

THE COUNCIL

Minutes of the Proceedings for the

STATED MEETING

of

Wednesday, November 15, 2023, 2:39 p.m.

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

Council Members

Adrienne E. Adams, *The Speaker*

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

Absent: Council Members Bottcher, Brewer, De La Rosa, Velázquez, and Williams.
Medical Leave: Council Member Richardson Jordan.

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

INVOCATION

The Invocation was delivered Bishop Victor Brown, Mt. Sinai United Christian Church, located at 16 Pike Street, Staten Island, N.Y. 10301.

Let us pray.

O, God, our God,
 how excellence is thy name and all the earth,
 from the rising of the sun
 to the going down of the same,
 your name is worthy to be thanked and praised.
 We give you thanks
 for the precious gift of life
 and for the privilege to serve humanity.
 Bless now, O Lord,
 every member of the City Council.
 I recognize in particular, my City Councilwoman,
 the honorable Kamillah Hanks of the 49th District.
 I thank you for the partnership of longstanding
 she and I have committed to
 positively impacting our district.
 Strengthen this magnificent body
 under the stellar leadership
 of the Honorable Adrienne Adams,
 as the Council serves and grapples
 with the difficult challenges facing our city.
 We lift up the 110th Mayor of this [city],
 the Honorable Eric Adams,
 may your girding and guarding hand
 continue to guide him
 with wisdom as he governs.
 To rehearse the poignant words of Thomas Paine,
 “These are the times that try men’s souls”,
 bring comfort to the families
 who have suffered loss
 during warfare on the global stage;
 usher in the winds of peace,
 where there is diminishing presence
 of the insidious storm of warfare;
 restore order and civility to our national political discourse.
 And as we enter this Thanksgiving season,
 we thank you in advance
 for the many hands you will use
 to feed the hungry all across this city.
 May we all resolve to journey
 through this life with attitudes of gratitude
 for the blessings you continue to bestow

upon us all.
In the words of Mahatma Gandhi,
*“May we each strive to become
the change we wish to see in this world”*,
today and in the days ahead,
is our prayer.
Amen

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

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Aging

Report for Int. No. 564-A

Report of the Committee on Aging in favor of approving and adopting, as amended, a Local Law in relation to establishing a commission on lesbian, gay, bisexual, transgender, queer, intersex, asexual, or any other diverse sexual orientation or gender identity older adults within the department for the aging, and providing for the repeal of such provisions upon the expiration thereof.

The Committee on Aging, to which the annexed proposed amended local law was referred on July 14, 2022 (Minutes, page 1818), respectfully

REPORTS:

I. INTRODUCTION

On November 15, 2023, the Committee on Aging, chaired by Council Member Crystal Hudson, held a vote on Proposed Introduction Number 564-A (Int. No. 564-A), in relation to establishing a commission, within the New York City (“NYC” or “City”) Department for the Aging (DFTA), on lesbian, gay, bisexual, transgender, queer, intersex, asexual, or any other diverse sexual orientation or gender identity older adults, and providing for the repeal of such provisions upon the expiration thereof. The Committee previously heard this legislation at a hearing on June 21, 2022, when it received testimony from DFTA, older adult and LGBTQIA+ advocacy groups and organizations, and other interested stakeholders. On November 15, 2023, the Committee passed this legislation by a vote of five in the affirmative and zero in the negative, with no abstentions.

II. BACKGROUND

LGBTQIA+ Older Adults in New York City

NYC is home to approximately 1.1 million older adults aged 65 and up, and this figure is projected to grow to 1.4 million older adults by 2040.¹ By 2030, 1 in 5 New Yorkers are expected to be over age 60.² The city is also home to approximately 706,000 lesbian, gay, bisexual, or transgender adults, the largest population of LGBTQIA+ adults of any city in the United States.³ SAGE estimates that around 200,000 older adults in NYC are LGBTQIA+.⁴ As the number of older adults increases, the number of LGBTQIA+ older adults is also expected to increase. Approximately one in five LGBTQIA+ older adults are people of color, a proportion that is expected to double by 2050.⁵ Many older adults in NYC may experience same-sex sexual behavior or attraction, but may not identify as lesbian, gay, or bisexual due to societal stigma or fear of discrimination.⁶ Although they make up a significant portion of New York State’s rapidly growing older adult population,

¹ NYC Dept. of Health, Health of Older Adults in New York City, *available at* <https://www1.nyc.gov/assets/doh/downloads/pdf/episrv/2019-older-adult-health.pdf>.

² <https://www.sageusa.org/wp-content/uploads/2021/01/disrupting-disparities-lgbtq-new-yorkers.pdf>.

³ <https://williamsinstitute.law.ucla.edu/press/lgbt-msa-press-release/>.

⁴ E-mail from MJ Okma of SAGE NYC to Christopher Pepe on June 10, 2022. This figure comes from carrying the percentage of LGBT older adults in New York State to the city level. 28% of LGBT adults in New York State are over the age of 50, and SAGE applied this percentage to the 700,000 LGBT people living in New York City. This figure is a rough estimate and the actual number is likely higher.

⁵ Movement Advancement Project, SAGE USA, Understanding Issues Facing LGBT Older Adults, *available at* www.lgbtmap.org/file/understanding-issues-facing-lgbt-older-adults.pdf.

⁶ *Id.*

LGBTQIA+ older adults remain largely invisible, and the city does not collect much data about them.⁷ Like their non-LGBTQIA+ counterparts, LGBTQIA+ older adults live in communities across the city, are part of every racial and ethnic group, are veterans, are immigrants, and are living with disabilities and medical conditions.

LGBTQIA+ older adults experience disparities in access to quality health care, achieving economic stability and security, finding welcoming housing and inclusive long-term care facilities, and maintaining strong social and family support.⁸ The cumulative effect of discrimination, stigma and living with unequal and discriminatory laws and policies for much of their lives is that LGBTQIA+ older adults face unique challenges as they age. The multifaceted and intersecting challenges and oppressions this population faces reflect the need for the City to ensure that LGBTQIA+ older adults have sufficient resources to age successfully, with special attention given to LGBTQIA+ older adults of color and transgender older adults.

III. Services and Programming for LGBTQIA+ Older Adults

In NYC, services and programming specifically aimed at meeting the needs and concerns of LGBTQIA+ older adults are limited to several organizations.

SAGE, a national advocacy and services nonprofit, is the country's largest and oldest organization dedicated to improving the lives of LGBTQIA+ older people.⁹ Headquartered in NYC, with SAGE NYC serving as a local chapter, SAGE both advocates on behalf of LGBTQIA+ older people as well as “offers innovative services and programs to LGBTQIA+ older people... from arts and culture, to health and wellness... [supporting] thousands of LGBTQIA+ older people [throughout the City] and in communities around the country.”¹⁰

In NYC, LGBTQIA+ older adults may access services and programming at five SAGE Centers, located in Crotona, in the Bronx; Fort Greene, Brooklyn; Clifton, Staten Island; and in the Chelsea and Harlem neighborhoods of Manhattan.¹¹ SAGE Centers offer meals, classes, case management, informational resources, veterans' services, social events, and more.¹² Programming includes Friendly Visiting, which pairs homebound elders with trained volunteers to visit and help alleviate isolation,¹³ SAGEVets, which helps LGBTQIA+ New Yorkers over the age of 50 who are veterans of military service improve their access to the Veterans' Administration and other veteran services,¹⁴ and the SAGEPositive program, which includes a range of services for LGBTQIA+ New Yorkers over the age of 50 who are living with or potentially impacted by HIV.¹⁵

Additionally, SAGE New York provides holistic coordinated care via its Caregiving services, which include programming and resources for LGBTQIA+ older adults who are experience poor health or going through a rough patch, as well as for their caregivers.¹⁶ This includes homecare respite; social adult day respite; supplemental funds for certain needs; caregiver support; groups; case management; respite buddies program; short-term counseling; and referrals to and recommendations for safe and LGBTQIA+-affirming long-term care and home-based care services.¹⁷ SAGE NYC receives funding for its care management services through Council discretionary funding and DFTA.

In an effort to ensure a “safe, warm and welcoming space for LGBTQIA+ people and allies, age 60 and older,” SAGE NYC promotes a Code of Conduct that applies to participants, staff, consultants, volunteers and guests who attend any SAGE Center.¹⁸ This includes respecting individuals' right to express their chosen identity and experience, as well as refraining from discrimination and sexual harassment, reports of which result in

⁷ *Id.*

⁸ *Id.*

⁹ SAGE USA, About Us (n.d.), available at <https://www.sageusa.org/about-us/>.

¹⁰ *Id.*

¹¹ SAGE NYC, SAGE Centers (n.d.), available at <https://sagenyc.org/sage-centers/>.

¹² *Id.*

¹³ SAGENYC, Care Management Programs (n.d.), available at <https://sagenyc.org/sage-ny-programs/?amp=1>.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ SAGE NYC, Code of Conduct Rules for SAGE Centers (revised Mar. 1, 2020), available at <https://sagenyc.org/wp-content/uploads/2022/06/3.2020-sage-centers-code-of-conduct.pdf>.

immediate suspension pending an investigation.¹⁹ Additionally, the Code of Conduct includes corrective action for violation of the rules, which starts with a verbal warning and escalates to suspension.²⁰

GRIOT Circle, a “community-base, multigenerational organization serving [LGBTQIA+] elders of color,” offers health, wellness, advocacy, and leadership activities “to remove isolation and fear, build community, as well as honor racial and ethnic traditions” as part of its mission to “respond to and eliminate all forms of oppression.”²¹ According to its website, since GRIOT Circle was officially recognized as a nonprofit 501(c)(3) in 1996, it “remains the only organization exclusively dedicated to the needs of older [LGBTQIA+] people of color.”²² In partnership with SAGE NYC, GRIOT Circle operates a senior center in Fort Greene, Brooklyn and serves 400+ GRIOT members over the age of 50.²³ Of its members, 90% are from low-income households and 50% are retired and live on fixed incomes.²⁴ Demographically, 70% of members identify as female and 30% identify as male, while 90% identify as Black, African American, Caribbean-American, and 10% identify as Latino/a, White, & other.²⁵ 60% of members live in the Brooklyn neighborhoods of Bedford-Stuyvesant, Crown Heights, East New York, Flatbush, Fort Greene and Red Hook, and 40% hail from Harlem, in Manhattan, Queens, and the Bronx.²⁶

Core programs and services offered by GRIOT Circle include a lunch program, which is offered Tuesdays and Thursdays; a Buddy-to-Buddy program, which aims to reduce isolation and enhance social and educational opportunities; the Friendly Visitor program; Health & Wellness programs, including daily activities and education opportunities designed to build on skills, knowledge and unique ability of members; and case-management advocacy and referral services.²⁷

While not specifically targeting the LGBTQIA+ older adult population, in particular, several other community-based organizations offer programming and services that aim to address their needs. This includes the Queens Community House, a multi-site, multi-service settlement house, which operates the Queens Center for Gay Seniors in Jackson Heights, Queens.²⁸ The Queens Center for Gay Seniors offer programming such as affordable breakfast and lunch; free transportation to and from its location; cultural programs; educational workshops and events; field trips and special events; exercise classes; and a variety of free services, including adult English-as-a-second-language (ESL) classes, immigration support services, housing and eviction prevention assistance, and more.²⁹

IV. CHALLENGES FACED BY LGBTQIA+ OLDER ADULTS

Core metrics of successful aging include economic security, social connections, and health and well-being.³⁰ However, compared with their non-LGBTQIA+ peers, LGBTQIA+ older adults experience disparities in achieving economic stability and security, maintaining strong social support networks, and accessing competent, inclusive healthcare.³¹

Economic Security

LGBTQIA+ older adults are more likely to live in poverty than their non-LGBTQIA+ counterparts, owing to the cumulative impact of discrimination over the course of their lifespan, and because LGBTQIA+ older

¹⁹ *Id.*

²⁰ *Id.*

²¹ Griot Circle, Organization at a Glance, Our Mission (n.d.), available at <https://griotcircle.org/agency-at-a-glance/>.

