

THE COUNCIL

Minutes of the Proceedings for the

STATED MEETING

of

Thursday, November 2, 2023, 2:25 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	Vickie Paladino
Joann Ariola	Shahana K. Hanif	Keith Powers
Alexa Avilés	Kamillah Hanks	Lincoln Restler
Diana I. Ayala	Robert F. Holden	Kristin Richardson Jordan
Charles Barron	Crystal Hudson	Kevin C. Riley
Joseph C. Borelli	Rita C. Joseph	Carlina Rivera
Erik D. Bottcher	Ari Kagan	Rafael Salamanca, Jr
Justin L. Brannan	Shekar Krishnan	Pierina Ana Sanchez
Gale A. Brewer	Linda Lee	Lynn C. Schulman
Selvena N. Brooks-Powers	Farah N. Louis	Althea V. Stevens
Tiffany Cabán	Christopher Marte	Sandra Ung
David M. Carr	Darlene Mealy	Marjorie Velázquez
Carmen N. De La Rosa	Julie Menin	Inna Vernikov
Eric Dinowitz	Francisco P. Moya	Nantasha M. Williams
Amanda Farías	Mercedes Narcisse	Julie Won
Oswald Feliz	Sandy Nurse	Kalman Yeger
James F. Gennaro	Chi A. Ossé	

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 51 Council Members marked present at this Stated Meeting held in the Council Chambers at City Hall, New York, N.Y. (including Council Members Mealy, Moya, and Salamanca who participated remotely).

INVOCATION

The Invocation was delivered by Swami Yuktatmananda, Ramakrishna-Vivekananda Center of New York, located at 17 East 94th Street, New York, N.Y. 10128.

This is an Invocation from the *Veda*,
the primary scripture of Hinduism.

Ohm.
[chanting]

Ohm, may the Supreme Reality protect us all.
May the Supreme Reality nourish us all.
May [our] deliberations
be fruitful and beneficial.
May there be no hatred among us,
but only love and good will.
Ohm, Peace, peace, peace be unto us.
Peace be unto all.
Thank you.

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

ADOPTION OF MINUTES

Council Member Joseph moved that the Minutes of the Stated Meetings of October 5, 2023 and October 19, 2023 be adopted as printed.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-180

Communication from the Department of Education and School Construction Authority - Submitting Proposed Five-Year Capital Plan FY 2025–2029.

(Please refer to the New York City School Construction Authority at <http://nycsca.org/> for text of the Proposed Five-Year Capital Plan FY 2025-2029 - November 2023).

Received, Ordered, Printed and Filed.

REPORT OF THE STANDING COMMITTEES

Report of the Committee on Finance

Report for Int. No. 1208

Report of the Committee on Finance in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to extending the rate of the additional tax on the occupancy of hotel rooms.

The Committee on Finance, to which the annexed proposed local law was referred on October 5, 2023 (Minutes, page 2612), respectfully

REPORTS:

I. INTRODUCTION

The Committee on Finance, chaired by Council Member Justin Brannan, will vote on Introduction 1203-2023. The bill, sponsored by Deputy Speaker Diana Ayala, by request of the Mayor, would extend the expiration date of the additional tax rate on the occupancy of hotel rooms. This bill was first heard on October 30, 2023.

II. BACKGROUND

The New York City Hotel Room Occupancy Tax (the "Hotel Tax"), is a tax imposed on the occupancy - or the right to occupancy - of a room or rooms in a hotel.¹ The term "hotel" includes an apartment hotel, motel, boardinghouse, bed-and-breakfast, bungalow, or club, whether or not meals are served.² The City charges a flat fee for rooms over \$40 a night at the rate of \$2.00 per day.³ The City also charges an additional tax of 5.875 percent on rent room charge.⁴ These two charges - the flat fee and the additional tax- comprise the Hotel Tax. The hotel tax is levied in addition to the combined City, State, and Metropolitan Commuter Transportation District ("MCTD") sales tax (at 4.5 percent, 4.0 percent, 0.375 percent, respectively), bringing the aggregate hotel occupancy tax and sales tax on a hotel rental in the City to 14.75 percent. Combined, according to the Fiscal 2020 Adopted Budget, the hotel tax is expected to generate \$666 million in revenue for Fiscal 2024.⁵

III. LEGISLATIVE HISTORY

Chapter 161 of 1970 authorizes New York City to adopt and amend local laws imposing a hotel tax. The rates of the hotel tax are set by State legislation, which dictates the fee based on the daily rental value of the hotel room occupied.⁶ As authorized by State legislation, §11-2502 of the Administrative Code imposes a graduated tax upon the occupancy of hotel rooms in the City at a rate of \$.50 per day if the daily rent for the room is \$10

¹ See §11-2502 of the Administrative Code. The following are exempt from the hotel tax: A permanent resident, defined as a person who occupies a room for at least 180 consecutive days; New York State, a public corporation, or a political subdivision of the State; the United States; the United Nations; and a not-for-profit organization that was formed and operated exclusively for religious, charitable, or educational purposes.

² See §11-2501 (5).

³ See §11-2502 (a)(2).

⁴ See §11-2502 (a)(3).

⁵ See Fiscal 2024 Adopted Budget, available at <https://www.nyc.gov/assets/omb/downloads/pdf/erc6-23.pdf> (last accessed on October 27, 2023), pg. ii.

⁶ NY CLS Unconsol. Ch 288-C, §1

or more, but less than \$20; \$1.00 per day if the daily rent is \$20 or more, but less than \$30; \$1.50 per day of the daily rent is \$30 or more, but less than \$40; and \$2.00 per day of the daily rent is \$40 or more.

The State legislation also allows the City to impose an additional tax on persons occupying hotel rooms in New York City. The State legislation provides the City with discretion in setting the rate for the additional tax, allowing the City to set the rate up to six percent.⁷ Under State law, if the additional tax is imposed at the rate of six percent or above, then 4 1/6 percent of the total amount of the tax, including interest and penalties, must be dedicated for the sole purpose of promoting tourism and conventions in New York City and deposited in a special tourism and convention fund.⁸ Seven-eighths of this dedicated revenue would fund the New York Convention and Visitors Bureau, pursuant to an annual contract with the City.⁹ The remaining one-eighth of the dedicated fund is required to be expended on the supplemental promotion of tourism and conventions throughout the City.¹⁰ The City Council can effectively increase the rate to slightly under six percent, thereby allowing all of the revenue generated by the increase to further the causes of the City and be placed in the City's general fund.¹¹

Until 1986, the tax imposed only a flat fee based on the daily rental value of the hotel room occupied. In 1986, an additional tax at the rate of five percent on the rent or charge was imposed.¹² As a result of the additional tax, tax collections increased from \$26 million in 1986 to \$79 million in 1987.¹³ In 1990, faced with tough economic times, the City increased the additional tax on hotels by one percent, from five percent to six percent, which triggered the tourism dedication requirement.¹⁴ In 1994, both the State and City acted to reduce the hotel occupancy tax burden. In 1994, the City repealed its one percent tax increase, returning the rate to five percent.

In 2008, the City Council passed legislation to increase the tax imposed upon the occupancy of hotel rooms from a rate of five percent of the daily rent of each room to 5.875 percent.¹⁵ In November 2011, the Council extended the rate of 5.875 percent to November 30, 2013.¹⁶ In November 2013, the Council extended the rate of 5.875 percent to November 30, 2015.¹⁷ In November 2015, the Council extended the rate of 5.875 percent to November 30, 2019.¹⁸ In November 2019, the Council extended the rate of 5.875 percent to November 30, 2023.¹⁹

It is estimated by the Council's Finance Division that the additional tax, if extended at the current rate of 5.875 percent beyond November 30, 2019, would generate approximately \$50 million in Fiscal 2024 and approximately \$99 million in Fiscal 2025.

INT. NO. 1208

Int. No. 1208 would extend the 5.875 percent rate of the additional hotel tax from December 1, 2023 until November 30, 2027. Beginning on December 1, 2027, the rate of the additional tax would revert to five percent. The local law would take effect immediately except that if it becomes law after December 1, 2023, it is retroactive to and deemed to have been in full force and effect as of December 1, 2023.

(The following is the text of the Fiscal Impact Statement for Int. No. 1208:)

⁷ See *id.* at §1(1)(c)(1-a).

⁸ See *id.* at §1(9).

⁹ See *id.*

¹⁰ See *id.*

¹¹ See *id.* at § 1, (1)(c)(1-a).

¹² See Local Law 69 of the Year 1986.

¹³ See Tax Revenue Forecasting Documentation, Financial Plan, Fiscal Year 2007-2011 at page 83.

¹⁴ See Local Law 43 of the Year 1990.

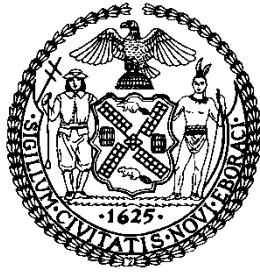
¹⁵ See Local Law 65 of the Year 2008.

¹⁶ See Local Law 67 of the Year 2011.

¹⁷ See Local Law 151 of the Year 2013.

¹⁸ See Local Law 112 of the Year 2015.

¹⁹ See Local Law 207 of the Year 2019.



**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

INTRO. NO: 1208

COMMITTEE: Finance

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to extending the rate of the additional tax on the occupancy of hotel rooms.

SPONSOR(S): Council Member Ayala.

SUMMARY OF LEGISLATION: Intro. 1208 would extend the current rate of the additional tax on the occupancy of hotel rooms at five and seven-eighths percent through November 30, 2027. Under existing law, the rate is set to reduce to five percent on December 1, 2023. The additional seven-eighths percent tax on the occupancy of hotel rooms has been extended multiple times since February 28, 2009, except for a small period between December 1 and December 19, 2013 when the hotel room occupancy reverted to five percent. Also, the hotel room occupancy tax of five and seven-eighths percent was temporarily eliminated for the three-month period from June 1 to August 31, 2021. (Emergency Executive Order No. 202).

Beginning on December 1, 2027, the rate would revert to five percent absent another extension.

EFFECTIVE DATE: This local law would take effect immediately, except that if it becomes law after December 1, 2023, it would be retroactive to and deemed to have been in full force and effect as of December 1, 2023.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: FISCAL 2025

FISCAL IMPACT STATEMENT:

	Effective FY24	FY Succeeding Effective FY25	Full Fiscal Impact FY25
Revenues	\$50 million	\$99 million	\$99 million
Expenditures	\$0	\$0	\$0
Net	\$50 million	\$99 million	\$99 million

IMPACT ON REVENUES: It is estimated that this bill would increase hotel occupancy tax revenues by \$50 million in Fiscal 2024, rising to \$99 million in Fiscal 2025 when the extended rate would be in effect for the full fiscal year. The Fiscal 2024 Adopted Budget already assumes the tax on occupancy of hotel rooms at five and seven-eighths percent.

IMPACT ON EXPENDITURES: It is estimated that this bill would have no impact on expenditures.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY: Nashia Román, Senior Economist

ESTIMATE REVIEWED BY: Emre Edev, Deputy Director
Dilara Dimnaku, Chief Economist
Paul Sturm, Supervising Economist

HISTORY: This legislation was introduced to the Council on October 30, 2023 as Intro. 1208 and referred to the Committee on Finance. The Committee on Finance will consider the legislation at a hearing on November 2, 2023. Upon successful vote of the Committee on Finance, Intro. 1208 will be referred to the full Council for a vote on November 2, 2023.

DATE PREPARED: NOVEMBER 1, 2023.

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 1208:)

Int. No. 1208

By Council Member Ayala (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to extending the rate of the additional tax on the occupancy of hotel rooms

Be it enacted by the Council as follows:

Section 1. Paragraph 3 of subdivision a of section 11-2502 of the administrative code of the city of New York, as amended by local law number 207 for the year 2019, is amended to read as follows:

(3) In addition to the tax imposed by paragraph two of this subdivision, there is hereby imposed and there shall be paid a tax for every occupancy of each room in a hotel in the city of New York (A) at the rate of five percent of the rent or charge per day for each such room up to and including August thirty-first, nineteen hundred ninety, (B) at the rate of six percent of the rent or charge per day for each such room on and after September first, nineteen hundred ninety and before December first, nineteen hundred ninety-four, (C) at the rate of five percent of the rent or charge per day for each such room on and after December first, nineteen hundred ninety-four and before March first, two thousand nine, (D) at the rate of five and seven-eighths percent of the rent or charge per day for each such room on and after March first, two thousand nine and before December first, two thousand thirteen, (E) at the rate of five percent of the rent or charge per day for each such room on and after December first, two thousand thirteen and before December twentieth, two thousand thirteen, (F) at the rate of five and seven-eighths percent of the rent or charge per day for each such room on and after December twentieth, two thousand thirteen and before December first, two thousand [twenty-three] *twenty-seven*, and (G) at the rate of five percent of the rent or charge per day for each such room on and after December first, two thousand [twenty-three] *twenty-seven*.

§ 2. This local law takes effect immediately, except that if it becomes law after December 1, 2023, it is retroactive to and deemed to have been in effect as of December 1, 2023.

JUSTIN L. BRANNAN, *Chairperson*: DIANA I. AYALA, FRANCISCO P. MOYA, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, CHARLES BARRON, AMANDA FARÍAS, KAMILLAH HANKS, CRYSTAL HUDSON, CHI. A. OSSÉ, PIERINA ANA SANCHEZ, ALTHEA V. STEVENS, MARJORIE VELÁZQUEZ, NANTASHA M. WILLIAMS; 13-1-0; *Negative*: David M. Catt; *Absent*: Gale A. Brewer, Keith Powers, and Julie Won; *Parental*: Crystal Hudson; Committee on Finance, November 2, 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).

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

Report for Res. No. 834

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

The Committee on Finance, to which the annexed preconsidered resolution was referred on November 2, 2023, respectfully

REPORTS:

Introduction. The Council of the City of New York (the “Council”) annually adopts the City’s budget covering expenditures other than for capital projects (the “expense budget”) pursuant to Section 254 of the Charter. On June 30, 2021, the Council adopted the expense budget for fiscal year 2022 with various programs and initiatives (the “Fiscal 2022 Expense Budget”). On June 13, 2022, the Council adopted the expense budget for fiscal year 2023 with various programs and initiatives (the “Fiscal 2023 Expense Budget”). On June 30, 2023, the Council adopted the expense budget for fiscal year 2024 with various programs and initiatives (the “Fiscal 2024 Expense Budget”).

Analysis. In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving funding in accordance with the Fiscal 2024, Fiscal 2023, and Fiscal 2022 Expense Budgets (“Charts”).

This Resolution, dated November 2, 2023, approves the new designations and the changes in the designation of certain organizations receiving local, aging, youth, and Speaker’s initiative to address citywide needs and community safety and victims’ services discretionary funding and funding for certain initiatives in accordance with the Fiscal 2024 Expense Budget; approves the changes in designation of certain organizations receiving local discretionary funding and funding for certain initiatives in accordance with the Fiscal 2023 Expense Budget; approves the changes in the designation of certain organizations receiving anti-poverty and youth discretionary funding in accordance with the Fiscal 2022 Expense Budget; and amends the description for the Description/Scope of Services of certain organizations receiving local and Speaker’s initiative discretionary funding and certain initiatives in accordance with the Fiscal 2024 and Fiscal 2022 Expense Budgets. All new designations and changes in designations are as described in the attached Charts and the Resolution text.

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

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

Description of Above-captioned Resolution. In the above-captioned Resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2024, Fiscal 2023, and Fiscal 2022 Expense Budgets. Such Resolution would take effect as of the date of adoption.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 834:)

Preconsidered Res. No. 834

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

By Council Member Brannan.

Whereas, On June 30, 2023, the Council of the City of New York (the “City Council”) adopted the expense budget for Fiscal Year 2024 with various programs and initiatives (the “Fiscal 2024 Expense Budget”); and

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

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

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2024 and Fiscal 2023 and Fiscal 2022 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, aging, youth, anti-poverty, boroughwide, and Speaker’s initiative discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2024 and Fiscal 2022 Expense Budgets by approving new Description/Scope of Services for certain organizations receiving local discretionary funding and certain organization receiving funding pursuant to certain initiatives; now, therefore, be it

Resolved, That the City Council approves the new designations and changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2024 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving aging discretionary funding in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the new designations and change in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Community Safety and Victim Services Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Speaker’s Initiative to Address Citywide Needs in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designation and change in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 12; and be it further

Resolved, That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Support Our Older Adults Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 13; and be it further

Resolved, That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 14; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 15; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the SU-CASA Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 16; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the City's First Readers Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 17; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 18; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Art a Catalyst for Change Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 19; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Job Training and Placement Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 20; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Older Adult Clubs, Programs, and Enhancements Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 21; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Mental Health Services for Vulnerable Populations Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 22; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the YouthBuild Project Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 23; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Child Health and Wellness Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 24; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Viral Hepatitis Prevention Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 25; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 26; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the SU-CASA Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 27; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 28; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving anti-poverty discretionary funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 29; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 30; and be it further

Resolved, That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 31; and be it further

Resolved, That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 32.

(For text of the Exhibit Charts, please refer to the attachments section of the Res. No. 834 of 2023 file in the legislation section of the New York City Council website at <https://council.nyc.gov>)

JUSTIN L. BRANNAN, *Chairperson*: DIANA I. AYALA, FRANCISCO P. MOYA, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, CHARLES BARRON, AMANDA FARÍAS, KAMILLAH HANKS, CRYSTAL HUDSON, CHI. A. OSSÉ, PIERINA ANA SANCHEZ, ALTHEA V. STEVENS, MARJORIE VELÁZQUEZ, NANTASHA M. WILLIAMS, DAVID M. CARR; 14-0-0; *Absent*: Gale A. Brewer, Keith Powers, and Julie Won; *Parental*: Crystal Hudson; Committee on Finance, November 2, 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 Health

Report for Int. No. 687-A

Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring added sugar notifications for menu items in chain restaurants.

The Committee on Health, to which the annexed proposed amended local law was referred on September 14, 2022 (Minutes, page 2178), respectfully

REPORTS:

I. INTRODUCTION

On November 2, 2023, the Committee on Health, chaired by Council Member Lynn Schulman, voted on Introduction Number 687-A (Int. No. 687-A), in relation to requiring added sugar notifications for menu items in chain restaurants; and Introduction Number 968-B (Int. No. 968-B), in relation to establishing guidance to improve health outcomes for individuals affected by sickle cell disease. Int. No. 687-A passed with eight votes in the affirmative and one vote in the negative, with no abstentions. Int. No. 968-B passed with nine votes in the affirmative, zero in the negative, with no abstentions. On February 1, 2023, the Committee on Health heard Introduction 687 and received testimony from the New York City Department of Health and Mental Hygiene (DOHMH), advocates, and other interested parties. On September 20, 2023, the Committee on Health heard Introduction 968 and received testimony from DOHMH, New York City Health and Hospitals (H+H), advocates, and other interested parties.

II. BACKGROUND

a. Diabetes in New York

In 2020, there were an estimated 773,000 New Yorkers in the city who reported that they had diabetes (about 12 percent),¹ with the number of Black New Yorkers afflicted being more than double that of White, non-Latino/Hispanic New Yorkers (3,608 vs. 1,605).² In 2019, individuals over age 45 made up approximately 83 percent of total diabetes cases among adults.³ Further, women comprised about 10 percent more of the total adults diagnosed compared to men (435,000 vs. 352,000).⁴ In DOHMH's Diabetes City Council Report, data from the NYC A1C registry⁵ was compared between the 5 boroughs, and showed that Queens had the highest number of adults diagnosed with diabetes (233,000), followed by Brooklyn (228,000), the Bronx (157,000), Manhattan (126,000), and Staten Island (46,000).⁶ Additionally, across different races and ethnicities in the city, Hispanics represented the highest rates of adult diagnosed with diabetes, followed by Black (197,000), White (219,000), Asian (104,000), and Other, non-Hispanic New Yorkers (14,000).⁷ NYC witnessed a startling 140 percent increase in diabetes cases between 1996 and 2006, and new cases are still being diagnosed nearly twice

¹ NYC DOHMH, Diabetes City Council Report Number 4 (Nov. 23, 2022). Available at: https://a860-gpp.nyc.gov/concern/nyc_government_publications/fn1071874?locale=en.

² NYC DOHMH, *Diabetes City Council Report Number 4* (Nov. 23, 2022). Available at: https://a860-gpp.nyc.gov/concern/nyc_government_publications/fn1071874?locale=en.

³ NYC DOHMH, *Diabetes City Council Report* (July 14, 2021). Available at: https://a860-gpp.nyc.gov/concern/nyc_government_publications/Op0969090?locale=en.

⁴ NYC DOHMH, *Diabetes City Council Report Number 4* (Nov. 23, 2022). Available at: https://a860-gpp.nyc.gov/concern/nyc_government_publications/fn1071874?locale=en.

⁵ The NYC A1C registry program is a government mandated name-based reporting of New Yorkers' A1C test results, which is discussed below.

⁶ NYC DOHMH, *Diabetes City Council Report Number 4* (Nov. 23, 2022). Available at: https://a860-gpp.nyc.gov/concern/nyc_government_publications/fn1071874?locale=en.

⁷ *Id.*

as quickly in the city as they are nationally.⁸ While diabetes can be effectively managed, the city continues to see a rise in diabetes-related complications. For example, in 2017 the illness resulted in 2,001 amputations,⁹ and one report estimated that New York State (NYS) had a minimum 20 percent annual increase in diabetes-related amputations between 2018 and 2021.¹⁰

b. New York State Diabetes Prevention Program

The New York State Department of Health (NYSDOH) previously launched the NYS Medicaid program's coverage of the CDC's National Diabetes Prevention Program (NDPP) for Medicaid members that meet criteria for participation.¹¹ To be eligible for enrollment in NYS Medicaid as an NDPP provider,¹² all community-based organizations (CBOs), clinics, practitioner group practices, or sole practitioner group practices must first achieve pending, preliminary, or full recognition status under the CDC-National Diabetes Prevention Recognition Program (DPRP).¹³ NYSDOH also provides resources and guidance on how to access NDPP telehealth and other diabetes prevention and management resources.¹⁴

c. DOHMH Diabetes Prevention and Control and Resources

DOHMH has multiple programs and resources to help New Yorkers prevent, identify, and control diabetes. The DOHMH Diabetes Action Kit (the Kit) provides clinical tools, provider resources, and patient education materials to help New Yorkers navigate prediabetes and diabetes.¹⁵ The Kit has a "My Diabetes Checkbook," which is a daily log to help individuals manage diabetes and keep track of important health information, and a "My Plate Planner" tool to help with meal planning.¹⁶ Other materials in the Kit include fact sheets on the NDPP, the Diabetes Self-Management Program, signs and symptoms of type 2 diabetes, and a guide to healthy eating and active living in NYC.¹⁷ For healthcare providers, the Kit has a Diabetes Prevention, Diagnosis, and

⁸ N.R. Kleinfield, Diabetes and Its Awful Toll Quietly Emerge as a Crisis, N.Y. Times (Jan. 9, 2006), <https://www.nytimes.com/2006/01/09/nyregion/nyregionspecial5/09diabetes.html>.

⁹ Health People, New York State Diabetes-Related Amputation: A Horror Story, (December 7, 2022), https://www.newswise.com/pdf_docs/167044300234434_Newpercent20Yorkpercent20Statepercent20Diabetespercent20Amputationpercent20FINAL.pdf

¹⁰ NYC DOHMH, *Epi data Brief, Diabetes-related Mortality in New York City*, (June 2013), <https://www.nyc.gov/assets/doh/downloads/pdf/epi/databrief28.pdf>

¹¹ The NDPP is a partnership of public and private organizations working to prevent or delay type 2 diabetes. Partners make it easier for people at risk for type 2 diabetes to participate in evidence-based lifestyle change programs to reduce their risk of type 2 diabetes. NYS Department of Health, *New York State Diabetes Prevention Program (NDPP)*. Available at: https://www.health.ny.gov/health_care/medicaid/redesign/ndpp/index.htm; <https://www.cdc.gov/diabetes/prevention/index.html>; CDC, *National Diabetes Prevention Program*. Available at: <https://www.cdc.gov/diabetes/prevention/index.html>.

¹² "NDPP provider" refers to providers that are eligible to receive reimbursement for Medicaid NDPP services. NYS Department of Health, *NDPP Policy and Billing Guidelines*. Available at: https://health.ny.gov/health_care/medicaid/redesign/ndpp/policy-billing_guide.htm.

¹³ The CDC releases DPRP standards and operating procedures, which describe the standards for type 2 diabetes prevention lifestyle change programs and explain how an organization may apply for, earn, and maintain recognition as a quality diabetes-prevention program. National Diabetes Prevention Program, *DPRP Standards and Operating Procedures* (Nov. 14, 2022), <https://nationaldppcsc.cdc.gov/s/article/DPRP-Standards-and-Operating-Procedures>. Organizations that wish to offer CDC-recognized lifestyle change programs must submit an application and meet certain standards, such as having trained lifestyle coaches and using a CDC-approved curriculum to ensure high program quality. National Diabetes Prevention Program, *What CDC Recognition Means* (Dec. 16, 2022), <https://nationaldppcsc.cdc.gov/s/article/What-CDC-Recognition-Means>

¹⁴ National Diabetes Prevention Program, *NDPP Telehealth Guidance*, eMedNY (July 14, 2020), https://www.emedny.org/Listserv/NDPP/NDPP_Telehealth_Guidance_07-14-20.pdf; NYS Department of Health, *New York State Diabetes Prevention Program (NDPP)*. Available at: https://www.health.ny.gov/health_care/medicaid/redesign/ndpp/index.htm.

¹⁵ NYC DOHMH, *Diabetes Action Kit*, NYC Health. Available at: <https://www.nyc.gov/site/doh/providers/resources/public-health-action-kits-diabetes.page>.

¹⁶ *My Diabetes Checkbook*, NYC Health. Available at: <https://www.nyc.gov/assets/doh/downloads/pdf/diabetes/diabetes-checkbook.pdf>; *My Plate Planner*, NYC Health. Available at: <https://www.nyc.gov/assets/doh/downloads/pdf/csi/obesity-plate-planner-13.pdf>.

¹⁷ The DSMP provides free classes on strategies to manage diet and medications, increase physical activity, and is led by at least one instructor living with diabetes. The program is open to participants aged 18 and older with type 2 diabetes. *Reduce Your Risk of Getting Type 2 Diabetes*, NYC Health. Available at: <https://www.nyc.gov/assets/doh/downloads/pdf/csi/ndpp-factsheet.pdf>; *Learn How to Manage Your Type 2 Diabetes*, NYC Health. Available at: <https://www.nyc.gov/assets/doh/downloads/pdf/csi/dsmp-factsheet.pdf>; *Guide*

Treatment Guide as well as a Diabetes Prevention and Management Coaching Guide, which offer ways to discuss diabetes prevention and management.¹⁸

DOHMH has various reporting requirements related to the prevalence of diabetes in NYC, including the sending of quarterly reports to 1800 providers across 145 healthcare facilities to help identify patients in need of follow-up diabetes care using electronic health records.¹⁹ A 2006 amendment to the NYC Health Code requires laboratories to report the results of A1C blood tests (blood tests that measure average blood sugar levels over the past 3 months, commonly used to diagnosed prediabetes and diabetes²⁰) for NYC residents to DOHMH, which are then entered in a registry and used for diabetes-related projects.²¹ Pursuant to Local Law 221 of 2019, DOHMH must also produce data and submit a biannual report on diabetes-related health problems to the Council, disaggregated by geographic area and demographic characteristics where feasible.²²

On July 14, 2021, DOHMH submitted the agency’s initial data report to then-Speaker of the City Council, Corey Johnson. Data was sourced from the NYC Community Health Survey (CHS), NYC A1C Registry (Registry), and the United States Data Renal System (USDRS).²³ On April 4, 2022, DOHMH submitted a report that focused on recommendations to be implemented by DOHMH, such as prioritizing place-based investments in historically marginalized neighborhoods affected by structural racism, continuing to address food justice by increasing the affordability of health foods and promoting physical activity, and addressing the social determinants of health.²⁴ Other recommendations include increasing the delivery of the Diabetes Self-Management Education and Support program in underserved neighborhoods and continuing to expand the number of CBOs and providers in areas that deliver the NDPP.²⁵

d. Other NYC Programs Addressing Diabetes Prevention and Control

The NYC Office of Labor Relations provides information and resources on its website on how NYC employees can join the NDPP through WorkWell NYC (WorkWell), the City’s employee workplace wellness program.²⁶ WorkWell provides access to NDPP classes that are designed to help employees lead a healthier lifestyle and is open to all NYC employees for free.²⁷ On January 17, 2023, Mayor Eric Adams outlined his “vision for a ‘New York City Women’s Health Agenda,’” directed at “dismantling decades of systematic inequity that have negatively impacted the health of women across the five boroughs.”²⁸ This includes launching a provider education campaign on maternal health that focuses on supporting those with hypertension and diabetes and will involve direct outreach to providers in the Bronx, Brooklyn, and Manhattan that experience health and other socioeconomic disparities.²⁹ The program is set to launch in the summer of 2023.³⁰

to *Healthy Eating & Active Living in NYC*, NYC Health. Available at: <https://www.nyc.gov/assets/doh/downloads/pdf/cdp/healthy-eating-active-living-guide.pdf>.

¹⁸ *Diabetes Prevention, Diagnosis and Treatment Guide*, NYC Health. Available at: <https://www.nyc.gov/assets/doh/downloads/pdf/csi/diabetes-treatment-guide.pdf>; *Diabetes Prevention and Management Coaching Guide*, NYC Health. Available at: <https://www.nyc.gov/assets/doh/downloads/pdf/csi/diabetes-coaching-scripts.pdf>.

¹⁹ NYC DOHMH, *Diabetes*, NYC Health. Available at: <https://www.nyc.gov/site/doh/providers/health-topics/chronic-diseases-diabetes.page>.

²⁰ CDC, *All About Your A1C*, NYC Health, <https://www.cdc.gov/diabetes/managing/managing-blood-sugar/a1c.html>.

²¹ DOHMH, *Diabetes*, NYC Health. Available at: <https://www.nyc.gov/site/doh/providers/health-topics/chronic-diseases-diabetes.page> ; DOHMH Board of Health, *Notice of Adoption to Amend Article 13 of the New York City Health Code*. Available at: <https://www.nyc.gov/assets/doh/downloads/pdf/public/notice-adoption-a1c.pdf>.

²² L.L. 2019/221.

²³ NYC DOHMH, *Diabetes City Council Report* (July 14, 2021). Available at: <https://a860-gpp.nyc.gov/concern/nyc-government-publications/0p0969090?locale=en>.

²⁴ NYC DOHMH, *Diabetes City Council Report* (April 4, 2022). Available at: <https://a860-gpp.nyc.gov/concern/nyc-government-publications/w9505331h?locale=en>.

²⁵ NYC DOHMH, *Diabetes City Council Report Number 4* (Nov. 23, 2022). Available at: <https://a860-gpp.nyc.gov/concern/nyc-government-publications/fn1071874?locale=en>.

²⁶ NYC Office of Labor Relations, *National Diabetes Prevention Program*. Available at: <https://www.nyc.gov/site/olr/wellness/wellness-dpp.page>.

²⁷ *Id.*

²⁸ Press Release, *Mayor Adams Commits to Making New York City Future of Women’s Health*, NYC (Jan. 17, 2023). Available at: <https://www.nyc.gov/office-of-the-mayor/news/037-23/mayor-adams-commits-making-new-york-city-future-women-s-health-/0>.

²⁹ *Id.*

³⁰ *Id.*

e. Sickle Cell Disease

Sickle Cell Disease (SCD) occurs when a person has two copies of a gene that cause the blood cells to be inflexible, sticky, and crescent- or sickle-shaped. For individuals with SCD, their blood can frequently get “stuck” when trying to flow through blood vessels, causing intense pain and other serious problems, like anemia and stroke. When a person only has one copy of the gene, they have Sickle Cell Trait (SCT). Most individuals with SCT are healthy, yet, in rare instances, some people with SCT will experience pain. When two people with SCT have children, each one of their children has a 25 percent chance of having SCD and a 50 percent chance of having SCT.

In the United States, SCD is the most common inherited blood disorder. About 100,000 people in the U.S. are living with SCD, approximately 10 percent of which live in New York City. SCD is most common in individuals who have ancestors from Sub-Saharan Africa, South America, the Caribbean, Central America, the Middle East, and the Mediterranean. SCD occurs in one out of every 365 Black or African American births and one out of 16,300 Hispanic-American births. Many more people have SCT than SCD. SCT occurs in one out of every 13 Black or African American births. The last available data regarding SCD in New York is from 2008, and shows that out of the 197 babies born in New York State with SCD, 136 of their births occurred in New York City. This lack of widely-available data highlights the need for further funding and resources for research toward understanding and treating SCD and SCT.

f. Sickle Cell Disease: Treatment & Prevention

Currently, the only cure for SCD is an extremely risky bone marrow or stem cell transplant. There are also a few medications to help people, but they mainly treat symptoms of SCD rather than the underlying condition. SCD affects predominately minority communities, and advocates have long expressed concerns that health officials, researchers, and doctors overlook patients with SCD and the actual disease itself, likely in part as a result of conscious and unconscious bias. Although treatment can help people with SCD improve the quality of their lives, treatment can be inaccessible, particularly for those on public insurance, which could result in individuals utilizing urgent health care settings and delay preventative care and other necessary care for effective treatment. According to a New York Times article, about 90 percent of people with SCD are enrolled in Medicaid.

g. Healthcare Facilities in New York State and New York City

There are several healthcare facilities in NYS and New York City (NYC) that specialize in care for SCD. **NYC Health + Hospitals** provides advanced sickle cell disease care at 3 of their hospitals: NYC H+H/Harlem, NYC H+H/Kings County, and NYC H+H/Queens.³¹ The Harlem location is a designated Comprehensive Sickle Cell Center, and offers pediatric services, prenatal diagnosis, transfusion, and social services as well as genetic counseling.³²

New York-Presbyterian Brooklyn Methodist Hospital provides care for children, teenagers, and adults with SCD, and offers a range of FDA-approved medical treatments, stem cell transplantation (bone marrow transplant), and clinical trial therapies, such as gene therapy.³³ Through their alliance with New York-Presbyterian’s Dalio Center for Health Justice, adolescent patients work with “transition navigators” to prepare for adult SCD care.³⁴

Mount Sinai Hospital’s Manhattan Comprehensive Sickle Cell Center offers inclusive sickle cell care, and a large number of patients participate in cutting-edge clinical trials.³⁵ The hospital’s laboratory-based research

³¹ *Sickle Cell Disease Treatment*, New York City Health + Hospitals, available at <https://www.nychealthandhospitals.org/services/sickle-cell-disease>.

³² *Id.*

³³ *Sickle Cell Disease Program*, New York-Presbyterian, available at <https://www.nyp.org/brooklyn/pediatric-services/pediatric-sickle-cell-and-thalassemia-diseases>.

³⁴ *Id.*

³⁵ *Sickle Cell Disease and Hemoglobinopathies*, Mount Sinai, available at <https://www.mountsinai.org/patient-care/service-areas/medicine/areas-of-care/sickle-cell-disease-and-hemoglobinopathies>.

programs offer patients the chance to participate in research activities to help find cures for the disease.³⁶ Medical teams include dedicated physicians, advanced practice providers, and social workers who specialize in sickle cell diseases.³⁷

Montefiore Medical Center offers two sickle cell treatment programs; Montefiore Sickle Cell Center for Adults (SCCA) in the Hematology division, and the Sickle Cell Disease Program housed in the Children's Hospital at Montefiore.³⁸ The SCCA employs physicians, nurse practitioners, and social workers **to help sickle cell patients** manage their medical and social service needs.³⁹ The Children's Hospital's Sickle Cell Disease Program offers multimodal individualized care to their child patients through a team of hematologists, pain specialists, nurses, social workers, psychologists and child life therapists.⁴⁰

Medical experts at Hassenfeld Children's Hospital at NYU Langone provide family-centered, comprehensive care for children with SCD.⁴¹ A team of experts – including blood, brain, and lung specialists, as well as genetic counselors, physical and occupational therapists, social workers, and psychologists – cares for children with SCD and their families.⁴²

The Pediatric Sickle Cell Disease Program at Columbia Doctors provides care for children and adolescents with sickle cell disease.⁴³ The program is currently studying approaches to improve symptom control and to cure the disease.⁴⁴ Columbia University Irving Medical Center is one of the few centers in the world participating in gene therapy clinical trials for SCD; Monica Bhatia, MD, director of Columbia's Pediatric Stem Cell Transplant Program, is participating in a trial evaluating gene editing.⁴⁵

These facilities and others offer a multidisciplinary approach to care, including access to physicians from every medical specialty to manage the complications associated with SCD.

III. ISSUES AND CONCERNS

a. Intersection of Diabetes, Food Access, Race, Sex and Socioeconomic Status

The COVID-19 pandemic highlighted unequal vulnerabilities borne by racially and ethnically diverse populations and low-income communities.⁴⁶ This inequality is especially visible when examining rates of type 2 diabetes within the context of socioeconomic status.⁴⁷ Decades of research show that diabetes affects racially

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Blood (Hematology)*, Montefiore, available at <https://www.montefiore.org/hematology>; *Sickle Cell Disease Program*, Children's Hospital at Montefiore, available at <https://www.cham.org/specialties-and-programs/pediatric-hematology-oncology-and-cellular-therapy/services-programs/sickle-cell-disease-program/our-team#:~:text=The%20pediatric%20and%20adult%20SCD,and%20Janine%20Keenan%2C%20Research%20CPNP>.

³⁹ *Blood (Hematology)*, Montefiore, available at <https://www.montefiore.org/hematology>

⁴⁰ *Sickle Cell Disease Program*, Children's Hospital at Montefiore, available at <https://www.cham.org/specialties-and-programs/pediatric-hematology-oncology-and-cellular-therapy/services-programs/sickle-cell-disease-program/our-team#:~:text=The%20pediatric%20and%20adult%20SCD,and%20Janine%20Keenan%2C%20Research%20CPNP>.

⁴⁰ *Blood (Hematology)*, Montefiore, available at <https://www.montefiore.org/hematology>

⁴⁰ *Sickle Cell Disease in Children*, NYU Langone Health, available at <https://nyulangone.org/conditions>

⁴¹ *Sickle Cell Disease in Children*, NYU Langone Health, available at <https://nyulangone.org/conditions/sickle-cell-disease-in-children>.

⁴² *Id.*

⁴³ *Experimental Gene Therapy Reverses Sickle Cell Disease for Yours*, Columbia University Irving Medical Center, December 2021, available at <https://www.cuimc.columbia.edu/news/experimental-gene-therapy-reverses-sickle-cell-disease-years>; *Sickle Cell Disease*, Columbia University Irving Medical Center, available at <https://www.columbiadoctors.org/childrens-health/pediatric-specialties/cancer-blood-disorders/our-services/sickle-cell-disease>.

⁴⁴ *Experimental Gene Therapy Reverses Sickle Cell Disease for Yours*, Columbia University Irving Medical Center, December 2021, available at <https://www.cuimc.columbia.edu/news/experimental-gene-therapy-reverses-sickle-cell-disease-years>; *Sickle Cell Disease*, Columbia University Irving Medical Center, available at <https://www.columbiadoctors.org/childrens-health/pediatric-specialties/cancer-blood-disorders/our-services/sickle-cell-disease>.

⁴⁵ *Clinical Trial Begins for Promising Sickle Cell Gene Editing Treatment*, Columbia University Department of Pediatrics, October 2020, <https://www.pediatrics.columbia.edu/news/clinical-trial-begins-promising-sickle-cell-gene-editing-treatment>; *Hematology, Oncology, and Stem Cell Transplantation*, Columbia University Department of Pediatrics, available at <https://www.pediatrics.columbia.edu/about-us/divisions/hematology-oncology-and-stem-cell-transplantation>.

⁴⁶ Felicia Hill-Briggs et al., *Social Determinants of Health and Diabetes: A Scientific Review*, *Diabetes Care* (Jan. 2021). Available at: <https://doi.org/10.2337/dci20-0053>.

⁴⁷ *Id.*

and ethnically diverse populations and low-income adult populations in the U.S. disproportionately, with relatively intractable patterns seen in these populations' increased risks for and rates of diabetes complications and mortality.⁴⁸ DOHMH's website advises that Black Americans, Hispanic/Latino Americans, American Indians, Asian Americans, and Pacific Islanders are at higher risk of developing type 2 diabetes than non-Hispanic White individuals.⁴⁹ Mounting research also shows that while men are more susceptible to developing type 2 diabetes, diabetes more adversely affects women.⁵⁰ Women with diabetes are disproportionately impacted by depression and anxiety, and women with type 2 diabetes have a 27 percent higher risk of stroke and 44 percent higher risk of coronary heart disease than men with diabetes.⁵¹ Compounding the issue, women with diabetes are more likely to receive a lower standard of care than that received by men, leading to worse health outcomes.⁵²

According to a study, individuals with a lower socioeconomic status, who are disproportionately individuals from diverse racial and ethnic groups, were more likely to develop type 2 diabetes, experience more complications, and die sooner than individuals with a higher socioeconomic status.⁵³ The higher a person's income, the greater their educational attainment, and the higher their occupational grade, the less likely a person is to develop type 2 diabetes or to experience its complications.⁵⁴ In fact, the prevalence of diabetes increases on a gradient from highest to lowest income, showing that rates of diabetes are directly correlated to income level.⁵⁵ Rates of type 2 diabetes are significantly higher and concentrated in U.S. Census-designated areas characterized by factors including lower incomes, lower high school graduation rates, more single-parent households, and crowded housing.⁵⁶ Living in neighborhoods with lower educational attainment, lower annual income, and larger percentages of households receiving Supplemental Nutrition Assistance Program benefits has been associated with higher risk of progression to type 2⁵⁷ diabetes among adults with prediabetes.⁵⁸ Because people with diabetes have medical expenses approximately 2.3 times higher than those who do not, Black and Brown communities and low-income communities are disproportionately impacted due to lack of access to health insurance,⁵⁹ pay inequity,⁶⁰ and lack of access to affordable health care options.

⁴⁸ Sherita Golden et al., *Health disparities in endocrine disorders: biological, clinical, and nonclinical factors – an Endocrine Society scientific statement*, PubMed.gov (Sept. 2012). Available at: <https://pubmed.ncbi.nlm.nih.gov/22730516>.

⁴⁹ NYC DOHMH, *Type 2 Diabetes*, <https://www.nyc.gov/site/doh/health/health-topics/diabetes.page>.

⁵⁰ The Lancet Diabetes & Endocrinology, *Sex disparities in diabetes: bridging the gap* (Nov. 2017), [https://doi.org/10.1016/S2213-8587\(17\)30336-4](https://doi.org/10.1016/S2213-8587(17)30336-4).

⁵¹ *Id.*

⁵² *Id.*

⁵³ Emilie Agardh et al., *Type 2 diabetes incidence and socio-economic position: a systematic review and meta analysis*, PubMed.gov (June 2011). Available at: <https://pubmed.ncbi.nlm.nih.gov/21335614>; Arleen Brown et al., *Socioeconomic position and health among persons with diabetes mellitus: a conceptual framework and review of the literature*, *Epidemiologic reviews* (July 1, 2004). Available at: <https://www.semanticscholar.org/paper/Socioeconomic-position-and-health-among-persons-a-Brown-Ettner/c09cb54afbd6e49a505e8e8ff5e8a1d79b401a41>.

⁵⁴ Linnie Greene, *Treating diabetes with data*, Arcadia (Nov. 10, 2022), <https://arcadia.io/resources/treating-diabetes-with-data>.

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ NYC DOHMH, *Diabetes City Council Report Number 4* (Nov. 23, 2022). Available at: https://a860-gpp.nyc.gov/concern/nyc_government_publications/fn1071874?locale=en.

⁵⁸ *Id.*

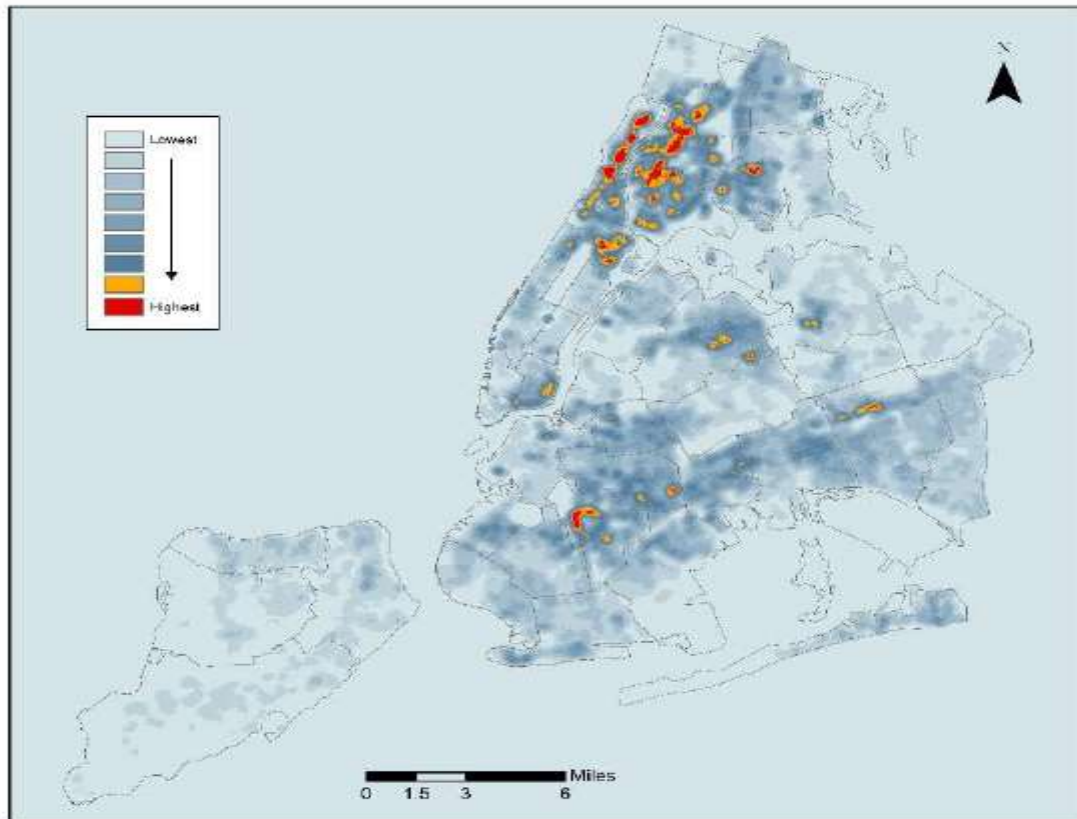
⁵⁹ Samantha Artiga and Latoya Hill, *Health Coverage by Race and Ethnicity, 2010-2021*, Kaiser Family Foundation (Dec. 20, 2022) <https://www.kff.org/racial-equity-and-health-policy/issue-brief/health-coverage-by-race-and-ethnicity>.

⁶⁰ U.S. Department of Labor: Office of Federal Contract Compliance Programs, *Earnings Disparities by Race and Ethnicity*, <https://www.dol.gov/agencies/ofccp/about/data/earnings/race-and-ethnicity>.

City statistics are consistent with national trends identified in these studies. The highest concentrations of New Yorkers living with poorly controlled or uncontrolled diabetes in 2020 were found in many areas of the Bronx, as well as Upper Manhattan and central Brooklyn.⁶¹

In its reporting, DOHMH acknowledged that limited access to healthy and affordable food in these neighborhoods directly contributes to higher rates of type 2 diabetes.⁶² Indeed, many national studies have shown associations between food access, availability, geographic characteristics, and the prevalence of type 2

Density of Persons with Poorly Controlled Diabetes New York City 2020



*Density of persons with poorly controlled diabetes per 0.1 square mile

Data source: New York City A1C Registry, 2020



diabetes.⁶³ Specifically, these studies showed that availability of fast-food outlets and convenience stores were associated with a higher rates of type 2 diabetes, and, by contrast, access to healthier foods in grocery stores were associated with lower diabetes risk.⁶⁴ In addition to food insecurity and health food access, overeating can contribute to risks of developing type 2 diabetes. Fast food consumption in the U.S. has risen by 500% during the last 3 decades, while the number of children who are obese has tripled.⁶⁵ In one study, it was reported that

⁶¹ NYC DOHMH, *Diabetes City Council Report Number 4* (Nov. 23, 2022). Available at: https://a860-gpp.nyc.gov/concern/nyc_government_publications/fn1071874?locale=en.

⁶² *Id.*

⁶³ Melissa Ahern et al., *A national study of the association between food environments and county-level health outcomes*, PubMed.gov (April 27, 2011). Available at: <https://pubmed.ncbi.nlm.nih.gov/21967380>.

⁶⁴ N.R. den Braver et al., *Built environmental characteristics and diabetes: a systematic review and meta-analysis*, PubMed.gov (Jan. 31, 2018). Available at: <https://pubmed.ncbi.nlm.nih.gov/29382337>.

⁶⁵ Salynn Boyles, *Fast Food Leads Teens to Overeat*, WebMD (June 15, 2004), <https://www.webmd.com/parenting/news/20040615/fast-food-leads-teens-to-overeat>.

kids who eat fast food tend to take in more total calories in a day than those who do not, and that the additional calories could account for an extra 6 pounds of weight gain per year.⁶⁶ Further, research from the Mount Sinai School of Medicine found that overeating can cause a malfunction in brain insulin signaling, which can initiate and worsen obesity and type 2 diabetes.⁶⁷ When an individual overeats, the brain becomes unresponsive to important clues such as insulin, “which puts you on the road to diabetes.”⁶⁸

b. Barriers to Accessing Preventative and Primary Health Care

Primary care represents an important venue for addressing diabetes prevention, given that over 350 million adult ambulatory care visits are made annually, and screening tests are commonly performed in these settings.⁶⁹ Access to effective primary care means that providers and services are affordable, comprehensive, ongoing, and coordinated.⁷⁰ The onset of type 2 diabetes, as discussed above, can be addressed through lifestyle and diet modification to avoid developing a more serious, costly, and chronic health condition. Inequalities in primary care access and delivery are largely driven by economics, including insurance coverage, reimbursement, and social determinates of health.⁷¹ Geographic, demographic, and socioeconomic characteristics impact where primary care providers are located, and even in communities where providers are available, disparities in access remain.⁷² According to a 2019 report by the Primary Care Development Corporation, primary care plays a critical role in mitigating chronic disease burden (i.e., diabetes) and helps reduce unnecessary hospitalizations and mortality due to poorly managed chronic conditions.⁷³ Diabetes disproportionately affects individuals of lower socioeconomic status and is indicative of the overlapping factors related to increased primary care need.⁷⁴

c. Barriers to Care for Sickle Cell Disease

There is a long-recognized need for comprehensive SCD care, as reflected by the passage of the National Sickle Cell Disease Control Act in 1972.⁷⁵ This Act led to a National Heart, Lung, and Blood Institute (NHLBI) initiative to create SCD centers with the triple directive of simultaneously undertaking research, providing comprehensive care, and fostering engagement with community-based organizations primarily focused on children.⁷⁶ The NHLBI initiative was highly effective at reducing pediatric mortality through newborn screening and penicillin prophylaxis.⁷⁷ However, funding was not sustained and the centers are no longer in operation.⁷⁸ Although much of the pediatric care was absorbed by academic pediatric hematology centers, the same is not true for affected adults.⁷⁹

Comprehensive care of SCD requires that individuals living with SCD have a continuous relationship with their healthcare providers.⁸⁰ However, many patients are living in areas in which providers specializing in SCD care are unavailable.⁸¹ As a result, internists and primary care physicians have been left to provide the majority

⁶⁶ *Id.*

⁶⁷ Mount Sinai Medical Center, *Overeating impairs brain insulin function, a mechanism that can lead to diabetes and obesity*, Science News (Oct. 17, 2012), <https://www.sciencedaily.com/releases/2012/10/121017153911.htm>.

⁶⁸ *Id.*

⁶⁹ Namratha R. Kandula et al., *Preventing Diabetes in Primary Care: Providers’ Perspectives About Diagnosing and Treating Prediabetes*, Journal on Clinical Diabetes (Jan. 1, 2018). Available at: <https://diabetesjournals.org/clinical/article/36/1/59/31793/Preventing-Diabetes-in-Primary-Care-Providers>.

⁷⁰ Primary Care Development Corporation, *Primary Care Access in New York City 2019 Report*. Available at: https://www.pcdc.org/wp-content/uploads/Resources/FY19_NYC_Districts/FY19-NYC-CD-Profiles-Report--FINAL.pdf.

⁷¹ *Id.*

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ Julie Kanter, Wally R. Smith, Payal C. Desai, Marsha Treadwell, Biree Andemariam, Jane Little, Diane Nugent, Susan Claster, Deepa G. Manwani, Judith Baker, John J. Strouse, Ifeyinwa Osunkwo, Rosalyn W. Stewart, Allison King, Lisa M. Shook, John D. Roberts, Sophie Lanzkron; Building access to care in adult sickle cell disease: defining models of care, essential components, and economic aspects. *Blood Adv* 2020; 4 (16): 3804–3813. doi: <https://doi.org/10.1182/bloodadvances.2020001743>.

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ *Supra* note 18.

of SCD care in an acute pain-based or episodic illness-based model.⁸² These providers may have limited experience in the care of individuals with SCD and may not be aware of the latest SCD guidelines.⁸³ In a survey of family physicians in the United States and Canada, only 20 percent said they feel comfortable treating patients with SCD.⁸⁴ Thus, without a comprehensive SCD care center, affected adults rely on acute care services, often resulting in poor clinical outcomes and a heavy psychological toll on the patient.⁸⁵ By comparison, hemophilia and cystic fibrosis⁸⁶ each affect fewer than half the number of persons in the United States than does SCD, and persons with the former benefit from more than 130 comprehensive treatment centers nationwide.⁸⁷ These centers have multidisciplinary teams dedicated to improving health outcomes, providing quality care, and reducing costs and disparities in access to care for these patients.⁸⁸ By contrast, as discussed above, specialized SCD health care providers with comprehensive expertise are scarce, particularly in low-income and rural communities with limited resources.⁸⁹ Furthermore, in nonspecialized hospitals with few SCD patient populations, poor outcomes were reported, likely because of a lack of hematologists with SCD expertise.⁹⁰ A survey of 30 pediatric SCD centers found that only 18 centers routinely transitioned their patients to a hematologist specializing in adults with SCD upon aging out of the pediatric care system.⁹¹

The benefits of specialized adult SCD programs include better health outcomes, such as fewer acute care visits and hospitalizations.⁹² Specialized care has been shown to improve quality of life and result in greater cost-effectiveness as compared with episodic, emergency department (ED)-based care.⁹³ Patients with SCD treated at SCD centers use ED and inpatient facilities less frequently, have decreased health care costs overall, and are more likely to be prescribed hydroxyurea, which has been demonstrated to improve psychosocial outcomes including health-related quality of life.⁹⁴

⁸² *Id.*

⁸³ National Heart, Lung, and Blood Institute (NHLBI). *Evidence-Based Management of Sickle Cell Disease: Expert Panel Report*, 2014. <https://www.nhlbi.nih.gov/health-topics/all-publications-and-resources/evidence-based-management-sickle-cell-disease-expert-0>. Accessed 28 January 2020.

⁸⁴ Begley S. *In excruciating pain, sickle cell patients are shunted aside*. STAT (<https://www.statnews.com/2017/09/18/sickle-cell-pain-treatment/>). 18 September 2017. Accessed 27 January 2020; Mainous AG III, Tanner RJ, Harle CA, Baker R, Shokar NK, Hulihan MM. *Attitudes toward management of sickle cell disease and its complications: a national survey of academic family physicians*. *Anemia*. 2015;2015:853835.

⁸⁵ Kanter J, Kruse-Jarres R. *Management of sickle cell disease from childhood through adulthood*. *Blood Rev*. 2013;27(6):279-287.

⁸⁶ Cystic fibrosis is a common genetic disease within the white population in the United States. The disease occurs in 1 in 2,500 to 3,500 white newborns. Cystic fibrosis is less common in other ethnic groups, affecting about 1 in 17,000 African Americans and 1 in 31,000 Asian Americans. National Library of Medicine: MedlinePlus, "Cystic fibrosis" (Jul. 6, 2021), available at <https://medlineplus.gov/genetics/condition/cystic-fibrosis/#frequency>.

⁸⁷ Hemophilia Federation of America. Hemophilia A., (accessed April 2, 2019.), available at <https://www.hemophiliafed.org/understanding-bleeding-disorders/what-is-hemophilia/hemophilia-a>.

⁸⁸ Cystic Fibrosis Foundation. 2016 Patient Registry Annual Data Report. Bethesda, MD: Cystic Fibrosis Foundation Patient Registry; 2017.

⁸⁹ Raphael JL, Dietrich CL, Whitmire D, Mahoney DH, Mueller BU, Giardino AP. Healthcare utilization and expenditures for low income children with sickle cell disease. *Pediatr Blood Cancer*. 2009;52(2):263-267. doi:10.1002/pbc.21781; Kanter J, Kruse-Jarres R. Management of sickle cell disease from childhood through adulthood. *Blood Rev*. 2013;27(6):279-287. doi:10.1016/j.bire.2013.09.001; American Society of Hematology. *State of Sickle Cell Disease: 2016 Report*. Washington, DC: American Society of Hematology; 2016. <http://www.scdcoalition.org/pdfs/ASH%20State%20of%20Sickle%20Cell%20Disease%202016%20Report.pdf>. Accessed August 1, 2019; Centers for Disease Control and Prevention. Sickle cell disease (SCD) national resource directory. <https://www.cdc.gov/ncbddd/sicklecell/map/map-nationalresourcedirectory.html>. Updated June 19, 2017. Accessed May 16, 2018.

⁹⁰ McCavit TL, Lin H, Zhang S, Ahn C, Quinn CT, and Flores G., *Hospital volume, hospital teaching status, patient socioeconomic status, and outcomes in patients hospitalized with sickle cell disease*. *Am J Hematol*. 2011;86(4):377-380. doi:10.1002/ajh.21977.

