooperating with or providing information to any individual or out-of-state agency or department regarding the provision of lawful gender-affirming care performed in this state;
3. The issuance of a subpoena in connection with certain out-of-state proceedings relating to seeking health or related information about people who come to New York to receive gender-affirming care; and
4. The arrest of a person for performing or aiding in the lawful performance of gender-affirming care within this state.

The law took effect immediately.<sup>52</sup>

#### **IV. LEGISLATIVE ANALYSIS**

##### **a. Introduction No. 200-A**

This bill would require DOHMH to submit to the Mayor and the Speaker of the Council, and make publicly available on DOHMH's website, a semiannual report on the number of objections filed by multiple dwelling owners to DOHMH lead abatement orders. The report would be required to include the number of objections filed by the New York City Housing Authority and to specify the reasons why any objections are found to have merit, including faulty testing or paint sampling, or an exemption based on the dwelling's construction date.

Since the initial hearing, this bill was amended to require that the report be submitted semiannually.

This local law would take effect immediately.

##### **b. Introduction No. 1074-A**

This bill would prohibit the use of city resources to detain any person for seeking, obtaining, providing, or facilitating gender-affirming care in the state of New York, or outside the state of New York in circumstances where such conduct would have been lawful had it occurred in the state of New York. The bill further prohibits the use of city resources to cooperate with an investigation of a person on grounds that such person is known or believed to have sought, obtained, provided, or facilitated gender-affirming care outside the state of New York under circumstances where their conduct would have been lawful had it occurred in the state of New York.

Since the initial hearing, this bill was amended to provide for certain exceptions to the bill's prohibitions on the use of city resources.

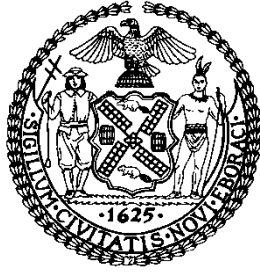
This local law would take effect immediately.

**(The following is the text of the Fiscal Impact Statement for Int. No. 200-A:)**

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<sup>52</sup> N.Y. Session Laws Chap. 143, (S.B. 2475B), available at <https://www.nysenate.gov/legislation/bills/2023/S2475/amendment/B>.





**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: 200-A**

**COMMITTEE: Health**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to reporting on objections to orders for the abatement or remediation of lead conditions.

**SPONSOR(S):** By Council Members Salamanca, Cabán, Won, Nurse, Abreu, Bottcher, Gennaro, Riley, Marte, Ayala, Rivera, De La Rosa, Menin, Farías, Brewer, Sanchez, Brannan, Brooks-Powers, Schulman, Gutiérrez, Hudson, Avilés, Krishnan, Narcisse, Hanif, Williams, Restler, Barron, Richardson Jordan and Louis.

**SUMMARY OF LEGISLATION:** This bill would require the Department of Health and Mental Hygiene (“DOHMH”) to submit to the Mayor and the Speaker of the Council, and make publicly available on DOHMH’s website, a semiannual report on the number of objections filed by multiple dwelling owners to DOHMH lead abatement orders. The report would be required to include the number of objections filed by the New York City Housing Authority (“NYCHA”) and to specify the reasons why any objections are found to have merit, including faulty testing or paint sampling, or an exemption based on the dwelling’s construction date.

**EFFECTIVE DATE:** This local law would take effect immediately.

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

**FISCAL IMPACT STATEMENT:**

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

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because DOHMH would utilize existing resources to fulfill the requirements.

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

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

**ESTIMATE PREPARED BY:** Danielle Glants, Financial Analyst, NYC Council Finance Division

**ESTIMATE REVIEWED BY:** Crilhien R. Francisco, Assistant Director, NYC Council Finance Division  
Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance Division

**LEGISLATIVE HISTORY:** The legislation was introduced to the full Council on April 14, 2022 as Intro. 200 and referred to the Committee on Health (Committee). The legislation was considered by the Committee on April 25, 2023 and was subsequently amended to Intro. 200-A. The amended version, Intro. No. 200-A will be considered by the Committee on July 13, 2023. Upon successful vote by the Committee, Intro. No. 200-A will be submitted to the full Council for a vote on July 13, 2023.

**DATE PREPARED:** July 11, 2023.

**(For text of Int. No. 1074-A and its Fiscal Impact Statement, please see the Report of the Committee on Health for Int. Nos. 1074-A printed below in these Minutes; for text of Int. No. 200-A, please see below)**

*Accordingly, this Committee recommends the adoption of Int. Nos. 200-A and 1074-A.*

**(The following is the text of Int. No. 200-A:)**

Int. No. 200-A

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

**A Local Law to amend the administrative code of the city of New York, in relation to reporting on objections to orders for the abatement or remediation of lead conditions**

*Be it enacted by the Council as follows:*

Section 1. Title 17 of the administrative code of the city of New York is amended by adding a new section 17-916 to read as follows:

§ 17-916 *Report regarding objections to department orders.* a. *The department shall submit to the mayor and the speaker of the council, and make publicly available on the department's website, a report on the number of objections to department orders for lead abatement or remediation received by the department pursuant to paragraph 3 of subdivision d of section 173.13 of the health code, or successor provision. Such report shall specify the number of such objections received from a housing development operated by the New York city housing authority. The department shall issue such report twice a year no later than August 30 for the period covering January through June of the same year, and no later than February 28 for the period covering July through December of the prior year.*

b. *The report required pursuant to subdivision a of this section shall include the number of orders withdrawn in full by the department, disaggregated by the reasons such orders were withdrawn, including, but not limited to:*

1. *Faulty paint sampling or testing by the department;*
2. *Inconclusive or contradicting test results; or*
3. *Exemptions due to the date a tested dwelling was erected.*

§ 2. This local law takes effect immediately.

LYNN C. SCHULMAN, *Chairperson*; KALMAN YEGER, OSWALD FELIZ, CHARLES BARRON, CRYSTAL HUDSON, JULIE MENIN, MERCEDES NARCISSE, MARJORIE VELÁZQUEZ, JOANN ARIOLA; 9-0-0; Committee on Health, July 13, 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. 1074-A

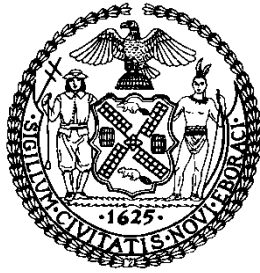
**Report of the Committee on Health in favor of approving and adopting, as amended, notwithstanding the objection of the Mayor, a Local Law to amend the administrative code of the city of New York, in relation to prohibiting the use of city resources to enforce restrictions on gender-affirming care.**

The Committee on Health, to which the annexed proposed amended local law was referred originally on June 8, 2023 (Minutes, page 1701), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Health for Int. No. 200-A printed above in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 1074-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: 1074-A**

**COMMITTEE:** Health

**TITLE:** A Local Law to amend the administrative code of the city of New York in relation to prohibiting the use of city resources to enforce restrictions on gender-affirming care.

**SPONSOR(S):** Council Members Hudson, Cabán, Schulman, Ossé, Sanchez, Farías, Richardson Jordan, Brewer, Ung, Hanif, Restler and Louis.

**SUMMARY OF LEGISLATION:** This bill would prohibit the use of city resources to detain any person for seeking, obtaining, providing, or facilitating gender-affirming care in the state of New York, or outside the state of New York in circumstances where such conduct would have been lawful had it occurred in the state of New York. The bill further prohibits the use of city resources to cooperate with an investigation of a person on grounds that such person is known or believed to have sought, obtained, provided, or facilitated gender-affirming care outside the state of New York under circumstances where their conduct would have been lawful had it occurred in the state of New York.

**EFFECTIVE DATE:** This local law would take effect immediately.

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

**FISCAL IMPACT STATEMENT:**

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

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

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

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

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

**ESTIMATE PREPARED BY:** Danielle Glants, Financial Analyst, NYC Council Finance Division

**ESTIMATE REVIEWED BY:** Crilhien R. Francisco, Assistant Director, NYC Council Finance Division  
Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance Division

**LEGISLATIVE HISTORY:** The legislation was introduced to the full Council on June 8, 2023 as Intro. 1074 and referred to the Committee on Health (Committee). The legislation was considered by the Committee on June 12, 2023 and was subsequently amended to Intro. 1074-A. The amended version, Intro. 1074-A will be considered by the Committee on July 13, 2023. Upon successful vote by the Committee, Intro. 1074-A will be submitted to the full Council for a vote on July 13, 2023.

**DATE PREPARED:** July 11, 2023.

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

**(The following is the text of Int. No. 1074-A:)**

Int. No. 1074-A

By Council Members Hudson, Cabán, Schulman, Ossé, Sanchez, Fariás, Richardson Jordan, Brewer, Ung, Hanif, Restler, Louis, Rivera, Narcisse and Mealy.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the use of city resources to enforce restrictions on gender-affirming care**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 10 of the administrative code of the city of New York is amended by adding a new section 10-184.1 to read as follows:

*§ 10-184.1 Gender-affirming care protections. a. Definitions. As used in this section, the following terms have the following meanings:*

*1. City property. The term “city property” means any real property leased or owned by the city that serves a city governmental purpose and over which the city has operational control.*

*2. Gender-affirming care. The term “gender-affirming care” means medical, surgical, behavioral health, psychosocial, and other services intended to support and affirm a person’s self-determined gender identity or expression. The term “gender-affirming care” does not include sexual orientation, gender identity, and gender expression change efforts.*

*3. Seeking, obtaining, providing, or facilitating gender-affirming care. The term “seeking, obtaining, providing, or facilitating gender-affirming care” includes, but is not limited to, any of the following: expressing interest in, inducing, using, performing, furnishing, paying for, disseminating information about, arranging, insuring, assisting, or otherwise taking action to engage in gender-affirming care; or attempting any of the same.*

4. *Sexual orientation, gender identity, and gender expression change efforts.* The term “sexual orientation, gender identity, and gender expression change efforts” means efforts intended to change a person’s self-determined gender identity or expression, or sexual orientation, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward persons of the same gender. The term “sexual orientation, gender identity, and gender expression change efforts” does not include counseling or treatment for a person seeking to transition from one gender to another, or therapy that (i) provides acceptance, support, and understanding of a person or the facilitation of a person’s coping, social support, and identity exploration and development, including sexual orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, and (ii) does not seek to change sexual orientation, gender identity, or gender expression.

b. No city resources, including, but not limited to, time spent by employees, city officers, or any person under contract to perform work or provide services for the city, while on duty, or use of city property, shall be utilized for:

1. The detention of a person on grounds that they are known or believed to have lawfully sought, obtained, provided, or facilitated gender-affirming care in the state of New York; or known or believed to have sought, obtained, provided, or facilitated gender-affirming care outside the state of New York in circumstances where such conduct would have been lawful had it occurred in the state of New York; or

2. Cooperation with an investigation of a person on grounds that such person is known or believed to have sought, obtained, provided, or facilitated gender-affirming care outside the state of New York under circumstances where their conduct would have been lawful had it occurred in the state of New York.

c. For the purposes of this section, a provider whose professional license in the state where they practice would have qualified them to provide such care if it were lawful to do so in such state shall be considered to have been qualified to provide such care in the state of New York.

d. Nothing in this section shall prohibit the civil or criminal investigation of a person suspected or alleged to have provided or facilitated gender-affirming care not in accordance with applicable provisions of the laws of the city and the state of New York, or cooperation in such an investigation, provided that, to the extent legally permissible, no information that may identify any person alleged to have sought or obtained gender-affirming care shall be disclosed to investigating personnel or defense counsel without the prior consent of the person alleged to have sought or obtained such care.

e. Nothing in this section shall prohibit the civil or criminal investigation of a person suspected or alleged to have provided or facilitated gender-affirming care in another state in a manner that would be prohibited by the laws of the city and the state of New York, or cooperation in such an investigation, provided that, to the extent legally permissible, no information that may identify any person alleged to have sought or obtained gender-affirming care shall be disclosed to investigating personnel or defense counsel without the prior consent of the person alleged to have sought or obtained such care.

f. Nothing in this section shall prohibit an agency or employee, city officer, or any person under contract to perform work or provide services for the city, while on duty, from making a disclosure relating to a person who has sought or obtained gender-affirming care when such person has consented in writing to the disclosure.

g. Nothing in this section shall prohibit an agency or employee, city officer, or any person under contract to perform work or provide services for the city, while on duty, from complying with a request for information relating to a proceeding that sounds in tort or contract, or is based on or brought under federal law or regulation, statute or regulation of the state of New York, or the laws of the city, or law of another state for which there is an equivalent or similar cause of action in the state of New York; and has been brought by a person who claims to have sought or obtained gender-affirming care.

h. Nothing in this section shall require an agency or employee, city officer, or any person under contract to perform work or provide services for the city, while on duty, to fail to comply with a court order from a court of competent jurisdiction.

i. Nothing in this section shall prevent compliance with laws that provide persons a right to any information or document pertaining to their own gender-affirming care.

j. Nothing in this section shall prevent an agency or employee, city officer, or any person under contract to perform work or provide services for the city, while on duty, from cooperating with or providing information to any person or out-of-state agency or department for scientific study or research being undertaken for the purpose of the reduction of morbidity and mortality or the improvement of the quality of medical care, provided that no

*information relating to any medical care provided to a specific person or that would identify any person associated with gender-affirming care that has been lawfully provided may be shared without the prior consent of such person.*

*k. Nothing in this section shall prevent an agency or employee, city officer, or any person under contract to perform work or provide services for the city, while on duty, from taking such actions as are necessary to carry out their legal responsibilities with respect to a minor. Any disclosure made for such purposes that identifies persons who have sought, obtained, provided, or facilitated gender-affirming care, or the services related to gender-affirming care that were sought, obtained, provided, or facilitated shall be limited to the amount of information reasonably necessary to achieve the purpose of the disclosure.*

§ 2. This local law takes effect immediately.

LYNN C. SCHULMAN, *Chairperson*; KALMAN YEGER, OSWALD FELIZ, CHARLES BARRON, CRYSTAL HUDSON, JULIE MENIN, MERCEDES NARCISSE, MARJORIE VELÁZQUEZ, JOANN ARIOLA; 9-0-0; Committee on Health, July 13, 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 Housing and Buildings**

Report for Int. No. 193-A

#### **Report of the Committee on Housing and Buildings 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 lead-based paint hazards in common areas of dwellings.**

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on April 14, 2022 (Minutes, page 609), respectfully

#### **REPORTS:**

##### **I. INTRODUCTION**

On July 13, 2023, the New York City Council Committee on Housing and Buildings, chaired by Council Member Pierina Sanchez, held a hearing to vote on Int. No. 193-A, sponsored by Council Member Rivera, in relation to lead-based paint hazards in common areas of dwellings. Int. No. 193-A was first heard on April 25, 2023.

##### **II. LEGISLATION**

#### **Int. 193-A**

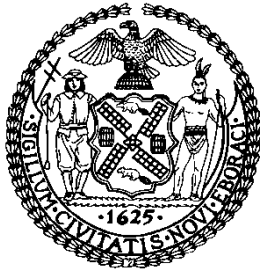
This bill would make the existence of peeling lead-based paint in any common area of a multiple dwelling where a child under the age of six resides a class C hazardous violation. The legislation would also include common areas as part of the owner's responsibility to inspect for lead-based paint hazards in dwellings required under the City's lead laws. Inspectors from the Department of Housing Preservation and Development ("HPD") would be required to conduct a visual inspection of common areas in the line of travel to the dwelling unit to be inspected, and, if practical, in a different line of travel when exiting the multiple dwelling.

This local law would take effect 300 days after it becomes law.

**UPDATE**

On Thursday, July 13, 2023, the Committee adopted Int. 193-A by a vote of eight in the affirmative, one in the negative, and zero abstentions.

**(The following is the text of the Fiscal Impact Statement for Int. No. 193-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: 193-A**

**COMMITTEE: Housing and Buildings**

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to lead-based paint hazards in common areas of dwellings.

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

**SUMMARY OF LEGISLATION:** The proposed legislation would make the existence of peeling lead-based paint in any common area of a multiple dwelling where a child under the age of six resides a class C immediately hazardous violation and would require property owners to inspect the common areas of multiple dwellings for lead-based paint hazards. The legislation would also require department inspectors to inspect common areas along their path of travel for lead-based paint hazards on their way to inspecting a dwelling unit in an apartment constructed prior to 1960 where a child under the age of six resides.

**EFFECTIVE DATE:** This local law would take effect 300 days after it becomes law.

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

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**FISCAL IMPACT STATEMENT:**

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

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because the Department of Housing Preservation and Development (HPD) would utilize existing resources to fulfill the requirements.

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

**SOURCE OF INFORMATION:** New York City Council Finance Division

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

**ESTIMATE REVIEWED BY:** Chima Obichere, 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 introduced to the full Council on April 14, 2022 as Proposed Intro. No. 193 and referred to the Committee on Housing and Buildings (Committee). The Committee held a joint hearing with the Committee on Health regarding the legislation on April 25, 2023 and it was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 193-A, will be considered by the Committee on July 13, 2023. Upon a successful vote by the Committee, Proposed Intro. No. 193-A will be submitted to the full Council for a vote on July 13, 2023.

**DATE PREPARED:** July 11, 2023.

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

**(The following is the text of Int. No. 193-A:)**

Int. No. 193-A

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

**A Local Law to amend the administrative code of the city of New York, in relation to lead-based paint hazards in common areas of dwellings**

*Be it enacted by the Council as follows:*



Section 1. Subdivision a-1 of section 27-2056.4 of the administrative code of the city of New York, as amended by local law number 39 for the year 2021, is amended to read as follows:

a-1. [Within] *No later than* the earliest of [five years of the effective date of this subdivision] *August 9, 2025*, one year after a child of applicable age comes to reside in a dwelling unit subject to the requirements of subdivision a of this section, or the issuance of an order by the department of health and mental hygiene as required by such order, one investigation for the presence of lead-based paint undertaken pursuant to subdivision a of this section shall be performed by a person who (i) is not the owner or the agent of the owner or any contractor hired to perform work related to the remediation of lead-based paint hazards, and (ii) is certified as an inspector or risk assessor pursuant to section 745.226 of title 40 of the code of federal regulations. Such inspection shall consist of the use of an x-ray fluorescence analyzer on all types of surfaces in accordance with the procedures described in chapter 7 of the United States department of housing and urban development guidelines for the evaluation and control of lead-based paint hazards in housing, including on chewable surfaces, friction surfaces, and impact surfaces, to determine whether lead-based paint is present, and where such paint is located, in such dwelling unit *and in the common areas of such multiple dwelling*. Provided, however, that the investigation specified by this subdivision shall not be required if an investigation that complies with the requirements of this subdivision was previously completed and the owner retains records of such investigation, or if the dwelling unit has an exemption from the presumption of lead paint, as provided in subdivision b of section 27-2056.5 of this article.

§ 2. Article 14 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2056.6.1 to read as follows:

§ 27-2056.6.1 *Violation in a Common Area. The existence of lead-based paint in any common area of a multiple dwelling where a child of applicable age resides shall constitute a class C immediately hazardous violation if such paint is peeling or is on a deteriorated subsurface.*

§ 3. Section 27-2056.9 of the administrative code of the city of New York is amended by adding a new subdivision d-2 to read as follows:

*d-2. When conducting an inspection pursuant to subdivision b of this section, the department shall also conduct a visual inspection of the common areas of such multiple dwelling in the department inspector's line of travel to the dwelling unit to be inspected and, if practical, such areas in a different line of travel to an exit used by the residents of such dwelling unit. When conducting such inspection, the department inspector shall rely on the presumption set forth in subdivision a of section 27-2056.5 to identify conditions that would constitute a violation pursuant to section 27-2056.6.1. Provided, however, that such inspection shall not be required if the department conducted an inspection of such common areas that complies with the requirements of this subdivision within the previous year, unless the department has received a complaint relating to presumed peeling lead paint in a common area and such common area does not have an exemption pursuant to subdivision b of section 27-2056.5.*

§ 4. This local law takes effect 300 days after it becomes law, provided that the investigation of a common area required by subdivision a-1 of section 27-2056.4 of the administrative code of the city of New York, as amended by section one of this local law, shall not be required where an investigation of such common areas that complied with the provisions of such subdivision a-1 was previously completed in accordance with all applicable laws and regulations in effect at the time of such investigation, and the owner retains the records of such investigation.

PIERINA ANA SANCHEZ, *Chairperson*; ERIC DINOWITZ, OSWALD FELIZ, TIFFANY CABÁN, SHAUN ABREU, ALEXA AVILÉS, CHARLES BARRON, CRYSTAL HUDSON; 8-1-0; *Negative*: David M. Carr; Committee on Housing and Buildings, July 13, 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. 230

**Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application number C 220218 ZMQ (189-10 Northern Boulevard Commercial Overlay) submitted by Prince St. 606, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 10d, changing from an R3X District to an R3-2 District and establishing within the existing and proposed R3-2 District a C2-3 District, Borough of Queens, Community District 11, Council District 19.**

The Committee on Land Use, to which the annexed Land Use item was referred on June 8, 2023 (Minutes, page 1741) and which same Land Use item was coupled with the resolution shown below, respectfully

### REPORTS:

#### SUBJECT

**QUEENS CB - 11**

**C 220218 ZMQ**

City Planning Commission decision approving an application submitted by PRINCE ST 606 LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No 10d:

1. changing from an R3X District to an R3-2 District property bounded by a line midway between Northern Boulevard and 43<sup>rd</sup> Road, a line 100 feet northerly of 43<sup>rd</sup> Road and 189<sup>th</sup> Street; and
2. establishing within the existing and proposed R3-2 District a C2-3 District bounded by Northern Boulevard, 192<sup>nd</sup> Street, a line 100 feet northerly of 43<sup>rd</sup> Road, and 189<sup>th</sup> Street;

Borough of Queens, Community District 11, as shown on a diagram (for illustrative purposes only) dated January 3, 2023, and subject to the conditions of CEQR Declaration E-708.