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ Queens Community House, Queens Center for Gay Seniors, About Us (n.d.), available at <https://www.qchnyc.org/qcgs>.

²⁹ *Id.*

³⁰ “Understanding Issues Facing LGBT Older Adults.” *Movement Advancement Project*, Movement Advancement Project and SAGE, 2017, available at <https://www.lgbtmap.org/file/understanding-issues-facing-lgbt-older-adults.pdf>.

³¹ *Id.*

people are much more likely to live alone.³² About a third of LGBTQIA+ older people age 65 and older live at or below 200% of the federal poverty level versus a quarter of non-LGBTQIA+ older people.³³ Poverty rates are even higher for those aged 80 and older (40%), bisexual older adults (47% for men and 48% for women), transgender older people (48%), and LGBTQIA+ older adults of color (40% for African-American and 40% for Hispanic).³⁴ LGBTQIA+ people collectively have a poverty rate of 21.6%, which is much higher than that of cisgender straight people, at 15.7%. Poverty rates are even higher for LGBTQIA+ older people of color, those aged 80 and older, bisexual older people, and transgender older people.³⁵ For example, 30.8% of Black LGBTQIA+ people live in poverty.³⁶ These trends are reflective of New York State and NYC, where, for example, 35% of SAGE's clients are Medicaid-eligible, with annual pre-tax incomes below \$10,000, and another 35% live on annual pre-tax incomes of \$20,000 or less.³⁷

Many LGBTQIA+ older adults experienced a lifetime of employment discrimination, leading to lower earning power.³⁸ For instance, in the National Health, Aging, and Sexuality/Gender Study, 27% of the respondents reported not being hired, 26% not being promoted, and 18% being fired for their perceived or actual sexual orientation or gender identity.³⁹ Transgender older adults reported especially high rates of employment discrimination: for instance, 51% of transgender women reported not being hired because of their perceived gender identity.⁴⁰ Moreover, research suggests that LGBTQIA+ people, people of color, women, and those living at the intersections of those identities are disproportionately affected by unemployment during and long after economic downturns such as the one induced by COVID-19.⁴¹

In NYC, LGBTQIA+ people continue to face discrimination in employment: for example, transgender New Yorkers were twice as likely as non-transgender survey respondents to be unemployed, irrespective of whether they had completed college.⁴² In NYC, 21% of LGBTQIA+ residents reported being denied a promotion, not hired, or fired, or forced to resign due to their perceived or actual sexual orientation or gender identity, with 42% of transgender or gender-nonconforming individuals reporting such an experience.⁴³

Lower earning power produced by a lifetime of discrimination means lower payments from Social Security and lower income from retirement and pensions.⁴⁴ 83% of LGBTQIA+ older adults report relying most on Social Security to fund their retirement years, with a majority being concerned about the negative impact of cuts to Social Security on their future financial security.⁴⁵ Further, LGBTQIA+ older people whose spouse or partner died or retired before the freedom to marry became nationally available in 2015 may be unable to access Social Security survivor benefits, their partner's retirement or pension benefits, including healthcare in some cases, or their partner's assets, leaving them at risk of significant economic distress.⁴⁶

As a result, 44% of LGBTQIA+ older adults report being concerned that they will have to work well beyond retirement age to have enough money to live, compared to 26% of non-LGBTQIA+ people.⁴⁷ This could be

³² "Disrupting Disparities: Solutions For LGBTQ New Yorkers Age 50+ ." *SAGE USA*, AARP Foundation, AARP New York and SAGE, 2021, available at <https://www.sageusa.org/wp-content/uploads/2021/01/disrupting-disparities-lgbtq-new-yorkers.pdf>.

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ AARP NY and SAGE, *Disrupting Disparities: Solutions for LGBTQ New Yorkers Age 50+ (2021)*.

³⁷ *Id.*

³⁸ "Understanding Issues Facing LGBT Older Adults." *Movement Advancement Project*, Movement Advancement Project and SAGE, 2017, available at <https://www.lgbtmap.org/file/understanding-issues-facing-lgbt-older-adults.pdf>; "Disrupting Disparities: Solutions For LGBTQ New Yorkers Age 50+ ." *SAGE USA*, AARP Foundation, AARP New York and SAGE, 2021, available at <https://www.sageusa.org/wp-content/uploads/2021/01/disrupting-disparities-lgbtq-new-yorkers.pdf>.

³⁹ "Disrupting Disparities: Solutions For LGBTQ New Yorkers Age 50+ ." *SAGE USA*, AARP Foundation, AARP New York and SAGE, 2021, available at <https://www.sageusa.org/wp-content/uploads/2021/01/disrupting-disparities-lgbtq-new-yorkers.pdf>.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ "Understanding Issues Facing LGBT Older Adults." *Movement Advancement Project*, Movement Advancement Project and SAGE, 2017, available at <https://www.lgbtmap.org/file/understanding-issues-facing-lgbt-older-adults.pdf>; "Disrupting Disparities: Solutions For LGBTQ New Yorkers Age 50+ ." *SAGE USA*, AARP Foundation, AARP New York and SAGE, 2021, available at <https://www.sageusa.org/wp-content/uploads/2021/01/disrupting-disparities-lgbtq-new-yorkers.pdf>.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

particularly true for LGBTQIA+ older people living with HIV, who may not have expected to live into retirement, but now, due to anti-retroviral therapy, are living well past retirement age and finding themselves with inadequate savings.⁴⁸

Finding affordable housing is challenging for many older adults, especially in NYC, where less than half of older New Yorkers reside in a home owned by them or a household member.⁴⁹ However, for LGBTQIA+ older adults, accessing safe, affordable rental or senior housing can be even more daunting, because they are more likely to be low-income and to be subjected to discrimination, and may have a history of housing insecurity or homelessness.⁵⁰ To avoid discrimination, many—34% of LGBTQIA+ older people and 54% of transgender and gender nonconforming older people—fear having to re-closet themselves when seeking elder housing.⁵¹

Thus, a study of older same-sex couples applying for housing in 10 states found that 48% experienced overt discrimination in the application process, in terms of availability and pricing, relative to heterosexual couples.⁵² Survey research confirms this pattern: 13% of LGBTQIA+ older adults reported housing discrimination based on sexual orientation, and 25% of transgender people reported discrimination based on gender identity.⁵³

Housing disparities faced by LGBTQIA+ older adults may be further exacerbated by prior housing instability or homelessness—a trend that is expected to increase during the current real estate and eviction crisis that was amplified by the disparate impact of COVID-19 on older adults’ safety, support networks, and economic stability.⁵⁴ 36% of LGBTQIA+ New Yorkers of all ages reported housing insecurity in 2015, and 18% experienced homelessness at some point in their lives.⁵⁵ This pattern was even worse for LGBTQIA+ New Yorkers of color (47% reported housing insecurity, and 30% reported experiencing homelessness at some point in their lives) and transgender and gender nonconforming New Yorkers (49% reported housing insecurity, and 28% reported experiencing homelessness at some point in their lives).⁵⁶ More than one in 10 transgender New Yorkers reported being refused housing due to their gender identity or expression, and more than a quarter reported harassment by neighbors.⁵⁷ And according to AARP and SAGE, “transgender elders are facing compounded barriers, exacerbated by attempts to roll back federal Fair Housing Act protections, implement religious exemptions, and eliminate explicit federal housing and homeless shelter protections for transgender people.”⁵⁸

Social Connections

LGBTQIA+ older adults are frequently disconnected from culturally competent, inclusive services and have thin and dwindling social support networks.⁵⁹ Many experienced family-of-origin rejection and therefore, often lack built-in familial support networks for care as they age.⁶⁰ While LGBTQIA+ people often respond to natal family rejection by developing strong, resilient friends and chosen family networks, a lack of legal family ties puts LGBTQIA+ older adults at risk of isolation and inadequate care, because friend networks tend to age at the same time, and friends or families of choice are often not recognized under the law for such important purposes as taking a leave from work to care for a senior, medical decision-making, visitation in healthcare settings,

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ “Disrupting Disparities: Solutions For LGBTQ New Yorkers Age 50+ .” *SAGE USA*, AARP Foundation, AARP New York and SAGE, 2021, available at <https://www.sageusa.org/wp-content/uploads/2021/01/disrupting-disparities-lgbtq-new-yorkers.pdf>.

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ “Understanding Issues Facing LGBT Older Adults.” *Movement Advancement Project*, Movement Advancement Project and SAGE, 2017, available at <https://www.lgbtmap.org/file/understanding-issues-facing-lgbt-older-adults.pdf>; “Disrupting Disparities: Solutions For LGBTQ New Yorkers Age 50+ .” *SAGE USA*, AARP Foundation, AARP New York and SAGE, 2021, available at <https://www.sageusa.org/wp-content/uploads/2021/01/disrupting-disparities-lgbtq-new-yorkers.pdf>.

⁶⁰ *Id.*

sharing health insurance, etc.⁶¹ Thin support networks cause LGBTQIA+ older adults to be more reliant on formal care systems, such as community-based service providers, although LGBTQIA+ older people are less likely to be able to access culturally competent, inclusive services and are more likely to be subjected to discrimination.⁶²

Thus, three out of four LGBTQIA+ people age 45 and older are concerned about having enough support from family and friends as they age, which is due to their higher likelihood of living alone and lower likelihood of relying on family members for care.⁶³ Nearly 60% of LGBTQIA+ older adults report feeling a lack of companionship, and over 50% report feeling isolated from others.⁶⁴ According to AARP and SAGE, “three out of four LGBTQ people age 45 and older are concerned about having enough support from family and friends as they age, and half of LGBTQ+ adults age 45+ are lonely.”⁶⁵ Intersecting identities exacerbate the prevalence of loneliness, with three out of five LGBTQ+ older people reporting a major concern about having enough support from friends and family as they age.⁶⁶ LGBTQIA+ older people are also more likely to report fear of dying alone and in pain.⁶⁷ Moreover, according to the existing, limited data, LGBTQIA+ older adults may face high rates of elder abuse and neglect owing to isolation, vulnerability, and the need to rely on others.⁶⁸

Thin social support networks also mean that many LGBTQIA+ older adults rely on other LGBTQIA+ people, such as friends and chosen family, for care.⁶⁹ In fact, LGBTQIA+ older adults serve as caregivers more often than their non-LGBTQIA+ counterparts: an estimated 21% of LGBTQIA+ older people have provided care to friends versus 6% of non-LGBTQIA+ older adults, even despite LGBTQIA+ caregivers’ higher likelihood of providing care in isolation and being in poorer mental and physical health.⁷⁰ In one study of LGBTQIA+ older people in NYC and Los Angeles, 65% of respondents had provided care to another LGBTQIA+ older person in the last five years.⁷¹

Social isolation can be difficult to address due to fewer opportunities to socialize in age-friendly, LGBTQIA+-inclusive environments and the challenge of locating and accessing LGBTQIA+-inclusive, culturally competent programming or events.⁷² For instance, less than 48% of large-city residents surveyed and only 10% of rural and small-town residents reported access to LGBTQIA+-inclusive elder services in their community.⁷³

LGBTQIA+ older people often fear engaging with formal care systems, despite their isolation and aging-services needs, owing to a lifetime of discrimination, social stigma, and family rejection.⁷⁴ Approximately two-thirds of LGBTQIA+ older adults experienced victimization at least three times in their lives, with higher rates of discrimination for LGBTQIA+ older people of color and transgender older people, and this includes discrimination in long-term care facilities.⁷⁵

Fear of discrimination in formal care settings forces many LGBTQIA+ older adults to conceal their identities or to avoid care altogether, if possible, for their safety and dignity.⁷⁶ As a result, LGBTQIA+ older people need long-term care providers who are culturally and clinically competent to provide care tailored and responsive to the specific needs of LGBTQIA+ older adults.⁷⁷ 88% of LGBTQIA+ older people report that they would feel more comfortable with providers who are trained in LGBTQIA+ patient needs, use advertising to

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ Angela Houghton, *Maintaining Dignity: A Survey of LGBTQ Adults Age 45 and Older*, AARP (2018).