⁹¹ Sobota A, Neufeld EJ, Sprinz P, and Heeney MM. *Transition from pediatric to adult care for sickle cell disease: results of a survey of pediatric providers*. *Am J Hematol*. 2011;86(6):512-515. doi:10.1002/ajh.22016

⁹² *Supra* note 18.

⁹³ Lanzkron S., Carroll C.P., Hill P., David M., Paul N., Haywood C. Jr., *Impact of a dedicated infusion clinic for acute management of adults with sickle cell pain crisis*. *Am J Hematol*. 2015;90(5):376-380; Basishvili G, Gotesman J, Vandervoort K, Jacobs C, Vattappally L, Minniti CP. *Comprehensive management reduces incidence and mortality of acute chest syndrome in patients with sickle cell disease*. *Am J Hematol*. 2018;93(3):E64-E67; DeBaun MR. *The challenge of creating an evidence-based guideline for sickle cell disease*. *JAMA*. 2014;312(10):1004-1005; Koch KL, Karafin MS, Simpson P, Field JJ. *Intensive management of high-utilizing adults with sickle cell disease lowers admissions*. *Am J Hematol*. 2015;90(3):215-219.

⁹⁴ *Id.*

d. Sickle Cell Disease: Cost of Treatment

A 2023 study of individuals with SCD in the United States found that lifetime total costs attributable to SCD for ages 0 to 64 years were \$1.6 million for females and \$1.7 million for males.⁹⁵ SCD-attributable lifetime out-of-pocket costs were \$42,395 for females and \$45,091 for males, representing 2.6 percent and 2.7 of total costs, respectively.⁹⁶ Lifetime total medical costs and out-of-pocket costs were 907 percent and 285 percent higher for individuals with SCD than for non-SCD-impacted individuals, respectively.⁹⁷ Research has found that people living with SCD had more medical appointments, more urgent care and emergency medical visits, and more prescriptions compared to people without the disease.⁹⁸

This cost burden extends to the cost for state governments. Medicaid plays a substantial role in covering the cost of care for patients with SCD.⁹⁹ Medicaid nationwide covered 66 percent of sickle cell disease hospitalizations in 2004 and 58 percent of emergency department visits for the disease between 1999 and 2007.¹⁰⁰ Medicaid enrollees with SCD show substantial utilization of hospital-based care, including inpatient stays and outpatient emergency department visits.¹⁰¹ They also have high utilizations of prescription opioids and other outpatient drugs.¹⁰² The cost per individual is high, as average Medicaid spending for enrollees with SCD can be more than five times the average for all Medicaid enrollees in a state.¹⁰³ Despite high utilization of available health care services, mortality for SCD enrollees can be more than nine times the age-adjusted population average, pointing to inefficiencies and ineffectiveness in the types of care provided.¹⁰⁴

As of 2019, SCD was the most expensive disease for New York State Medicaid.¹⁰⁵ New York State spends \$15,000 per patient each year, almost 50 percent more than that of HIV care.¹⁰⁶

e. Sickle Cell Disease: History of Medical Discrimination

The lack of funding for SCD research and treatment is compounded by a history of discrimination in healthcare access. Nationwide, hospitals that primarily offer care to Black and Latino populations are underfunded.¹⁰⁷ This is especially of note when an overwhelming majority of SCD patients are Black or Hispanic, and even more so when Black SCD patients are 95 percent more likely to experience a pain crisis related to their SCD.¹⁰⁸ In addition to disparities in funding, the painful history of medical experimentation and discrimination has resulted in widespread skepticism of the current health care systems, which continues to be exacerbated by other institutional disparities.¹⁰⁹ Racial inequities in safe housing, employment, high-quality education, and financial security all affect the quality of and access to health care.¹¹⁰ Additionally, inaccurate

⁹⁵ Kate M. Johnson, Boshen Jiao, Scott D. Ramsey, M. A. Bender, Beth Devine, and Anirban Basu, *Lifetime medical costs attributable to sickle cell disease among nonelderly individuals with commercial insurance*. *Blood Adv* 2023; 7 (3): 365–374. doi: <https://doi.org/10.1182/bloodadvances.2021006281>.

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ Yusuf HR, Atrash HK, Grosse SD, Parker CS, and Grant AM. *Emergency department visits made by patients with sickle cell disease: a descriptive study, 1999–2007*. *American journal of preventive medicine*. U.S. National Library of Medicine; 2010, available at <https://www.ncbi.nlm.nih.gov/pubmed/20331955>.

¹⁰⁰ *Id.*

¹⁰¹ Grady, A., Fiori, A., Patel, D., & Nysenbaum, J. (n.d.). *Profile of medicaid enrollees with sickle cell disease: A high need, high cost population*. PLOS ONE, available at <https://journals.plos.org/plosone/article?id=10.1371%2Fjournal.pone.0257796>.

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ Hosfelt, Bailey, *NY Support Lags for Sickle-Cell Patients Facing Pain, Poor Treatment, Discrimination* (City Limits, Feb. 1, 2019), available at <https://citylimits.org/2019/02/01/ny-support-lags-for-sickle-cell-patients-facing-pain-poor-treatment-discrimination/#:~:text=Currently%2C%20sickle%2Dcell%20is%20the,than%20that%20of%20HIV%20care.>

¹⁰⁶ *Id.*

¹⁰⁷ Nuriddin et. al.

¹⁰⁸ Akriti Pokhrel, Adreniran Olayemi, Stephanie Ogbonda, Kiron Nair, and Jen Chin Wang, *Racial and ethnic differences in sickle cell disease within the United States: From demographics to outcomes*, (February 12, 2023), available at <https://pubmed.ncbi.nlm.nih.gov/36710488/>.

¹⁰⁹ Centers for Disease Control and Prevention, *Racism and Health*, (August 16, 2023), available at <https://www.cdc.gov/minorityhealth/racism-disparities/index.html>.

¹¹⁰ *Id.*

and harmful tropes that Black individuals have a higher pain tolerance are still common among health care practitioners, as are unfounded accusations that Black patients are feigning pain or seeking drugs.¹¹¹ These misconceptions are upheld by the continued underrepresentation of Black, Latino, and Indigenous practitioners in the medical field, and further the deep mistrust and lack of satisfaction with the state of equity in medical care in this nation.¹¹² In order to provide adequate services for our city's SCD patients, it is crucial that the health care system is focused on removing these barriers to equitable, high-quality medical care.¹¹³

As mentioned above, racial discrimination and disparaging attitudes toward patients of color have facilitated distrust in the healthcare system, which is further perpetuated by a lack of representation in healthcare providers.¹¹⁴ In an effort to reverse this troubling trend, the American Medical Association (AMA) has published a strategic three-year approach that aims to increase accountability and advance health equity.¹¹⁵ The strategies included in this initiative include: an educational component that embeds racial and social justice into policies and work cultures; allying with and uplifting historically marginalized physicians and other stakeholders; increasing opportunities for those who have faced substantial barriers; ensuring equitable funding and research into determinants of health; and fostering pathways for racial healing and transformation from past unjust practices.¹¹⁶ With these AMA goals in mind, New York City's health system can make strides toward building trust by investing in marginalized and underserved communities and recruiting a medical practitioner field that is representative of our diverse population.

IV. LEGISLATIVE ANALYSIS

a. Int. No. 687-A

Food insecurity also plays a major role in the prevalence of diabetes: approximately 20 percent of diabetes patients nationally report household food insecurity, and food insecurity is a known risk factor for poor diabetes management.¹¹⁷ 1.4 million New Yorkers are currently food insecure, and many lack consistent access to affordable, healthy food, which exacerbates the risk of type 2 diabetes.¹¹⁸ Studies show that availability of fast-food outlets and convenience stores were associated with a higher rates of type 2 diabetes, and, by contrast, access to healthier foods in grocery stores were associated with lower diabetes risk.¹¹⁹

This bill would require chain restaurants with 15 or more locations to conspicuously post added sugar icons and factual warning statements on menus or menu boards next to menu items and on or near food items on display that exceed a specified level of added sugars as determined by the U.S. Food & Drug Administration or another amount specified by DOHMH. This bill would consider food items that are identical to prepackaged food items to have the same density of added sugars as displayed on the nutrition facts of the prepackaged food item, unless demonstrated otherwise. This bill would also require such restaurants to conspicuously post an added sugar icon on or near any non-packaged food items on display or on menus or menu boards no later than 1 year after the federal regulations that require restaurants to include added sugars in nutritional information of non-packaged food items go into effect. Any covered restaurant that violates the provisions of this bill would be liable for a civil penalty of \$200.

¹¹¹ Alexandra Power-Hays and Patrick T. McGann, *When Actions Speak Louder Than Words – Racism and Sickle Cell Disease* (November 12, 2020), available at <https://www.nejm.org/doi/full/10.1056/NEJMp2022125>.

¹¹² *The AMA's strategic plan to embed racial justice and advance health equity*, American Medical Association, available at <https://www.ama-assn.org/about/leadership/ama-s-strategic-plan-embed-racial-justice-and-advance-health-equity>.

¹¹³ Centers for Disease Control and Prevention, *Racism and Health*, (August 16, 2023), available at <https://www.cdc.gov/minorityhealth/racism-disparities/index.html>.

¹¹⁴ *The AMA's strategic plan to embed racial justice and advance health equity*, American Medical Association, available at <https://www.ama-assn.org/about/leadership/ama-s-strategic-plan-embed-racial-justice-and-advance-health-equity>.

¹¹⁵ *Id.*

¹¹⁶ *Id.*

¹¹⁷ H. Seligman et al., *A Pilot Food Bank Intervention Featuring Diabetes-Appropriate Food Improved Glycemic Control Among Clients In Three States* (Nov. 2015). Available at: <https://www.semanticscholar.org/paper/A-Pilot-Food-Bank-Intervention-Featuring-Food-Among-Seligman-Lyles/92700c4aeb8d6aace3944c430985c546a1e115ef>.

¹¹⁸ N.Y.C. Health, *Epi Data Brief: Food Insecurity and Access in New York City during the COVID-19 Pandemic, 2020-2021* (Nov. 2021, No. 128), <https://www1.nyc.gov/assets/doh/downloads/pdf/epi/databrief128.pdf>.

¹¹⁹ N.R. den Braver et al., *Built environmental characteristics and diabetes: a systematic review and meta-analysis*, PubMed.gov (Jan. 31, 2018). Available at: <https://pubmed.ncbi.nlm.nih.gov/29382337>.

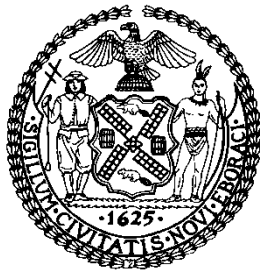
Since its initial hearing, the bill was amended to include additional definitions for clarity, such as for “food item on display,” “identical to prepackaged food item,” and “non-packaged food item,” in addition to the definition of “menu item.” The bill was amended to clarify that a food item that is identical to a prepackaged food item will be presumed to have the same density of added sugars as displayed on the nutrition facts panel of the corresponding prepackaged food item. The bill was also amended to clarify that covered establishments must add a sugar icon on or near any non-packaged food items no later than 1 year after the federal regulations requiring such establishments to include added sugars in nutritional information for such food items goes into effect.

b. Int. No. 968-B

This bill would require DOHMH, in consultation with H+H, to create guidance to educate medical professionals and the public on the detection of the sickle cell trait through pre- and post-conception genetic screening and on the management and treatment of sickle cell disease. Guidance for medical professionals is required to include education on the benefits of recommending screenings during the family planning process and on nondiscriminatory approaches to assess patient pain, including instruction on implicit bias in the provision of pain management. The bill would also require that pre- and post- conception genetic screening for sickle cell trait be offered to those who fall into an at-risk population or for whom such screening is otherwise medically recommended.

Since its initial hearing, the bill was amended to clarify that the professional education program must focus on the importance of pre- and post-conception genetic screening for the sickle cell trait, and that DOHMH must ensure that such genetic screening continues to be offered at hospitals and medical facilities in the City. Such information must also be publicized to at-risk populations through a public awareness campaign.

(The following is the text of the Fiscal Impact Statement for Int. No. 687-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**

INTRO. NO: 687-A

COMMITTEE: Health

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring added sugar notifications for menu items in chain restaurants

SPONSOR(S): By Council Members Powers, Schulman, Narcisse, Ung, Brooks-Powers, Ayala, Hudson, Brewer, Abreu, De La Rosa, Velázquez, Bottcher, Menin, Holden, Restler, Gutiérrez, Brannan, Riley, Lee, Gennaro, Louis, Nurse, Joseph, Sanchez, Williams, Marte, Cabán, Krishnan, Hanks, Barron, Farías, Avilés, Richardson Jordan, Dinowitz, Feliz, Salamanca, Jr., and Won (in conjunction with the Bronx Borough President), (in conjunction with the Brooklyn Borough President), (in conjunction with the Queens Borough President), (by request of the Manhattan Borough President).

SUMMARY OF LEGISLATION: This bill would require chain restaurants with fifteen or more locations to conspicuously post added sugar icons and factual warning statements on menus or menu boards next to menu items and on or near food items on display that exceed a specified level of added sugars as determined by the U.S. Food & Drug Administration or another amount specified by the NYC Department of Health and Mental Hygiene. Additionally, this bill would consider food items that are identical to prepackaged food items to have the same density of added sugars as displayed on the nutrition facts of the prepackaged food item, unless demonstrated otherwise. This bill would also require such restaurants to conspicuously post an added sugar icon on or near any non-packaged food items on display or on menus or menu boards no later than one year after the federal regulations that require restaurants to include added sugars in nutritional information of non-packaged food items go into effect. The bill would require that any covered restaurant that violates the provisions of this bill be liable for a civil penalty of \$200.

EFFECTIVE DATE: This local law would take effect on December 1st, 2024

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2026

FISCAL IMPACT STATEMENT:

	Effective FY25	FY Succeeding Effective FY26	Full Fiscal Impact FY26
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is estimated that there would be no impact on revenues resulting from the enactment of this legislation, as full compliance with the requirements of the legislation is anticipated.

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation, as agencies responsible for carrying out its requirements would use existing resources to fulfill its 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

ESTIMATE REVIEWED BY: Florentine Kabore, Unit Head
Cirilhien R. Francisco, Assistant Director
Elizabeth Hoffman, Assistant Director
Chima Obichere, Deputy Director
Kathleen Ahn, Finance Division Counsel
Jonathan Rosenberg, Managing Deputy Director

LEGISLATIVE HISTORY: The legislation was first introduced to the full Council on September 14th, 2022 as Intro. No. 687 and referred to the Committee on Health (Committee). The legislation was considered by the Committee at a hearing held on February 1st, 2023, and the bill was laid over. The legislation has been amended and the amended version, Proposed Intro No. 687-A, was considered by the Committee on November 2nd, 2023. Upon successful vote by the Committee, Intro. No. 687-A will be submitted to the full Council for a vote on November 2nd, 2023.

DATE PREPARED: October 26, 2023.

Accordingly, this Committee recommends the adoption of Int. Nos. 687-A and 968-B.

(The following is the text of Int. No. 687-A:)

Int. No. 687-A

By Council Member Powers, Schulman, Narcisse, Ung, Brooks-Powers, Ayala, Hudson, Brewer, Abreu, De La Rosa, Velázquez, Bottcher, Menin, Holden, Restler, Gutiérrez, Brannan, Riley Lee, Gennaro, Louis, Nurse, Joseph, Sanchez, Williams, Marte, Cabán, Krishnan, Hanks, Barron, Farías, Avilés, Richardson Jordan, Dinowitz, Feliz, Salamanca, Won and Rivera (in conjunction with the Bronx, Brooklyn and Queens Borough Presidents) (by request of the Manhattan Borough President)

A Local Law to amend the administrative code of the city of New York, in relation to requiring added sugar notifications for menu items in chain restaurants

Be it enacted by the Council as follows:

Section 1. Section 17-199.18 of the administrative code of the city of New York, as added by local law number 33 for the year 2022, is amended to read as follows:

17-199.18 Added sugar notifications. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Added sugars. The term "added sugars" has the same meaning as used in title 21, section 101.9 (c)(6)(iii) of the code of federal regulations, or any successor regulations.

Covered establishment. The term "covered establishment" means any food service establishment inspected pursuant to the restaurant grading program established pursuant to subdivision a of section 81.51 of the New York city health code that is part of a chain with 15 or more locations doing business under the same name and offering for sale substantially the same food items.

Daily value. The term "daily value" means the daily reference value established in title 21, section 101.9 (c)(9) of the code of federal regulations, or any successor regulations.

Food item on display. The term "food item on display" means a prepackaged food item or non-packaged food item that is visible to the customer before the customer makes a selection.

Food service establishment. The term "food service establishment" has the same meaning as in section 81.03 of the New York city health code.

Icon. The term "icon" means a graphic or illustrated image, with or without accompanying text.

Identical to prepackaged food item. The term "identical to prepackaged food item" means a non-packaged food item offered by a food service establishment that has the same product name as a prepackaged food item and is promoted, advertised, or presented as substantially the same as that prepackaged food item as determined by the department, such as a fountain soda, coffee beverage, salad dressing, or dessert product that is sold under the same brand name in other retail locations.

Menu or menu board. The term "menu or menu board" has the same meaning as in section 81.49 of the New York city health code.

Menu item. The term "menu item" means any food item listed on a menu or menu board, as well as any seasonal, temporary, or variable menu item as defined by the department.

Non-packaged food item. The term "non-packaged food item" means a food item on display that does not have a nutrition facts label attached to it by the manufacturer pursuant to title 21, part 101 of the code of federal regulations, or any successor regulations.

Prepackaged food item. The term "prepackaged food item" means a food item that is packaged by the manufacturer and required to have a nutrition facts label pursuant to title 21, part 101 of the code of federal regulations, or any successor regulations.

[Prepackaged item on display. The term "prepackaged item on display" means a prepackaged food item that is visible to the customer before the customer makes a selection.]

b. [Warning] *Icon and warning statement rule.* 1. The department shall issue a rule designating an icon to be displayed in a clear and conspicuous manner [on] (i) *on* menus or menu boards adjacent to the [listed prepackaged food items] *menu items* and (ii) [prepackaged] *on or near* food items on display, that exceed a specified level of added sugars, including[, but not limited to,] 100 percent or more of the daily value for added sugars, as determined by the federal food and drug administration, or [exceed] another amount *as* specified in rules of the department.

2. *For the purposes of this subdivision, a food item that is identical to a prepackaged food item will be presumed to have the same density of added sugars as is displayed on the nutrition facts panel of the corresponding prepackaged food item, as set forth in department rules, unless the food service establishment demonstrates otherwise to the satisfaction of the department.*

3. Such rule shall also provide a factual warning statement about high added sugars intake.

c. *Icon and warning statement required.* No later than [one] 1 year after the department issues the rule required pursuant to subdivision b of this section, a covered establishment that offers [one] 1 or more [prepackaged food] *menu items* or [prepackaged] *food items* on display *that qualify for an icon pursuant to subdivision b of this section* shall, in accordance with rules promulgated by the department:

1. Post a clearly visible icon on or near [the] *any prepackaged food item or food item identical to a prepackaged food item on display that qualifies for such icon pursuant to subdivision b of this section;*

2. Post a clearly visible icon on the menu or menu board next to [the] *any prepackaged food item [wherever such item appears] or food item identical to a prepackaged food item that qualifies for such icon pursuant to subdivision b of this section;* [and]

3. Post the factual warning statement required pursuant to subdivision b of this section prominently and conspicuously at the point of purchase, *on the menu or menu board, and at any location where a food item requiring an icon pursuant to this subdivision is sold as a self-service item dispensed directly to the consumer;* and

4. *No later than 1 year after the effective date of federal regulations that require a covered establishment to include added sugars in the nutritional information of non-packaged food items available to customers, post a clearly visible icon on or near any non-packaged food item on display or on a menu or menu board that qualifies for such icon pursuant to subdivision b of this section.*

d. Any covered establishment that violates any of the provisions of this section shall be liable for a civil penalty of [not less than] \$200 [nor more than \$500] for a violation thereof.

e. No later than [three] 3 months after the department issues the rule required by subdivision b of this section, the department shall conduct public outreach to educate covered establishments about the requirements of this local law.

f. *The department shall promulgate rules for the facilitation and enforcement of this section.* Nothing in this local law prohibits the department from requiring an icon or warning statement regarding additional foods, ingredients, or nutrients of concern.

§ 2. Section 2 of local law number 33 for the year 2022 is amended to read as follows:

§ 2. This local law takes effect [no later than one year after the expiration of the declaration of the local state of emergency for COVID-19 declared in emergency executive order number 98 of Mayor Bill de Blasio, dated March 12, 2020, including any subsequent extensions] *on June 19, 2024.*

§ 3. This local law takes effect on December 1, 2024. Nothing herein shall be construed to affect the effective date of local law number 33 for the year 2022.

LYNN C. SCHULMAN, *Chairperson*; OSWALD FELIZ, CHARLES BARRON, CRYSTAL HUDSON, JULIE MENIN, MERCEDES NARCISSE, MARJORIE VELÁZQUEZ, JOANN ARIOLA; 8-1-0; *Negative*: Kalman Yeger; Committee on Health, November 2, 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. 968-A

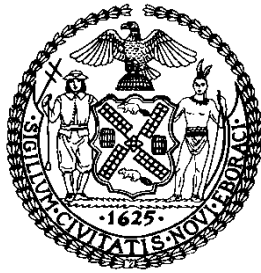
Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to establishing guidance to improve health outcomes for individuals affected by sickle cell disease.

The Committee on Health, to which the annexed proposed amended local law was referred on March 16, 2023 (Minutes, page 861), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Health for Int. No. 687-A printed above in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 968-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**

INTRO. NO: 968-B

COMMITTEE: Health

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to establishing guidance to improve health outcomes for individuals affected by sickle cell disease.

SPONSOR(S): By Council Members Narcisse, Louis, Velázquez, Richardson Jordan, Yeger, Schulman, Hudson, Ung, Abreu, Riley, Lee, Gutiérrez, Gennaro, Brooks-Powers, Won, Joseph, Hanif, Krishnan, Rivera, Feliz, Hanks, Nurse, Williams, Sanchez, Cabán, Avilés, Vernikov, and Public Advocate Williams (by request of the Manhattan Borough President).

SUMMARY OF LEGISLATION: This bill would require the Department of Health and Mental Hygiene, in consultation with New York City Health and Hospitals, to create guidance to educate medical professionals and the public on the detection of the sickle cell trait through pre- and post-conception genetic screening and on the management and treatment of sickle cell disease. Guidance for medical professionals is required to include education on the benefits of recommending screenings during the family planning process and on nondiscriminatory approaches to assess patient pain, including instruction on implicit bias in the provision of pain management. The bill would also require that pre- and post- conception genetic screening for sickle cell trait be offered to those who fall into an at-risk population or for whom such screening is otherwise medically recommended.

EFFECTIVE DATE: This local law would take effect one year after it becomes law

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

FISCAL IMPACT STATEMENT:

	Effective FY25	Succeeding FY26	Full Fiscal Impact FY26
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation, as the agencies responsible for carrying out its requirements would use existing resources to fulfill its 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

ESTIMATE REVIEWED BY: Florentine Kabore, Unit Head
Cirilhien R. Francisco, Assistant Director
Elizabeth Hoffman, Assistant Director
Chima Obichere, Deputy Director
Kathleen Ahn, Counsel
Jonathan Rosenberg, Managing Deputy Director

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on March 16, 2023 as Intro. No. 968 and referred to the Committee on Health (Committee). A joint hearing was held by the Committee and the Committee on Hospitals on September 20th, 2023 and the bill was laid over. The legislation has been amended the amended version, Proposed Intro No. 968-B, was considered by the Committee on November 2nd, 2023. Upon successful vote by the Committee, Intro. No. 968-B will be submitted to the full Council for a vote on November 2nd, 2023.

DATE PREPARED: October 26, 2023.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 968-B:)

Int. No. 968-B

By Council Members Narcisse, Louis, Velázquez, Richardson Jordan, Yeger, Schulman, Hudson, Ung, Abreu, Riley, Lee, Gutiérrez, Gennaro, Brooks-Powers, Won, Joseph, Hanif, Krishnan, Rivera, Feliz, Hanks, Nurse, Williams, Sanchez, Cabán, Avilés, Barron, Vernikov and the Public Advocate (Mr. Williams) (by request of the Manhattan Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to establishing guidance to improve health outcomes for individuals affected by sickle cell disease

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 17-199.24 to read as follows:

§ 17-199.24 *Sickle cell trait and disease. a. Professional guidance. 1. In consultation with the New York city health and hospitals corporation, the commissioner shall create guidance on the following topics to educate medical professionals who work within the city:*

- (a) The detection of sickle cell trait through pre- and post-conception genetic screening; and*
- (b) The management and treatment of sickle cell disease.*

2. The guidance created pursuant to this subdivision shall include the benefits of recommending screenings to individuals prior to pregnancy and education on non-discriminatory approaches to assess patient pain, including instruction on the effects of implicit racial bias in the provision of pain management and methods to remediate such effects and ensure patients receive effective pain management care, as well as education about the history of medical discrimination, race-based medical experimentation, and the effects of such discrimination on patients and their medical decision making.

3. The guidance created pursuant to this subdivision shall be posted on the department's website, distributed to medical providers and practices in the city, and publicized to at-risk populations through public awareness campaigns.

b. Genetic screening. The commissioner, in consultation with the New York city health and hospitals corporation, shall ensure that sickle cell trait pre- and post-conception genetic screening shall be offered to individuals who fall into an at-risk population, as determined by current medical research, or for whom such genetic screening is otherwise medically appropriate or recommended.

c. Report. No later than June 1, 2025, and annually thereafter, the department shall submit to the speaker of the council a report summarizing the available data regarding the presence of sickle cell trait and sickle cell disease in the city, to the extent such data can be released in accordance with applicable laws, rules, and regulations. Such report shall also include a summary of the department's efforts to educate practitioners and at-risk populations about the availability of pre- and post-conception genetic screening.

d. Online publication of materials. The commissioner shall provide information related to sickle cell trait and disease on the department's website, including information regarding the importance of genetic screening for the sickle cell trait for at-risk populations, and the locations of medical providers, practices, and facilities where such individuals can receive such screenings, in English and in the designated citywide languages as defined in section 23-1101.

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

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, November 2, 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 Immigration

Report for Int. No. 569-B

Report of the Committee on Immigration in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to a workers' bill of rights and outreach to immigrant workers.

The Committee on Immigration, to which the annexed proposed amended local law was referred on July 14, 2022 (Minutes, page 1826), respectfully

REPORTS:

I. INTRODUCTION

On November 2, 2023, the Committee on Immigration, chaired by Council Member Shahana Hanif, held a vote on the following legislation: Introduction Number 569-B (Int. 596-B), sponsored by Council Member Hanif, a local law to amend the administrative code of the city of New York, in relation to a workers' bill of rights and outreach to immigrant workers. A prior version of this bill was heard on April 28, 2023. The bill was approved by the Committee by a vote of six in the affirmative, zero in the negative, and zero abstentions.

II. BACKGROUND

a. ASYLUM AND ASYLUM-SEEKERS

People fleeing persecution have the right to seek asylum.¹ The United States (U.S.) codified refugee protection and the procedures for asylum in the Refugee Act of 1980, made part of the Immigration and Nationality Act (INA).² Responsibility for the implementation and enforcement of most U.S. immigration law, including asylum and refugee law, is shared between the U.S. Department of Homeland Security (U.S. DHS) and the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR).³ Within U.S. DHS, U.S. Citizenship and Immigration Services (USCIS) adjudicates applicants for immigration benefits; Customs and Border Protection (CBP) inspects and admits noncitizens into the U.S.; and Immigration and Customs Enforcement (ICE) investigates immigration violations, as well as detains and removes individuals who violate immigration law.⁴ EOIR conducts removal proceedings and adjudicates appeals of decisions in removal proceedings.⁵ Individuals who seek asylum may encounter any and all of these agencies during the asylum process. If an individual is applying for asylum affirmatively,⁶ their application is adjudicated by USCIS.⁷ If an individual is applying for asylum defensively,⁸ their asylum application is transferred to the EOIR immigration court upon the filing of a Notice to Appear (NTA).⁹

¹ *Pro Bono Asylum Representation Manual: An Overview of Asylum Law & Procedure*, THE ADVOCATES FOR HUMAN RIGHTS (2009). Available at <https://www.theadvocatesforhumanrights.org/res/byid/7538>.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ Applying for asylum affirmatively means a person has come to the U.S. and has not been placed in removal proceedings by U.S. DHS.

⁷ *Pro Bono Asylum Representation Manual*, *supra* note 1.

⁸ Applying for asylum defensively means a person was arrested by ICE or CBP and placed in removal proceedings.

⁹ *Pro Bono Asylum Representation Manual*, *supra* note 1.

To qualify for asylum, an applicant must be physically present in the U.S.¹⁰ Asylum may be granted to an applicant who can establish past persecution or a “well-founded fear” of future persecution in their home country on account of race, religion, nationality, membership in a particular social group, or political opinion.¹¹ Asylum is discretionary; additionally, certain bars apply that could make an applicant ineligible for asylum, such as prior fraudulent asylum claims.¹² Upon a grant of asylum, an asylee has the right to: (1) travel and return to the U.S. with asylum status; (2) remain indefinitely in the U.S.; (3) work; and (4) after one year, apply to adjust their status to lawful permanent resident (LPR).¹³ An asylee’s spouse and unmarried children, under the age of 21, can also obtain asylee status with the asylee or follow the asylee to join them in the U.S.¹⁴

Asylees and individuals who apply for asylum have often experienced unimaginable atrocities. Many have had family members killed in conflict or been separated from their parents or children due to violence or chaos.¹⁵ They may have been arrested, jailed, beaten, raped, tortured, threatened with death, or otherwise persecuted because of their political or religious beliefs, or their race, nationality, or other fundamental aspects of their identity.¹⁶ Currently, more than 920,963 U.S. asylum applications are pending.¹⁷ While current U.S. asylum policies are less restrictive than in the previous federal administration, asylum applicants who come to the U.S. seeking refuge are met with extraordinary barriers at the state and local levels that may put their safety and wellness at grave risk.¹⁸ New York and other sanctuary cities¹⁹ have become targets of efforts by cities and states along the U.S./Mexico border to curb the appetite for granting asylum in the U.S.²⁰

b. TEMPORARY PROTECTED STATUS

Another form of relief that is temporarily available for some asylum seekers is temporary protected status (TPS). TPS is a designation made by the Secretary of Homeland Security to countries suffering from conditions that would prevent their nationals from returning safely, or to countries that could not adequately handle the return of their nationals.²¹ Some of the reasons a country may receive TPS may be due to ongoing armed conflicts, environmental disasters, or other extraordinary and temporary conditions.²² Individuals who are eligible and approved for TPS are not removable from the U.S., may be granted travel authorization, and are immediately eligible to apply for an employment authorization document.²³ Eligibility for TPS also requires that an individual was residing in the U.S. according to specific dates laid out by U.S. DHS. For example, the recent re-designation of TPS for Venezuela indicated that individuals must have been a continuous resident in the United States since July 31, 2023.²⁴ The current countries with TPS designations are Afghanistan, Burma (Myanmar), Cameroon,

¹⁰ *Id.* at 2 n.1 (“Adjudication of refugee status takes place outside U.S. borders and is handled by the U.S. Refugee Program (USRP). Individuals approved as refugees are then resettled to the U.S. and enter the country with refugee status. They do not go through an asylum adjudication in the U.S.”).

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Fact Sheet: The Basics of U.S. Asylum Law*, HUMAN RIGHTS FIRST. Available at https://www.humanrightsfirst.org/wp-content/uploads/pdf/HRF_Fact_Sheet-The_Basics_of_US_Asylum_Law.pdf.

¹⁶ *Id.*

¹⁷ *Number of Service-wide Forms by Quarter, Form Status, and Processing Time*, U.S. CITIZENSHIP AND IMMIGRATION SERVICES. Available at https://www.uscis.gov/sites/default/files/document/data/quarterly_all_forms_fy2023_q3.pdf

¹⁸ *Id.*

¹⁹ See Immigration Law: Sanctuary Cities, Franklin County Law Library, available at <https://fclawlib.libguides.com/immigrationlaw/sanctuary> (“There’s no official legal definition for sanctuary city and what it means varies significantly from place to place. Generally speaking, local law enforcement in sanctuary cities or counties don’t ask or report the immigration status of people they come into contact with. A sanctuary jurisdiction typically refuses requests from federal immigration authorities to detain undocumented immigrants apprehended for low-level offenses. A sanctuary city would also refuse to have its local law enforcement “deputized” as federal immigration agents.”)

²⁰ Dey, Sneha, Gabriel Poblete, and Greg B. Smith, *How Gov. Greg Abbott Texas-Sized a Crisis for NYC Mayor Eric Adams*. THE CITY. (Aug. 12, 2022) Available at <https://www.thecity.nyc/immigration/2022/8/12/23302379/greg-abbott-eric-adams-asylum-crisis>.

²¹ *Temporary Protected Status*, U.S. CITIZENSHIP AND IMMIGRATION SERVICES. Available at: <https://www.uscis.gov/humanitarian/temporary-protected-status>

²² *Id.*

²³ *Id.*

²⁴ *Temporary Protected Status Designated Country: Venezuela*, U.S. CITIZENSHIP AND IMMIGRATION SERVICES. Available at: <https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-venezuela>

El Salvador, Ethiopia, Haiti, Honduras, Nepal, Nicaragua, Syria, Somalia, Sudan, South Sudan, Ukraine, Venezuela, and Yemen.²⁵ As the name suggests, TPS is a temporary status that can be extended or re-designated by DHS.²⁶ It does not lead to LPR status but does not prohibit an individual from applying for other nonimmigrant statuses or forms of relief from removal, like asylum.²⁷

c. ASYLUM SEEKERS IN NEW YORK

i. HISTORIC TRENDS

While the complete population of asylum-seeking New Yorkers is difficult to quantify, the Transactional Records Access Clearinghouse (TRAC) at Syracuse University has reported data collected through Freedom of Information Act (FOIA) requests.²⁸ Since 2001, EOIR has made 151,973 asylum determinations in NYS, granting asylum in 100,356 cases.²⁹ Recent data from the presidency of Donald Trump shows that, nationally, defensive asylum cases comprise nine out of ten asylum decisions.³⁰

NYS has historically reviewed a disproportionate number of asylum cases, compared to states across the U.S. In 2019, NYS's EOIR courts decided over 20 percent of all completed defensive asylum cases.³¹ While immigration judges—DOJ employees within EOIR—are making more asylum decisions per year, and the number of asylum grantees more than doubled from Fiscal Year 2014 to Fiscal Year 2019,³² the denial rate has increased sharply: nationally, two-thirds of applicants were denied in 2019 as compared to half in 2014.³³ Additionally, by compiling case-by-case EOIR court records, TRAC found NYS, which has historically had one of the highest acceptance rates in the nation, has also seen a rise in denial rates: 37 percent in Fiscal Year 2019 as compared to 16 percent in fiscal year 2015.³⁴ Asylum-seeking New Yorkers will face further hardship as EOIR's case backlog in NYS surpasses 193,000 cases—necessitating more resources from local legal, social service, and New York City.³⁵

ii. CURRENT ASYLUM POLICY: STATUS OF MIGRANTS AND ASYLUM SEEKERS IN NYC

In early June 2022, reports began circulating that the governors of Arizona and Texas were busing asylum seekers to Washington D.C.³⁶ Shortly thereafter, on July 19, 2022, NYC Mayor Eric Adams expressed concerns about the increase in the number of asylum seekers in the City.³⁷ On October 7, 2022, Mayor Adams declared a state of emergency in anticipation of the “highest recorded shelter census record” as recently arrived migrants and asylum seekers were being moved to NYC shelters.³⁸ The number of migrants and asylum seekers arriving in the City continued to exceed expectations. The Mayor's Office of Immigrant Affairs (MOIA) revealed that,

²⁵ *Supra* note 21

²⁶ *Id.*

²⁷ *Id.*

²⁸ *About TRAC*, TRAC IMMIGRATION. Available at <http://foiaproject.org/about/about-trac/>.

²⁹ *Asylum Decisions APP*, TRAC IMMIGRATION. Available at <https://trac.syr.edu/phptools/immigration/asylum/>.

³⁰ *Asylum Grant Rates Climb Under Biden*. TRAC IMMIGRATION. Available at <https://trac.syr.edu/immigration/reports/667/>.

³¹ *Asylum Decisions Vary Widely Across Judges and Courts – Latest Results*, TRAC IMMIGRATION. Available at <https://trac.syr.edu/immigration/reports/590/>.

³² *Record Number of Asylum Cases in FY 2019*, TRAC IMMIGRATION. Available at <https://trac.syr.edu/immigration/reports/588/>.

³³ Beth Fertig, *Why It's Harder to Win Asylum, Even in New York*, WNYC (May 15, 2019). Available at <https://www.pri.org/stories/2019-05-15/why-its-harder-win-asylum-even-new-york>. See also *Asylum Grant Rates Climb Under Biden* *supra* note 24.

³⁴ *Id.*

³⁵ *New York State Immigration Court Backlog Tool in FY 2023*, TRAC IMMIGRATION. Available at https://trac.syr.edu/phptools/immigration/court_backlog/.

³⁶ Patteson, Callie. *Arizona, Texas sent 79 Buses of Migrants to DC Since mid-April*. NY POST (June 15, 2022). Available at <https://nypost.com/2022/06/15/arizona-texas-sent-79-buses-of-migrants-to-dc-since-april/>.

³⁷ *Mayor Adams Calls for Federal Resources to Assist with Arriving Asylum Seekers*. OFFICE OF THE MAYOR. (July 19, 2022) Available at <https://www1.nyc.gov/office-of-the-mayor/news/520-22/mayor-adams-calls-federal-resources-assist-arriving-asylum-seekers>.

³⁸ *As City Anticipates Surpassing Highest Recorded Shelter Census, Mayor Adams Declares Asylum Seeker State of Emergency, Calls for Urgent Aid From Federal, State Governments*. OFFICE OF THE MAYOR. (Oct. 7, 2022). Available at <https://www.nyc.gov/office-of-the-mayor/news/728-22/as-city-anticipates-surpassing-highest-recorded-shelter-census-mayor-adams-declares-asylum-seeker#/0>.

between August 5, 2022, and August 7, 2022, 68 asylum seekers had arrived in NYC onboard a bus from Texas.³⁹ According to the Adams Administration, by early November, at least 23,800 asylum seekers had arrived in NYC.⁴⁰ Notably, this influx of arrivals tapered off after the Biden Administration reintroduced Title 42 – detailed below – in October 2022 and the Mayor of El Paso, Texas, suspended its busing program.⁴¹ Title 42 was originally introduced in March 2020 by the Center for Disease Control (CDC).⁴² This provision gives CBP the authority to expel individuals seeking asylum if the CDC Director believes the asylum seekers could bring communicable diseases of a serious nature, such as coronavirus, to the U.S.⁴³ Although the Biden Administration terminated Title 42 in April 2022, it was reintroduced in October 2022 and led to the expulsion of over 6,000 Venezuelans.⁴⁴ As of November 15, the U.S. District Court for the District of Columbia invalidated Title 42 as “arbitrary and capricious,” in violation of the Administrative Procedure Act, enjoining Title 42 effective mid-December 2022.⁴⁵ While many experts and government bodies projected that “between 9,000 and 14,000 migrants may attempt to cross the U.S. southern border a day” once the invalidation order took effect,⁴⁶ no such surge immediately materialized.⁴⁷ In May 2023, the Biden Administration ended Title 42. In New York City, there has been a multi-agency effort to support the newly arrived asylum seekers.

iii. *TEMPORARY PROTECTED STATUS FOR MIGRANTS IN NEW YORK*

According to recent reports from federal immigration officials, record numbers of Venezuelans have been crossing into the U.S. over the U.S./Mexico border, with almost 50,000 crossing last month.⁴⁸ Similarly, reports suggest that Venezuelans constitute the highest percentage of asylum seekers in New York shelters.⁴⁹ The recent re-designation of Venezuela for TPS will likely encompass many recent asylum seekers who have come to New York, a designation that makes work authorization more quickly available. These individuals, however, will require application support in order to apply for TPS, work authorization, and fee waivers.

III. INT. 569-B LEGISLATIVE ANALYSIS

This bill would require the Department of Consumer and Worker Protection (DCWP), in coordination with MOIA, the New York City Commission on Human Rights (CCHR) and community and labor organizations, to publish on the city’s website information on the rights under federal, state and local laws that apply to all workers

³⁹ Brown, N., Beech, S., Chang, E. and Elassar, A. *At Least 68 migrants arrived in NYC over the weekend on buses sent by Texas Gov. Abbott*. CNN. (Aug. 8, 2022) Available at <https://www.cnn.com/2022/08/07/us/new-ork-migrants-buses-texas/index.html>.

⁴⁰ *Mayor Adams Announces Placement of Humanitarian Emergency Response and Relief Center to Assist Single Adult Men Seeking Asylum, City Will Demobilize Randall’s Island Relief Center*. OFFICE OF THE MAYOR. (Nov. 10, 2022). Available at <https://www.nyc.gov/office-of-the-mayor/news/827-22/mayor-adams-placement-humanitarian-emergency-response-relief-center-assist>.

⁴¹ Offenhardt, Jake and Arya Sundaram. *Number of migrant buses arriving to NYC drops following Biden’s new border policy*. GOTHAMIST. (Oct. 21, 2022). Available at <https://gothamist.com/news/number-of-migrant-buses-arriving-to-nyc-drops-following-bidens-new-border-policy>.

⁴² Gramlich, John. *Key facts about Title 42, the pandemic policy that has reshaped immigration enforcement at U.S.-Mexico border*. PEW RESEARCH (April 27, 2022). Available at <https://www.pewresearch.org/fact-tank/2022/04/27/key-facts-about-title-42-the-pandemic-policy-that-has-reshaped-immigration-enforcement-at-u-s-mexico-border/>.

⁴³ *Id.*

⁴⁴ Shoicet, Catherine E. *What is Title 42, and what happens now that a federal judge has blocked it?* CNN. (November 16, 2022). Available at <https://www.cnn.com/2022/11/16/politics/title-42-blocked-whats-next-explainer-ccc>.

⁴⁵ Jordan, Miriam and Eileen Sullivan. *Judge Invalidates Rule Allowing Migrant Expulsions on Border*. NEW YORK TIMES (Nov. 15, 2022). Available at <https://www.nytimes.com/2022/11/15/us/immigration-title-42-judge.html#:~:text=The%20pandemic%20Dera%20health%20order.allowed%20to%20pursue%20asylum%20claims>.

⁴⁶ Alvarez, Priscilla. *Biden administration projecting daily migrant border crossings could double when Trump-era policy ends*. CNN. (Nov. 30, 2022). Available at <https://www.cnn.com/2022/11/30/politics/migrant-border-crossings-could-double>.

⁴⁷ Ainsley, Julia and Martinez, Didi. *The number of migrants crossing the border has hit its lowest point since Biden hit office. Here are four reasons there was no post-Title 42 surge*. NBC News. (June 2, 2023). Available at <https://www.nbcnews.com/politics/immigration/four-reasons-there-was-no-post-title-42-migrant-border-surge-rcna87325>

⁴⁸ Montoya-Galvez, Camilo. *Record number of Venezuelan migrants crossed U.S.-Mexico border in September, internal data show*. CBS News. (October 4, 2023). Available at: <https://www.cbsnews.com/news/venezuelan-migrants-us-mexico-border-september-numbers/>

⁴⁹ Fandos, Nicholas. *Venezuelan Migrants Scored a Big Victory. How Will It Affect New York?*. NY Times. (September 21, 2023). Available at: <https://www.nytimes.com/2023/09/21/nyregion/venezuelans-migrants-work-nyc.html>

in the City, regardless of immigration status, including the right to organize a union. The bill would require employers to post this information in a conspicuous location in the workplace, and to provide a copy to employees, both existing and upon hiring. An employer whose business operates online or through a mobile application would also be required to post the information on workers' rights online or on such mobile application.

This bill would also require agency outreach to immigrant workers. MOIA, in coordination with DCWP and community and labor groups, would be required to conduct outreach to workers in the City to raise awareness of the workers' bill of rights. Such outreach would also include contact information for the City's Immigration Legal Hotline and Asylum Application Help Center, resources and contact information for immigration legal services and MOIA, information on what to expect if immigration enforcement authorities come to an individual's workplace, and information regarding federal eligibility requirements of TPS following designations, extensions, and re-designations of such status. This information would also be made available via the internet, print media, subway advertisements, and LinkNYC kiosks. Agency outreach would be required to take place at IDNYC registration sites, humanitarian emergency response and relief centers, emergency shelters, respite centers, asylum seeker resource navigation centers, and LinkNYC kiosks.

This bill would take effect 30 days after becoming law.

IV. INT. NO. 569-A AMENDMENTS

On April 28, 2023, the Committee on Immigration considered Int. 569-A, among several other bills, at a joint hearing with the Committee on Governmental Operations. The Committees received testimony from MOIA, the New York City Human Resources Administration, DCWP, Assembly Member Kenny Burgos, immigration and legal service providers and advocates, and members of the public.

After the hearing, Int. 569-A was amended to require DCWP, rather than the Office of Labor Standards specifically, to coordinate with MOIA, CCHR and community and labor organizations to create the workers' bill of rights. Bill amendments also changed the definitions of "employer" and "employee" to exclude federal, state, and municipal government employers and employees.

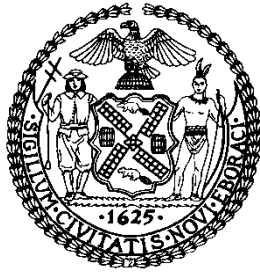
Int. 569-A was amended to specify that the workers' bill of rights must include information under relevant federal, state and local law that applies to employees, prospective employees or independent contractors in the city. The information provided would indicate which rights apply to workers regardless of immigration status and would also indicate the right to organize a union. The amendments specify that the notice must be posted in temporary languages as well as English and designated citywide languages.

The bill was amended to include the provision that employers must provide employees with the workers' bill of rights before an employee's first day of work. Although information pertaining to independent contractors would be included in the agency notice, following bill amendments, independent contractors would not be included in the employer disclosure requirement. The bill was amended so employers who violate provisions related to the posting of information in the workplace and distribution to employees shall be liable for a civil penalty of \$500, except on their first violation. Amendments to Int. 569-A provided for a cure period of 30 days for these penalties and an opportunity to recover these penalties through agencies designated to conduct these proceedings.

Int. 569-A was amended to include robust agency outreach regarding the workers' bill of rights as well as other information relevant to immigrant workers. The amendments designated MOIA as the agency responsible for coordinating with DCWP and community and labor organizations to conduct outreach to employees, prospective employees, and independent contractors in the city related to information on workers' rights, regardless of immigration status. Following amendments, the outreach would include contact information for the city's immigration legal hotline and the Asylum Application Help Center, resources and contact information for immigration legal services and MOIA, information on what to expect if immigration enforcement authorities come to an individual's workplace, and information regarding federal eligibility requirements of TPS following designations, extensions, and re-designations of such status. Amendments to the bill also indicate that MOIA's community outreach and education efforts shall include the internet, print media, subway advertisements, and

LinkNYC kiosks. The distribution of these outreach materials would also be conducted at IDNYC registration sites, humanitarian emergency response and relief centers, emergency shelters, respite centers, asylum seeker resource navigation centers and via LinkNYC kiosks. These outreach materials would be in English, the designated citywide languages, and temporary languages. The title of this bill was amended to encompass these changes.

(The following is the text of the Fiscal Impact Statement for Int. No. 569-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: 569-B

COMMITTEE: Immigration

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to a workers' bill of rights and outreach to immigrant workers.

SPONSOR(S): Council Members Hanif, Avilés, Cabán, Marte, Joseph, Nurse, Gutiérrez, Sanchez, Restler, Ossé, Richardson Jordan, De La Rosa, Riley, Louis, Schulman, Rivera, Ayala, Narcisse and Hudson.

SUMMARY OF LEGISLATION: This bill would require the Department of Consumer and Worker Protection (DCWP), in coordination with the Mayor's Office of Immigrant Affairs (MOIA), the New York City Commission on Human Rights, and community and labor organizations, to create and publish a workers' bill of rights, which would contain information on the rights and protections under federal, state, and local laws that apply to all workers in the City, regardless of immigration status. The bill would also require employers to post the workers' bill of rights in a conspicuous location in the workplace, and to provide a copy to employees upon hiring. Additionally, employers whose business operates online or through a mobile application would also be required to post the workers' bill of rights online or on such mobile application. Furthermore, the bill would require MOIA, in coordination with DCWP and community and labor groups, to conduct outreach to workers in the City to raise awareness of the workers' bill of rights. Such outreach would also include contact information for the City's Immigration Legal Hotline and Asylum Application Help Center, resources and contact information for immigration legal services, information on expectations if immigration enforcement authorities appear to an individual's workplace, and information regarding federal eligibility requirements of Temporary Protected Status following designations, extensions, and re-designations of such status.

EFFECTIVE DATE: This local law would take effect 30 days after it becomes law.

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

FISCAL IMPACT STATEMENT:

	Effective FY24	Succeeding FY25	Full Fiscal Impact FY25
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is anticipated that there would be no impact on revenues 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 agencies responsible for carrying out its requirements will utilize existing resources to fulfill its requirements.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Nia Hyatt, Senior Financial Analyst

ESTIMATE REVIEWED BY: Florentine Kabore, Unit Head
Cirilhen Francisco, Assistant Director
Chima Obichere, Deputy Director
Jonathan Rosenberg, Managing Deputy Director
Kathleen Ahn, Counsel

LEGISLATIVE HISTORY: This legislation was first introduced to the Council on July 14th, 2022 as Intro. No. 569 and was referred to the Committee on Immigration (the Committee). The legislation was subsequently amended as Proposed Intro. No. 569-A on January 6th, 2023. A joint hearing was held by the Committee and the Committee on Governmental Operations on April 28th, 2023, and the bill was laid over. The legislation has been amended and the amended version, Proposed Intro. No. 569-B, will be considered by the Committee on November 2nd, 2023. Upon successful vote by the Committee, Proposed Intro. No. 569-B will be submitted to the full Council for a vote on November 2nd, 2023.

DATE PREPARED: 10/27/2023

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 569-B:)

Int. No. 569-B

By Council Members Hanif, Avilés, Cabán, Marte, Joseph, Nurse, Gutiérrez, Sanchez, Restler, Ossé, Richardson Jordan, De La Rosa, Riley, Louis, Schulman, Rivera, Ayala, Narcisse, Hudson and Won.

A Local Law to amend the administrative code of the city of New York, in relation to a workers' bill of rights and outreach to immigrant workers.

Be it enacted by the Council as follows:

Section 1. Section 32-101 of the administrative code of the city of New York, as added by local law number 98 for the year 2016, is amended to read as follows:

§ 32-101 [Reserved.] *Definitions. a. As used in this chapter, the following terms have the following meanings:*

Commissioner. The term “commissioner” means the commissioner of consumer and worker protection.

Department. The term “department” means the department of consumer and worker protection.

Designated citywide languages. The term “designated citywide languages” has the same meaning as set forth in section 23-1101.

Employee. The term “employee” has the same meaning as set forth in section 20-912.

Employer. The term “employer” has the same meaning as set forth in section 20-912.

Mobile application. The term “mobile application” means a type of application software designed to run on a mobile device, such as a smartphone or tablet computer.

Temporary languages. The term “temporary languages” has the same meaning as set forth in section 23-1105.

Temporary protected status. The term “temporary protected status” has the same meaning as set forth in section 1254a of title 8 of the United States code.

§ 2. Chapter 1 of title 32 of the administrative code of the city of New York is amended by adding a new section 32-102 to read as follows:

§ 32-102 *Workers’ bill of rights. a. No later than March 1, 2024, the commissioner, in coordination with the mayor’s office of immigrant affairs, the commission on human rights, and community and labor organizations deemed appropriate by the commissioner, shall provide on the city’s website in English, the designated citywide languages, and temporary languages information about rights under relevant federal, state and local law that apply to employees, prospective employees or independent contractors in the city. Such information shall indicate which rights apply to workers regardless of immigration status and shall also include information about the right to organize a union.*

b. An employer shall: (i) provide to each employee employed by such employer, no later than July 1, 2024, and thereafter on or before an employee’s first day of work, the information described in subdivision a of this section; and (ii) conspicuously post the information described in subdivision a of this section at an employer’s place of business in an area accessible and visible to employees employed by such employer.

c. The information required to be provided by an employer pursuant to subdivision b of this section shall be in English and any language spoken as a primary language by at least five percent of employees employed an employer, if the commissioner has made the information available in that language.

d. An employer shall make available online or on its mobile application the information described in subdivision a of this section for employees to view if such means are regularly used to communicate with its employees.

e. Any employer who violates any provision of this section shall be liable for a civil penalty of \$500, except that with respect to a first violation, the commissioner shall notify such business of such violation and request that action be taken to correct such violation within 30 days and shall afford such business an opportunity to contest the commissioner’s finding. A proceeding to recover any civil penalty authorized pursuant to this subdivision may be brought in any tribunal established within the office of administrative trials and hearings or within any agency of the city designated to conduct such proceedings.

f. No later than March 1, 2024, the mayor’s office of immigrant affairs, in coordination with the department and community and labor organizations deemed appropriate by the department, shall conduct outreach regarding the information described in subdivision a of this section to employees, prospective employees, and independent contractors in the city. Such outreach shall also include the following:

1. Contact information for the immigration legal hotline of the city of New York and the asylum application help center of the city of New York for the duration of its length of operations;

2. Resources and contact information for immigration legal services and the mayor’s office of immigrant affairs;

3. Information on what to expect if immigration enforcement authorities come to an individual’s workplace; and

4. Information regarding federal eligibility requirements of temporary protected status following designations, extensions, and re-designations of such status pursuant to section 1254a of title 8 of the United States code.

g. Community outreach and education efforts pertaining to the information described in subdivisions a and f of this section shall be conducted via internet, print media, subway advertisements, and LinkNYC kiosks. Community outreach described in subdivision f of this section shall include but not be limited to distributing outreach materials at IDNYC registration sites, humanitarian emergency response and relief centers, emergency shelters, respite centers, asylum seeker resource navigation centers and via LinkNYC kiosks. The mayor's office of immigrant affairs shall create such outreach materials in English, the designated citywide languages, and temporary languages.

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

SHAHANA K. HANIF, *Chairperson*; FRANCISCO P. MOYA, CARMEN N. De La ROSA, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ, SANDRA UNG; 6-0-0; *Absent*: Rita C. Joseph; Committee on Immigration, November 2, 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 Small Business

Report for Int. No. 845-A

Report of the Committee on Small Business in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to reducing penalties, allowing opportunities to cure for certain violations, and eliminating certain requirements for commercial establishments; to repeal subchapters 6, 9, 12, and 15 of chapter 5 of title 20 of such code, relating to availability for sale of advertised merchandise, sale of travel tickets, delayed payment transactions billing practices, and disclosure of information by child care facilities, respectively; to repeal the row that begins 24-237(c) in table I in paragraph 5 of subdivision (b) of section 24-257 of such code, relating to penalties for operation of a steam whistle; and to make other technical changes in relation thereto.

The Committee on Small Business, to which the annexed proposed amended local law was referred on December 7, 2022 (Minutes, page 2950), respectfully

REPORTS:

I. INTRODUCTION

On November 2, 2023, the Committee on Small Business, chaired by Council Member Menin, held a vote on: Proposed Introduction Number 845-A, sponsored by Council Member Menin, in relation to reducing penalties, allowing opportunities to cure for certain violations, and eliminating certain requirements for commercial establishments; and Proposed Resolution Number 243-A, also sponsored by Council Member Menin, calling upon the New York State Legislature to pass, and the Governor to sign, S.5256, to prohibit the use of a confession of judgment in business loans. Prior versions of these bills were heard on April 12, 2023. The Committee also held a vote on Proposed Introduction Number 1083-A, sponsored by Council Member Menin, in relation to the establishment of the office of nightlife. A previous version of this bill was heard on September 26, 2023. Proposed Introduction Number 845-A was approved by the Committee by a vote of 7 in the affirmative and 0 in the negative. Proposed Resolution Number 243-A was approved by the Committee by a

vote of 7 in the affirmative and 0 in the negative. Proposed Introduction Number 1083-A was approved by the Committee by a vote of 7 in the affirmative and 0 in the negative.

II. BACKGROUND

a. *PENALTIES*

The New York City Charter and Administrative Code both contain numerous provisions that impose financial penalties for violations. Various agencies are responsible for enforcing these penalty provisions based on their mission and regulatory authority. The Citywide Administrative Procedure Act authorizes agencies to “adopt rules necessary to carry out the powers and duties delegated to it by or pursuant to federal, state or local law.”¹ This delegation includes establishing penalty schedules for violations or, where a penalty schedule is already established by local law, adding specificity to such schedule. The Act lays out the process that agencies must follow to enact or amend the rules.² Additionally, local laws often do not include one specific monetary penalty, but rather a range of possible penalties. Some laws specify the minimum and maximum dollar amounts,³ some specify a minimum but not a maximum,⁴ and some only specify the maximum penalty.⁵

b. *SMALL BUSINESS VIOLATIONS*

Small businesses in New York City must comply with regulations put forth by numerous city agencies, including the Department of Buildings (DOB), Department of Consumer and Worker Protection (DCWP), Department of Environmental Protection (DEP), Fire Department (FDNY), Department of Sanitation (DSNY), Department of Health and Mental Hygiene (DOHMH), the Commission on Human Rights (CCHR), and the Department of Transportation (DOT).⁶ These regulations provide protection for the consumers, workers and surrounding communities of New York City businesses. Violating these regulations can result in fines ranging from zero dollars for a first violation, to hundreds, to tens- or even hundreds-of-thousands of dollars based on the severity of the behavior. In some cases, responding to violations can significantly affect the financial status of a business, and small business advocates would argue that this includes violations that are minimal and can be quickly rectified.⁷

The Council and Mayor have worked in recent years to reduce or eliminate excessive fines and unnecessary violations, as seen by Local Law 135 of 2013 and Local Law 80 of 2021, which reduced penalties and introduced new opportunities for businesses to correct violations without having to pay a fine, and as evidenced more recently by Executive Order 2, introduced by the Adams Administration to reform small business violations.^{8 9}

¹ Administrative Code § 1043

² Administrative Code § 1043 (d)(2).