#### INTENT

To change an existing R3X zoning district to an R3-2 zoning district and establish a C2-3 commercial overlay within the proposed R3-2 zoning district to facilitate the development of a three-story building containing commercial and community facility uses at 189-10 Northern Boulevard (Block 5513, Lot 11) in the Auburndale neighborhood of Queens, Community District 11.

#### PUBLIC HEARING

**DATE:** June 13, 2023

**Witnesses in Favor:** Two

**Witnesses Against:** One

**SUBCOMMITTEE RECOMMENDATION****DATE:** July 10, 2023

The Subcommittee recommends that the Land Use Committee approve the motion to file pursuant to withdrawal of the application by the Applicant.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Riley	None	None
Moya		
Louis		
Abreu		
Bottcher		
Schulman		
Carr		

**COMMITTEE ACTION****DATE:** July 10, 2023

The Committee recommends that the Council approve the attached resolution.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Salamanca	None	None
Moya		
Rivera		
Louis		
Riley		
Abreu		
Brooks-Powers		
Bottcher		
Krishnan		
Mealy		
Sanchez		
Borelli		

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

Res. No. 719

**Resolution approving a motion to file pursuant to withdrawal of the application regarding the decision of the City Planning Commission on ULURP No. C 220218 ZMQ, a Zoning Map amendment (L.U. No. 230).**

By Council Members Salamanca and Riley.

**WHEREAS**, PRINCE ST 606, 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. 10d, by changing from an R3X District to an R3-2 District and establishing within the proposed R3-2 District a C2-3 commercial overlay, which would facilitate the development of a three-story building containing commercial and community facility uses at 189-10 Northern Boulevard (Block 5513, Lot 11) in the Auburndale neighborhood of Queens, Community District 11 (ULURP No. C 220218 ZMQ) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on June 5, 2023 its decision dated May 10, 2023 (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 June 13, 2023;

**WHEREAS**, by submission dated July 10, 2023 and submitted to the Council on July 10, 2023, the Applicant withdrew the application.

**RESOLVED:**

The Council approves the motion to file pursuant to withdrawal in accordance with Rules 7.90 and 11.60(b) of the Rules of the Council.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 12-0-0; *Absent*: Kamillah Hanks; Committee on Land Use, July 10, 2023.

Coupled to be Filed pursuant to a Letter of Withdrawal.

Report for L.U. No. 231

**Report of the Committee on Land Use in favor of disapproving Application number C 210323 MMQ (43rd Avenue Demapping) submitted by Anthony Lim, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code for an amendment to the City Map involving: the elimination, discontinuance and closing of a portion of 43rd Avenue between 222nd Street and 223rd Street; the adjustment of grades and block dimensions necessitated thereby; and authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 5036 dated June 21, 2022, and signed by the Borough President, Borough of Queens, Community District 11, Council District 19.**

The Committee on Land Use, to which the annexed Land Use item was referred on June 8, 2023 (Minutes, page 1741) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**QUEENS CB - 11**

**C 210323 MMQ**

City Planning Commission decision approving an application submitted by Anthony Lim, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code for an amendment to the City Map involving:

- 1. the elimination, discontinuance and closing of a portion of 43<sup>rd</sup> Avenue between 222<sup>nd</sup> Street and 223<sup>rd</sup> Street;
- 2. the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in Community District 11, Borough of Queens, in accordance with Map No. 5036 dated June 21, 2022, and signed by the Borough President.

**INTENT**

To amend the City Map and provide disposition authority to permit the City to dispose a portion of 43<sup>rd</sup> Avenue between 222<sup>nd</sup> and 223<sup>rd</sup> streets adjacent to Block 6328 in the Bayside neighborhood of Queens, Community District 11.

**PUBLIC HEARING**

**DATE:** June 28, 2023

**Witnesses in Favor:** Two

**Witnesses Against:** Four

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** July 10, 2023

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

**In Favor:**

Riley  
Moya  
Louis  
Abreu  
Bottcher  
Schulman  
Carr

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** July 10, 2023

The Committee recommends that the Council approve the attached resolution.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Salamanca	None	None
Moya		
Rivera		
Louis		
Riley		
Abreu		
Brooks-Powers		
Bottcher		
Krishnan		
Mealy		
Sanchez		
Borelli		

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

Res. No. 720

**Resolution disapproving the decision of the City Planning Commission on ULURP No. C 210323 MMQ, an amendment to the City Map (L.U. No. 231).**

By Council Members Salamanca and Riley.

**WHEREAS**, Anthony Lim, filed an application pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 *et seq.* of the New York City Administrative Code for an amendment to the City Map involving:

1. the elimination, discontinuance and closing of a portion of 43<sup>rd</sup> Avenue between 222<sup>nd</sup> Street and 223<sup>rd</sup> Street;
2. the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 5036 dated June 21, 2022, and signed by the Borough President, (ULURP No. C 210323 MMQ), Community District 11, Borough of Queens (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on June 5, 2023 its decision dated May 24, 2023 (the "Decision"), on the Application;

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on June 28, 2023;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the determination by the City Planning Commission, that the Application is a Type II and requires no further review action (CEQR No. 22DCP173Q) (the “Type II Determination”).

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment pursuant to the Type II Determination.

Pursuant to Sections 197-d and 199 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 210323 MMQ, incorporated by reference herein, and the record before the Council, the Council disapproves the Decision.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 12-0-0; *Absent*: Kamillah Hanks; Committee on Land Use, July 10, 2023.

Coupled to be Disapproved.

Report for L.U. No. 237

**Report of the Committee on Land Use in favor of approving Application number C 220285 ZMK (1656 West 10th Street Rezoning), submitted by Allstar Homecare Agency, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22d, changing from an R5B District to an R6A District Borough of Brooklyn, Community District 11, Council District 44.**

The Committee on Land Use, to which the annexed Land Use item was referred on June 22, 2023 (Minutes, page 1947) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB-11 – TWO APPLICATIONS RELATED TO 1656 WEST 10<sup>TH</sup> STREET REZONING**

**C 220285 ZMK (L.U. No. 237)**

City Planning Commission decision approving an application submitted by Allstar Homecare Agency, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22d, changing from an R5B District to an R6A District property bounded a line 320 feet southerly of Avenue P, West 10th Street, a line 100 feet northerly of Kings Highway, and a line midway between West 11th Street and West 10th Street, Borough of Brooklyn, Community District 11, as shown on a diagram (for illustrative purposes only) dated February 1, 2023 and subject to the conditions of CEQR Declaration E-710.

**N 220286 ZRK (L.U. No. 238)**

City Planning Commission decision approving an application submitted by Allstar Homecare Agency, Inc., pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area in the Borough of Brooklyn, Community District 11.

**INTENT**

To approve the amendment to rezone the project area from an R5B zoning district to R6A zoning district and amend the zoning text to map the rezoning project area as a Mandatory Inclusionary Housing (MIH) area utilizing Options 1 and 2 to facilitate the construction of a new six-story residential building containing 27 dwelling units, seven of which would be permanently income-restricted, located at 1656 West 10<sup>th</sup> street in the Bensonhurst neighborhood of Brooklyn, Community District 11.

**PUBLIC HEARING**

**DATE:** June 13, 2023

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** July 10, 2023

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on L.U. Nos. 237 and 238.

**In Favor:**

Riley  
Moya  
Louis  
Abreu  
Bottcher  
Schulman  
Carr

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** July 10, 2023

The Committee recommends that the Council approve the attached resolutions.



<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Salamanca	None	None
Moya		
Rivera		
Louis		
Riley		
Abreu		
Brooks-Powers		
Bottcher		
Krishnan		
Mealy		
Sanchez		
Borelli		

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

Res. No. 721

**Resolution approving the decision of the City Planning Commission on ULURP No. C 220285 ZMK, a Zoning Map amendment (L.U. No. 237).**

By Council Members Salamanca and Riley.

**WHEREAS**, Allstar Homecare Agency, Inc., 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. 22d, by changing from an R5B District to an R6A District, which in conjunction with the related action would facilitate the construction of a new six-story residential building containing 27 dwelling units, seven of which would be permanently income-restricted, located at 1656 West 10<sup>th</sup> street in the Bensonhurst neighborhood of Brooklyn, Community District 11 (ULURP No. C 220285 ZMK) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on June 9, 2023 its decision dated June 7, 2023 (the "Decision") on the Application;

**WHEREAS**, the Application is related to application N 220286 ZRK (L.U. No. 238), a zoning text amendment, to Appendix F of the Zoning Resolution to establish a Mandatory Inclusionary Housing (MIH) area;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on June 13, 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 February 10<sup>th</sup>, 2023 (CEQR No. 23DCP014K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise impacts (E-710) (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-710) 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 220285 ZMK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 22d:

1. Changing from an R5B District to an R6A District property bounded a line 320 feet southerly of Avenue P, West 10th Street, a line 100 feet northerly of Kings Highway, and a line midway between West 11th Street and West 10th Street.

as shown on a diagram (for illustrative purposes only) dated February 1, 2023, and subject to the conditions of CEQR Declaration E-710, Community District 11, Borough of Brooklyn.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 12-0-0; *Absent*: Kamillah Hanks; Committee on Land Use, July 10, 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 L.U. No. 238

**Report of the Committee on Land Use in favor of approving Application number N 220286 ZRK (1656 West 10th Street Rezoning), submitted by Allstar Homecare Agency, Inc. pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area. Borough of Brooklyn, Community District 11, Council District 44.**

The Committee on Land Use, to which the annexed Land Use item was referred on June 22, 2023 (Minutes, page 1947) 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. 237 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 722

**Resolution approving the decision of the City Planning Commission on Application No. N 220286 ZRK, for an amendment of the text of the Zoning Resolution (L.U. No. 238).**

By Council Members Salamanca and Riley.

**WHEREAS**, Allstar Homecare Agency, Inc., 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 six-story residential building containing 27 dwelling units, seven of which would be permanently income-restricted, at 1656 West 10<sup>th</sup> Street in the Bensonhurst neighborhood of Brooklyn, Community District 11 (ULURP No. N 220286 ZRK), (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on June 9, 2023, its decision dated June 7, 2023 (the "Decision") on the Application;

**WHEREAS**, the Application is related to application C 220285 ZMK (L.U. No. 237), a zoning map amendment to change an R5B zoning district to an R6A zoning district;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on June 13, 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 Negative Declaration issued February 10<sup>th</sup>, 2023 (CEQR No. 23DCP014K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise impacts (E-710) (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-710) 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 220286 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Matter underlined is new, to be added;

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

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

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

\* \* \*

*APPENDIX F*

**Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

*BROOKLYN*

\* \* \*

**Brooklyn Community District 11**

\* \* \*

Map 2 – [date of adoption]



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

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

Portion of Community District 11, Brooklyn

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 12-0-0; *Absent*: Kamillah Hanks; Committee on Land Use, July 10, 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 Mental Health, Disabilities and Addiction

Report for Int. No. 1018-A

### Report of the Committee on Mental Health, Disabilities and Addiction 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 reporting on involuntary removals.

The Committee on Mental Health, Disabilities and Addiction, to which the annexed proposed amended local law was referred on April 27, 2023 (Minutes, page 1148), respectfully

### REPORTS:

#### I. INTRODUCTION

On July 13, 2023, the Committee on Mental Health, Disabilities and Addiction, chaired by Council Member Linda Lee, held a vote on Introduction Number 1018-A (Int. No. 1018-A), sponsored by Council Member Linda Lee; Introduction Number 1019-A (Int. No. 1019-A), sponsored by Council Member Linda Lee; Introduction Number 1021-A (Int. No. 1021-A), sponsored by Majority Leader Keith Powers; and Introduction Number 1022-A (Int. No. 1022-A), sponsored by Council Member Kevin Riley. Int. No. 1018-A, Int. No. 1019-A, Int. No. 1021-A, and Int. No. 1022-A passed with 8 in the affirmative, with zero in the negative, and no abstentions.

On May 4, 2023, the Committee heard Introduction Number 1018-2023, Introduction Number 1019-2023; Introduction Number 1021-2023; and Introduction Number 1022-2023. At the hearing, the Committee received testimony from the New York City Department of Health and Mental Hygiene (DOHMH), New York City Mayor's Office of Community Mental Health (OCMH), advocates and community-based organizations, and other interested parties.

#### II. BACKGROUND

According to an October 2022 survey by CNN, in partnership with the Kaiser Family Foundation, an overwhelming majority of Americans – 9 out of 10 adults – believe that the country is experiencing a mental health crisis.<sup>1</sup> The World Health Organization defines mental health as “a state of mental well-being that enables people to cope with the stresses of life, realize their abilities, learn and work well, and contribute to their community.”<sup>2</sup> The Centers for Disease Control and Prevention (CDC) characterizes mental health as fundamental to emotional, psychological, and social wellbeing at every life stage.<sup>3</sup> In the United States (U.S.), more than 50 percent of the population are diagnosed with a mental illness or disorder at some point in their life.<sup>4</sup> In a given year, 1 in 5 Americans will experience a mental illness, and 1 in 5 children – either currently or at some point during their life – have had a seriously debilitating mental illness.<sup>5</sup> Further, 1 in 25 Americans are living with a serious mental illness (SMI), such as schizophrenia, bipolar disorder, or major depression.<sup>6</sup>

<sup>1</sup> Deidre McPhillips, *90% of US Adults say the United States is experiencing a mental health crisis, CNN/KFF poll finds*, CNN (Oct. 5, 2022), <https://www.cnn.com/2022/10/05/health/cnn-kff-mental-health-poll-wellness/index.html>.

<sup>2</sup> *Mental Health*, World Health Organization, <https://www.who.int/news-room/fact-sheets/detail/mental-health-strengthening-our-response>.

<sup>3</sup> *About Mental Health*, Centers for Disease Control and Prevention (2022). Available at <https://www.cdc.gov/mentalhealth/learn/index.htm>.

<sup>4</sup> *About Mental Health*, Centers for Disease Control and Prevention (2022). Available at <https://www.cdc.gov/mentalhealth/learn/index.htm>.

<sup>5</sup> *About Mental Health*, Centers for Disease Control and Prevention (2022). Available at <https://www.cdc.gov/mentalhealth/learn/index.htm>.

<sup>6</sup> *Id.* The Diagnostic and Statistical Manual of Mental Disorders defines “serious mental illness” (SMI) as a mental health disorder that substantially interferes with or limits one or more major life activities. *Mental Illness*, National Institute of Mental Health (updated Jan. 2022). Available at: <https://www.nimh.nih.gov/health/statistics/mental-illness>. Major life activities include actions such as eating, sleeping, speaking, and breathing; cognitive functions such as thinking and concentrating; sensory functions such as seeing and hearing;

In New York City, COVID-19 has had a substantial impact on the mental health of New Yorkers of all ages, especially low-income, immigrant, and Black and Brown communities. According to data reported in April 2021, nearly 1 in every 25 New Yorkers is living with a diagnosed SMI.<sup>7</sup> Around 280,000 adults in New York City have a SMI, such as schizophrenia or major depressive disorder accompanied by substantial functional impairment.<sup>8</sup> This is an increase from 2012, in which approximately 239,000 (4 percent) had a diagnosed SMI.<sup>9</sup> In New York City in 2015, the prevalence of SMI in Whites (5 percent) and Hispanics (7 percent) was higher than the prevalence of SMI in Blacks (1 percent) or Asians (1 percent).<sup>10</sup> While these prevalence differences are similar to those in national findings, it is important to note that Black New Yorkers have been found to have higher hospitalization rates for mental illness despite lower prevalence of a lifetime diagnosis.<sup>11</sup> According to OCMH, the highest poverty neighborhoods have over twice as many psychiatric hospitalizations per capita as the lowest poverty neighborhoods in NYC.<sup>12</sup>

### III. NEW YORK CITY COUNCIL'S MENTAL HEALTH ROADMAP

On April 24, 2023, New York City Council Speaker Adrienne Adams and Chair Linda Lee announced the Mental Health Roadmap (“the Roadmap”), a plan focused on addressing existing challenges in New York City’s mental healthcare landscape and strengthening the infrastructure of and investments in evidence-based solutions to help improve mental health outcomes for all New Yorkers.<sup>13</sup> The Roadmap is a continuously evolving plan that recognizes the priorities of New Yorkers on the ground and addresses barriers to improve mental healthcare in New York City, with a focus on four key areas: (1) expanding prevention and supportive services in communities; (2) investing in the mental health workforce that has diminished because of inadequate support; (3) confronting the harmful intersections between mental health and the criminal justice system to connect New Yorkers with appropriate care; and (4) bolstering public awareness of care resources and improved interagency coordination.<sup>14</sup>

#### a. Mental Health Prevention and Supportive Services

In a study by Cohen Veterans Network and the National Council for Mental Wellbeing that assessed Americans’ current access to and attitudes towards mental health services, it was revealed that despite high demand, the root of the problem is a lack of access – or the ability to find care.<sup>15</sup> There is a particular lack of access to affordable, culturally sensitive care within Black and Brown communities and other communities of color.<sup>16</sup> In New York City, 91 percent of residents in the Bronx insured by Medicaid live in a mental health

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and one’s overall ability to communicate and perform the requisite tasks to think, learn, and work. *Introduction to the Americans with Disabilities Act*, U.S. Department of Justice Civil Rights Division. Available at: <https://www.ada.gov/topics/intro-to-ada>.

<sup>7</sup> Larry McShane et al., *NYC’s mental health crisis spans far and wide with few answers in sight*, Daily News (May 15, 2021), <https://www.nydailynews.com/coronavirus/ny-nyc-mental-health-covid-20210516-zuggg7vmjbtbookukawccrle-story.html>.

<sup>8</sup> Press Release, *A Recovery for all of us: Mayor de Blasio announces new programs to support New Yorkers experiencing serious mental illness*, NYC Mayor’s Office of Community Mental Health (April 28, 2021), <https://mentalhealth.cityofnewyork.us/news/announcements/a-recovery-for-all-of-us-mayor-de-blasio-announces-new-programs-to-support-new-yorkers-experiencing-serious-mental-illness>.

<sup>9</sup> *Serious Mental Illness among New York City Adults*, NYC Department of Health and Mental Hygiene (June 2015). Available at: [www1.nyc.gov/assets/doh/downloads/pdf/survey/survey-2015serious-mental-illness.pdf](http://www1.nyc.gov/assets/doh/downloads/pdf/survey/survey-2015serious-mental-illness.pdf).

<sup>10</sup> *Id.*

<sup>11</sup> *Serious Mental Illness among New York City Adults*, NYC Department of Health and Mental Hygiene (June 2015). Available at: [www1.nyc.gov/assets/doh/downloads/pdf/survey/survey-2015serious-mental-illness.pdf](http://www1.nyc.gov/assets/doh/downloads/pdf/survey/survey-2015serious-mental-illness.pdf).

<sup>12</sup> *Mental Health Data Dashboard*, NYC Mayor’s Office of Community Mental Health. Available at: <https://mentalhealth.cityofnewyork.us/dashboard>.

<sup>13</sup> NYC Council Press Release, *Speaker Adrienne Adams, Mental Health Committee Chair Linda Lee and Majority Leader Keith Powers Outline Council’s Mental Health Roadmap, Initiating Continuous Legislative and Budgetary Efforts to Solve Crisis* (Apr. 24, 2023), <https://council.nyc.gov/press/2023/04/24/2389>.

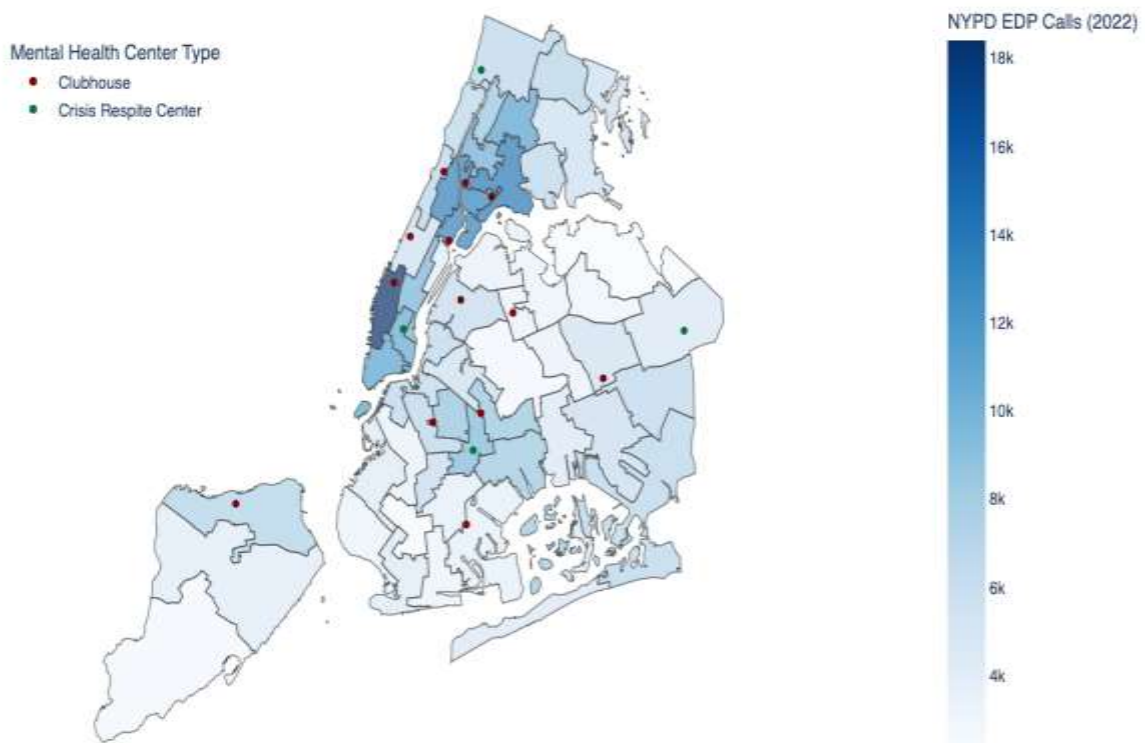
<sup>14</sup> *Id.*

<sup>15</sup> *Study Reveals Lack of Access as Root Cause for Mental Health Crisis in America*, National Council for Mental Wellbeing (Oct. 2018), <https://www.thenationalcouncil.org/news/lack-of-access-root-cause-mental-health-crisis-in-america>.