⁶⁶ <https://aarp-states.brightspotcdn.com/ca/eb/c2353b1e45b3a7fa0f15991c47a6/disparities-lgbtq-full-final-spread-v4.pdf>.

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ *Id.*

promote LGBTQIA+-welcoming services (86%), have some LGBTQIA+ staff members (85%), or display LGBTQIA+-welcoming signs or symbols (82%).⁷⁸

In some areas, LGBTQIA+ community centers try to respond to these needs by providing culturally competent care for LGBTQIA+ older people.⁷⁹ However, such centers often lack crucial resources with very little grant support allocated specifically for programs for LGBTQIA+ older adults, and funding disparities persist despite the fact that LGBTQIA+ community centers usually serve a high proportion of LGBTQIA+ older people.⁸⁰ For instance, LGBTQIA+ community centers surveyed reported that, on average, 26% of center clientele is over the age of 50, with some centers reporting that 50% or more of their clientele are over the age of 50.⁸¹

Data from New York State indicate that LGBTQIA+ health and human services providers are frequently the first point of contact for LGBTQIA+ New Yorkers seeking to access needed social services and healthcare.⁸² For example, approximately half of LGBTQIA+ New Yorkers of all ages reported attending an event at an LGBTQIA+ health and human services provider organization in 2015, and 79% had been to an event at an LGBTQIA+ center within the prior year.⁸³ LGBTQIA+ people of color were more likely to visit an LGBTQIA+ center monthly or more often and to have recently used LGBTQIA+ health and human services.⁸⁴

Health and Well-Being

LGBTQIA+ older people experience a range of disparities relative to non-LGBTQIA+ older adults in the area of health and well-being, such as higher rates of disability, poorer physical and mental health outcomes, significantly higher likelihood of a range of chronic health conditions (hypertension, cholesterol, diabetes, arthritis, and heart disease), significantly higher rates of psychological distress, alcohol and tobacco use, and higher HIV rates.⁸⁵ LGBTQIA+ people are also more likely than non-LGBTQIA+ individuals to be told that they have cancer (29% and 23% respectively) and less likely to have received certain preventive screenings.⁸⁶

Thus, approximately 14% of LGBTQIA+ New Yorkers aged 50 and above report frequent poor physical health.⁸⁷ Further, transgender New Yorkers of all ages were about 50% more likely to report being in fair or poor health, as compared with non-transgender respondents, even controlling for age and education.⁸⁸

In 2017, more than half of people living with HIV in New York State were age 50 and older.⁸⁹ Older LGBTQIA+ HIV-positive adults are more likely than their HIV-negative peers to report discrimination, poorer overall social support, a higher likelihood of living alone, and an increased likelihood of mental health issues.⁹⁰

Discrimination and social isolation are predictors of depression and are linked to a higher rate of poor mental health outcomes for LGBTQIA+ older people in comparison to non-LGBTQIA+ older adults.⁹¹ Data from New York State reflect similar disparities—approximately 17% of LGBTQIA+ New Yorkers aged 50 and above report frequent mental distress, 13% report probable depression, and 14% report frequent poor physical health.⁹²

LGBTQIA+ older people have long faced significant challenges in accessing culturally and clinically competent, inclusive healthcare, from legal restrictions on visitation in healthcare settings to overt discrimination

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ “Understanding Issues Facing LGBT Older Adults.” *Movement Advancement Project*, Movement Advancement Project and SAGE, 2017, available at <https://www.lgbtmap.org/file/understanding-issues-facing-lgbt-older-adults.pdf>.

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ “Disrupting Disparities: Solutions For LGBTQ New Yorkers Age 50+ .” *SAGE USA*, AARP Foundation, AARP New York and SAGE, 2021, available at <https://www.sageusa.org/wp-content/uploads/2021/01/disrupting-disparities-lgbtq-new-yorkers.pdf>.

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² *Id.*

by healthcare providers.⁹³ For example, in a 2010 study, approximately 11% of LGBTQIA+ people reported that a doctor or other healthcare provider used harsh or abusive language while treating them, while among transgender and gender nonconforming people, the number was 21%.⁹⁴ In a 2015 survey, 9% of all LGBTQIA+ New Yorkers reported being refused healthcare services for being LGBTQIA+, with LGBTQIA+ New Yorkers of color being much more likely to cite these healthcare refusals as a barrier to care.⁹⁵ LGBTQIA+ New Yorkers of color much more likely to cite health care refusals as a barrier to care.⁹⁶

The lack of access to culturally and clinically competent, inclusive healthcare services is a significant barrier, especially for transgender people, to healthy, successful aging.⁹⁷ Nearly one-third of LGBTQIA+ New Yorkers of all ages report that there are too few healthcare professionals trained in LGBTQIA+ issues and needs, and this was an even greater barrier to care for transgender and gender nonconforming New Yorkers—56% cited the lack of LGBTQIA+-trained providers as a significant barrier to healthcare, and approximately 24% reported having to teach their medical providers about transgender healthcare needs.⁹⁸ In 2015, about 23% of LGBTQIA+ New Yorkers of all ages had no primary healthcare provider.⁹⁹ In a national survey, 65% of older transgender respondents felt that there would be limited access to care as they aged, and 55% feared that they would be denied medical treatment.¹⁰⁰

LGBTQIA+ older adults, many of whom have experienced a lifetime of stigma and discrimination, face unique and serious obstacles to healthy aging in the areas of economic security, social connections, and health and well-being—areas that are cornerstones of successful aging.¹⁰¹ These obstacles have become even more daunting as a result of the COVID-19 pandemic.¹⁰²

V. ANALYSIS OF INT. NO. 564-A

This bill would require the Department for the Aging (DFTA) to establish a commission for lesbian, gay, bisexual, transgender, queer, intersex, asexual (LGBTQIA+), or any other diverse sexual orientation or gender identity, older adults within DFTA. The commission’s goals would be to identify challenges, share best practices, and develop expert recommendations on ways to improve the quality of life of LGBTQIA+ older adults. The commission would be required to submit two reports: the first report no later than one year after the appointment of all commission members, and an additional report no later than two years after submission of the first report.

(The following is the text of the Fiscal Impact Statement for Int. No. 564-A:)

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ *Id.*

⁹⁶ Somjen Frazer & Erin Howe, *LGBTQ Health and Human Services Needs in New York State: A Report from the 2015 LGBTQ Health and Human Services Needs Assessment* (2016).

⁹⁷ *Id.*

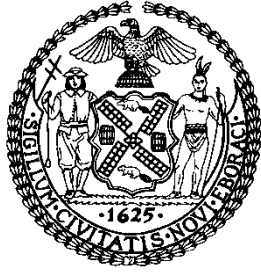
⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ “LGBT+ Aging Blueprint For New York City’s Next Mayor.” *SAGE USA*, SAGE, 2021, available at https://www.sageusa.org/wp-content/uploads/2021/05/sage_nyc_mayoral_brief_2021.pdf.

¹⁰² *Id.*



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: 564-A

COMMITTEE: Aging

TITLE: A Local Law in relation to establishing a commission on lesbian, gay, bisexual, transgender, queer, intersex, asexual, or any other diverse sexual orientation or gender identity older adults within the department for the aging, and providing for the repeal of such provisions upon the expiration thereof.

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

SUMMARY OF LEGISLATION: Proposed Int. No. 564-A would require the Department for the Aging (DFTA) to establish a commission for lesbian, gay, bisexual, transgender, queer, intersex, asexual (LGBTQIA+), or any other diverse sexual orientation or gender identity, older adults within DFTA. The commission shall consist of at least 9 members appointed by the commissioner for the aging and will be required to meet at least once per quarter. The commission’s goals would be to identify challenges, share best practices, and develop expert recommendations on ways to improve the quality of life of LGBTQIA+ older adults. The commission would be required to submit two reports: the first report no later than one year after the appointment of all commission members, and an additional report no later than two years after submission of the first report.

EFFECTIVE DATE: This local law would take effect immediately and expires and is deemed repealed four years 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 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 Members of the newly created commission shall serve without compensation. In addition if there are expenses, DFTA will utilize existing resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Saiyemul Hamid, Financial Analyst

ESTIMATE REVIEWED BY: Julia K. Haramis, Unit Head
Eisha Wright, Deputy Director
Jonathan Rosenberg, Managing Deputy Director
Kathleen Ahn, Counsel

LEGISLATIVE HISTORY: This legislation was heard at a joint hearing of the Committees on Aging and Women and Gender Equity on June 21, 2022, as Pre-Considered Proposed Int. No. 564. The legislation was then introduced to the Council as Proposed Int. No. 564 on July 14, 2022, and referred back to the Committee on Aging (Committee), and the legislation was then laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 564-A, will be voted on by the Committee at a hearing on November 15, 2023. Upon a successful vote by the Committee, Proposed Intro. No. 564-A will be submitted to the full Council for a vote on November 15, 2023.

DATE PREPARED: November 9, 2023.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 564-A:)

Int. No. 564-A

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

A Local Law in relation to establishing a commission on lesbian, gay, bisexual, transgender, queer, intersex, asexual, or any other diverse sexual orientation or gender identity older adults within the department for the aging, and providing for the repeal of such provisions upon the expiration thereof

Be it enacted by the Council as follows:

Section 1. Definitions. For purposes of this local law, the term "LGBTQIA+ older adults" means adults 60 years of age or older who are lesbian, gay, bisexual, transgender, queer, intersex, asexual, or any other diverse sexual orientation or gender identity, including such adults who are gender non-conforming, two-spirit, non-binary or same-gender-loving.

§ 2. Commission on LGBTQIA+ older adults and aging established. The department for the aging shall establish an advisory commission on LGBTQIA+ older adults and aging.