³ See, e.g., Administrative Code § 17-1903(a).

⁴ See, e.g., Administrative Code § 22-506(e)(3).

⁵ See, e.g., Administrative Code § 18-146(a).

⁶ NYC Business, Learn Basic Rules to Avoid Common Business Violations, <https://www.nyc.gov/nycbusiness/commonviolations/default> (accessed March 23, 2023).

⁷ Examining Federal Rulemaking Challenges and Areas of Improvement within the Existing Regulatory process: Hearing Before the S. Comm. on Homeland Sec. and Governmental Affairs, Subcomm. On Regulatory Affairs and Fed. Mgmt., 114th Cong. (2015) (statement of Drew Greenblatt).

⁸ See Local Law 153 of 2013, available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1531346&GUID=FA71F477-A3B1-4E41-859C-D7F07865EF02>

⁹ See Local Law 80 of 2021, available at <https://nyc.legistar.com/LegislationDetail.aspx?ID=4805925&GUID=2C7D9F71-D49E-499E-A21F-F6A9D5C76B90&Options=Advanced&Search=>

¹⁰ NYC.Gov. (2022) Mayor Adams Signs "Small Business Forward" Executive Order to Reform Small Business Violations. (January 4, 2022) Available at <https://www.nyc.gov/office-of-the-mayor/news/002-22/mayor-adams-signs-small-business-forward-executive-order-reform-small-business-violations#/0>.

c. EXECUTIVE ORDER 2

In response to the negative economic impacts the COVID-19 pandemic had on New York City small businesses, on January 4, 2022, Mayor Eric Adams issued Executive Order 2, entitled Small Business Forward: Review and Reform of Compliance Costs on Businesses. Mayor Adams signed this executive order “to reform existing business regulations, ensuring local businesses face fewer needless fines and penalties.”¹¹ Executive Order 2 “builds upon Local Law 80 and calls on the [DOB], [DEP], [DSNY], [FDNY], [DCWP], and [DOHMH] to review business regulations with the goal of reducing fine schedules and allowing for cure periods or warnings for first-time violations.”¹² The executive order seeks to support and further stabilize small businesses affected by the pandemic by reducing or eliminating onerous regulations that burden small businesses and stymie their growth.¹³

Mayor Adams signed Executive Order 2 to reform current business regulations, lower compliance costs affecting local businesses, and allow sufficient opportunity for business owners to remedy outstanding issues. The executive order precipitated a sweeping review of small business regulations, inspection practices and fine schedules at major city agencies.¹⁴ Introduction 845 includes many of the proposed Administrative Code changes that were identified in that review.

d. CONFESSION OF JUDGMENT

In addition to ensuring that their business adheres to the rules and regulations outlined by city agencies, small business owners must also make decisions related to the financial nature of their businesses, including taking out loans. However, in some cases, taking out a loan or obtaining a cash advance can burden small businesses further.¹⁵ In New York State, in-state lenders are allowed to attach a confession of judgment to a business loan.¹⁶ A confession of judgment is a legal document that can be attached to a loan that stipulates that the borrower waives their right to due process, and the lender can obtain a judgment without a lawsuit if a debt goes unpaid.¹⁷ Confessions of judgment have been used as a weapon by predatory lenders and have resulted in lenders taking advantage of small businesses, including those suffering economically from the pandemic.¹⁸ New York currently prohibits the use of confessions of judgment from out-of-state lenders, but the practice is still legal for in-state lenders.¹⁹ To address these malicious lending practices, legislation was recently introduced at the state level to prohibit the use of a confession of judgment for business loans.²⁰

¹¹ “Mayor Adams Signs ‘Small Business Forward’ Executive Order to Reform Small Business Violations.” <https://www.nyc.gov/office-of-the-mayor/news/002-22/mayor-adams-signs-small-business-forward-executive-order-reform-small-business-violations#/0> (last accessed March 27, 2023).

¹² *Id.*

¹³ Small Business Forward. NYC.gov. <https://www.nyc.gov/assets/home/downloads/pdf/press-releases/2022/Small-Business-Forward.pdf> at 3 (last accessed March 28, 2023).

¹⁴ *See generally id.*

¹⁵ Joseph, George and Ben Brachfeld. “New York Businesses Say Cash Advance Firms Sent Threats and Looted Bank Accounts.” *The City*. Sept. 21, 2022. Available at: <https://www.thecity.nyc/2022/9/21/23365652/merchant-cash-advance-new-york-threats-courts>

¹⁶ Emmett, Marvin & Martin LLP. “Confessions of Judgment: Practices in New York, Pennsylvania, and Ohio.” *JDSupra*. March 23, 2023. Available at: <https://www.jdsupra.com/legalnews/confessions-of-judgment-practices-in-7314951/>

¹⁷ Joseph, *supra* note 18

¹⁸ *Id.*

¹⁹ Frank, Frank, Goldstein & Nager. “You’re in New York. Your Debtor Is In New Jersey. Can You Execute A Confession of Judgment?” *Frank, Frank, Goldstein & Nager Blog*. May 8, 2020. Available at: <https://ffgnesqs.com/confession-of-judgment-new-jersey-new-york/>

²⁰ S2632, 2021-2022 Legislative Session. (NY 2023). <https://www.nysenate.gov/legislation/bills/2021/s2632>; A2443, 2021-2022 Legislative Session. (NY 2023). <https://www.nysenate.gov/legislation/bills/2021/a2443>

e. OFFICE OF NIGHTLIFE (ONL)

New York City's nightlife industry, worth \$35.1 billion as of 2019,²¹ is renowned across the world.²² The industry is estimated to contribute 300,000 jobs as well as \$700 million a year to New York City's economy.²³ The sector includes over 25,000 establishments, including many small businesses.²⁴ Although the pandemic heavily impacted the nightlife industry,²⁵ 2023 saw sectors of the industry begin to approach their pre-pandemic trajectory.²⁶

While nightlife establishments are critical contributors to local culture, they face a complex regulatory environment. New York City's infamous "cabaret law," which prohibited public dancing without a cabaret license until its repeal in 2017, exemplified this paradox.²⁷ To better support the specific challenges faced by the nightlife industry, the City Council voted in 2017 to establish an Office of Nightlife (ONL) and Nightlife Advisory Board.²⁸ ONL is responsible for reviewing information on complaints and violations, and serving as a liaison between nightlife establishments, residents, and government.²⁹ Additionally, the ONL is required to support nightlife establishments in obtaining relevant licenses, permits, or other approvals.³⁰ The Nightlife Advisory Board is a 14-member, all volunteer, independent body providing the Mayor and City Council with advice and recommendations related to nightlife specific issues.³¹ Local law 178 of 2017 also required the mayor to determine how the office would be established, either within an office of the mayor, as a separate office, or within an agency that does not enforce any local laws against nightlife establishments.³² In 2017, Mayor Bill de Blasio indicated that the Office of Media and Entertainment (MOME) would expand to include this newly created office.³³

ONL continues to function as the city's main resource for the nightlife environment. The office's website provides resources for opening and operating a nightlife establishment, nightlife industry and community resources, nightlife community and culture, and ONL programs and initiatives.³⁴

III. INTRODUCTION 845-A LEGISLATIVE ANALYSIS

This bill would amend various provisions of the Administrative Code of the City of New York to reduce certain penalties, allow opportunities to cure for certain violations, and eliminate certain cumbersome requirements for commercial businesses operating in the City. The bill would amend violations and other

²¹ NYC Mayor's Office of Media and Entertainment. "NYC's Nightlife Economy Impact, Assets, and Opportunities." (2019) Available at: https://www.nyc.gov/assets/mome/pdf/NYC_Nightlife_Economic_Impact_Report_2019_digital.pdf

²² Kocay, Lisa. "Inside New York City's Nightlife: How The Dance Music Scene Has Changed, According To The City's Top Movers And Shakers." FORBES. (May 24, 2023) Available at: <https://www.forbes.com/sites/lisakocay/2023/05/24/inside-new-york-citys-nightlife-how-the-dance-music-scene-has-changed-according-to-the-citys-top-movers-and-shakers/?sh=5e4f651469ae>

²³ *Supra note 1*

²⁴ *Id.* "The majority of small business owners operate exclusively in New York City and report employing fewer than 50 employees"

²⁵ Finley, Louis. "New York nightlife bouncing back despite COVID." NY1. (May 23, 2022) Available at: <https://ny1.com/nyc/all-boroughs/news/2022/05/23/new-york-nightlife-bouncing-back-covid>

²⁶ NYC Comptroller Brad Lander. "New York by the Numbers Monthly Economic and Fiscal Outlook." Available at: <https://comptroller.nyc.gov/newsroom/newsletter/new-york-by-the-numbers-monthly-economic-and-fiscal-outlook-no-81-september-12th-2023/> (Accessed on September 20, 2023)

²⁷ Stewart, Dodai. "Last Call for New York's First 'Bar Czar.'" NY TIMES. (March 18, 2023) Available at: <https://www.nytimes.com/2023/03/18/nyregion/ariel-palitz-nyc-nightlife.html#:~:text=The%20Office%20of%20Nightlife%20was,when%20she%20arrived%20in%202018>

²⁸ Int. No. 1688, L.L. 178 -2017. Available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3131400&GUID=E6CEAE78-6D18-4C8F-8124-D9445FEF838F&Options=ID|Text|Search=office+of+nightlife>

²⁹ *Id.*

³⁰ *Id.*

³¹ NYC Mayor's Office of Media and Entertainment, Nightlife Advisory Board Page, Available at: <https://www.nyc.gov/site/mome/nightlife/advisory-board.page> (Accessed on September 20, 2023)

³² *Supra note 8*

³³ NYC Mayor's Office of Media and Entertainment. "Mayor de Blasio Signs Bill Establishing 'Nightlife Mayor.'" (September 19, 2017) Available at: <https://www.nyc.gov/site/mome/news/091917-nightlife-office.page>

³⁴ NYC Mayor's Office of Media and Entertainment, Office of Nightlife Page, available at: <https://www.nyc.gov/site/mome/nightlife/nightlife.page> (Accessed on September 20, 2023)

operational provisions under the jurisdictions of DOT, DSNY, DOHMH, DCWP, and DEP. Proposed Int. 845-A touches on over a dozen policy issues, from hazardous waste to childcare centers. The bill contains 20 sections.

Sections 1 and 2 would amend provisions enforced by DOT relating to businesses using bicycles for commercial purposes. Section 1 would amend § 10-157 of the Administrative Code to reduce the civil penalties for failure to maintain a roster of bicycle operators to \$0 (from \$100) for the first violation, and \$100 (from an additional \$250) for subsequent penalties after 30 days, include a cure period, and make other technical changes. Section 2 would amend § 10-157.1 of the Code to similarly reduce the penalty for failure to post required signage outlining bicycle safety procedures at the business site.

Sections 3 through 6 would amend provisions enforced by DSNY relating to commercial recycling and commercial organics labeling and signage. Section 3 would simplify the signage requirements for businesses regarding the collection of organic waste in § 16-306.1(c) of the Administrative Code. Section 4 would renumber paragraphs in § 16-324(a) of the Code related to the enforcement of solid waste recycling provisions. Section 5 would add a new paragraph to § 16-324(a) of the Code to set a \$0 penalty for the first-time violation of certain labeling and signage requirements that are necessary for commercial recycling. Section 6 would amend § 16-324(e) to similarly set a \$0 penalty for the first-time violations of requirements pertaining to organics disposal by commercial establishments.

Sections 7 through 11 would amend provisions enforced by DOHMH pertaining to certain requirements and penalties in restaurants and pet shops and make other technical changes. Section 7 would amend § 17-172 of the Administrative Code to require DOHMH to provide, at no cost to a restaurant, a mandated sign detailing how to assist a person who is choking. Section 8 would make technical changes to renumber certain sections of Title 17 of the Code. Section 9 would amend § 17-199.11 of the Code to reduce to \$50 (from \$100) the penalty following a violation of the prohibition on providing certain beverages with a children's meal. Section 10 would amend § 17-1507 of the Code to reduce to \$200 (from \$500) the maximum penalty after a violation for failing to display required healthy eating information. Section 11 would amend § 17-1702(a) of the Code to permit a pet shop to collect required information about the source of a dog or cat by a sworn affidavit from the source, given that the U.S. Department of Agriculture's (USDA) inspection report, previously available on the USDA website, went down after § 17-1702(a) was enacted.

Sections 12 through 16 would amend provisions enforced by DCWP concerning certain requirements and penalties for violations. Section 12 would amend § 20-241.1 of the Administrative Code to set an initial penalty of \$0 for preparing or accepting payment for merchandise at a stoop line stand. Section 13 would amend § 20-545 of the Code to permit car wash businesses to correct and cure first-time recordkeeping violations. Section 14 would amend § 20-688 of the Code to set an initial penalty of \$0 (from \$100) for selling perishable food without a printed sell-by date and to set upper limits of \$175 for a second violation and \$275 for a third and any subsequent violation. Section 15 would repeal certain subchapters of chapter 5 of title 20 of the Code, which regulates unfair trade practices: subchapter 6, which requires businesses with raincheck policies to post signs; subchapter 9, which regulates the sale of travel tickets; subchapter 12, which regulates delayed payment transactions; and subchapter 15, which requires disclosure of certain information by childcare facilities. Section 16 would amend § 20-910 of the Code to set an initial penalty of \$0 (down from \$250) for running an air conditioner while a door or window is open and to set an upper limit of \$500 for each open door or window for any second and subsequent violation within an 18-month period.

Sections 17 through 19 would amend provisions enforced by DEP relating to certain penalties in the Noise Control Code and the Community Right-to-Know Law. Section 17 would amend § 24-237 of the Code to eliminate the prohibition on using a steam whistle attached to a stationary boiler. Section 18 would amend the penalty schedule in § 24-257 of the Code to repeal the penalties for the violations of the Noise Control Code that the bill would revoke and make other technical edits. Section 19 would amend § 24-713(b) of the Code to reduce the minimum penalty to \$100 (from \$500) for a first violation of the requirements of the Community Right-to-Know Law related to facility inventory reporting, labeling, and risk management plans.

This bill would take effect immediately, except that the provisions amending penalties enforced by DSNY and DCWP would take effect 180 days after becoming law.

IV. INTRODUCTION 845 AMENDMENTS

On April 12, 2023, the Committee on Small Business considered Introduction 845 at a hearing. The Committee received testimony from the Department of Small Business Services, NYC Hospitality Alliance, and Food Industry Alliance of New York State. Additionally, the Committee received feedback on Introduction 845 from DSNY, DOHMH, DEP, and DCWP. Sections 1 and 2 of Introduction 845 were amended to include cure periods for DOT violations for the failure to maintain a roster of bicycle operators and for the failure to post required signage outlining bicycle safety procedures at the business site. Int. 845 amendments also include the removal of provisions related to plastic beverage straw violations, including the requirement that a restaurant not enquire into the reason for a request for a plastic straw; the specification that plastic straws must be used on restaurants' premises; and the requirement that certain restaurants provide a bin for the disposal of compostable beverage straws that are made from plastic. Int. 845 amendments also included the removal of Section 14 related to penalties for restaurants violating the prohibition on selling force-fed products. Sections 19 and 20 were also removed in the Int. 845 amendments for penalties related to businesses failing to provide a client with a consumer bill of rights regarding tax preparers and penalties related to the sale of expired over-the-counter medication, respectively. Finally, amendments to Int. 845 removed Sections 22 and 23 relating to repealing restrictions on the use of mobile telephones in places of public performance and rescinding the prohibition on unreasonable noise from a personal audio device.

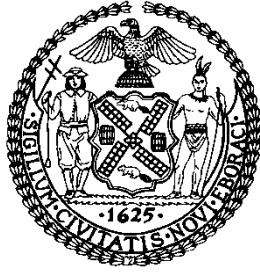
V. RESOLUTION 243-A LEGISLATIVE ANALYSIS

This resolution calls upon the New York State Legislature to pass, and the Governor to sign, S.5256/A.7196, to prohibit the use of a confession of judgment in business loans. A confession of judgment is a legal document that is used to bypass typical court proceedings to obtain a judgment and can be included with a business loan. In New York City, many of the business loans that taxi medallion owners have taken out to finance the purchase of their vehicles include a confession of judgment. If a confession of judgment is signed, the loan recipient waives their right to due process if the debt is unpaid and there is a dispute, and the lender can obtain a judgment without bringing a lawsuit. Confessions of judgment are often included with loans and cash advances from predatory lenders. The federal government has only banned the use of confessions of judgment in consumer loans, but the United States Federal Trade Commission has called for banning the use of confessions of judgment in loans to small businesses. Currently, New York State only bans the use of confessions of judgment with out-of-state lenders. S.5256/A.7196 would ban the inclusion of a confession of judgment in a contract or agreement for a financial product or service in New York State.

VI. INTRODUCTION 1083-A LEGISLATIVE ANALYSIS

This bill would amend the New York City Charter to authorize the mayor to establish the Office of Nightlife within the Department of Small Business Services. The bill would take effect immediately upon becoming law. Following its initial hearing on September 26, 2023, the bill was amended to correct minor typographical errors.

(The following is the text of the Fiscal Impact Statement for Int. No. 845-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: 845-A

COMMITTEE: Small Business

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to reducing penalties, allowing opportunities to cure for certain violations, and eliminating certain requirements for commercial establishments; to repeal subchapters 6, 9, 12, and 15 of chapter 5 of title 20 of such code, relating to availability for sale of advertised merchandise, sale of travel tickets, delayed payment transactions billing practices, and disclosure of information by child care facilities, respectively; to repeal the row that begins 24-237(c) in table I in paragraph 5 of subdivision (b) of section 24-257 of such code, relating to penalties for operation of a steam whistle; and to make other technical changes in relation thereto.

SPONSOR(S): Council Members Menin, Louis, Marte, Yeger, Hanks, Avilés, Powers, Hudson, Rivera, and the Public Advocate (Mr. Williams) (by request of the Mayor).

SUMMARY OF LEGISLATION: This bill would reduce penalties, allow opportunities to cure for certain violations, and eliminate certain requirements for commercial establishments.

EFFECTIVE DATE: This bill would take effect immediately, except that sections three, four, five, six, twelve, thirteen, fourteen, fifteen and sixteen of the bill would take effect 180 days after it becomes law.

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

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation, as the agency responsible for carrying out its requirements will utilize existing resources to fulfill its requirements.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Glenn P. Martelloni, Financial Analyst

ESTIMATE REVIEWED BY: Jack Storey, Unit Head
Chima Obichere, Deputy Director
Jonathan Rosenberg, Managing Deputy Director
Kathleen Ahn, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council on December 7, 2022, as Proposed Intro. No. 845, and was referred to the Committee on Small Business (the Committee). A hearing was held by the Committee on April 12, 2023, and the legislation was laid over. The legislation was subsequently amended and the final amended version, Proposed Intro. No. 845-A, will be voted on by the Committee at a hearing on November 2, 2023. Upon a successful vote by the Committee, Proposed Intro. No. 845-A will be submitted to the full Council for a vote on November 2, 2023.

DATE PREPARED: October 27, 2023.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 845-A:)

Int. No. 845-A

By Council Members Menin, Louis, Marte, Yeger, Hanks, Avilés, Powers, Hudson, Rivera, Velázquez, Lee and the Public Advocate (Mr. Williams) (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to reducing penalties, allowing opportunities to cure for certain violations, and eliminating certain requirements for commercial establishments; to repeal subchapters 6, 9, 12, and 15 of chapter 5 of title 20 of such code, relating to availability for sale of advertised merchandise, sale of travel tickets, delayed payment transactions billing practices, and disclosure of information by child care facilities, respectively; to repeal the row that begins 24-237(c) in table I in paragraph 5 of subdivision (b) of section 24-257 of such code, relating to penalties for operation of a steam whistle; and to make other technical changes in relation thereto

Be it enacted by the Council as follows:

Section 1. Subdivisions g and h of section 10-157 of the administrative code of the city of New York, as amended by local law number 91 for the year 2017, are amended to read as follows:

g. A business using a bicycle for commercial purposes shall be responsible for the compliance with the provisions of this section of its bicycle operators.

(1) Violation of any of the provisions of this section by any such business, or of any of the rules or regulations that may be promulgated pursuant hereto, shall be a violation triable by a judge of the criminal court of the city of New York and upon conviction thereof shall be punishable by a fine of not less than [one hundred dollars] \$100 nor more than [two hundred fifty dollars] \$250 or imprisonment for not more than [fifteen] 15 days or both such fine and imprisonment. [In addition, any]

(2) Any such business that violates any of the provisions of this section or any of the rules promulgated pursuant hereto, *except subdivision d of this section and any of the rules promulgated pursuant to such subdivision*, shall be subject to a civil penalty of [one hundred dollars] \$100. Any such business that violates a provision of this section or rule promulgated pursuant hereto more than [thirty] 30 days after such business has already violated the same provision or rule shall be subject to an additional civil penalty of [two hundred fifty dollars. Such civil penalties] \$250. *Any such business that violates subdivision d of this section or any of the rules promulgated pursuant hereto shall be subject to a civil penalty of \$100, except that with respect to first time violations of such subdivision, the commissioner of transportation shall notify such business of such violation and request that action be taken to correct such violation in such a manner within 30 days and shall afford such business an opportunity to contest the commissioner's finding in a manner set forth in the rules of the department of transportation. Civil penalties issued pursuant to this paragraph* may be in addition to any criminal penalty imposed, and shall be recoverable against such business in an action or proceeding in any court or tribunal of competent jurisdiction or the environmental control board.

h. Any bicycle operator who makes deliveries or otherwise operates a bicycle on behalf of a business using a bicycle for commercial purposes without carrying the identification card required by subdivision c of this section, or who fails to produce such identification card upon demand pursuant to such subdivision, or who fails to wear protective headgear required by subdivision e of this section or the retro-reflective apparel required by subdivision i of this section, shall be guilty of a traffic infraction and upon conviction thereof shall be liable for a fine of not less than [twenty-five dollars] \$25 nor more than [fifty dollars] \$50. It shall be an affirmative defense to such traffic infraction that such business did not provide the protective headgear, the identification card or the retro-reflective apparel required by subdivisions c, e or i of this section. Such traffic infraction may be adjudicated by an administrative tribunal authorized under article [two-A] 2-A of the vehicle and traffic law.

§ 2. Subdivision d of section 10-157.1 of the administrative code of the city of New York, as amended by local law number 56 for the year 2012, is amended to read as follows:

d. (1) The violation of any provision of subdivision a or b of this section, or of any of the rules or regulations that may be promulgated pursuant hereto, shall be a violation triable by a judge of the criminal court of the city of New York and upon conviction thereof shall be punishable by a fine of not less than [one hundred dollars] \$100 nor more than [two hundred fifty dollars] \$250 or imprisonment for not more than [fifteen] 15 days or both such fine and imprisonment. [In addition, any business using a bicycle for commercial purposes, as defined in subdivision a of section 10-157 of this chapter who violates]

(2) *The violation of any provision of subdivision a or b of this section or any of the rules or regulations promulgated pursuant hereto shall be [subject to] punishable by a civil penalty of [one hundred dollars. Any such business that violates a] \$100 and a second or subsequent violation of the same provision of this section or rule promulgated pursuant hereto more than [thirty] 30 days after [such business has already violated the same provision or rule shall be subject to] such prior violation shall be punishable by an additional civil penalty of [two hundred fifty dollars.] \$100. With respect to first time violations of such subdivisions or rules, the commissioner of transportation shall notify a business using a bicycle for commercial purposes of such violation and request that action be taken to correct such violation in such a manner within 30 days and shall afford such business an opportunity to contest the commissioner's finding in a manner set forth in the rules of the department of transportation. Such civil penalties may be in addition to any criminal penalty imposed, and shall be recoverable against such business in an action or proceeding in any court or tribunal of competent jurisdiction or the environmental control board.*

§ 3. Subparagraph ii of paragraph 1 of subdivision c of section 16-306.1 of the administrative code of the city of New York, as added by local law number 146 for the year 2013, is amended to read as follows:

ii. post a sign, which shall be in addition to any other sign required to be posted pursuant to this code, that states clearly and legibly the trade or business name, address, and telephone number of, and the day and time of pickup by, the private carter that collects the covered establishment's organic waste, [that such covered establishment transports its own organic waste, or that such covered establishment provides for on-site processing for all of the organic waste it generates on its premises,] provided that:

(A) such sign shall be prominently displayed by affixing it to a window near the principal entrance to the covered establishment so as to be easily visible from outside the building or, if this is not possible, prominently displayed inside the covered establishment near the principal entrance;

(B) catering establishments shall not be required to display on such sign the day and time of the pickup by the private carter that collects the establishment's organic waste; and

(C) this paragraph shall not apply to sponsors of temporary public events;

§ 4. Paragraphs 3, 4, and 5 of subdivision a of section 16-324 of the administrative code of the city of New York are renumbered paragraphs 4, 5, and 6, respectively.

§ 5. Paragraph 2 of subdivision a of section 16-324 of the administrative code of the city of New York, as added by local law number 34 for the year 2010, is amended, and subdivision a of section 16-324 of such code is amended to add a new paragraph 3, to read as follows:

2. For residential buildings containing nine or more dwelling units [and commercial, manufacturing or industrial buildings,] the civil penalty shall be in an amount of one hundred dollars for the first violation, two hundred dollars for the second violation committed on a different day within a period of twelve months, and four hundred dollars for the third and each subsequent violation committed on a different day within a period of twelve months, provided that the court before which such civil action is brought or such board may waive the penalty for the first violation upon a showing of good cause. The owner, net lessee or person in charge of any residential building of nine or more dwelling units [or a commercial, manufacturing or industrial building] with respect to which four or more violations were committed on different days within a period of six months shall be classified as a persistent violator.

3. (a) *For commercial, manufacturing or industrial buildings, the civil penalty shall be in an amount of one hundred dollars for the first violation, two hundred dollars for the second violation committed on a different day within a period of twelve months, and four hundred dollars for the third and each subsequent violation committed on a different day within a period of twelve months, provided that the court before which such civil action is brought or such board may waive the penalty for the first violation upon a showing of good cause. The owner, net lessee or person in charge of any commercial, manufacturing or industrial building with respect to which four or more violations were committed on different days within a period of six months shall be classified as a persistent violator.*

(b) *Notwithstanding subparagraph (a) of this paragraph, a civil penalty of zero dollars shall be imposed for a first violation relating to any labelling or signage requirement set forth in section 1-10 of title 16 of the rules of the city of New York, except the requirements of paragraph (2) of subdivision (d) of such section. The notice of violation for such first-time violation shall inform the respondent of the provision of law or rule that the department believes the respondent has violated, describe the condition or activity that is the basis for the notice of violation, and advise the respondent that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties. Any person who violates a requirement relating to labeling or signage set forth in section 1-10 of title 16 of the rules of the city of New York, except requirements of paragraph (2) of subdivision (d) of such section, shall be subject to a civil penalty of two hundred dollars for the second violation committed on a different day within a period of twelve months, and four hundred dollars for the third and subsequent violation committed on a different day within a period of twelve months. The owner, net lessee or person in charge of any commercial, manufacturing or industrial building with respect to which four or more violations were committed on different days within a period of six months shall be classified as a persistent violator.*

§ 6. Paragraph 1 of subdivision e of section 16-324 of the administrative code of the city of New York, as amended by local law number 80 for the year 2020, is amended to read as follows:

(1) Any covered establishment that violates section 16-306.1 of this chapter or rules of the department, the department of health and mental hygiene, or the department of consumer and worker protection promulgated pursuant thereto shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner or the commissioner of health and mental hygiene, or the commissioner of consumer and worker protection, or in a proceeding returnable before any tribunal established within the office of administrative trials and hearings, in the amount of [two hundred fifty] *zero* dollars for the first violation, five hundred dollars for the second violation committed on a different day within a period of twelve months, and one thousand dollars for the third and each subsequent violation committed on different days within a period of twelve months, except that the department, the department of health and mental hygiene, and the department of consumer and worker protection shall not issue a notice of violation, but shall issue a warning, for any violation by a designated covered establishment that occurs during the first twelve months after the commissioner designates such covered establishment pursuant to subdivision b of section 16-306.1. *The notice of violation for such first-time violation*

shall inform the respondent of the provision of law or rule that the department, the department of health and mental hygiene, or the department of consumer and worker protection believes the respondent has violated, describe the condition or activity that is the basis for the notice of violation, and advise the respondent that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties.

§ 7. Subdivision c of section 17-172 of the administrative code of the city of New York is amended to read as follows:

c. Fees. The department shall make signs available[, and may charge a fee to cover printing, postage and handling expenses] *at no cost to such an establishment.*

§ 8. Sections 17-199.3.2, 17-199.5, and 17-199.6 of the administrative code of the city of New York, such section 17-199.3.2 as added by local law number 89 for the year 2022, such section 17-199.5 as added by local law number 118 for the year 2017, and such section 17-199.6 as added by local law number 182 for the year 2017, are renumbered as sections 17-199.3.3, 17-197.1, and 17-199.12.1, respectively.

§ 9. Subdivision d of section 17-199.11 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

d. Any food service establishment that violates any of the provisions of this section or any rule promulgated thereunder by the department shall be liable for a civil penalty of [\$100] \$50. Where a person is found to have violated this section or any rule promulgated thereunder by the department, the department shall commence a proceeding to recover any civil penalty authorized by this section by the service of a summons returnable to the office of administrative trials and hearings.

§ 10. Subdivision c of section 17-1507 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

c. Any food service establishment that violates subdivision a of this section, or any rules promulgated pursuant to this section, shall be liable for a civil penalty of not more than [\$500] \$200, recoverable in a proceeding before any tribunal established within the office of administrative trials and hearings or within any agency of the city of New York designated to conduct such proceedings.

§ 11. Subdivision a of section 17-1702 of the administrative code of the city of New York, as amended by local law number 53 for the year 2015, is amended to read as follows:

a. Any pet shop that displays, offers for sale, delivers, barter, auctions, gives away, transfers or sells any dog or cat shall obtain such dog or cat from a source that, as of the date such pet shop receives such animal, *shall attest in a sworn affidavit that such source:*

1. holds a valid and active class A license that has not been suspended at any time during the prior five years[, as such information is available from the United States department of agriculture]; and

2. has not received any of the following in connection with such license[, as such information is available from the United States department of agriculture]:

(a) a finally determined “direct” non-compliant item citation pursuant to 7 U.S.C. § 2131, et seq., and regulations promulgated thereunder[, as indicated on any United States department of agriculture inspection report] at any time during the prior three years; or

(b) a finally determined citation for failure to provide inspectors access to property or records as required pursuant to 9 C.F.R. § 2.126, or successor regulations[, as indicated on] in either of the two most recent United States department of agriculture inspection reports; or

(c) three or more distinct finally determined non-compliant item citations pursuant to 7 U.S.C. § 2131, et seq., and regulations promulgated thereunder, other than citations for failure to provide inspectors access to property or records as required pursuant to 9 C.F.R. § 2.126, or successor regulations, [as indicated on] in the most recent United States department of agriculture inspection report; or

(d) one or more finally determined repeat non-compliant item citations pursuant to 7 U.S.C. § 2131, et seq., and regulations promulgated thereunder, [as indicated on] in the most recent United States department of agriculture inspection report; or

(e) a finally determined order to cease and desist, issued by an administrative law judge, at any time during the prior five years; or

(f) a finally determined order to pay a civil penalty, issued by an administrative law judge, at any time during the prior five years; and

3. [provides to such pet shop a sworn affidavit attesting that such source] has not been convicted of a violation of the minimum standards of animal care provided for in section four hundred one of the agriculture and markets law at any time during the prior five years; and

4. [provides to such pet shop a sworn affidavit attesting that] *has never been convicted of an animal abuse crime* prior to delivering such animal or animals into the custody of such pet shop [such source has never been convicted of an animal abuse crime].

§ 12. Section 20-241.1 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

d. Notwithstanding any inconsistent provision of this section, a person who violates subdivisions (e) or (f) of section 2-70.2 of title 6 of the rules of the city of New York, or any successor to such provisions, shall be liable for a civil penalty of: (i) zero dollars for a first violation; (ii) not more than one hundred seventy-five dollars for a second violation; and (iii) not more than three hundred dollars for a third or subsequent violation.

§ 13. Section 20-545 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

d. Notwithstanding any other section of this title, a person shall be subject to a civil penalty of zero dollars for a first violation of section 20-544 of this subchapter or any rule promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes other than being the basis for the suspension or revocation of a license pursuant to subdivision a of this section. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-544 of this subchapter or any rule promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 14. Section 20-688 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

§ 20-688 Penalties. Any person, firm, corporation or association or agent or employee thereof, who shall violate any of the provisions of this subchapter or of the regulations promulgated pursuant to section 20-686 shall pay a civil penalty of [one hundred] *zero* dollars for the first violation, *not more than* one hundred seventy-five dollars for the second violation and *not more than* two hundred twenty-five dollars for the third and any subsequent violation; and shall, upon conviction thereof, be punished by a fine of not less than twenty-five nor more than two hundred fifty dollars for each such violation.

§ 15. Subchapters 6, 9, 12, and 15 of chapter 5 of title 20 of the administrative code of the city of New York are REPEALED.

§ 16. Subdivisions e and f of section 20-910 of the administrative code of the city of New York, subdivision e as amended by local law number 92 for the year 2015 and subdivision f as added by such local law, are amended to read as follows:

e. [(i) Prior to July 1, 2016, any person who violates this section shall receive a written warning for the first violation, and shall be liable for a civil penalty in the amount of two hundred fifty dollars for each open door or window for a second violation within an eighteen month period and five hundred dollars for each open door or window for any third and subsequent violation within an eighteen month period, except that such person shall be liable for a civil penalty in the amount of five hundred dollars for each open door or window for a second violation within an eighteen month period and one thousand dollars for each open door or window for any third and subsequent violation within an eighteen month period if the violation occurs at a store that is part of a chain of stores.

(ii) On and after July 1, 2016, any] *Any* person who violates this section shall be liable for a civil penalty in the amount of [two hundred fifty] *zero* dollars for each open door or window for the first violation and *not more than* five hundred dollars for each open door or window for any second and subsequent violation within an eighteen month period, except that such person shall be liable for a civil penalty in the amount of *not more than* five hundred dollars for each open door or window for the first violation and *not more than* one thousand dollars

for each open door or window for any second and subsequent violation within an eighteen month period if the violation occurs at a store that is part of a chain of stores.

[(iii) All violations issued prior to July 1, 2016, shall continue to count toward the cumulative total of violations issued to a person for the purpose of assessing the amount of a civil penalty under paragraph (i) or (ii) of this subdivision.]

f. Every store that is part of a chain of stores shall conspicuously post on each door a notice that states that violations of this section may be reported to 311. Such notice must be in the form and must contain the content as provided by the commissioner on the department’s website. *Notwithstanding subdivision e of this section, any person who violates this subdivision or any rule promulgated thereunder shall be liable for a civil penalty not to exceed five hundred dollars, except that a person shall be subject to a civil penalty of zero dollars for the first violation of this subdivision or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of this subdivision or any rule promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department’s administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.*

§ 17. Subdivisions (c) and (d) of section 24-237 of the administrative code of the city of New York, as added by local law number 113 for the year 2005, are amended to read as follows:

(c) [No person shall operate or use or cause to be operated or used any steam whistle attached to any stationary boiler, except to give notice of the time to start and stop work or as a sound signal of imminent danger.

(d)] No person shall operate or use or cause to be operated or used on any public right-of-way any electrically operated or electronic sound signal device (other than a safety device, such as but not limited to a car horn or back up signal, that is actually used for its intended purpose) attached to, on or in a motor vehicle, wagon or manually propelled cart from which food or any other items are sold or offered for sale when the vehicle is stopped, standing or parked. For the purposes of this subdivision the term "stopped" means the halting of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with a police officer or other authorized enforcement officer or a traffic control sign or signal. The terms "standing" and "parked" shall be as defined in the vehicle and traffic law.

§ 18. The row in table I in paragraph 5 of subdivision (b) of section 24-257 of the administrative code of the city of New York that begins 24-237(c) is REPEALED, and the row in such table that begins 24-237(d), as amended by local number 80 for the year 2021, is amended to read as follows:

TABLE I						
Civil Penalties						
Violations related to section and subdivision	First Violation		Second Violation*		Third and Subsequent Violations*	
	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum
[24-237(d)] 24-237(c)	350	350	700	700	1,050	1,050

§ 19. Subdivision (b) of section 24-713 of the administrative code of the city of New York, as amended by local law number 82 for the year 2003, is amended to read as follows:

(b) Any person who violates the requirements of sections 24-706, 24-711 or 24-718 of this chapter shall be liable for a civil penalty, as follows: (1) for a first violation, in an amount of not less than [five] *one* hundred nor more than five thousand dollars; (2) for a second violation, in an amount of not less than three thousand five

hundred nor more than ten thousand dollars; and (3) for each subsequent violation, in an amount of not less than seven thousand five hundred nor more than twenty thousand dollars. For purposes of this section, the second and any subsequent violation shall only occur after notice of the first violation has been properly served and an opportunity to cure said violation has been provided to the violator, provided that such opportunity to cure shall not exceed thirty days. For purposes of this section, a second or subsequent violation shall occur where a person violates section 24-706, 24-711 or 24-718 of this chapter within five years of having been found to have violated this chapter. Such penalties may be recovered in a civil action brought in the name of the commissioner or in a proceeding before the environmental control board. In determining the civil penalty, the hearing officer or judge shall consider any evidence presented by the defendant showing a good faith effort to comply with relevant requirements of this chapter, the nature and seriousness of the defendant's violation of the chapter, whether the violation was voluntarily disclosed, previous violations, if any, of this chapter and any other evidence found to be relevant.

§ 20. This local law takes effect immediately, except that sections three, four, five, six, twelve, thirteen, fourteen, fifteen and sixteen of this local law take effect 180 days after it becomes law.

JULIE MENIN, *Chairperson*; SELVENA N. BROOKS-POWERS, TIFFANY CABÁN, SHEKAR KRISHNAN, DARLENE MEALY, SANDRA UNG, MARJORIE VELÁZQUEZ; 7-0-0; Committee on Small Business, November 2, 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. 1083-A

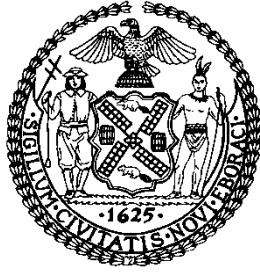
Report of the Committee on Small Business in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to the establishment of the office of nightlife.

The Committee on Small Business, to which the annexed proposed amended local law was referred on June 8, 2023 (Minutes, page 1718), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Small Business for Int. No. 845-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1083-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: 1083-A

COMMITTEE: Small Business

TITLE: A Local Law to amend the New York city charter, in relation to the establishment of the office of nightlife. **SPONSOR(S):** Council Members Menin, Riley, Ung, De La Rosa and Rivera (by request of the Mayor).

SUMMARY OF LEGISLATION: This bill would amend the New York City Charter to authorize the Mayor to establish the Office of Nightlife within the Department of Small Business Services.

EFFECTIVE DATE: This local law takes effect immediately after it becomes law.

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

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation, as the agency responsible for its implementation will utilize existing resources to fulfill the requirements of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Glenn P. Martelloni, Financial Analyst

ESTIMATE REVIEWED BY: Jack Storey, Unit Head
 Chima Obichere, Deputy Director
 Jonathan Rosenberg, Managing Deputy Director
 Kathleen Ahn, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council on June 8, 2023, as Proposed Intro. No. 1083, and was referred to the Committee on Small Business (the Committee). A hearing was held by the

Committee on September 26, 2023, and the legislation was laid over. The legislation was subsequently amended and the final amended version, Proposed Intro. No. 1083-A, will be voted on by the Committee at a hearing on November 2, 2023. Upon a successful vote by the Committee, Proposed Intro. No. 1083-A will be submitted to the full Council for a vote on November 2, 2023.

DATE PREPARED: October 27, 2023.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1083-A:)

Int. No. 1083-A

By Council Members Menin, Riley, Ung, De La Rosa and Rivera (by request of the Mayor).

A Local Law to amend the New York city charter, in relation to the establishment of the office of nightlife

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 20-d of the New York city charter, as added by local law number 178 for the year 2017, is amended to read as follows:

b. The mayor shall establish an office of nightlife. Such office may be established within any office of the mayor or as a separate office or within any agency that does not conduct enforcement against nightlife establishments, *provided that such office may also be established within the department of small business services*. Such office shall be headed by a director who shall be appointed by the mayor or by the head of such office or agency.

§ 2. This local law takes effect immediately.

JULIE MENIN, *Chairperson*; SELVENA N. BROOKS-POWERS, TIFFANY CABÁN, SHEKAR KRISHNAN, DARLENE MEALY, SANDRA UNG, MARJORIE VELÁZQUEZ; 7-0-0; Committee on Small Business, November 2, 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 Transportation and Infrastructure

Report for Int. No. 816

Report of the Committee on Transportation and Infrastructure in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to suspending alternate side parking regulations on Tisha B'Av.

The Committee on Transportation and Infrastructure, to which the annexed proposed local law was referred on November 2, 2022 (Minutes, page 2673), respectfully

REPORTS:

INTRODUCTION

On November 2, 2023, the Committee on Transportation and Infrastructure, chaired by Majority Whip Selvena N. Brooks-Powers, conducted a hearing to vote on several pieces of legislation. The Committee voted on: Int. No. 816, sponsored by Council Member Restler, in relation to suspending alternate side parking regulations on Tisha B'Av; Int. No. 1191, sponsored by Majority Whip Brooks-Powers, in relation to taxicab license durations; and Int. No. 1192, sponsored by Majority Whip Brooks-Powers, in relation to taxicab license durations.

Int. No. 816 was heard at an April 24, 2023 Committee on Transportation and Infrastructure hearing entitled: Bicycles, Micromobility, and Street Enforcement. Those who testified included representatives from the New York City (NYC) Department of Transportation (DOT), New York Police Department (NYPD), the Metropolitan Transportation Authority (MTA), transportation and street safety advocates, and other interested stakeholders. Int. Nos. 1191 and 1192 were heard at an October 13, 2023 Committee on Transportation and Infrastructure hearing entitled: An Update on TLC's Regulated Industries. Those who testified included representatives from the NYC Taxi and Limousine Commission (TLC), taxi and FHV advocates, taxi drivers, and other interested stakeholders.

On November 2, 2023, the Committee on Transportation and Infrastructure adopted Int. Nos. 816, 1191, and 1192 by a vote of 13 in the affirmative, zero in the negative, with zero abstentions.

BACKGROUND

Tisha B'Av

Tisha B'Av is the ninth day of the month of Av (coinciding with July and/or August), and is the major day of communal mourning in the Jewish calendar.¹ The day is in commemoration of a large number of disasters that had impacted the Jewish people on this day, particularly, it is the commemoration of the destruction of the First and Second Temples in Jerusalem in 586 B.C.E and 70 C.E., respectively.² The rabbis of the Talmudic age made the claim that this day was designated as a day of disaster for punishment of the Israelites' lack of faith during the desert wanderings after the exodus from Egypt.³ The day is observed by fasting, prayer, and the abstention from pleasurable activities.⁴

¹ My Jewish Learning, *Tisha B'av 101*, available at <https://www.myjewishlearning.com/article/tisha-bav-101/>

² *Id.*

³ *Id.*

⁴ *Id.*

TLC

The TLC, created in 1971, is responsible for the regulation and licensing of: taxicabs, including medallion taxicabs (also known as yellow taxis) and street hail liveries (also known as green or boro taxis); For-Hire Vehicles (FHV); commuter vans; and paratransit vehicles.⁵ The TLC has approximately 600 employees and its Board consists of nine members, eight of whom are unsalaried Commissioners, along with the salaried Commissioner and Chair (“TLC Chair”).⁶ The TLC Chair is the head of the TLC and presides over its public meetings.⁷ The TLC regulates over 200,000 TLC licensees in NYC.⁸

A medallion taxicab is the only vehicle licensed to pick up individuals who hail a vehicle on the street, at any location in the City.⁹ The number of medallions available in the City is limited by State law.¹⁰ Currently there are 13,587 yellow taxis in the City and each vehicle must have a medallion affixed to it.¹¹

Over the last decade, the FHV industry has experienced tremendous changes, particularly with the introduction of mobile application-based (“app-based”) FHVs in the City. As a result, the number of licensed FHVs dramatically increased from approximately 39,700 in 2011¹² to more than 130,000 in March 2018, with the TLC issuing licenses to approximately 2,000 new FHVs per month at that time.¹³ Ultimately, this led to the Council’s passage of Local Law 147 of 2018¹⁴, which paused the issuance of new FHV licenses, with an exception for wheelchair-accessible vehicles, and Local Law 149 of 2018¹⁵, which created a new license category, High-Volume For-Hire Services (HVFHS) for TLC-licensed FHV bases that dispatch more than 10,000 trips per day¹⁶ In 2022, TLC allowed an exemption for an additional 1,000 electric vehicle FHVs. In September 2023, TLC data indicated that the total number of FHV licenses was 98,267.¹⁷

LEGISLATIVE ANALYSIS

Analysis of Int. No. 816

Int. No. 816, sponsored by Council Member Lincoln Restler, would suspend alternate side parking regulations on Tisha B’Av.

If enacted, Int. No. 816 would take effect immediately.

Analysis of Int. No. 1191

Int. No. 1191, sponsored by Council Member Selvena Brooks-Powers, would change the duration of taxicab licenses from one year to two years.

⁵ NYC TLC, *About TLC*, available at <https://www1.nyc.gov/site/tlc/about/about-tlc.page>

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ NYC, MyCity, About-Medallion Owner, Individual, available at <https://nyc-business.nyc.gov/nycbusiness/description/medallion-owner-individual#:~:text=Medallion%20owners%20have%20a%20license,street%2C%20anywhere%20in%20the%20city>

¹⁰ *Id.*

¹¹ NYC TLC, Businesses, *Yellow Cab*, available at <https://www.nyc.gov/site/tlc/businesses/yellow-cab.page#:~:text=By%20law%2C%20there%20are%2013%2C587,open%20market%20by%20licensed%20brokers>

¹² NYC TLC, *2011 Annual Report*, available at https://www1.nyc.gov/assets/tlc/downloads/pdf/annual_report_2011.pdf.

¹³ See Testimony of Commissioner Joshi before the Committee on For-Hire Vehicles, NYC Council, Mar. 8, 2018 at <https://legistar.council.nyc.gov/View.ashx?M=F&ID=5872328&GUID=DB0BCBEA-4B02-468F-B948-512FA842D7EE>

¹⁴ See Local Law 147 at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3331789&GUID=6647E630-2992-461F-B3E3-F5103DED0653&Options=Advanced&Search=>

¹⁵ See Local Law 149 at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3479666&GUID=01C67FF7-C56D-474A-BA53-E83A23173FA7>

¹⁶ NYC TLC, Businesses, *For-Hire Vehicle Bases*, available at <https://www.nyc.gov/site/tlc/businesses/high-volume-for-hire-services.page>

¹⁷ NYC, *DOT Fiscal 2023 Preliminary Mayor’s Management Report*, available at <https://www.nyc.gov/assets/operations/downloads/pdf/pmmr2023/dot.pdf>

If enacted, Int. No. 1191 would take effect immediately.

Analysis of Int. No. 1192

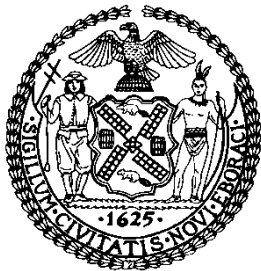
Int. No. 1192, sponsored by Council Member Selvena Brooks-Powers, would allow applicants for a taxi driver license to receive medical clearance from a physician assistant or nurse practitioner.

If enacted, Int. No. 1192 would take effect immediately.

UPDATE

On November 2, 2023, the Committee on Transportation and Infrastructure adopted Int. Nos. 816, 1191, and 1192 by a vote of 13 in the affirmative, zero in the negative, with zero abstentions.

(The following is the text of the Fiscal Impact Statement for Int. No. 816:)



**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: 816

COMMITTEE: Transportation and Infrastructure

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to suspending alternate side parking regulations on Tisha B'Av.

SPONSOR(S): By Council Members Restler, Yeger, Dinowitz, Menin, Narcisse, Ossé, Schulman, Vernikov, Cabán, Louis, Joseph, Abreu, Holden, Gutiérrez, Borelli, Ariola and Carr.

SUMMARY OF LEGISLATION: This bill would suspend alternate side parking regulations on Tisha B'Av.

EFFECTIVE DATE: This bill would take effect immediately.

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

FISCAL IMPACT STATEMENT:

	Effective FY24	FY Succeeding Effective FY25	Full Fiscal Impact FY25
Revenues (+)	\$0	(\$395,000)	(\$395,000)
Expenditures (-)	\$0	\$0	\$0
Net	\$0	(\$395,000)	(\$395,000)

IMPACT ON REVENUES: It is estimated that approximately \$395,000 in revenue will be lost during Fiscal 2025 and the outyears from the implementation of this law. The impact on revenues is derived by applying a general summons average revenue figure to one day across Fiscal 2023 and Fiscal 2024.

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

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

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

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on November 3, 2022, as Intro. No. 816 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 will be re-considered by the Committee on November 2, 2023. Upon a successful vote by the Committee, Proposed Intro. No. 816 will be submitted to the full Council for a vote on November 2, 2023.

DATE PREPARED: October 31, 2023

(For text of Int. Nos. 1191 and 1192 and their Fiscal Impact Statements, please see the Report of the Committee on Transportation and Infrastructure for Int. Nos. 1191 and 1192, respectively, printed in these Minutes; for text of Int. No. 816, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 816, 1191, and 1192.

(The following is the text of Int. No. 816:)

Int. No. 816

By Council Members Restler, Yeger, Dinowitz, Menin, Narcisse, Ossé, Schulman, Vernikov, Cabán, Louis, Joseph, Abreu, Holden, Gutiérrez, Rivera, Velázquez, Lee, Brooks-Powers, Gennaro, Borelli, Ariola, Carr, Paladino and Kagan.

A Local Law to amend the administrative code of the city of New York, in relation to suspending alternate side parking regulations on Tisha B'Av

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 19-163 of the administrative code of the city of New York, as amended by local law number 5 for the year 2019, is amended to read as follows:

a. All alternate side of the street parking rules shall be suspended on the following holidays: Christmas, Yom Kippur, Rosh Hashanah, Ash Wednesday, Holy Thursday, Good Friday, Ascension Thursday, Feast of the Assumption, Feast of All Saints, Feast of the Immaculate Conception, first two days of Succoth, Shemini Atzareth, Simchas Torah, Shevuoth, Purim, Orthodox Holy Thursday, Orthodox Good Friday, first two and last two days of Passover, the Muslim holidays of Eid Ul-Fitr and Eid Ul-Adha, the day before Lunar New Year, Lunar New Year, the Hindu festival of Diwali on the day that Lakshmi Puja is observed, Three Kings' Day, Tisha B'Av, and all state and national holidays.

§ 2. This local law takes effect immediately.

SELVENA N. BROOKS-POWERS, *Chairperson*; KALMAN YEGER FARAH N. LOUIS, CARLINA RIVERA, AMANDA FARIAS, LINDA LEE, MERCEDES NARCISSE, LINCOLN RESTLER, NANTASHA M. WILLIAMS, JULIE WON, ARI KAGAN, DAVID M. CARR, JOANN ARIOLA; 13-0-0; Committee on Transportation and Infrastructure, November 2, 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. 1191

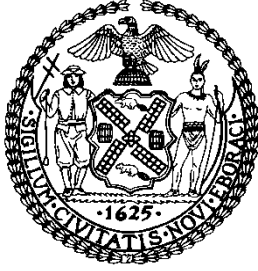
Report of the Committee on Transportation and Infrastructure in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to taxicab license durations.

The Committee on Transportation and Infrastructure, to which the annexed proposed local law was referred on September 28, 2023 (Minutes, page 2532), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Transportation and Infrastructure for Int. No. 816 printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1191:



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: 1191

COMMITTEE: Transportation and Infrastructure

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to taxicab license durations. **SPONSOR(S):** By Council Members Brooks-Powers, Riley and Louis.

SUMMARY OF LEGISLATION: This bill would change the duration of taxicab licenses from one year to two years.

EFFECTIVE DATE: This bill would take effect immediately.

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

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: It is 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 agency responsible for its implementation would use existing resources to fulfill its requirements.

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

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on September 28, 2023, as Intro. No. 1191 and referred to the Committee on Transportation and Infrastructure (the Committee). A hearing was

held by the Committee on October 13, 2023 and the bill was laid over. The legislation will be re-considered by the Committee on November 2, 2023. Upon a successful vote by the Committee, Proposed Intro. No. 1191 will be submitted to the full Council for a vote on November 2, 2023.

DATE PREPARED: October 31, 2023.

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 1191:)

Int. No. 1191

By Council Members Brooks-Powers, Riley, Louis, Rivera and Lee.

A Local Law to amend the administrative code of the city of New York, in relation to taxicab license durations

Be it enacted by the Council as follows:

Section 1. Paragraph 4 of subdivision d-1 of section 19-504 of the administrative code of the city of New York, as added by local law 110 for the year 2020, is amended to read as follows:

4. A taxicab license shall be valid for a period of [one year] 2 years, upon the expiration of which a taxicab licensee may submit an application for renewal. Where a renewal application has been submitted prior to the expiration date, a license shall remain in full force and effect until a determination to approve or deny such renewal application has been made.

§ 2. This local law takes effect immediately after it becomes law.

SELVENA N. BROOKS-POWERS, *Chairperson*; KALMAN YEGER FARAH N. LOUIS, CARLINA RIVERA, AMANDA FARIAS, LINDA LEE, MERCEDES NARCISSE, LINCOLN RESTLER, NANTASHA M. WILLIAMS, JULIE WON, ARI KAGAN, DAVID M. CARR, JOANN ARIOLA; 13-0-0; Committee on Transportation and Infrastructure, November 2, 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. 1192

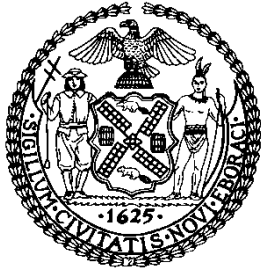
Report of the Committee on Transportation and Infrastructure in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to authorizing physician assistants and nurse practitioners to conduct medical exams of taxi driver license applicants.

The Committee on Transportation and Infrastructure, to which the annexed proposed local law was referred on September 28, 2023 (Minutes, page 2532), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Transportation and Infrastructure for Int. No. 816 printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1192:



**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: 1192

COMMITTEE: Transportation and Infrastructure

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to authorizing physician assistants and nurse practitioners to conduct medical exams of taxi driver license applicants.

SPONSOR(S): By Council Members Brooks-Powers and Riley.

SUMMARY OF LEGISLATION: This bill would allow applicants for a taxi driver license to receive medical clearance from a physician assistant or nurse practitioner.

EFFECTIVE DATE: This bill would take effect immediately.

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

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: It is 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 agency responsible for its implementation would use existing resources to fulfill its requirements.

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

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on September 28, 2023, as Intro. No. 1192 and referred to the Committee on Transportation and Infrastructure (the Committee). A hearing was held by the Committee on October 13, 2023 and the bill was laid over. The legislation will be re-considered by the Committee on November 2, 2023. Upon a successful vote by the Committee, Proposed Intro. No. 1192 will be submitted to the full Council for a vote on November 2, 2023.

DATE PREPARED: October 31, 2023.

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 1192:)

Int. No. 1192

By Council Members Brooks-Powers, Narcisse, Riley, Rivera, Louis, Lee and Velázquez.

A Local Law to amend the administrative code of the city of New York, in relation to authorizing physician assistants and nurse practitioners to conduct medical exams of taxi driver license applicants

Be it enacted by the Council as follows:

Section 1. Subdivision d of section 19-505 of the administrative code of the city of New York, as added by local law number 115 for the year 1993, and amended by local law number 5 for the year 2009, is amended to read as follows:

d. Each applicant for a driver's license under the provisions of this chapter, other than a commuter van driver's license, shall be examined as to [his or her] *such applicant's* physical condition by a duly licensed physician, *physician assistant, or nurse practitioner*, designated by the commission; each such applicant shall also be examined by the commission as to [his or her] *such applicant's* knowledge of the city, as well as city and state laws governing the idling of engines, and if the result of any of these examinations is unsatisfactory, [he or she] *such applicant* shall be refused a license.

§ 2. This local law takes effect immediately.

SELVENA N. BROOKS-POWERS, *Chairperson*; KALMAN YEGER FARAH N. LOUIS, CARLINA RIVERA, AMANDA FARIAS, LINDA LEE, MERCEDES NARCISSE, LINCOLN RESTLER, NANTASHA M. WILLIAMS, JULIE WON, ARI KAGAN, DAVID M. CARR, JOANN ARIOLA; 13-0-0; Committee on Transportation and Infrastructure, November 2, 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).

GENERAL ORDERS CALENDAR

Report for L.U. No. 263 & Res. No. 841

Report of the Committee on Land Use in favor of approving, as modified, Application number N 230112 ZRR (South Richmond Zoning Relief) submitted by New York City 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 provisions of Article X, Chapter 7 (Special South Richmond Development District) and related Sections, Borough of Staten Island, Community District 3, Council District 51.

The Committee on Land Use, to which the annexed Land Use item was referred on September 14, 2023 (Minutes, page 2432) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on October 19, 2023 (Minutes, page 2672), respectfully

REPORTS:

SUBJECT

STATEN ISLAND CB - 3

N 230112 ZRR

City Planning Commission decision approving an application 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 the Special South Richmond Development District (Article X, Chapter 7).

INTENT

To approve the zoning text amendment to Article X, Chapter 7 of the Zoning Resolution to update the Special South Richmond Development District (SSRDD) by alleviating review requirements for small sites with primarily one- and two-family homes while strengthening discretionary review for large and environmentally sensitive sites in the Special South Richmond Development District (SRD), Borough of Staten Island, Community District 3.