<sup>16</sup> See, e.g., “Biden wants to fix racial inequality. Mental health access is an important place to start,” NBC News, Feb. 17, 2021, available at <https://www.nbcnews.com/think/opinion/biden-wants-fix-racial-inequality-mental-health-access-important-place-ncna1257376>.

desert,<sup>17</sup> and most of whom identify as Black, Brown, or low income New Yorkers.<sup>18</sup> According to the U.S. Health and Human Services Office of Minority Health, Black Americans living below the poverty level are twice as likely to report psychological distress as those over twice the poverty level, yet less than half of Black adults who need care for serious conditions receive it.<sup>19</sup>

The lack of mental health access in certain communities is deep and extends beyond just a lack of providers.<sup>20</sup> Communities of color are far more likely to be under- or uninsured than their white counterparts, which decreases access to affordable mental healthcare.<sup>21</sup> They are also less likely to receive culturally sensitive, trauma-informed care, which is crucial to building trust between providers and communities.<sup>22</sup> Without access to culturally sensitive and sustained mental healthcare in communities, mental health emergencies involving hospitalization – and in many cases law enforcement – will continue to cause suffering, especially within communities of color.<sup>23</sup> For example, in 2022 there were 345,598 “Emotionally Disturbed Person” (EDP)<sup>24</sup> calls for service throughout New York City – the map below shows the number of calls made in each borough, with the darkest blue showing up to 18,000 calls and the lightest blue showing 4,000 or fewer calls:



Source: NYC Council Data Unit

<sup>17</sup> “Mental health desert” is a location where people do not have access to mental healthcare, which may result from issues such as hospital and clinic closures or lack of mental health providers available to treat individuals. Alexis Jones, *What Are ‘Care Deserts’ – And Why Are They a Huge Problem* (Jan. 31, 2023), <https://www.health.com/mind-body/health-diversity-inclusion/care-deserts>.

<sup>18</sup> See, e.g., “Biden wants to fix racial inequality. Mental health access is an important place to start,” NBC News, Feb. 17, 2021, available at <https://www.nbcnews.com/think/opinion/biden-wants-fix-racial-inequality-mental-health-access-important-place-ncna1257376>.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.* Lack of providers will be discussed further in the Mental Health Workforce Shortage section of this Committee Report.

<sup>21</sup> *Id.*

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

<sup>23</sup> See, e.g., *id.*

<sup>24</sup> EDP is used in the NYPD patrol guide to refer to a person who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others. *Patrol Guide*, New York City Police Department (June 1, 2016). Available at: [https://www.nyc.gov/assets/ccrb/downloads/pdf/investigations\\_pdf/pg221-13-mentally-ill-emotionally-disturbed-persons.pdf](https://www.nyc.gov/assets/ccrb/downloads/pdf/investigations_pdf/pg221-13-mentally-ill-emotionally-disturbed-persons.pdf)



According to the above map, Manhattan received the highest number of EDP calls (94,753), with Brooklyn a close second (91,743), followed by the Bronx (78,673), Queens (65,704), and Staten Island with the lowest (14,718). The map also shows the locations of Clubhouses<sup>25</sup> (red dots) and DOHMH-affiliated Crisis Respite Centers (CRCs)<sup>26</sup> (blue dots).

In New York City, there are currently 4 DOHMH-affiliated CRCs<sup>27</sup> in operation: 1 in Manhattan, 1 in the Bronx, 1 in Brooklyn, and 1 in Queens.<sup>28</sup> CRCs provide an alternative to hospitalization for individuals aged 18 or 21 and over who are experiencing an emotional or mental health crisis.<sup>29</sup> Stays at these centers are voluntary and can typically last for up to 7 days.<sup>30</sup> A critical aspect of CRCs is the “warm, safe and supportive home-like” atmosphere with an open door policy so clients can continue their daily activities.<sup>31</sup> CRCs offer services such as 24-hour peer support, self-advocacy education, self-help training, social support groups, recreational activities, and linkage to medical and psychiatric providers.<sup>32</sup> CRCs are licensed and regulated pursuant to the State’s Office of Mental Health (OMH) regulations, and for adults aged 21 and over, Medicaid reimbursement for the Crisis Residence Component (i.e., services provided by CRCs) of the Crisis Intervention Benefit is only available through Medicaid Managed Care Plans, which reimburse the OMH-licensed providers.<sup>33</sup> However, as previously discussed, lack of access is clear, evidenced by the fact that there is 1 CRC located in the Bronx, where 91 percent of residents insured by Medicaid are living in a mental healthcare desert. And due to the low number of CRCs, there is limited capacity to the number of individuals each CRC can serve, with 1 CRC reporting having an extensive waiting list of individuals wanting to utilize CRC services.<sup>34</sup>

Clubhouses are evidence-based models of psychiatric rehabilitation that provide one-stop places that help people with SMI by providing peer support, access to services, employment and educational opportunities, and socialization and recreation in a safe, restorative, and structured setting.<sup>35</sup> Research shows that this model reduces hospitalization and justice involvement for individuals with SMI.<sup>36</sup> While Crisis Respite Centers provide an alternative to hospitalization for individuals experiencing acute emotional crises.<sup>37</sup> Thirty-five Council districts do not contain a Crisis Respite Center or a Clubhouse, while the districts with the highest number of EDP calls in 2022 are District 3 (18,404), District 17 (14,044), District 9 (13,593), and District 8 (13,430).

## **b. Mental Health Workforce Shortage**

According to recent survey data from the National Council for Mental Wellbeing, the vast majority of the nation’s behavioral health workforce<sup>38</sup> (83 percent) believes that without public policy changes, provider organizations in the U.S. will not be able to meet the current demand for mental health treatment and care due to a severe mental health and behavioral health workforce shortage.<sup>39</sup> Around 9 in 10 behavioral health workers

<sup>25</sup> Clubhouses are discussed further in the Legislative Analysis section.

<sup>26</sup> Crisis Respite Centers are discussed further in the Legislative Analysis section. The DOHMH webpage lists 4 Crisis Respite Centers that are “community partners,” but it is unclear if additional centers that are independently run are in operation.

<sup>27</sup> The typical intake process for CRCs currently operating in New York City includes a pre-registration process with a Crisis Residence and if the client meets eligibility, a referral from a licensed mental health provider is then needed. *Community Access*, <https://www.communityaccess.org/connect/blog/499>.

<sup>28</sup> *Crisis Services/Mental Health: Crisis Respite Centers*, NYC Department of Health and Mental Hygiene, <https://www.nyc.gov/site/doh/health/health-topics/crisis-emergency-services-respite-centers.page>.

<sup>29</sup> *Id.*

<sup>30</sup> *Community Access*, <https://www.communityaccess.org/connect/blog/499>.

<sup>31</sup> *Crisis Services/Mental Health: Crisis Respite Centers*, NYC Department of Health and Mental Hygiene, <https://www.nyc.gov/site/doh/health/health-topics/crisis-emergency-services-respite-centers.page>.

<sup>32</sup> *Id.*

<sup>33</sup> *Crisis Intervention Benefit: Adult Crisis Residence Benefit and Billing Guidance*, NY Department of Health: Office of Mental Health (Oct. 2020). Available at: <https://omh.ny.gov/omhweb/bho/docs/adult-crisis-residence-benefit-and-billing-guidance.pdf>.

<sup>34</sup> Committee Staff meeting with Community Access.

<sup>35</sup> *Clubhouses*, Mental Health for All, <https://mentalhealthforall.nyc.gov/services/clubhouses>

<sup>36</sup> *Clubhouses*, Mental Health for All, <https://mentalhealthforall.nyc.gov/services/clubhouses>

<sup>37</sup> *Crisis Service/Mental Health: Crisis Respite Centers, NYC DOHMH*, <https://www.nyc.gov/site/doh/health/health-topics/crisis-emergency-services-respite-centers.page>

<sup>38</sup> Behavioral health workforce comprises a variety of careers, including psychiatrists, psychiatric nurse practitioners, psychologists, licensed clinical social workers, licensed master social workers, mental health counselors, and more. <https://bhw.hrsa.gov/data-research/projecting-health-workforce-supply-demand/behavioral-health>

<sup>39</sup> *New Study: Behavioral Health Workforce Shortage Will Negatively Impact Society*, National Council for Mental Wellbeing (Apr. 25, 2023), <https://www.thenationalcouncil.org/news/help-wanted>.

are concerned about the ability of those not receiving care to access it.<sup>40</sup> Nearly 2 in 3 reported an increase in client caseload, and more than 7 in 10 reported increased client severity since the COVID-19 pandemic.<sup>41</sup> Further, more than 9 in 10 behavioral health workers said they have experienced burnout, with nearly half of such workers saying the impacts of workforce shortages have caused them to consider other employment options.<sup>42</sup> In New York City, this also translates to workforce shortages in certain communities.

The following table shows the breakdown of the number of providers in each county in New York City per 100,000 residents:<sup>43</sup>

County	Number of Mental Health Providers per 100,000 residents	Total Estimated Population
Queens	48.8	2,270,976
Kings	64.6	2,576,771
Bronx	59.8	1,427,056
New York	377.4	1,629,153
Staten Island	65.8	475,596

Source: ABC OTV analysis of federal government's healthcare provider database

As shown above, there is a large disparity in the number of providers in Queens County, Kings County, Bronx County, and Staten Island compared to New York County (i.e. Manhattan). According to the most recent census data, Black/African Americans make up one of the largest residential populations in both the Bronx and Brooklyn, while Asians/Asian Americans make up the largest portion of the residential population in Queens.<sup>44</sup> New York County, on the other hand, has the largest population of white residents out of the 4 listed above.<sup>45</sup> There is clearly a lack of access to affordable, culturally sensitive care within Black and Brown communities and other communities of color in New York City.<sup>46</sup> Despite Queens and Kings County having the highest total estimated populations (which are primarily Black, Brown, and Asian), those areas have less than half the number of mental health providers per 100,000 residents combined compared to New York County.

Growing the mental health workforce in communities of color requires sustained educational and outreach efforts, federal student loan forgiveness, better guarantees of federal insurance parity and livable wages for mental health workers, and increased efforts to incentivize Americans of color to attend and have access to mental health training and graduate programs.<sup>47</sup> Without access to culturally sensitive, affordable, and sustained mental healthcare within communities of color, mental health emergencies will continue to occur disproportionately in communities of color, and individuals will continue to suffer from treatable mental illnesses.<sup>48</sup>

### c. Mental Health's Intersection with Criminal Justice System

The number of individuals diagnosed with SMI in the U.S. criminal justice system has reached unprecedented levels.<sup>49</sup> Most county jails in the U.S. have 3 times as many people with SMI than would be expected from community-based estimates.<sup>50</sup> According to the National Alliance on Mental Illness (NAMI),

<sup>40</sup> *Id.*

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

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

<sup>43</sup> [https://abcotvdata.github.io/mental\\_health\\_shortage/providers\\_by\\_county.html](https://abcotvdata.github.io/mental_health_shortage/providers_by_county.html). "Mental Health Providers" includes the number of psychologists, psychiatrists, counselors, and other mental health providers. *Id.*

<sup>44</sup> USA: New York City Boroughs, City Population, <http://www.citypopulation.de/en/usa/newyorkcity>.

<sup>45</sup> USA: New York City Boroughs, City Population, <http://www.citypopulation.de/en/usa/newyorkcity>.

<sup>46</sup> See, e.g., "Biden wants to fix racial inequality. Mental health access is an important place to start," NBC News, Feb. 17, 2021, available at <https://www.nbcnews.com/think/opinion/biden-wants-fix-racial-inequality-mental-health-access-important-place-ncna1257376>.

<sup>47</sup> See, e.g., "Biden wants to fix racial inequality. Mental health access is an important place to start," NBC News, Feb. 17, 2021, available at <https://www.nbcnews.com/think/opinion/biden-wants-fix-racial-inequality-mental-health-access-important-place-ncna1257376>.

<sup>48</sup> See, e.g., *id.*

<sup>49</sup> *First Episode Incarceration*, Vera, <https://www.vera.org/publications/first-episode-incarceration-creating-a-recovery-informed-framework-for-integrated-mental-health-and-criminal-justice-responses>.

<sup>50</sup> Natalie Bonfine et al., *Meeting the Needs of Justice-Involved People With Serious Mental Illness Within Community Behavioral Health Systems*, Psychiatric Services (Dec. 4, 2019), <https://ps.psychiatryonline.org/doi/pdf/10.1176/appi.ps.201900453>.

between 25 percent and 40 percent of all mentally ill Americans will be jailed or incarcerated at some point in their lives, compared to 6.6 percent of the general population.<sup>51</sup> Further, 8 percent of individuals incarcerated with mental illnesses have an arrest that is directly attributable to symptoms of psychosis.<sup>52</sup> And even though Black and Brown individuals are more likely to be involved in the criminal justice system, there is evidence that they are less likely to be identified as having a mental health problem and less likely to receive access to treatment once incarcerated.<sup>53</sup>

SMI has become so prevalent in the U.S. corrections system that jails and prisons are now commonly called “the new asylums.”<sup>54</sup> Overall, approximately 20 percent of inmates in jails and 15 percent of individuals incarcerated in state prisons are now estimated to have a SMI.<sup>55</sup> Based on the total incarcerated population, this means approximately 383,000 individuals with severe psychiatric disease were behind bars in the U.S. in 2014, or nearly 10 times the number of patients remaining in the nation’s state hospitals.<sup>56</sup> In New York City, Riker’s Island Jail holds more mentally ill individuals than any remaining psychiatric hospital in the U.S.<sup>57</sup> From 2005 to 2012, the average daily population at Riker’s Island actually dropped 12 percent, but the prevalence of mental illness *rose* by 32 percent.<sup>58</sup> Without adequate capacity of more intensive psychiatric care at hospitals and access to in-community holistic care, individuals with mental illness are unlikely to break free of the hospitalization-discharge-arrest-incarceration cycle that disproportionately affects Black and Brown New Yorkers with mental health disorders.

On November 29, 2022, Mayor Eric Adams announced his plan to provide care for New Yorkers suffering from untreated SMI, which included a directive regarding involuntary removal and hospitalization of individuals with SMI.<sup>59</sup> The announcement included an 11-point psychiatric crisis care agenda aimed at changes that should be made at the state level and discusses barriers to psychiatric crisis care and avoidance.<sup>60</sup> The press release from the Mayor stated that outreach workers, city-operated hospitals, and first responders would provide care to New Yorkers when SMI prevents them from meeting their own basic human needs to the extent that they are a danger to themselves.<sup>61</sup> The mayor’s directive instructs police and medical workers to assess people in public spaces on a “case by case” basis to see whether they were able to “provide basic needs such as food, shelter and healthcare for themselves.”<sup>62</sup> However, advocates are concerned that individuals will be removed but merely because they are homeless.<sup>63</sup>

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<sup>51</sup> Megan J. Wolff, *Fact Sheet: Incarceration and Mental Health*, Weill Cornell Medicine (May 30, 2017), <https://psychiatry.weill.cornell.edu/research-institutes/dewitt-wallace-institute-psychiatry/issues-mental-health-policy/fact-sheet-0>. Leah Pope, *Racial Disparities in Mental Health and Criminal Justice*, NAMI (July 24, 2019), <https://www.nami.org/Blogs/NAMI-Blog/July-2019/Racial-Disparities-in-Mental-Health-and-Criminal-Justice>.

<sup>52</sup> Megan J. Wolff, *Fact Sheet: Incarceration and Mental Health*, Weill Cornell Medicine (May 30, 2017), <https://psychiatry.weill.cornell.edu/research-institutes/dewitt-wallace-institute-psychiatry/issues-mental-health-policy/fact-sheet-0>.

<sup>53</sup> Leah Pope, *Racial Disparities in Mental Health and Criminal Justice*, NAMI (July 24, 2019), <https://www.nami.org/Blogs/NAMI-Blog/July-2019/Racial-Disparities-in-Mental-Health-and-Criminal-Justice>.

<sup>54</sup> *Serious Mental Illness (SMI) Prevalence in Jails and Prisons*, Treatment Advocacy Center (Sept. 2015), <https://www.treatmentadvocacycenter.org/storage/documents/backgrounders/smi-in-jails-and-prisons.pdf>.

<sup>55</sup> *Id.*

<sup>56</sup> *Serious Mental Illness (SMI) Prevalence in Jails and Prisons*, Treatment Advocacy Center (Sept. 2015), <https://www.treatmentadvocacycenter.org/storage/documents/backgrounders/smi-in-jails-and-prisons.pdf>.

<sup>57</sup> *Serious Mental Illness (SMI) Prevalence in Jails and Prisons*, Treatment Advocacy Center (Sept. 2015), <https://www.treatmentadvocacycenter.org/storage/documents/backgrounders/smi-in-jails-and-prisons.pdf>.

<sup>58</sup> Megan J. Wolff, *Fact Sheet: Incarceration and Mental Health*, Weill Cornell Medicine (May 30, 2017), <https://psychiatry.weill.cornell.edu/research-institutes/dewitt-wallace-institute-psychiatry/issues-mental-health-policy/fact-sheet-0>.

<sup>59</sup> Press Release, Mayor Adams Announces Plan to Provide Care for Individuals Suffering From Untreated Severe Mental Illness Across NYC (Nov. 29, 2022), <https://www.nyc.gov/office-of-the-mayor/news/870-22/mayor-adams-plan-provide-care-individuals-suffering-untreated-severe-mental>.

<sup>60</sup> *Mayor Adams’ Psychiatric Crisis Care Legislative Agenda*, NYC.gov (2022). <https://www.nyc.gov/assets/home/downloads/pdf/press-releases/2022/Psychiatric-Crisis-Care.pdf>.

<sup>61</sup> Press Release, Mayor Adams Announces Plan to Provide Care for Individuals Suffering From Untreated Severe Mental Illness Across NYC (Nov. 29, 2022), <https://www.nyc.gov/office-of-the-mayor/news/870-22/mayor-adams-plan-provide-care-individuals-suffering-untreated-severe-mental>.

<sup>62</sup> Press Release, Mental Health Involuntary Removals, NYC.Gov (Nov. 28, 2022). Available at: <https://www.nyc.gov/assets/home/downloads/pdf/press-releases/2022/Mental-Health-Involuntary-Removals.pdf>.

<sup>63</sup> *Id.*

Individuals with SMI are at risk from encounters with law enforcement, and the results of such encounters are often deadly, especially when the person with a SMI is Black or Brown.<sup>64</sup> Notably, nationwide, law enforcement officers are generally the first and only responders dispatched when individuals with SMI experience a crisis or otherwise need help, or reported for “disturbing or annoying others.”<sup>65</sup> The same is true for autistic people, individuals with substance use issues, and individuals with intellectual or developmental disabilities.<sup>66</sup> The Administration has stated that they will provide “vignettes” in training and guidance materials for law enforcement, which will be representative of fact patterns in case law and demonstrate what the “failing to meet basic survival needs” standard looks like in practice. The Administration has specified that things to look out for include disorientation, untreated “open wounds,” or bare feet. However, advocates are concerned that such standard will not be applied equitably, and only exacerbate the systematic inequalities that already pervade the justice and mental health system.

#### **d. Mental Health Public Awareness and Interagency Coordination**

Community-based mental healthcare is only accessible to communities when there is public awareness of what is actually available. Mental health awareness initiatives are critical in that they can help those who are suffering understand how the symptoms of mental health disorders manifest, allowing them to seek treatment before their condition worsens and prevents significant disruptions to their social or work life.<sup>67</sup> Research also shows that when people have better knowledge of different types of mental illness, they are significantly less likely to hold discriminatory views towards others with mental illness.<sup>68</sup> Cultural stigmas and negative perceptions about mental health can discourage individuals from getting help, which only stresses the importance of effective public awareness and education. Attitudes about mental health issues vary among different communities: both religious ideas and cultural perceptions can shape how people feel about getting mental healthcare.<sup>69</sup> Thus, understanding different cultural perceptions about mental health is key to developing culturally sensitive programs and services that are accessible to all members of a community.<sup>70</sup> Achieving a comprehensive, efficient, and culturally-competent mental healthcare infrastructure requires the coordination of private, nonprofit, and public actors in the provision of mental healthcare and services, and providing the public with culturally appropriate and linguistically diverse resources to access necessary services.<sup>71</sup>

### **IV. LEGISLATIVE ANALYSIS**

#### **a. Prop. Int. No. 1018-A**

Prop. Int. No. 1018-A, sponsored by Council Member Lee, would require the Mayor’s Office of Community Mental Health (OCMH), in conjunction with the New York City Department of Health and Mental Hygiene (DOHMH), the New York City Police Department, the New York City Fire Department, and other agencies, to provide an annual report to the Council with information regarding involuntary removals conducted pursuant to Mental Hygiene Law Sections 9.41 and 9.58.