§ 3. Membership. a. The commission shall consist of at least 9 members appointed by the commissioner for the aging. The members of the commission shall include the following persons:

1. One person from the LGBTQIA+ older adult advocacy or services sector;
 2. One person from the community-based, multi-site healthcare sector in New York city that serves LGBTQIA+ people;
 3. One person who is a member of an HIV/AIDS service organization;
 4. One person who is a member of a trans-led advocacy organization focused on action that leads to improved outcomes and opportunities for transgender and gender non-conforming communities;
 5. One person who is a member of a labor organization that represents workers that provide care and services for older adults in long-term care facilities or older adult care centers;
 6. Three persons who are members of organizations that serve Black, Asian-American, Pacific Islander, Indigenous or Latinx LGBTQIA+ people in New York city;
 7. One person who is a member of an organization based in New York city that serves people with disabilities; and
 8. Any other person or persons appointed by the commissioner.
- b. All commission members required by this section shall be appointed no later than 180 days after the effective date of this local law.
- c. At its first meeting, the commission shall select a chair from among its members by majority vote.
- d. No member of the commission may be removed except for cause and upon notice and hearing by the commissioner for the aging. Any vacancy shall be filled in the same manner as the original appointment.
- e. Members of the commission shall serve without compensation.

§ 4. Duties. The commission shall investigate, analyze, and study the health impacts, housing, financial, psychosocial, home-and-community-based services, assisted living, and long-term care needs of LGBTQIA+ older adults and their caregivers. In carrying out such duties, the commission may conduct outreach to LGBTQIA+ older adults for the purpose of obtaining relevant information and data. The commission shall make recommendations to improve access to benefits, services, and supports for LGBTQIA+ older adults and their caregivers. The commission, in formulating its recommendations, shall consider policies and practices implemented in other municipalities and jurisdictions that promote access to such benefits, services, and supports. Specifically, the commission shall:

- a. Examine the impact of New York city and state laws, policies, and rules and regulations on LGBTQIA+ older adults in the city, and make recommendations to ensure equitable access, treatment, care and benefits and overall quality of life for such older adults;
- b. Examine best practices for increasing access to human services, reducing social isolation, preventing abuse and exploitation, promoting independence and self-determination, strengthening caregiving, eliminating disparities, and improving overall quality of life for LGBTQIA+ older adults;
- c. Examine the impact of race, ethnicity, sex assigned at birth, socioeconomic status, disability, sexual orientation, gender identity, and other characteristics on access to human services for LGBTQIA+ older adults, and make recommendations to ensure equitable access, treatment, care, benefits, and overall quality of life for such older adults;
- d. Examine the experiences and needs of LGBTQIA+ older adults living with HIV/AIDS and make recommendations to ensure equitable access, treatment, care, benefits, and overall quality of life;
- e. Examine strategies to increase awareness by local service providers of the needs of LGBTQIA+ older adults and their caregivers in New York city, to improve the competence of such service providers, and to increase access to treatment, services, and ongoing care, including preventive care, for such older adults and their caregivers;
- f. Examine the feasibility of developing citywide training curricula to improve provider competency in the delivery of culturally responsive health, housing, and long-term support services to LGBTQIA+ older adults and their caregivers;
- g. Assess the funding and programming needed to enhance services to the growing population of LGBTQIA+ older adults in New York city;
- h. Examine whether certain policies and practices, or the absence thereof, promote the premature admission of LGBTQIA+ older adults to institutional care, and examine whether potential cost-savings exist for LGBTQIA+ older adults as a result of providing lower cost and culturally responsive home and community-based alternatives to institutional care;

- i. Examine outreach protocols to reduce apprehension among LGBTQIA+ older adults and caregivers of utilizing mainstream providers; and
- j. Examine citywide strategies for the collection of sexual orientation and gender identity data and the impact of these strategies on the provision of social services to LGBTQIA+ older adults.

§ 5. Meetings. The commission shall meet no less than once each quarter to carry out the duties described in section four of this local law, until the submission of the report required by subdivision b of section six of this local law.

§ 6. Reports. a. No later than one year after the appointment of all commission members pursuant to section three of this local law, the commission shall submit a report to the mayor, the commissioner for the aging, and the speaker of the council, setting forth its recommendations, including, but not limited to, any recommendations for legislation and policy relating to LGBTQIA+ older adults. The report shall include a summary of information the commission considered in formulating its recommendations.

b. No later than two 2 years after the submission of the report required by subdivision a of this section, the commission shall submit an additional report to the mayor, the commissioner for the aging, and the speaker of the council updating the recommendations contained in the report submitted pursuant to subdivision a of this section.

c. The commissioner for the aging shall publish the report required by this section on the website of the department for the aging no later than 10 days after such reports are submitted to the mayor, the commissioner for the aging, and the speaker of the council.

d. The commission shall terminate 180 days after the date on which it submits the report required by subdivision b of this section.

§ 7. This local law takes effect immediately and expires and is deemed repealed 4 years after it becomes law.

CRYSTAL HUDSON, *Chairperson*; ERIC DINOWITZ, LINDA LEE, CHRISTOPHER MARTE, LYNN C. SCHULMAN; 5-0-0; *Absent*: Darlene Mealy and Richardson Jordan; Committee on Aging, November 15, 2023. *Other Council Members Attending: Council Member Cabán.*

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 Contracts

Report for Int. No. 511-A

Report of the Committee on Contracts 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 study, report and rulemaking regarding procurement process time schedules.

The Committee on Contracts, to which the annexed proposed amended local law was referred on June 2, 2022 (Minutes, page 1368), respectfully

REPORTS:

I. INTRODUCTION

On November 15, 2023, the Committee on Contracts, chaired by Council Member Julie Won, held a vote on Introduction Number 511-A (Int. 511-A), in relation to a study, report and rulemaking regarding procurement process time schedules. A previous version of this bill was heard by the Committee on Contracts on January 30, 2023. At that hearing testimony was offered by representatives from the Mayor's Office of Contract Services and several human service contractor organizations. A summary of that hearing can be found along with the materials for this hearing at <https://bit.ly/46iBhvP>. The bill passed the committee vote with four votes in the affirmative, zero in the negative and zero abstentions.

II. INT. NO. 511-A

Int. 511-A would require the City Chief Procurement Officer to conduct a study and issue a report on the timing and duration of the City's procurement process for human services contracts exceeding the small purchase limit. The report would identify the steps in the procurement process for these contracts and evaluate the time needed to complete each step. It would provide recommendations to the Procurement Policy Board for setting procurement timelines as required under the City Charter.¹ The PPB would then review the report and propose rules establishing procurement timelines for human services contracts. The bill would also mandate that the Chief Procurement Officer begin issuing biannual reports starting in October 2026 on agency compliance with the time schedules set by the PPB.

Int. 511-A differs from Int. 511 in three primary ways.

First, Int. 511 had imposed time limits and compliance reporting for contracts of any size, whereas Int. 511-A focuses only on human services contracts under the small purchase limit.

Second, Int. No. 511 would have required an online tracking platform, which is not included in Int. 511-A.

Third, Int. 511-A mandates an initial study and recommendations from MOCS before the PPB sets time standards. Int. No. 511 would have required the PPB to set procurement time limits without the benefit of this study and set of recommendations.

¹ Charter § 311(b)(6) requires the PPB to establish time schedules for procurement actions, but to date the PPB has not meaningfully complied with this requirement.

III. LEGISLATIVE ANALYSIS

Section 1 of Int. 511-A would add a new section 6-148 to the Administrative Code titled "Study and report on procurement of human services contracts."

Subdivision a defines key terms including "covered contract" and "human services."

Subdivision b requires the City Chief Procurement Officer to conduct a study by July 1, 2024 analyzing the steps and time required in the procurement process for covered human services contracts exceeding the small purchase threshold.

Subdivision c mandates that by October 1, 2024, the Chief Procurement Officer must submit a report on the study findings to the Mayor, Speaker, and Procurement Policy Board. The report must include recommendations for the PPB to consider in setting procurement time schedules.

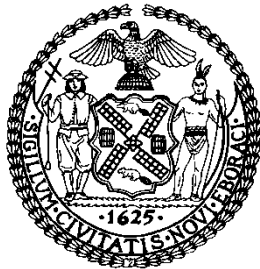
Subdivision d requires the PPB, after reviewing the report, to promulgate rules by October 1, 2025 establishing time schedules for completing the procurement process steps for covered contracts. This implements the PPB's mandate under Section 311(b)(6) of the Charter.

Subdivision e requires the Chief Procurement Officer to submit annual reports, beginning October 1, 2026, on agency compliance with the PPB time schedules.

Section 2 amends Section 311(b) of the Charter to remove and replace erroneous language.

Section 3 establishes an effective date

(The following is the text of the Fiscal Impact Statement for Int. No. 511-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: 511-A

COMMITTEE: Contracts

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to a study, report and rulemaking regarding procurement process time schedules.

SPONSOR(S): Council Members Stevens, Won, Louis, Nurse, Farías, Avilés, Menin, Ossé, Williams, Schulman, Gutiérrez, Richardson Jordan, Restler, Riley, Sanchez, Hudson, Lee, Ayala, De La Rosa.

SUMMARY OF LEGISLATION: This bill would require the City Chief Procurement Officer to conduct a study and issue a report on the timing and duration of the City's procurement process for human services contracts

exceeding the small purchase limit. The report would identify the steps in the procurement process for these contracts and evaluate the time needed to complete each step. It would provide recommendations to the Procurement Policy Board (PPB) for setting procurement timelines as required under the City Charter. The PPB would then review the report and propose rules establishing procurement timelines for human services contracts. The bill would also mandate that the Chief Procurement Officer begin issuing biannual reports starting in October 2026 on agency compliance with the time schedules set by the PPB.

EFFECTIVE DATE: This local law would take effect 45 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 (-)	(See below)	(See below)	(See below)
Net	(See below)	(See below)	(See below)

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 carrying out its requirements will utilize existing resources to fulfill its requirements. However, contingent on final scoping decisions by the Administration the current estimated costs could potentially increase slightly in the out years requiring additional funding.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
Mayor’s Office of Contracts Services

ESTIMATE PREPARED BY: Nia Hyatt, Senior Financial Analyst

ESTIMATE REVIEWED BY: Florentine Kabore, Unit Head
Cirilhien 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 June 2nd, 2022, as Intro. No. 511 and was referred to the Committee on Contracts (the Committee). The legislation was considered by the Committee at a joint hearing with the Committee on Youth Services and the Committee on Aging, held on January 30th, 2023, and the bill was laid over. The legislation has been amended and the amended version, Proposed Intro. No. 511-A will be considered by the Committee on November 15th, 2023. Upon successful vote by the Committee, Proposed Intro. No. 511-A will be submitted to the full Council for a vote on November 15th, 2023.

DATE PREPARED: 11/9/2023.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 511-A:)

Int. No. 511-A

By Council Members Stevens, Won, Louis, Nurse, Farías, Avilés, Menin, Ossé, Williams, Schulman, Gutiérrez, Richardson Jordan, Restler, Riley, Sanchez, Hudson, Lee, Ayala, De La Rosa, Hanif, Dinowitz, Gennaro and Rivera.

A Local Law to amend the administrative code of the city of New York, in relation to a study, report and rulemaking regarding procurement process time schedules

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 6 of the administrative code of the city of New York is amended by adding a new section 6-148 to read as follows:

§ 6-148 Study and report on procurement of human services contracts.

a. Definitions. For the purposes of this section, the following terms have the following meanings:

Covered contract. The term “covered contract” means a contract for human services that has a value greater than the small purchase limit set forth, pursuant to section 314 of the charter, in section 3-08 of title 9 of the rules of the city of New York.