PUBLIC HEARING

DATE: September 6, 2023

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 17, 2023

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

In Favor:

Riley
Louis
Bottcher
Hanks
Schulman
Carr

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: October 17, 2023

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca
Rivera
Louis
Riley
Abreu
Brooks-Powers
Bottcher
Krishnan
Sanchez

Against:

None

Abstain:

None

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The City Planning Commission filed a letter dated [], 2023, with the Council on [], 2023, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 841

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 230112 ZRR, for an amendment of the text of the Zoning Resolution (L.U. No. 263).

By Council Members Salamanca and Riley.

WHEREAS, the New York City Department of City Planning, 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 the Special South Richmond Development District (Article X, Chapter 7), which would update existing zoning regulations by alleviating review requirements for small sites with primarily one- and two-family homes while strengthening discretionary review for large and environmentally sensitive sites in the Special South

Richmond Development District (SRD), Borough of Staten Island, Community District 3 (ULURP No. N 230112 ZRR) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on September 1, 2023, its decision dated August 9, 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 September 6, 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 June 18th, 2021 (CEQR No. 20DCP130R) (the “Negative Declaration”).

WHEREAS, the Council has considered the relevant environmental issues, including the Positive Declaration issued December 21st, 2020 (CEQR No. 20DCP130R) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on July 28, 2023. The proposed project as analyzed in the FEIS significant adverse impacts with respect to historic and cultural resources (archaeological resources) and hazardous materials and the identified significant adverse impacts and proposed mitigation measures under the proposed action are summarized in Chapter 10, “Mitigation” of the FEIS.

RESOLVED:

Having considered the FEIS with respect to the Decision and Application, the Council finds that:

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the action that are set forth in this report; and
3. Consistent with social, economic and other essential considerations, from among the reasonable alternatives provided in the application, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable.

The Decision, together with the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

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 230112 ZRR, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission, with the following modifications.

Matter underlined is new, to be added;

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

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

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

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

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

* * *

Matter underlined is new, to be added;

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

Matter within # # is defined in Section 12-10, 66-11 or 107-01;

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

* * *

ARTICLE I GENERAL PROVISIONS

Chapter 1 Title, Establishment of Controls and Interpretation of Regulations

* * *

11-45 Authorizations or Permits in Lower Density Growth Management Areas

The provisions of this Section shall apply within #lower density growth management areas#.

(a) Notwithstanding the provisions of N 040414 ZRY, pertaining to #lower density growth management areas#, and subject to the provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) with respect to amendments of this Resolution other than N 040414 ZRY, Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and Section 11-43 (Renewal of Authorization or Special Permit), the following provisions shall apply with respect to special permits and authorizations granted by the City Planning Commission or for which certification or referral for public review has been made prior to August 12, 2004:

(1)(a) Any #development# or #enlargement#, including minor modifications thereto, granted a special permit or authorization by the Commission and, where applicable, the City Council, prior to August 12, 2004, may be #developed# or #enlarged# pursuant to the terms of such permit or authorization and, to the extent not modified under the terms of such permit or authorization, in accordance with the regulations in effect at the time such permit or authorization was granted.

(2)(b) Any application for a special permit certified by the Department of City Planning or application for an authorization referred by the Department of City Planning for public review prior to May 24, 2004, may be continued pursuant to the regulations in effect at the time of certification or referral and, if granted by the Commission and, where applicable, the City Council, may be #developed# or #enlarged# pursuant to the terms of such permit or authorization, including minor modifications thereto and, to the extent not modified under the terms of such permit or authorization, in accordance with the regulations in effect at the time such application was certified or referred for public review.

(b) ~~Notwithstanding the provisions of N040414ZRY, the following provisions shall apply to certain #developments# within the #Special South Richmond Development District#:~~

- (1) ~~#Developments#, including minor modifications thereto, within the #Special South Richmond Development District# that contain #designated open space# and a portion of the #waterfront esplanade#, where such #development# is conditioned upon a restrictive declaration that includes a site plan for such #development#, including provisions for public access to such #designated open space# and #waterfront esplanade#, may be #developed# in accordance with the regulations in effect prior to August 12, 2004.~~
- (2) ~~#Developments# within the #Special South Richmond Development District# accessed, in part, by #private roads# and consisting, in part, of construction within #streets# that are unimproved, and for which a conservation easement has been granted to the City, and for which the Board of Standards and Appeals has granted a permit pursuant to Section 35 of the General City Law, or its successor, and an application for an authorization for such #development# has been filed pursuant to paragraph (a) of Section 26-27 (Waiver of Bulk Regulations Within Unimproved Streets) prior to May 1, 2004, may be #developed# in accordance with the regulations in effect prior to August 12, 2004.~~

* * *

ARTICLE X SPECIAL PURPOSE DISTRICTS

Chapter 7 Special South Richmond Development District

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107-00 GENERAL PURPOSES

107-01 Definitions

107-02 General Provisions

107-03 Requirements for Certification, Authorization or Special Permit Application

107-04 Applications to the City Planning Commission prior to [date of adoption]

~~107-05 Relationship to Public Improvement Projects Permits Issued Prior to [date of adoption]~~

107-06 District Plan (Appendix A)

~~107-07 Tree Selection (Appendix B)~~

107-08 Future Subdivision for Certain Plan Review Sites

107-09 Applicability of Article VI

107-091 Applicability of Article VI, Chapter 2

107-092 Applicability of Article VI, Chapter 4

107-10 SPECIAL GENERAL REQUIREMENTS

107-11 Special Requirements for Application

~~107-12 Public Facilities~~

~~107-121 Public schools~~

107-20 DISTRICT PLAN ELEMENTS

107-21 Modification of Designated Open Space

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107-221 Active recreational facilities

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 Special South Richmond Development District Plan
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**107-00
 GENERAL PURPOSES**

The “Special South Richmond Development District” established in this Resolution is designed to promote and protect public health, safety, general welfare and amenity. These general goals include, among others, the following purposes:

- (a) to guide future development in accordance with the Land Use Plan for South Richmond and the Capital Improvement Plan for the Special District area;
- (b) to promote balanced land use and development of future land uses and housing in the Special District area, including private and public improvements such as schools, transportation, water, sewers, drainage, utilities, open space and recreational facilities, on a schedule consistent with the City’s Capital Improvement Plan and thereby provide public services and facilities in the most efficient and economic manner, and to ensure the availability of essential public services and facilities for new development within the area;
- (c) to avoid destruction of irreplaceable natural and recreational resources such as lakes, ponds, watercourses, beaches and natural vegetation and to maintain the natural ecological balance of the area with minimum disruption of natural topography, trees, lakes and other natural features; and
- (d) to promote the most desirable use of land in the South Richmond area and thus to conserve the value of land and buildings and thereby protect the City’s tax revenues.

107-01

Definitions

Definitions ~~specifically~~ specifically applicable in this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section 12-10 (DEFINITIONS).

Area of no land alteration

~~An “area of no land alteration” is an area adjacent to a wetland or other body of water regulated by the New York State Department of Environmental Conservation (NYSDEC) where a permit indicates #development# restrictions, such as those pursuant to permits or deed restrictions issued by NYSDEC, may occur.~~

Area of no disturbance

An “area of no disturbance” is an area designated on a site plan or #area plan# to be protected from #site alteration#, except for new native planting. An #area of no disturbance# shall contain natural features including trees of six-inch caliper or more, #designated open space#, and aquatic features.

Area of no land alteration

An “area of no land alteration” is an area adjacent to a wetland or other body of water regulated by the New York State Department of Environmental Conservation (NYSDEC) where a permit indicates #development# restrictions may occur such as those pursuant to permits or deed restrictions issued by NYSDEC.

#Plan review sites# may include safeguards such as an #area of no disturbance# to define areas where #site alterations# shall not be proposed.

Area plan

An “area plan” is a proposed layout for a #zoning lot# subdivision with traffic circulation, including curb cuts on #arterials#; access easements; #areas of no disturbance#; #areas of no land alteration#; areas of #designated

open space#; #building# envelopes; required #building# setbacks within proposed #zoning lots# in #Residence Districts#; and any other information prescribed by the City Planning Commission.

Arterial

An “arterial” is a ~~#street# designated as an #arterial# listed in Section 107-25 107-24 (Special Regulations Along Certain Streets for Arterials or Railroads Rights of Way)~~ whose function is primarily the accommodation of through vehicular traffic and to which special provisions of this Chapter apply. ~~All such #arterials# are shown on the District Plan, Map 2 in Appendix A, which is hereby incorporated as an integral part of the provisions of this Chapter.~~

Caliper (of a tree)

“Caliper” of a tree is the diameter of a tree trunk measured 4 feet, 6 inches from the ground. If a tree splits into multiple trunks below this height, the trunk is measured at its narrowest point beneath the split. For trees with a diameter of less than three inches measured 4 feet, 6 inches from the ground, the #caliper# shall be measured 12 inches from the ground.

Development

~~For the purposes of this Chapter, a “development” includes a #development# as defined in Section 12-10 (DEFINITIONS), the #enlargement# of a non #residential building#, or the #enlargement# of a #residential use# that involves the addition of one or more #dwelling units#.~~

~~To “develop” is to create a #development#.~~

Designated open space

“Designated open space” is a portion of the #open space network# located on a #zoning lot# as shown on the District Plan (Map 3 in Appendix A), and is to be preserved in its natural state in accordance with the provisions of the #Special South Richmond Development District#.

Detached

For the purposes of this Chapter a “detached” #building# is a #building# surrounded by #yards# or other open area on the same #zoning lot# or is a #building# #abutting# a #street line# which is surrounded by #yards# or open area on the same #zoning lot# except where the #building# #abuts# the #street line#.

Drainage scheme

~~A “drainage scheme” is a plan for a system of storm sewers and/or sanitary sewers intended to serve a #development# which is submitted to the Department of Environmental Protection for review and approval.~~

Open space network

The “open space network” is a planned system of #open spaces# as shown on the District Plan (Map 3 in Appendix A), which includes #public parks#, ~~#park streets#~~, #designated open space#, and the #waterfront esplanade#.

Park street

~~A “park street” is a #street# designated as such in Section 107-25 (Special Regulations Along Certain Streets or Railroads) and whose primary function is to provide connecting links for pedestrians and cyclists between portions of the #open space network# and to which special provisions of this Chapter apply. #Park streets# shall be designated to provide limited vehicular access.~~

Plan review site

A “plan review site” is any #zoning lot# that contains one or more acres, where there is a proposed #development, #enlargement#, #site alteration#, or subdivision of such #zoning lot# into two or more #zoning lots#.

Sewer acceptance

~~A “sewer acceptance” is the acceptance by the Department of Environmental Protection of a system of storm and/or sanitary sewers which were built in accordance with an approved #drainage scheme# intended to serve a #development#.~~

Site alteration

~~A “site alteration” is an alteration on any vacant tract of land, #land with minor improvements# or any tract of land containing #buildings or other structures#, which includes ~~land contour work~~, permanent topographic modifications, removal of topsoil, removal of trees of six-inch caliper or more, excavating, filling, dumping, changes in existing drainage systems, ~~improvements in public rights-of-way~~, whether or not a permit is required from the Department of Buildings, ~~the Department of Transportation~~ or other public agencies. ~~A #site alteration# shall include any land operation within #designated open space#.~~~~

Tree credit

A “tree credit” is a credit for preserving an existing tree or for planting a new tree which is counted towards tree requirements.

Waterfront esplanade

The “waterfront esplanade” is a pedestrian way to be provided for public #use# within the #open space network# along the Raritan Bay waterfront, as shown on the District Plan (Map 3 in Appendix A).

107-02

General Provisions

In harmony with the general purpose and intent of this Resolution and the general purpose of the #Special South Richmond Development District#, the regulations of the districts upon which this Special District is superimposed are supplemented or modified in accordance with the provisions of this Chapter. Except as modified by the express provisions of this Chapter, the regulations of the underlying districts remain in effect. In #flood zones#, or for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI shall control.

Property within the jurisdiction and control of the Department of Environmental Protection shall be exempt from the provisions of this Chapter where such property is an existing or planned portion of the Staten Island Bluebelt intended to support best management practices of stormwater.

~~In addition to applicability as provided in Section 11-10 (ESTABLISHMENT AND SCOPE OF CONTROLS, ESTABLISHMENT OF DISTRICTS, AND INCORPORATION OF MAPS), the provisions of this Chapter shall apply to #site alterations# or subdivision of #zoning lots#, except:~~

- ~~(a) public improvement projects for which preliminary design contracts were approved by the Board of Estimate prior to January 2, 1975, or for which title was vested by the City prior to September 11, 1975; and~~

~~(b) any #large scale development# for which an authorization or special permit was granted prior to September 11, 1975. For the purposes of this Chapter, the City Planning Commission may extend such authorization or special permit for a renewable term of one year provided that the Commission finds that the facts upon which the authorization or special permit was granted have not substantially changed and that the adoption of this amendment shall not constitute a substantial change of fact.~~

~~For all #developments# located within areas D, F or K as shown on the District Plan (Map 4 in Appendix A), the applicant shall obtain from the Commission a certification indicating that the #development# complies with the approved South Richmond Development Plan. As a condition for such certification, the Commission shall find that:~~

- ~~(1) the minimum #lot area# for any #commercial# #development# is at least two acres;~~
- ~~(2) vehicular access and egress for the #development# is arranged so that it affords the best means of controlling the flow of traffic generated by such #development#; and~~
- ~~(3) due consideration has been given to relate the proposed #development# to the character of the surrounding area by providing suitable buffering, landscaping and #building# setbacks.~~

~~For such certification, the applicant shall submit to the Commission a site plan and drawings depicting the proposed #buildings# and location of off street parking facilities, curb cuts and pedestrian walkways. For #residential uses# within Area K, the #bulk# and parking regulations of R3 2 Districts, as modified by this Chapter, shall apply.~~

107-03

Requirements for Certification, Authorization or Special Permit Application

An application to the City Planning Commission for a certification, authorization or special permit respecting a #development#, #enlargement#, or #site alteration# shall include a survey map, prepared by a licensed land surveyor and dated no more than two years prior to the date of filing an application, showing:

- (a) existing topography at two foot contour intervals;
- (b) the location of all existing #buildings or other structures#, and the location of all proposed #buildings or other structures#;
- (c) the location of individual existing trees of six inch caliper or more;
- (d) the location of any elements of the #open space network# on or adjacent to the #zoning lot#; and
- (e) the location of any #areas of no land alteration#, streams, and natural watercourses;

and such other information as may be required by the Commission for its determination as to whether or not the certification, authorization or special permit is warranted.

107-04**Applications to the City Planning Commission Prior to [date of adoption]**

- (a) Applications for authorization or special permit which were adopted prior to [date of adoption] may be continued pursuant to the terms of such authorization or special permit or as such terms may be subsequently modified.

Continuance of such application shall be subject to the provisions of Sections 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit).

- (b) Applications for certification granted by the Commission prior to [date of adoption] may be continued, in accordance with the terms thereof or as such terms may be subsequently modified, pursuant to the regulations in effect on the date that such certification was granted.

107-05**Relationship to Public Improvement Projects**

~~In all cases, the City Planning Commission shall deny a special permit, authorization or certification application whenever a #development# will interfere with a public improvement project (including, without limitation, housing, highways, public #buildings# or facilities, redevelopment or renewal projects, or rights of way for sewers, transit or other public facilities) which is approved by or pending before the Board of Estimate, City Planning Commission or Site Selection Board.~~

107-06**District Plan (Appendix A)**

The District Plan for the #Special South Richmond Development District# shows the #open space network#, #designated open space#, #park streets#, #waterfront esplanade#, and #building# setback lines. The elements of the District Plan are set forth in Appendix A, which is hereby incorporated as an integral part of the provisions of this Chapter.

107-07**~~Tree Selection (Appendix B)~~**

~~Where planting of trees is required by the provisions of this Chapter, the selection of trees for their planting shall be in accordance with the Tree Selection Table set forth in Appendix B, which is hereby incorporated as an integral part of the provisions of this Chapter.~~

107-08**Future Subdivision of Certain Plan Review Sites**

~~Within the Special District, any #zoning lot# existing on September 11, 1975, may be subdivided into two or more #zoning lots# provided that the existing topography, all individual trees of six inch caliper or more and all land located within a #designated open space#, to the greatest extent possible, are preserved under future #development# options.~~

Any subdivision of a #plan review site# that is proposed to take place within the Special District after September 11, 1975, shall be filed with the Department of City Planning Commission, and the Chairperson of the City Planning Commission shall certify that ~~such~~ subdivision of such #plan review site#: ~~complies with the approved South Richmond Plan and the above objective.~~

- (a) does not contain, or have frontage along, any District Plan Element listed in Section 107-20 (DISTRICT PLAN ELEMENTS), inclusive;
- (b) does not contain an #area of no land alteration#;
- (c) does not exceed the rate of two #tree credits# per 1,000 square feet of lot area; and
- (d) does not have a violation for tree removal without prior permission or approval and no trees have been removed since [date of adoption] unless permitted pursuant to Section 107-312 (Regulations within plan review sites).

In the case of a subdivision which does not comply with the above conditions, subdivision of such #plan review site# shall not be permitted unless authorized by the Commission pursuant to Section 107-64 (Future Subdivision of Certain Plan Review Sites). ~~of a tract of land containing #designated open space#, a site plan indicating the distribution of #bulk# for the individual #zoning lots# shall be submitted to the Commission. Such approved subdivision shall then be recorded in the land records and indexed against all #zoning lots#.~~

The subdivision plan for the #plan review site# shall include a survey map in accordance with the requirements set forth in Section 107-03 (Requirements for Certification, Authorization or Special Permit Application). ~~indicating existing topography at two foot contour intervals, all individual trees of six inch caliper or more, and the location of #designated open space# within the area. When a #zoning lot# existing on September 11, 1975, is more than five acres and is intended to be subdivided, an area plan of the entire subdivision shall be filed with the Commission. The area plan shall include the proposed vehicular circulation system within the area, #block# and lot layouts and any other information required by the Commission.~~
For the purpose of applying the provisions of this Section, a subdivision includes the reconfiguration of a #zoning lot# in a manner that would reduce the area, change its area or any dimension of such #zoning lot#.

107-09

Applicability of Article VI

* * *

107-10

~~GENERAL~~ SPECIAL REQUIREMENTS

107-11

Special Requirements for Application

~~Prior to the approval of any application to the Department of Buildings for~~ For a #site alteration#, or a #development#, or #enlargement#, no certificate of occupancy or sign-off of a permit, as applicable, shall be issued by the Department of Buildings until the planting requirements of the following provisions, as applicable, have been satisfied, and reflected on an as-built survey, tree schedule, or any such information as may be required:

Section 107-32 (Tree Requirements)

Section 107-48 (Special Landscaping and Buffering Provisions)

~~the applicant shall file applications with the appropriate City agency requesting the certifications required in Section 107-12 (Public Facilities).~~

~~Any application to the Department of Buildings for a #site alteration# or #development# shall include a survey map or maps prepared by a licensed land surveyor showing, for the site, existing topography at two foot contour intervals and the locations, names and calipers of all existing trees of six inch caliper or more and; for any #development#, the application shall also include certifications from the appropriate City agencies as required by Section 107-12.~~

~~However, the requirements of a survey map at two foot contour intervals shall not apply to #zoning lots# 4,000 square feet or less owned separately and individually from all other adjoining #zoning lots# on September 11, 1975, and on the date of filing such application.~~

~~However, when a #zoning lot# which was owned separately and individually from all other adjoining #zoning lots# existing prior to January 2, 1975, is proposed to be #developed# with one #single # or #two family# #detached# #residence#, the certification reports of Section 107-12 shall not be required, but the provisions of local laws shall apply. When a permit for land contour work, storm water drainage systems or other #site alteration# work is required from the Department of Transportation or Department of Environmental Protection or when a public agency requires a #site alteration# on either privately or City owned land, the public agency involved shall, prior to initiating or issuing a permit for such site work, notify the Department of Buildings.~~

~~The Department of Buildings and the public agency involved shall jointly determine that the proposed #site alteration# work is consistent with the provisions of Sections 107-31 (Topographic Regulations), 107-32 (Tree Regulations) and 107-25 (Special Regulations along Certain Streets and Railroads). In case of non-agreement, the provisions of Section 107-91 (Inter-agency Coordination) shall apply.~~

107-12

Public Facilities

107-121

Public schools

~~For any #development# containing #residential uses#, the Department of Buildings shall be in receipt of a certification from the Chairperson of the City Planning Commission which certifies that sufficient #school# capacity exists to accommodate the anticipated primary and intermediate public school children of the #development#. All applications for certification pursuant to this Section shall be referred by the Chairperson of the Commission to the Board of Education.~~

~~The Board of Education shall issue a report concerning the availability of #school# capacity within 60 days after receipt of the application. The Chairperson of the Commission shall respond within 90 days after receipt of an application. The report shall specify the following:~~

- ~~(a) whether or not #school# space is available;~~
- ~~(b) if #school# space is not available, the report shall include:

 - ~~(1) the number of seats required;~~
 - ~~(2) the grade organization;~~~~

- (3) the location of the #school#;
- (4) the size of #school# (sq. ft. per pupil); and
- (5) the proposed financing mechanism.

For the purposes of this Section, sufficient #school# capacity shall be deemed to exist if:

- (1) such capacity is available in existing #schools#; or
- (2) construction funds have been authorized in the Capital Budget to accommodate anticipated primary and intermediate public school children from the #development# upon its completion or within three years from the date of the Chairperson's certification; or
- (3) sufficient #school# space is to be provided by the applicant under a plan jointly approved by the Chairperson of the Commission and Board of Education.

After approval of the Chairperson of the Commission and Board of Education of the applicant's plan to provide the #school# #building#, the certification may be granted either upon approval of a financial agreement by the Board of Estimate or such guarantee of construction with provision for future #school# occupancy as may be accepted by the Board of Education and the Chairperson of the Commission.

However, the Chairperson of the Commission may grant such certification if capacity is not currently available and the Board of Education after consulting with the Community School Board determines that the impact from the #development# will have a minimal effect on the concerned #schools# and includes such statement in their report.

A certification by the Chairperson of the Commission that sufficient capacity will be available in the public #schools#, as set forth in the above circumstances, shall automatically lapse if substantial construction of the foundations of the #development# in accordance with approved plans has not been completed within one year from the date of such certification.

No certification concerning the availability of #school# capacity shall be required for any #development# within a predominantly built up area or within an area for which #drainage schemes# were approved prior to January 1, 1975. For the purposes of this Chapter, a "predominantly built up area" is a #block# having a maximum of four acres which is #developed# with #buildings# on #zoning lots# comprising 75 percent or more of the area of the #block#. All such #buildings# shall have a certificate of occupancy or other evidence acceptable to the Commissioner of Buildings issued not less than three years prior to the date of application for a building permit.

107-20

DISTRICT PLAN ELEMENTS

All land in the #open space network# as shown on the District Plan (Map 3 in Appendix A), except #public parks#, and all any #zoning lots# along an #arterial# as shown on the District Plan (Map 2 in Appendix A), are is subject to the provisions of this Section, inclusive.

107-21

Modification of Designated Open Space

* * *

107-22 Designated Open Space

* * *

Within any #designated open space#, removal of trees, alteration of topography, #development# or #enlargement# of active recreational facilities, or the establishment of utility easements may be undertaken only in accordance with the provisions of this Section and Section 107-30 (~~TOPOGRAPHIC AND TREE NATURAL FEATURE REGULATIONS~~).

* * *

107-221 Active recreational facilities

#Designated open space# may be used for active recreational facilities provided that the City Planning Commission certifies that such #uses# are compatible with the purposes of the ~~network~~ #open space network# and have minimal impact on tree removal, topographic alterations or drainage conditions.

Active recreational facilities may include swimming pools, tennis courts or facilities and equipment normally found in playgrounds, and shall comply with the #use# regulations of the underlying district. In the development of active recreational facilities, no individual trees of six-inch #caliper# or more shall be removed except by special authorization of the Commission in accordance with the provisions of Section ~~107-64 (Removal of Trees) or 107-65 (Modification of Existing Topography)~~ 107-65 (Modification of Natural Feature Regulations). Active recreational facilities shall not be allowed within 60 feet of any watercourse in #designated open space# unless the Commission certifies that a location closer to such watercourse will not adversely affect the natural character of the watercourse or its drainage function. The Commission, where appropriate, shall be guided by the reports from other City agencies involved in land contour work, storm water drainage systems or similar operations.

If the City of New York acquires an easement for public access to any #designated open space# on which a #building# has been, is being or could be in the future, constructed in accordance with the provisions of this Chapter, the City's acquisition of an easement shall not affect the qualifications of the #designated open space# for satisfying #lot area# requirements, #yard# requirements, #floor area# or #lot coverage# restrictions or #open space# requirements as provided in Section 107-224 (Qualification of designated open space as lot area for bulk computations) and shall not be deemed to create a #non-compliance#.

107-222 Public pedestrian ways

For any #site alteration#, #development#, or #enlargement# on a #zoning lot# which contains #designated open space#, the City Planning Commission shall certify whether or not the applicant shall be required to provide a public pedestrian way through a portion of the #designated open space#.

When a public pedestrian way is required, it shall be built and maintained by the owner of the #zoning lot# and shall be accessible to the public at all times. The public pedestrian way shall be improved at the time the #site alteration#, #enlargement#, or #development# takes place, ~~except that for #site alterations# or #developments# on a tract of land less than 1.5 acres, the Commission may allow the applicant to delay the construction of the public pedestrian way if the applicant complies with Section 107-24 (Performance Bond)~~.

The location and dimension of such pedestrian way shall be determined by the Commission. The owner of the #zoning lot# may request the City to take an easement on the property. If the City of New York acquires an

easement for public access to any #designated open space# on which a #building# has been, is being or could be in the future, constructed in accordance with the provisions of this Chapter, the City’s acquisition of an easement shall not affect the qualifications of the #designated open space# requirements as provided in Section 107-224 (Qualification of designated open space as lot area for bulk computations) and shall not be deemed to create a #non-compliance#.

107-223

Permitted obstruction in designated open space

* * *

No #accessory# off-street parking facilities shall be permitted in #designated open space#. No #building or other structure# shall be erected in #designated open space# except as permitted by the provisions of Section 107-221 (Active recreational facilities). Any existing #building or other structure# located within the #designated open space# on ~~September 11, 1975~~[date of adoption], and not complying with the provisions of this Section or the other Sections specified in the preceding paragraph, shall not be #enlarged# but may be continued as a #non-conforming# #use# or #non-complying# #building# subject to the applicable provisions of Article V (Non-conforming Uses and Non-complying Buildings) in accordance with the underlying district regulations.

107-224

Qualification of designated open space as lot area for bulk computations

* * *

107-225

Special bulk regulations for developments containing designated open space

* * *

107-226

Zoning lots entirely or substantially within designated open space

~~When a #zoning lot# owned separately or individually from all adjoining #zoning lots# prior to January 2, 1975, is located entirely or substantially within #designated open space# and no reasonable development is possible on the #zoning lot#, the owner may request the City to provide, in exchange, a City owned #zoning lot#.~~

~~The #zoning lots# may be exchanged only after an appraisal made by a body consisting of the following:~~

- ~~(a) one independent fee appraiser appointed by the City;~~
- ~~(b) one independent fee appraiser appointed by the private property owner, which appraiser may be the same as in paragraph (a) of this Section; and~~
- ~~(c) if needed to resolve a disagreement between the two appraisers appointed in paragraphs (a) and (b), one independent fee appraiser chosen by mutual agreement between the two individually appointed appraisers.~~

~~Such requests for exchange shall be filed by the owner of the #zoning lot# with the City Planning Commission.~~

If such exchange of #zoning lots# is not feasible under this Section or Section 384 7.0 of the New York City Administrative Code, the City may either acquire such #zoning lot# or permit development to proceed thereon with the minimal modification of the #designated open space# necessary to permit #development# containing #residences#.

107-23

Waterfront Esplanade

* * *

107-24

Performance Bond

When the provision of the required improvement is to be delayed for a period not to exceed five years from the date of the City Planning Commission certification, the owner of the #zoning lot# shall, prior to obtaining any certificate of occupancy, provide to the Comptroller of the City of New York a performance bond or City securities to ensure the future provision of either the #waterfront esplanade# or the public pedestrian way.

When the required improvement has been constructed, the Comptroller of the City of New York may release the bond or City securities posted to ensure such construction, provided an amount of the bond or City securities to ensure maintenance of the improvement, as set forth in the paragraph above, remains with the Comptroller.

The value of the bond or City securities tendered to ensure the future provision of the improvement shall be at the rate of \$400 per 100 square feet of #waterfront esplanade# and at \$200 per 100 square feet of public pedestrian way, if such bond or securities are tendered prior to January 1, 1980.

At five year intervals after January 1, 1980, the Commission, with the approval of the Board of Estimate, shall establish the new rates for the future provision (and maintenance) of the improvement.

~~107-25~~ 107-24

~~Special Regulations for Arterials Along Certain Streets or Railroads~~ Rights of Way

Along the following #streets# designated as either #arterials# or #park streets# and identified as such on the ~~District Plan~~, or along a designated railroad, special regulations relating to restriction of access, and setback of #buildings#, and landscaping apply as set forth in this Section and shown on the ~~District Plan (Map 2 in Appendix A)~~.

Arterials

Hylan Boulevard
 Woodrow Road
 Amboy Road
 Frontage roads for Richmond Parkway
 Huguenot Avenue
 Page Avenue
 Arthur Kill Road
 Service roads for West Shore Expressway
 Richmond Avenue

Park Streets

~~Marcy Avenue from Richmond Parkway to Woodrow Road
Albee Avenue from Richmond Parkway to Amboy Road
Grantwood Avenue from Richmond Parkway to Woodrow Road
Miles Avenue from Arthur Kill Road to Barlow Avenue
Barlow Avenue from Miles Avenue to Colon Avenue~~

Railroads

The Staten Island Rapid Transit right-of-way.

In accordance with the primary function of an #arterial# to accommodate vehicular through traffic, access is restricted to #arterials# pursuant to paragraph (a) of Section 107-241 (Special provisions for arterials).

In addition, along portions of #arterials# as indicated on Maps 2.1 through 2.4 (Arterial Setback Plan) in Appendix A of this Chapter, the #building# setback provisions of paragraph (b) of Section 107-241 apply.

~~107-251~~ 107-241

Special provisions for arterials

Along those #streets# designated as #arterials#, the following regulations shall apply:

(a) Access restrictions

Curb cuts are not permitted along an #arterial# #street# on #zoning lots# with ~~access to a frontage on an improved~~ non-#arterial# #street#. For #zoning lots# with ~~access~~ frontage only to on an improved #arterial# #street#, one curb cut is permitted along such #arterial# #street#. For purposes of this Section, adjoining #zoning lots# in the same ownership or control on [date of adoption] shall be treated as ~~one a single~~ #zoning lot#. For any #zoning lot# which includes an #area plan# approved by the City Planning Commission, no curb cut shall be allowed except where a curb cut is designated on such #area plan#. Such access restrictions with regard to curb cuts shall not apply to #schools#, hospitals and related facilities, police stations, or fire stations.

For a #zoning lot# with no less than 100 feet of frontage on an #arterial# #street#, the Commissioner of Buildings may approve curb cuts that exceed the access restrictions listed above where the Commissioner of Transportation submits a letter certifying that such additional curb cuts are necessary to avoid adverse effects on the traffic operations and safety of the #arterial#, or that such curb cuts will not adversely affect traffic operations and safety on the #arterial# including, but not limited to, all curb cut locations on an #arterial# #street# by either implementing a traffic pattern serving right-turn only movements or the implementation of traffic signalization, or other reasons acceptable to the Commissioner of Transportation.

For #zoning lots# with access only to a #arterial street#, the City Planning Commission may, by certification, approve additional curb cuts for access to such #arterial street# when necessary to avoid adverse effects on the traffic flow of the #arterial#.

For #zoning lots# with access to both #arterial# and non-#arterial streets#, the Commission may authorize one or more curb cuts on the #arterial street#, pursuant to the provisions of Section 107-68 (Modification of Group Parking Facility and Access Regulations).

(b) #Building# setback

Along portions of the #arterials#, as indicated on the District Plan (Maps 2.1 through 2.4 in Appendix A of this Chapter), a 20 foot #building# setback shall be provided for the full length of the #front lot line# #abutting# such #arterial#. The front #building# setback area shall be unobstructed from its lowest level to the sky except as permitted by this Section. Where a front #building# setback area at least 35 feet in depth is provided, such setback area may be used for required #accessory# off-street parking or loading facilities. No portion of such required setback area may be used for open storage.

In the case of the service roads of the West Shore Expressway, a 30 foot #building# setback shall be provided and required off-street parking and loading facilities are permitted within such setback. Within the required front #building# setback, there shall be provided one tree of three-inch #caliper# or more, pre-existing or newly planted, for each 400 square feet of such front open area, unless waived pursuant to the provisions of paragraph (c) of Section 107-483 (Planting and screening for parking areas). The trees shall be selected in accordance with the provisions of Section 107-32 (Tree Requirements) the table set forth in Appendix B.

107-252**Special provisions for park streets**

For those #streets# designated as #park streets#, the following regulations shall apply:

(a) Access restrictions

~~No curb cuts are permitted on such #streets# except that one curb cut is permitted for any #residential#, #community facility# or #commercial# #use# whose #zoning lot# has frontage only on a #park street#. For purposes of this Section, adjoining #zoning lots# in the same ownership shall be treated as one #zoning lot#.~~

~~For #zoning lots# with access to both #park streets# and non-#park streets#, the City Planning Commission may authorize one or more curb cuts on the #park street#, pursuant to the provisions of Section 107-68 (Modification of Group Parking Facility and Access Regulations).~~

(b) Landscaping

~~One tree of at least three inch caliper, pre-existing or newly planted, shall be provided for each 400 square feet of area of the #street# sidewalk area. Trees shall be selected in accordance with the table set forth in Appendix B and shall be planted in the #street# sidewalk area.~~

(c) Development and maintenance responsibility

~~The owner of each #development# abutting a #park street# shall have responsibility for landscaping and maintenance of that portion of the #park street# located between the #front lot line# and the curb.~~

~~Alternatively, maintenance responsibility may be vested in a properly constituted Home Association or other organization established for this purpose. Those segments of a #park street# which are abutted by land #developed# prior to the effective date of the Special District designation shall be #developed#, landscaped and maintained by the City of New York.~~

107-253-107-242**Building setbacks along railroad rights-of-way**

For all #developments# on #zoning lots# immediately adjacent ~~or directly opposite~~ to the Staten Island Rapid Transit right-of-way, a #building# setback of at least 20 feet in depth, unobstructed from its lowest level to the sky, except as permitted herein, shall be provided along the #lot line# immediately adjacent to ~~or directly opposite~~ the right-of-way of such railroad. Such #building# setback shall be measured perpendicular to such #lot line#, as indicated on the District Map.

Within such #building# setback area, unless the area is within a #street# or is waived according to the planting waiver provisions of paragraph (c) of Section 107-483 (Planting and screening for parking areas), there shall be provided one tree of three-inch #caliper# or more, pre-existing or newly planted, for each 400 square feet of such open area. ~~The trees-~~ Tree species shall be selected in accordance with the table set forth in Appendix B Section 107-32 (Tree Requirements).

107-30**TOPOGRAPHIC AND TREE NATURAL FEATURE REGULATIONS**

Any #development#, #enlargement# resulting in changes to #lot coverage#, or #site alteration# shall comply with the provisions of this Section, inclusive.

All #zoning lots# shall comply with the provisions of Sections 107-31 (General Regulations for Natural Features), inclusive, and 107-32 (Tree Requirements).

In addition, regulations within areas of #designated open space# are set forth in Section 107-311 (Areas within designated open space).

Any #plan review site# shall also comply with the provisions of Section 107-312 (Regulations within plan review sites).

Any application to the Department of Buildings for a #site alteration#, #development#, or #enlargement# shall include a survey map in accordance with the requirements set forth in Section 107-03 (Requirements for Certification, Authorization or Special Permit Application).

A site plan for such application shall also include the location of any #area of no disturbance#, proposed paving, and shall identify those trees proposed to be removed and proposed to be preserved.

107-31**General Topographic Regulations for Natural Features**

Except for any existing ~~topographic~~ natural feature which is unsafe and the removal of which is required by the Department of Buildings to eliminate hazardous conditions, no ~~topographic modifications~~ #site alteration# may take place except as provided in this Section ~~or as authorized by Section 107-65,~~ inclusive.

No modification of topography shall take place within eight feet of a tree that is counted toward minimum #tree credits# pursuant to the provisions of Section 107-32 (Tree Requirements).

Within any #zoning lot# which is not a #plan review site#, tree removal shall be permitted in areas that do not contain #designated open space#, provided that such #zoning lot# complies with the provisions of Section 107-32.

107-311**Areas within designated open space**

Within #designated open space# on a #zoning lot#, any #site alteration# shall be permitted only by authorization of the City Planning Commission pursuant to Section 107-65 (Modification of ~~Existing Topography~~ Natural Feature Regulations).

107-312**Areas not within designated open space Regulations within plan review sites**

On any portion of a #zoning lot# #plan review site# not within #designated open space#, #development#, #enlargement#, or #site alteration# of topography shall be permitted only in accordance with the provisions of this Section or by authorization of the City Planning Commission pursuant to the provisions of Section 107-65 (Modification of Natural Feature Regulations) or by certification of the Chairperson of the City Planning Commission pursuant to the provisions of Section 107-51 (Certification of Certain Plan Review Sites).

The ground elevation of land existing on September 11, 1975-[date of adoption], may be modified by up to two feet of cut or fill, provided that such modification shall not result in the destruction of trees of six-inch #caliper# or more, unless authorized pursuant to other provisions of this Chapter. Modification of topography to a greater extent and removal of trees of six-inch #caliper# or more shall only be is permitted:

- (a) in an area designated for within 20 feet of an existing #building's# foundations, driveways, or in an area designated for utilities for a proposed #building or other structure#; whose location is approved by the Department of Buildings in accordance with the provisions of this Chapter; and
- (b) in order to meet the legal mapped grades of a #street#, the existing topography of that portion of the #zoning lot# abutting such #street# may be modified to create a slope on the #zoning lot# of not less than one foot vertical to each two feet horizontal, provided the slope is landscaped to prevent erosion;
- (c) within an existing #group parking facility#, or within existing landscaping required pursuant to Section 107-483 (Planting and screening for parking areas), which does not result in the removal of parking spaces or travel lanes;
- (d) where such modification of topography takes place more than 20 feet from the boundary of an area of #designated open space#, a #side lot line#, or a #rear lot line#; or
- (e) where such tree interferes with another tree of six-inch #caliper# or more, and such tree to be preserved belongs to a species pursuant to the provisions of Section 107-32 (Tree Requirements).

~~Topographic modifications not permitted by the provisions of this Section may be permitted only by authorization of the City Planning Commission pursuant to the provisions of Section 107-65.~~

If an existing tree of six-inch #caliper# or more is removed without prior approval from the Department of Buildings or the City Planning Commission and does not meet the provisions of this Section, any permit issued by the Department of Buildings for a #site alteration#, #enlargement#, #development#, or any #use# on the #zoning lot# shall not be granted a letter of completion, certificate of occupancy, or similar sign-off until such tree is replanted, or proposed to be replaced, as applicable, in accordance with Section 107-32. A violation for tree removal without prior permission or approval shall be recorded against such site.

107-32**Tree Regulations**

~~The following regulations in Sections 107-321 through 107-323, inclusive, shall not apply to existing trees which are unsafe and the removal of which is required by the Department of Buildings.~~

107-321**Tree preservation**

~~No trees of six-inch caliper or more shall be removed, or land operations affecting their survival undertaken, in connection with any #site alteration#, or #development#, except in compliance with the provisions of this Section.~~

~~Prior to any such removal or land operations, plans shall be filed with the Department of Buildings showing the locations of all trees of six-inch caliper or more on the #zoning lot# and in the public sidewalk area of the #street# or #streets# adjacent thereto, and identifying those which are proposed to be removed. Removal of live trees of six-inch caliper or more will be permitted only under the following circumstances:~~

- ~~(a) where such trees are located areas to be occupied by #buildings#, driveways, areas for required #accessory# parking, or within a distance of eight feet of the exterior walls of such #building#, provided that it is not possible to avoid such removal by adjustments in the arrangement of such #buildings#, driveways or required parking areas;~~
- ~~(b) where the would create special hazards or dangers to persons or property, which it would not be possible or practical to eliminate by pruning;~~
- ~~(c) where continued presence of the trees would interfere with another tree of six-inch caliper or more designated for preservation and belonging to a species listed in Appendix B (Tree Selection Tables); or~~
- ~~(d) where authorizations granted by the City Planning Commission under the provisions of this Chapter require or clearly contemplate the removal of such trees.~~

~~If an existing tree of six-inch caliper or more identified for preservation is removed without prior approval by the Department of Buildings or the City Planning Commission, any permit issued by the Department of Buildings for a #site alteration#, #development# or any #use# on the #zoning lot# shall be revoked. In order to remove such violations, the owner of the #zoning lot# shall request the Commission to specify the tree restoration requirements and to certify such requirements to the Department of Buildings. No building permit, reinstatement of such permit or issuance of a certificate of occupancy shall occur until the owner of the #zoning lot# either posts with the Comptroller of the City of New York a landscaping performance bond in an amount determined by the Commission or completes the replanting in accordance with the requirements set forth by the Commission in order to correct the planting violations. Replacement trees to be planted shall be of a caliper no less than three inches and be of a species listed in Appendix B and the sum of whose calipers shall be at least equivalent to that of the trees removed. In addition, the Commission may require a restrictive declaration specifying the terms of implementing the restoration plan.~~

~~Where on-site planting of such replacement trees would result in over crowding or would adversely affect the ecology of the site, the Commission may authorize planting of one or more replacement trees on adjoining public sidewalks or in a nearby public area or substituting other planting material pursuant to Section 107-323.~~

107-322-107-32

Tree requirements Requirements

~~For all #zoning lots#, New newly planted trees shall be provided in accordance with the table set forth in Appendix B planted no closer than eight feet from any other tree and be of a species selected from the New York City Native Species Planting Guide (as issued and revised by the Department of Parks and Recreation), or its successor.~~

~~For any existing tree of at least six-inch caliper which is preserved, credit for one tree shall be given for the first six inches of caliper and, for each additional four inches of caliper, credit for an additional tree shall be given.~~

- (a) ~~On-site Planting in #Residence Districts# or in a #zoning lot# with fewer than 10 parking spaces.~~

~~In connection with any #development#, #site alteration#, or #enlargement# involving the addition of at least 1,000 square feet of #floor area# in a #Residence District#, or in any #group parking facility# with fewer than 10 parking spaces, that are not fully enclosed, newly planted trees of at least one three-inch #caliper# and less than six-inch #caliper#, or pre-existing or newly planted, trees of at least six-inch #caliper#, shall be provided on the #zoning lot# at the rate of one #tree credit# for each 1,000 square feet of #lot area# or portion thereof.~~

~~A newly planted tree of between one and two-inch #caliper# shall have 0.5 #tree credits#, and a newly planted tree greater than two-inch #caliper# but less than six-inch #caliper# shall have one #tree credit#. Newly planted trees appearing on a site plan in an approved application may be counted toward #tree credits# on site plans for future applications if they have not yet grown to a six-inch or greater #caliper#, provided that they remain in good health and continue to comply with the standards set forth in this Section.~~

~~Any existing tree of at least six-inch #caliper# which is preserved and has no new paving, #development#, #enlargement#, or modification of topography within eight feet of such tree, shall have one #tree credit# for the first six inches of #caliper# and an additional #tree credit# for each additional three inches of #caliper#.~~

- (b) ~~Planting for open parking areas~~

~~Any #development# or #enlargement# on a #zoning lot# that contains with open off-street parking areas with a #group parking facility# with 10 or more parking spaces that are not fully enclosed in or more shall be subject to the tree planting and screening requirements of Section 107-483.~~

~~107-323-107-33~~

~~Substitution of other plant materials~~ Other Plant Materials

~~For any #development#, #site alteration# or #enlargement# which is required to provide trees in accordance with the provisions of paragraph (a) of Section 107-322, the City Planning Commission may allow the substitution of other plant material for such required trees, provided a detailed landscaping plan is filed with the Commission for approval and certification. A copy of such approved landscaping plan shall be filed with the Department of Buildings by the Commission.~~

~~107-33-107-34~~

Preservation of Natural Features

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107-40

SPECIAL USE, BULK AND PARKING REGULATIONS

107-41

Type of Residence

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107-411

Affordable independent residences for seniors in Area SH

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107-412

Special bulk regulations for certain community facility uses in lower density growth management areas

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107-42

Minimum Lot Area and Lot Width for Residences

For all #zoning lots# containing #residences#, the minimum #lot area# and #lot width# requirements set forth in the table in this Section shall apply, which shall vary by #building# height. Where two or more #buildings# that are #single-# or #two-family# #detached# or #semi-detached# #residences# are located on a #zoning lot#, the applicable minimum #lot area# requirement shall be multiplied by the number of such #buildings# on the #zoning lot#.

The #lot width# requirements set forth in this Section shall be applied as set forth in the definition of #lot width# in Section 12-10 (DEFINITIONS), provided that the applicable #lot width#, in feet, set forth in the table shall be met along at least one #street line# of the #zoning lot# or, for #corner lots#, along each intersecting #street line#. No #residence#, or portion thereof, shall be permitted between opposing #side lot lines# where such #lot lines# would be nearer to one another at any point where such #residence# is located than the applicable minimum lot width, in feet, set forth in the table.

However, one #single-family# #detached# #residence# or, where permitted, one #single-# or #two-family residence#, may be built upon a #zoning lot# consisting entirely of a tract of land, that:

- (a) has less than the minimum #lot area# or #lot width# required pursuant to this Section; and
- (b) was owned separately and individually from all other adjoining tracts of land, both on December 8, 2005, and on the date of application for a building permit.

In all cases, the density regulations of the applicable district shall remain in effect, except that the factor for determining the maximum number of #dwelling units# shall be 1,000 in R3A and R4A Districts, 1,140 in R3X Districts, and 685 for #semi-detached# #residences# in R3-1 and R3-2 Districts.

District	Type of #Residence#	Height (in stories)	Minimum #Lot Area# (in sq. ft.)	Minimum #Lot Width# (in feet)
R1-1	#detached#	1-4	9,500	100
R1-2	#detached#	1-2	5,700	40
		3	5,700	50
		4	5,700	60
R2	#detached#	1-4	3,800	40

R3-1	#detached#	1-2	3,800	40
		3-4	3,800	45
R3-1 R3-2	#semi-detached#	1-2	2,375 ³	24 ³
		3-4	3,800	40
R3-2	#detached#	1-2	3,800	40
		3-4	4,275	45
	#attached#	1-2	1,700	18
		1-2	2,375 ¹	24 ¹
		3-4	2,280	24
		3-4	3,800 ¹	40 ¹
R3A	#detached#	1-3	3,325	35
R3X ²	#detached#	1-2	3,800	40
		3	4,750	50
		4	5,700	60
R4A	#detached#	1-3	3,325	35
R4-1	#semi-detached#	1-3	2,375 ³	24 ³
	#detached#	1-3	3,325	35

- ¹ For #attached buildings# that #abut# an #attached building# on a separate #zoning lot# on one side and on the other side are bounded by #yards# or open area.
- ² In Area LL as shown on the District Plan (Map 4 in Appendix A) of this Chapter, all #residences# shall have a minimum #lot area# of 5,700 square feet and a minimum #lot width# of 50 feet. ~~However, the minimum #lot area# and minimum #lot width# set forth in this table shall apply to any #development# on a #zoning lot# having an area of at least 1.5 acres for which applications for certifications pursuant to Sections 107-08 (Future Subdivision) and 107-121 (Public schools) have been filed prior to March 1, 2003.~~
- ³ For #two-family# #semi-detached# #residences# with a height of one or two #stories# in R3-1 and R3-2 Districts and for all #two-family# #semi-detached# #residences# in R4-1 Districts, the minimum #lot area# shall be 3,135 square feet and the minimum #lot width# shall be 33 feet.

BY SPECIAL PERMIT (PURSUANT TO SECTION 107-74)

District	Type of #Residence#	Height (in stories)	Minimum #Lot Area# (in sq. ft.)	Minimum #Lot Width# (in feet)
R2	#semi-detached#	1-4	3,800	30
	#attached#	1-4	3,800	22
R3-1	#attached#	1-2	1,700	20
		2-3	2,280	24

107-421

Minimum lot area and lot width for zoning lots containing certain community facility uses

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107-43

Maximum Height for Buildings or Structures

Subject to the requirements for maximum height of walls and required setbacks in Sections 23-63, 24-52 or 33-43, no ~~#building# or other structure#~~ shall exceed a height of ~~four #stories# and no structures other than #buildings#~~ shall exceed a height of 50 feet unless modified by a special permit of the City Planning Commission, pursuant to Section 107-73 (Exceptions to Height Regulations).

**107-44
Maximum Floor Area Ratio for Community Facility Uses**

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**107-45
Required Open Space for Residences**

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**107-46
Yard and Court Regulations**

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**107-461
Front yards**

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**107-462
Side yards**

* * *

**107-463
Side yard regulations for other residential buildings**

* * *

**107-464
Side yards for permitted non-residential use**

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**107-465
Modifications of special yard regulations for certain zoning lots**

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**107-466
Court regulations**

* * *

**107-467
Modifications of yard and court requirements**

* * *

**107-47
Special Parking Regulations**

107-471

Modification of waiver requirements for spaces below minimum number

For the purposes of this Chapter, the waiver provision set forth in Section 36-231 (In districts with high, medium or low parking requirements) shall not apply to any #development# in the Special District.

107-472

Maximum size of group parking facility Group parking facilities within plan review sites

For the purposes of this Chapter, no #accessory# #group parking facility# for non-#residential uses# shall ~~contain more than 30 off street parking spaces~~ be permitted anywhere on a #plan review site#, or any #zoning lot# that contained one or more acres on [date of adoption], except as set forth in Sections 107-51 (Certification of Certain Plan Review Sites) or 107-68 (Modification of Group Parking Regulations).

107-473

Location of required parking

For a #residential# #building# on a #zoning lot# containing an #area of no land alteration# or #designated open space#, the provisions of Section 25-622 (Location of parking spaces in lower density growth management areas) that do not permit open off-street parking between the #street line# and the #street wall# or prolongation thereof of a #building# shall not apply.

107-48

Special Landscaping and Buffering Provisions

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107-481

Planting provisions along Residence District boundaries

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107-482

Landscaped buffer for manufacturing development adjacent to residences

* * *

107-483

Planting and screening for ~~open~~ parking areas

#Zoning lots# that contain a #group parking facility# with 10 or more parking spaces that are not fully enclosed, shall be subject to paragraphs (a) and (b) of this Section and may be subject to paragraph (c) of this Section.

(a) Tree planting requirements for open parking

The provisions of Section 37-921 (Perimeter landscaping) shall apply to all facilities. In addition, one ~~One~~ tree, of three-inch #caliper# or more, pre-existing or newly planted, shall be provided for each four open parking spaces and and ~~Such trees~~ may be located in the perimeter landscaped area of the parking area or in planting islands within the parking area.

However, where 30 or more open parking spaces are provided, at least 50 percent of the required trees shall be located within planting islands within the parking area. Such planting islands shall have a minimum area of 150 square feet of pervious surface and comply with the requirements of paragraphs (a), (b) and (c) of Section 37-922 (Interior landscaping).

For open parking areas with at least 36 parking spaces, the total number of trees required pursuant to

Section 37-922 (~~Interior landscaping~~) shall be superseded by the number of trees required pursuant to this Section.

(b) Screening requirements

~~The~~ For open parking areas or parking garages located on the ground floor and not fully enclosed, such non-enclosed portion shall be screened from all adjoining #zoning lots# by a landscaped area at least four feet in width, densely planted with shrubs maintained at a maximum height of three feet. ~~Such Open~~ parking areas shall also be screened from all adjoining #streets# by a perimeter landscaped area at least seven feet in width in accordance with Section 37-921 (Perimeter landscaping). Such perimeter landscaped area may be interrupted only by vehicular entrances and exits. Sidewalks that provide a direct connection between the public sidewalk and a pedestrian circulation route within the parking area may also interrupt a perimeter landscaped area.

In addition, such screening shall be maintained in good condition at all times and may be interrupted by normal entrances and exits.

(c) Planting ~~W~~waiver

Tree planting and screening requirements may be waived if the Commissioner of Buildings certifies that planting is unfeasible due to:

- (1) unique geological conditions, such as excessive subsurface rock conditions or high water table;
- (2) underground municipal infrastructure; or
- (3) a City, State or Federal mandated brownfield remediation that requires the site to be capped.

Such waiver shall be based on a report prepared by a licensed engineer that such conditions exist.

For #developments# in ~~#Residential~~ Residence Districts#, trees provided in accordance with the provisions of this Section may be counted for the purposes of meeting the requirements of paragraph (a) of Section 107-322, ~~paragraph (a)~~. Furthermore, for #developments# in #Commercial# or #Manufacturing Districts#, which provide trees in accordance with the provisions of this Section, the requirements of Section paragraph (a) of 107-322, ~~paragraph (a)~~, shall not apply.

**107-49
Special Regulations for Area M**

* * *

**107-491
Special use regulations for residential uses**

* * *

**107-492
Special bulk regulations**

* * *

107-50**CERTIFICATIONS**

Administrative certifications from the City Planning Commission are required, as set forth in various sections of this Chapter, in any one of the following circumstances:

- (a) when ~~a tract of land is~~ certain #plan review sites# are subdivided, as set forth in Section 107-08 (Future Subdivision of Certain Plan Review Sites);
- (b) ~~when a #development# contains #residential uses#, as set forth in Section 107-121 (Public schools);~~ when certain #plan review sites# meet the requirements set forth in Section 107-51 (Certification of Certain Plan Review Sites) and do not require an authorization pursuant to Section 107-60, inclusive;
- (c) when a #zoning lot# contains #designated open space#, as set forth in Section 107-22 (Designated Open Space);
- (d) where required #yards# or equivalents are to be modified as set forth in Section 107-465 (Modifications of special yard regulations for certain zoning lots);
- (e) ~~where a #zoning lot# along an #arterial# requests more than one curb cut, as set forth in Section 107-251 (Special provisions for arterials);~~
- (~~f~~ e) where plant material is substituted for required trees as set forth in Section ~~107-32~~ 107-33 (Substitution of ~~other plant materials~~ Other Plant Materials); or
- (~~g~~) ~~when #development# takes place within areas D, F, or K, as set forth in Section 107-02 (General Provisions); or~~
- (~~h~~ f) when a #zoning lot# contains a portion of the proposed #waterfront esplanade#, as set forth in Section 107-23 (Waterfront Esplanade).

107-51**Certification of Certain Plan Review Sites**

On a #plan review site# ~~f~~For any #enlargement# or #site alteration# on a #plan review site# which does not comply with the provisions of Section 107-31 (General Regulations for Natural Features), the Chairperson of the City Planning Commission shall certify that:

- (a) such #plan review site# does not:
 - (1) contain any of the district plan elements as set forth in Section 107-20 (DISTRICT PLAN ELEMENTS), inclusive;
 - (2) contain an #area of no land alteration#;
 - (3) exceed the rate of two #tree credits# per 1,000 square feet of lot area; and

(4) does not have a violation for tree removal without prior permission or approval and no trees have been removed since [date of adoption] unless permitted pursuant to Section 107-312 (Regulations within plan review sites).

(b) new or existing tree planting shall satisfy tree requirements pursuant to Section 107-32 (Tree Requirements); and

(c) the resulting #enlargement# or #site alteration# does not require more than 10 additional accessory off-street parking spaces for a #commercial#, #community facility#, or #manufacturing use#.

Any #enlargement or #site alteration# on a #plan review site# which does not comply with these conditions, or any #development# on a #plan review site#, shall require an authorization pursuant to Section 107-60 (AUTHORIZATIONS).

107-60

AUTHORIZATIONS

107-61

General Provisions

* * *

107-62

Yard, Court and Parking Regulations

For any #plan review site# or for any #zoning lots# containing #designated open space# or an #area of no land alteration#, the City Planning Commission may authorize variations in the #yard# or #court# regulations as set forth in Section 107-46, inclusive, or in the location of parking, driveway or curb cut regulations as set forth in Sections 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), 25-621 (Location of parking spaces in certain districts), 25-622 (Location of parking spaces in lower density growth management areas) and ~~25-631 (Location and width of curb cuts in certain districts)~~ 25-632 (Driveway and curb cut regulations in lower density growth management areas) for the purpose of allowing proper arrangements of #buildings#, driveways or required parking areas so as to avoid the destruction of natural features, existing topography and individual trees of six inch caliper or more. ~~#Rear yard#, #side yard# or #side yard# equivalent variations shall not be authorized on the periphery of a #development# unless acceptable agreements are jointly submitted for #development# of two or more adjacent #zoning lots# by the owners thereof, incorporating the proposed #yard# or #side yard# equivalent variations along their common #lot lines#.~~

As a condition for granting such authorizations, the Commission shall find that the proposed placement of #buildings# and arrangement of #open spaces# will not have adverse effects upon light, air and privacy on adjacent #zoning lots# and will preserve natural features in #areas of no disturbance#.

107-63

Minimum Distance Between Buildings

* * *

107-64**Removal of Trees-Future Subdivision of Certain Plan Review Sites**

For any #development#, the City Planning Commission may authorize the removal of trees of six-inch caliper or more whose removal would otherwise be prohibited under the provisions of Section 107-32 provided that the Commission makes one or more of the following findings:

- (a) that the tree's retention would cause serious disadvantage in the arrangement of open areas on the lot, impairing the usefulness of such areas;
- (b) that such tree is located in an area where more than two feet of cut or fill is required and measures for saving the tree would be extremely difficult and impractical; or
- (c) that provision of a segment of the #waterfront esplanade# is not feasible without such tree's removal.