Since its initial hearing, the bill was amended to clarify some of the reporting requirements, which must include the zip codes from which individuals were involuntarily removed, and demographic information of individuals subject to such removals, including individuals’ disability statuses.

<sup>64</sup> *Advancing An Alternative to Police: Community-Based Services for Black People with Mental Illness*, Legal Defense Fund & Bazelon Center for Mental Health Law (July 2022). Available at: <https://d252ac.a2cdn1.secureserver.net/wp-content/uploads/2022/07/2022.07.06-LDF-Bazelon-Brief-re-Alternative-to-Policing-Black-People-with-Mental-Illness.pdf>.

<sup>65</sup> *Id.*

<sup>66</sup> *Id.*

<sup>67</sup> *Mental Health Awareness: The Ultimate Guide [2022]*, Mental Health Foundation, <https://mentalhealthfoundation.org/mental-health-awareness-the-ultimate-guide-2021>.

<sup>68</sup> *Mental Health Awareness: The Ultimate Guide [2022]*, Mental Health Foundation, <https://mentalhealthfoundation.org/mental-health-awareness-the-ultimate-guide-2021>.

<sup>69</sup> *Understanding Mental Health as a Public Health Issue*, Tulane University: School of Public Health and Tropical Medicine (Jan. 13, 2021), <https://publichealth.tulane.edu/blog/mental-health-public-health>.

<sup>70</sup> *Understanding Mental Health as a Public Health Issue*, Tulane University: School of Public Health and Tropical Medicine (Jan. 13, 2021), <https://publichealth.tulane.edu/blog/mental-health-public-health>.

<sup>71</sup> Mental Health Roadmap, New York City Council, <https://council.nyc.gov/mental-health-road-map>.

**b. Prop. Int. No. 1019-A**

Prop. Int. No. 1019-A, sponsored by Council Member Lee, would require the Mayor’s Office of Community Mental Health (OCMH) to maintain an interactive map of the locations, contact information, and payment information (including type of insurance accepted) of mental health services providers included in the mental health services database described in Introduction Number 706-A.

Since its initial hearing, the bill was amended to require OCMH to maintain clear access to an interactive map of mental health service providers in the city, rather than to create an entirely new interactive map that would duplicate what is already provided by NYC Well.

**c. Prop. Int. No. 1021-A**

Prop. Int. No. 1021-A, sponsored by Majority Leader Powers, would require the mayor to establish at least 4 new crisis respite centers to provide individuals with mental illness increased access to community-based, peer-run facilities that are alternatives to hospitalization when such individuals experience psychiatric crises.

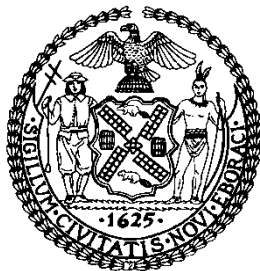
Since its initial hearing, the bill was amended to require the mayor to establish at least 4 new crisis respite centers, rather than require DOHMH to create 2 new centers in each borough. Specific language relating to the locations of the centers and operation of the centers was also removed, but language requiring the mayor to prioritize sites that can be converted or renovated into such centers was incorporated. The bill was also amended to be unconsolidated, and now requires the mayor to ensure that at least 2 new centers are operational within 24 months after the effective date, and the remainder be operational within 36 months. Further, the bill was amended to include a requirement that the mayor provide quarterly reports to the Council on the progress towards securing sites to build these new centers.

**d. Prop. Int. No. 1022-A**

Prop. Int. No. 1022-A, sponsored by Council Member Riley, would require the mayor to establish 5 new clubhouses for individuals with serious mental illness. Clubhouses are community-based facilities designed to support such individuals by providing wraparound services and opportunities for social connection, including group activities, peer support, job readiness skills, and transitional employment opportunities.

Since its initial hearing, the bill was amended to refer to “clubhouses,” rather than “community centers” for individuals with severe mental illness, and language referencing a pilot program was removed. The bill was also amended to require the mayor to establish at least 5 new clubhouses, rather than require DOHMH to establish 5 new clubhouses in high-need areas. The bill, as amended, requires all new clubhouses be operational no later than December 1, 2025.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1018-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: 1018-A**

**COMMITTEE: Mental Health**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to reporting on involuntary removals.

**SPONSOR(S):** By Council Members Lee, Powers, Rivera, Bottcher, Richardson Jordan, Louis, Menin, Restler, Ayala, Holden, Brewer, Ung, Joseph, Abreu, Farías, Avilés, Sanchez, , Narcisse, Velázquez, Gutiérrez, Krishnan, Hanif, Brooks-Powers, Schulman, and Gennaro.

**SUMMARY OF LEGISLATION:** This bill would require the Department of Health and Mental Hygiene (DOHMH), in conjunction with the New York City Police Department (NYPD) and other agencies, to provide an annual report to the Council with information regarding involuntary removals conducted pursuant to Mental Hygiene Law Sections 9.41 and 9.58.

**EFFECTIVE DATE:** This local law would take effect 180 days after becoming law.

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

**FISCAL IMPACT STATEMENT:**

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

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because DOHMH would utilize existing resources to fulfill the requirements.

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

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

**ESTIMATE PREPARED BY:** Danielle Glants, Financial Analyst, NYC Council Finance Division  
Alicia Miranda, Principal Financial Analyst, NYC Council Finance Division

**ESTIMATE REVIEWED BY:** Crilhien R. Francisco, Assistant Director, NYC Council Finance Division  
Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance Division

**LEGISLATIVE HISTORY:** The legislation was introduced to the full Council on April 27, 2023 as Intro. 1018 and referred to the Committee on Mental Health (Committee). The legislation was considered by the Committee on May 4, 2023 and was subsequently amended to Intro. 1018-A. The amended version, Intro. No. 1018-A will be considered by the Committee on July 13, 2023. Upon successful vote by the Committee, Intro. No. 1018-A will be submitted to the full Council for a vote on July 13, 2023.

**DATE PREPARED:** June 20, 2023.

**(For text of Int. Nos. 1019-A, 1021-A, and 1022-A and their Fiscal Impact Statements, please see the Report of the Committee on Mental Health, Disabilities and Addiction for Int. Nos. 1019-A, 1021-A, and 1022-A, respectively, printed in these Minutes; for text of Int. No. 1018-A, please see below)**

*Accordingly, this Committee recommends the adoption of Int. Nos. 1018-A, 1019-A, 1021-A, and 1022-A.*

**(The following is the text of Int. No. 1018-A:)**

Int. No. 1018-A

By Council Members Lee, Powers, Rivera, Bottcher, Richardson Jordan, Louis, Menin, Restler, Ayala, Holden, Brewer, Ung, Joseph, Abreu, Farías, Avilés, Sanchez, Narcisse, Velázquez, Gutiérrez, Krishnan, Hanif, Brooks-Powers, Schulman, Gennaro, De La Rosa, Dinowitz, Marte, Won and Feliz.

**A Local Law to amend the administrative code of the city of New York, in relation to reporting on involuntary removals**

*Be it enacted by the Council as follows:*

Section 1. The administrative code of the city of New York is amended by adding a new section 3-194 to read as follows:

*§ 3-194 Report on involuntary removals. a. Definitions. For purposes of this section, the term “involuntary removal” means any removal of a person pursuant to subdivision (a) of section 9.41 of the mental hygiene law or subdivision (a) of section 9.58 of the mental hygiene law.*

*b. On or before January 1, 2025, and annually thereafter, the office, in coordination with the police department, the fire department, the department of health and mental hygiene, and other relevant agencies, shall provide to the speaker of the council and post on its website a report regarding involuntary removals conducted during the preceding calendar year. The report must include, to the extent such information is obtainable, but need not be limited to:*

*1. The number of involuntary removals conducted pursuant to subdivision (a) of section 9.41 of the mental hygiene law;*

*2. The number of involuntary removals conducted pursuant to subdivision (a) of section 9.58 of the mental hygiene law;*

*3. The number of 911 calls that resulted in the involuntary removal or transportation of an individual;*

*4. Information, in the aggregate, regarding the zip codes from which individuals subject to involuntary removal were removed, including whether an individual was removed from a private dwelling or a public space, such as a park or the public transportation system, or temporary emergency housing;*

*5. Demographic information, in the aggregate, of individuals subject to involuntary removal, including age, race, ethnicity, disability status, and whether such individuals were experiencing homelessness; and*

*6. Information, in the aggregate, regarding whether individuals subject to involuntary removal were transported, and, where available, were admitted, to a hospital, and if so, the names and addresses of each hospital to which such individuals were transported or admitted.*

*c. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state, or local law relating to the privacy of individuals subject to involuntary removal or information related to such removal; interfere with law enforcement investigations; or otherwise conflict with the interests of law enforcement.*

*d. The office shall include an explanation in the report required by this section for the omission of any information required by subdivision b of this section, and include steps the office or relevant agency plans to take to obtain such information for future reports.*

§ 2. This local law takes effect on the same date as a local law for the year 2023 amending the administrative code of the city of New York, relating to the office of community mental health maintaining access to an online services database, as proposed in introduction number 706-A, takes effect.

LINDA LEE, *Chairperson*, DIANA I. AYALA, TIFFANY CABÁN, SHAUN ABREU, ERIK D. BOTTCHER, SHAHANA K. HANIF, DARLENE MEALY, NANTASHA M. WILLIAMS; 8-0-0; Committee on Mental Health, Disabilities and Addiction, July 13, 2023. *Other Council Members Attending: Council Member 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 for Int. No. 1019-A

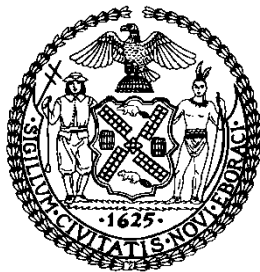
**Report of the Committee on Mental Health, Disabilities and Addiction in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring maintenance of access to an interactive map of mental health service providers in New York city.**

The Committee on Mental Health, Disabilities and Addiction, to which the annexed proposed amended local law was referred on April 27, 2023 (Minutes, page 1149), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Mental Health, Disabilities and Addiction for Int. No. 1018-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 1019-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: 1019-A**

**COMMITTEE:** Mental Health

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring maintenance of access to an interactive map of mental health service providers in New York City.

**SPONSOR(S):** By Council Members Lee, Powers, Rivera, Bottcher, Riley, Louis, Menin, Restler, Hanif, Hudson, Ayala, Holden, Ung, Joseph, Abreu, Farias, Avilés, Sanchez, Nurse, Brewer, Narcisse, Velázquez, Gutiérrez, Krishnan, Brooks-Powers, Schulman, Cabán, Gennaro and Kagan (in conjunction with the Brooklyn Borough President).

**SUMMARY OF LEGISLATION:** This bill would require the Mayor's Office of Community Mental Health (OCMH) to maintain an interactive map of the locations, contact information, and payment information



(including type of insurance accepted) of mental health services providers included in the mental health services database described in Proposed Introduction Number 706-A.

**EFFECTIVE DATE:** This local law would take effect 180 days after becoming law.

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

**FISCAL IMPACT STATEMENT:**

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

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because OCME would utilize existing resources to fulfill the requirements.

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

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

**ESTIMATE PREPARED BY:** Danielle Glants, Financial Analyst, NYC Council Finance Division  
Alicia Miranda, Principal Financial Analyst, NYC Council Finance Division

**ESTIMATE REVIEWED BY:** Crilhien R. Francisco, Assistant Director, NYC Council Finance Division  
Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance Division

**LEGISLATIVE HISTORY:** The legislation was introduced to the full Council on April 27, 2023 as Intro. 1019 and referred to the Committee on Mental Health (Committee). The legislation was considered by the Committee on May 4, 2023 and was subsequently amended to Intro. 1019-A. The amended version, Intro. No. 1019-A will be considered by the Committee on July 13, 2023. Upon successful vote by the Committee, Intro. No. 1019-A will be submitted to the full Council for a vote on July 13, 2023.

**DATE PREPARED:** June 20, 2023.

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

**(The following is the text of Int. No. 1019-A:)**

Int. No. 1019-A

By Council Members Lee, Powers, Rivera, Bottcher, Riley, Louis, Menin, Restler, Hanif, Hudson, Ayala, Holden, Ung, Joseph, Abreu, Farías, Avilés, Sanchez, Nurse, Brewer, Narcisse, Velázquez, Gutiérrez, Krishnan, Brooks-Powers, Schulman, Cabán, Gennaro, De La Rosa, Dinowitz, Marte, Won, Feliz, Mealy and Kagan (in conjunction with the Brooklyn Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to requiring maintenance of access to an interactive map of mental health service providers in New York city**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 9 of chapter 1 of title 3 of the administrative code of the city of New York, as amended by a local law for the year 2023 amending the administrative code of the city of New York, relating to requiring the office of community mental health to maintain access to a publicly accessible online searchable database, as proposed in introduction number 706-A, is amended by adding a new section 3-193 to read as follows:

*§ 3-193 Interactive map of mental health service providers. The office, in consultation with relevant agencies, shall maintain, through its website, access to a publicly accessible interactive map of the mental health services included in the database described in section 3-191. The office shall indicate on its website that such map provides access to the following information on each mental health service provider, to the extent such information is provided to the city:*

- 1. Address, office hours, and contact information;*
- 2. Mental health services provided; and*
- 3. Payment information.*

§ 2. This local law takes effect on the same date as a local law for the year 2023 amending the administrative code of the city of New York, relating to requiring the office of community mental health to maintain access to an online services database, as proposed in introduction number 706-A, takes effect.

LINDA LEE, *Chairperson*, DIANA I. AYALA, TIFFANY CABÁN, SHAUN ABREU, ERIK D. BOTTCHEER, SHAHANA K. HANIF, DARLENE MEALY, NANTASHA M. WILLIAMS; 8-0-0; Committee on Mental Health, Disabilities and Addiction, July 13, 2023. *Other Council Members Attending: Council Member 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 for Int. No. 1021-A

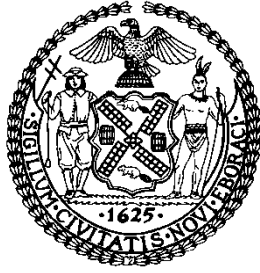
**Report of the Committee on Mental Health, Disabilities and Addiction in favor of approving and adopting, as amended, a Local Law in relation to establishing crisis respite centers.**

The Committee on Mental Health, Disabilities and Addiction, to which the annexed proposed amended local law was referred on April 27, 2023 (Minutes, page 1153), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Mental Health, Disabilities and Addiction for Int. No. 1018-A printed above in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 1021-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: 1021-A**

**COMMITTEE: Mental Health**

**TITLE:** A Local Law in relation to establishing crisis respite centers.

**SPONSOR(S):** By Council Members Powers, Lee, Bottcher, Schulman, Rivera, Riley, Louis, Restler, Hudson, Ayala, Holden, Ung, Joseph, Abreu, Farías, Nurse, Cabán, Brewer, Avilés, Sanchez, Narcisse, Velazquez, Gutiérrez, Krishnan, Hanif, Brooks-Powers, Gennaro and De La Rosa (in conjunction with the Manhattan and Brooklyn Borough Presidents).

**SUMMARY OF LEGISLATION:** This bill would require the mayor to establish and maintain four (4) new crisis respite centers in order to provide individuals with mental illness increased access to community-based, peer-run facilities that are alternatives to hospitalization when such individuals experience psychiatric crises. In addition, the Mayor shall submit a report to the speaker of the council detailing the progress the mayor has made in securing sites for crisis respite centers and shall provide an update on the timeline for opening such centers, no later than six (6) months after the effective date of this local law, and quarterly thereafter.

**EFFECTIVE DATE:** Immediately.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY24</b>	<b>FY Succeeding Effective FY25</b>	<b>Full Fiscal Impact FY25</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$3,000,000	\$4,000,000	\$4,000,000
<b>Net</b>	\$3,000,000	\$4,000,000	\$4,000,000

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

**IMPACT ON EXPENDITURES:** It is anticipated that this legislation would require the City to expand to four (4) new crisis respite centers. The fiscal impact of this legislation includes budgeting for personal services, other than personal services, and fringe benefits. The fiscal impact would be \$3,000,000 for a portion of Fiscal 2024 and \$4,000,000 for Fiscal 2025 and the following years.

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

**SOURCE OF INFORMATION:** New York City Council Finance Division

**ESTIMATE PREPARED BY:** Alicia Miranda, Principal Financial Analyst, NYC Council Finance Division

**ESTIMATE REVIEWED BY:** Crilhien R. Francisco, Assistant Director, NYC Council Finance Division  
Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance Division

**LEGISLATIVE HISTORY:** The legislation was introduced to the full Council on April 27, 2023 as Intro. 1021 and referred to the Committee on Mental Health (Committee). The legislation was considered by the Committee on May 4, 2023 and was subsequently amended to Intro. 1021-A. The amended version, Intro. No. 1021-A will be considered by the Committee on July 13, 2023. Upon successful vote by the Committee, Intro. No. 1021-A will be submitted to the full Council for a vote on July 13, 2023.

**DATE PREPARED:** July 10, 2023.

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

**(The following is the text of Int. No. 1021-A:)**

Int. No. 1021-A

By Council Members Powers, Lee, Bottcher, Schulman, Rivera, Riley, Louis, Restler, Hudson, Ayala, Holden, Ung, Joseph, Abreu, Farías, Nurse, Cabán, Brewer, Avilés, Sanchez, Narcisse, Velazquez, Gutiérrez, Krishnan, Hanif, Brooks-Powers, Gennaro, De La Rosa, Dinowitz, Marte, Won, Richardson Jordan, Feliz, Salamanca and Mealy (in conjunction with the Manhattan and Brooklyn Borough Presidents).

**A Local Law in relation to establishing crisis respite centers**

*Be it enacted by the Council as follows:*

Section 1. Crisis respite centers. a. Definitions. For purposes of this section, the term “crisis respite center” means a community-based facility that is designed as an alternative to hospitalization for individuals in times of psychiatric crisis; offers voluntary, temporary stays; and provides access to peer support groups, psychoeducation, self-advocacy education, self-help training, and referrals to behavioral health professionals.

b. The mayor shall establish and maintain at least 4 new crisis respite centers, at least 2 of which shall be operational within 24 months after the effective date of this local law, and the remainder of which shall be operational within 36 months after the effective date of this local law. In establishing such centers, the mayor shall make best efforts to prioritize sites that can be converted or renovated into such centers.

c. No later than 6 months after the effective date of this local law, and quarterly thereafter until all crisis respite centers required by subdivision b of this section are operational, the mayor shall submit a report to the speaker of the council detailing the progress the mayor has made in securing sites for crisis respite centers and shall provide an update on the timeline for opening such centers as required by this local law.

§ 2. This local law takes effect immediately.

LINDA LEE, *Chairperson*, DIANA I. AYALA, TIFFANY CABÁN, SHAUN ABREU, ERIK D. BOTTCHER, SHAHANA K. HANIF, DARLENE MEALY, NANTASHA M. WILLIAMS; 8-0-0; Committee on Mental Health, Disabilities and Addiction, July 13, 2023. *Other Council Members Attending: Council Member 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 for Int. No. 1022-A

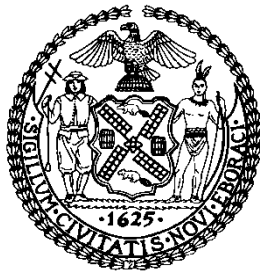
**Report of the Committee on Mental Health, Disabilities and Addiction in favor of approving and adopting, as amended, a Local Law in relation to establishing clubhouses for individuals with serious mental illness.**

The Committee on Mental Health, Disabilities and Addiction, to which the annexed proposed amended local law was referred on April 27, 2023 (Minutes, page 1158), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Mental Health, Disabilities and Addiction for Int. No. 1018-A above printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 1022-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: 1022-A**

**COMMITTEE: Mental Health**

**TITLE:** A Local Law in relation to establishing clubhouses for individuals with serious mental illness.

**SPONSOR(S):** By Council Members Riley, Lee, Powers, Rivera, Louis, Hanif, Hudson, Ayala, Holden, Ung, Joseph, Abreu, Brewer, Avilés, Sanchez, Narcisse, Velázquez, Gutiérrez, Krishnan, Brooks-Powers, Schulman, Cabán, Gennaro and De La Rosa (in conjunction with the Brooklyn Borough President).

**SUMMARY OF LEGISLATION:** This bill would require the mayor to establish five (5) new clubhouses for individuals with serious mental illness, which are community-based facilities designed to support such individuals by providing wraparound services and opportunities for social connection, including group activities, peer support, job readiness skills, and transitional employment opportunities.