Human services. The term “human services” means social services contracted for by an agency on behalf of third party clients including but not limited to day care, foster care, home care, health or medical services, housing and shelter assistance, preventive services, youth services, the operation of senior centers, employment training and assistance, vocational and educational programs, legal services and recreation programs.

b. The city chief procurement officer shall, no later than July 1, 2024, conduct a study on the timing and duration of the city’s procurement process, including the time to complete the steps of such process, for covered contracts. Such study shall, at minimum, include the following:

1. Identification of procurement methods utilized in the city’s procurement process for covered contracts;

2. Description of the steps of the procurement methods identified pursuant to paragraph 1 of this subdivision; and

3. An evaluation of the time needed for an agency or vendor to complete each step described pursuant to paragraph 2 of this subdivision.

c. No later than October 1, 2024, the city chief procurement officer shall submit a report on the study required by subdivision b of this section to the mayor, the speaker of the council and the procurement policy board. Such report shall include recommendations for the procurement policy board to consider in promulgating rules pursuant to paragraph 6 of subdivision b of section 311 of the charter.

d. The procurement policy board shall review the report submitted pursuant to subdivision c of this section, and, pursuant to section 1043 of the charter, no later than October 1, 2025, promulgate rules setting forth time schedules for completing the steps described pursuant to paragraph 2 of subdivision b of this section, in accordance with paragraph 6 of subdivision b of section 311 of the charter.

e. No later than October 1, 2026, and no later than October 1 of each year thereafter, the city chief procurement officer shall submit to the mayor, the speaker of the council and the procurement policy board a report on the completion of procurement method steps by agencies and vendors within the time schedules set forth in rules promulgated as described in subdivision d of this section.

§ 2. Paragraphs 7 and 8 of subdivision b of section 311 of the New York city charter, paragraph 7 as added by vote of the electors of the city of New York at a general election held on November 7, 1989, paragraph 8 as amended by local law number 12 for the year 2006, are amended to read as follows:

7. procedures for the fair and equitable resolution of contract disputes; [and]

8. rules relating to the making of small purchases in a manner that will advance the purposes of the program for minority- and women-owned business enterprises and emerging business enterprises established pursuant to subdivision b of section thirteen hundred four[.]; and

§ 3. This local law takes effect 45 days after it becomes law.

JULIE WON, *Chairperson*; JAMES F. GENNARO, LINDA LEE, SANDY NURSE, JOANN ARIOLA; 4-0-0; *Absent*: James F. Gennaro; Committee on Contracts, November 15, 2023. *Other Council Members Attending*: Council Members Stevens and Schulman.

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 Economic Development

Report for Int. No. 1012-A

Report of the Committee on Economic Development in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to an industrial development strategic plan.

The Committee on Economic Development, to which the annexed proposed amended local law was referred on April 27, 2023 (Minutes, page 1138), respectfully

REPORTS:

On November 15, 2023, the Committee on Economic Development, chaired by Council Member Amanda Fariás, held a vote on Int. No. 1012-A, A Local Law to amend the administrative code of the city of New York, in relation to an industrial development strategic plan. A previous version of this bill was heard by the Committee on Economic Development on June 29, 2023. At that hearing testimony was offered by representatives from the New York City Department of City Planning (DCP), Department of Small Business Services (SBS), and the Economic Development Corporation (EDC), as well as Industrial Business Zone (IBZ) service providers, business owners, workforce development service providers, planning experts, and community organizations. Information about that hearing can be found at <https://bit.ly/47uS9k7>. The legislation passed the committee vote with seven votes in the affirmative, zero votes in the negative and zero abstentions.

New York's industrial sector is essential to the city's daily functioning, providing the foundation of our supply chains and critical infrastructure including food distribution, power plants and energy storage, recycling and waste management, and building and construction materials. The industrial sector and large industrial sites are also necessary to facilitate New York's transition from fossil fuels to green energy – to transform the city's energy grid, construction supply chain, and freight network in order to reach 100% clean power by 2040 and eliminate 80% of GHG emissions by 2050 as required by state and city laws. Industrial jobs also provide career pathways to the middle class for hundreds of thousands of New Yorkers, with a workforce that is over 80% people of color.

Int. No. 1012-A proposes to create an eight-year planning cycle for city agencies to analyze citywide industrial sector economic trends, growth opportunities, and challenges, study local business, environmental, and market conditions in the city's IBZs, and collaborate on an Industrial Development Strategic Plan that will coordinate the city's land use, economic development, and capital budget tools. Coordinating land use policy with infrastructure investment, linking workforce development with new job creation, deploying incentives strategically, and partnering with non-profits/ manufacturing advocates to help grow the sector are all necessary to unleash the full potential of our neighborhood economies.

I. JOBS AND WAGES IN NEW YORK'S INDUSTRIAL SECTOR

The industrial sector in New York City – inclusive of manufacturing, wholesale trade, transportation, warehousing, and utilities, construction, and film/sound recording – accounts for over 520,000 jobs, or nearly 13% of the city's private workforce.² However, the number of New York City jobs in traditional manufacturing has continued to decline and has struggled to recover from the pandemic downturn, declining from approximately 75,000 jobs in 2010 to 56,000 in 2023.³

Employment and wage data from the United States Bureau of Labor Statistics reveals that most jobs in the industrial sector pay significantly higher wages than many service sectors. Citywide, jobs in the manufacturing, wholesale trade, transportation and warehousing, and utilities sectors paid an average annual wage of approximately \$53,000, compared to an average annual wage of only \$33,000 for workers in the retail, restaurant, and hospitality sectors⁴. According to a recent study by the Department of City Planning, 33% of NYC jobs that pay over \$50,000 and are available to those without a college degree are in the industrial sector⁵.

Industrial jobs are of particular importance to communities of color, recent immigrants, and job-seekers who lack a college degree. The industrial workforce in New York City is over 80% people of color (approximately 36% Hispanic/Latino, 28% Black, and 18% Asian) and over 60% foreign-born⁶. These jobs provide an important source of living wage employment for communities across New York City. Neighborhoods where the sector plays a particularly important role in local employment include most of the south and central Bronx, Washington Heights, Woodside, Corona, Jackson Heights, Flushing, Richmond Hill, Ozone Park, Woodhaven, Jamaica, and Ridgewood in Queens, and Bushwick, Cypress Hills, East New York, Sunset Park, and Bensonhurst in Brooklyn⁷.

Overall, New York City's economic recovery from the COVID-19 pandemic continues to lag the nation, with unemployment remaining disproportionately high among Black and Latino New Yorkers and those without college degrees. While New York City's overall unemployment rate is at 5.3% in Q1 2023, it stands at 7.5% for BIPOC New Yorkers compared to 1.3% for White New Yorkers, with a related disparity of 7.6% unemployment for those without a bachelor's degree compared to 3.7% for those with a bachelor's degree.⁸

II. ROLE OF THE INDUSTRIAL SECTOR IN NEW YORK'S ECONOMY, INFRASTRUCTURE, AND TRANSITION TO GREEN ENERGY

The industrial sector is critical to the city's daily functioning, forming the base of the city's supply and distribution chains and critical infrastructure. New York relies on industrial businesses, operations and sites for our basic energy, water, sanitation and transportation networks. Both the public and private sectors rely on industrial businesses and services for wholesale distribution of essential goods, like construction materials and food, and basic maintenance and repair of equipment and vehicles. These functions all require large centrally located industrial sites with good access to transportation and utility networks in order to minimize transportation time, cost and other negative externalities.

² See New York State Department of Labor, "Labor Statistics for the New York City Region," available at <https://dol.ny.gov/labor-statistics-new-york-city-region>

³ *Id.*

⁴ See United States Bureau of Labor Statistics, Quarterly Census of Employment and Wages (QCEW) 2018, available at <http://www.bls.gov/cew/data.htm> (QCEW data is industry-based and includes all employment by businesses within the sector in all occupations at all levels entry-level to management).

⁵ See New York Department of City Planning, "Info Brief: NYC Workers without a Bachelor's Degree," April 2019, available at <https://www1.nyc.gov/assets/planning/download/pdf/about/dcp-priorities/data-expertise/nyc-workers-without-bachelor-degree-info-brief.pdf>.

⁶ See U.S. Census, "American Community Survey (ACS) 2018" available at <https://www.census.gov/library/visualizations/interactive/2018-acs-data-wheel.html>

⁷ *Id.*

⁸ See The New School Center for New York City Affairs, "Economic Update April 27, 2023," available at <http://www.centernyc.org/reports-briefs/although-unemployment-has-fallen-in-new-york-city-the-last-year-has-seen-a-sharp-divergence-in-white-and-black-unemployment-rates>.

The intense interconnectedness of manufacturing firms in local supply chains is the reason manufacturing has the highest multiplier effect of any economic sector. According to the US Bureau of Economic Analysis, every dollar in the final sale of manufactured products supports \$1.33 in additional economic output. This is more than double the multiplier of sectors like retail (\$0.66) and professional/business services (\$0.61)⁹.

The appeal of reshoring manufacturing is increasing as many companies reassess the sustainability of lengthy international supply chains and consider “logistics, lead time, productivity, risk, and proximity to other suppliers, company operations, and demand.”¹⁰

Beyond serving as the foundation for infrastructure and supply chains, the industrial sector and industrial land is absolutely essential to meet the City’s ambitious goals and mandates to transition to green energy. The 2019 NYS Climate Leadership and Community Protection Act (CLCPA) requires New York State to eliminate 85% of GHG emissions by 2050 (from 1990 levels) and achieve 100% clean power by 2040. New York City has established local targets in alignment with state law, and passed legislation establishing building energy standards, which account for 70% of total GHG emissions citywide¹¹. State and Federal funding is already being allocated to support growing clean energy sectors, and NYC aims to position itself as a regional hub for the green economy. The CLCPA requirements are driving significant investments in wind energy, solar energy and energy storage, as well as expected to create tens of thousands of jobs. The Federal government under the Biden administration is also taking extensive executive action to support the green industrial sector, in addition to the strong incentives of the 2022 Inflation Reduction Act which are driving unprecedented private sector investment in green energy.¹²

As in the wider industrial sector, workers in green industry such as energy production (ranging from wind turbine operators, solar panel manufacturers and installers, electricians, and meter readers) and energy efficiency (including occupations requiring trade skills such as HVAC mechanics) earn higher and more equitable wages when compared to all workers nationally, and these wages are also more equitable; workers at lower ends of the income spectrum can earn \$5 to \$10 more per hour than other jobs.¹³ The Adams administration recognizes the “triple bottom line” (social, environmental and economic) benefits of the transition to green energy and is devoting significant resources to job training and business incubation for the green economy, as well as supporting a citywide zoning text amendment to update the zoning resolution to remove outdated barriers to green design and engineering.¹⁴

However, in all the discussion around the green energy transition and its economic benefits, there has been little emphasis on how industrial land and sites are essential to the transformation of NYC’s energy grid and supply chain away from fossil fuels. Extensive industrial land must be available for functions such as:

- Manufacturing, staging and assembly, service, and equipment storage for off-shore wind and solar power businesses
- Battery storage for clean energy supply, expanding marine, rail, and electric truck freight including large new marine and rail transfer stations, charging stations for electric trucks, and upgraded distribution facilities,
- Green building design and construction services needed to upgrade buildings to new GHG emissions standards.