For any #plan review site# that does not comply with Section 107-08 (Future Subdivision of Certain Plan Review Sites), the City Planning Commission may authorize a future subdivision into two or more #zoning lots#, provided that the Commission finds that:

- (a) to the greatest extent possible, all individual trees of six-inch #caliper# or more, the existing topography, and all land located within a #designated open space#, are preserved under future #development# options;
- (b) such subdivision complies with the goals described in paragraph (c) of Section 107-00 (GENERAL PURPOSES); and
- (c) where vehicular access and egress are located on an #arterial#, the location of such vehicular access and egress permits better site planning.

Any subdivision that is proposed to take place within the Special District after [date of adoption], shall be filed with the City Planning Commission. A site plan and #area plan# shall indicate the distribution of #bulk# for the individual #zoning lots# submitted to the Commission. Such approved subdivision shall then be recorded in the land records and indexed against all #zoning lots#.

For the purpose of applying the provisions of this Section, a subdivision includes reconfiguration of a #zoning lot# in a manner that would change its area or any dimension of such #zoning lot#.

107-65**Authorization for Modifications of Existing Topography, Natural Features, Regulations**

For any #development#, #enlargement#, or #site alteration# on #plan review sites# or within #designated open space#, the City Planning Commission may authorize modifications of the natural topography existing on ~~September 11, 1975~~ [date of adoption] beyond the amount specified in Section 107-31 (Topographic Regulations General Regulations for Natural Features), inclusive, or modification of tree regulations pursuant to Section 107-312 (Regulations within plan review sites), ~~provided that the Commission finds that:~~

The Commission may authorize modifications to natural features, provided that the Commission finds that:

- (a) #development# on the #zoning lot# is not feasible without such modifications the modifications are the minimum necessary to facilitate the project;

- (b) such modification of topography is necessary to accommodate any public amenities, as applicable, such as public pedestrian ways, the #waterfront esplanade# or active recreational facilities within a #designated open space# as required under the provisions of this Chapter;
- (c) such modification will not cause unnecessary disturbance of the drainage pattern in the area; ~~and~~
- (d) such ~~modified topography~~ modification will have minimal impact on the existing natural ~~topography~~ features of the surrounding area and will blend harmoniously with ~~#such area;~~ and
- (e) ~~areas within the #zoning lot#~~ that contain natural features are preserved within a proposed #area of no disturbance#, especially those areas which are contiguous to #designated open space#, #areas of no land alteration#, or other area containing mostly natural features.

~~Where a permit for land contour work or topographic modification is required from the Department of Transportation or the Department of Buildings, the City Planning Commission and other such agencies shall jointly determine the conditions under which such topographic modification may be permitted so as best to serve the purposes of the Special District, in accordance with the provisions of Section 107-91 (Inter-agency Coordination).~~

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

**107-66
Developments Partly Within Designated Open Space**

**107-661
Modification of permitted obstructions**

* * *

**107-662
Modification of required yards of building setbacks**

On application, the City Planning Commission may grant an authorization modifying the building setback requirements of Section ~~107-251~~ 107-241 (Special provisions for arterials), provided that the Commission finds that:

* * *

**107-67
Uses and Bulk Permitted in Certain Areas**

~~**107-671
In Areas F and K**~~

~~In Areas F and K, as shown in the District Plan (Map 4 in Appendix A), the City Planning Commission may authorize one or more #uses# in the Use Groups specified in this Section not permitted by the underlying district regulations.~~

~~As a condition for such authorization, the Commission shall find that:~~

- (a) ~~such #uses# are so located as not to impair the essential character of the surrounding area for its future development;~~
- (b) ~~the minimum #lot area# of a #zoning lot# on which such #uses# are located is at least 20 acres;~~
- (c) ~~vehicular access and egress for such proposed #uses# are located and arranged so as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas; and~~
- (d) ~~where vehicular access and egress are located on an #arterial#, such location affords the best means for controlling the flow of traffic generated by such proposed #uses# to and from such #arterial#.~~

~~In each case the Commission may prescribe additional conditions and safeguards, including requirements for adequate screening, planting or landscaping.~~

Areas (as designated on the District Map)	Permitted Use Groups
F	12
K	7A 7B 7D 7E

~~107-672 107-671~~
In Area SH

* * *

107-68
Modification of Group Parking Facility ~~and Access Regulations~~

For a permitted #commercial#, #community facility# or #manufacturing# #use# on a #plan review site# or portion of a #plan review site# existing on [date of adoption], the City Planning Commission may authorize ~~more than 30 #accessory# off-street parking spaces in a #plan review site# or portion of a #plan review site# existing on [date of adoption] and for any #use#, may modify access restrictions with regard to curb cuts as set forth in paragraph (a) of Section 107-251 (Special provisions for arterials) or paragraph (a) of Section 107-252 (Special provisions for park streets).~~ In order to grant such authorization, the Commission, upon a review of the site plan, shall find that:

- (a) vehicular access and egress are located and arranged so as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;
- (b) where vehicular access and egress are located on an #arterial# ~~or #park street#~~, such location affords the best means for controlling the flow of traffic generated by such #use# to and from such #arterial# ~~or #park street#~~, and does not unduly interfere with pedestrian traffic; and
- (c) ~~the location of such vehicular access and egress~~ the design of the parking facility permits better site planning avoids undue conflict between pedestrian and vehicular movements in a manner that results in a better site plan.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area and may, in appropriate cases, condition its authorization upon compliance with an approved site and landscaping plan. The Commission may also permit modifications to parking lot landscaping and maneuverability requirements only if such modifications preserve ~~vegetation and natural topography~~ natural features.

**107-69
Residential Uses in Area M**

* * *

**107-70
SPECIAL PERMITS**

**107-71
General Provisions**

On application, the City Planning Commission, may grant special permits for modifications of specified regulations of this Chapter or of the underlying districts in accordance with the provisions of Sections 107-72 to 107-78, inclusive, relating to ~~Special Permits~~ special permits.

**107-72
Qualification of Designated Open Space as Lot Area**

* * *

**107-73
Exceptions to Height Regulations**

* * *

**107-74
Modification of Permitted Use Regulations**

* * *

**107-75
Modification of Underlying R1-1 District Regulations**

For any ~~#development#~~, the City Planning Commission may grant special permits for the modifications of underlying R1-1 District regulations on ~~#yards# or #courts#~~ where such modifications are appropriate in order to:

- (a) ~~permit siting of a #building# or driveway so as to avoid destruction of a valuable tree of six inch caliper or more; or~~
- (b) ~~allow a #building# to be arranged on a #zoning lot# that includes #designated open space# without encroaching on such #designated open space#.~~

As a condition for granting such modifications, the Commission shall find that:

- (1) ~~the siting of the #building# will not adversely affect adjacent properties by impairing privacy or access of light and air;~~

~~(2) — the benefits to the surrounding area from the proposed arrangement of #buildings# and #open spaces# outweigh any disadvantages which may be incurred thereby in the area; and~~

~~(3) — such modification is the least modification required to achieve the purpose for which it is granted.~~

~~The Commission may impose appropriate conditions or safeguards, such as special landscaping requirements, to minimize any adverse effects on the character of the surrounding area.~~

107-76

Boundary Adjustments in Designated Open Space

* * *

107-77

Community Facility Buildings or Treatment Plants Permitted in Designated Open Space

* * *

107-78

Other Buildings Permitted in Designated Open Space

* * *

107-80

~~LARGE-SCALE RESIDENTIAL DEVELOPMENT REGULATIONS~~

107-81

~~Applicability of Large-scale Residential Development Regulations~~

~~All regulations of Article VII, Chapter 8 (Special Regulations Applying to Large-scale Residential Development), are applicable in the Special District.~~

107-82

~~Applicability of Large-scale Residential Development Regulations to Parcels Containing Designated Open Space~~

~~Any #development# used predominantly for #residential use# on a #zoning lot# which includes #designated open space# may be treated as a #large-scale residential development#, and special authorizations or special permits for such #development# may be granted in accordance with the provisions of Article VII, Chapter 8, as modified herein, regardless of whether such #development# will have the area, number of #buildings#, or number of #dwelling units# specified in the definition of #large-scale residential development# as set forth in Section 12-10 (DEFINITIONS), except as provided in Sections 107-821 to 107-823, inclusive.~~

107-821

~~Bonus provisions~~

~~Bonuses which may be granted for #large-scale residential developments# under the provisions of Sections 78-32 (Bonus for Good Site Plan), 78-33 (Bonus for Common Open Space) or 78-35 (Special Bonus Provisions), may not be granted for #developments# which have less than the minimum area, number of #buildings# or number of #dwelling units# required by the definition of a #large-scale residential development#.~~

107-822

~~Lot area restriction~~

~~Authorizations or special permits granted within the #Special South Richmond Development District# pursuant to this Resolution shall be consistent in all cases with the provisions of Section 107-224 (Qualification of designated open space as lot area for bulk computations).~~

107-823

Common open space

~~Approval by the City Planning Commission of a development plan incorporating #designated open space# as common #open space# shall be conditioned upon the findings required in Section 78-52 (Common Open Space), except that the Commission may waive or modify any requirements of paragraph (g) of Section 78-52. Notwithstanding any provision in Article VII, Chapter 8, or elsewhere in this Zoning Resolution, if the City of New York acquires title or a less than fee interest in any #designated open space# which serves as required #open space# for a #development# and the acquisition occurs while the #development# is under construction or after it is completed, it shall not affect the area's qualifications for satisfying #open space# requirements for #zoning lots# in the #development#.~~

107-83

Modification of Minimum Required Lot Area for Residences

~~Modification of minimum required #lot area# for #residences# as set forth in Section 107-42 may be granted by the City Planning Commission, pursuant to Section 78-311, paragraph (c).~~

107-84

Joint Applications

~~Notwithstanding the provisions of Section 78-06 (Ownership), a tract of land which includes #designated open space# and which is the subject of an application under the provisions of Section 107-81 (Applicability of Large-scale Residential Development Regulations), may include adjacent properties in more than one ownership, provided that the application is filed jointly by the owners of all the properties included. Any subdivision of the tract reflecting ownerships at the time of application or creating new ownerships before, during or after #development# shall be subject to the provisions of Section 78-51 (General Provisions).~~

107-90

SPECIAL ADMINISTRATIVE PROVISIONS FOR RECORDATION

107-91

Inter-agency Coordination

~~Where an authorization or permit for a #site alteration# or #development# is required from the City Planning Commission pursuant to this Chapter and where a permit is required from the Department of Transportation or Department of Buildings for land contour work, or from the Department of Environmental Protection for a storm water drainage system for #buildings# or adjacent areas, or where construction of a public improvement project is undertaken by a City agency, the Department of City Planning and the agencies involved shall jointly determine the conditions under which such proposed #development# or #site alteration# will best meet the purposes of the #Special South Richmond Development District#. Applications for any required permit or authorization shall be filed simultaneously with each agency from which the permit or authorization is required.~~

107-92

Recordation

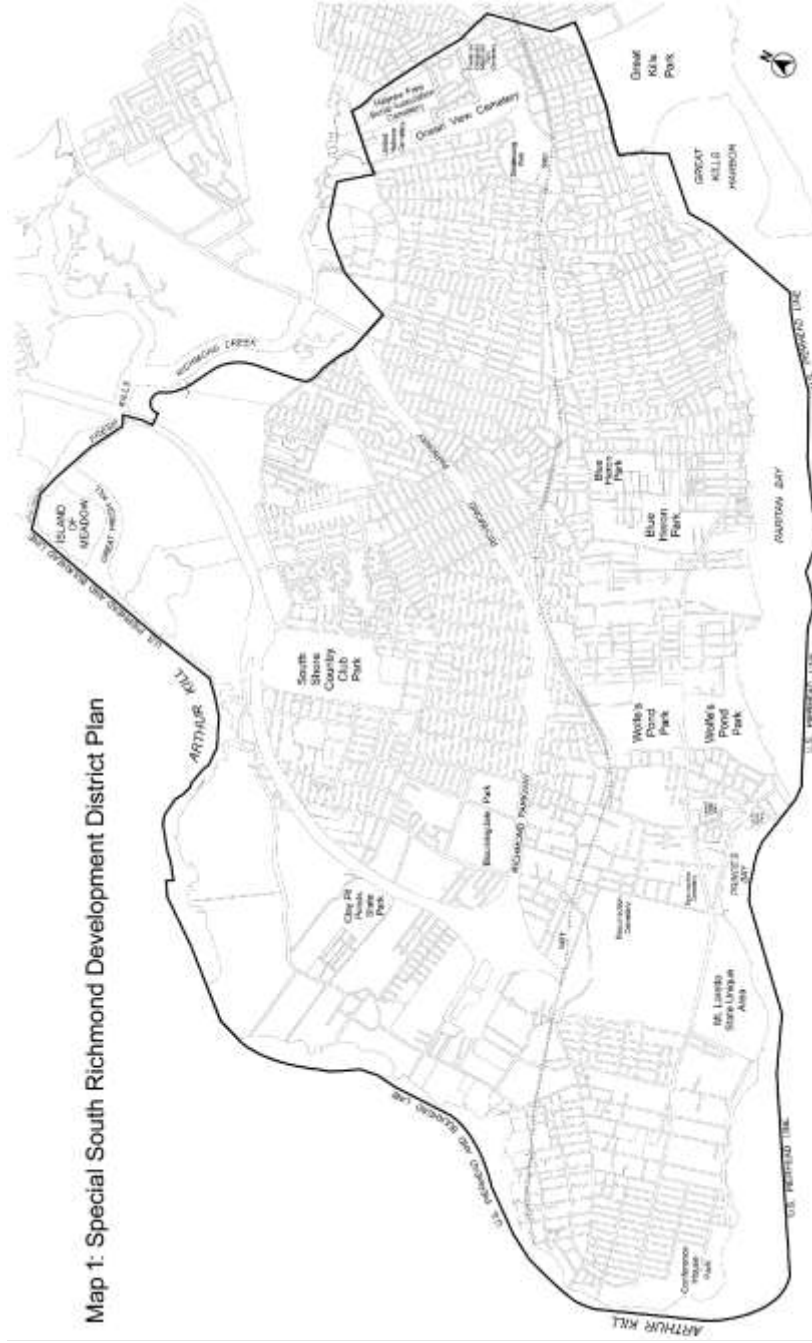
~~When any #yard# requirement of the applicable district regulations is modified by the City Planning Commission pursuant to Section 107-46 (Yard and Court Regulations), prior to the filing of an application for any permit with the Department of Buildings, there shall be recorded in the Office of the County Clerk, County~~

of Richmond, and indexed against such #zoning lots# to be #developed# as a unit, an instrument describing all conditions and restrictions required by the Commission for the #development# and #use# of such #zoning lots#. Recordation of instruments may be required in connection with any other zoning application hereunder. A certified copy of such instrument shall be submitted to the City Planning Commission upon recordation thereof.

The #Special South Richmond Development District# Plan, ~~individual District Plan Maps and Tree Selection Tables~~ is incorporated as ~~Appendices A and B~~ Appendix A of this Chapter.

Appendix A
Special South Richmond Development District Plan

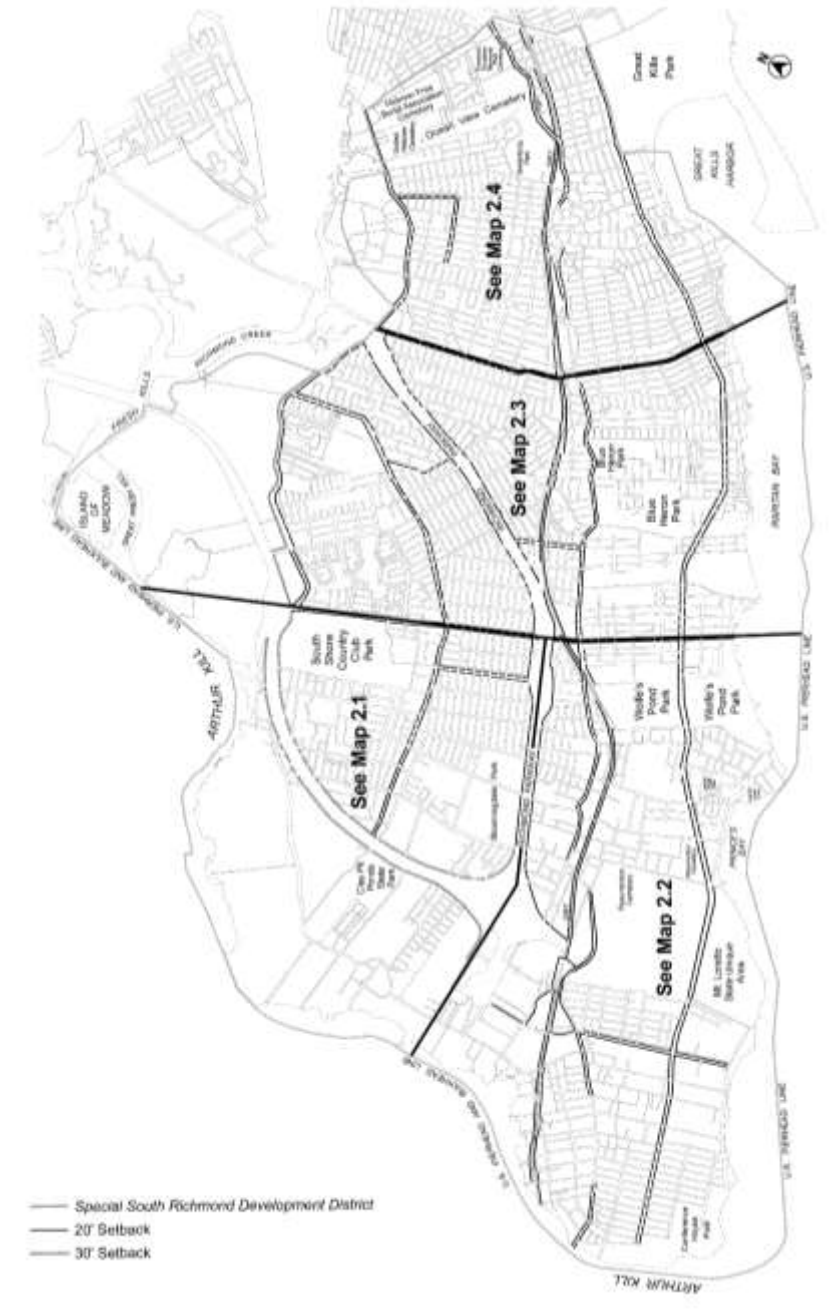
Map 1 — District Plan



Map 1: Special South Richmond Development District Plan

Map 2 — Arterial Setback Plan

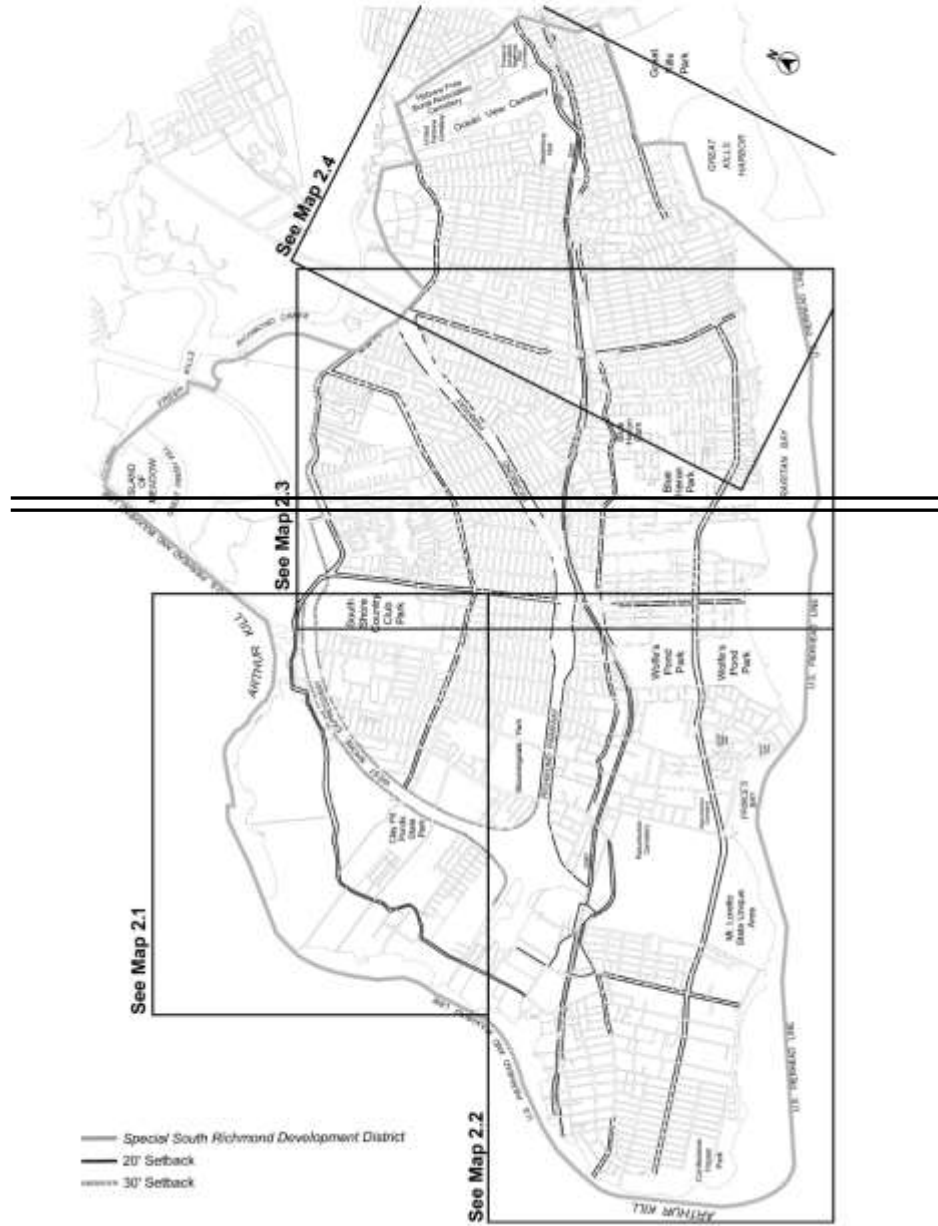
[EXISTING MAP]



[PROPOSED MAP]

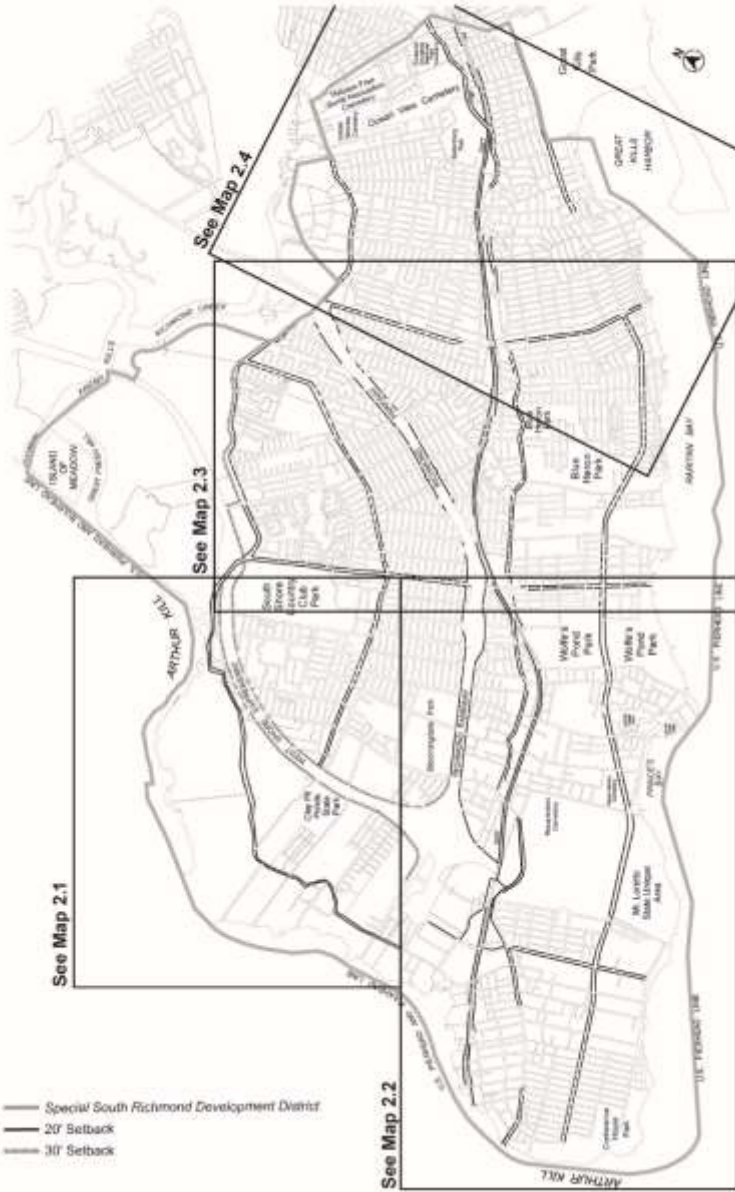
Appendix A

Map 2. Arterial Setback Plan (date of adoption)



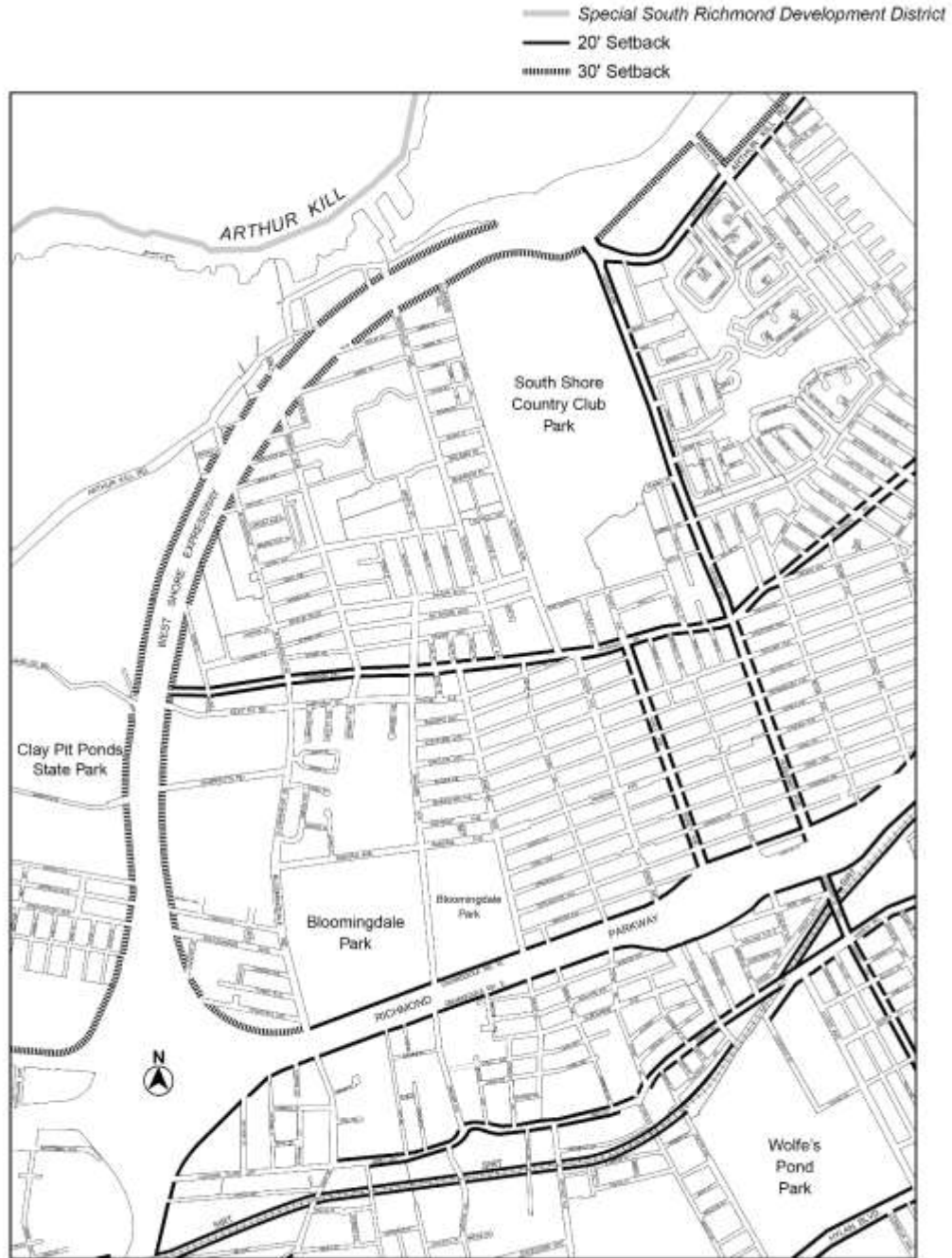
Appendix A

Map 2. Arterial Setback Plan (date of adoption)



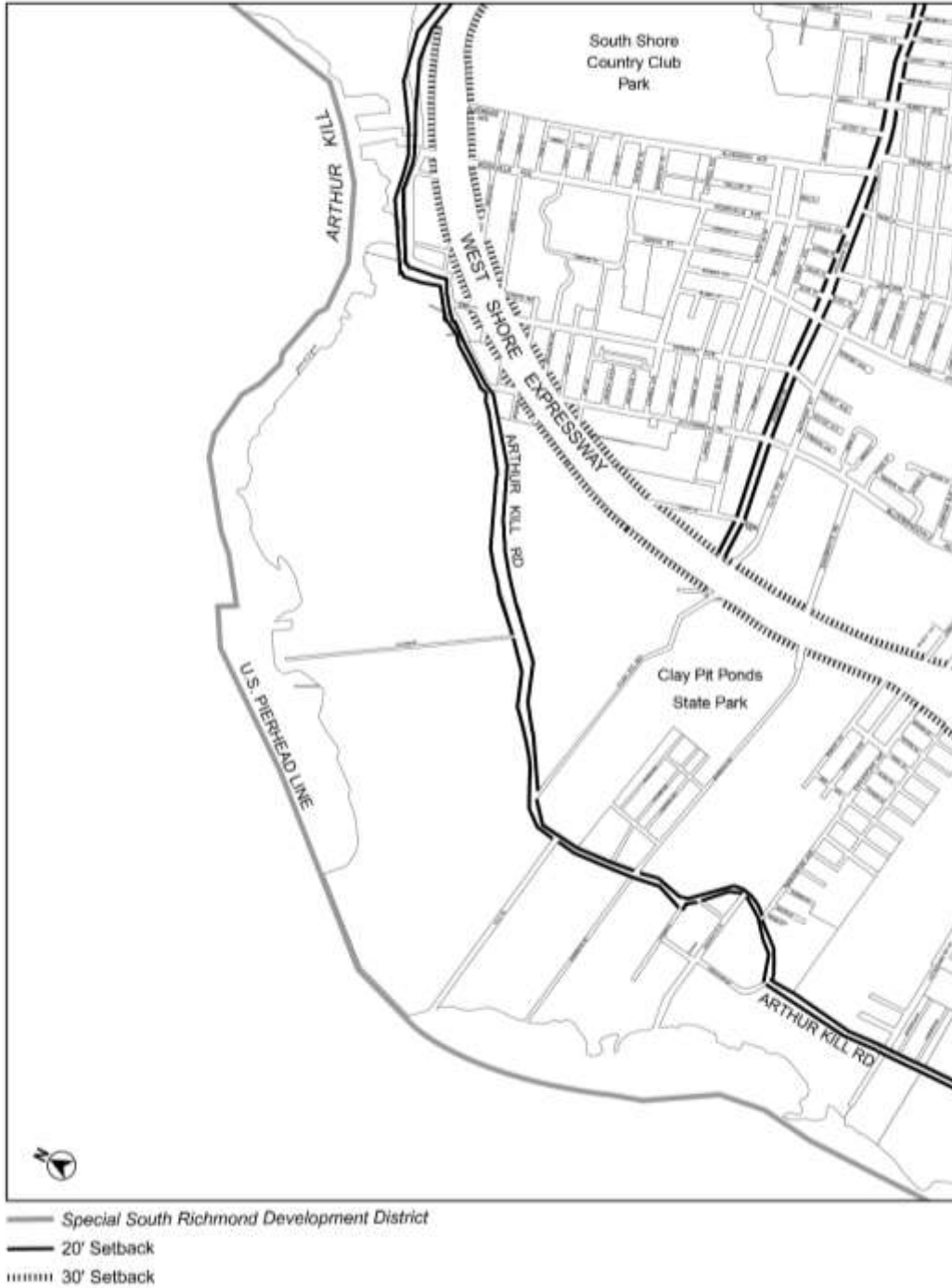
Map 2.1 — Arterial Setback Plan

[EXISTING MAP]



[PROPOSED MAP]

Map 2.1 Arterial Setback Plan (date of adoption)

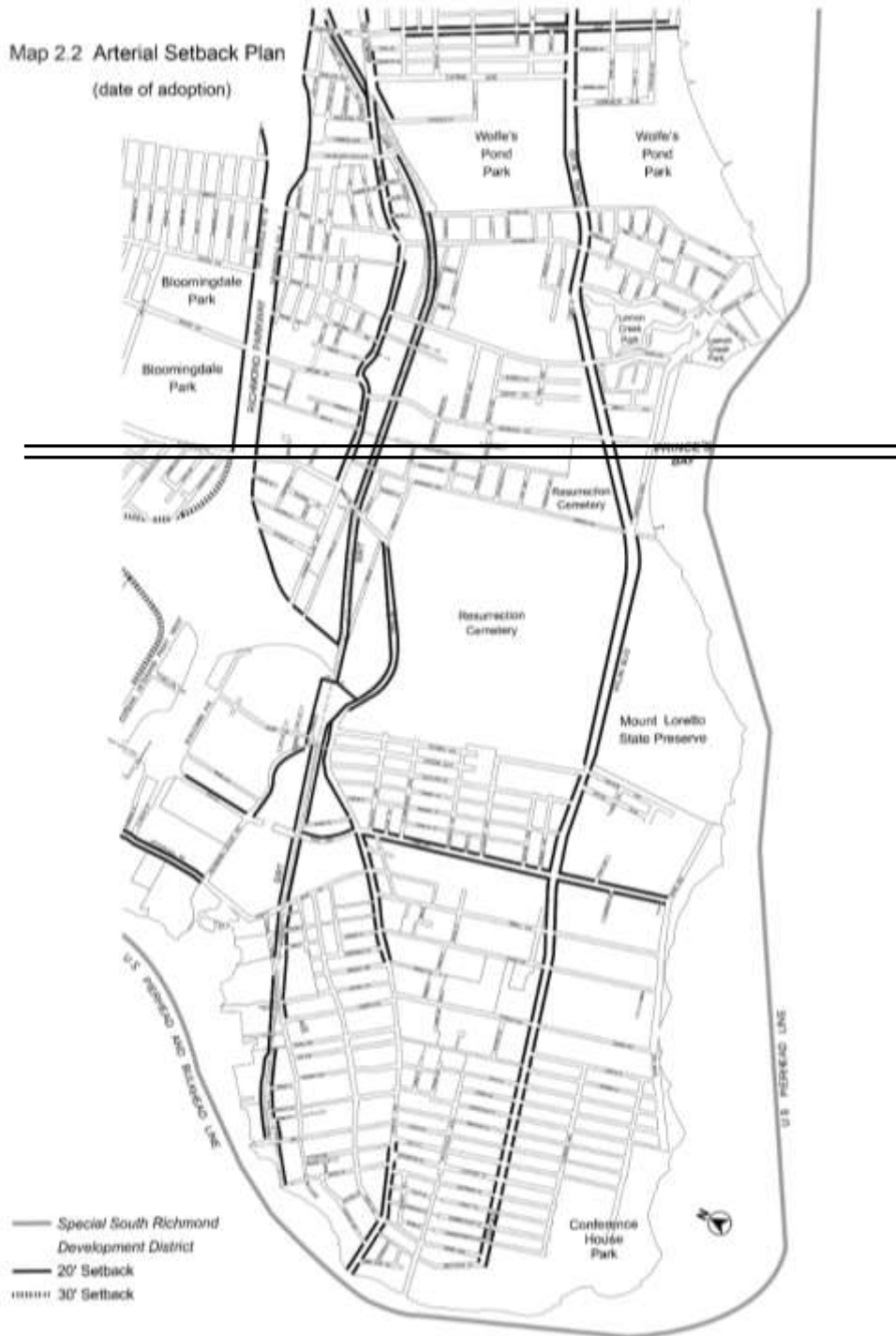


Map 2.2 — Arterial Setback Plan

[EXISTING MAP]



[PROPOSED MAP]



Map 2.2 Arterial Setback Plan
(date of adoption)



Map 2.3 — Arterial Setback Plan

[EXISTING MAP]



[PROPOSED MAP]

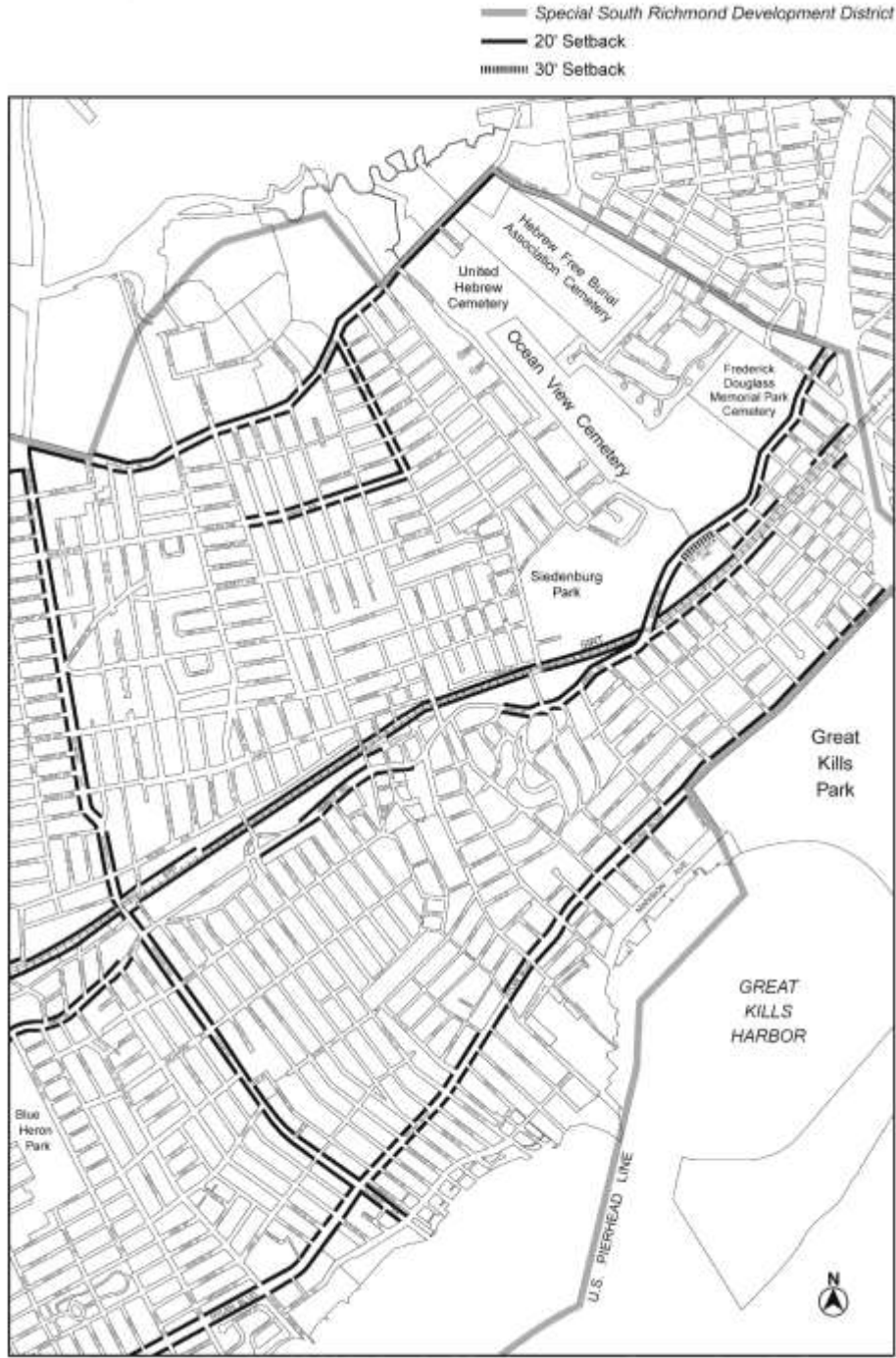
Map 2.3 Arterial Setback Plan (date of adoption)



- Special South Richmond Development District
- - - 20' Setback
- 30' Setback

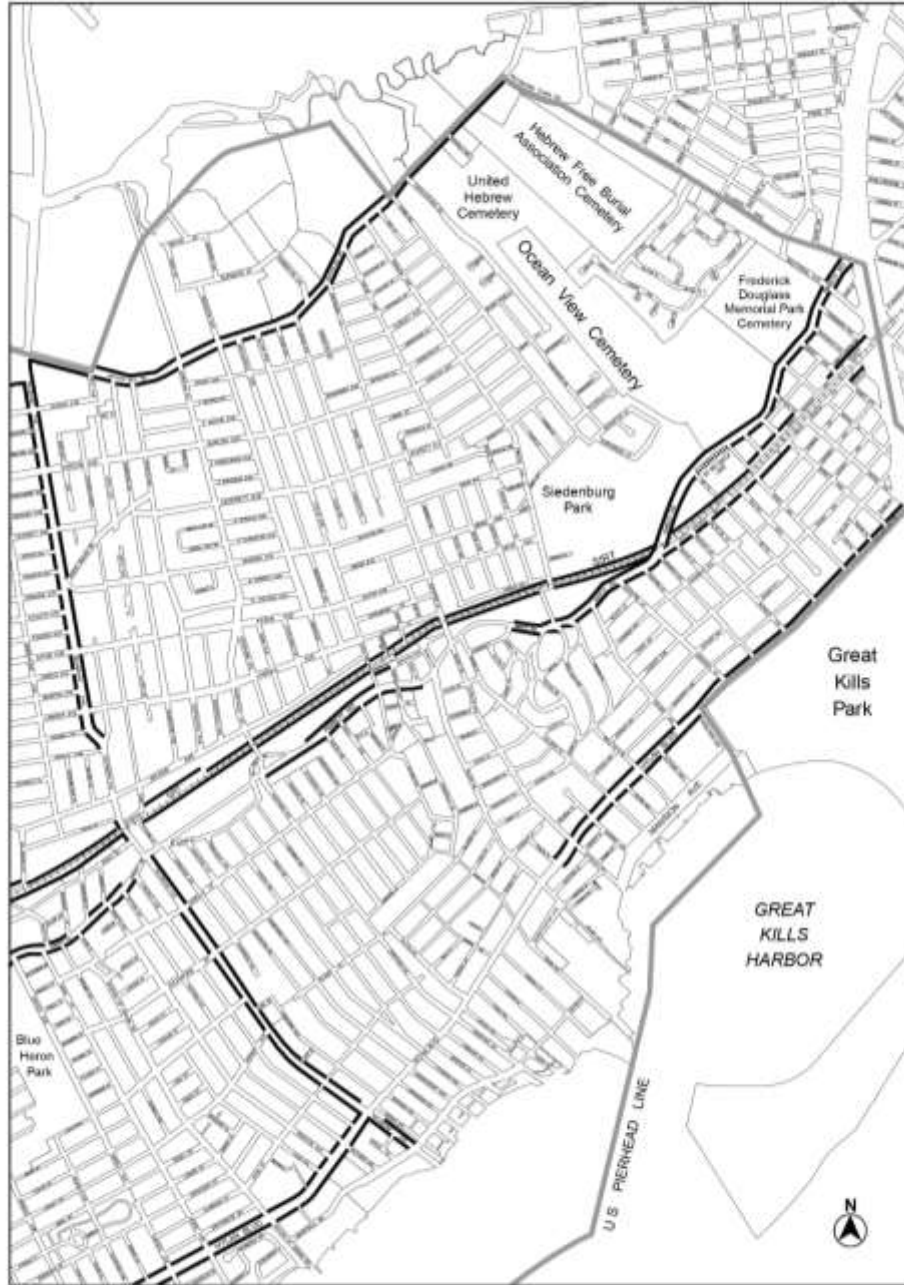
Map 2.4 — Arterial Setback Plan

[EXISTING MAP]



[PROPOSED MAP]

Map 2.4 Arterial Setback Plan (date of adoption)

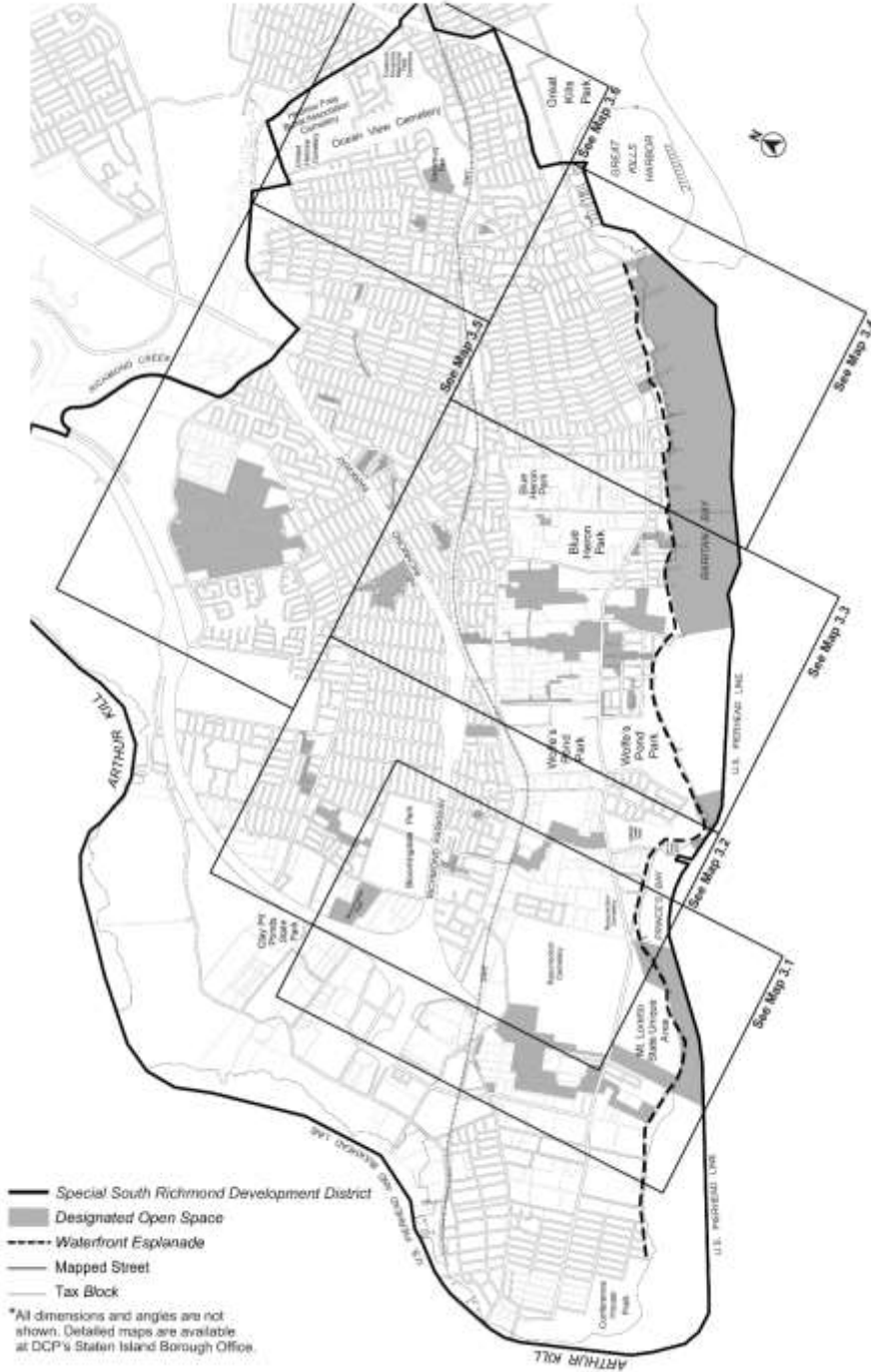


- Special South Richmond Development District
- 20' Setback
- - - 30' Setback

[PROPOSED MAP]

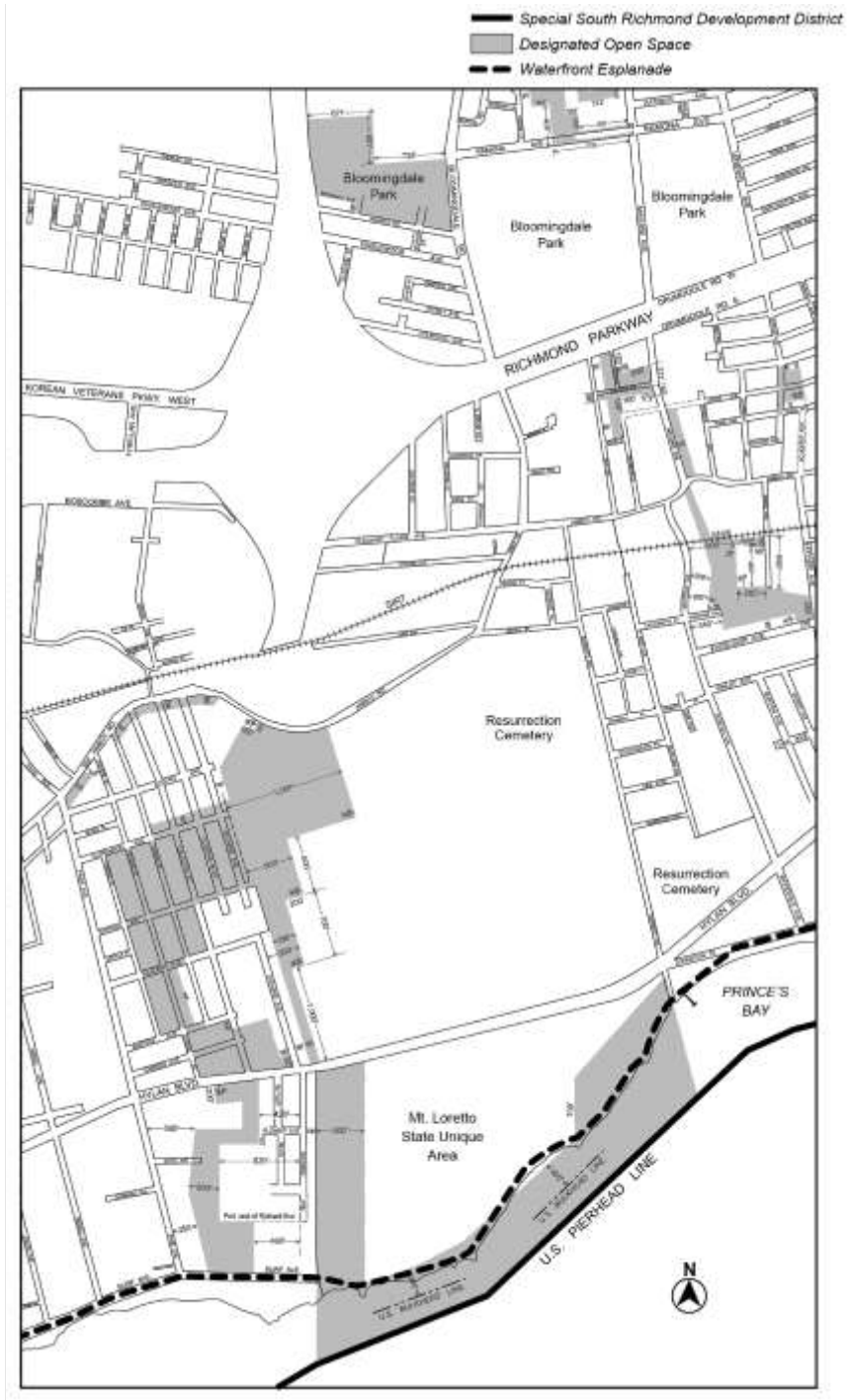
Appendix A

Map 3 Open Space Network (date of adoption)



Map 3.1 — Open Space Network

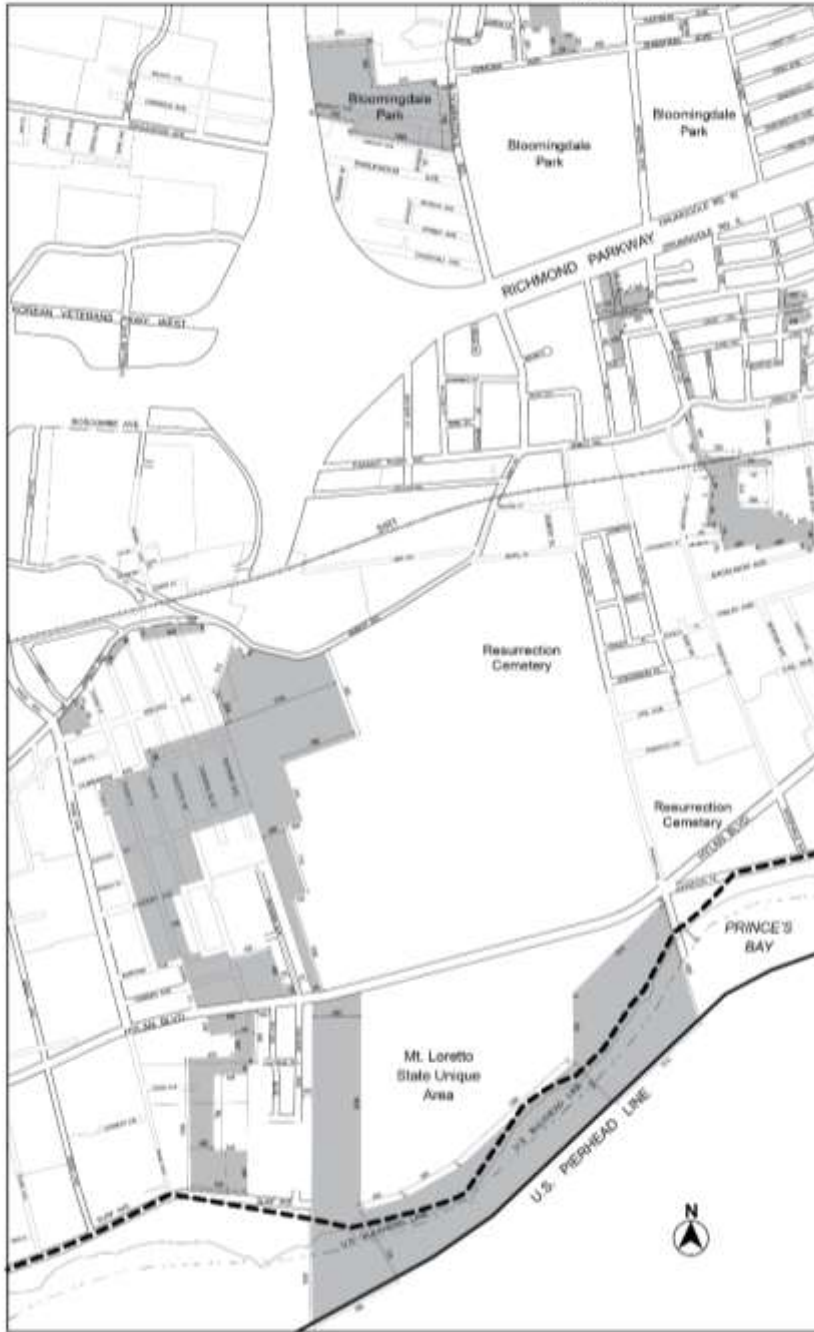
[EXISTING MAP]



[PROPOSED MAP]

Map 3.1 (date of adoption)

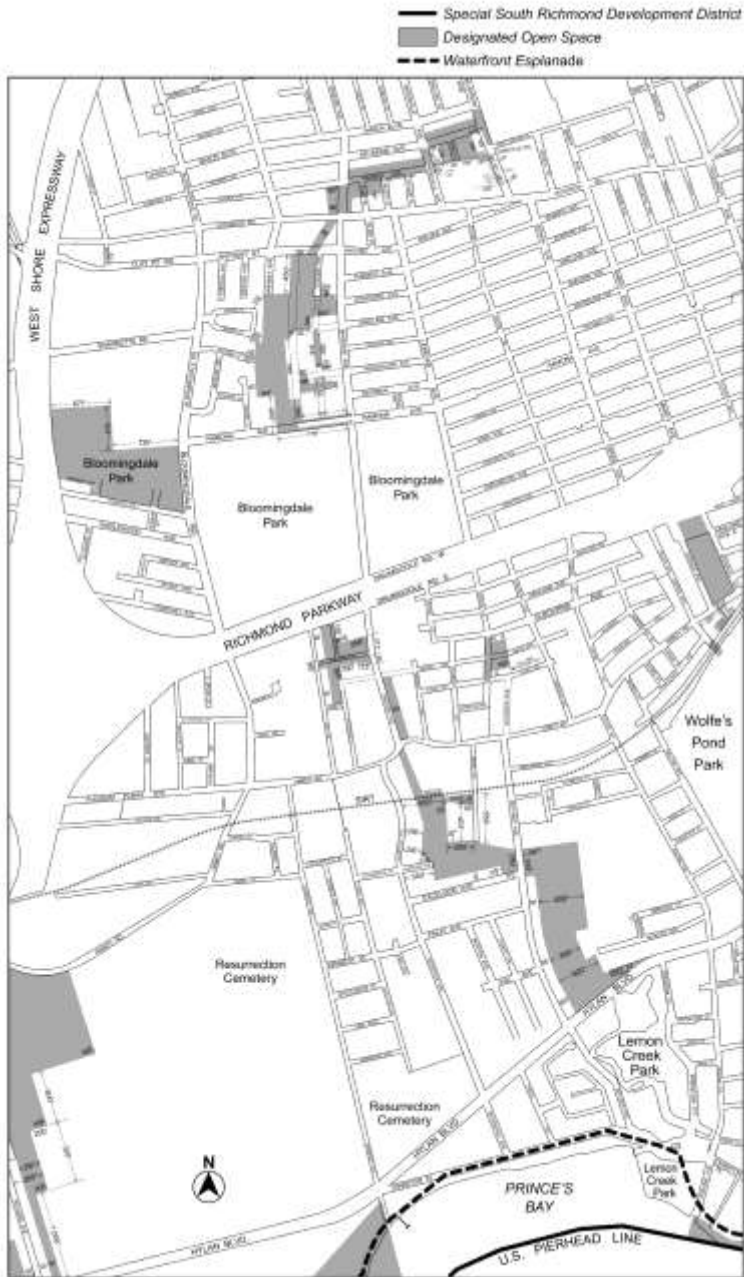
- Special South Richmond Development District
- Designated Open Space
- - - Waterfront Esplanade
- Mapped Street
- Tax Block