**EFFECTIVE DATE:** Immediately.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY24</b>	<b>FY Succeeding Effective FY25</b>	<b>Full Fiscal Impact FY25</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$1,875,000	\$2,500,000	\$2,500,000
<b>Net</b>	\$1,875,000	\$2,500,000	\$2,500,000

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

**IMPACT ON EXPENDITURES:** It is anticipated that this legislation would require the City to expand to five (5) new clubhouses. The fiscal impact of this legislation includes budgeting for personal services, other than personal services, and fringe benefits. The fiscal impact would be \$1,875,000 for a portion of Fiscal 2024 and \$2,500,000 for Fiscal 2025 and the following years.

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

**SOURCE OF INFORMATION:** New York City Council Finance Division

**ESTIMATE PREPARED BY:** Alicia Miranda, Principal Financial Analyst, NYC Council Finance Division

**ESTIMATE REVIEWED BY:** Crilhien R. Francisco, Assistant Director, NYC Council Finance Division  
Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance Division

**LEGISLATIVE HISTORY:** The legislation was introduced to the full Council on April 27, 2023 as Intro. 1022 and referred to the Committee on Mental Health (Committee). The legislation was considered by the Committee on May 4, 2023 and was subsequently amended to Intro. 1022-A. The amended version, Intro. No. 1022-A will be considered by the Committee on July 13, 2023. Upon successful vote by the Committee, Intro. No. 1022-A will be submitted to the full Council for a vote on July 13, 2023.

**DATE PREPARED:** July 10, 2023.

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

**(The following is the text of Int. No. 1022-A:)**

Int. No. 1022-A

By Council Members Riley, Lee, Powers, Rivera, Louis, Hanif, Hudson, Ayala, Holden, Ung, Joseph, Abreu, Brewer, Avilés, Sanchez, Narcisse, Velázquez, Gutiérrez, Krishnan, Brooks-Powers, Schulman, Cabán, Gennaro, De La Rosa, Bottcher, Dinowitz, Marte, Won, Feliz and Mealy (in conjunction with the Brooklyn Borough President).

**A Local Law in relation to establishing clubhouses for individuals with serious mental illness**

*Be it enacted by the Council as follows:*

Section 1. Clubhouses for individuals with serious mental illness. a. Definitions. For purposes of this local law, the following terms have the following meanings:

Clubhouse. The term “clubhouse” means a community-based facility designed to support individuals with serious mental illness in a non-residential setting that provides wraparound services and opportunities for social connection for such individuals, including group activities and programming, job readiness skills and transitional employment opportunities, educational opportunities, and peer support, and that connects such individuals to medical and mental health providers.

Serious mental illness. The term “serious mental illness” means one or more mental, behavioral, or emotional conditions that significantly impair an individual’s ability to function in daily life, including, but not limited to, schizophrenia; mood disorders, such as bipolar or major depressive disorder; anxiety disorders; or post-traumatic stress disorder.

b. Establishment. The mayor shall establish and maintain at least 5 new clubhouses, all of which shall be operational no later than December 1, 2025. On or before such date, the mayor shall conspicuously post on the

website of any mayoral agency that provides or coordinates mental health services, including, but not limited, to the department of health and mental hygiene and mayor's office of community mental health, a list of the clubhouse locations established pursuant to this local law.

c. Reports. Every 6 months after the effective date of this local law, and until all new clubhouses required by subdivision b of this section are operational, the mayor shall submit a progress report to the speaker of the council regarding the establishment of such clubhouses. No later than December 1, 2026, the mayor shall submit a report to the speaker of the council that includes the cost of operating such clubhouses, an analysis of the impact and effectiveness of such clubhouses, and any other information or recommendations the mayor deems relevant.

§ 2. This local law takes effect immediately.

LINDA LEE, *Chairperson*, DIANA I. AYALA, TIFFANY CABÁN, SHAUN ABREU, ERIK D. BOTTCHEER, SHAHANA K. HANIF, DARLENE MEALY, NANTASHA M. WILLIAMS; 8-0-0; Committee on Mental Health, Disabilities and Addiction, July 13, 2023. *Other Council Members Attending: Council Member 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 Transportation and Infrastructure**

Report for Int. No. 853-A

#### **Report of the Committee on Transportation and Infrastructure in favor of approving and adopting, as amended, a Local Law in relation to installing intermediate reference location signs on designated sections of Cross Bay Boulevard, Beach Channel Drive, and Rockaway Point Boulevard.**

The Committee on Transportation and Infrastructure, to which the annexed proposed amended local law was referred on December 21, 2022 (Minutes, page 3051), respectfully

#### **REPORTS:**

#### **INTRODUCTION**

On July 13, 2023, the Committee on Transportation and Infrastructure, chaired by Majority Whip Selvena N. Brooks-Powers, conducted a vote on Int. No. 853-A. Int. No. 853-A, sponsored by Council Member Joann Ariola, relates to the installation of intermediate reference location signs on designated sections of Cross Bay Boulevard, Beach Channel Drive, and Rockaway Point Boulevard. The Committee heard a previous version of Int. No. 853-A on April 24, 2023. Those that testified at that hearing included representatives from the NYC Department of Transportation (DOT), New York Police Department (NYPD), the Metropolitan Transportation Authority (MTA), transportation and street safety advocates, and other interested stakeholders.

On July 13, 2023, the Committee on Transportation and Infrastructure passed Int. No. 853-A by a vote of 11 in the affirmative, zero in the negative, with zero abstentions.

## **BACKGROUND**

### **Manual on Uniform Traffic Control Devices for Streets and Highways**

“The Manual on Uniform Traffic Control Devices for Streets and Highways, or MUTCD defines the standards used by road managers nationwide to install and maintain traffic control devices on all public streets, highways, bikeways, and private roads open to public travel.”<sup>1</sup> The MUTCD has been administered by the United States Department of Transportation’s (USDOT) Federal Highway Administration (FHWA) since 1971, and is published by the FHWA under 23 Code of Federal Regulations, Part 655, Subpart F.<sup>2</sup> The manual, updated periodically to account for changing transportation needs in the United States and to address new safety technologies, traffic control tools, and traffic management techniques, compiles national standards for traffic control devices, including road markings, highways signs, and traffic signals.<sup>3</sup> The current edition of the MUTCD is the 2009 MUTCD with Revision Numbers 1, 2, and 3 incorporated.<sup>4</sup> As of May 15, 2023, the USDOT has noted that it is working to finalize the next edition of the MUTCD, with implementation of public input and provisions of the federal Infrastructure Investment and Jobs Act.<sup>5</sup>

### **Intermediate Reference Location Signs**

Chapter 2H of the 2009 MUTCD describes general information signs for implementation on roadways.<sup>6</sup> The MUTCD contains two types of reference locations signs: Reference Location Signs (D1-1, 2, and 3) and Intermediate Reference Locations Signs. (D10-1a, 2a, and 3a)<sup>7</sup> Reference Locations signs show an integer distance point along a highway, and Intermediate Reference Locations signs also show a decimal between integer distance points along a highway.<sup>8</sup> The MUTCD provides a number of standards for the uses of reference locations signs, in relevant part:

- “Except when Enhanced Reference Location signs (see Section 2H.06) are used instead, Reference Location (D10-1 through D10-3) signs shall be placed on all expressway facilities that are located on a route where there is reference location sign continuity and on all freeway facilities to assist road users in estimating their progress, to provide a means for identifying the location of emergency incidents and traffic crashes, and to aid in highway maintenance and servicing;”<sup>9</sup> and
- “When Intermediate Reference Location (D10-1a to D10-3a) signs are used to augment the reference location sign system, the reference location sign at the integer mile point shall display a decimal point and a zero numeral;”<sup>10</sup>

In addition, the New York State Department of Transportation (NYSDOT) created a Supplement to the MUTCD, which provided the following additional standards for Reference Locations Signs (D10-1 through D10-3) and Intermediate Reference Locations Signs (D10-1a through D10-3a):

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<sup>1</sup> United States Department of Transportation, Federal Highway Administration, Manual on Uniform Traffic Control Devices for Streets and Highways, available at <https://mutcd.fhwa.dot.gov/>

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> United States Department of Transportation, Federal Highway Administration, Manual on Uniform Traffic Control Devices for Streets and Highways, Chapter 2H, available at <https://mutcd.fhwa.dot.gov/hfm/2009/part2/part2h.htm#:~:text=01%20There%20are%20two%20types,distance%20points%20along%20a%20highway>

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*



- “Zero distance shall begin at the south and west State lines, or at the south and west terminus points where routes begin within a State;”<sup>11</sup> and
- “[In general], Reference Location signs shall be installed on the right side of the roadway. Where a delineator and a reference location sign fall at the same location and are mounted on the same post, the Reference Location sign shall be installed above the delineator.”<sup>12</sup>

## **LEGISLATIVE ANALYSIS**

### ***Analysis of Int. 853-A***

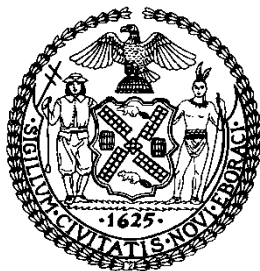
Int. No. 853-A, sponsored by Council Member Joann Ariola, would require DOT, in consultation with the police department and the fire department, to install intermediate reference location signs, commonly known as mile markers, at one tenth of a mile intervals along Cross Bay boulevard from the southern terminus of the Joseph P. Addabbo memorial bridge to East 1<sup>st</sup> road; Beach Channel drive and Beach Channel drive circle from the southern terminus of the Marine Parkway bridge to Beach 144th street; and Rockaway Point boulevard from the southern terminus of the Marine Parkway bridge to Beach 201<sup>st</sup> street.

If enacted, Int. 853-A would take effect immediately and the department would have one year to install the mile markers.

## **UPDATE**

On July 13, 2023, the Committee on Transportation and Infrastructure passed Int. No. 853-A by a vote of 11 in the affirmative, zero in the negative, with zero abstentions.

**(The following is the text of the Fiscal Impact Statement for Int. No. 853-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: 853-A**

**COMMITTEE: Transportation and Infrastructure**

**TITLE:** A Local Law in relation to installing intermediate reference location signs on designated sections of Cross Bay Boulevard, Beach Channel Drive, and Rockaway Point Boulevard.

**SPONSOR(S):** By Council Members Ariola and Borelli.

<sup>11</sup> New York State Department of Transportation, New York State Supplement to the Manual on Uniform Traffic Control Devices for Streets and Highways (2009 Edition), Effective March 16, 2011, available for download at <https://www.dot.ny.gov/divisions/operating/oom/transportation-systems/repository/B-2011Supplement-adopted.pdf>

<sup>12</sup> *Id.*

**SUMMARY OF LEGISLATION:** This bill would require the Department of Transportation, in consultation with the police department and the fire department, to install intermediate reference location signs, commonly known as mile markers, at one tenth of a mile intervals along designated stretches of Cross Bay Boulevard, Beach Channel Drive, and Rockaway Point Boulevard.

**EFFECTIVE DATE:** This bill shall take effect immediately.

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

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**FISCAL IMPACT STATEMENT:**

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

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation as the impacted City agencies would use existing resources to fulfill its requirement.

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

**SOURCE OF INFORMATION:** New York City Council Finance Division

**ESTIMATE PREPARED BY:** Michael Sherman, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Jack Storey, Unit Head  
Chima Obichere, Deputy Director  
Jonathan Rosenberg, Managing Deputy Director  
Kathleen Ahn, Counsel, NYC Council Finance Division

**LEGISLATIVE HISTORY:** The legislation was introduced to the full Council on December 21, 2022, as Intro. No. 853 and referred to the Committee on Transportation and Infrastructure (the Committee). A hearing was held by the Committee on April 24, 2023 and the bill was laid over. The legislation has been amended and the amended version, Proposed Intro. No. 853-A will be considered by the Committee on July 13, 2023. Upon a successful vote by the Committee, Proposed Intro. No. 853-A will be submitted to the full Council for a vote on July 13, 2023.

**DATE PREPARED:** July 10, 2023.

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

**(The following is the text of Int. No. 853-A:)**

## Int. No. 853-A

By Council Members Ariola and Borelli.

**A Local Law in relation to installing intermediate reference location signs on designated sections of Cross Bay Boulevard, Beach Channel Drive, and Rockaway Point Boulevard**

*Be it enacted by the Council as follows:*

Section 1. Definitions. For purposes of this local law, the term “intermediate reference location sign” means a sign showing a decimal integer distance point at one tenth of a mile intervals along a highway or other road as described in the Manual on Uniform Traffic Control Devices for Streets and Highways published by the federal highway administration.

§ 2. Intermediate reference location sign placement. Within 1 year of the enactment of this local law, the department of transportation, in consultation with the police department and the fire department, shall install intermediate reference location signs at one tenth of a mile intervals, where feasible, along the following designated routes:

- a. Cross Bay boulevard from the southern terminus of the Joseph P. Addabbo memorial bridge to East 1st road;
- b. Beach Channel drive and Beach Channel drive circle from the southern terminus of the Marine Parkway bridge to Beach 144th street; and
- c. Rockaway Point boulevard from the southern terminus of the Marine Parkway bridge to Beach 201st street.

§ 3. This local law takes effect immediately.

SELVENA N. BROOKS-POWERS, *Chairperson*; FARAH N. LOUIS, CARLINA RIVERA, AMANDA FARIAS, LINDA LEE, MERCEDES NARCISSE, NANTASHA M. WILLIAMS, JULIE WON, ARI KAGAN, DAVID M. CARR, JOANN ARIOLA; 11-0-0; *Absent*: Lincoln Restler and Kalman Yeger; Committee on Transportation and Infrastructure, July 13, 2023. *Other Council Members Attending*: Council Members Hanks, Carr, De La Rosa, Joseph, Paladino, Feliz, Caban, Holden, Bottcher and Brannan.

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>
JOANNE JAGROOP	135-29 116th Street Queens, New York 11420	32
ANTONIA BEVANS	1030 Ocean Ave, Apt 5H Brooklyn, New York 11226	40
KHADIJAH DE LOS SANTOS	1665 W 9th Street, Apt 2R Brooklyn, New York 11223	40
MABEL ROSARIO	214 E 94th Street, Apt 1 Brooklyn, New York 11212	41
LISA GLADDEN	756 Stanley Ave, Apt 1E Brooklyn, New York 11207	42
MARISOL ROSARIO	700 Victory Blvd, Apt 9P Staten Island, New York 10301	49

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).

### Separate Roll Call for Items coupled for an Override Vote

Pursuant to Rule 9.60 of the Council Rules, the Speaker (Council Member Adams) moved to separate the override bills of **Int. Nos. 229-A, 878-A, 893-A, and 894-A** from the remaining General Orders for consideration and a vote prior to the commencement of the the General Orders Calendar vote.

#### **ROLL CALL ON ITEMS COUPLED FOR AN OVERRIDE VOTE (Override Items coupled on the General Orders Calendar for a Separate Vote)**

- (1) **Int 229-A -** Monthly rental assistance payments for households with rental assistance vouchers **(Coupled for Override requiring an affirmative vote of at least two-thirds of the Council for passage).**
  
- (2) **Int 878-A -** Prohibiting the Department of Social Services from requiring an applicant for a rental assistance voucher to have resided or reside in a shelter of any type **(Coupled for Override requiring an affirmative vote of at least two-thirds of the Council for passage).**
  
- (3) **Int 893-A -** Expanding eligibility for rental assistance to any applicant at risk of eviction or experiencing homelessness **(Coupled for Override requiring an affirmative vote of at least two-thirds of the Council for passage).**
  
- (4) **Int 894-A -** Income and work requirements for rental assistance **(Coupled for Override requiring an affirmative vote of at least two-thirds of the Council for passage).**

The Speaker (Council Member Adams) put the question, “**Shall these bills pass, the objection of the Mayor notwithstanding?**” This question was decided in the **affirmative** by **at least two-thirds** of the Council with the following vote:

**Affirmative for Override** – Abreu, Avilés, Ayala, Barron, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, De La Rosa, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hudson, Joseph, Krishnan, Lee, Louis, Marte, Mealy, 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 for Override** – Ariola, Carr, Holden, Kagan, Paladino, Vernikov, Yeger, and the Minority Leader (Council Member Borelli) - **8**.

**The override vote recorded for these four items was 42-8-0 as shown above.**

**With this override vote by the Council, Int. Nos. 229-A, 878-A, 893-A, and 894-A have hereby been enacted into law.**

At this point, the Speaker (Council Member Adams) asked that the Roll Call vote for the remaining items coupled on the day's General Orders Calendar be taken:

**ROLL CALL ON GENERAL ORDERS FOR THE DAY  
(Remaining items Coupled on General Order Calendar)**

- (5) **M-163 -** Mayor's Veto and Disapproval message of Introductory Number 229-A of 2022 (**Coupled to be Filed**).
- (6) **M-164 -** Mayor's Veto and Disapproval message of Introductory Number 878-A of 2023 (**Coupled to be Filed**).
- (7) **M-165 -** Mayor's Veto and Disapproval message of Introductory Number 893-A of 2023 (**Coupled to be Filed**).
- (8) **M-166 -** Mayor's Veto and Disapproval message of Introductory Number 894-A of 2023 (**Coupled to be Filed**).
- (9) **Int 193-A -** Lead-based paint hazards in common areas of dwellings.
- (10) **Int 200-A -** Objections to orders for the abatement or remediation of lead conditions.
- (11) **Int 645-B -** Civil service examinations for justice-involved individuals.
- (12) **Int 853-A -** Installing intermediate reference location signs on designated sections of Cross Bay Boulevard, Beach Channel Drive, and Rockaway Point Boulevard.
- (13) **Int 887-B -** Gender identity of persons in the custody of the Department of Correction.
- (14) **Int 1018-A -** Reporting on involuntary removals.

- (15) **Int 1019-A -** Maintenance of access to an interactive map of mental health service providers in New York city.
- (16) **Int 1021-A -** Establishing crisis respite centers.
- (17) **Int 1022-A -** Establishing clubhouses for individuals with serious mental illness.
- (18) **Int 1074-A -** Prohibiting the use of city resources to enforce restrictions on gender-affirming care.
- (19) **L.U. 230 & Res 719 -** **App. C 220218 ZMQ (189-10 Northern Boulevard Commercial Overlay)** Borough of Queens, Community District 11, Council District 19 (**Coupled to be Filed**).
- (20) **L.U. 231 & Res 720 -** **App. C 210323 MMQ (43rd Avenue Demapping)** Borough of Queens, Community District 11, Council District 19 (**Coupled to be Disapproved**).
- (21) **L.U. 237 & Res 721 -** **App. C 220285 ZMK (1656 West 10th Street Rezoning)**, Brooklyn, Community District 11, Council District 44.
- (22) **L.U. 238 & Res 722 -** **App. N 220286 ZRK (1656 West 10th Street Rezoning)**, Brooklyn, Community District 11, Council District 44.
- (23) **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, Holden, Hudson, Joseph, Kagan, Krishnan, Lee, Louis, Marte, Mealy, Menin, 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**.

*Present, Not Voting:* Moya.



**The General Order vote recorded for this Stated Meeting was 49-0-0 with one member considered present, not voting as shown above. The legislative items listed below received the following individual votes:**

The following was the vote recorded for **Int. No. 193-A**:

**Affirmative** – Abreu, Avilés, Ayala, Barron, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, De La Rosa, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Holden, Hudson, Joseph, Krishnan, Lee, Louis, Marte, Mealy, Menin, 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, Kagan, Paladino, Vernikov, Yeger, and the Minority Leader (Council Member Borelli) - **7**.

*Present, Not Voting: Moya.*

The following was the vote recorded for **L.U. No. 237 & Res. No. 721 and L.U. No. 238 & Res. No. 722**:

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

**Negative** – Barron – **1**.

*Present, Not Voting: Moya.*

*The following Introductions were sent to the Mayor for his consideration and approval:  
Int. Nos. 193-A, 200-A, 645-B, 887-B, 853-A, 1018-A, 1019-A, 1021-A, 1022-A, and 1074-A.*

## INTRODUCTION AND READING OF BILLS

Int. No. 1119

By Council Members Brooks-Powers, Farías, Riley, Schulman, Hanif, Ung, Louis, Velázquez, Ayala, Menin, Gennaro and Marte.

### **A Local Law to amend the administrative code of the city of New York, in relation to an annual report on drowning deaths**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.23 to read as follows:

*§ 17-199.23 Report on drownings. a. Report. No later than 1 year after the effective date of the local law that added this section, and annually thereafter, the department, in consultation with the office of the chief medical examiner and any other relevant agency, shall submit to the mayor and the speaker of the council and post on its website a report on each drowning that occurred in the city in the preceding year. Except as otherwise provided by law, each data record reported shall characterize 1 unique occurrence of the specified incidents, and shall include a separate row referencing each unique occurrence of a drowning. Each row shall include, but need not be limited to, the following information set forth in separate columns:*

- 1. The date and time at which the incident occurred;*
- 2. The address at which the incident occurred;*
- 3. A unique and anonymous identification code corresponding to the incident;*
- 4. Age of the victim;*
- 5. Race of the victim;*
- 6. Ethnicity of the victim;*
- 7. The type of facility at which the incident occurred, including but not limited to a beach, public outdoor pool, public indoor pool, private indoor pool, or private outdoor pool;*
- 8. The council district in which the incident occurred;*
- 9. The community district in which the incident occurred; and*
- 10. Possible factors and reasons for the incident, including but not limited to inappropriate supervision, environment, hyperventilation, effects of drugs, alcohol, or medication, developmental disability, seizure disorder, or other medical issue.*

*b. Personally identifiable information. Except as otherwise expressly provided in this section, the report required by subdivision a of this section shall not contain personally identifiable information.*

*c. Information reported. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement.*

*§ 2. This local law takes effect immediately.*

Referred to the Committee on Health.