⁹ See United States Bureau of Economic Analysis, “Annual Input-Output Tables,” available at <https://www.bea.gov/itable/input-output>

¹⁰ See McKinsey and Company. “Making it in America: Revitalizing US Manufacturing,” (Nov. 13, 2017), available at <https://www.mckinsey.com/featured-insights/americas/making-it-in-america-revitalizing-us-manufacturing>

¹¹ See Jesse McKinley and Brad Plummer. “New York to Approve One of the World’s Most Ambitious Climate Plans,” THE NEW YORK TIMES, (Jun 18, 2019), available at <https://www.nytimes.com/2019/06/18/nyregion/greenhouse-gases-ny.html>

¹² See President Joe Biden, Press Release, “FACT SHEET: Biden-Harris Administration Advances Cleaner Industrial Sector to Boost American Manufacturing and Cut Emissions,” (Mar 8, 2023) available at

<https://www.whitehouse.gov/briefing-room/statements-releases/2023/03/08/fact-sheet-biden-%E2%81%A0harris-administration-advances-cleaner-industrial-sector-to-boost-american-manufacturing-and-cut-emissions/>; see also President Joe Biden, “Inflation Reduction Act Guidebook,” available at <https://www.whitehouse.gov/cleanenergy/inflation-reduction-act-guidebook/>

¹³ See Brookings Institution, “Advancing inclusion through clean energy jobs,” (Apr. 18, 2019), available at <https://www.brookings.edu/research/advancing-inclusion-through-clean-energy-jobs/>

¹⁴ See Mayor Eric Adams, Press Release, “Mayor Adams Releases “PlaNYC: Getting Sustainability Done, New York City’s Strategic Climate Plan,” (Apr 20, 2023), available at <https://www.nyc.gov/office-of-the-mayor/news/274-23/mayor-adams-releases-planyc-getting-sustainability-done-new-york-city-s-strategic-climate-plan#/>; see also Mayor’s Office of Climate & Economic Justice, “Green Jobs Embracing Opportunity in the Green Economy,” available at <https://climate.cityofnewyork.us/subtopics/green-jobs/>.

III. NEW YORK'S CURRENT MANUFACTURING ZONING FRAMEWORK AND STATUS OF INDUSTRIAL LAND

Manufacturing districts in New York City remain governed by the framework established over 60 years ago by the Zoning Resolution of 1961. The city is divided between three primary categories of zoning district: residential, commercial, and manufacturing. Manufacturing districts are divided into three basic categories based on the level of “objectionable influences and hazards”: “M1” for high performance (less polluting/noisy) manufacturing, “M2” for medium performance, and “M3” for low performance and open industrial uses like power plants and scrapyards.¹⁵

The City’s “M” Zoning districts are largely unchanged since the Zoning Resolution of 1961, a time when a very different future was envisioned for industrial areas in New York City. As the Department of City Planning describes, *“The architects of the 1961 Zoning Resolution envisioned these newly established M districts as becoming more typical of modern, suburban industrial or office parks, characterized by low-rise factories and warehouses with ample off-street parking...this left industrial areas with zoning that did not match the needs of existing businesses and discouraged new development.”*¹⁶ In the New York of 1961, it was also difficult to envision commercial uses extensively locating in manufacturing zones and competing for space with industry as the industrial sector remained a dominant force in New York City’s economy. As a result, the 1961 “M” districts were created without restrictions on commercial uses.

Despite widespread recognition of these deficits over the decades, various administrations and the Department of City Planning have never prioritized a comprehensive overhaul of manufacturing zones. They remain a significant barrier to industrial firms seeking to relocate or expand within the five boroughs due to the following factors¹⁷:

- Extensive requirements to build parking spaces and loading docks far beyond the number necessary to support business activity (for example, some zones require 1 parking space per 300 square feet of development). The expense of these requirements is so high it can prohibit businesses from expanding their buildings or building new ones.
- Low available FAR (density), with most existing districts allowing only 1.0 or 2.0 FAR for industrial uses, and no options existing for middle-density districts at 3.0 and 4.0 FAR
- Industrial uses must compete with commercial use groups (such as retail, office, and entertainment venues) which are broadly allowed as-of-right, leading to a loss of industrial land in the centrally located industrial zones that are most important to the city’s supply chains and infrastructure siting.
- Lack of distinction in zoning and land use policy between the areas that are most essential for heavy industry, infrastructure, and the transformation of NYC away from fossil fuels to green energy (large sites with access to maritime, freight rail, and/or good truck routes) and areas where more flexible mixed commercial/industrial growth is appropriate, including lack of any requirements or incentives for sites with maritime and/or freight rail access to develop or maintain such access.¹⁸

Today, approximately 12-14% of New York City is zoned M or MX according to the city’s most recent PLUTO land use data. However, it is important to note that nearly half of all manufacturing-zoned land is taken up by airports and the western shore of Staten Island where much of the land is undevelopable wetlands.

¹⁵ New York City Planning Commission and Department of City Planning, “Zoning Maps and Resolution,” (Dec 15, 1961), available at http://www.nyc.gov/html/dcp/pdf/zone/zoning_maps_and_resolution_1961.pdf.

¹⁶ New York Department of City Planning, “North Brooklyn Industry and Innovation Plan,” (2019), available at <https://www.nyc.gov/site/planning/plans/north-brooklyn-vision-plan/north-brooklyn-vision-plan.page>.

¹⁷ See New York City Zoning Resolution, “Article IV for the current zoning text for manufacturing districts,” available at <https://zr.planning.nyc.gov/article-iv>.

¹⁸ See N.Y. City Council, “Engines of Opportunity,” (2014) available at <https://council.nyc.gov/land-use/wp-content/uploads/sites/53/2017/05/Engines-of-Opportunity-Full-Report.pdf>; see also N.Y.C. Dep’t of City Planning, “North Brooklyn Industry & Innovation Plan,” (2019), available at <https://www.nyc.gov/assets/planning/download/pdf/plans-studies/north-brooklyn-vision-plan/north-brooklyn-full-high.pdf>. (These issues with New York’s current M Zones are described in great detail in both reports).

Since 2005, certain areas of manufacturing zones are also designated as “Industrial Business Zones” (IBZs) -- geographies defined in the Administrative Code as priority areas for “the preservation of industrial and manufacturing activities and related employment within the city of New York.”¹⁹ Within these geographies, targeted tax credits and business services are provided but despite their name, the IBZ’s are not actually “zones” in the zoning resolution and have no distinction from other manufacturing zones regarding any of the issues outlined above.²⁰ The 21 current IBZ boundaries, as last modified in November 2013, cover nearly 60% of the city’s manufacturing-zoned area. Within IBZ’s nearly 75% of land is classified as industrial or transportation/utility use, compared to only 33% within non-IBZ M Zones. However, for areas with significant real estate market pressures and proximity to transit, the IBZ designation does not appear to offer protection from conversion to commercial uses. According to the city’s PLUTO land use data, non-industrial commercial uses within the Industrial Business Zones have increased by 76% since 2014 as measured by lot area. This trend can be most readily observed in the Greenpoint-Williamsburg and North Brooklyn IBZs where many formerly industrial properties, including numerous large sites with access to freight rail, have been converted to bars, restaurants, retail, and entertainment uses in recent years.

Other cities across the nation, including Chicago, Seattle, Portland, and San Francisco, have created manufacturing/industrial zones in recent decades that seek to preserve essential industrial land for industrial uses and infrastructure.²¹ While the names (for example “Industrial Sanctuary” in Portland and “Planned Manufacturing District” in Chicago) and details vary, all such zoning districts share tight restrictions on commercial uses including retail, bars/restaurants, office space, and entertainment. Commercial uses unrelated to industrial use are restricted to small sizes (typically from 3,000 to 10,000 sq. ft. per zoning lot) to protect the cities’ most important industrial areas.

An additional recent trend in New York City industrial zones is the development of new generation of large-scale, multi-story e-commerce “last mile” distribution facilities that are currently allowed to locate as-of-right in all M and C8 zoning districts (classified as Use Group 16 warehouses). Local communities and environmental justice advocates have raised concerns about the development of these new facilities without planning for appropriate infrastructure or planning for the significant and cumulative truck-traffic and emission impacts.²² Certain neighborhoods are also experiencing a concentration of these new facilities under development. For example, five last-mile warehouses of up to over 1.1 million square feet each are currently planned or under construction in the small area of Red Hook alone.²³ Moreover, these facilities are currently allowed to occupy sites with potential access to maritime or rail freight without any required provision to facilitate such access and utilization. These new facilities have an important relationship to the overall supply chain and City policy goals on environmental justice and sustainable transportation to reduce track traffic, yet the administration has not yet proposed any policy response. Other states and municipalities across the country are increasingly moving to regulate the proliferation and practices of last-mile distribution centers to address these challenges.

Beyond zoning, most citywide planning, economic, and workforce development policy for the industrial sector in New York City is overseen by the city’s Economic Development Corporation (EDC) and Department of Small Business Services.²⁴ EDC manages many of the City’s publicly-owned industrial assets including the Brooklyn Army Terminal and much of the Sunset Park waterfront, Atlantic Basin on the Red Hook waterfront, and the Hunts Point Produce Market in the South Bronx, including day-to-day leasing and management as well

¹⁹ N.Y.C. ADMIN. CODE § 22-625(b).

²⁰ With one exception -- IBZ geographies are mapped in Appendix J of the Zoning Resolution as the defined geographies for the applicability of a required Special Permit for self-storage facilities, which was created by a DCP zoning text amendment in 2017 (see below for further details).

²¹ See e.g. Seattle Department of Construction and Inspections, “Seattle’s Industrial Zones,” (Feb 2023), available at <https://www.seattle.gov/documents/Departments/SDCI/Codes/IndustrialZoningSummary.pdf> ; see also Chicago Zoning Ordinance 17-6-0400 PMD, “Planned Manufacturing Districts,” available at https://codelibrary.amlegal.com/codes/chicago/latest/chicagozoning_il/0-0-0-49697; see also Portland Planning and Zoning Code 33.140, “Employment and Industrial Zones” available at <https://www.portland.gov/sites/default/files/code/140-ind-zones.pdf>.