*All dimensions are in feet

Map 3.2 — Open Space Network (6/29/11)

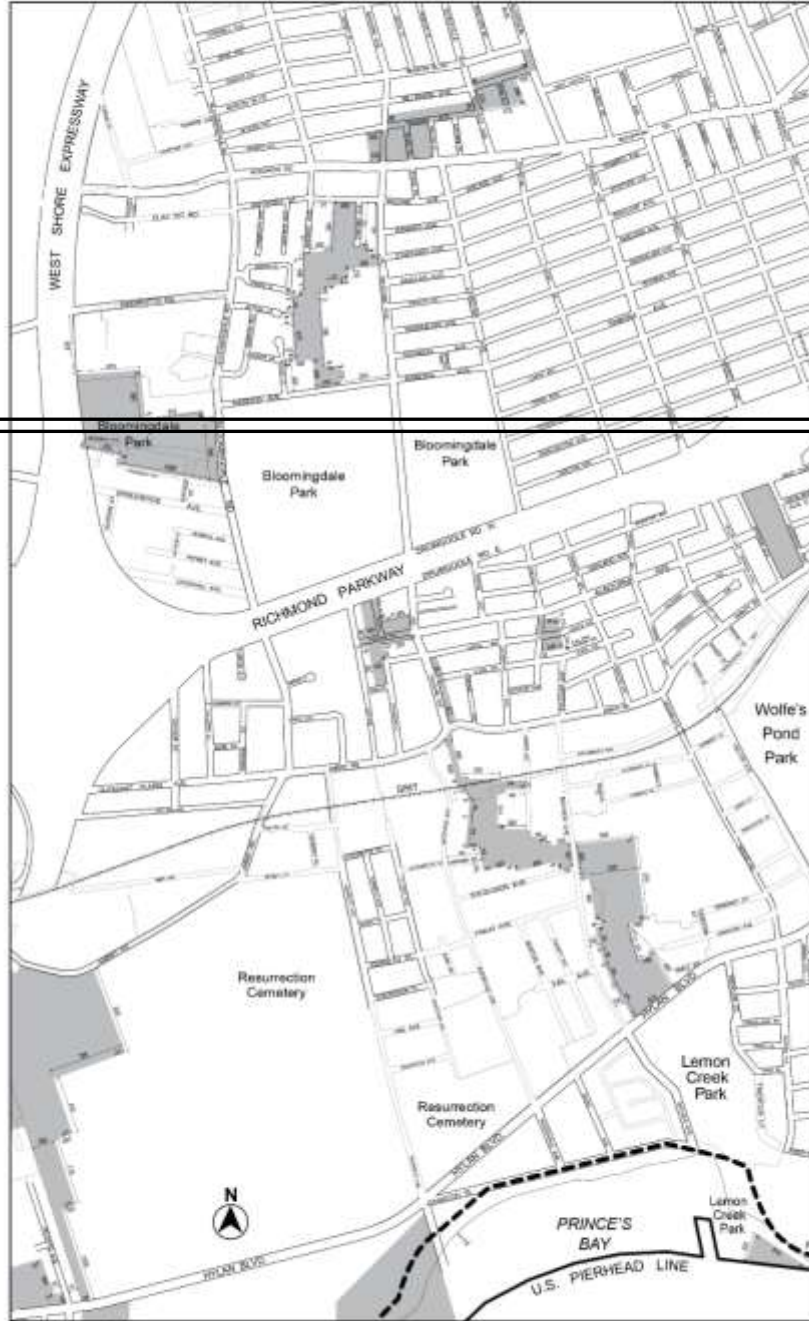
[EXISTING MAP]



[PROPOSED MAP]

Map 3.2 (date of adoption)

- Special South Richmond Development District
- Designated Open Space
- - - Waterfront Esplanade
- Mapped Street
- Tax Block



*All dimensions are in feet

Map 3.2 (date of adoption)

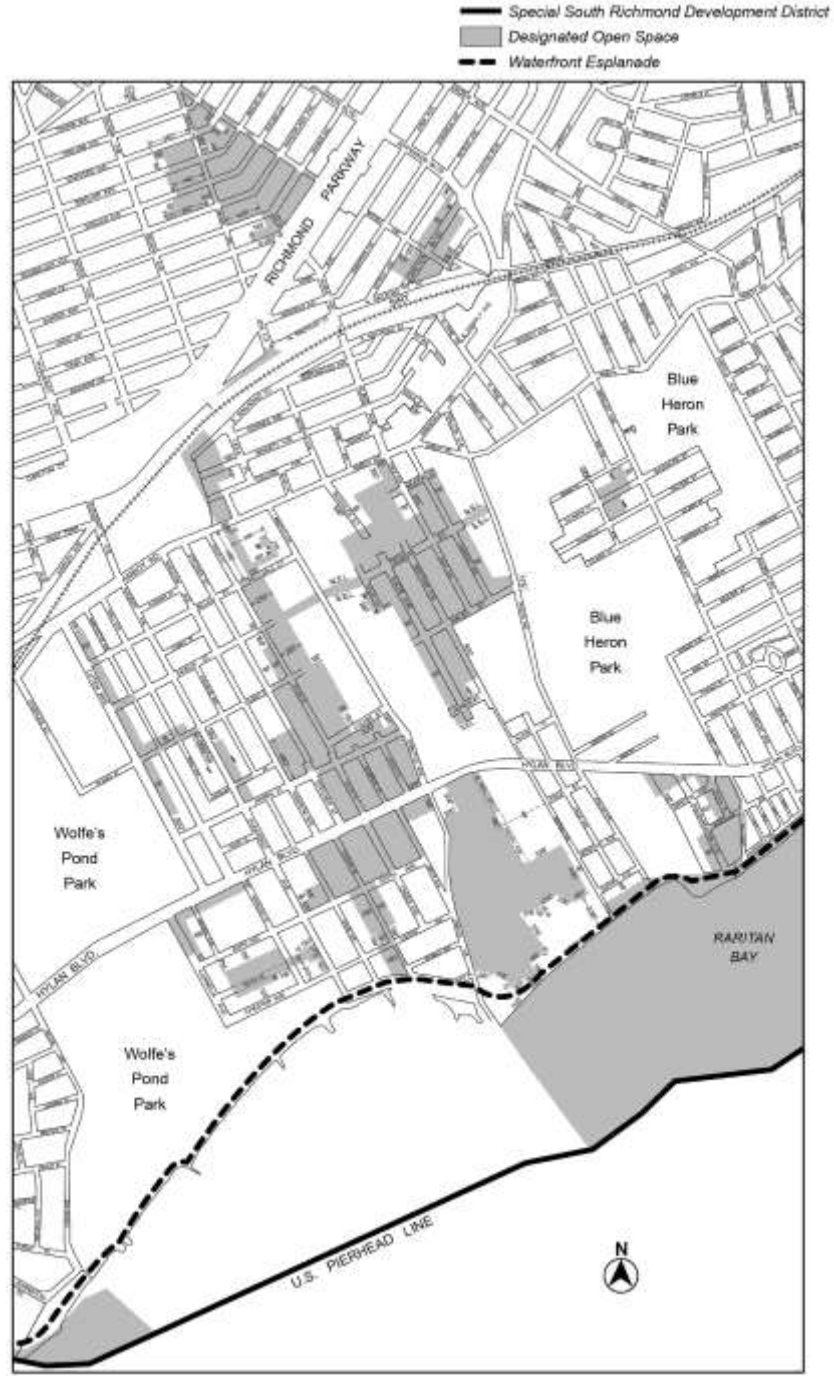
- Special South Richmond Development District
- Designated Open Space
- Waterfront Esplanade
- Major Street
- Tax Block



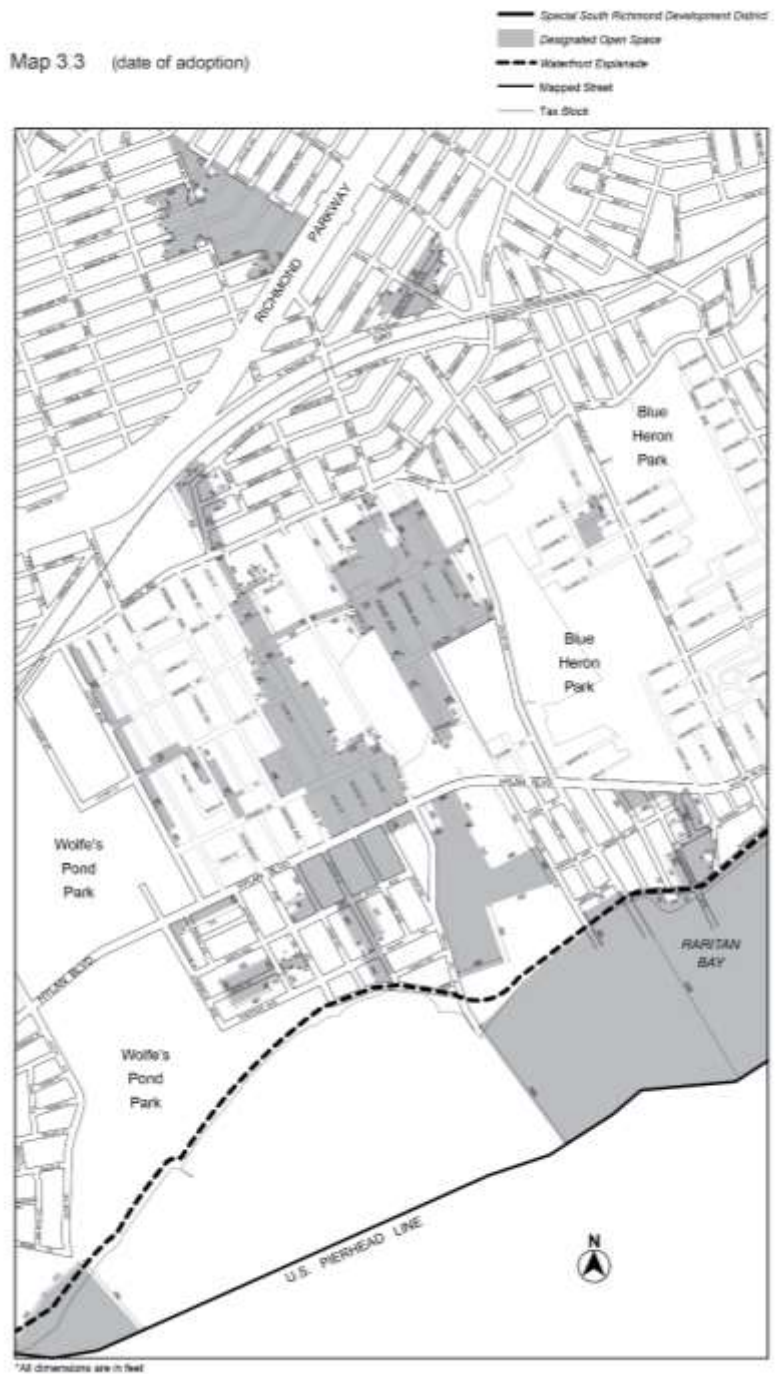
Map 3.2 (date of adoption)

Map 3.3 — Open Space Network

[EXISTING MAP]

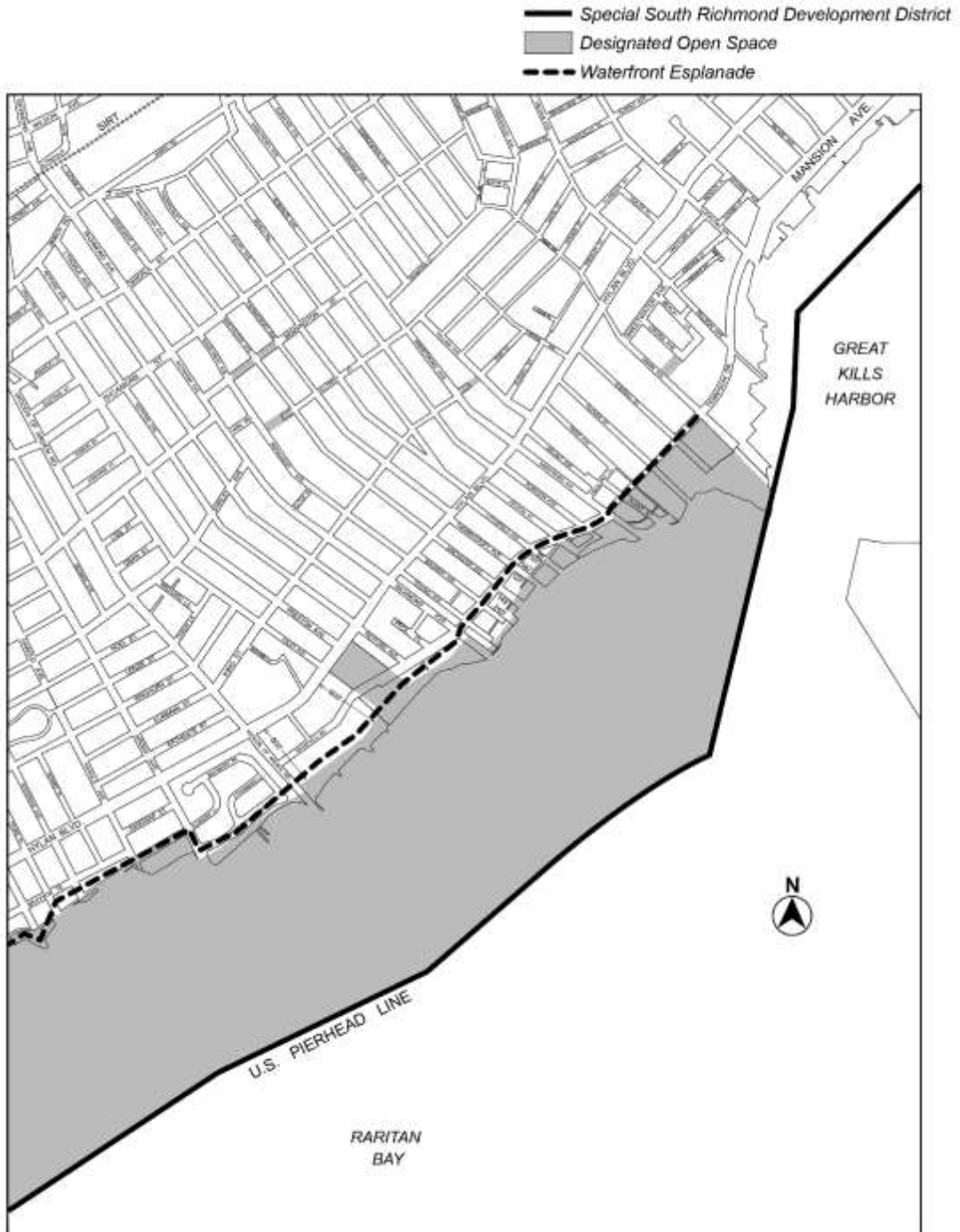


[PROPOSED MAP]



Map 3.4 — Open Space Network (7/29/92)

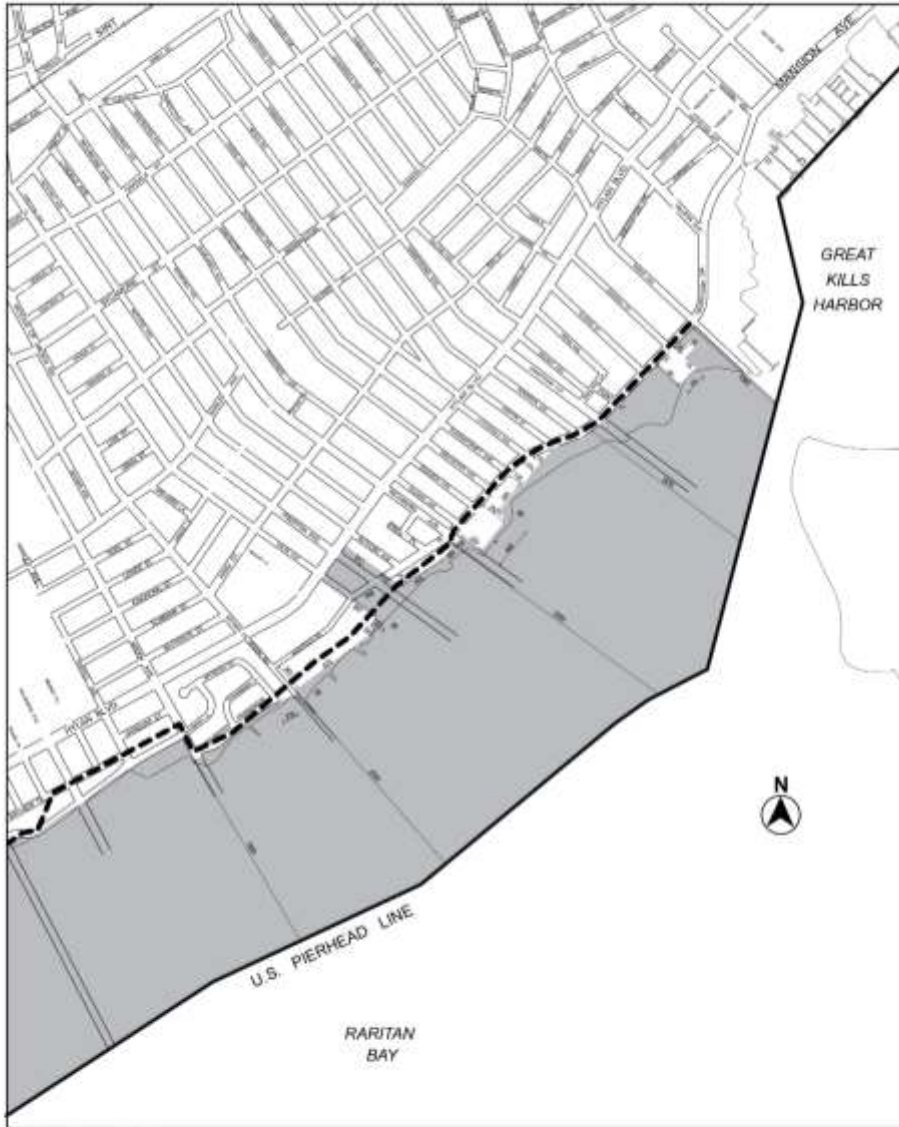
[EXISTING MAP]



[PROPOSED MAP]

Map 3.4 (date of adoption)

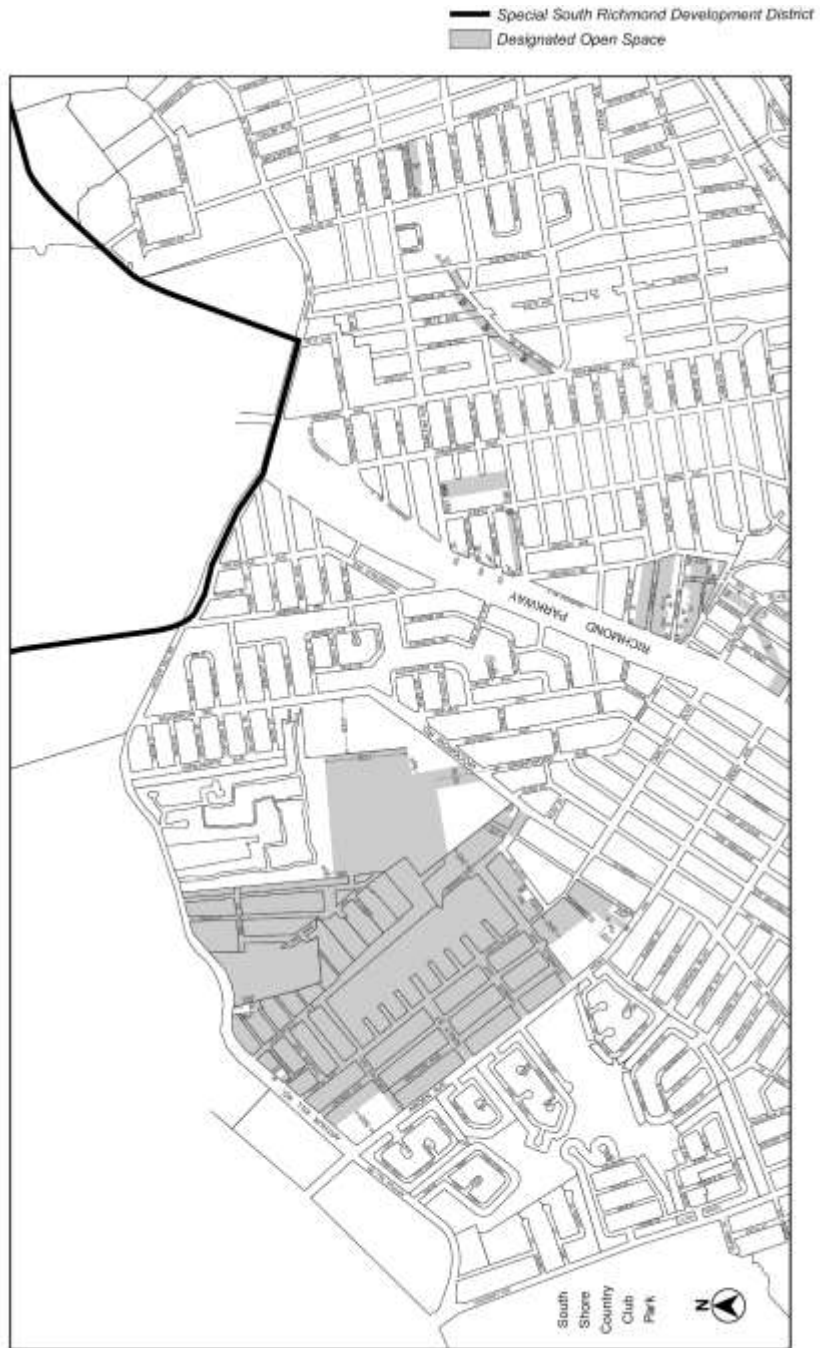
- Special South Richmond Development District
- Designated Open Space
- - - Waterfront Esplanade
- Mapped Street
- Tax Block



*All dimensions are in feet

3.5 — Open Space Network (10/22/81)
3.6

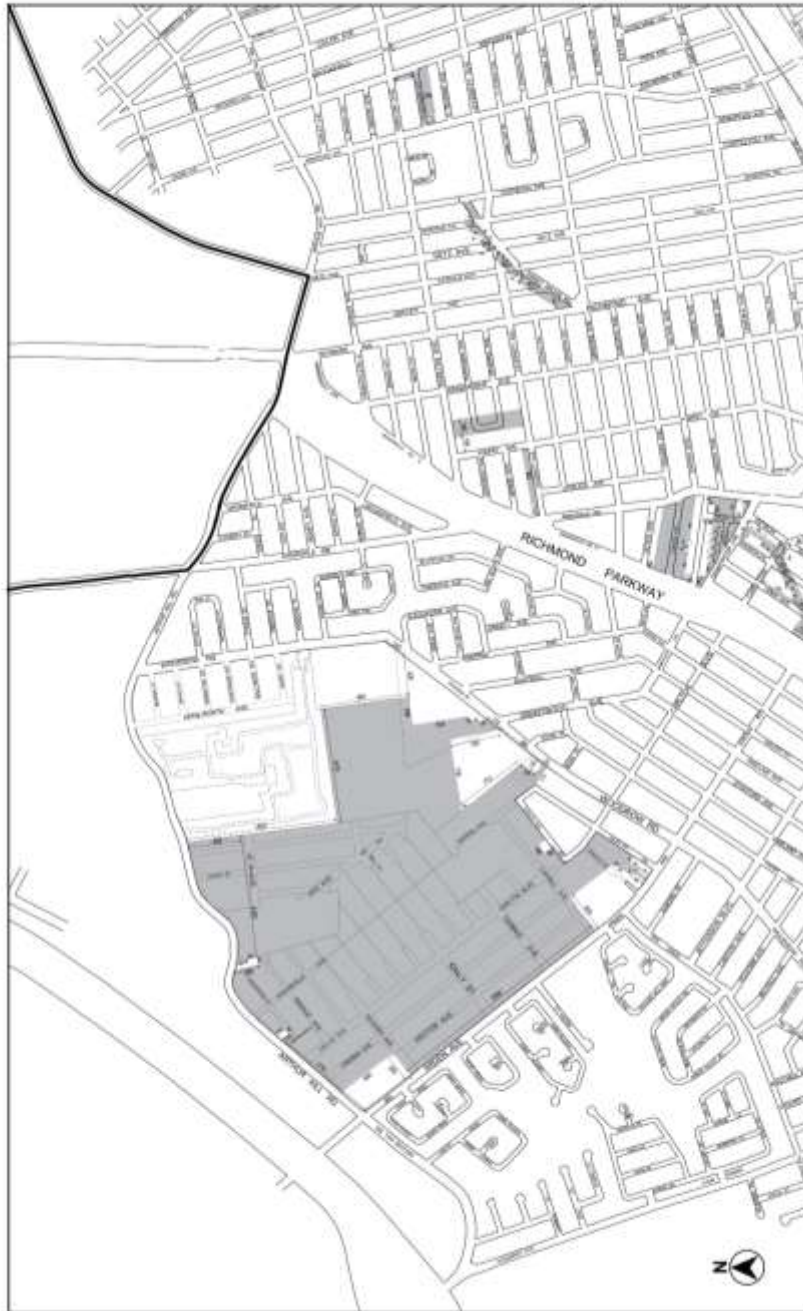
[EXISTING MAP]



[PROPOSED MAP]

Map 3.5 (date of adoption)

- Special South Richmond Development District
- Designated Open Space
- Mapped Street
- Tax Block

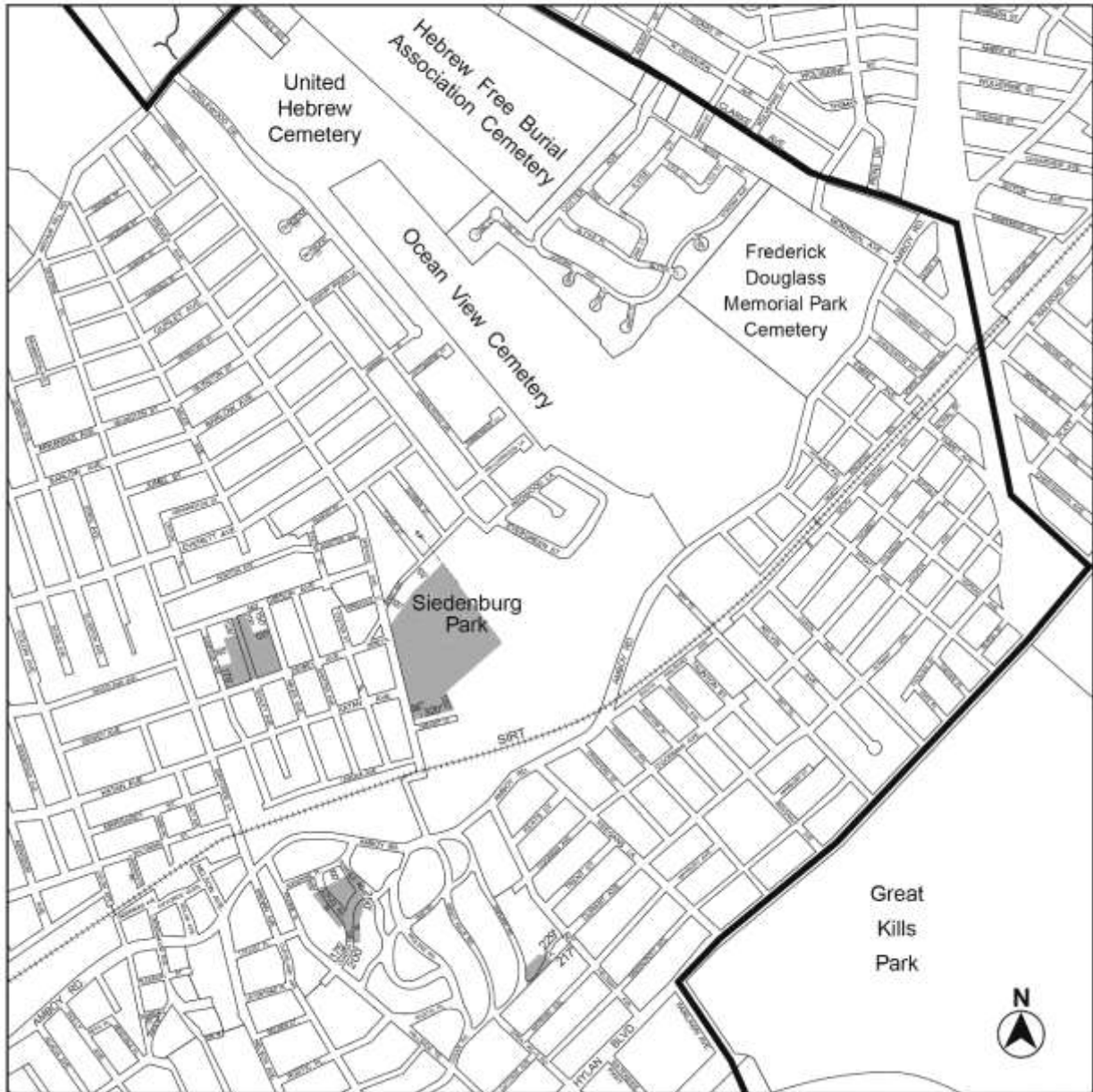


All dimensions are in feet

Map 3.6 — Open Space Network

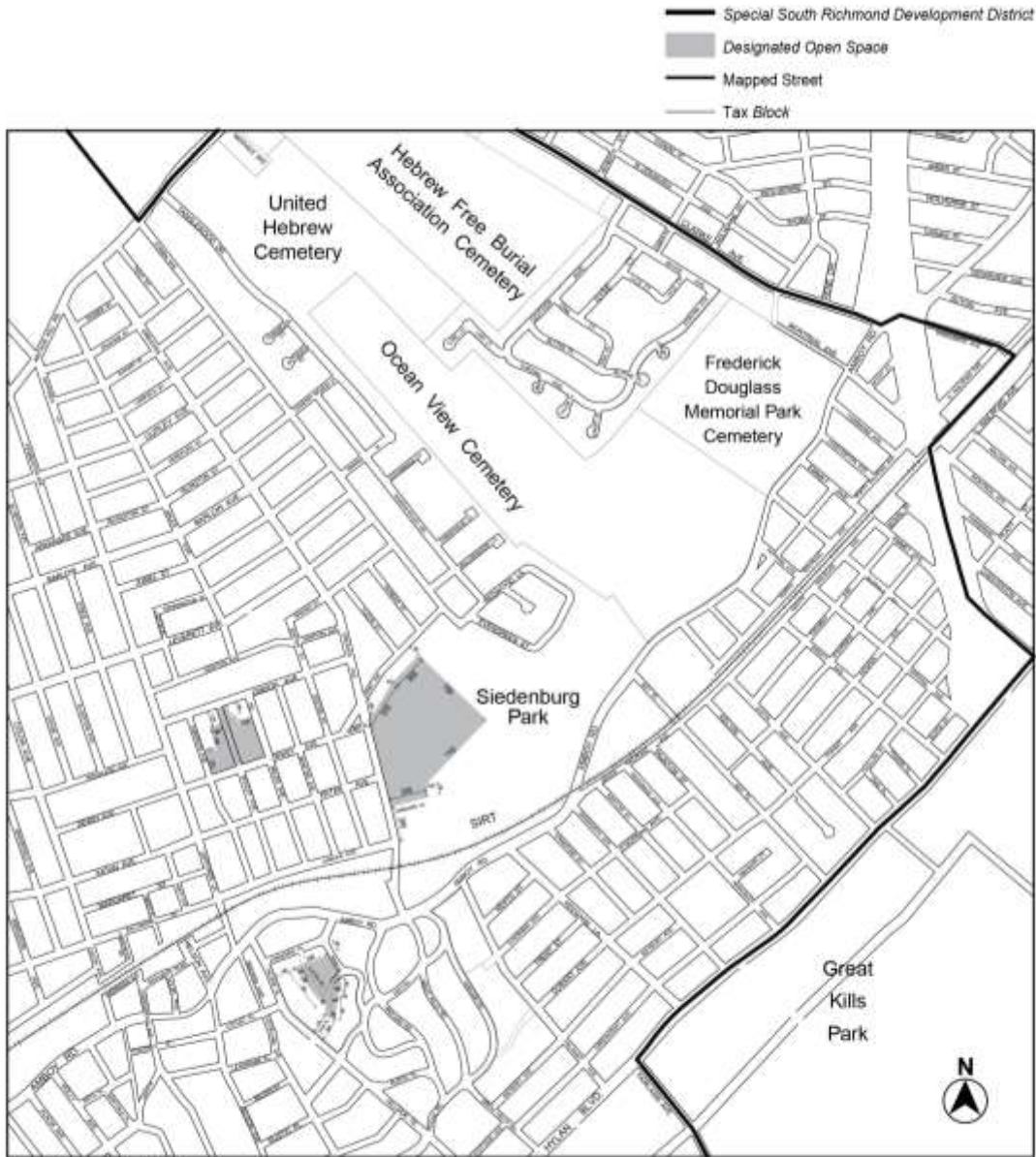
[EXISTING MAP]

- Special South Richmond Development District
- Designated Open Space



[PROPOSED MAP]

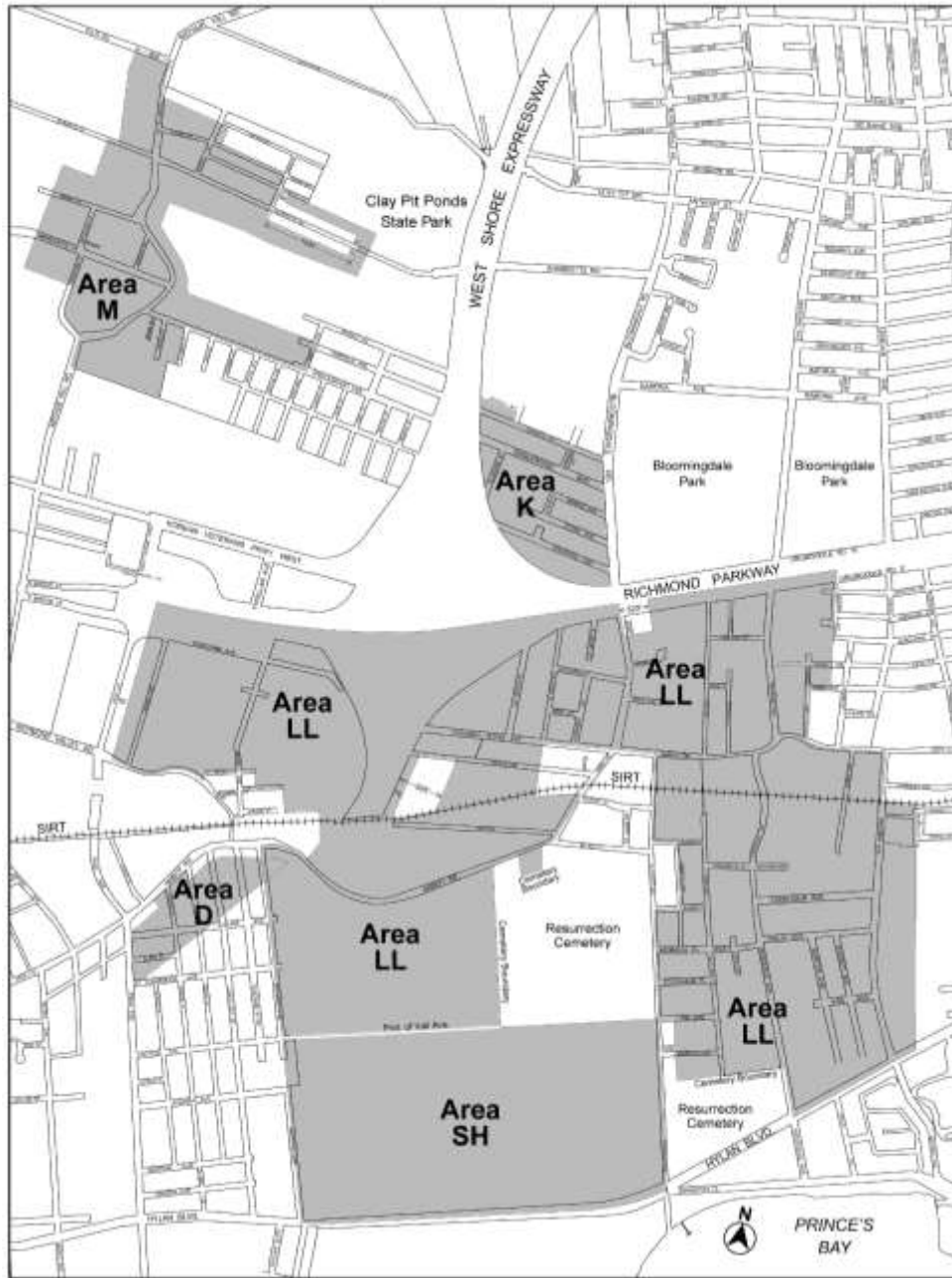
Map 3.6 (date of adoption)



*All dimensions are in feet

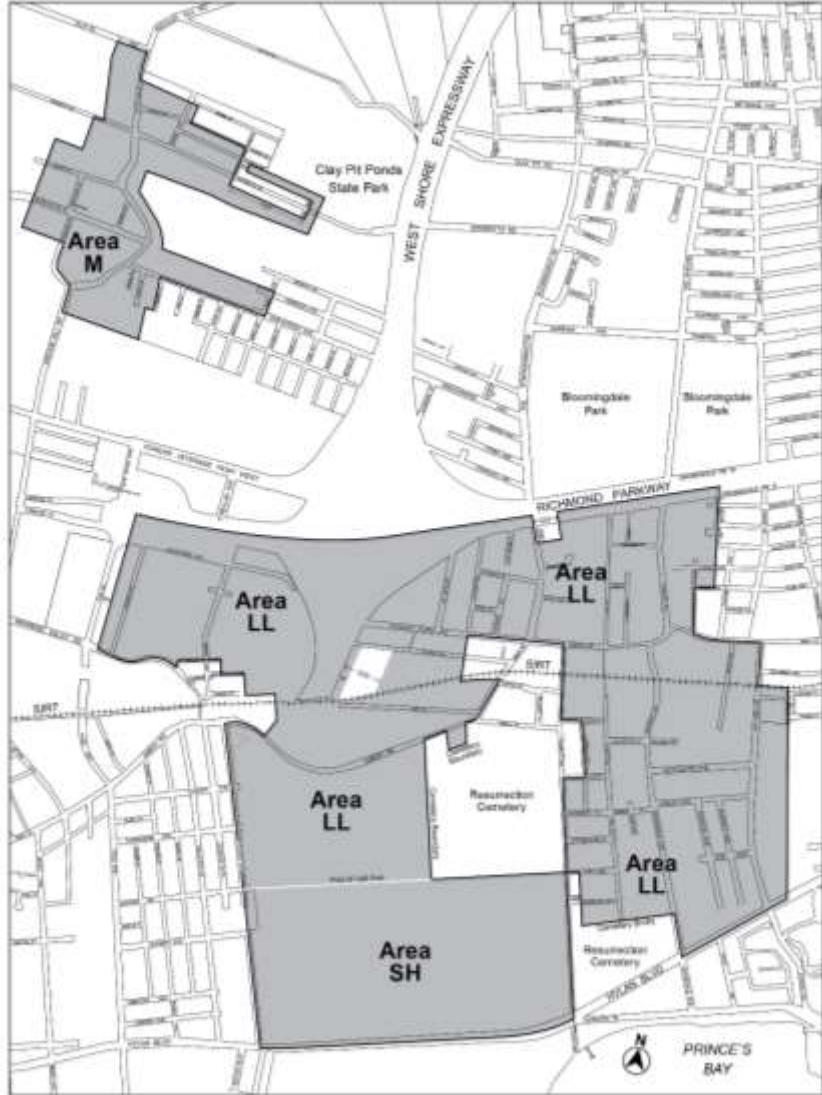
Map 4.4 — Special Areas D, K, LL, M and SH

[EXISTING MAP]

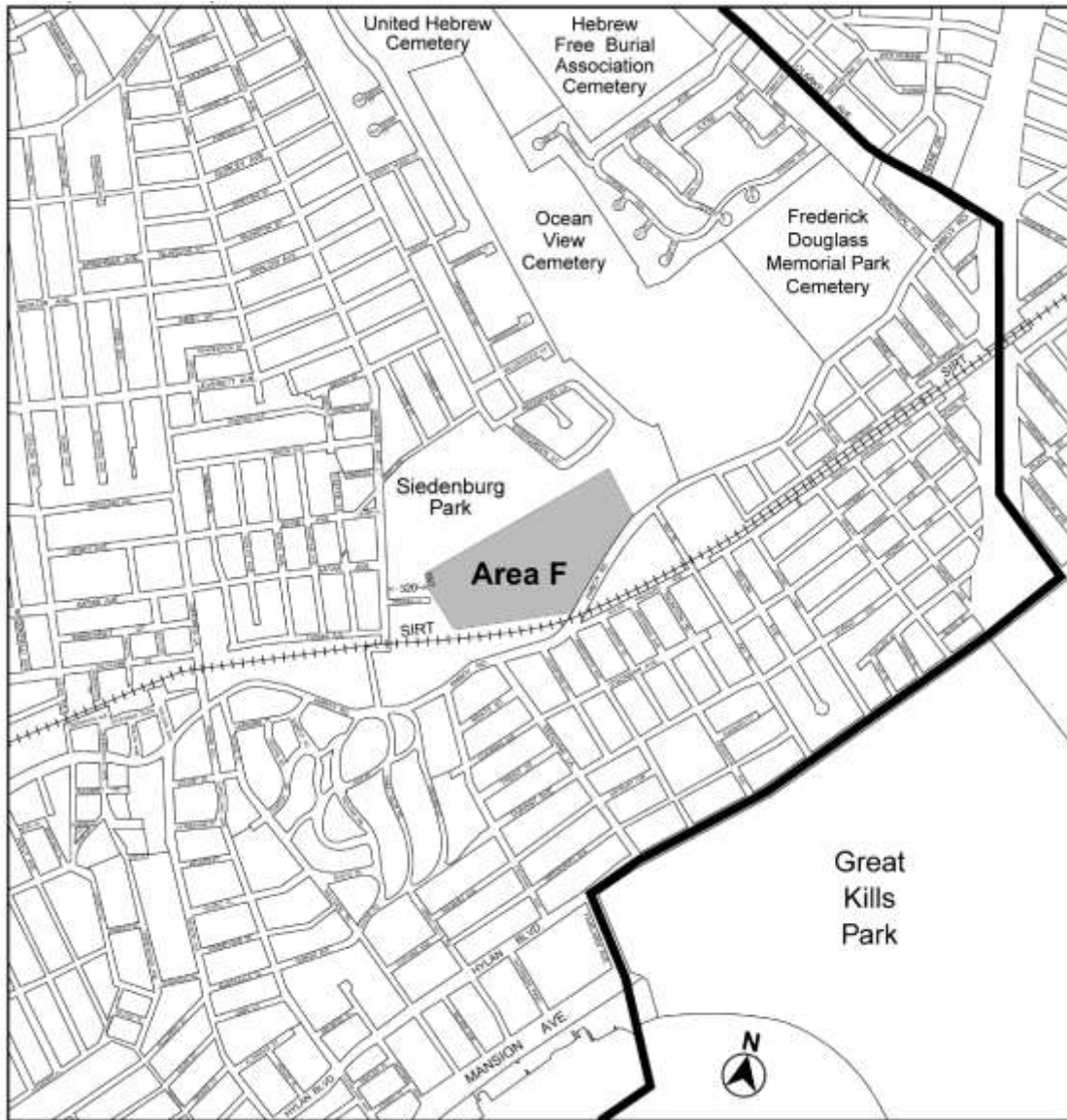


[PROPOSED MAP]

Appendix A (date of adoption)
Map 4. Special Areas LL, M and SH



Map 4.2 — Special Area F



**Appendix B
Tree Selection Tables**

Small Trees, 12–35 feet at mature height: Uses

Species	Use						
	Sidewalk	On Lot	Common open space	Screening	Setback	Park Street	Replacement
Crabapple (Malus)		*	*				*
Carolina Silver Bell (Halesia carolina)		*	*				
Flowering Cherry (Prunus)	*	*	*		*	*	*
Flowering Dogwood (Cornus florida)		*	*		*	*	*
Golden Rain Tree (Koelreuteria paniculata)	*	*	*			*	*
Hawthorne (Crataegus)		*	*		*		
Hedge Maple (Acer campestre)		*	*	*	*	*	*
Japanese Maple (Acer palmatum)		*	*		*		
Russian Mulberry (Morus alba 'Tatarica')		*	*			*	
Russian Olive (Elaeagnus angustifolia)	*	*	*				
Saucer Magnolia (Magnolia soulangeana)		*	*	*	*	*	*

Small Trees, 12–35 feet at mature height: Shape, Foliage, Advantages, Disadvantages and Characteristics.

Species	Shape	Foliage	Advantages	Disadvantages	Other Characteristics
Crabapple (<i>Malus</i>)	round	dense	moderate growth rate, easily transplanted, no maintenance	litters, needs full sun	flowering fruit, fall color: yellow-orange
Carolina Silver Bell (<i>Halesia carolina</i>)	round	light	withstands insects	requires well drained soil, requires moist soil	flowers, fall color
Flowering Cherry (<i>Prunus</i>)	round	light	tolerant of shade	short-lived	flowering
Flowering Dogwood (<i>Cornus florida</i>)	spreading	light	moderate growth rate, easily transplanted, no maintenance	needs wind protection, requires well drained soil	flowers, red fall color
Golden Rain Tree (<i>Koelreuteria paniculata</i>)	round	dense	all soils, rapid growth rate, tolerates city, easily transplanted	requires sun	flowers
Hawthorne (<i>Crataegus</i>)	round	dense	easily transplanted	needs pruning, thorns, intolerant of pests, slow growth	fall color: bronze, red
Hedge Maple (<i>Acer campestre</i>)	round	dense	all soils, tolerates city	requires well drained soil	fall color
Japanese Maple (<i>Acer palmatum</i>)	round	dense	no maintenance	slow growth rate, difficult to transplant	red fall color
Mulberry (<i>Morus alba</i> 'Tatarica')	round	dense	all soils, rapid growth rate	litters, needs wind protection, needs pruning	fruit
Russian Olive (<i>Elaeagnus augustifolia</i>)	spreading	light	withstands insects, grows in dry soil	requires sun	flowers
Saucer Magnolia (<i>Magnolia soulangeana</i>)	round	dense	moderate growth rate, easily transplanted, tolerates city	requires well drained soil, requires rich	flowers, bronze fall color

				moist soil, needs sun	
--	--	--	--	-----------------------	--

Medium Trees, 35–75 feet at mature height: Uses

Species	Use						
	Sidewalk	On Lot	Comm on open space	Screen -ing	Setback	Park Street	Replacement
American Yellowwood (<i>Cladrastis lutea</i>)		*	*				
Ash, Green (<i>Froxinus pennsylvatica lanceolata</i>)	*	*	*	*	*	*	*
Bradford Pear (<i>Pyrus calleryana</i>)	*	*	*			*	*
Chinese Chestnut (<i>Castanea mollissima</i>)		*	*		*	*	*
Cork Tree, Amur (<i>Phellodendron amurense</i>)	*	*	*				
Elm, Smooth Leaf (<i>Ulmus carpinifolia</i>)	*	*	*	*	*	*	
Elm, Chinese (<i>Ulmus parvifolia</i>)		*	*			*	
Elm, Siberian (<i>Ulmus pumila</i>)		*	*			*	
European Beech (<i>Fagus sylvatica</i>)				*			*
European Hornbeam (<i>Carpinus betulus</i>)		*	*			*	
Honey Locust (<i>Gleditsia triacanthos</i>)							
Katsura (<i>Cercidiphyllum japonicum</i>)	*	*	*		*	*	
Little Leaf Linden (<i>Tilia cordata</i>)	*	*	*		*	*	*

Maple, Norway (<i>Acer platanoides</i>)		*	*			*	*
Maple, Red (<i>Acer rubrum</i>)	*	*	*	*	*	*	*
Oak, Willow (<i>Quercus phellos</i>)	*		*				*
Poplar, Lombardi (<i>Populus nigra</i> 'Italica')		*	*	*	*	*	*
Zelkova, Japanese (<i>Zelkova serrata</i>)	*						*

Medium Trees, 35–75 feet at mature height: Shape, Foliage, Advantages, Disadvantages and Characteristics.

Species	Shape	Foliage	Advantages	Disadvantages	Other Characteristics
American Yellowwood (<i>Cladrastis lutea</i>)	round	dense	withstands insects	spreading shallow roots, difficult to transplant	flowers, yellow fall color
Ash, Green (<i>Fraxinus pennsylvanica lanceolata</i>)	round	dense	all soils, rapid growth rate, wind resistant	low insect resistance	fall color
Bradford Pear (<i>Pyrus calleryana</i>)	pyramidal	dense	tolerates city, withstands fire blight	needs pruning	flowers, fall color: bronze/red
Chinese Chestnut (<i>Castanea mollissima</i>)	spreading round	dense	rapid growth rate, withstands insects	requires well drained soil	fruit, fall colors
Cork Tree, Amur (<i>Phellodendron amurense</i>)	round	light	rapid growth rate, tolerates city, easily transplanted	litters	fruit, fall color: yellow
Elm, Smooth Leaf (<i>Ulmus carpinifolia</i>)	round	dense	rapid growth rate, withstands insects	blight	
Elm, Chinese (<i>Ulmus parvifolia</i>)	round-oval	dense	rapid growth rate, withstands insects	blight	

Elm, Siberian (<i>Ulmus pumila</i>)	round	light	all soils, rapid growth rate, withstands insects	blight	
European Beech (<i>Fagus sylvatica</i>)	pyramidal	dense	easily transplanted, use as hedge if pruned	slow growth rate, requires well drained soil	fall color: bronze
European Hornbeam (<i>Carpinus betulus</i>)	round	dense	all soils, withstands insects	slow growth rate, requires sun	fruit, fall color
Honey Locust (<i>Gleditsia triacanthos</i>)	open-headed	light	moderate growth rate, tolerates city, all soils	litters, needs sun	fall color: pale yellow
Katsura (<i>Cercidiphyllum japonicum</i>)	round	dense	no maintenance rapid growth rate, disease free	prefers open sunny site	fall color: yellow some scarlet or purple
Little Leaf Linden (<i>Tilia cordata</i>)	oval-pyramidal	dense	withstands insects, tolerates city, easily transplanted	needs maintenance, slow growth rate	fall color: pale yellow
Maple, Norway (<i>Acer platanoides</i>)	columnar	dense	tolerates city, rapid growth rate, easily transplanted no maintenance	surface roots	fall color: yellow
Maple, Red (<i>Acer rubrum</i>)	round	dense	rapid growth rate, easily transplanted resists disease	litters	fall color: scarlet/orange yellow
Oak, Willow (<i>Quercus phellos</i>)	pyramidal-spreading	dense	rapid growth rate, easily transplanted	prefers moist soil, can't withstand cold winter	fall color: yellow
Poplar, Lombardi (<i>Populus nigra</i> 'Italica')	fastigate	light-dense	easily transplanted rapid growth rate	short lived, needs maintenance, roots pry open sewers	fall color: yellow
Zelkova, Japanese (<i>Zelkova serrata</i>)		dense	all soils, rapid growth rate		

Large Trees, 75 feet or more at mature height: Uses

Species	Use						
	Sidewalk	On Lot	Common open space	Screening	Setback	Park Street	Replacement
American Beech (<i>Fagus grandifolia</i>)		*	*			*	*
Black Gum (Sour Gum) (<i>Nyssa sylvatica</i>)		*	*				
Cucumber Tree (<i>Magnolia acuminata</i>)		*	*				
European White Birch (<i>Betula pendula</i>)		*	*			*	*
Ginkgo (<i>Ginkgo biloba</i>)	*	*	*	*	*	*	*
Japanese Pagoda (<i>Sophora japonica</i>)	*	*	*				*
Kentucky Coffee Tree (<i>Gymnocladus dioica</i>)		*	*	*	*	*	*
Linden, Silver (<i>Tilia petiolaris</i>)	*	*	*		*		*
Locust, Black (<i>Robinia pseudoacacia</i>)		*	*		*	*	
Maple, Silver (<i>Acer saccharinum</i>)		*	*			*	*
Maple, Sugar (<i>Acer saccharum</i>)		*	*			*	*
Oak – Pin (<i>Quercus palustris</i>)		*	*		*	*	*
Oak, Red (<i>Quercus borealis</i>)	*	*	*		*	*	*
Oak, White (<i>Quercus alba</i>)		*	*				

Sweetgum (Liquidambar styraciflua)	*	*	*	*		*	
Sycamore, London Plane (Platanus acerifolia)	*	*	*	*	*	*	*
Tulip Tree (Liriodendron tulipifera)		*	*			*	*
Blue Atlas Cedar (Cedrus atlantica 'Glauca')		*	*	*	*		*
Douglas Fir (Pseudotsuga menziesii)		*	*	*	*		*
Eastern White Pine (Pinus strobus)			*	*	*		*

Large Trees, 75 feet or taller at mature height: Shape, Foliage, Advantages, Disadvantages and Characteristics.

Species	Shape	Foliage	Advantages	Disadvantages	Other Characteristics
American Beech (Fagus grandifolia)	round	dense	hedge use if pruned, wind resistant, easily transplanted	slow growth rate, shallow roots	-fall color: bronze
Black Gum (Sour Gum) (Nyssa sylvatica)	pyramidal	dense	withstands insects, moderate growth rate no maintenance	difficult to transplant	-fall color: scarlet/ orange
Cucumber Tree (Magnolia acuminata)	pyramidal (varies)	dense	withstands insects, rapid growth rate, grows in partial shade/sun		flowers
European White Birch (Betula perdula)	pyramidal	light	easily transplanted rapid growth	needs protection, prefers cold climate	fall color: yellow

			rate withstands insects		
Ginkgo (Ginkgo biloba)	columnar pyramidal spreading	light	all soils, withstands insects, tolerates city, easily transplanted	slow growth rate, avoid female	fall color: pale yellow
Japanese Pagoda (Sophora japonica)	round-weeping	light	all soils, withstands insects, tolerates city, easily transplanted rapid-growth rate	needs maintenance, requires sun	flowers, fall color: yellow
Kentucky Coffee Tree (Gymnocladus dioica)	fastigiata	light	all soils, long life, withstands insects, long life	needs protection, requires sun, slow growth rate	
Linden, Silver (Tilia petiolaris)	fastigiata	dense	rapid-growth rate, withstands heat & drought		fall color: pale yellow
Locust, Black (Robinia pseudoacacia)	columnar	light	all soils, tolerates city, rapid-growth rate	susceptible to insects	flowers
Maple, Silver (Acer saccharinum)	fastigiata	dense	rapid-growth rate, easily transplanted	brittlewood, needs maintenance	fall color: red/ yellow-orange
Maple, Sugar (Acer saccharum)	fastigiata	dense	easily transplanted long life	slow growth rate, little tolerance for city	fall color: scarlet/ yellow-orange
Oak, Pin (Quercus palustris)	pyramidal	dense	all soils, withstands insects, rapid growth rate, easily transplanted	needs maintenance	fall color: scarlet
Oak, Red (Quercus borealis)	oval	dense	tolerates city, grows faster than other oaks,		fall color: red

			easily transplanted		
Oak, White (<i>Quercus alba</i>)	round	dense	holds leaves in winter	slow growth rate, prefers dry soil	
Sweetgum (<i>Liquidambar styraciflua</i>)	pyramidal	dense	moderate growth rate, withstands insects	difficult to transplant	flowers, fall color
Sycamore, London Plane (<i>Platanus Acerifolia</i>)	round-spreading	light-dense	all soils, tolerates city, easily transplanted rapid growth rate	overplanted in NYC, susceptible to fungus	
Tulip Tree (<i>Liriodendron tulipifera</i>)	pyramidal		withstands insects	requires well drained soil	flowers, fall color
Blue Atlas Cedar (<i>Cedrus atlantica</i> 'Glaucæ')	pyramidal	evergreen	moderate growth rate, easily transplanted no maintenance		
Douglas Fir (<i>Pseudotsuga menziesii</i>)	pyramidal	evergreen	easily transplanted rapid growth rate	needs protection	
Eastern White Pine (<i>Pinus strobus</i>)	pyramidal	evergreen	easily transplanted rapid growth rate	requires well drained soil	

RAFAEL SALAMANCA, Jr., *Chairperson*; CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ; 9-0-0; *Absent*: Joseph C. Borelli and Darlene Mealy; *Medical*: Kamillah Hanks and Francisco P. Moya; Committee on Land Use, October 17, 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. 275 & Res. No. 842

Report of the Committee on Land Use in favor of approving, as modified, Application number C 220453 ZMK (703 Myrtle Avenue Rezoning) submitted by Ranco Capital, 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 R7D District and establishing within the proposed R7D District a C2-4 District, Borough of Brooklyn, Community District 3, Council District 33.

The Committee on Land Use, to which the annexed Land Use item was referred on September 28, 2023 (Minutes, page 2556) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on October 19, 2023 (Minutes, page 2686), respectfully

REPORTS:

SUBJECT

**BROOKLYN CB-3 – TWO APPLICATIONS RELATED TO 703 MYRTLE AVENUE
REZONING**

C 220453 ZMK (L.U. No. 275)

City Planning Commission decision approving an application submitted by Ranco Capital, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13b:

1. changing from an M1-1 District to an R7D District property bounded by a line 100 feet northerly of Myrtle Avenue, Walworth Street, Myrtle Avenue, and Spencer Street; and
2. establishing within the proposed R7D District a C2-4 District bounded by a line 100 feet northerly of Myrtle Avenue, Walworth Street, Myrtle Avenue, and Spencer Street;

as shown on a diagram (for illustrative purposes only) dated April 24, 2023, and subject to the conditions of CEQR Declaration E-695.