Int. No. 1120

By Council Members Carr, Louis, Farías, Yeger and Riley.

### **A Local Law to amend the administrative code of the city of New York, in relation to requiring a raised speed reducer feasibility assessment at speed camera locations**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-189.2 to read as follows:

§ 19-189.2 *Raised speed reducer feasibility assessment. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Raised speed reducer. The term “raised speed reducer” means a raised area of roadway that deflects the wheels and frame of a traversing vehicle with the purpose of reducing vehicle speeds, including, but not limited to, speed humps, speed cushions and raised crosswalks.*

*Speed camera. The term “speed camera” means a photo violation-monitoring system installed for the purposes of issuing violations pursuant to section 1180-b of the vehicle and traffic law.*

*b. On an annual basis, the department shall assess at least 100 existing speed camera locations to determine whether it is feasible to install a raised speed reducer at the location. If the installation of a raised speed reducer is feasible, the department shall, within one year of the determination, install a raised speed reducer within 125 feet of the speed camera.*

*c. For the purposes of the assessment required by subdivision b of this section, the department may determine that the installation of a raised speed reducer is not feasible if, in the judgement of the department, the installation would endanger the safety of any road user or would be otherwise inconsistent with department guidelines for the installation of a raised speed reducer, provided that the presence of a speed camera may not be a criteria used to determine raised speed reducer feasibility.*

*d. No later than December 31 of each year, the department shall submit to the mayor and the speaker of the council and post on its website a report regarding each speed camera location assessed pursuant to subdivision b of this section, and each speed camera location that includes one or more raised speed reducers. The report must include a list of locations assessed pursuant to subdivision b of this section, and for any location where a raised speed reducer was deemed infeasible, an explanation of the reasons for the determination. For any speed camera location that also includes a raised speed reducer, the report must also provide an assessment of changes in speed data, crash history, roadway geometry and speed camera violations issued compared with the same data collected during the year prior to the installation of the raised speed reducer, and a recommendation regarding whether the speed camera at each location remains necessary for the purpose of ensuring street safety and compliance with posted maximum speed limits.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 1121

By Council Member Farías,

**A Local Law in relation to a study on the feasibility of establishing a commercial and residential linkage fee**

*Be it enacted by the Council as follows:*

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

*Job creation. The term “job creation” means job training for workers to be qualified to be employed at a project site.*

*Job contribution. The term “job contribution” means money paid into a trust for the benefit of persons residing within a 2 mile radius of the job site, within the borough in which the job site is located.*

*Linkage fee. The term “linkage fee” means a fee based on the square footage of a project, in excess of 100,000 square feet, that would be paid into a trust fund for job creation or job contribution.*

*Project. The term “project” means any new commercial or residential construction.*

b. Feasibility study. An office or agency designated by the mayor, in collaboration with the department of consumer and worker protection, the department of city planning, the department of housing preservation and development, the department of buildings, the economic development corporation, and any other office or agency, shall study and report on the feasibility of establishing a linkage fee. No later than one year after the effective date of this local law, the office or agency designated shall submit to the mayor and the speaker of the council and shall post conspicuously on the department's website a report on the findings of this study. Such report shall include:

1. An estimate of funding required for the implementation of a linkage fee program;
  2. An estimate of the potential annual revenue if a linkage fee were adopted;
  3. An analysis of the maximum allowable linkage fee that would not negatively impact development;
  4. An estimate of the current unemployment rate disaggregated by borough;
  5. An estimate of worker households by borough;
  6. An estimate of employment density by borough;
  7. An estimate of the range, mean and median salaries, and associated household incomes by borough
  8. An analysis of where projects have been started in the last five years;
  9. An analysis of where projects may occur within the next five years;
  10. An estimate of the number of workers that would be needed to meet the labor demand of the projects estimated by paragraph 9 of this subdivision, disaggregated by borough;
  11. An analysis of the feasibility of a linkage fee program in the city of New York;
  12. A discussion of how potential future revenue from a linkage fee could be utilized; and
  13. Any other information relevant to assessing the feasibility of a linkage fee.
- § 2. This local law takes effect immediately.

Referred to the Committee on Economic Development.

Int. No. 1122

By Council Members Gennaro, Farías, Yeger, Menin, Nurse, Avilés, Ayala, Schuman, Brewer, Narcisse and Vernikov.

**A Local Law to amend the administrative code of the city of New York, in relation to allowing consolidation of required reports on building energy efficiency and emissions**

*Be it enacted by the Council as follows:*

Section 1. Section 28-308.4 of the administrative code of the city of New York, as added by local law number 87 for the year 2009, is amended to read as follows:

**§ 28-308.4 Energy efficiency report required.** Except as otherwise provided in section 28-308.7, the owner of a covered building shall file an energy efficiency report for such building between January first and December thirty-first of the calendar year in which such report is due pursuant to this section and between January first and December thirty-first of every tenth calendar year thereafter. *If the owner of a covered building is also required to file reports pursuant to section 28-320.3.7 regarding the same building, the building owner may, in any year in which a report is due pursuant to this section, file the report required by this section and the report required by section 28-303.3.7 as a single consolidated report, provided that such consolidated report is filed no later than May 1.*

§ 2. Section 28-320.3.7 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

**§ 28-320.3.7 Reports required to be filed by owner.** By May 1, 2025, and by May first of every year thereafter, the owner of a covered building shall file with the department a report, certified by a registered design professional, prepared in a form and manner and containing such information as specified in rules of the department, that for the previous calendar year such building is either:

1. In compliance with the applicable building emissions limit established pursuant to section 28-320.3; or
2. Not in compliance with such applicable building emissions limit, along with the amount by which such building exceeds such limit.

For a report filed on or after May 1, 2026, where a report required to be submitted by May 1 in the prior year indicated that the covered building was not in compliance with the applicable building emissions limit established pursuant to section 28-320.3 in the calendar year covered by such report, but such building is in compliance for the calendar year covered by the report required to be submitted by May 1 in the current year, such report shall describe the methods used to achieve compliance. *If the owner of a covered building is also required to file reports pursuant to section 28-308.4 regarding the same building, the building owner may, in any year in which a report is due pursuant to section 28-308.4, file the report required by this section and the report required by section 28-308.4 as a single consolidated report, provided that such consolidated report is filed no later than May 1.*

§ 3. This local law takes effect immediately.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Res. No. 714

**Resolution calling upon the New York State Department of Health and New York State Environmental Facilities Corporation to fairly allocate grants and loans for lead service line replacement approved in the Federal Bipartisan Infrastructure Law and to remove all rules preventing New York City from receiving a fair share of this funding.**

By Council Members Gennaro, Farías, Yeger, Brooks-Powers, Nurse and Schulman.

**Whereas**, Lead is a naturally occurring metal, exposure to which can cause significant health and developmental issues for people, particularly when exposure occurs during pregnancy or childhood; and

**Whereas**, Some common ways that people are exposed to lead are through ingesting contaminated food or water, ingesting paint chips, or through the inhalation of lead dust; and

**Whereas**, Children younger than six are at heightened risk of lead exposure, in part because lead is easily absorbed into developing nervous systems; and

**Whereas**, According to the United States Environmental Protection Agency (EPA) and the Centers for Disease Control and Prevention (CDC), there is no known safe level of lead in a child's blood, as even low levels of lead in a child's bloodstream can result in permanent damage, including developmental delays, behavioral issues, learning difficulties, and neurological damage; and

**Whereas**, Service lines connecting buildings to New York City's water distribution infrastructure, as well as piping and plumbing fixtures within buildings, particularly those built before 1961, can act as a source of lead contamination, when such pipes and fixtures were constructed from lead; and

**Whereas**, New York City's drinking water distribution system delivers lead free water to buildings, and treats water with food grade phosphoric acid and sodium hydroxide to minimize the likelihood of lead leaching from pipes into the water; and

**Whereas,** As part of President Joe Biden’s Bipartisan Infrastructure Law, the federal government has allocated \$50 billion dollars to upgrade water and wastewater infrastructure across the United States, including \$15 billion dedicated to lead service line replacement and \$11.7 billion dollars in general Drinking Water State Revolving Funds, that can be spent on lead service line replacement; and

**Whereas,** In 2021, the Biden administration released the Biden-Harris Lead Pipe and Paint Action Plan, directing the EPA to allocate an additional three billion dollars in Bipartisan Infrastructure Law funding to states, tribes, and territories for lead service line replacements in 2022, and clarifying that the \$350 billion State and Local Fiscal Recovery Fund provided in the American Rescue Plan Act of 2021 could be used to replace lead service line, lead faucets and fixtures; and

**Whereas,** The Lead Pipe and Paint Action Plan also includes five billion dollars for the mitigation and removal of lead paint, lead faucets, and fixtures containing lead in low-income households, by the U.S. Department of Housing and Urban Development (HUD), \$65 billion of Build Back Better Act funding for public housing agencies, and \$5 billion for other federally-assisted housing preservation and rehabilitation, which can be used for lead pipe replacement, and the replacement of privately owned lead service lines; and

**Whereas,** In New York, much of the funding from the Drinking Water State Revolving Funds will be administered by the New York State Environmental Facilities Corporation (EFC), which uses funding formulas and rules that functionally exclude New York City from fairly accessing grant funding; and

**Whereas,** EFC’s standard guidelines include a hardship rule, which aims to target grants and/or principal forgiveness and interest free financing toward low-income families, but the rule excludes municipalities with populations exceeding 300,000 residents from accessing grant funding, regardless of whether any other criteria are met, essentially allowing every city in New York State apart from New York City to access that grant funding; and

**Whereas,** State law and EFC have also established per-municipality funding caps that severely disadvantage New York City, leading to the city being awarded only six million dollars over two years of funds from grants EFC announced in November of 2022, despite applying for, and being otherwise eligible to receive \$110 million dollars in project costs; and

**Whereas,** In August of 2022, New York City submitted six lead service line grant applications totaling approximately \$57.5 million dollars for remediation work in census tracts across the Bronx and Queens that demonstrate severe financial hardship, are known to have a high density of lead service lines, and contain a large population of children; and

**Whereas,** Under the New York State Department of Health’s proposed guidelines for the distribution of lead service line replacement funds, communities would be limited to \$10 million in grants or principal loan forgiveness loans, making New York City eligible for only \$24 million in total funding, approximately 17% of grant funding available; and

**Whereas,** New York City represents approximately 44% of New York State’s population and 59% of the state’s disadvantaged communities, while providing 62% of the state’s revenue. New York City is also a majority minority population, while the rest of the state is not; and

**Whereas,** Absent access to grant funding, New York City will be forced to slow down its planned lead service line replacement work, further burdening communities already among the most affected by income inequality and environmental racism; and

**Whereas,** Any guidelines or rules that prevent New York City from accessing its fair share of grants, loans, state funds, or federal funds directly disenfranchises a majority of New York State’s most disadvantaged communities, and raises environmental justice and equity concerns; therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York State Department of Health and New York State Environmental Facilities Corporation to allocate grants and loans for lead service line replacement approved in the Federal Bipartisan Infrastructure Law fairly across New York State, and to remove all discriminatory rules preventing New York City from receiving a fair share of this funding

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

## Res. No. 715

**Resolution calling on the New York City Water Board to notify all council members and community boards at least 30 days before a public hearing concerning an annual water rate adjustment.**

By Council Members Gennaro, Farías, Yeger, Lee, Nurse, Kagan and Brewer.

**Whereas**, The New York City Water Board (“Board”) establishes water rates in New York City (“City”); and

**Whereas**, Property owners pay the Board at these rates to receive sewage and drinking water service from the New York City Department of Environmental Protection (“DEP”); and

**Whereas**, Effective July 1, 2022 to June 30, 2023, the City drinking water rate was \$4.30 per 100 cubic feet and the sewer water rate was 159 percent of the drinking water rate; and

**Whereas**, At these rates, the average charge for a single-family household was \$1,041 worth of annual water and wastewater service, and the average metered charge for a dwelling unit in a multi-family building was \$773 worth of annual water and wastewater service; and

**Whereas**, The Board adjusts the value and structure of the water rates annually to ensure the fiscal health of the City’s water systems; and

**Whereas**, Pursuant to section 1045-j of the New York Public Authorities Law, the Board may not change the water rate unless it both holds a public hearing that is noticed at least 20 days in advance and holds a public hearing in each borough, each of which must be noticed at least seven days in advance; and

**Whereas**, In recent years, the Board has satisfied the water rate hearing notice requirement by posting the time, date, and location of hearings on its website; and

**Whereas**, The Board’s current procedure to notice water rate hearings may not alert a sufficient number of residents, as evidenced by the limited quantity of spoken testimony delivered at recent hearings; and

**Whereas**, In 2023, the Board proposed an increase of up to 4.42 percent in water rates, and additionally proposed to reauthorize three DEP customer payment assistance programs, maintain the minimum daily water service charge of \$0.49 for meter-billed customers, and extend the Multi-family Conservation Program compliance deadline; and

**Whereas**, Despite these proposed changes, the Board heard only two spoken comments at the Bronx water rate adjustment hearing, two spoken comments at the Manhattan hearing, and no spoken comments at the Brooklyn hearing; and

**Whereas**, Additional notice may increase public participation at water rate hearings, and consequently, improve the transparency of and accountability over the Board; and

**Whereas**, Council members and community boards frequently engage with the public at community events, through social media, and via other forums; and

**Whereas**, If the Board provided advance notice of water rate hearings to council members and community boards, then these entities could publicize the hearings through their public outreach infrastructure; and

**Whereas**, Further advertisement of water rate hearings may give more residents the opportunity to voice concern over proposed increases to the cost of essential City services; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York City Water Board to notify all council members and community boards at least 30 days before a public hearing concerning an annual water rate adjustment.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 1123

By Council Members Holden, Lee, Yeger and Riley.

**A Local Law to amend the administrative code of the City of New York, in relation to carrying out testing for and reporting on the presence of controlled substances with significant potential for addiction or other serious health consequences in wastewater**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-533 to read as follows:

§ 24-533 *Wastewater testing for the presence of controlled substances.* *a. Definitions. For the purposes of this section, the term “controlled substance” includes any opioid, stimulant, depressant, hallucinogen, steroid, or other drug with significant potential to cause addiction or other serious health consequences.*

*b. Testing. 1. The commissioner, in collaboration with the commissioner of health and mental hygiene, shall conduct wastewater-based sampling and testing to identify the types and quantify the levels of controlled substances in wastewater at each city wastewater treatment plant in accordance with this section.*

*2. No less than twice per week, the commissioner shall collect raw wastewater samples at such plants in amounts necessary to measure the presence of controlled substances. The commissioner, in collaboration with the commissioner of health and mental hygiene, shall arrange for the testing of such samples for controlled substances. Such testing shall, at minimum, identify the types and measure the levels of controlled substances in such samples through testing methods that reflect industry best practices for detecting controlled substances in wastewater.*

*3. The commissioner, in collaboration with the commissioner of health and mental hygiene, shall determine which types of controlled substances in wastewater to test for in accordance with this section.*

*c. Annual report. No later than 3 months after the effective date of the local law that added this section, and annually thereafter, the commissioner, in collaboration with the commissioner of health and mental hygiene, shall submit to the mayor and the speaker of the council a report which shall include but not be limited to the following information:*

*1. Results of all testing for controlled substances in wastewater conducted pursuant to this section, disaggregated by the city wastewater treatment plant from where the wastewater sample was collected, the type and level of controlled substances identified in such sample, the date such sample was collected, and the date such sample was tested;*

*2. The various testing methods used to test wastewater samples for controlled substances in accordance with this section; and*

*3. Analysis of the effectiveness of the wastewater sampling and testing conducted pursuant to this section in detecting the presence of controlled substances in wastewater.*

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of environmental protection and the commissioner of health and mental hygiene shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Res. No. 716

**Resolution recognizing July 27 annually as Korean War Veterans Armistice Day in the City of New York to honor the courage and sacrifice of those who served.**

By Council Members Holden, Farías and Yeger.



**Whereas**, After World War II, the Korean Peninsula was split into a Soviet-backed government in the North and a United States (U.S.)-backed government in the South; and

**Whereas**, On June 25, 1950, North Korean soldiers attacked along the 38th parallel, which divided the North and South, and invaded South Korea; and

**Whereas**, After the attack was condemned by the United Nations (UN) Security Council, the U.S. and other member nations sent troops to aid South Korea; and

**Whereas**, The ensuing three-year war cost the lives of millions of Korean civilians and soldiers from many countries and forever changed the lives of hundreds of thousands of those who were wounded and those who were brutally treated as prisoners of war; and

**Whereas**, On July 27, 1953, the Korean Armistice Agreement was signed by military delegates from the U.S., on behalf of the UN Command, the Korean People's Army, and the Chinese People's Volunteer Army, which had aided North Korea, thus bringing an end to armed conflict; and

**Whereas**, This longest negotiated armistice agreement in history, spanning two years and 17 days, was not and is not a formal peace treaty signed by nations, but rather a military truce, which separated the two parts of the Korean Peninsula by a Demilitarized Zone, which exists today; and

**Whereas**, On the National Mall in Washington, D.C., in 1995, U.S. President William J. Clinton and South Korea's President Kim Young-sam dedicated the Korean War Veterans Memorial, described by President Clinton as an "enduring testament to [the veterans'] valor and generosity of spirit"; and

**Whereas**, The haunting Memorial includes 19 "On Patrol" stainless steel standing sculptures of servicemembers in a triangular "field of service," a wall with more than 36,000 names of Americans killed in the War, a pool of remembrance, a UN wall with the engraved names of the 21 countries that fought with the U.S., and a black granite mural wall with etchings of more than 2,400 candid photographs of servicemembers; and

**Whereas**, President Clinton wrote in Proclamation 6812 on July 26, 1995, that "we look back in awe and gratitude at what our Armed Forces and allies accomplished in Korea" and that "[u]nder the banner of the United Nations, they fought to defend freedom and human dignity in the Korean peninsula, demonstrating to the world's totalitarian regimes that men and women of goodwill were ready to pay the ultimate price so that others might enjoy the blessings of liberty"; and

**Whereas**, President Joseph R. Biden, Jr., in a Proclamation on July 26, 2022, to commemorate National Korean War Veterans Armistice Day, wrote that the 1.8 million Americans who served "faced enormous challenges—often outnumbered by the enemy, facing extreme heat and cold while fighting in the mountains and valleys and in the rice paddies and rocky terrain of the Korean Peninsula"; and

**Whereas**, President Biden said in his Proclamation that thousands of soldiers remain unaccounted for even today and that he is committed to accounting for all U.S. prisoners of war and servicemembers still missing in action;

**Whereas**, In his Proclamation, President Biden also remarked on almost 70 years of "ensuing peace and the abiding relationship between the Korean and American people [that] has been the foundation for the thriving democracy and incredible economic progress of the Republic of Korea"; and

**Whereas**, In his Proclamation, President Biden encouraged all Americans on July 27, 2022, "to reflect on the strength, sacrifices, and sense of duty of our Korean War Veterans and bestow upon them the high honor they deserve" and further "to observe this day with appropriate ceremonies and activities that honor and give thanks" to those Veterans; and

**Whereas**, July 27, 2023, is the 70th anniversary of the signing of the Korean Armistice Agreement, which heralded decades of peace after the bitter conflict; now, therefore, be it

**Resolved**, That the Council of the City of New York recognizes July 27 annually as Korean War Veterans Armistice Day in the City of New York to honor the courage and sacrifice of those who served.

Referred to the Committee on Veterans.

Int. No. 1124

By Council Members Kagan, Holden, Riley, Williams and Ariola.

**A Local Law in relation to requiring the commissioner of information technology and telecommunications to report on complaints received regarding abandoned properties**

*Be it enacted by the Council as follows:*

Section 1. Abandoned property reporting. a. For purposes of this section, the term “abandoned property” means neglected or deteriorated vacant and abandoned homes, buildings, or lots.

b. Beginning 90 days after the effective date of this local law, and quarterly thereafter for a total of 4 quarterly reports, the commissioner of information technology and telecommunications shall submit to the mayor and the speaker of the council a report on all complaints relating to abandoned property received in the preceding 90 days by the 311 customer service center, including but not limited to by phone, through the 311 website, and through the 311 mobile device platform. Such report shall include:

1. The total number of such complaints received; and
  2. The total number of such complaints received, disaggregated by the council district in which the abandoned property that is the subject of the complaint is located.
- § 2. This local law takes effect immediately.

Referred to the Committee on Technology.

Res. No. 717

**Resolution to commemorate the 50th anniversary of the federal Endangered Species Act on December 28, 2023.**

By Council Members Menin, Gennaro, Schulman and Brewer.