²² See Samantha Maldonado, “Push to Clean Up Air Around ‘Last-Mile’ Warehouses Gets In Gear. The City, April 29, 2022, available at <https://www.thecity.nyc/environment/2022/4/19/23033057/push-to-clean-air-around-last-mile-amazon-warehouses>

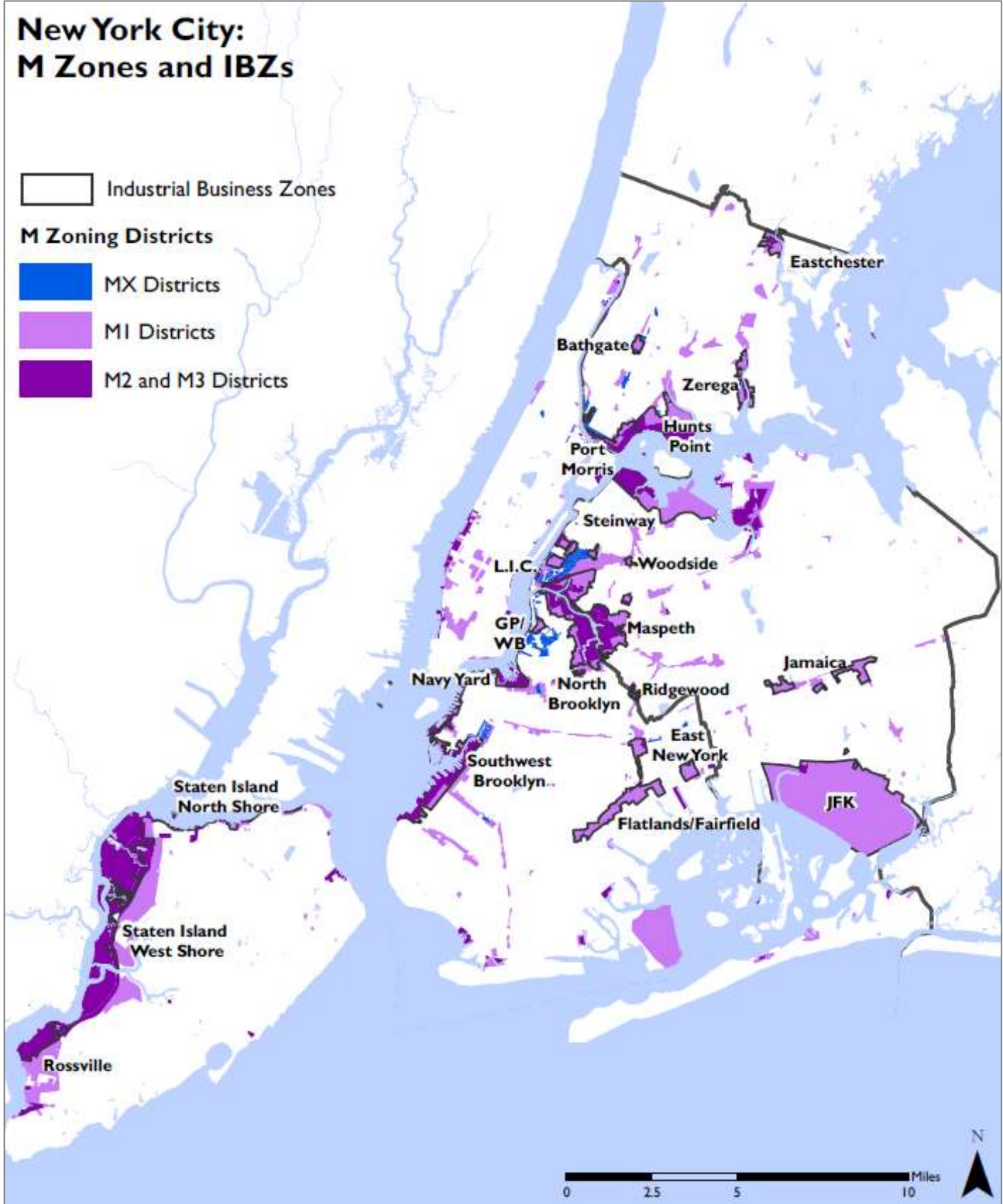
²³ See Kaveh Wadell, Aliya Uteuova, and Andrew Witherspoon. “Noise, pollution, danger: how Amazon warehouses upended a sleepy New York neighborhood.” The Guardian, May 16, 2023. Available at <https://www.theguardian.com/us-news/2023/may/16/amazon-warehouse-traffic-noise-brooklyn-red-hook>

²⁴ See New York City Economic Development Corporation, “Industrial and Manufacturing,” available at <https://edc.nyc/industry/industrial-and-manufacturing>.

as strategic planning for these properties. EDC oversees certain discretionary tax benefits such as the IDA program, and additional economic development programs such as incubator spaces or funding aimed at supporting particular subsectors or the development of non-profit industrial space. EDC also engages in citywide strategic planning for freight infrastructure, with goals to reduce truck traffic congestion and increase utilization of maritime and rail freight, and leads the City's engagement on the development of offshore wind power in collaboration with the state and private sector.²⁵ It is unclear to what extent these EDC efforts are coordinated with the Department of City Planning's zoning and land use policies (such as what industrial areas or sites are important to achieve these policy goals, and whether zoning is properly aligned).

SBS helps connect businesses with workforce development and incentive programs for economic growth and energy efficiency alongside the local Industrial Business Service Provider network. Several tax incentive programs are also offered by New York State, such as the Excelsior x Credit, Real Property Tax Relief Credit for Manufacturing, and Empire State Film Production Tax Credit.

²⁵ See New York City Economic Development Corporation, "Freight NYC," available at <https://edc.nyc/freight-nyc>; see also New York City Economic Development Corporation, "Offshore Wind NYC," available at <https://edc.nyc/program/offshore-wind-nyc>.



IV. INDUSTRIAL PLANNING AND ZONING IN NYC – 1990s TO TODAY

New York's manufacturing sector provided more than 800,000 jobs until a steep decline began in the early 1970's, driven largely by macro-economic trends. The shift of freight transportation from railroad to truck meant that factories no longer had to locate near ports or rail facilities, and the relocation of the region's port facilities to New Jersey further reduced the city's locational advantages²⁶. New transportation and communication technologies spurred not only the move out of the city to the suburbs but also the relocation of production to cheaper labor markets overseas (part of what came to be known as the larger trend of economic "globalization.")

By 1990, only 261,000 New York City manufacturing jobs remained.²⁷ In 1993, the Department of City Planning published its "Citywide Industry Study," a report that concluded manufacturing in New York City was facing inevitable decline due to obsolete infrastructure and global restructuring and recommended that the City reduce the amount of land zoned for manufacturing²⁸. In 1997, the Giuliani administration created the "Special Mixed-Use District" or "MX" zone, which permits a mixture of residential, commercial or light industrial uses as-of-right, but allows fully residential development without any requirement for preserving a mixture of uses on either the neighborhood level or within an individual lot.

During this period, New York City's rising real estate market emerged as an additional source of pressure on industrial land. In addition to the impact of residential development in the new MX zones, industrial uses in regular M zones were experiencing increasing competition from commercial uses such as big box stores, hotels, and nightlife establishments. The Manufacturing Land Use and Zoning Initiative, a coalition of industrial advocates assisted by the Pratt Center and Municipal Art Society, reported that real estate speculation was "hollowing out" many industrial districts as owners evicted industrial tenants and warehoused empty buildings in anticipation of eventual residential rezoning²⁹.

In this context of increasing real estate pressure on industrial land, the Bloomberg administration entered office. During his first term, Mayor Bloomberg accelerated the rezoning of manufacturing-zoned areas like parts of Long Island City, West Chelsea and Williamsburg-Greenpoint for housing development. Overall, from 2002-2007, the Bloomberg administration rezoned nearly 1,800 acres of manufacturing-zoned land, or nearly 15% of the total citywide stock.³⁰

Near the end of the first term, the Bloomberg administration recognized the need for an industrial economic development strategy. In January 2005, the administration announced a new policy platform including the creation of a Mayor's Office of Industrial and Manufacturing Businesses (MOIMB) and the creation of "Industrial Business Zones" (IBZs) where the City pledged to support the retention and expansion of industrial businesses through tax credits, and promised to maintain industrial zoning, and monitor and strongly discourage the BSA from granting variances.³¹ But this new commitment to supporting and protecting industry within the IBZs was not accompanied by any actual zoning changes, and the baseline funding for planning and business services was also soon threatened. In 2006 (Resolution 0141) and 2011 (Resolution 0957), the City Council introduced resolutions calling on the administration to reform manufacturing zones and create a new designation to better protect industrial uses from commercial conversion, but no action was taken by DCP.

Another challenge to the effectiveness of the Bloomberg administration's industrial policy was that a key portion of the IBZ program, the funding of local non-profit membership organizations to provide technical

²⁶ See Edward L. Glaeser, "Urban Colossus: Why is New York America's Largest City," FEDERAL RESERVE BANK OF NEW YORK ECONOMIC POLICY REVIEW, (Dec 2005) available at <https://www.newyorkfed.org/medialibrary/media/research/epr/05v11n2/0512glae.pdf>.

²⁷ See New York State Department of Labor, "Labor Statistics for the New York City Region," available at <https://dol.ny.gov/labor-statistics-new-york-city-region>

²⁸ See New York City Department of City Planning, David N Dinkins, Richard L Schaffer, "Citywide Industry Study," (Jan 1993).

²⁹ See T. William Lester and Daniel A. Hartley, "The Long-Term Employment Effects of Gentrification in the 1990's," Federal Reserve Bank of Cleveland. (May 2013) available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2354015
(A study by researchers at the Federal Reserve Bank of Cleveland substantiates many of these claims. The study analyzed urban employment changes during the 1990's and found that across the nation, manufacturing employment declined at a faster rate in gentrifying urban areas. The decline of urban manufacturing employment was not due only to global structural changes -- gentrification and land price speculation were also "catalytic factors in accelerating the shift away from manufacturing within urban land markets.)

³⁰ See Pratt Center for Community Development, "Issue Brief: Protecting New York's Manufacturing Space," (2008) available at http://prattcenter.net/sites/default/files/threatened_manufacturing.pdf

³¹ See City of New York, Mayor Michael Bloomberg, "New York City Industrial Policy: Protecting and Growing New York City's Industrial Job Base," (Jan 2005), available at <https://www.nyc.gov/html/imb/downloads/pdf/whitepaper.pdf>.

assistance to local businesses, was slashed soon after it was established. Mayor Bloomberg initially set funding for IBZ administration at \$4 million but cut funding to zero in the 2009 Executive Budget. The program was kept alive by budget negotiations and advocacy by the City Council. The Mayor's Office of Industrial and Manufacturing Businesses was cut back beginning in 2007 and completely phased out by 2011. The MOIMB's functions were replaced by administrative support from SBS and an "industrial desk" at EDC.

Under the umbrella of EDC, the city's industrial strategy shifted to emphasize capital investments in city-owned industrial parks like the Brooklyn Navy Yard, Brooklyn Army Terminal, and Hunts Point Food Distribution Center. From 2002-2013, the city invested over \$511 million in improving these three city-owned industrial properties compared to less than \$35 million on improvements in non-city owned industrial areas³². While the Brooklyn Navy Yard Development Corporation operates as an independent entity with its own master plan and policy making process, EDC oversees the Hunts Food Distribution Center and the extensive city-owned properties along the Sunset Park and Red Hook waterfronts (including the 65th St Railyard, Brooklyn Army Terminal, Bush Terminal, South Brooklyn Marine Terminal, and Atlantic Basin among other sites), among others.

In the first years of the de Blasio administration, the City Council and administration, including the Department of City Planning, engaged in a robust dialogue to reform industrial zoning and planning policy. In 2014, the City Council released "Engines of Opportunity," a report detailing the role of the industrial sector in New York City and the challenges posed by outdated manufacturing zoning³³. The report called for three new types of M zoning districts – core industrial districts (also known as "industrial employment districts) to preserve the city's most important industrial areas, "creative economy districts" to require mixed-use industrial and commercial buildings, and new tools to require industrial space as part of new residential development or area-wide rezonings.