N 220454 ZRK (L.U. No. 276)

City Planning Commission decision approving an application submitted by Ranco Capital, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

INTENT

To approve the amendment to rezone the project area from an M1-1 zoning district to an R7D/C2-4 zoning district and amend the zoning text to establish the project area as a Mandatory Inclusionary Housing (MIH) area utilizing Options 1 and 2 to facilitate the construction of a new eight-story residential building containing 54 dwelling units, eighteen of which would be permanently income restricted, at 703 Myrtle Avenue in the Bedford-Stuyvesant neighborhood of Brooklyn, Community District 3.

PUBLIC HEARING

DATE: September 19, 2023

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 17, 2023

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on L.U. No. 275 and approve with modifications the decision of the City Planning Commission on L.U. No. 276.

In Favor:

Riley
Louis
Bottcher
Hanks
Schulman
Carr

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: October 17, 2023

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca
Rivera
Louis
Riley
Abreu
Brooks-Powers
Bottcher
Krishnan
Sanchez

Against:

None

Abstain:

None

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The City Planning Commission filed a letter dated [], 2023, with the Council on [], 2023, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 842

Resolution approving the decision of the City Planning Commission on ULURP No. C 220453 ZMK, a Zoning Map amendment (L.U. No. 275).

By Council Members Salamanca and Riley.

WHEREAS, Ranco Capital, 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. 13b, by changing from an M1-1 District to an R7D District and establishing within the proposed R7D District a C2-4 District, which in conjunction with the related action would facilitate the construction of a new eight-story residential building containing 54 dwelling units, 18 of which would be permanently income-restricted, at 703 Myrtle Avenue in the Bedford-Stuyvesant neighborhood of Brooklyn, Community District 3 (ULURP No. C 220453 ZMK) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on September 15, 2023 its decision dated September 11, 2023 (the "Decision") on the Application;

WHEREAS, the Application is related to application N 220454 ZRK (L.U. No. 276), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 19, 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 April 21st, 2023 (CEQR No. 21DCP203K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality and noise impacts (E-695) (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-695) 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 220453 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. 13b:

1. changing from an M1-1 District to an R7D District property bounded by a line 100 feet northerly of Myrtle Avenue, Walworth Street, Myrtle Avenue, and Spencer Street; and

2. establishing within the proposed R7D District a C2-4 District bounded by a line 100 feet northerly of Myrtle Avenue, Walworth Street, Myrtle Avenue, and Spencer Street;

as shown on a diagram (for illustrative purposes only) dated April 24, 2023, and subject to the conditions of CEQR Declaration E-695, Borough of Brooklyn, Community District 3.

RAFAEL SALAMANCA, Jr., *Chairperson*; CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ; 9-0-0; *Absent*: Joseph C. Borelli and Darlene Mealy; *Medical*: Kamillah Hanks and Francisco P. Moya; Committee on Land Use, October 17, 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. 276 & Res. No. 843

Report of the Committee on Land Use in favor of approving, as modified, Application number N 220454 ZRK (703 Myrtle Avenue Rezoning) submitted by Ranco Capital, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 3, Council District 33.

The Committee on Land Use, to which the annexed Land Use item was referred on September 28, 2023 (Minutes, page 2556) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on October 19, 2023 (Minutes, page 2688), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 275 & Res. No. 842 printed above in the General Orders Calendars section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 843

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 220454 ZRK, for an amendment of the text of the Zoning Resolution (L.U. No. 276).

By Council Members Salamanca and Riley.

WHEREAS, Ranco Capital, LLC, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related action would facilitate the construction of a new eight-story residential building containing 54 dwelling units,

eighteen of which would be permanently income restricted, at 703 Myrtle Avenue in the Bedford-Stuyvesant neighborhood of Brooklyn, Community District 3 (ULURP No. N 220454 ZRK), (the "Application");

WHEREAS, the City Planning Commission filed with the Council on September 15, 2023, its decision dated September 11, 2023 (the "Decision") on the Application;

WHEREAS, the Application is related to application C 220453 ZMK (L.U. No. 275), a zoning map amendment to change an M1-1 zoning district to an R7D/C2-4 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 September 19, 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 April 21st, 2023 (CEQR No. 21DCP203K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality and noise impacts (E-695) (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-695) and Negative Declaration.

Pursuant to Sections 197-d and 201 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 220454 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission, with the following modifications.

Matter underlined is new, to be added;

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

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

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

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

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

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

BROOKLYN

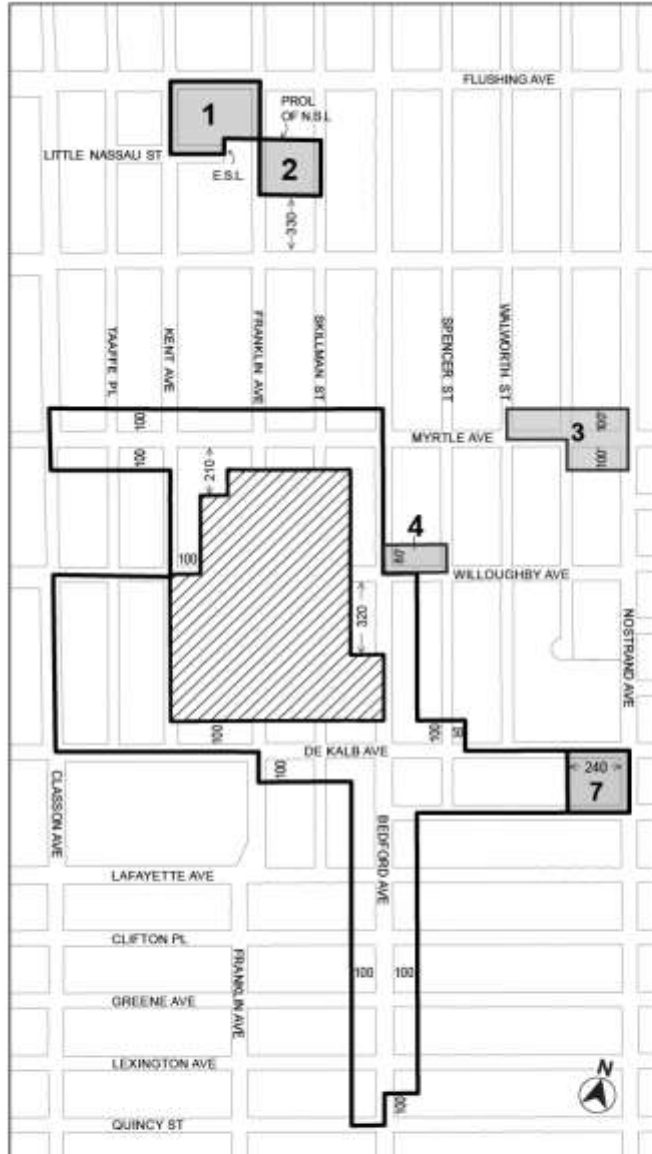
* * *




Brooklyn Community District 3

* * *

[EXISTING]

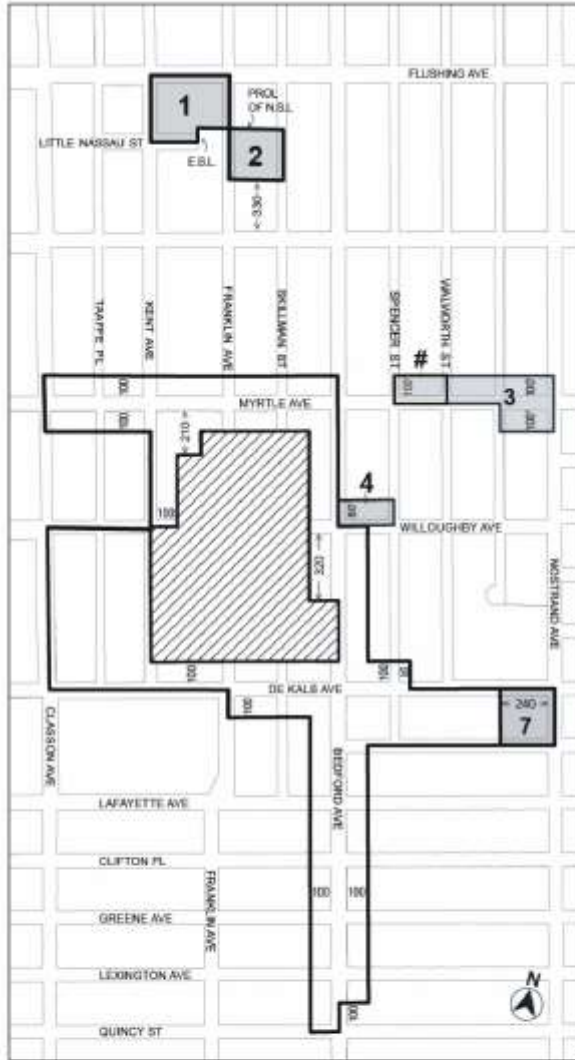
Map 3 – (11/10/21)



-  **Inclusionary Housing designated area**
-  **Mandatory Inclusionary Housing Program Area** *see Section 23-154(d)(3)*
 - Area 1 – 5/10/17 MIH Program Option 1, Option 2 and Workforce Option
 - Area 2 – 5/10/17 MIH Program Option 1 and Option 2
 - Area 3 – 11/30/17 MIH Program Option 1
 - Area 4 – 2/13/19 MIH Program Option 1 and Option 2
 - Area 7 – 11/10/21 MIH Program Option 2
-  **Excluded Area**

[PROPOSED]

Map 3 – (Date of adoption)



- Inclusionary Housing designated area
- Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
 - Area 1 – 5/10/17 MIH Program Option 1, Option 2 and Workforce Option
 - Area 2 – 5/10/17 MIH Program Option 1 and Option 2
 - Area 3 – 11/30/17 MIH Program Option 1
 - Area 4 – 2/13/19 MIH Program Option 1 and Option 2
 - Area 7 – 11/10/21 MIH Program Option 2
 - Area # – [date of adoption] MIH Program Option 1 and ~~Option 2~~ Deep Affordability Option
- Excluded Area

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, PIERINA ANA SANCHEZ; 9-0-0; *Absent*: Joseph C. Borelli and Darlene Mealy; *Medical*: Kamillah Hanks and Francisco P. Moya; Committee on Land Use, October 17, 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).

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:

<i>Approved New Applicants</i>		
<i>Name</i>	<i>Address</i>	<i>District #</i>
GLORIA GARCIA	439 W 51st Street New York, New York 10019	3
DONOVAN WEBBER	17 West 108th Street, Apt 3A New York, New York 10025	7
WHEELER ISREBA	2305 Holland Ave, Apt 1G Bronx, New York 10467	13
JUAN SERRANO	245-53 62nd Ave, 2nd Floor Queens, New York 11362	23
BRITTANY EDWARDS	130-29 176th Place Queens, New York 11434	27
CHRISTIAN JETT	71-28 Nansen Street Queens, New York 11375	29
THEODORE VERNADAKIS	1 Main Street, Apt 4D Brooklyn, New York 11201	33
ERIC BLAIN	855 Gates Ave, Apt 2B Brooklyn, New York 11221	36
KRYSTAL CAMILLE EDWARDS	905 East 98th Street Brooklyn, New York 11236	42
NICHOLAS CAMPBELL	1047 E 84th Street Brooklyn, New York 11236	46

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

ROLL CALL ON GENERAL ORDERS FOR THE DAY
(Items Coupled on General Order Calendar)

- | | | |
|------|---|--|
| (1) | Int. No. 569-B - | Workers' bill of rights and outreach to immigrant workers. |
| (2) | Int. No. 687-A - | Added sugar notifications for menu items in chain restaurants. |
| (3) | Int. No. 816 - | Suspending alternate side parking regulations on Tisha B'Av. |
| (4) | Int. No. 845-A - | Reducing penalties, allowing opportunities to cure for certain violations, and eliminating certain requirements for commercial establishments. |
| (5) | Int. No. 968-B - | Guidance to improve health outcomes for individuals affected by sickle cell disease. |
| (6) | Int. No. 1083-A - | Office of Nightlife. |
| (7) | Int. No. 1191 - | Taxicab license durations. |
| (8) | Int. No. 1192 - | Physician assistants and nurse practitioners to conduct medical exams of taxi driver license applicants. |
| (9) | Int. No. 1208 - | Extending the rate of the additional tax on the occupancy of hotel rooms. |
| (10) | Preconsidered Res. No. 834 - | New designation and changes in the designation of certain organizations to receive funding in the Expense Budget (Transparency Resolution). |
| (11) | L.U. No. 263 & Res. No. 841 - | App. N 230112 ZRR (South Richmond Zoning Relief) , Borough of Staten Island, Community District 3, Council District 51. |
| (12) | L.U. No. 275 & Res. Nos. 842 - | App. C 220453 ZMK (703 Myrtle Avenue Rezoning) , Borough of Brooklyn, Community District 3, Council District 33. |
| (13) | L.U. No. 276 & Res. No. 843 - | App. N 220454 ZRK (703 Myrtle Avenue Rezoning) , Borough of |

Brooklyn, Community District 3,
Council District 33.

(14) Resolution approving various persons Commissioners of Deeds.

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

Affirmative – Abreu, Ariola, Avilés, Ayala, Barron, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, Carr, De La Rosa, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Hudson, Joseph, Kagan, Krishnan, Lee, Louis, Marte, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Paladino, Restler, Richardson Jordan, Riley, Rivera, Salamanca, Sanchez, Schulman, Stevens, Ung, Velázquez, Vernikov, Williams, Won, Yeger, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **51**.

The General Order vote recorded for this Stated Meeting was 51-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **Int. No. 569-B**:

Affirmative – Abreu, Avilés, Ayala, Barron, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, De La Rosa, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Hudson, Joseph, Krishnan, Lee, Louis, Marte, 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) - **43**.

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

The following was the vote recorded for **Int. No. 687-A**:

Affirmative – Abreu, Avilés, Ayala, Barron, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, De La Rosa, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Hudson, Joseph, Krishnan, Lee, Louis, Marte, 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) - **44**.

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

The following was the vote recorded for **Int. No. 1208**:

Affirmative – Abreu, Avilés, Ayala, Barron, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, De La Rosa, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Hudson, Joseph, Krishnan, Lee, Louis, Marte, 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) - **43**.

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

The following was the vote recorded for **L.U. No. 275 & Res. No. 842** and **L.U. No. 276 & Res. No. 843**:

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

Negative – Barron - **1**.

*The following Introductions were sent to the Mayor for his consideration and approval:
Int. Nos. 569-B, 687-A, 816, 845-A, 968-B, 1083-A, 1191, 1192, and 1208.*

RESOLUTIONS

presented for voice-vote

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

Report for voice-vote item Res. No. 243-A

Report of the Committee on Small Business in favor of approving, as amended, a Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.5256/A.7196, to prohibit the use of a confession of judgment in business loans.

The Committee on Small Business, to which the annexed amended resolution was referred on June 16, 2022 (Minutes, page 1541), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Small Business for Int. No. 845-A printed above in the Reports of the Standing Committees section of these Minutes)

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 243-A:)

Res. No. 243-A

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.5256/A.7196, to prohibit the use of a confession of judgment in business loans.

By Council Member Menin, the Public Advocate (Mr. Williams) and Council Members Abreu, Sanchez, Cabán, Louis, Rivera, Velázquez and Lee.

Whereas, Many taxi medallions owners in New York City (NYC) have taken out business loans to finance the purchase of their vehicles; and

Whereas, Some of the business loans that medallion owners take out include a document known as a “confession of judgment,” where the borrower waives the right to due process if the debt is unpaid and there is a dispute; and

Whereas, Once signed, a confession of judgment can be used by the lender to obtain a judgment against the borrower without any further notification; and

Whereas, Confessions of judgement enable creditors to legally seize assets of borrowers without a court proceeding, by enabling lenders to claim a debtor failed to meet their payment obligations; and

Whereas, The Federal government currently has prohibitions on the use of confessions of judgment in consumer loans, but not for business loans; and

Whereas, The United States Federal Trade Commission has called for the elimination of confessions of judgment in small business lending contracts; and

Whereas, Many states have also banned confessions of judgment practices for business loans, but New York State (NYS) does not prohibit them; and

Whereas, On August 30, 2019, then-Governor Cuomo signed S.6395/A.7500A, relating to judgements by confession; and

Whereas, The State bills prohibit out-of-state lenders from entering into confessions of judgement in New York counties against debtors; and

Whereas, Confessions signed by parties that are New York residents at the time of signing remained enforceable; and

Whereas, A confession of judgment can be used by banks and other lending institutions as a document in predatory lending practices, a loophole that should be closed; and

Whereas, A.7196, introduced by NYS Assembly Member Jeffrey Dinowitz, and S.5256, introduced by NYS Senator James Sanders Jr., would prohibit the inclusion of a confession of judgement in a contract or agreement for a financial product or service; and

Whereas, The legislation would apply to lenders and debtors that reside in NYS; and

Whereas, The legislation will protect small businesses from predatory lenders that offer loans and cash advances on the pre-condition the business signs a confession of judgment; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, S.5256/A.7196, to prohibit the use of a confession of judgment in business loans.

JULIE MENIN, *Chairperson*; SELVENA N. BROOKS-POWERS, TIFFANY CABÁN, SHEKAR KRISHNAN, DARLENE MEALY, SANDRA UNG, MARJORIE VELÁZQUEZ; 7-0-0; Committee on Small Business, November 2, 2023.

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

Adopted unanimously by the Council by voice-vote.

Report for voice-vote item Res. No. 296-A

Report of the Committee on Civil and Human Rights in favor of approving, as amended, a Resolution calling on the Governor to sign S.4266A/A.5088A, which establishes a task force on missing women and girls who are Black, Indigenous and people of color.

The Committee on Civil and Human Rights, to which the annexed amended resolution was referred on August 11, 2023 (Minutes, page 2021), respectfully

REPORTS:

I. Introduction

On May 3, 2023, the Committee on Civil and Human Rights, chaired by Council Member Nantasha Williams, heard Resolution Number 296, as part of a joint oversight hearing with the Committee on Technology. On November 2, 2023, the Committee held a vote on Proposed Resolution 296-A, sponsored by Council Member Althea Stevens, calling on the Governor to sign S.4266A/A.5088A, which establishes a task force on missing women and girls who are Black, Indigenous and people of color. The resolution passed with 4 votes in the affirmative, 0 votes in the negative, and no abstentions.

II. Background

Resolution 296-A supports the enactment of State bill S.4266AA/A.5088A, which would establish a task force on missing women and girls who are Black, Indigenous, or of color. While S.4266AA/A.5088A is critical to advance equity throughout New York State, it is particularly relevant for New York City. In the City, people of color make up nearly 70% of the population;¹ this proportion is 1.5 times higher than for the State as a whole.² New York City is also home to the highest number of indigenous Americans in the country,³ and the metropolitan area is home to the largest immigrant population nationwide.⁴ As is true nation- and state-wide, people and especially women and girls of color in New York City are disproportionately affected by violence and human trafficking. For example, in New York City they are substantially overrepresented among victims of domestic violence related to homicide; they are also disproportionately more likely to go missing.⁵

III. Legislative Analysis

Res. 296-A - Resolution calling on the Governor to sign S.4266A/A.5088AA, which establishes a task force on missing women and girls who are Black, Indigenous and people of color.

This resolution would call on the Governor to sign S.4266A/A.5088A. The State legislation would establish a task force on missing women and girls who are Black, Indigenous, and people of color (“BIPOC”). Nationally, almost 40 percent of the 250,000 women and girls who were missing in 2020 were people of color. Structural inequality has resulted in the underreporting of missing BIPOC women and girls. The proposed task force would develop policy changes to address these structural inequalities. It would also provide BIPOC communities with education and training on prevention, protection, and protocols related to missing BIPOC women and girls.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 296-A:)

Res. No. 296-A

Resolution calling on the Governor to sign S.4266A/A.5088A, which establishes a task force on missing women and girls who are Black, Indigenous and people of color.

By Council Members Stevens, Menin, Sanchez, Abreu, Velázquez, Restler, Ung, Nurse, Joseph, Brooks-Powers, Williams, Louis, Brewer, Riley, Ossé, Narcisse, Avilés, Cabán, Farías, Schulman, Krishnan, Gennaro, Gutiérrez, Hudson, Rivera, Hanif and Lee.

Whereas, Over 600,000 individuals go missing in the United States every year according to the National Missing and Unidentified Persons System (NamUs), a national information resource center for missing, unidentified, and unclaimed person cases across the United States; and

¹ U.S. Census Bureau, “Quick Facts: New York City, New York,”

<https://www.census.gov/quickfacts/fact/table/newyorkcitynewyork/PST045222> (last visited Nov. 1, 2023).

² U.S. Census Bureau, “Diversity” in “New York: 2020 Census,” <https://www.census.gov/library/stories/state-by-state/new-york-population-change-between-census-decade.html> (last visited Nov. 1, 2023).

³ Sara Schwartzkopf, *Top 5 Cities With The Most Native Americans*, ICT News, Sept. 13, 2018, <https://ictnews.org/archive/top-5-cities-with-the-most-native-americans>.

⁴ Migration Policy Institute (MPI), *U.S. Immigrant Population by Metropolitan Statistical Area (MSA), 2017-2021*, <https://www.migrationpolicy.org/programs/data-hub/charts/us-immigrant-population-metropolitan-area>.

⁵ U.S. Committee on Oversight and Reform, U.S. GOV’T PUBLISHING OFFICE, pp. 1–2 (Opening Statement by Representative Jamie Raskin of Maryland) and 5 (Opening Statement by Chair Carolyn B. Maloney of New York) (Mar. 3, 2022), <https://www.congress.gov/117/meeting/house/114460/documents/HHRG-117-GO02-Transcript-20220303.pdf>.

Whereas, About 40 percent of the 250,000 women and girls listed as missing as of 2020 were people of color, despite making up just 16 percent of the overall population, according to the United States Congress Subcommittee on Civil Rights and Civil Liberties; and

Whereas, According to a 2020 report by the Women's Media Center, there are 64,000-75,000 missing Black women and girls across the United States; and

Whereas, According to the National Center for Missing & Exploited Children (NCMEC), in 2019, there were 421,394 missing children entered into the data system and of those missing, 298,190 were female and 205,802 were Black females; and

Whereas, According to a 2020 report by the Sovereign Bodies Institute, an Indigenous-led nonprofit research organization, at least 2,306 Indigenous women and girls have gone missing in the last 40 years in the United States, about 1,800 of whom were killed or vanished; and

Whereas, According to the legislative findings of S.4266A/A.5088A, cases involving Black women and girls often do not receive the attention they need and there are often barriers to families reporting a missing loved one, such as mistrust of police, and racial disparities in how law enforcement treats disappearances; and

Whereas, These structural inequalities have led to the underreporting of the disappearance of women and girls who are Black, Indigenous and people of color (BIPOC); and

Whereas, In 2004, the late PBS news anchor Gwen Ifill coined the term "Missing White Woman Syndrome," referring to the mainstream media's seeming fascination with covering missing white women, and the disinterest in cases involving missing people of color; and

Whereas, According to research from Northwestern University, though white women make up about a third of the national population, half of the news articles studied were just about white females; and

Whereas, BIPOC women and girls exist at the intersection of racism and sexism, and often face worse health, wealth, housing, education, and employment outcomes; and

Whereas, According to the Center for Bioethics and Social Justice at Michigan State University, the FBI's National Crime Information Center, the FBI's National DNA Index System and the National Missing and Unidentified Persons System do not transfer data to local and state justice agencies and access varies, meaning there is no national unified system for the reporting of missing persons; and

Whereas, The FBI's Databases include "Asian," "Black," "Indian," "Unknown," and "White" and there is no category for Hispanic or other ethnicities, nor any subcategories for different Indigenous groups, according to the Center for Bioethics and Social Justice; and

Whereas, In 2021, Minnesota became the first state in the nation to create a Task Force on Missing and Murdered Black Women and Girls; and

Whereas, S.4266A/A.5088A, sponsored by Senator Lea Webb and Assemblymember Karines Reyes, would establish a task force on missing women and girls who are Black, Indigenous and people of color; and

Whereas, Under S.4266A/A.5088A, the taskforce would develop policy changes that would work to address the lack of care and concern for missing and murdered BIPOC women and girls with New York state governmental agencies; and

Whereas, The taskforce would be tasked with advancing the knowledge of communities on the severity of BIPOC women and girls who are missing and murdered and recommending preventive programming and ideas to advance the safety of women and girls; and

Whereas, The taskforce would also ensure BIPOC communities are educated and trained on the prevention, protection, and protocols relating to missing BIPOC women and girls as it relates to social media, as well as develop a strategy to collect statistics, demographics, surveys, oral histories, and data analysis; and

Whereas, S.4266A and A.5088A have passed in the New York State Assembly and New York State Senate, respectively; and

Whereas, As a part of the budget agreement for Fiscal Year 2024, a total of 750,000 dollars has been allocated toward funding the New York State taskforce on missing BIPOC women and girls; and

Whereas, Historical trauma, systemic racism, sexism, racial stereotyping, and sexual objectification of BIPOC women and girls have all contributed to the disparities in missing persons and are often compounded by poverty, homelessness, child welfare involvement, domestic violence, sex trafficking and fear of law enforcement; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Governor to sign S.4266A/A.5088A, which establishes a task force on missing women and girls who are Black, Indigenous and people of color.

NANTASHA M. WILLIAMS, *Chairperson*; RAFAEL SALAMANCA, Jr., CHRISTOPHER MARTE, KRISTIN RICHARDSON JORDAN; 4-1-0; *Absent*: Rita C. Joseph; Committee on Civil and Human Rights, November 2, 2023.

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

Adopted unanimously by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Res. No. 833

Resolution calling on the United States Congress to pass and the President to sign legislation including wage theft as a qualifying crime for a U-Visa and removing the 10,000 yearly cap on U-Visas.

By Council Members Ayala, Gutiérrez, Louis and Hanif.

Whereas, Undocumented workers have contributed to our communities, our economy, our unions and our country, but are particularly vulnerable to wage theft and exploitation in the workplace; and

Whereas, For both documented and undocumented immigrant workers, asserting their workplace rights can often result in employer intimidation; and

Whereas, Although the U.S. Department of Labor does not ask for immigration status when dealing with claims of wage theft, analyses of the industries with the highest percentages of wage theft often had the highest percentages of foreign-born workers; and

Whereas, In a report from Economic Policy Institute, they found that between 2017 and 2020 more than \$3 billion in stolen wages was recovered by the U.S Department of Labor for workers across the United States; and

Whereas, However, this represents only a small portion of the estimated \$50 billion in stolen wages in the United States each year; and

Whereas, In 2011, Cornell University's Worker Institute published a study estimating that over \$1 billion is stolen from low-income workers each year in New York; and

Whereas, The Center for Popular Democracy shared an updated estimate in 2019 indicating that wage theft exceeds \$3 billion annually in New York; and

Whereas, Wage theft is a violation that can threaten someone's access to food, housing, and basic necessities; and

Whereas, Victims of wage theft deserve justice, but immigrant workers may be underreporting due to fears of retaliation that could threaten their status in the United States; and

Whereas, Congress created U-Visas to strengthen the ability of law enforcement agencies to investigate and prosecute certain crimes by extending protections to immigrant victims who fear cooperating with agencies due to their status; and

Whereas, U-Visas are immigration benefits to protect victims of crimes, and under certain conditions can result in adjustment to lawful permanent resident status; and

Whereas, The inclusion of wage theft as a qualifying crime for U-Visas could provide relief and a pathway to citizenship for impacted workers and support union efforts to hold unscrupulous employers accountable for stealing from and exploiting their workers; and

Whereas, The impact of this shift in qualifying crimes for U-Visas could be further magnified by removing the cap on the number of U-Visas issued each year; and

Whereas, U-Visas are currently capped at 10,000 per year, however the supply of these visas does not meet the demand and there is currently a backlog of 300,000 applicants; and

Whereas, Congress has the ability to add wage theft as a qualifying crime for U-Visas and remove the 10,000 yearly cap; and

Whereas, Wage theft severely and unjustly impacts the livelihoods of workers, especially immigrant workers; and

Whereas, Immigrants who have been victims of wage theft deserve safety, protection from retaliation, and justice; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to pass and the President to sign legislation including wage theft as a qualifying crime for a U-Visa and removing the 10,000 yearly cap on U-Visas.

Referred to the Committee on Immigration.

Int. No. 1233

By Council Members Brannan and Louis (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to adjudication of liability imposed upon owners pursuant to section 1180-e of the vehicle and traffic law

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-210.1 to read as follows:

§ 19-210.1 Owner liability for failure of operator to comply with certain posted maximum speed limits in highway construction or maintenance work areas. Pursuant to section 1180-e of the vehicle and traffic law, the parking violations bureau, in accordance with article 2-B of the vehicle and traffic law and the rules of such bureau, shall adjudicate the liability imposed on an owner of a vehicle pursuant to such section for failure of an operator of such vehicle to comply with posted maximum speed limits in a highway construction or maintenance work area within the city.

§ 2. This local law takes effect immediately.

Referred to the Committee on Finance.

Int. No. 1234

By Council Members Brannan, Brewer and Louis

A Local Law in relation to an assessment of a cloud-first policy for city technology systems

Be it enacted by the Council as follows:

Section 1. Assessment of a cloud-first policy for city technology systems.

a. Definitions. As used in this section, the following terms have the following meanings:

Cloud computing system. The term “cloud computing system” means a system providing ubiquitous on-demand network access to a shared pool of configurable computing resources, including but not limited to networks, servers, storage, applications, and services, that can be rapidly provisioned and released to a requesting party with minimal management intervention or service provider interaction.

Department. The term “department” means the department of information technology and telecommunications.

b. The department shall assess the feasibility of a cloud-first policy in which the use of a cloud computing system would be given preferential consideration when city agencies are developing technology solutions, strategies, and operational deployment plans for any software program, mobile application, or data storage need. Such assessment shall include an evaluation of current usage of cloud computing systems by city agencies and determine the feasibility of storing additional city agency electronic data at rest on cloud computing systems, rather than on physical data storage systems owned by the city, as well as the feasibility of further utilizing cloud computing systems in the operation of city agency mobile applications, software programs, and the provision of information technology services. Such assessment shall further assess the readiness of city agencies for such a cloud-first policy.

c. No later than one year after the effective date of this local law, the department shall submit to the speaker of the council a report of the results of the assessment conducted pursuant to subdivision b of this section. Such report shall include, but not be limited to, the following:

1. an analysis of the technology needs of city agencies and the ability of cloud computing systems to meet such needs, including consideration of what needs would be most or least suitable for utilization of cloud computing systems;

2. an analysis of whether any barriers in procurement process or policy prevent further utilization of cloud computing systems by city agencies;
3. an analysis of any information or skills that would be required for city employees to utilize cloud computing systems for which training or retraining of such employees would be necessary;
4. an analysis of the security of cloud computing systems, relative to other information technology solutions;
5. an analysis of the feasibility of transitioning legacy systems to utilize cloud computing systems;
6. an analysis of any implications related to current software licenses;
7. an estimate of the costs, per unit of data, of storing, retrieving, and removing data from the average cloud computing system;
8. potential or actual cost differentials, in both personal services and other than personal services, between cloud computing systems and alternative technology solutions;
9. a brief analysis of the current and prospective cloud computing system providers, including a description of their physical principal places of business; and
10. a description of the requirements that a current cloud computing system provider is required to meet, and recommendations on the requirements that prospective cloud computing system providers should meet in the future, particularly in relation to the physical data center location, the physical security of the data center, the deployment model of the cloud computing system, the disaster recovery strategy, the mechanics of reporting a security breach, the data duplication process utilized, the level of encryption utilized, the financial stability of the provider, the auto-deletion options, suggested auditing protocols, and any terms that a contract with a cloud computing system provider should include, such as an indemnification clause.

§ 2. This local law takes effect immediately.

Referred to the Committee on Technology.

Preconsidered Res. No. 834

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

By Council Member Brannan.

Whereas, On June 30, 2023, the Council of the City of New York (the “City Council”) adopted the expense budget for Fiscal Year 2024 with various programs and initiatives (the “Fiscal 2024 Expense Budget”); and

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

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

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2024 and Fiscal 2023 and Fiscal 2022 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, aging, youth, anti-poverty, boroughwide, and Speaker’s initiative discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2024 and Fiscal 2022 Expense Budgets by approving new Description/Scope of Services for certain organizations receiving local discretionary funding and certain organization receiving funding pursuant to certain initiatives; now, therefore, be it

Resolved, That the City Council approves the new designations and changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2024 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving aging discretionary funding in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the new designations and change in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Community Safety and Victim Services Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designation and change in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 12; and be it further

Resolved, That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Support Our Older Adults Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 13; and be it further

Resolved, That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 14; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 15; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the SU-CASA Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 16; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the City's First Readers Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 17; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 18; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Art a Catalyst for Change Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 19; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Job Training and Placement Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 20; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Older Adult Clubs, Programs, and Enhancements Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 21; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Mental Health Services for Vulnerable Populations Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 22; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the YouthBuild Project Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 23; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Child Health and Wellness Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 24; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Viral Hepatitis Prevention Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 25; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 26; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the SU-CASA Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 27; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 28; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving anti-poverty discretionary funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 29; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 30; and be it further

Resolved, That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 31; and be it further

Resolved, That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 32.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for text of the Exhibit Charts, please refer to the attachments section of [the Res. No. 834 of 2023 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>).

Int. No. 1235

By Council Members Cabán, Gutiérrez, Restler, Brewer, Louis, Stevens, Hanif, Farías and Ung.

A Local Law in relation to requiring the department of health and mental hygiene to conduct a community needs assessment to identify needs and gaps in services for people experiencing long COVID

Be it enacted by the Council as follows:

Section 1. Community long COVID and associated diseases needs assessment. a. Definitions. For purposes of this section, the following terms have the following meanings:

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

Long COVID and associated diseases. The term “long COVID and associated diseases” means the continuation or development of new or worsening symptoms after the acute SARS-CoV-2 infection has resolved.

b. By October 1, 2024, the commissioner shall, in consultation with relevant agencies, health care professionals, health insurers, patients experiencing long COVID and associated diseases, community based organizations, disability advocates, union and labor groups, and other relevant stakeholders, conduct a community needs assessment to identify the needs and gaps in services for people experiencing long COVID and associated diseases in the city of New York and submit to the mayor and speaker of the council a report on such assessment. Such report shall address the following:

1. The prevalence of long COVID and associated diseases
2. The populations most affected by long COVID and associated diseases;
3. The existing needs of people experiencing long COVID and related diseases, including medical, financial, social services, and education;
4. The existence and accessibility of appropriate programs and services for people experiencing long COVID and associated diseases;
5. The unmet needs and service gaps that exist for people experiencing long COVID and associated diseases while accounting for demographic variations in such unmet needs and service gaps such as, socioeconomic status, race, ethnicity, gender, sexual orientation and age;
6. Priority actions, strategies, and policies to support people experiencing long COVID and associated diseases and their families, including guidance for the public, healthcare providers, and any other relevant agencies; and
7. Any additional information or issues the commissioner considered to conduct the community needs assessment required by subdivision b of this local law.

c. Privacy Protections. No information that is required to be provided pursuant to this section shall be disclosed in a manner that would violate any applicable law relating to the privacy of individual information.

§ 2. This local law takes effect immediately.

Referred to the Committee on Health.

Res. No. 835

Resolution recognizing April 17 annually as Giovanni da Verrazzano Day in the City of New York.

By Council Members Carr, Farías and Ariola.

Whereas, Giovanni da Verrazzano (1485-1528) was an Italian explorer, born into Florentine nobility, who set out on a voyage in 1524 on behalf of French King François 1^{er} to discover a westward passage to Asia; and

Whereas, Verrazzano left France with four ships, but two were sunk by a storm early in the voyage and another was so damaged that it had to return to France, leaving Verrazzano and a crew of 150 on the remaining *Delfina*; and

Whereas, Verrazzano reached what is now Cape Fear in North Carolina in March, 1524, and sailed north, exploring the eastern coast of North America; and

Whereas, During this voyage, Verrazzano became the first European to sail into New York Harbor and into the mouth of the Hudson River on April 17, 1524, before continuing northward past the coast of what is now Rhode Island and Maine and on to Newfoundland; and

Whereas, Verrazzano’s voyage contributed to mapmakers’ knowledge, at the time, of the geography of the North American coast; and

Whereas, Centuries later, New York City (NYC) Mayor Robert Wagner proclaimed April 17 as Verrazzano Day, after efforts by the Italian Historical Society of America and other historians to bestow on Verrazzano the credit that they felt he was due; and

Whereas, Mayor Wagner’s proclamation was followed in 1957 by a proclamation from New York State (NYS) Governor W. Averell Harriman and by proclamations from the governors of South Carolina, New Jersey, Rhode Island, and Maine, identifying Verrazzano as the first European explorer to reach their states; and

Whereas, Spanning the very New York Bay waters explored by Verrazzano, the Verrazzano-Narrows Bridge, which opened in 1964, was named after the Italian explorer, after overcoming some opposition; and

Whereas, In 2018, NYS Governor Andrew Cuomo signed a bill that added the second “z” to the official name of the Verrazzano-Narrows Bridge, which had been spelled incorrectly since the bridge’s dedication as “Verrazano,” due to an error in the construction contract; and

Whereas, Governor Cuomo said, “The Verrazzano Bridge is a vital transportation artery for millions of Staten Island and Brooklyn residents, [and we] are correcting this decades-old misspelling out of respect to the legacy of the explorer and to New York’s heritage”; and

Whereas, April 17, 2024, will be the 500th anniversary of Verrazzano’s sailing into New York Harbor; now, therefore, be it

Resolved, That the Council of the City of New York recognizes April 17 annually as Giovanni da Verrazzano Day in the City of New York.

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

Int. No. 1236

By Council Members De La Rosa, Gutiérrez, Brewer, Louis, Sanchez, Rivera, Stevens, Hanif, Won, Avilés, Nurse and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to the establishment of community hiring and compensation standards for city assisted housing development projects

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
COMMUNITY HIRING AND COMPENSATION STANDARDS ON CITY ASSISTED HOUSING DEVELOPMENT PROJECTS

§ 26-3601 Definitions. For the purposes of this chapter, the following terms have the following meanings:

City economic development entity. The term “city economic development entity” means a not-for-profit organization, public benefit corporation, or other entity that provides or administers economic development benefits on behalf of the city, as described by paragraph b of subdivision 1 of section 1301 of the charter.

City financial assistance. The term “city financial assistance” shall include both discretionary and as-of-right assistance provided or administered by the city of New York or by a city economic development entity acting on its behalf including, but not limited to, money or any other thing of value, grants or other subsidies, loans, mortgages, bond financing, land conveyances or leases for less than market value, debt forgiveness, tax abatements or exemptions (including, but not limited to, abatements or exemptions from real property, mortgage recording, sales and use taxes, or any payments in lieu of taxes), tax increment financing, environmental remediation costs, or the cost of capital improvements related to real property that, under ordinary circumstances, the city would not pay for.

Comptroller. The term “comptroller” means the comptroller of the city of New York.

Construction. The term “construction” has the same meaning as in section 3302.1 of the New York city building code.

Construction employer. The term “construction employer” means any person, corporation, limited liability company, or association employing a construction worker.

Construction worker. The term “construction worker” means a person who is employed to perform construction, demolition, hazardous remediation, or manual labor on a housing development project.

Demolition. The term “demolition” has the same meaning as in section 3302.1 of the New York city building code.

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

Developer. The term “developer” means an individual, sole proprietorship, partnership, joint venture, corporation or other entity that receives city financial assistance for a housing development project.

Essential benefits. The term “essential benefits” means payments made by a construction employer other than wages that directly benefits the construction worker, including medical or dental insurance, retirement accounts, and annuities.

Housing development project. The term “housing development project” means construction or demolition of any residential building, residential facility or residential structure, including any commercial and community components of such building, facility or structure (1) which creates or preserves at least two dwelling units; and (2) which is funded in whole or in part by city financial assistance.

Manual labor. The term “manual labor” means the type of physical work the performance of which classifies a natural person as a “manual worker” in accordance with section 190 of the labor law and the rules and regulations adopted thereunder.

Target population. The term “target population” means: a resident of a zip code where at least 15% of the individuals in such zip code are below the federal poverty rate; or a resident of a new york city housing authority development.

Wage. The term “wage” means gross earnings paid to construction workers for labor or services rendered that are taxed under the Federal Insurance Contribution Act, but not inclusive of essential benefits or other supplemental benefits paid on behalf of construction workers.

§ 26-3602 Community Hiring. a. Each developer receiving city financial assistance on a housing development project shall make a best faith effort to ensure that no less than 40 percent of the hours worked by construction workers on such housing development project are worked by construction workers from the target population

b. Prior to receiving city financial assistance for a housing development project, the developer shall submit to the comptroller a hiring plan describing how the developer plans to recruit construction workers to meet the hiring goals as described in this chapter.

§ 26-3603 Wage Requirements. a. No construction employer shall pay a construction worker on a housing development project less than forty dollars per hour in combined wages and essential benefits; with the exception of construction workers who are participants in a New York State-certified apprenticeship program.

b. Essential benefits shall be paid to or on behalf of construction workers, but no less than twenty-five dollars per hour of the combined minimum wage and benefit package shall be paid in wages.

c. In addition to wage notifications under subdivision one and two of section one hundred ninety-five of the labor law, construction employers must provide in writing, to each construction worker, an explanation of all essential benefits that will be paid on behalf of the construction worker when such construction worker starts work on a housing development project. A new notification shall be issued to a construction worker if there is a change to the essential benefits being paid on such construction worker’s behalf.

d. Nothing in this chapter shall be construed to supersede any federal or state statute or regulation requiring construction workers earn in excess of the wages and essential benefits established in this section.

e. On December 31, 2025, and annually thereafter, the comptroller will post a new combined wage and essential benefit amount for construction workers on housing development projects. Such amount shall be based on the current combined wage and essential benefit amount for construction workers on housing development project increased by a percentage determined by the comptroller with the result rounded to the nearest five cents. The percentage increase shall be based upon rules promulgated by the comptroller establishing a methodology that shall, in part, utilize indices including, but not limited to:

1. the rate of inflation for the most recent twelve month period, ending in June of that calendar year, based on the consumer price index for all urban consumers on a national and seasonally unadjusted bases (CPI-U), or a successor index as calculated by the United States department of labor;

2. the rate of state personal income growth for the prior calendar year, or a successor index, published by the bureau of economic analysis of the United States department of commerce; or

3. wage growth or such other wage as may be established by federal law pursuant to section 206 of title 29 of the United States code, or its successors, if greater.

f. The comptroller may further adjust the amount of the combined minimum wage and benefit package that shall be paid in wages, and shall not be bound by the percentage increase process of this section .

§ 26-3604 Reporting Requirements. a. The department shall maintain a publicly searchable database available online of all construction projects subject to this chapter. Projects shall be added to such database as often as needed to keep it current, but no less than quarterly. The database shall include but not be limited to:

1. The address, and any proposed addresses, of the housing development project;

2. The type and amount of city financial assistance related to the housing development project awarded to a developer;

3. The name and address of each developer that is receiving city financial assistance related to the housing development project;

4. The city agency with primary project oversight of the housing development project; and

5. A copy of the developer's community hire plan.

b. For each housing development project, each developer shall report to the department, and the department shall publish on its website no less than quarterly, the following information:

1. the name and address of each construction employer, or any other entity that employs construction workers, on the housing development project;

2. the total number of construction workers employed on the construction project;

3. the total number of construction work hours worked on the construction project, disaggregated by those hours worked by the categories of workers described in the target population;

4. the overall percentage of construction hours worked by the categories of workers described in the target population;

5. the percentage of construction hours worked by the categories of workers described in the target population for each construction employer; and

6. the total number of hours worked on a construction project, disaggregated by workers' compensation classification code.

c. By December 31 of each year, the department shall submit to the speaker of the city council, and make public online, a report on the status of covered housing development projects and the enforcement of this chapter. The report shall include details on enforcement actions taken by the department, or a city economic development entity, disaggregated by housing development project, developer and construction employer, including any violations issued, findings, settlements, and penalties.

§ 26-3605 Notice Posting, Recordkeeping and Retaliation. a. No later than the day on which work begins at a site subject to the requirements of this chapter, the construction employer shall post in a prominent and accessible place at every such work site and provide each employee a copy of a written notice, prepared by the comptroller, detailing the wages, benefits, and other protections to which employees are entitled under this chapter. Such notice shall also provide the name, address and telephone number of the comptroller and a statement advising employees that if they have been paid less than the combined wage and essential benefits amount they may notify the comptroller and request an investigation. Such notices shall be provided in all of the designated citywide languages. The comptroller shall make publicly available sample written notices explaining the rights of employees and covered employers' obligations under this chapter.

b. Each construction employer shall maintain original payroll records for each of its employees reflecting the days and hours worked, and the wages paid and benefits provided for such hours worked, and shall retain such records for no less than six years after the work is performed. Within five days of work on the site, a construction employer shall provide a certified original payroll record in the manner of electronic recording determined by the comptroller. A Failure to maintain or provide such records as required shall create a rebuttable presumption that the covered employer did not pay its employees the wages and benefits required

under this section. Upon the request of the comptroller or the city, the covered employer shall provide within five days such documents, subscribed and sworn to or affirmed by him or her as true under the penalties of perjury, as may be deemed necessary to adequately enforce the provisions of this chapter, including, but not limited to, notices required under subdivisions one and two of section one hundred ninety-five of the labor law or copies of the notification of essential benefits required by this chapter. Any person who willfully fails to file such records with the comptroller within the time specified in this section shall be subject to a civil penalty of one thousand dollars per day.

c. It shall be unlawful for any construction employer to retaliate, discharge, demote, suspend, take adverse employment action in the terms and conditions of employment or otherwise discriminate against any employee for reporting or asserting a violation of this chapter, for seeking or communicating information regarding rights conferred by this chapter, for exercising any other rights protected under this chapter, or for participating in any investigatory, administrative, or court proceeding relating to this chapter. This protection shall also apply to any employee or his or her representative who in good faith alleges a violation of this chapter. Taking adverse employment action against an employee or his or her representative within sixty days of the employee engaging in any of the aforementioned activities shall raise a rebuttable presumption of having done so in retaliation for those activities. Any employee subjected to any action that violates this paragraph may pursue administrative remedies or bring a civil action as authorized pursuant to this chapter in a court of competent jurisdiction.

§ 26-3606 Enforcement. a. The comptroller shall monitor compliance with the requirements of this chapter. Whenever the comptroller has reason to believe there has been a violation of this chapter, or upon a complaint in writing from a construction worker or their representative claiming a violation of this chapter, the comptroller shall conduct an investigation to determine the facts relating thereto. In conducting such investigation, the comptroller shall have the same investigatory, hearing, and other powers as are conferred on the comptroller by sections 234 and 235 of the labor law.

b. At the start of an investigation conducted pursuant to this section, the comptroller may, in a manner consistent with the withholding procedures established by subdivision 2 of section 235 of the labor law, request that the department or city economic development entity, or any other relevant agency, withhold any payment due to the developer or construction employer in order to safeguard the rights of the employees.

c. The comptroller may negotiate an agreed-upon stipulation of settlement or conduct a hearing concerning the alleged violation of this section. At least 10 days before the hearing, the comptroller shall give notice thereof together with a copy of the complaint, or a statement of the facts disclosed upon investigation, which notice shall be served personally or by mail on any person, developer, or construction employer affected thereby, or electronically, where such person, developer, or construction employer has consented. Such person, developer, or construction employer shall have the opportunity to be heard at the hearing regarding such matters.

d. Based upon the hearing record, the comptroller shall provide a report and recommendation concerning the alleged violation of this section to the mayor or mayor's designee, who shall issue an order with a final determination. Such order may:

- 1. Direct payment of one and one half times the wages and/or the monetary equivalent of benefits wrongly denied;*
- 2. Direct the filing or disclosure of any records that were not filed or made available to the public as required by this chapter;*
- 3. Direct the reinstatement of, or other appropriate relief for, any person found to have been subject to retaliation or discrimination in violation of this chapter;*
- 4. Direct payment of a further sum as a civil penalty in an amount not exceeding 25 percent of the total amount found to be due in violation of this chapter;*
- 5. Direct payment of the sums withheld at the commencement of the investigation and the interest that has accrued thereon to the employer;*
- 6. issue a stop work order of construction; and*
- 7. Direct rescindment of the financial assistance.*

e. In assessing an appropriate remedy, due consideration shall be given to the size of the employer's business, the employer's good faith, the gravity of the violation, the history of previous violations and the failure to comply with record-keeping, reporting, anti-retaliation or other non-wage requirements.

f. When a final order has been entered against a developer or construction employer in two instances, within any consecutive six year period, determining that such employer has failed to comply with the wage, benefits,

anti-retaliation, record-keeping or reporting requirements of this chapter, such employer, and any principal or officer of such employer who knowingly participated in such failure, shall be ineligible to submit a bid on or be awarded any city contract or financial assistance for a period of five years from the date of the second disposition provided, however, that where any such final order involves the falsification of payroll records or the kickback of wages, the employer or any officer of the employer who knowingly participated in the violation of this article shall be ineligible to submit a bid on or be awarded any city contract or financial assistance for a period of five years from the date of the final order.

g. When a final disposition has been made finding a violation of this chapter and the person found violating this chapter has failed to comply with the payment or other terms of the remedial order, and provided that no proceeding for judicial review shall then be pending and the time for initiation of such proceeding shall have expired, the mayor, or his or her designee, as applicable shall file a copy of such order containing the amount found to be due with the clerk of the county of residence or place of business of the person found to have violated this section, or of any principal or officer thereof who knowingly participated in the violation of this section. The filing of such order shall have the full force and effect of a judgment duly docketed in the office of such clerk. The order may be enforced by and in the name of the mayor in the same manner and with like effect as that prescribed by the civil practice law and rules for the enforcement of a money judgment.

h. Before any further payment is made, or claim is permitted, of any sums or benefits due under any agreement covered by this chapter, it shall be the duty of the city or city economic development entity to require the construction employer to file a written statement certifying to the amounts then due and owing from each such employer to or on behalf of all employees, or the city for wages or benefits wrongly denied them, or for civil penalties assessed, and setting forth the names of the persons owed and the amount due to or on behalf of each respectively. This statement shall be verified as true and accurate by the employer under penalty of perjury. If any interested person shall have previously filed a protest in writing objecting to the payment to any employer on the ground that payment is owing to one or more employees of the employer for violations of this section, or if for any other reason it may be deemed advisable, the City shall deduct from the whole amount of any payment to the employer sums admitted by the employer in the verified statement or statements to be due and owing to any employee before making payment of the amount certified for payment, and may withhold the amount so deducted for the benefit of the employees or persons that are owed payment as shown by the verified statements and may pay directly to any person the amount shown by the statements to be due them.

i. The comptroller shall be authorized to contract with non-governmental agencies to investigate possible violations of this chapter. Where a developer or construction employer is found to have violated the requirements of this chapter, the developer or construction employer shall be liable to the city for costs incurred in investigating and prosecuting the violation.

§ 26-3607 Private Right of Action. a. Any individual who is aggrieved by a violation of this chapter shall have the right to commence an action in a court of competent jurisdiction on their own behalf against the developer or construction employer.

b. For each violation of section 26-3602, the construction worker may recover compensatory and punitive damages. If such violation was committed with intent or recklessness, the construction worker may recover treble damages.

c. For each violation of section 26-3603, the construction worker may recover double damages in the amount of the difference between actual wages and the combined wage and benefits required by this chapter. If such violation was committed with intent or recklessness, the construction worker may recover treble damages.

d. Any person who is a victim of retaliation shall be entitled to all relief necessary to make such person whole, including but not limited to:

- 1. an injunction to restrain any adverse or retaliatory action;*
- 2. reinstatement to the position such employee would have had but for such action, or to an equivalent position; and*
- 3. reinstatement of full benefits and seniority rights including payment of any missed back pay, plus interest.*

e. Persons aggrieved by a violation of chapter or by retaliation shall be entitled to compensation for any special damages sustained as a result of an action commenced pursuant to this section, including litigation costs and reasonable attorneys' fees; and to relief other than set forth in this section as the court may deem appropriate.

§ 26-3608 Liability. a. Developers and construction employers shall assume liability for any debt resulting from an action under this chapter, owed to a wage claimant or third party on the wage claimant's behalf, incurred by a subcontractor at any tier acting under, by or for the construction employer for its subcontractors for the wage claimant's performance of labor.

b. No agreement or release by an employee or subcontractor to waive liability assigned to a developer or construction employer under this section shall be valid. The provision of this section shall not be deemed to impair the rights of a developer or construction employer to maintain an action against a subcontractor for amounts for owed wages that are paid by a developer or construction employer pursuant to this section.

§ 2. This local law takes effect 180 days after it becomes law, provided that this local law shall not apply to any written agreement providing for city financial assistance executed prior to such effective date, except that extension, renewal, amendment or modification of such written agreement, occurring on or after such effective date that results in the grant of any additional city financial assistance shall make such written agreement subject to the requirements of this local law, and provided further that the comptroller and commissioner of housing preservation and development may promulgate any rules necessary for implementation of this local law and take any other measures as are necessary for its implementation, prior to such date.

Referred to the Committee on Civil Service and Labor.

Int. No. 1237

By Council Members Dinowitz, Lee, Narcisse, Gutiérrez, Louis, Stevens, Hanif, Farías and Ung.

A Local Law to amend the administrative code of the city of New York, in relation to the collection of demographic data on veterans

Be it enacted by the Council as follows:

Section 1. Title 31 of the administrative code of the city of New York is amended by adding a new section 31-113 to read as follows:

§ 31-113 Demographic data collection on veterans. a. Any agency that directly, or by contract, collects demographic information through form documents from individuals seeking social services in the city shall offer all such individuals a standardized, anonymous, and voluntary survey form that contains demographic questions related to veteran status. The survey shall include, but not be limited to, a question on whether the individual served in the armed forces, national guard or reserves of the United States, and if so, which military branch.

b. Beginning December 15, 2024, and annually thereafter, the department shall compile all survey data collected pursuant to subdivision a of this section and, in addition to submitting the annual report pursuant to section 31-109, shall submit a report to the speaker of the council on the total number of veterans who have sought social services in the city, disaggregated by agency and type of service the veteran requested, inquired about, or received.

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

Referred to the Committee on Veterans.

Res. No. 836

Resolution acknowledging July 18 through August 17 as South Asian Heritage Month annually in the City of New York and celebrating the contributions made by New Yorkers of South Asian heritage to our multicultural neighborhoods.

By Council Members Hanif, Krishnan, Gutiérrez, Restler, Louis, Farías and Ung.

Whereas, The countries that make up South Asia include Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, and Sri Lanka; and

Whereas, South Asia is home to many cultures, including many world religions, such as Hinduism, Islam, Christianity, Sikhism, Jainism, Judaism, Buddhism, and Zoroastrianism, and including many languages, such as Hindi, Urdu, Bengali, Singhalese, Nepali, and Dhivehi; and

Whereas, South Asian Heritage Month (SAHM) celebrates all of these South Asian cultures, histories, and communities; and

Whereas, The dates chosen for SAHM are significant, with July 18, 1947, being the date of the Indian Independence Act and with August 17, 1947, being the date that the Radcliffe Line established the borders of India, West Pakistan, and East Pakistan (now Bangladesh); and

Whereas, The July and August dates chosen are close to those of the South Asian month of Saravan/Sawan, which is the main month of the monsoons and signifies a time of renewal; and

Whereas, In the United Kingdom (UK), the designation of SAHM has been a project of the South Asian Heritage Trust, which, according to its website, seeks “to deepen people’s understanding of the rich and diverse contributions of South Asian communities to British society, promote intercultural dialogue, and foster greater social cohesion among communities”; and

Whereas, SAHM has been celebrated annually in the UK since 2020 to honor the impact of South Asian cultures on British culture and on the diversity of the UK’s population; and

Whereas, Although the United States (U.S.) does not have the colonial and subsequent cultural ties to South Asia that the UK does, South Asians and their descendants have also had a significant impact on American culture and on life in New York City (NYC), specifically; and

Whereas, South Asians first came to the U.S. in the late 1700s as workers on Yankee clipper ships that carried on trade between the Indian subcontinent and New England; and

Whereas, The first South Asian immigrants to the U.S., who arrived between 1897 and 1924, were primarily Sikh farmers from Punjab, India, and Bengali Muslims; and

Whereas, These early immigrants and those who followed often faced racial and ethnic discrimination and were denied naturalization and citizenship, thus drastically slowing further South Asian immigration; and

Whereas, The Immigration and Nationality Act of 1965 brought South Asian immigrants back to the U.S. in much larger numbers; and

Whereas, Many recent South Asian immigrants to the U.S. are professionals in the fields of science, technology, and medicine; and

Whereas, According to South Asian Americans Leading Together (SAALT), almost 5.4 million South Asians lived in the U.S. in 2017, with about 80 percent being of Indian heritage and over 75 percent being born outside of the U.S.; and

Whereas, According to the Asian American Federation, there were about 330,000 NYC residents of South Asian descent, or about 4 percent of the NYC population, in 2019; and

Whereas, According to SAALT, NYC is the top U.S. metropolitan area for Indian, Nepali, Pakistani, and Sri Lankan residents; and

Whereas, According to Indian American Impact, Indian Americans are one of the largest and fastest-growing ethnic groups in NYC; and

Whereas, The NYC communities of Jackson Heights in Queens, Kensington in Brooklyn, and Tompkinsville in Staten Island are well known for their Indian, Pakistani, and Sri Lankan roots and their cultural sites, shops, restaurants, and activities; and

Whereas, In 2020, the first South Asian was elected Vice President of the U.S. and, in 2021, the first two South Asians were elected to the New York City Council; and

Whereas, South Asian immigrants and New Yorkers of South Asian heritage have enriched the multiethnic, multiracial, and multilingual life of NYC in many arenas, from arts and culture to business to government; now, therefore, be it

Resolved, That the Council of the City of New York acknowledges July 18 through August 17 as South Asian Heritage Month annually in the City of New York and celebrates the contributions made by New Yorkers of South Asian heritage to our multicultural neighborhoods.