**Whereas**, The Endangered Species Act of 1973 (“ESA”) aims to preserve fish, wildlife, and plant species with small and declining populations by affording them special protections; and

**Whereas**, Species that receive ESA protections are registered on the endangered species list, which is maintained by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (“Services”); and

**Whereas**, Proposed additions to the endangered species list may be identified by the Services or by the public through a petition process; and

**Whereas**, The Services must conduct a rigorous review of proposed additions to the endangered species list based solely on the best scientific and commercial data available, and solicitation of public comment; and

**Whereas**, If the Services determine that a proposed species should be listed, the species receives a designation of threatened or endangered according to the species’ need for protection; and

**Whereas**, Protections afforded to threatened and endangered species include a prohibition on the harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting of any listed species; and

**Whereas**, The ESA also prohibits federal agencies from funding, approving, or conducting any activity that is likely to threaten the population or habitat of a listed species; and

**Whereas**, The Services must develop a recovery plan for each listed species, unless such a plan would not promote the conservation of the species; and

**Whereas**, The ESA authorizes the contribution of millions of dollars annually to state and U.S. territory programs that implement these recovery plans; and

**Whereas**, As of June, 2023, the endangered species list included 2,381 foreign and domestic species of plant and animal; and

**Whereas**, Ninety-nine percent of species on the endangered species list remain extant and 46 species have recovered in population size and were removed from the list by the Services; and

**Whereas,** Recovered species include plants and animals of national importance, such as the bald eagle, which was nearly extinct in the lower 48 states before the enactment of the ESA, and now has a population of over 300,000; and

**Whereas,** Many species of insects, reptiles, mammals, and birds that are native to or migrate through New York City are on the endangered species list; and

**Whereas,** These include the American burying beetle, a large carrion beetle endemic to North America whose habitat once included Brooklyn, the Bronx, and Staten Island; and

**Whereas,** The ESA also protects the bog turtle, the smallest turtle native to New York State, which once thrived in the calcareous wetlands of Staten Island until it experienced a 50 percent decline in population in the Northeast before it was placed on the endangered species list in 1997; and

**Whereas,** Multiple species of whale that migrate near New York City waters are on the endangered species list, including the North Atlantic right whale, which requires sustained ESA protections to recover its estimated 2019 North Atlantic population of just 368 whales; and

**Whereas,** Several species of shorebird that frequent New York City receive protection from the ESA, such as the threatened red knot, which stops to forage in the mudflats of Jamaica Bay on its annual migration of over 9,800 miles from the southern tip of South America to the Canadian Arctic; and

**Whereas,** The endangered species list also includes the piping plover, another threatened migratory shorebird, which breeds on the banks of the New York City barrier islands and was nearly extirpated from the region in 1983 when its Long Island population fell to just 88 breeding pairs; and

**Whereas,** Continued ESA protections for these and other species of plants and animals are critical to the conservation of New York City's natural habitat and biodiversity; and

**Whereas,** The ESA complements local efforts to protect listed species through efforts such as the Rockaway Beach Endangered Species Nesting Area program, which allows rare shorebirds to lay and incubate eggs without human disturbance; and

**Whereas,** The ESA also aligns with New York City's goal of restoring wetlands in the Bronx and Staten Island to facilitate the return of endangered species to their natural habitats in these boroughs; now, therefore, be it

**Resolved,** That the Council of the City of New York commemorates the 50th anniversary of the federal Endangered Species Act on December 28, 2023.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 1125

By Council Members Narcisse, Cabán, Won, Farías, Hanif, Ayala, Richardson Jordan, Krishnan and Nurse.

**A Local Law to amend the administrative code of the city of New York, in relation to pedestrian crossing guidelines and right of way**

*Be it enacted by the Council as follows:*

Section 1. Section 19-195 of the administrative code of the city of New York, as added by local law number 115 for the year 2016, is amended to read as follows:

§ 19-195 *Pedestrian crossings and control signals.* *a.* Whenever pedestrian control signals are in operation, exhibiting symbols of a walking person, upraised hand, or upraised hand with a pedestrian countdown display, or any other internationally recognized representation concerning the movement of pedestrians, such signals shall indicate as follows:

1. Steady walking person. Pedestrians facing such signal may proceed across the roadway in the direction of such signal, and other traffic shall yield the right of way to such pedestrians.

2. Flashing upraised hand or flashing upraised hand with pedestrian countdown display. Pedestrians facing such signal are advised that there may be insufficient time to cross the roadway. Pedestrians already in the roadway [shall] *are advised to* proceed to the nearest sidewalk or safety island in the direction of such signal.

Other traffic shall yield the right of way to pedestrians proceeding across the roadway within the crosswalk towards such signal for as long as such signal remains flashing.

3. Steady upraised hand. [No pedestrians shall start to cross the roadway in the direction of such signal] *Pedestrians facing such a signal are advised that vehicle traffic has the right of way and pedestrians entering the roadway while this signal is displayed will be at risk of injury due to vehicle traffic*; provided, however that any pedestrians who have partially completed their crossing on a steady walking person signal or any flashing upraised hand signal [shall] *are advised to proceed to the nearest sidewalk or safety island in the direction of such signal while such steady upraised hand signal is showing.*

*b. Pedestrians may cross any roadway at any point, including points outside of a marked or unmarked crosswalk. Pedestrians are advised to yield the right of way to all vehicles upon the roadway.*

*c. This section supersedes section 1152 of the vehicle and traffic law and any other provision of the vehicle and traffic law that prohibits any activity of pedestrians that is described in this section. No penalties shall be imposed pursuant to any such provision.*

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

Referred to the Committee on Transportation and Infrastructure.

Int. No. 1126

By Council Members Ossé, Powers, Sanchez, Cabán, Krishnan, Schulman, Richardson Jordan, Riley, Hanif, Abreu, Hanks, Farías, Williams and Gennaro (in conjunction with the Brooklyn Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to including food service establishments, retail establishments, and health clubs in the opioid antagonist program**

*Be it enacted by the Council as follows:*

Section 1. Chapter 21 of title 17 of the administrative code of the city of New York, as added by local law number 92 for the year 2022, is amended to read as follows:

CHAPTER [21] 22

[NIGHTLIFE] OPIOID ANTAGONIST PROGRAM *FOR BUSINESSES*

[§ 17-2101] § 17-2201 Definitions. As used in this chapter, the following terms have the following meanings:

*Covered establishment. The term “covered establishment” means a food service establishment, retail establishment, health club, or nightlife establishment operating in the city that has been approved for participation in the opioid antagonist program pursuant to this chapter.*

*Food service establishment. The term “food service establishment” means a premises or part of a premises where food is provided directly to a person, whether such food is provided free of charge or sold, and whether consumption occurs on or off the premises or is provided from a pushcart, stand or vehicle.*

*Health club. The term “health club” means a commercial establishment offering instruction, training, or assistance, or the facilities for the preservation, maintenance, encouragement, or development of physical fitness or well-being. Such term shall include, but not be limited to, health spas, health studios, gymnasiums, weight control studios, martial arts and self-defense schools or any other commercial establishment offering a similar course of physical training.*

*Nightlife establishment. The term “nightlife establishment” means an establishment in the city that is open to the public for entertainment or leisure and serves alcohol or where alcohol is consumed on the premises. Such term includes, but is not limited to, bars, entertainment venues, clubs and restaurants.*

*Opioid antagonist. The term “opioid antagonist” means naloxone, narkan or any other medication approved by the New York state department of health and the federal food and drug administration that, when administered, negates or neutralizes in whole or in part the pharmacological effects of an opioid in the human body.*

*Retail establishment. The term “retail establishment” means a place where goods, wares or merchandise are offered to the public for sale.*

[§ 17-2102 Nightlife opioid] § 17-2202 *Opioid antagonist program.* The commissioner shall coordinate with the director of the office of nightlife to establish a program whereby an employee *or owner* of a [nightlife] *covered* establishment may request an opioid antagonist from the department that is intended to be administered to individuals on the premises of such establishment. Such program shall be operated in compliance with existing federal, state and local laws, rules and regulations relating to the distribution of an opioid antagonist.

[§ 17-2103] § 17-2203 *Terms and conditions.* a. An employee *or owner* of a [nightlife] *covered* establishment may request up to 5 kits of an opioid antagonist at one time.

b. To request an opioid antagonist, such employee *or owner* shall provide the following information to the department:

1. Name, mailing address, zip code and contact information of such employee, *owner* or establishment;
2. Number and type of opioid antagonist kits requested; and
3. Any other information the department determines is required to provide an opioid antagonist to such employee *or owner*.

c. The department shall not charge a fee for receiving an opioid antagonist.

d. Such employee *or owner* shall comply with all applicable federal, state and local laws, rules and regulations, including the requirements of this chapter.

[§ 17-2104] § 17-2204 *Training and administration of an opioid antagonist.* The department shall offer a [nightlife] *covered* establishment resources and training for employees on opioid overdose prevention and administration of an opioid antagonist. An employee *or owner* of a [nightlife] *covered* establishment who has received such training, who has received training from another opioid overdose prevention program approved pursuant to section 3309 of the public health law, or who is otherwise in compliance with relevant federal, state and local laws, rules, and regulations regarding the administration of opioid antagonists may administer an opioid antagonist to a person such employee reasonably believes is experiencing an opioid overdose.

[§ 17-2105] § 17-2205 *Disclaimer of liability for [nightlife] covered establishments, their owners, and their employees.* The administration of an opioid antagonist pursuant to this chapter shall be considered first aid or emergency treatment for the purpose of any statute relating to liability. A [nightlife] *covered* establishment or an employee *or owner* of such establishment, acting reasonably and in good faith in compliance with this section and section 3309 of the public health law, shall not be subject to criminal, civil or administrative liability solely by reason of such action. Nothing contained in this chapter or in the administration or application [hereof] *of the provisions of this chapter* shall be construed as creating any private right of action against a [nightlife] *covered* establishment or an employee *or owner* of such establishment for use of or failure to use an opioid antagonist in the event of an overdose.

[§ 17-2106] § 17-2206 *Construction.* Nothing in this chapter prohibits any other program or policy to provide an opioid antagonist to any person allowed to obtain and use an opioid antagonist in accordance with federal, state and local laws, rules and regulations.

[§ 17-2107] § 17-2207 *Report.* a. No later than March 1, 2023, and annually thereafter, the department shall submit a report to the mayor and the speaker of the council on the program established by this chapter.

b. Such report shall include, but need not be limited to, the following information for the previous calendar year:

1. The total number of opioid antagonist trainings offered by the department to an employee *or owner* of a [nightlife] *covered* establishment; and
2. The total number of opioid antagonist kits provided to an employee *or owner* of a [nightlife] *covered* establishment, disaggregated by zip code.

§ 17-2208 *Outreach.* *The commissioner shall conduct outreach and education about the program established by this chapter to employees and owners of eligible establishments.*

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

Referred to the Committee on Mental Health, Disabilities and Addiction.

Int. No. 1127

By Council Members Powers, Narcisse, Joseph, Schulman, Gennaro, Sanchez, Restler, Farías, Holden, Menin, Nurse, De La Rosa, Hanif, Abreu, Marte, Krishnan, Brewer, Avilés, Rivera, Riley and Louis (by request of the Manhattan Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to standards and reporting regarding indoor air quality in schools within the city school district**

*Be it enacted by the Council as follows:*

Section 1. Title 17 of the administrative code of the city of New York is amended by adding a new chapter 23 to read as follows:

**CHAPTER 23  
AIR QUALITY IN SCHOOLS**

§ 17-2301 *Indoor air quality in schools; standards. a. The department shall promulgate rules within 18 months of the effective date of the local law that added this chapter setting standards for indoor air quality in schools within the city school district and shall evaluate the need to update these rules yearly thereafter.*

*b. Such standards shall address the maintenance of acceptable temperature, relative humidity, and air changes per hour in schools within the city school district. Such standards shall also address the identification and control of airborne pollutants in schools within the city school district, including but not limited to carbon dioxide levels, carbon monoxide levels, levels of particulate pollution 2.5, and levels of particulate pollution 10.*

§ 2. Chapter 4 of title 21-A of the administrative code of the city of New York is amended by adding a new section 21-954.1 to read as follows:

§ 21-954.1 *School indoor air quality reporting. a. Real time school air quality reporting. 1. The chancellor, in collaboration with the commissioner of environmental protection, shall post conspicuously on the department's website a real-time report regarding air quality in schools within the city school district. Such report shall be displayed as a real-time dashboard available to the public.*

*2. The report shall include, but need not be limited to the following information for every school classroom, cafeteria, auditorium, gym, and other gathering place, as well as any additional information the chancellor or commissioner of health and mental hygiene deems appropriate:*

- (a) Ambient temperature;*
- (b) Ambient humidity level;*
- (c) Air changes per hour;*
- (d) Carbon dioxide levels;*
- (e) Carbon monoxide levels;*
- (f) Levels of particulate pollution 2.5; and*
- (g) Levels of particulate pollution 10.*

*3. The testing needed to generate the information included in paragraph 2 of this subdivision for the report shall be performed by the commissioner of environmental protection or by such other parties as such commissioner may designate.*

*4. The report required by paragraph 1 of this subdivision shall include a data dictionary, which shall be updated annually as needed.*

*5. No report required by paragraph 1 of this subdivision shall contain personally identifiable information.*

*6. No information that is otherwise 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 student information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If a category contains between 1 and 5 students, or contains an amount that would allow another category that contains between 1 and 5 students to be deduced, the number shall be replaced with a symbol. A category that contains zero shall be reported as zero, unless such reporting would violate any applicable provision of federal, state or local law relating to the privacy of student information.*

*b. Report on installation and maintenance of air quality monitoring systems. The chancellor shall post conspicuously on the department's website a real-time report regarding the installation and maintenance of air*

*quality monitoring devices in schools within the city school district. The department of health and mental hygiene shall provide guidance to the chancellor regarding the exact locations where such air quality monitoring devices shall be installed.*

*c. Annual school air quality reporting. 1. No later than December 31 of each year, the chancellor, in collaboration with the commissioner of environmental protection, shall submit to the speaker of the council and the commissioner of health and mental hygiene and shall post conspicuously on the department's website an annual report regarding air quality in schools within the city school district.*

*2. The report shall include but need not be limited to the following annual information for every school classroom, cafeteria, auditorium, gym, and other gathering place, as well as any additional annual information the chancellor or commissioner of health and mental hygiene deems appropriate:*

- (a) Annual trend line of the daily average ambient temperature;*
- (b) Annual trend line of the daily average ambient humidity levels;*
- (c) Annual trend line of the daily average air changes per hour;*
- (d) Annual trend line of the daily average carbon dioxide levels;*
- (e) Annual trend line of the daily average carbon monoxide levels;*
- (f) Annual trend line of the daily average levels of particulate pollution 2.5; and*
- (g) Annual trend line of the daily average levels of particulate pollution 10.*

*3. The testing needed to generate the information included in paragraph 2 of this subdivision for the report shall be performed by the commissioner of environmental protection or by such other parties as such commissioner may designate.*

*4. The report required by paragraph 1 of this subdivision shall include a data dictionary, which shall be updated annually as needed.*

*5. No report required by paragraph 1 of this subdivision shall contain personally identifiable information.*

*6. No information that is otherwise 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 student information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If a category contains between 1 and 5 students, or contains an amount that would allow another category that contains between 1 and 5 students to be deduced, the number shall be replaced with a symbol. A category that contains zero shall be reported as zero, unless such reporting would violate any applicable provision of federal, state or local law relating to the privacy of student information.*

*d. Indoor air quality outreach and education. The department and the department of health and mental hygiene, in coordination with any other relevant agency, shall conduct outreach and education to increase awareness of indoor air quality, including, but not limited to, producing guides to help the public understand real-time air quality data and recommendations on how to improve air quality in indoor school settings.*

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of health and mental hygiene shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Health.

Int. No. 1128

By Council Members Powers, Sanchez, Schulman, Joseph, Narcisse, Gennaro, Restler, Farías, Holden, Menin, Nurse, De La Rosa, Hanif, Abreu, Marte, Krishnan, Brewer, Avilés, Rivera, Riley and Louis (by request of the Manhattan Borough President).

**A Local Law in relation to establishing a pilot program to monitor indoor air quality in certain commercial buildings**

*Be it enacted by the Council as follows:*

Section 1. a. Definitions. For the purposes of this local law, the term “city financial assistance” means any loans, grants, tax credits, tax exemptions, tax abatements, subsidies, mortgages, debt forgiveness, land conveyances for less than appraised value or other thing of value allocated, conveyed or expended by the city of New York other than as-of-right assistance, tax abatements or benefits.

b. Pilot program. The commissioner of health and mental hygiene shall establish a commercial building indoor air quality monitoring pilot. Such pilot program shall run for 5 years from the date of its establishment.

c. Participation in the pilot program. 1. The commissioner of health and mental hygiene shall invite owners of commercial buildings to participate in the pilot program.

2. If the owner or developer of any commercial building receives any city financial assistance after the effective date of this local law and before the end of the pilot program established pursuant to this local law, the agency administering such city financial assistance shall require the participation of the building in the pilot program as a condition of receiving the city financial assistance.

d. Real time indoor air quality monitoring. 1. The department of health and mental hygiene shall install real time indoor air quality monitors in all spaces regularly open to the public and, with the consent of commercial tenants, in spaces occupied by commercial tenants of the commercial buildings participating in the pilot program.

2. Such monitors shall be capable of measuring, at a minimum:

- (a) Ambient temperature;
- (b) Ambient humidity level;
- (c) Carbon dioxide levels;
- (d) Carbon monoxide levels;
- (e) Levels of particulate pollution 2.5; and
- (f) Levels of volatile organic compounds.

3. When practicable, the department of health and mental hygiene shall also measure air changes per hour in the common spaces of the buildings participating in the pilot program.

4. The real time air quality data gathered shall be posted conspicuously in the common spaces of the buildings participating in the pilot program.

5. The department of health and mental hygiene shall display the data gathered as a real time dashboard available to the public.

e. Air quality recommendations. Over the course of the pilot program, the department of health and mental hygiene, in collaboration with the department of buildings, the department of environmental protection, and any other relevant agency, shall collect and analyze the data gathered by the air quality monitors installed pursuant to subdivision d. Upon the conclusion of the pilot program, such agencies shall issue a joint report summarizing the data gathered over the duration of the program and making recommendations for improving air quality in commercial buildings, as well as recommendations for a permanent air quality regulatory framework for commercial buildings. The commissioner of health and mental hygiene, the commissioner of buildings, and the commissioner of environmental protection may also promulgate rules regarding the improvement of air quality in commercial buildings, including standards requiring remediation for air quality levels deemed harmful for public health.

f. Residential air quality outreach and education. The department of health and mental hygiene, in coordination with any other relevant agency, shall conduct outreach and education to increase awareness of the pilot program and indoor air quality, including, but not limited to, producing guides to help the public understand real-time air quality data and recommendations on how to improve air quality in commercial settings.

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

Referred to the Committee on Health.

Int. No. 1129

By Council Members Powers, Sanchez, Schulman, Joseph, Narcisse, Gennaro, Restler, Farías, Holden, Menin, Nurse, De La Rosa, Hanif, Abreu, Marte, Krishnan, Brewer, Avilés, Rivera, Riley and Louis (by request of the Manhattan Borough President).



## **A Local Law in relation to establishing a pilot program to monitor indoor air quality in certain residential buildings**

*Be it enacted by the Council as follows:*

Section 1. a. Definitions. For the purposes of this local law, the term “city financial assistance” means any loans, grants, tax credits, tax exemptions, tax abatements, subsidies, mortgages, debt forgiveness, land conveyances for less than appraised value or other thing of value allocated, conveyed or expended by the city of New York other than as-of-right assistance, tax abatements or benefits.

b. Pilot program. The commissioner of health and mental hygiene shall establish a residential indoor air quality monitoring pilot program. Such pilot program shall run for 5 years from the date of its establishment.

c. Participation in the pilot program. 1. The commissioner of health and mental hygiene shall invite owners of residential buildings to participate in the pilot program.

2. If the owner or developer of any residential building receives any city financial assistance after the effective date of this local law and before the end of the pilot program established pursuant to this local law, the agency administering such city financial assistance shall require the participation of the building in the pilot program as a condition of receiving the city financial assistance.

d. Real time indoor air quality monitoring. 1. The department of health and mental hygiene shall install real time indoor air quality monitors in the common spaces of the buildings participating in the pilot program, including entrances and lobbies, hallways, laundry rooms, recreation rooms, gyms, conference rooms, mail rooms, or any other space in which residents or visitors congregate.

2. Such monitors shall be capable of measuring, at a minimum:

- (a) Ambient temperature;
- (b) Ambient humidity level;
- (c) Carbon dioxide levels;
- (d) Carbon monoxide levels;
- (e) Levels of particulate pollution 2.5; and
- (f) Levels of volatile organic compounds.

3. When practicable, the department of health and mental hygiene shall also measure air changes per hour in the common spaces of the buildings participating in the pilot program.

4. The real time air quality data gathered shall be posted conspicuously in the common spaces of the buildings participating in the pilot program.

5. The department of health and mental hygiene shall display the data gathered as a real time dashboard available to the public.

e. Air quality recommendations. Over the course of the pilot program, the department of health and mental hygiene, in collaboration with the department of buildings, the department of environmental protection, and any other relevant agency, shall collect and analyze the data gathered by the air quality monitors installed pursuant to subdivision d. Upon the conclusion of the pilot program, such agencies shall issue a joint report summarizing the data gathered over the duration of the program and making recommendations for improving air quality in residential buildings, as well as recommendations for a permanent air quality regulatory framework for residential buildings. The commissioner of health and mental hygiene, the commissioner of buildings, and the commissioner of environmental protection may also promulgate rules regarding the improvement of air quality in residential buildings, including standards requiring remediation for air quality levels deemed harmful for public health.

f. Residential air quality outreach and education. The department of health and mental hygiene, in coordination with any other relevant agency, shall conduct outreach and education to increase awareness of the pilot program and indoor air quality, including, but not limited to, producing guides to help the public understand real-time air quality data and recommendations on how to improve air quality in residential settings.