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

Res. No. 837

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.4717/A.3149, to authorize the New York State Department of Veterans' Services to provide eligible veterans with financial assistance for purchasing, training, and the upkeep of service dogs and emotional support dogs.

By Council Members Holden, Gutiérrez, Louis, Stevens, Hanif, Farías and Ariola.

Whereas, According to the United States (U.S.) Department of Veterans Affairs, as of September 2022, there were over 18.5 million veterans in the U.S.; and

Whereas, The New York State Department of Health (NYS DOH) estimated that as of 2021, there were 968,528 veterans in New York State (NYS), representing 6.1 percent of the state's adult population; and

Whereas, Per the NYS DOH, in New York City, as of 2021, there were 282,664 veterans, accounting for 4.2 percent of the city's adult residents; and

Whereas, The impacts of military service on psychological health are complex, and as a result, veterans tend to suffer from substance and alcohol use/misuse, military sexual trauma, behavioral issues, and mental health disorders, including Post-Traumatic Stress Disorder (PTSD), at higher rates than non-veterans; and

Whereas, According to the 2021 Behavioral Risk Factor Surveillance System (BRFSS) report on veterans' health by the NYS DOH, veterans in NYS experience a higher prevalence of disabilities than non-veterans; and

Whereas, Thus, per the NYS DOH, in 2021, 37 percent of veterans in NYS reported at least one disability in contrast with 25.9 percent of non-veterans; and

Whereas, Moreover, as of 2021, the rates of smoking were higher among veterans than non-veterans in NYS, at 14.9 percent and 11.9 percent, respectively, and contrasted with 12 percent among all adults in the state; and

Whereas, Furthermore, as of 2021, 14.6 percent of veterans in NYS were engaging in binge or heavy drinking, and the prevalence of this problem was even higher among veterans aged 18 to 64 years, at 22.3 percent; and

Whereas, Also, in 2021, 9.3 percent of veterans in NYS reported poor self-assessed mental health; and

Whereas, Additionally, during 2021, 14.4 percent of veterans in NYS had a depressive disorder diagnosis, and this rate was elevated among veterans between the ages of 18 and 64 years, at 18.3 percent; and

Whereas, According to an October 2021 report by the New York State Health Foundation, data collected between 2015 and 2018 revealed that approximately 10 percent of veterans in NYS reported ever receiving treatment for substance or alcohol use/misuse, which was double the rate among non-veterans of 5 percent; and

Whereas, Per the same 2021 report by the New York State Health Foundation, survey data from 2015 to 2018 showed that about 6 percent of veterans in NYS experienced serious psychological distress in the past 12 months; and

Whereas, In addition, 20 percent of veterans in NYS reported feeling sad, empty, or depressed for several days or longer; and

Whereas, The New York State Health Foundation's 2021 report also highlighted that the incidence of Post-Traumatic Stress Disorder (PTSD) among veterans was double the rate as among non-veterans, at 12.9 percent and 6.8 percent, respectively; and

Whereas, Moreover, the New York State Health Foundation stressed that in 2019, 156 veterans died by suicide in NYS, and that compared with the general population in the state, veterans die by suicide at a much higher proportion—at twice the non-veterans' rate in 2019; and

Whereas, According to the U.S. Department of Veterans Affairs (VA), in 2020, 143 veterans died by suicide in NYS, representing the rate of 19.2 per 100,000 veterans and contrasted with the state's general population's rate of 10.5 per 100,000 NYS residents; and

Whereas, A meta-review of research on benefits and efficacy of Animal-Assisted Therapies (AAT) cited by the VA demonstrates that AAT can be an effective treatment for mental, mood, and behavioral disorders, including PTSD, anxiety, depression, schizophrenia, and alcohol and substance use/misuse, can increase social engagement and improve quality of life, self-efficacy, and ability to cope, as well as can yield significant therapeutic benefits for people with acquired brain injury and cognitive impairment; and

Whereas, The VA's 2015 Healthcare Analysis Information Group survey found that 52 percent of VA healthcare systems offer AAT for veterans, an increase from 25 percent in 2011; and

Whereas, To meet veterans' therapeutic need for AAT, State Senator James Sanders Jr. introduced S.4717 in the NYS Senate, and Assembly Member Pamela J. Hunter introduced companion bill A.3149 in the NYS Assembly, which would authorize the NYS Department of Veterans' Services to provide eligible veterans with financial assistance for purchasing, training, and the upkeep of service dogs and emotional support dogs; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, S.4717/A.3149, to authorize the New York State Department of Veterans' Services to provide eligible veterans with financial assistance for purchasing, training, and the upkeep of service dogs and emotional support dogs.

Referred to the Committee on Veterans.

Int. No. 1238

By Council Members Hudson, Lee, Gutiérrez, Restler, Brewer, Louis, Stevens, Hanif, Farías and Ung.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a grab-and-go meal program at older adult centers

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-214 to read as follows:

§ 21-214 *Grab-and-go meal program. a. Definitions. As used in this section, the following terms have the following meanings:*

Grab-and-go meal. The term "grab-and-go meal" means a freshly prepared meal ready to eat made available for pick up.

Older adult center. The term "older adult center" means a facility operated by the city or an entity that has contracted with the city to provide services to individuals ages 60 and older on a regular basis including, but not limited to, meals, recreation, and counseling.

b. Program. No later than 180 days after the effective date of the local law that added this section, the department shall establish a grab-and-go meal program, which shall provide daily grab-and-go meals at participating older adult centers for older adults who are members of the center. Participation in the program shall be voluntary for every older adult center.

c. Signage. No later than 180 days after the effective date of the local law that added this section, the department shall make available to every older adult center that participates in the program a notice that provides information on the grab-and-go meal program established pursuant to subdivision b of this section. Every older adult center that participates in the program shall post the notice in a conspicuous location.

§ 2. This local law takes effect immediately.

Referred to the Committee on Aging.

Int. No. 1239

By Council Members Lee, Gutiérrez, Restler, Brewer, Louis, Stevens, Hanif and Ung.

A Local Law to amend the administrative code of the city of New York, in relation to community outreach and public education on mental health resources for veterans

Be it enacted by the Council as follows:

Section 1. Title 31 of the administrative code of the city of New York is amended by adding a new section 31-114 to read as follows:

§ 31-114 Outreach and engagement on mental health resources. a. Definitions. For purposes of this section, the term “veteran” means any individual who served in the armed forces, national guard or reserves of the United States, regardless of length of time or discharge status.

b. The department, in coordination with relevant agencies, including, but not limited to, the mayor’s community affairs unit and the mayor’s public engagement unit, shall conduct outreach and public education to communities with the greatest concentration of veterans, as determined by the commissioner, regarding the availability of mental health resources for veterans. Such resources shall include, but need not be limited to, veteran crisis hotlines, the mental health resources included in the veteran resource guide as described in section 31-108, and all other mental health resources appropriate for veterans in the city, including mental health resources that are provided by the city, provided by contract or by similar agreement with the city, or provided by community-based organizations. Such public education shall utilize, at a minimum, internet, radio, print media, digital kiosks, subway and other citywide public advertisements, and shall encourage veterans to contact the department for further information. In conducting such community outreach and public education, the department shall be designated as the point of contact for any inquiries related to the provision of mental health resources for veterans.

c. The department shall include a link on its website that allows community-based organizations to submit information about the mental health services they provide, to be considered for inclusion in the outreach and public education campaigns required by this section, and to be included on the department’s website and in the veteran resource guide as described in section 31-108.

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

Referred to the Committee on Veterans.

Int. No. 1240

By Council Members Lee, Hudson, Gutiérrez, Restler, Brewer, Louis, Stevens, Hanif and Ung.

A Local Law to amend the administrative code of the city of New York, in relation to requiring home-delivered meals be delivered each day of the calendar year.

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-213 to read as follows:

§ 21-213 Home-delivered meals for older adults.

a. Definitions. For purposes of this section, the following terms have the following meanings:

Authorized older adult. The term “authorized older adult” means a New York City resident aged 60 years or older, who has been deemed eligible to receive a home-delivered meal.

Home-delivered meal. The term “home-delivered meal” means a meal that a home-delivered meal provider delivers to an authorized older adult.

Home-delivered meals program. The term “home-delivered meals program” means the program operated by the department to maintain or improve the nutritional status of older adults who are unable to prepare meals.

Home-delivered meal provider. The term “home-delivered meal provider” means any entity that contracts with the department to deliver a home-delivered meal to an authorized older adult.

b. The home-delivered meals program shall provide each authorized older adult with at least 1 home delivered meal a day, 7 days a week, 365 days a year. This section shall apply to all contracts between the department and a home-delivered meal provider for delivery of home-delivered meals under the home-delivered meals program that are in effect on or after the effective date of the local law that added this section.

§ 2. This local law takes effect 180 days after becoming law.

Referred to the Committee on Aging.

Res. No. 838

Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.2146/S.4502 to establish an educational program related to the prevention of antisemitism, Islamophobia bias, and discrimination based on religion, race, sexual orientation, or gender identity or expression.

By Council Members Menin, Powers, Gutiérrez, Brewer, Louis, Hanif, Farías and Ung.

Whereas, According to a 2022 Institute for Social Policy and Understanding (ISPU) national survey, about 62 percent of American Muslims and 50 percent of American Jews reported facing religious discrimination in the previous year; and

Whereas, According to the ISPU national survey, about 48 percent of Muslim families and 13 percent of Jewish families reported having a school-age child face religious-based bullying in the previous year, with about 20 percent of Muslim families reporting almost daily bullying; and

Whereas, A 2014 study by the Sikh Coalition, an advocacy group, reported that about 54 percent of all American Sikh school-age children have been bullied at school; and

Whereas, The Coalition of Hindus of North America noted the rising number of hate crimes against Hindus worldwide; and

Whereas, Federal Bureau of Investigation (FBI) 2020 data documented a 500 percent increase in hate crimes against Indian Americans; and

Whereas, According to the Anti-Defamation League (ADL), one of the oldest and largest international Jewish nongovernmental organizations, antisemitic incidents reached an all-time high in the United States (U.S.) in 2021, with a total of 2,717 reported incidents of assault, harassment and vandalism; and

Whereas, According to the FBI’s 2020 Uniform Crime Reporting Program, about 44 percent of the 463 hate crimes reported in New York State (NYS) were religious-based bias incidents, with about 89 percent of those being anti-Jewish incidents, and these numbers might reflect an underreporting of incidents; and

Whereas, According to the ADL, NYS leads the U.S. in antisemitic incidents, with the number of reported criminal and noncriminal incidents targeting Jews seeing an increase of 24 percent, from 336 in 2020 to 416 in 2021; and

Whereas, According to New York Police Department (NYPD) data, anti-Jewish crimes in New York City (NYC) increased 62 percent, from 121 in 2020 to 196 in 2021; and

Whereas, *The 2021 National School Climate Survey*, conducted by the Gay, Lesbian and Straight Education Network (GLSEN), found that about 68 percent of lesbian, gay, bisexual, transgender, or queer (LGBTQ+) students between the ages of 13 and 21 felt unsafe at school because of their sexual orientation, gender identity, and/or gender expression and about 79 percent avoided school functions or extracurricular activities because they felt unsafe or uncomfortable; and

Whereas, The GLSEN survey found that about 85 to 95 percent of LGBTQ+ students heard homophobic remarks or negative remarks in school about gender expression or transgender individuals and that about 76 percent experienced in-person verbal harassment and 31 percent physical harassment; and

Whereas, The GLSEN survey also found that the majority of LGBTQ+ students who were harassed or actually assaulted in school did not report the incident to school staff, but that the majority of those who did report the incident noted that school staff did little or nothing in response; and

Whereas, The GLSEN survey further found that almost 60 percent of LGBTQ+ students experienced discriminatory policies or practices at school, including being prevented from using their chosen name or pronouns, using their preferred restroom or locker room, wearing their preferred style of clothes, or playing on sports teams consistent with their gender; and

Whereas, A.2146, introduced on January 23, 2023, by State Assembly Member Steve Stern, would amend the NYS education law to require the New York State Education Department (NYSED) to establish an educational program to help prevent antisemitism, Islamophobia bias, and discrimination based on religion, race, sexual orientation, or gender identity or expression; and

Whereas, Companion bill S.4502, introduced on February 9, 2023, by State Senator John Liu, would also provide for the development of that educational program, which would involve students, parents, and school faculty in teaching acceptance and inclusion and which would encourage “fight[ing] back against those who practice hate”; and

Whereas, According to the memorandum in support of A.2146/S.4502, “Hate has no place here” in NYS; and

Whereas, According to the memorandum in support of A.2146/S.4502, “With a disturbing increase in the number of [antisemitic] attacks and assaults occurring in New York we must work on multiple fronts to combat the scourge of hate, intolerance, [antisemitism,] and Islamophobia”; and

Whereas, A.2146/S.4502 would require the NYSED to contract with an outside organization, with expertise in these types of discrimination, to create the prevention and education program called for, which would then be overseen by the NYSED; and

Whereas, A.2146/S.4502 would require that the prevention and education program consist of “age-appropriate model curriculum including lesson plans [and] best practice instructional resources for students, parents, and school personnel” as well as “indicators and warning signs” of discriminatory thinking and behavior; and

Whereas, A.2146/S.4502 would require that the prevention and education program include up-to-date information on how to report complaints about incidents of discrimination; and

Whereas, A.2146/S.4502 would require that the model curriculum be available for voluntary use in social studies classes; and

Whereas, A.2146/S.4502 would require that materials be updated periodically; and

Whereas, A.2146/S.4502 would require that the materials be available on the NYSED’s website in Spanish, Creole, Mandarin, Korean, Bengali, and other languages spoken by a substantial portion of the population in NYS; and

Whereas, According to the Public Religion Research Institute, NYC has the largest number of Jewish and Muslim residents of any municipality in the U.S., making the creation of the prevention and education program called for by A.2146/S.4502 particularly appropriate for use in NYC Department of Education (DOE) public schools; and

Whereas, A.2146/S.4502 would go into effect on the next July 1 after passage of the bills; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, A.2146/S.4502 to establish an educational program related to the prevention of antisemitism, Islamophobia bias, and discrimination based on religion, race, sexual orientation, or gender identity or expression.

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

Res. No. 839

Resolution calling on Congress to pass, and the President to sign, H.R.3561, the PATIENT Act of 2023.

By Council Members Menin, Schulman and Louis.

Whereas, In 2021, the United States (U.S.) spent \$4.3 trillion on healthcare, averaging about \$12,900 per person, which is over \$5,000 more per person than any other high-income nation, according to the Peterson Center on Healthcare and the Kaiser Family Foundation; and

Whereas, In 2020, New York State (NYS) spent \$14,007 per capita on personal healthcare, which was 37% higher than the national average; and

Whereas, Meanwhile, over 100 million adults across the U.S. struggle with healthcare debt, owing an estimated \$195 billion in medical debt, combined with a median of \$2,000 per household, according to RIP Medical Debt and a 2021 U.S. Census report; and

Whereas, In 2022, 38% of Americans said they or a family member skipped or delayed medical care, which is a 12 point increase from the previous year, according to an annual healthcare poll from Gallup; and

Whereas, A survey conducted between December 20, 2018, to January 2, 2019, found that out of 980 NYS adults surveyed, 52% experienced healthcare affordability burdens in the past year while 76% were worried about affording healthcare in the future; and

Whereas, From the same survey, 73% of NYS adults indicated wanting assistance from the government in paying their medical bills, with more than 7 in 10 blaming the government, insurance companies, or the drug industry for failing to control costs; and

Whereas, Multiple studies have attributed healthcare cost disparity in the U.S. to an accumulation of systemic issues including lack of healthcare transparency, drug and service charge discrepancies, insurance coverage gaps, inadequate investment in community healthcare centers, and healthcare workers serving indigent communities; and

Whereas, To address these issues, Congresswoman Cathy McMorris Rodgers introduced H.R.3561, also known as the Promoting Access to Treatments and Increasing Extremely Needed Transparency Act of 2023, otherwise known as the PATIENT Act of 2023; and

Whereas, The PATIENT Act of 2023 would establish comprehensive reporting requirements for prescription drug companies and pharmacy benefit managers (PBMs) as well as health insurance companies, including with respect to in-network services and prescription drug payments, that would shed light on pricing practices, ensuring fairness and accessibility for all individuals; and

Whereas, The PATIENT Act of 2023 would also establish legal authority for hospitals and certain diagnostic laboratory testing providers to list their shoppable services and prices, while prohibiting hospitals from using internet-based price estimators, to empower patients to make informed decisions about their healthcare and enable them to compare costs across healthcare facilities; and

Whereas, Additionally, the PATIENT Act of 2023 would increase funding for critical healthcare programs, such as the Teaching Health Center Graduate Medical Education program, Community Health Center program, and National Health Service Corps, all of which play a pivotal role in delivering quality care to underserved communities; and

Whereas, Increased reporting on prescription drugs and healthcare procedures would encourage accountability and fair pricing practices, leading to reduced financial burdens on vulnerable communities, while increased funding of teaching medical programs and other community health centers would alleviate healthcare capacity issues in underserved areas, improving healthcare delivery and access to the most indigent New Yorkers; now, therefore, be it

Resolved, That the Council of the City of New York calls on Congress to pass, and the President to sign, H.R.3561, the PATIENT Act of 2023.

Referred to the Committee on Health.

Int. No. 1241

By Council Members Narcisse, Gutiérrez, Louis, Stevens and Hanif.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the commissioner of veterans' services to submit an annual report on the provision of mental health services by city agencies to veterans

Be it enacted by the Council as follows:

Section 1. Title 31 of the administrative code of the city of New York is amended by adding a new section 31-113 to read as follows:

§ 31-113 Report on agency mental health services. a. The commissioner shall collect relevant information from each agency providing mental health services to veterans for the purposes of centralizing information about mental health services provided by such agencies to veterans and submitting the annual report required by subdivision b of this section. Any such agency shall cooperate with requests for such information made by the commissioner.

b. No later than March 1, 2025, and on or before March 1 of every year thereafter, the commissioner shall submit to the speaker of the council and post on the department's website a report summarizing the mental health services offered and provided by agencies to veterans. Such report shall include, but need not be limited to, the following information for each agency that offered information about mental health services or provided mental health services to veterans in the preceding calendar year:

- 1. The number of veterans who inquired with such agency about mental health services and the number of such veterans who received a response to such inquiry;*
- 2. A summary of the methods of communication by which such agency provided information about mental health services to veterans, including, but not limited to, advertisements, pamphlets, brochures, posters, flyers, hotlines, webpages, in-person, email, or other web application;*
- 3. A description of the mental health services provided by such agency to veterans;*
- 4. The number of veterans who applied to such agency for mental health services;*
- 5. The number of veterans who applied for each type of mental health service offered by such agency;*
- 6. The number of veterans who applied to such agency for the first time for mental health services;*
- 7. The number of veterans who had previously applied to such agency for mental health services;*
- 8. The number of veterans who received mental health services by such agency; and*
- 9. For each type of mental health service offered by such agency, the average number of days that veterans were engaged in such service.*

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

Referred to the Committee on Veterans.

Int. No. 1242

By Council Members Narcisse, Brooks-Powers, Joseph, Riley, Gutiérrez, Louis, Stevens and Hanif.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the New York city department of education to report the number of students reported to the office of school health as having a diagnosis of sickle cell disease or trait

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 21-965 of the administrative code of the city of New York, as amended by local law number 156 for the year 2021, is amended to read as follows:

b. Not later than [April 30, 2022] *October 31, 2024*, and no later than [April 30th] *October 31* annually thereafter, the department shall submit to the *speaker of the council* a report regarding information on health services provided to students for the preceding school year. Such report shall include, but not be limited to:

1. The number of school buildings where full time nurses are employed by the office of school health and the number of school buildings where part time nurses are employed by such office; the ratio of students to nurses in such school buildings; and the average number of student health encounters per nurse in such school buildings;

2. The total number of student health encounters;

3. The total number of NYC FITNESSGRAMS performed, and the percentage of students assessed who had a body mass index: (i) below the 5th percentile; (ii) in the 5th to 84th percentile; (iii) in the 85th to 94th percentile; and (iv) equal to or above the 95th percentile, to the extent such information is collected by the department;

4. The total number of medication orders reviewed by the office of school health and recorded in the automated student health record database;

5. The total number of students reported to the office of school health as having a diagnosis of allergies, asthma, diabetes type 1, [or] diabetes type 2, *sickle cell disease, or sickle cell trait*; and

6. The total number of school based health centers disaggregated by the type of provider including, but not limited to, hospital and federally qualified health centers; and the total number of students enrolled in the school or schools served by each school based health center.

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.

Res. No. 840

Resolution calling on the New York City Department of Education to observe Veterans Day the Friday before November 11th if it falls on a Saturday and the Monday after the 11th if it falls on a Sunday.

By Council Members Paladino, Yeger, Louis, Holden, Riley, Velázquez, Brannan, Farías, Ung, Carr, Ariola, Borelli and Vernikov.

Whereas, The United States (U.S.) owes its creation and continued existence to the brave members of the armed forces who have fought, and sometimes died, for this country; and

Whereas, In recognition of their service and sacrifices, U.S. leaders have designated various holidays to celebrate members of the armed forces, past and present; and

Whereas, These holidays include Memorial Day, which honors those who have died while in military service; Armed Forces Day, which honors those currently serving in the U.S. military; and Veterans Day, which honors the service of all U.S. veterans; and

Whereas, Veterans Day was originally called Armistice Day to commemorate the anniversary of the armistice that ended World War I, which was signed the 11th hour of the 11th day of the 11th month of 1918; and

Whereas, Armistice Day was first celebrated on November 11, 1919 under the leadership of President Woodrow Wilson; and

Whereas, In 1938, November 11th was declared a legal federal holiday known as “Armistice Day” by act of Congress; and

Whereas, Armistice Day was renamed Veterans Day in 1954 by President Dwight D. Eisenhower, at the urging of major U.S. veterans organizations; and

Whereas, According to the U.S. Census Bureau, in 2022 there were 16.2 million veterans in the U.S.; and

Whereas, A 2021 New York State Department of Health survey estimated that approximately 969,000 veterans live in the state, with more than 282,000 of those residing in New York City (NYC); and

Whereas, The NYC Department of Education (DOE) typically recognizes and closes schools for all U.S. federal holidays, including Veterans Day; and

Whereas, However, DOE's 2023-2024 School Year Calendar does not include a school closure date for Veterans Day, as November 11th falls on Saturday in 2023; and

Whereas, Generally, a fixed date federal holiday that falls on a Saturday or Sunday is usually observed on the closest weekday, so that a holiday falling on a Saturday is observed on the preceding Friday, while a holiday falling on a Sunday is observed on the succeeding Monday; and

Whereas, Some parents, teachers, and students have expressed disappointment and anger that NYC public schools will not commemorate the vital contributions of veterans this year by observing Veterans Day; and

Whereas, It is crucial for NYC schools to observe Veterans Day to honor the contributions of veterans and enable students to learn about and recognize the service and sacrifices of U.S. military veterans; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Education to observe Veterans Day the Friday before November 11th if it falls on a Saturday and the Monday after the 11th if it falls on a Sunday.

Referred to the Committee on Veterans.

Int. No. 1243

By Council Members Powers, Bottcher, Feliz, Brewer, Schulman, Marte, Menin, Yeger, Joseph, Velázquez, Brooks-Powers, Dinowitz, Gennaro, Louis, Brannan, Ossé, Holden, Ung, Carr, Borelli and Ariola.

A Local Law to amend the administrative code of the city of New York, in relation to amending the nuisance abatement law regarding the sale or delivery of cannabis

Be it enacted by the Council as follows:

Section 1. Subdivision (r) of section 7-703 of the administrative code of the city of New York, as added by local law number 8 for the year 2007, is amended to read as follows:

(r) Any building, erection or place, including one- or two-family dwellings, used for the creation, production, storage or sale of a false identification document, as defined in subsection (d) of section one thousand twenty-eight of title eighteen of the United States code, a forged instrument, as defined in subdivision seven of section 170.00 of the penal law, or a forgery device, as that term is used in section 170.40 of the penal law. It shall be presumptive evidence that the building, erection or place, including one- or two-family dwellings, is a public nuisance if there have occurred, within the one-year period preceding the commencement of an action under this chapter, two or more violations constituting separate occurrences on the part of the lessees, owners, operators or occupants of one or any combination of the following provisions: paragraph one, five or eight of subsection (a) of section one thousand twenty-eight of title eighteen of the United States code, section 170.05, 170.10, 170.15 or 170.40 of the penal law or, under circumstances evincing an intent to sell or distribute a forged instrument, section 170.20, 170.25 or 170.30 of the penal law[.]; *and*

§ 2. Section 7-703 of the administrative code of the city of New York is amended by adding a new subdivision (s) to read as follows:

(s) *Any building, erection, or place, including one- or two-family dwellings, wherein there exists: a violation of subdivision 1 of section 125 of the cannabis law through the unregistered, unlicensed, or unpermitted distribution for sale, selling at wholesale or retail, or delivering to consumers of any cannabis, cannabis product, medical cannabis, or cannabinoid hemp or hemp extract product, as such terms are defined in section 3 of the cannabis law; or a violation of subdivision 1 of section 85 of the cannabis law involving any person, actually or apparently, under the age of 21 years.*

§ 3. Subdivision (a) of section 7-704 of the administrative code of the city of New York, as amended by local law number 41 for the year 2017, is amended to read as follows:

(a) The corporation counsel shall bring and maintain a civil proceeding in the name of the city in the supreme court of the county in which the building, erection or place is located to permanently enjoin the public

nuisances, defined in subdivisions (a), (d), (e), (f), (g), (h), (k), (l), (m), (n), [and] (r), *and* (s) of section 7-703, in the manner provided in subchapter two of this chapter.

§ 4. Section 7-705 of the administrative code of the city of New York, as amended by local law number 41 for the year 2017, is amended to read as follows:

§ 705 Applicability. This subchapter shall be applicable to the public nuisances defined in subdivisions (a), (d), (e), (f), (g), (h), (k), (l), (m), (n) [and] (r), *and* (s) of section 7-703.

§ 5. Subdivision (a) of section 7-709 of the administrative code of the city of New York, as amended by local law number 32 for the year 2017, is amended to read as follows:

(a) Generally. If, on a motion for a preliminary injunction pursuant to section 7-707 alleging a public nuisance as defined in subdivision (a) or (d) of section 7-703, or a public nuisance as defined in subdivision (e) of section 7-703 in a building, erection or place used for commercial purposes in which there is a significant risk of imminent physical harm to a natural person or persons, *or a public nuisance as defined in subdivision (s) of section 7-703*, the corporation counsel shall show by clear and convincing evidence that such public nuisance is being conducted, maintained or permitted and that the public health, safety or welfare immediately requires a temporary closing order, a temporary order closing such part of the building, erection or place wherein such public nuisance is being conducted, maintained or permitted may be granted without notice, pending order of the court granting or refusing the preliminary injunction and until further order of the court. Upon granting a temporary closing order, the court shall direct the holding of a hearing for the preliminary injunction at the earliest possible time but in no event later than three business days from the granting of such order; a decision on the motion for a preliminary injunction shall be rendered by the court within three business days after the conclusion of the hearing.

§ 6. Subdivision (a) of section 7-710 of the administrative code of the city of New York, as amended by local law number 32 for the year 2017, is amended to read as follows:

(a) Generally. If, on a motion for a preliminary injunction pursuant to section 7-707 alleging a public nuisance as defined in subdivision (a), (d), or (k) of section 7-703, or a public nuisance as defined in subdivision (e) of section 7-703 in a building, erection or place used for commercial purposes in which there is a significant risk of imminent physical harm to a natural person or persons, or a public nuisance as defined in subdivision (h) of section 7-703 in a building, erection or place operating without a license or with a license permitting the sale of liquor under the alcoholic beverage control law, *or a public nuisance as defined in subdivision (s) of section 7-703*, the corporation counsel shall show by clear and convincing evidence that such public nuisance is being conducted, maintained or permitted and that the public health, safety or welfare immediately requires a temporary restraining order, such temporary restraining order may be granted without notice restraining the defendants and all persons from removing or in any manner interfering with the furniture, fixtures and movable property used in conducting, maintaining or permitting such public nuisance and from further conducting, maintaining or permitting such public nuisance, pending order of the court granting or refusing the preliminary injunction and until further order of the court. Upon granting a temporary restraining order, the court shall direct the holding of a hearing for the preliminary injunction at the earliest possible time but in no event later than three business days from the granting of such order; a decision on the motion for a preliminary injunction shall be rendered by the court within three business days after the conclusion of the hearing.

§ 7. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 1244

By the Public Advocate (Mr. Williams) and Council Members Gutiérrez, Louis, Stevens and Hanif.

A Local Law to amend the administrative code of the city of New York, in relation to the development and distribution of an informational pamphlet on accessing department of veterans services resources

Be it enacted by the Council as follows:

Section 1. Title 31 of the administrative code of the city of New York is amended by adding a new section 31-115 to read as follows:

§ 31-115 *Informational pamphlet on department of veteran services.* a. *The department, in coordination with relevant agencies, shall develop and distribute physical copies of an informational pamphlet that describes the department's resources and services to all social services agencies in the city for distribution to any individuals seeking social services. Such informational pamphlet shall include information on how to access the department's online resources, including, but not limited to, the veteran resource guide as described in section 31-108, through the use of a barcode or QR code. The department shall also offer physical copies of the informational pamphlet to council member district offices, community board offices, and any other locations the department deems relevant.*

b. *The department, in coordination with relevant agencies, shall ensure that a link to the department's website and the veterans resource guide is included on any city website where information on social services and benefits in the city are provided.*

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

Referred to the Committee on Veterans.

Int. No. 1245

By Council Members Riley, Gutiérrez, Restler, Brewer, Louis, Stevens, Hanif and Farías.

A Local Law in relation to a plan to identify and facilitate the use of indoor facilities for basketball games

Be it enacted by the Council as follows:

Section 1. a. Definitions. As used in this local law, the term “basketball league” means an organized league that has a valid permit approved by the department of parks and recreation to reserve an outdoor basketball court in advance for a specified time and date.

b. Plan. No later than 120 days after the effective date of this local law, the department of parks and recreation, in coordination with the department of education, shall prepare and submit to the mayor and the speaker of the council, and post on its website, a plan to identify and facilitate the use of indoor basketball courts and gyms which may be used by basketball leagues on days when the weather does not permit use of outdoor basketball courts. The department of parks and recreation shall implement the plan no later than 60 days after the plan has been submitted. The plan shall address, but need not be limited to:

1. How the department of parks and recreation and the department of education will facilitate the use of indoor basketball courts and gyms that are maintained or operated by the city;
2. How the department of parks and recreation will coordinate with other relevant agencies to facilitate the use of indoor basketball courts and gyms; and
3. Ways to identify private indoor basketball courts and gyms that are available for use by basketball leagues.

§ 2. This local law takes effect immediately.

Referred to the Committee on Parks and Recreation.

Int. No. 1246

By Council Members Riley, Louis, Stevens and Hanif.

A Local Law in relation to establishing a pilot program to match small businesses with social media content creators for assistance with marketing and advertising, and providing for the repeal of such provisions upon the expiration thereof

Be it enacted by the Council as follows:

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

Content creator. The term “content creator” means a person who creates material to be shared publically on a social media platform.

Commissioner. The term “commissioner” means the commissioner of small business services.

Department. The term “department” means the department of small business services.

Small business. The term “small business” means a retail establishment that has annual gross revenues of less than \$5,000,000 and employs 25 or fewer employees. For purposes of determining whether an entity qualifies as a small business, the revenues of any parent entity, any subsidiary entities, and any entities owned or controlled by a common parent entity shall be aggregated.

b. Small business content creator matching pilot program. The commissioner shall establish a pilot program to match small businesses that are looking for support with marketing and advertisement with content creators who can use their social media platforms to bring attention to the small businesses they are matched with.

c. Outreach. The commissioner shall engage in public outreach to assess the amount of interest content creators and small businesses have in participating in the program and shall post explanatory information about the program on the department’s website.

d. Enrollment. 1. The commissioner shall develop an application for small business enrollment in the pilot program established pursuant to subdivision b of this section. Such application shall require small businesses wishing to enroll in such program to submit the following information to the department:

- (a) The name of the small business;
- (b) The address of the small business;
- (c) The name, telephone number, and e-mail address of an individual associated with the small business who will serve as a point of contact for purposes of such program;
- (d) The preferred method of communication;
- (e) The hours of operation of the small business;
- (f) A general description of the small business, including type of goods and products sold or services provided;
- (g) Consent to share relevant business revenue and other information to assist the department in determining program eligibility and assessing the impact of the program; and
- (h) Any other information deemed relevant by the commissioner.

2. The commissioner shall develop an application for content creator enrollment in the pilot program established pursuant to subdivision b of this section. Such application shall require content creators wishing to enroll in such program to submit the following information to the department:

- (a) Name;
- (b) Address, telephone number, and e-mail address;
- (c) Social media platforms that the content creator posts publically on;
- (d) Links to social media platforms that the content creator intends to use as part of the program and the content creator’s handle or username on each such platform; and
- (e) Any other information deemed relevant by the commissioner.

3. The commissioner shall determine the duration of the enrollment period for such program.

4. The commissioner shall match content creators with small businesses from the applicant pool based on the department’s determination that such content creator might be able to provide the marketing support the small business is seeking.

5. Within 30 days after the end of such enrollment period, the department shall notify each small business and each content creator that submitted an application pursuant to this subdivision whether they have been selected for participation in the program. The department shall notify each participant of their match and shall facilitate the connection between matched content creators and small businesses. If the department of small business services has rejected any applicants, the department shall notify such applicant and provide an explanation for the rejection.

e. Implementation. The pilot program established pursuant to subdivision b of this section shall commence no later than 180 days after the effective date of this local law. The duration of such program shall be 1 year.

f. Report. No later than 1 year after the end of the pilot program established pursuant to subdivision b of this section, the commissioner shall submit to the mayor and the speaker of the council a report on such program. Such report shall include, but need not be limited to, the following information:

1. The cost of such program;
2. The number of small businesses that participated in such program;
3. The number of content creators who participated in such program;
4. An analysis of the effect the program had on revenue of small business participants;
5. An analysis of the traits of content creators that led to increased revenue for small business participants;
6. Any challenges experienced by the department and any known challenges experienced by the participants during the course of such program.

g. The commissioner may promulgate rules necessary for the implementation of this local law.

h. This local law shall not be construed as a warranty of the completeness, accuracy, content, or fitness for any particular purpose of any information generated by a content creator for a small business, nor are any such warranties to be implied or inferred with respect to such information. The city shall not be held liable for any deficiencies in the completeness, accuracy, content, or fitness for any particular purpose or use of information provided by any third party through the pilot program established pursuant to this local law. The city does not guarantee any particular result to participants in such program.

§ 2. This local law takes effect 180 days after it becomes law and expires and is deemed repealed 3 years after it becomes law.

Referred to the Committee on Small Business.

Int. No. 1247

By Council Members Sanchez, Gutiérrez, Restler and Louis.

A Local Law to amend the administrative code of the city of New York and the fuel gas code in relation to periodic inspections of gas piping systems, ordinary plumbing work, reestablishing the plumbing and fire suppression piping contractor license board, piping systems, emergency work, fire suppression piping work, and seizure

Be it enacted by the Council as follows:

Section 1. Section 28-105.4.1 of the administrative code of the city of New York, as amended by local law number 77 for the year 2023, is amended to read as follows:

§ 28-105.4.1 Emergency work. Work that would otherwise require a permit may be performed without a permit to the extent necessary to relieve an emergency condition and to restore the system to a good working condition. An application for a permit shall be submitted within 2 business days after the commencement of the emergency work and shall include written description of the emergency condition and the measures undertaken to mitigate the hazard. Emergency work may include but shall not be limited to:

1. Erection of sidewalk sheds, fences, or other similar structures to protect the public from an unsafe condition.
2. Stabilization of unsafe structural conditions.
3. Repair of gas leaks.
4. Repair or replacement of heating appliances or [~~hot water~~] equipment [~~servicing education or residential occupancies~~] from October 1 through May 31.
5. Replacement of parts required for the operation of a [~~combined~~] standpipe or sprinkler system.

§ 2. Section 28-105.4.4 of the administrative code of the city of New York, as amended by local law number 77 for the year 2023, is amended to read as follows:

§ 28-105.4.4 Ordinary plumbing work. The following ordinary plumbing work may be performed without a permit, provided that the licensed plumber performing such work: (i) provides a monthly report listing completed work and work in progress during the preceding month, including the block, lot and address of each job, a description of the work performed or in progress at each address, and the location in each building where the work was performed or is in progress; (ii) pays the fees for such work in accordance with this code; and (iii) submits to the department a certification that the work was performed in accordance with this code and all applicable laws and rules. Ordinary plumbing work shall include:

1. The removal of a domestic plumbing system not connected to a fire suppression or fire protection system, or the removal of a portion of such system.
2. The relocation of up to two plumbing fixtures within the same room to a maximum of 10 feet (3048 mm) distant from the original location, except in health care facilities.
3. The installation, replacement or repair of a food waste grinder (food waste disposal), dishwasher, instant hot water dispenser, icemaker, coffee machine, or secondary back flow preventer and the replacement or repair of a sump pump.
4. The ~~[replacement of closet bends]~~ repair components of a plumbing appliance or plumbing appurtenance or the replacement of a plumbing appurtenance.
5. In buildings classified as residential occupancy groups occupied by five families or fewer [in occupancy group R-2 occupied by fewer than six families or in buildings in occupancy group R-3], the replacement of a gas water heater or a gas-fired boiler with a capacity of 350,000 BTU (103 kW) or less where the existing appliance ~~[gas cock]~~ shutoff valve is not moved, provided that the plumber has inspected the chimney and found it to be in good operational condition. In buildings classified as residential occupancy groups occupied by three families or fewer, the replacement of a gas furnace with a capacity of 350,000 BTU (103 kW) or less where the existing appliance shutoff valve is not moved, provided that the plumber has inspected the chimney and found it to be in good operational condition.
6. The repair or replacement of any non-gas, non-fire suppression piping not longer than ~~[40]~~ 25 feet (~~[3048]~~ 7620 mm) inside a building, or connected piping previously repaired or replaced under this provision.
7. The repair or replacement of any non-gas, non-fire suppression branch piping after the riser shutoff valve, including the replacement of fixtures ~~[, limited to two bathrooms and one kitchen per building per monthly reporting period].~~
8. The replacement of ~~[flexible gas tubing no greater than 4 feet (1219 mm) in length located downstream of the existing gas cock to an appliance, provided such gas tubing does not penetrate a wall]~~ an appliance connector serving the following domestic gas appliances: ranges, ovens, stoves, barbecues, and clothes dryers where the existing appliance shutoff valve remains and replacement shall be in accordance with this code and the New York City Fuel Gas Code. The existing appliance shutoff valve shall be accessible and in good working condition with no noticeable corrosion or deterioration.
9. The replacement of the following domestic gas appliances: ranges, ovens, stoves, barbecues, and clothes dryers where the existing appliance shutoff valve remains and when such appliance replacement is in accordance with this code and the New York City Fuel Gas Code. The existing appliance shutoff valve shall be accessible and in good working condition with no noticeable corrosion or deterioration.

§ 3. Section 28-318.1 of the administrative code of the city of New York, as amended by local law number 138 for the year 2021, is amended to read as follows:

§ 28-318.1 General. Commencing January 1, 2019, building gas piping systems, other than gas piping systems of buildings classified in occupancy group R-3, shall be periodically inspected in accordance with this article.

Exceptions:

1. As part of the inspection, if it is determined that a [A] building [that] contains no gas piping and is not currently serviced by a utility for gas, [for which the owner of such building has submitted to the commissioner, in a form and manner determined by the commissioner, a certificate of] a registered design professional, a licensed master plumber, or an individual under the direct and continuing supervision of a licensed master plumber with appropriate qualifications under section 28-318.3.1, [or a person satisfying other qualifications that the commissioner may establish,] shall submit, in a form and manner determined by the commissioner, certification that such building contains no gas piping.
2. As part of the inspection, if it is determined that a [A] building [that] contains gas piping but [that] is not currently supplied with gas, a registered design professional, a licensed master plumber, or an individual under the direct and continuing supervision of a licensed master plumber with appropriate qualifications under section 28-318.3.1, shall submit, in a form and manner determined by the commissioner, certification that such building is not currently supplied with gas. [that does not contain any appliance connected to any gas piping and that complies with section 28-318.3.5.]

§ 4. Section 28-318.2 of the administrative code of the city of New York, as added by local law number 152 for the year 2016, is amended to read as follows:

§ 28-318.2 Frequency of inspection. An inspection of a building's gas piping system shall be conducted at periodic intervals as set forth by rule of the commissioner, but such inspection shall be conducted at least once every five years.

Exceptions:

1. If the New York state public service commission adopts a revised rule or other requirement for periodic inspections of service lines, as defined in section 255.3 of title 16 of the New York codes, rules and regulations, with a frequency other than five years, the commissioner may, by rule, require that the periodic inspections required by this article be conducted with such frequency.
2. The initial inspection for a new building shall be conducted in the tenth year after the earlier of (i) the issuance by the department of a letter of completion or, if applicable, a temporary or final certificate of occupancy for such building or (ii) the date such building was completed as determined by department rule.

§ 5. Section 28-318.3.1 of the administrative code of the city of New York, as added by local law number 152 for the year 2016, is amended to read as follows:

§ 28-318.3.1 Inspection entity. Inspections of gas piping systems shall be conducted on behalf of the building owner by a licensed master plumber or by an individual holding a journeyman plumber registration issued in accordance with article 409 of chapter 4 of title 28 and working under the direct and continuing supervision of a licensed master plumber, with appropriate qualifications as prescribed by department rule but shall include successful completion of a training program acceptable to the department. The department shall require proof of such qualifications on any report and certification as required under section 28-318.3.3.

6. Section 28-318.3.2 of the administrative code of the city of New York, as added by local law number 152 for the year 2016, is amended to read as follows:

§ 28-318.3.2 Scope. At each inspection, in addition to the requirements prescribed by this article or by the commissioner, all [exposed] visually accessible gas lines from point of entry of gas piping into a building[, including building service meters, up to individual tenant spaces] through the point of connection to any appliance that uses gas supplied by such piping, shall be inspected for evidence of [excessive atmospheric corrosion or piping deterioration] abnormal operating conditions that represent [has resulted in a dangerous

~~condition, illegal connections, and non-code compliant installations]~~ immediately hazardous conditions, illegal connections, or non-code compliant installations. The inspection entity shall also ~~[test]~~ conduct a leak survey of all visually accessible gas lines from the point of entry of gas piping into a building through the point of connection to any appliance that uses gas supplied by such piping to determine if there is any indication of a gas leak. Public [public] spaces, hallways, and corridors [–, and mechanical and boiler rooms with a portable combustible gas detector] on floors that contain gas piping or gas utilization equipment shall also be leak surveyed. [to determine if there is any gas leak, provided that such testing need only include public spaces, hallways and corridors on floors that contain gas piping or gas utilization equipment.] The leak survey shall be conducted utilizing an instrument approved for leak surveys by the New York state department of public service. The scope of the inspection shall be in compliance with part 255 of title 16 of the New York state codes, rules and regulations.

Exception: Other than as required to provide access to a point of entry location, gas piping or gas utilization equipment located inside of a dwelling unit, as defined by section 202 of the New York city building code, shall not be required to be inspected.

§ 7. Section 28-318.3.4 of the administrative code of the city of New York, as added by local law number 152 for the year 2016, is amended to read as follows:

§ 28-318.3.4 Reporting and correction of [unsafe or hazardous condition.] abnormal operating conditions that present an immediately hazardous condition. If an inspection reveals ~~[any of the following conditions,]~~ an abnormal operating condition presenting an immediate hazard, the inspection entity shall immediately take safety actions to protect life or property. T[†]he inspection entity shall notify the building owner, the utility and the department immediately and the building owner shall immediately take action to correct such condition in compliance with the New York city construction codes.[-:

1. A gas leak;
2. Evidence of illegal connections or non-code compliant installations; or
3. Any other condition which (i) if verified by a utility company or utility corporation, ~~–~~ would constitute a class A condition as described in part 261 of title 16 of the New York ~~codes, rules and regulations or (ii) constitutes an imminently dangerous condition]~~

§ 8. Article 318 of chapter 3 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-318.3.4.1 to read as follows:

§ 28-318.3.4.1 Reporting and correction of abnormal operating conditions that do not present an immediate hazard. If an inspection reveals an abnormal operating condition that does not present an immediate hazard, the inspection entity shall:

1. For abnormal operating conditions occurring on service piping, the inspection entity shall follow the requirements under part 261 of title 16 of the New York state codes, rules, and regulations, and follow the applicable utility procedures. The conditions shall be noted on the inspection form submitted to the department.
2. For abnormal operating conditions occurring downstream of the point of delivery, the inspection entity shall notify the department in a manner prescribed by the department as well as the utility in a manner prescribed by the utility. The inspection entity shall note the conditions on the report form. For abnormal operating conditions that do not pose an immediate hazard, where the remediation of which could potentially increase risk of a piping system failure or would require a shutdown of the gas piping system, the department shall notify the building owner of the abnormal operating condition while allowing for it to remain in service. The department shall determine by rule the corrective work that will be required to remediate the conditions. Gas service shall only be interrupted when necessary to eliminate an immediate hazard to life or property. The department shall notify the local gas utility company and the building owner of the decision prior to taking such action. The building owner shall take action to correct such conditions in compliance with the New

York city construction codes. For conditions that are classified as non-hazardous and are permitted to remain in service, the owner shall remediate those conditions in accordance with department rule. If the department determines that no remedial work is required, that information shall be noted on the report form by the inspection entity.

§9. Section 28-318.3.5 of the administrative code of the city of New York is REPEALED.

§ 10. Section 28-318.3.6 of the administrative code of the city of New York is REPEALED.

§ 11. The definition of “FIRE SUPPRESSION PIPING WORK” set forth in section 28-401.3 of the administrative code of the city of New York, as amended by local law 126 for the year 2021, is amended to read as follows:

FIRE SUPPRESSION PIPING WORK. The installation, maintenance, repair, modification, extension, or alteration or testing of a fire suppression piping system in any building in the city of New York. [~~Fire suppression piping work shall not include plumbing work.~~]

§ 12. Chapter 4 of title 28 of the administrative code of the city of New York is amended by adding a new article 417 as follows:

ARTICLE 417
BOARDS

§ 28-417.1 Plumbing and fire suppression piping contractor license board. The commissioner shall appoint annually and may remove in his or her discretion each member of a plumbing a fire suppression piping contractor license board that shall have as its purpose the following:

1. To advise the commissioner regarding the character and fitness of applicants for certificates of competence and licenses who have passed the required examination.
2. To advise the commissioner regarding allegations of illegal practices on the part of licensed master plumbers, licensed master fire suppression piping contractors, master plumber businesses or master fire suppression piping businesses.
3. To advise the commissioner regarding plumbing and fire suppression piping practices, code applications, regulations and legislation.
4. To perform such other responsibilities as may be requested by the commissioner and as set forth in rules promulgated by the department.

§ 28-417.1.1 Removal. The commissioner may remove any member of the license board and shall fill any vacancy therein.

§ 28-417.1.2 Membership. Membership of the board shall consist of:

1. Two officers or employees of the department;
2. Five licensed master plumbers, three of whom shall be selected from nominees of the New York city contracting plumbing association whose members perform the largest dollar value of work within the city and one of whom shall be the holder of a class A or class B master fire suppression piping contractor license. The two remaining licensed master plumber board member positions shall be from the next largest plumbing association in the city of New York.
3. Two licensed master fire suppression piping contractors, both of whom shall hold a class A license and shall be selected from nominees of the New York city sprinkler/fire suppression piping contractors association whose members perform the largest dollar value of work within the city;
4. A registered journeyman plumber from the organization representing the largest number of registered journeyman plumbers;

5. A registered journeyman fire suppression piping installer from the organization representing the largest number of registered journeyman fire suppression piping installers;
6. An engineer having at least five years experience in the planning or design, and installation, of plumbing systems;
7. An architect;
8. An engineer who is a full member of the society of fire protection engineers;
9. Two officers or employees of the fire department representing the fire commissioner; and
10. A real estate owner or manager or representative thereof.

§ 28-417.1.3 Organization of the board. A member of the board who is an officer or employee of the department representing the commissioner shall serve as chairperson and all members shall serve without compensation. Nine members including the chairperson, who shall be entitled to vote, shall constitute a quorum of the board for the transaction of business. In the absence of a member or in the event of a vacancy, an alternate member of the board, may vote in the place and stead of the member for whom he or she is the alternate or on account of whom the vacancy exists. Alternate members shall be appointed and removed at the commissioner's discretion. All actions shall be conducted by majority vote except as otherwise provided, and the board shall keep minutes of its proceedings and records of its investigations. Except as otherwise determined by the chairperson, the board shall meet at least once a month.

§ 28-417.1.4 Advisory and support personnel. The board may request the commissioner to appoint duly authorized representatives to conduct investigations and other activities incidental to the functions of the license board. Such appointees shall be non-voting members of the committee to which they are appointed, and may include personnel who are not department employees who shall serve without compensation. In addition the commissioner may designate such employees of the department as the commissioner deems necessary to the service and support of the license board.

§ 13. Section 28-419.1 of the administrative code of the city of New York, as amended by 126 of 2021, is amended to read as follows:

§ 28-419.1. General. The vehicles and tools used in connection with unlicensed or unregistered activity at [the] any work site [of a new residential structure containing no more than three dwelling units] shall be subject to seizure and forfeiture.

§ 14. Section 101.2.2 of the New York city fuel gas code, as amended by local law number 141 for the year 2013, is amended to read as follows:

§ 101.2.2 Piping systems. These regulations cover piping systems for natural gas. High pressure natural gas installations at pressures of 15 psig (103.4 kPa gauge) or above shall also comply with the requirements of Appendix G of this code. Coverage shall extend to the [outlet of the appliance shutoff valves] connections with the appliances. Piping system requirements shall include design, materials, components, fabrication, assembly, installation, testing, inspection, operation and maintenance.

§ 15. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Housing and Buildings.

Int. No. 1248

By Council Members Schulman, Gutiérrez, Louis, Stevens and Farías.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to develop a healthy nyc population health agenda

Be it enacted by the Council as follows:

Section 1. Section 556 of the New York city charter is amended by adding a new subdivision f to read as follows:

f. Population health agenda. (1) The department shall develop a citywide population health agenda for the purpose of improving public health outcomes, addressing health disparities, and improving quality of and access to health care for New Yorkers in order to increase life expectancy. Such agenda shall, at minimum, identify the department's population health goals for the next 5 years and strategies for achieving such goals. No later than January 1, 2024, and every 5 years thereafter, the department shall submit to the mayor and the speaker of the council the population health agenda required by this section.

(2) No later than June 1, 2025, and annually thereafter, the department shall submit to the mayor and the speaker of the council a comprehensive report that describes the progress toward achieving the goals identified in the most recently submitted population health agenda required by this subdivision.

(3) Input from Stakeholders. When developing the population health agenda required by this subdivision, the department may consult or seek input from relevant stakeholders, public health experts, and any other persons deemed relevant.

§ 2. This local law takes effect immediately.

Referred to the Committee on Health.

Int. No. 1249

By Council Members Velázquez, Vernikov, Brewer, Louis, Stevens, Hanif and Farías.

A Local Law to amend the administrative code of the city of New York, in relation to permitting disabled residents to obtain a marking on their IDNYC card to serve as proof of disability

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 3-115 of the administrative code of the city of New York, as added by local law 35 for the year 2014, is amended to read as follows:

a. Definitions. Administering Agency. The term "[Administering Agency] administering agency" [shall mean] means the agency that the mayor designates to administer the New York city identity card program.

New York city identity card. The term "New York city identity card" [shall mean] means an identification card issued by the city of New York pursuant to subdivision b of this section.

Proof of disability. The term "proof of disability" means a certification, card, permit, or other document issued by a federal, state, or city agency to a person that bears sufficient identifying information and an indication that the person has a permanent disability seriously impairing mobility. A certification that the person has a permanent disability seriously impairing mobility made by the department of health and mental hygiene, or by a provider designated by the administering agency or the department of health and mental hygiene, who has made such a certification in accordance with standards and guidelines prescribed by the administering agency or the department of health and mental hygiene, shall be proof of disability.

Resident. The term "[Resident] resident" [shall mean] means a person who can establish that he or she is a current resident of the city of New York pursuant to paragraph two of subdivision d of this section.

§ 2. Paragraph 1 of subdivision c of section 3-115 of the administrative code of the city of New York, as added by local law 35 for the year 2014, is amended to read as follows:

(1) The New York city identity card shall display, at a minimum, the cardholder's photograph, name, date of birth, address, and an expiration date, provided that the administering agency may by rule establish procedures to protect the addresses of victims of domestic violence or alternate requirements for applicants who lack a permanent address. Such card shall also, at the cardholder's option, display the cardholder's self-designated gender. *A cardholder may elect to have the card display their disability status upon submission of proof of disability.* Such identification card shall be designed in a manner to deter fraud.

§ 3. This local law takes effect 120 days after it becomes law, except that the administering agency 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 Mental Health, Disabilities and Addiction.

Editor's Note: there were no Land Use applications introduced at this Stated Meeting.

NEW YORK CITY COUNCIL

A N N O U N C E M E N T S

Monday, November 6, 2023

Committee on Cultural Affairs, Libraries & International Intergroup Relations

Chi A. Ossé, Chairperson

Oversight - An Update on the Percent for Art Program.

Committee Room – City Hall.....10:00 a.m.

Tuesday, November 14, 2023

Committee on Cultural Affairs, Libraries & International Intergroup Relations

Chi A. Ossé, Chairperson

Oversight - Arts and Cultural Organizations’ Outreach into New York City Communities.

Council Chambers – City Hall.....10:00 a.m.

Subcommittee on Landmarks, Public Sitings and Dispositions

Farah N. Louis, Chairperson

See Land Use Calendar

Committee Room – 250 Broadway, 16th Floor..... 11:00 a.m.

Wednesday, November 15, 2023

Committee on Finance

Justin Brannan, Chairperson

Int 1209 - By Council Members Brannan and Fariás (by request of the Mayor) - **A Local Law** to amend the administrative code of the city of New York, in relation to amending the district plan of the Westchester Square business improvement district to change the method of assessment upon which the district charge is based.

Int 1210 - By Council Member Brannan (by request of the Mayor) - **A Local law** to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in four business improvement districts.

Preconsidered L.U. ___ - By Council Member Brannan - Parkview Apartments, Block 2940, Lots 1, 6, and 72, Bronx, Community District 3, Council District No. 17.

Preconsidered L.U. ___ - By Council Member Brannan - WHGA Dunbar HDFC.HPO.FY24, Block 2035, Lot 1, Manhattan, Community District 10, Council District No. 9.

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Committee Room – City Hall.....10:00 a.m.

Stated Council Meeting

Council Chambers – City Hall.....Agenda – 1:30 p.m

The following comments were among the remarks made by the Speaker (Council Member Adams) during the Communication from the Speaker segment of this meeting:

The Speaker (Council Member Adams) acknowledged the death of Andrea Miller from the National Institute for Reproductive Health. She described her as a trailblazer and a fierce advocate who committed her life to advancing the rights and safety of women and birthing people across the country. Ms. Miller passed away on October 27, 2023 at the age of 56. On behalf of the Council, the Speaker (Council Member Adams) noted that her thoughts were with Ms. Miller's family, friends, and loved ones. The Speaker (Council Member Adams) also acknowledged the death of two New Yorkers who were recently killed by preventable traffic violence: Seven-year-old Kamari Hughes lost her life in Council Member Hudson's district; and Krystyna Naprawa, who served as a school crossing guard, was killed in Council Member Ariola's district. On behalf of the Council, the Speaker (Council Member Adams) offered her thoughts and prayers to the families and loved ones of the deceased.

The Speaker (Council Member Adams) noted that the city and especially South East Queens were still grieving the violent death of Jasmer Singh. Mr. Singh, 66, was killed on October 19, 2023. She described Mr. Singh as a respected member of the Sikh community, a beloved father, and a devoted husband. On behalf of the Council, the Speaker (Council Member Adams) offered her thoughts and prayers to his family and to the community he was a part of.

The Speaker (Council Member Adams) acknowledged the devastating violence taking place in Israel and Palestine that had brought immense grief to the doorstep of New York City and had shrouded our own communities in despair. She spoke of the large number of individuals who had lost their lives since the conflict broke out in October and she mourned the killing of all civilians in that region. The Speaker (Council Member Adams) also addressed those Jewish, Muslim, and other New Yorkers who had recently been targeted by hate in this city -- she reassured them that New York City was their home and that they belonged here. She noted that our commitment to preserving humanity and protecting life was far greater than what divided us. The Speaker (Council Member Adams) expressed her belief that we could ensure a reality where everyone lived safely with dignity and with security by working together and committing ourselves to peace [for full text of these remarks, please see the Transcript of the Stated Meeting of November 2, 2023, pages 14-17].

* * *

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 Wednesday, November 15, 2023.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Local Law Note: Int. Nos. 279-A, adopted by the Council at the September 28, 2023 Stated Meeting, was **signed into law** by the Mayor on October 23, 2023 as Local Law No. 140 of 2023.

*Int. Nos. 743-A and 906-A, both adopted at the September 28, 2023 Stated Meeting, were **returned unsigned** by the Mayor on October 31, 2023. These items had become law on October 29, 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. 141 and 142 of 2023, respectively,*

Editor's Note: For the transcript of these proceedings, please refer to the respective attachment section of items introduced or adopted at this Stated Meeting of November 2, 2023 on the New York City Council website at <https://council.nyc.gov>.