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

Referred to the Committee on Health.

## Int. No. 1130

By Council Members Powers, Schulman, Joseph, Narcisse, Gennaro, Sanchez, Restler, Farías, Holden, Menin, Nurse, De La Rosa, Hanif, Abreu, Marte, Krishnan, Brewer, Avilés, Rivera, Riley and Louis (by request of the Manhattan Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to standards and reporting regarding indoor air quality in city buildings**

*Be it enacted by the Council as follows:*

Section 1. Title 17 of the administrative code of the city of New York is amended by adding a new chapter 23 to read as follows:

**CHAPTER 23  
INDOOR AIR QUALITY IN CITY BUILDINGS**

§ 17-2301 *Indoor air quality in city buildings. a. Definitions. For the purposes of this section, the following term has the following meaning:*

*City building. The term “city building” means any building, other than a school building, that is owned or leased by the city and in which the city controls the operation of the ventilation system and any other systems needed to regulate air quality in the building.*

*b. Indoor air quality standards. 1. The department shall promulgate rules within 18 months of the effective date of the local law that added this chapter setting standards for indoor air quality in city buildings and shall evaluate the need to update these rules yearly thereafter.*

*2. Such standards shall address the maintenance of acceptable temperature, relative humidity, and air changes per hour in city buildings. Such standards shall also address the identification and control of airborne pollutants in city buildings, including but not limited to carbon dioxide levels, carbon monoxide levels, levels of particulate pollution 2.5, and levels of volatile organic compounds.*

*c. Real-time indoor air quality monitoring and reporting 1. The department shall install real time indoor air quality monitors in all city buildings.*

*2. Such monitors shall be installed in the common spaces of such buildings, including entrances, lobbies, and hallways, as well as in spaces occupied by tenants of such buildings.*

*3. Such monitors shall be capable of measuring, at a minimum:*

- (a) Ambient temperature;*
- (b) Ambient humidity level;*
- (c) Carbon dioxide levels;*
- (d) Carbon monoxide levels;*
- (e) Levels of particulate pollution 2.5; and*
- (f) Levels of volatile organic compounds.*

*4. The testing needed to generate the information included in paragraph 3 of this subdivision for the report shall be performed by the commissioner of environmental protection or by such other parties as such commissioner may designate. When practicable, the commissioner of environmental protection shall also measure air changes per hour in all city buildings.*

*5. The real time air quality data gathered shall be posted conspicuously in the common spaces of such buildings.*

*6. The commissioner, in collaboration with the commissioner of environmental protection, shall post conspicuously on the department’s website a real-time report regarding air quality in city buildings displaying the data gathered pursuant to paragraph 3 of this subdivision as a real-time dashboard available to the public.*

*7. The real-time report required by paragraph 6 of this subdivision shall include a data dictionary, which shall be updated annually as needed.*

*8. No report required by paragraph 6 of this subdivision shall contain personally identifiable information.*

*d. Annual indoor air quality reporting. 1. No later than December 31 of each year, the commissioner in collaboration with the commissioner of environmental protection, shall submit to the speaker of the council and*

*shall post conspicuously on the department's website an annual report regarding indoor air quality in city buildings.*

*2. The report shall include but need not be limited to the following annual information for all common spaces of city buildings, including entrances, lobbies, and hallways, as well as in spaces occupied by tenants of such buildings, as well as any additional annual information the commissioner deems appropriate:*

- (a) Annual trend line of the daily average ambient temperature;*
- (b) Annual trend line of the daily average ambient humidity levels;*
- (c) Annual trend line of the daily average carbon dioxide levels;*
- (d) Annual trend line of the daily average carbon monoxide levels;*
- (e) Annual trend line of the daily average levels of particulate pollution 2.5; and*
- (f) Annual trend line of the daily average levels of volatile organic compounds.*

*3. The testing needed to generate the information included in paragraph 2 of this subdivision for the report shall be performed by the commissioner of environmental protection or by such other parties as such commissioner may designate. When practicable, the commissioner of environmental protection shall also measure the annual trend line of daily air changes per hour in city buildings.*

*4. The report required by paragraph 1 of this subdivision shall include a data dictionary, which shall be updated annually as needed.*

*5. No report required by paragraph 1 of this subdivision shall contain personally identifiable information.*

*e. Indoor air quality outreach and education. The department, in coordination with any other relevant agency, shall conduct outreach and education to increase awareness of indoor air quality, including, but not limited to, producing guides to help the public understand real-time air quality data and recommendations on how to improve air quality in indoor settings.*

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of health and mental hygiene shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Health.

Res. No. 718

**Resolution calling on Congress to pass and the President to sign the *Setting Consumer Standards for Lithium-Ion Batteries Act*, which would promulgate consumer product safety standards with respect to rechargeable lithium-ion batteries used in micromobility devices.**

By Council Members Powers, Avilés, Feliz, Velázquez, Restler, Yeger, Hanif and Brewer.

**Whereas**, A lithium-ion battery is a rechargeable device that is commonly used in electronics and mobility devices, such as cellular phones, scooters and e-bikes; and

**Whereas**, A lithium-ion battery, when faulty or overheated, can cause fires that are extremely dangerous because they are self-sustaining and are difficult to contain and extinguish; and

**Whereas**, The construction of these batteries contain a pressurized electrolyte fluid that makes them dangerous in a range of circumstances, which may compromise the battery's integrity and cause the battery to explode or ignite; and

**Whereas**, These circumstances include but are not limited to: (i) impact damage to the battery; (ii) a manufacturing flaw; (iii) aging and deterioration of the battery components; (iv) extreme temperatures; and (v) overcharging; and

**Whereas**, Additionally, overcharging lithium-ion may produce an exothermic decomposition of the battery cell, which may lead to rupturing and thermal explosion and is incredibly challenging for firefighters to extinguish; and

**Whereas**, During 2022, there were 220 reported lithium-ion battery related fires in the City resulting in 146 injuries and 6 deaths; and

**Whereas**, New York City continues to experience a growing number of e-bike fires, both residential and commercial, that not only destroy property but result in fatalities; and

**Whereas**, On April 10, 2023, two young people, a 7-year-old boy and his 19 year-old sister, were killed in a residential fire caused by an e-bike being charged near the front door of an apartment building in Astoria, Queens; and

**Whereas**, In 2023, the City Council passed local laws to curb these fires and better protect and educate the public on the dangers of lithium-ion batteries, including: (i) establishing an informational campaign to educate the public on fire risks posed by power mobility devices; (ii) prohibiting the sale, lease, or rental of powered mobility devices, such as e-bikes and electric scooters, and storage batteries for these devices, which fail to meet recognized safety standards; and (iii) prohibiting the assembly or reconditioning of a lithium-ion battery using cells removed from used storage batteries and the sale of a lithium-ion battery that uses cells removed from used storage batteries; and

**Whereas**, H.R. 1797, introduced by United States Representative Richie Torres, and S.1008 introduced by United States Senator Kirsten Gillibrand, which would require the U.S. Consumer Product Safety Commission (“CPSC”) to promulgate a consumer product safety standard with respect to rechargeable lithium-ion batteries used in micromobility devices, and for other purposes; and

**Whereas**, H.R. 1797/S. 1008, also known as the *Setting Consumer Standards for Lithium-Ion Batteries Act*, would require the CPSC to establish a final consumer product safety standard for rechargeable lithium-ion batteries used in personal mobility devices, such as electric scooters and e-bikes; and

**Whereas**, The *Setting Consumer Standards for Lithium-Ion Batteries Act* would help protect the public against the risk of fires caused by such batteries throughout the country; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on Congress to pass and the President to sign the *Setting Consumer Standards for Lithium-Ion Batteries Act*, which would promulgate consumer product safety standards with respect to rechargeable lithium-ion batteries used in micromobility devices.

Referred to the Committee on Consumer and Worker Protection.

Int. No. 1131

By Council Members Salamanca, Riley, Farías, Sanchez, Yeger, Krishnan, Dinowitz, Velázquez, Abreu, Feliz, Powers, Ayala, Ossé, Louis, Schulman, Hanks, Holden, Ung, Brewer and Vernikov.

**A Local Law to amend the administrative code of the city of New York, in relation to enforcement authority over unlicensed mobile car washes**

*Be it enacted by the Council as follows:*

Section 1. Section 20-540 of the administrative code of the city of New York is amended by adding a new definition of “mobile car wash” in alphabetical order to read as follows:

*Mobile car wash. The term “mobile car wash” means any person or entity that provides car washing services at a place other than a fixed business address.*

§ 2. Section 20-545 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

*d. In addition to the powers granted to the commissioner pursuant to section 20-105 and this section, the commissioner of sanitation shall have the power to impose the civil penalty set forth in subdivision b of this section on any individual or business entity operating a mobile car wash without a valid license issued by the commissioner, and to remove, tow, or seize any vehicles and equipment used to operate such unlicensed mobile car wash. Vehicles or equipment removed, towed, or seized pursuant to this subdivision shall be brought to a garage, pound or other place of safety, and the owner or other person lawfully entitled to the possession of such vehicle or equipment may be charged with reasonable costs for removal and storage payable prior to the release of such vehicle or equipment, unless the mobile car wash is found to be licensed.*

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

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 1132

By Council Members Ung and Farías.

**A Local Law to amend the administrative code of the city of New York, in relation to suspending or revoking stoop line stand licenses after repeated violations**

*Be it enacted by the Council as follows:*

Section 1. Section 20-240.1 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

*e. The commissioner shall, after due notice and opportunity to be heard, suspend or revoke the stoop line stand license of any person found to have committed 5 or more violations of section 20-237 or any rules promulgated thereunder within a 12-month period. A stoop line stand license suspended pursuant to this subdivision shall be suspended for at least 1 year. Any person subject to a stoop line stand license revocation pursuant to this subdivision shall be ineligible to apply for a new stoop line stand license for 1 year after the date of the stoop line stand license's revocation.*

§ 2. This local law takes effect 60 days after it becomes law.

Referred to the Committee on Consumer and Worker Protection.

Int. No. 1133

By Council Members Ung and Riley.

**A Local Law to amend the administrative code of the city of New York, in relation to department of housing preservation and development 421-a notices**

*Be it enacted by the Council as follows:*

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 36 to read as follows:

*CHAPTER 36  
421-a NOTICES*

*§ 26-3601 Definitions. As used in this chapter, the following terms have the following meanings:*

*Department. The term "department" means the department of housing preservation and development.*

*Designated citywide languages. The term "designated citywide languages" has the same meaning as in section 23-1101.*

*Notice. The term "notice" means all communications sent by the department regarding a property tax benefit under section 421-a of the real property tax law or any successor provision.*

*§ 26-3602 Certified mail. The department shall send all notices via certified mail.*

*§ 26-3603 Language access. The department, in consultation with relevant agencies, shall provide a pamphlet written in the designated citywide languages with all notices. The pamphlet must, at minimum, identify*

*the accompanying notice as coming from the department and advise the recipient of the right to request an interpreter.*

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

Referred to the Committee on Housing and Buildings.

Int. No. 1134

By Council Members Yeger and Velázquez.

**A Local Law to amend the administrative code of the city of New York and the New York city fire code, in relation to penalties for the possession, sale, lease, or rental of unsafe powered bicycles, powered mobility devices, and storage batteries and the assembly or sale of second-use lithium-ion batteries**

*Be it enacted by the Council as follows:*

Section 1. Section 20-610 of the administrative code of the city of New York, as added by local law number 39 for the year 2023, is amended to read as follows:

§ 20-610 [Sale] *Possession, sale, lease, and rental of powered bicycles, powered mobility devices, and storage batteries for such devices.* a. No person shall *possess*, distribute, sell, lease, rent or offer for sale, lease or rental a powered bicycle unless:

1. The electrical system for such bicycle has been certified by an accredited testing laboratory for compliance with Underwriters Laboratories (UL) standard 2849, or such other safety standard as the department has established by rule in consultation with the fire department; and

2. Such certification or the logo, wordmark, or name of such accredited testing laboratory is displayed: (i) on packaging or documentation provided at the time of sale for such powered bicycle; or (ii) directly on such powered bicycle or the battery of such bicycle.

b. No person shall *possess*, distribute, sell, lease, rent, or offer for sale, lease, or rental, a powered mobility device unless:

1. The electrical system for such powered mobility device has been certified by an accredited testing laboratory for compliance with Underwriters Laboratories (UL) standard 2272, or such other safety standard as the department has established by rule in consultation with the fire department; and

2. Such certification or the logo, wordmark, or name of such accredited testing laboratory is displayed: (i) on packaging or documentation provided at the time of sale for such powered mobility device; or (ii) directly on such powered mobility device or the battery of such device.

c. No person shall *possess*, distribute, sell, lease, rent or offer for sale, lease or rental a storage battery for a powered bicycle or powered mobility device unless:

1. Such storage battery has been certified by an accredited testing laboratory for compliance with Underwriters Laboratories (UL) standard 2271, or such other safety standard as the department has established by rule in consultation with the fire department; and

2. Such certification, or the logo, wordmark, or name of such accredited testing laboratory is displayed: (i) on packaging or documentation provided at the time of sale for such storage battery; or (ii) directly on such storage battery.

d. No powered bicycle or powered mobility device, or storage battery for a powered bicycle or powered mobility device, shall be required to display the certification or the logo, wordmark, or name of an accredited testing laboratory as required by subdivision a, b, or c of this section if such powered bicycle, powered mobility device, or storage battery: (i) is being sold or leased second-hand, or is being rented; and (ii) does not include packaging, or does not include printed documentation, at the time of distribution, sale, lease, rental or offer for sale, lease or rental, as applicable.

e. A person who [violates] *possesses a powered bicycle, powered mobility device, or storage batteries for such device in violation of* subdivision a, b, or c of this section, or any rule promulgated thereunder, [is liable for a civil penalty as follows] *shall*:

1. For the first violation, *be liable* for a civil penalty of zero dollars; and
2. For each subsequent violation issued for the same offense on a different day within [two] 2 years of the date of a first violation, *be liable* for a civil penalty of not more than [one thousand dollars] \$1,000.

*f. A person who distributes, sells, leases, rents, or offers for sale, lease, or rent a powered bicycle, powered mobility device, or storage batteries for such device in violation of subdivision a, b, or c of this section, or any rule promulgated thereunder, shall:*

*1. Be liable for a civil penalty of not more than \$1,000 for each violation issued for the same offense on a different day within 2 years; and*

*2. Be guilty of a misdemeanor punishable by imprisonment for not more than 1 year.*

[f.] g. Each failure to comply with subdivision a, b, or c of this section with respect to any one stock keeping unit constitutes a separate violation.

§ 2. Section FC 109 of the New York city fire code is amended by adding a new section 109.2.5 to read as follows:

*109.2.5 Penalties for violations related to second-use batteries. Any person who violates FC 309.3.5 shall be liable for a civil penalty of not more than \$1,000 for each violation issued for the same offense on a different day within 2 years. Such person shall also be guilty of a misdemeanor punishable by imprisonment for not more than 1 year.*

§ 3. This local law takes effect immediately.

Referred to the Committee on Fire and Emergency Management.

Preconsidered L.U. No. 243

By Council Member Salamanca:

**Application number C 210314 ZMK (1160 Flushing Avenue) submitted by 1160 Flushing Avenue, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13b, changing from an M1-1 District to an M1-5 District, Borough of Brooklyn, Community District 4, Council District 34.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

Preconsidered L.U. No. 244

By Council Member Salamanca:

**Application number N 230068 ZRR (56 William Avenue) submitted by the Estate of Clement Marotte, 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 A of Article X, Chapter 7, concerning the boundaries of Designated Open Space, within the Special South Richmond Development District in the Borough of Staten Island, Community District 3, Council District 51.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

## L.U. No. 245

By Council Member Salamanca:

**Application number N 230240 ZRM (Arena Text Amendment) submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article VII, Chapter 4 (Special Permits by the City Planning Commission), Borough of Manhattan, Community District 5, Council District 3.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

## L.U. No. 246

By Council Member Salamanca:

**Application number C 230238 ZSM (Madison Square Garden Special Permit) submitted by MSG Arena, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-41\* of the Zoning Resolution to allow an arena with a maximum capacity of 22,000 seats within an existing 10-story building on property located at 4 Penn Plaza (Block 781, Lots 1, 2 and 10), in C6-4 and C6-6 Districts, partially within the Special Hudson Yards District (Pennsylvania Station Subarea B4) and partially within the Special Midtown District, Borough of Manhattan, Community District 5, Council District 3.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).



NEW YORK CITY COUNCIL

**A N N O U N C E M E N T S**

**Tuesday, July 18, 2023**

Subcommittee on Zoning & Franchises

Kevin C. Riley, Chairperson

**See Land Use Calendar**

Council Chambers – City Hall.....11:00 a.m.

**Thursday, July 20, 2023**

Subcommittee on Landmarks, Public Sitings and Dispositions

Farah N. Louis, Chairperson

**See Land Use Calendar**

Committee Room – 250 Broadway, 14th Floor..... 10:00 a.m.

Subcommittee on Zoning & Franchises

Kevin C. Riley, Chairperson

**See Land Use Calendar**

Committee Room – 250 Broadway, 14th Floor..... 11:00 a.m.

Committee on Land Use

Rafael Salamanca, Jr., Chairperson

**All items reported out of the Subcommittees**

**AND SUCH OTHER BUSINESS AS MAY BE NECESSARY**

Committee Room – 250 Broadway, 14th Floor.....12:00 p.m.

**Tuesday, August 1, 2023**

Subcommittee on Landmarks, Public Sitings and Dispositions

Farah N. Louis, Chairperson

**See Land Use Calendar**

Committee Room – 250 Broadway, 14th Floor..... 10:00 a.m.

**Thursday, August 3, 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) asked for a moment of time to remember the lives of several New Yorkers who had recently died while on the job:

Michael Rodriguez, 38, a city worker from the Speaker's district was killed in a car accident involving a drunk driver on July 6, 2023. Mr. Rodriguez had worked for the Department of Environmental Protection as a sewer maintenance worker and she praised him as a dedicated public servant. On behalf of the Council, the Speaker (Council Member Adams) offered her thoughts and condolences to Mr. Rodriguez's family and his loved ones.

Bassam Khatib, 35, a deli owner from Staten Island was killed during an attempted robbery at his store on July 6, 2023. On behalf of the Council, the Speaker (Council Member Adams) offered her thoughts and condolences to his family and his loved ones.

Waleed Afridi, 14, tragically drowned off the shores of Rockaway Beach in Queens on July 2, 2023. The Speaker (Council Member Adams) spoke of the heart wrenching pain a family feels over the loss of a child. On behalf of the Council, she offered her prayers to his family during this difficult time.

The Speaker (Council Member Adams) also acknowledged that a series of senseless shootings had recently taken place in Brooklyn and in Southeast Queens. One of these shootings claimed the life of 86 year-old Sheikh Hamod Saeidi who was killed on July 8, 2023 while walking in his neighborhood of Richmond Hill. The Speaker (Council Member Adams) noted that Sheikh Hamod was a caring family man and was known as a pillar in the Yemeni community which he loved. He was the father of six children, 30 grandchildren, and 31 great-grandchildren. She noted that she had met Sheikh Hamod's family at a vigil hosted in his memory by Queens Borough President Donovan Richards. She also noted that his family was expected to be in the Chambers that day during the Stated Meeting. On behalf of the Council, the Speaker (Council Member Adams) saluted the Hamod family -- she expressed her sorrow and offered her prayers to the family for their loss. The same shooting had also injured three other individuals -- on behalf of the Council, the Speaker (Council Member Adams) offered her heart and thoughts to their families as well.

The Speaker (Council Member Adams) acknowledged that July 23<sup>rd</sup> would mark the twentieth anniversary of the assassination of former Council Member James E. Davis. The shooting in the Chambers, she noted, was one of the most harrowing experiences that the body of the Council had ever experienced. She pointed out that Council Members Gennaro, Brewer, and Barron as well as several current Council staff members were present when the shooting took place on July 23, 2003. She further noted that these individuals could all attest that the late Council Member was a great public servant. The Speaker (Council Member Adams) added that the Members' Lounge on the first floor was dedicated in Council Member Davis's memory.

At later points during the Meeting, Council Members Gennaro, Barron and Brewer spoke briefly in memory of their late colleague Council Member James E. Davis.

\* \* \*

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 August 3, 2023.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

*Editor's Local Law Note: Int. Nos. 96-A, 244-A, 274-A, 275-A, 280-A, 281-B, 325-A, 814-A, 831-A, 958-A, 975-A, 976-A, 977, and 996-A, all adopted at the June 8, 2023 Stated Meeting, were returned unsigned by the Mayor on July 13, 2023. These items had become law on July 9, 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. 84 to 97 of 2023, respectively.*

*Int. Nos. 54-A, adopted by the Council at the June 22, 2023 Stated Meeting, was signed into law by the Mayor on July 11, 2023 as Local Law No. 98 of 2023.*

*Int. Nos. 229-A, 878-A, 893-A, and 894-A were re-adopted by the Council at this July 13, 2023 Stated Meeting and were all thereby enacted into law by the Council's override of the Mayor's vetoes of June 23, 2023. Int. Nos. 229-A, 878-A, 893-A, and 894-A were subsequently assigned as, respectively, Local Law Nos. 99 to 102 of 2023.*