In May 2015, the City Council held an oversight hearing to discuss the findings of the report, and the challenges and opportunities of industrial land use and zoning policy. At this hearing, the Department of City Planning announced a planning study of the North Brooklyn IBZ – the "North Brooklyn Industry and Innovation Plan" -- as a testing ground and pilot for citywide reform of manufacturing zones³⁴. The administration confirmed this plan as part of the ten point "Industrial Action Plan" released in November 2015, a policy platform that also included continuing investments in city-owned assets like the Brooklyn Navy Yard, Brooklyn Army Terminal, and Hunts Point, zoning text amendments to limit hotels and self-storage development, commitments to not consider residential rezonings in IBZs, creation of an industrial development fund at EDC to stimulate creation of new space by non-profit developers, and expansion of existing programs like the Brownfields Jumpstart Program, Industrial Business Service Provider network, and industry partnerships and Workforce 1 career centers focused on the industrial sector³⁵.

Over the next five years, the de Blasio administration successfully executed several of these commitments, including the creation of special permits for hotels (first in M zones, then citywide) and self-storage uses within IBZs. The Department of City Planning also undertook citywide studies to help inform these efforts, including a citywide study of employment in IBZs and study of the design and financial considerations behind mixed-use commercial-industrial buildings³⁶. In 2019, the Department released the North Brooklyn Industry and Innovation Plan with detailed study of existing conditions and trends in the IBZ and a land use framework for creation of new manufacturing zoning tools including a "core industrial district", mixed-use "transition" district, and

³² See Independent Budget Office, "City Support for the Industrial Sector," (Jun 2014) available at <http://www.ibo.nyc.ny.us/iboreports/2014industrialspending.pdf>

³³ See New York City Council, "Engines of Opportunity," (Nov 2014) available at <http://council.nyc.gov/downloads/pdf/NYEO.pdf>

³⁴ See New York City Council, Public Hearing, "Oversight, Industrial Land Use and Zoning Policy – Challenges and Opportunities," (May 6, 2015), <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2266555&GUID=219114E9-B999-404F-B95C-D5E41B7A7182>.

³⁵ See N.Y.C. Mayor Bill de Blasio, "Mayor de Blasio and Speaker Mark-Viverito Unveil Action Plan to Grow 21st Century Industrial and Manufacturing Jobs in NYC," (Nov 3, 2015) available at <https://www.nyc.gov/office-of-the-mayor/news/780-15/mayor-de-blasio-speaker-mark-viverito-action-plan-grow-21st-century-industrial-and/#/0>

³⁶ See New York City Department of City Planning, "Can Industrial Mixed-Use Buildings Work in NYC?" (Nov 2018), available at <https://www.nyc.gov/assets/planning/download/pdf/planning-level/housing-economy/can-industrial-mixed-use-buildings-work-in-nyc.pdf>; see also New York City Department of City Planning, "Employment in New York City's Manufacturing Districts," available at <https://www.nyc.gov/assets/planning/download/pdf/data-maps/nyc-economy/employment-nyc-manufacturing-zones.pdf>

flexible “growth” district³⁷. But with the onset of the COVID-19 pandemic in Spring 2020, the administration chose to de-prioritize the plan’s implementation. With the North Brooklyn Plan’s implementation stalled, any conversations on citywide actions to reform M zones also stalled for the remainder of the de Blasio administration.

In June 2022, the Adams administration convened an “Industrial Working Group” comprised of industrial business owners, business service providers, and organized labor to “seek to assess the challenges and opportunities facing the city’s industrial sector to shore up long-term growth and ensure that businesses continue to thrive...[and] identify challenges and propose opportunities in three strategic investment areas: infrastructure, business growth, and talent.”³⁸ While meetings took place from June-December 2022, the Industrial Working Group has yet to release any report or policy platform.

The Adams administration is also pursuing a series of citywide zoning text amendments, one of which – “City of Yes for Economic Opportunity” – will seek to update commercial zoning to remove outdated barriers and classifications that currently restrict certain types of businesses from locating or expanding³⁹. One of these proposals would allow light manufacturing and arts uses to locate on commercial corridors where they are currently not permitted. In Spring 2023, Council Speaker Adrienne Adams and numerous Council Members began to advocate for the Department of City Planning to also include the creation of new “M” districts as part of this text amendment to begin the process of finally updating the 1961-era “M” Zones on the framework developed by the extensive work of the Council and DCP from 2015-2019.⁴⁰ In September 2023, DCP released an updated proposal for Zoning for Economic Opportunity that now includes the creation of these new districts following the general framework first advanced as part of the North Brooklyn Industry and Innovation Plan including a “core industrial district,” mixed-use “transition” district, and flexible “growth” district. Int. 1012A is intended to help support future neighborhood planning and land use actions in mapping these new “M” zoning districts.

V. LEGISLATIVE SUMMARY

Int. 1012-A requires the Departments of City Planning and Small Business Services, in coordination with the Economic Development Corporation, to develop an industrial development strategic plan for industrial business zones. The plan would need to be completed every eight years and address the following:

- (1) an analysis of industrial sector economic trends and the role of the industrial sector in achieving policy objectives;
- (2) an overview of current city policies to support and grow the industrial sector,
- (3) data on existing conditions within each Industrial Businesses Zone
- (4) analysis of existing conditions across 10 “Strategic Planning Areas”
- (5) policy recommendations for supporting priority job sectors, reform of financial incentives, land use, capital investments and workforce development.

Int. No. 1012-A differs from Int. No. 1012 in several ways:

Overall, Int. No. 1012-A streamlines the content of the required plan and focuses the required analyses at three broader geographical levels--a citywide level, at the borough, and at sub-borough level for 10 “Strategic Planning Areas” identified in the bill. More specifically, whereas Int. 1012 would have required detailed existing conditions data, analysis, and policy recommendations for each of the 21 IBZs, Int 1012-A only requires data compilation at the IBZ level, moving the other points of analysis to the broader citywide or “Strategic Planning Area” levels.

Regarding the required set of policy recommendations, Int. 1012-A is clearer on requiring citywide recommendations for reform of financial incentives and workforce development programs, and identification of

³⁷ See New York Department of City Planning, “North Brooklyn Industry and Innovation Plan,” (2019), *available at* <https://www.nyc.gov/site/planning/plans/north-brooklyn-vision-plan/north-brooklyn-vision-plan.page>

³⁸ See N.Y.C. Mayor Eric Adams. “Mayor Adams Launches Industrial Working Group to Chart Sector’s Post-Pandemic Future.” (Jun 27, 2022), *available at* <https://www.nyc.gov/office-of-the-mayor/news/449-22/mayor-adams-launches-industrial-working-group-chart-sector-s-post-pandemic-future>

³⁹ See New York City Department of City Planning, “City of Yes: Economic Opportunity,” *available at* <https://www.nyc.gov/site/planning/plans/city-of-yes/city-of-yes-economic-opportunity.page>

⁴⁰ New York City Council Speaker Adrienne Adams. “2023 State of the City: People Over Everything.” Available at https://council.nyc.gov/wp-content/uploads/2023/03/030823.Speaker_Adams_SOC_2023_Report.pdf

economic development goals, potential capital investments, and land use policy goals for each Strategic Planning Area, including identification of primary industrial areas. In contrast, Int. 1012 would have required policy recommendations at the level of each individual IBZ, including a complete land use framework. The identification of primary industrial areas seeks to determine which locations within each strategic planning area are most appropriate for the preservation and growth of essential industrial businesses and city infrastructure. Once identified, these areas are intended to inform future neighborhood planning efforts that the City may undertake regarding industrial areas.

Finally, Int. 1012-A extends the length of the planning cycle from 5 years to 8 years and requires a progress report every 2 years in addition to the 8-year strategic plan.

VI. LEGISLATIVE ANALYSIS

Section one of the bill establishes a new section 25-120 in chapter 1 of title 25 of the administrative code of the city of New York titled "Industrial development strategic plan."

Subdivision a of section 25-120 defines key terms related to industrial business zones, business enterprises, disadvantaged communities, and sustainable infrastructure.

Subdivision b of section 25-120 requires the Departments of City Planning and Small Business Services, in coordination with a contracted entity (currently the New York City Economic Development Corporation), to submit an industrial development strategic plan every 8 years beginning December 31, 2025. The plan must include:

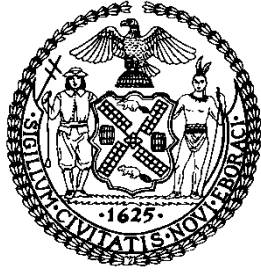
- 1) A policy statement on the industrial sector's role in achieving city objectives like energy, freight, supply chains, facilities, and workforce.
- 2) An overview of policies supporting the industrial sector.
- 3) Economic and land use data analysis for each Industrial Business Zone.
- 4) Strategies for city-owned property, a business survey, environmental analysis, and infrastructure assessment for each Strategic Planning Area.
- 5) Recommended strategies regarding financial incentives, workforce programs, economic goals, land use objectives, and capital investments.

Subdivision c requires a draft plan to be released by July 1 of each cycle before the final plan, with public hearings in each borough.

Subdivision d requires a progress report beginning December 31, 2027 and every 2 years thereafter on implementing the plan's goals and strategies.

Section two establishes an effective date 90 days after enactment.

(The following is the text of the Fiscal Impact Statement for Int. No. 1012-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: 1012-A

COMMITTEE: Economic Development

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to industrial development action plans.

SPONSOR(S): By Council Members Farías, Gutiérrez, Louis, Restler, Hanif, Avilés, Won, Nurse, Ayala, Dinowitz, Velázquez, Brannan, Schulman, Hudson, Salamanca, De La Rosa, Abreu, Riley, Holden, Feliz and Borelli.

SUMMARY OF LEGISLATION: Proposed Intro. 1012-A: This would require the Departments of City Planning and Small Business Services, in coordination with the Economic Development Corporation, to develop an industrial development action plan for industrial business zones. The action plan would need to be completed every five years and address the following: (1) an overview of city policies to support and grow the industrial sector; (2) an analysis of industrial sector economic trends and the role of the industrial sector in achieving policy objectives; (3) identification of citywide goals and strategies to support industrial development; (4) analyses of specific economic and land use data; and (5) implementation frameworks for priority job sectors, land use, capital investments and workforce development.

EFFECTIVE DATE: This local law takes effect 90 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 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 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
Eisha Wright, Deputy Director
Jonathan Rosenberg, Managing Deputy Director
Kathleen Ahn, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council on April 27, 2023, as Proposed Intro. No. 1012, and was referred to the Committee on Economic Development (the Committee). A joint hearing was held by the Committee with the Committee on Land Use on June 29, 2023, and the legislation was laid over. The legislation was subsequently amended and the final amended version, Proposed Intro. No. 1012-A, will be voted on by the Committee at a hearing on November 15, 2023. Upon a successful vote by the Committee, Proposed Intro. No. 1012-A will be submitted to the full Council for a vote on November 15, 2023.

DATE PREPARED: November 9, 2023.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1012-A:)

Int. No. 1012-A

By Council Members Farías, Gutiérrez, Louis, Restler, Hanif, Avilés, Won, Nurse, Ayala, Dinowitz, Velázquez, Brannan, Schulman, Hudson, Salamanca, De La Rosa, Abreu, Riley, Holden, Feliz, Gennaro, Rivera, Borelli and Carr.

A Local Law to amend the administrative code of the city of New York, in relation to an industrial development strategic plan

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-120 to read as follows:

§ 25-120 Industrial development strategic plan. a. Definitions. For purposes of this section:

Contracted entity. The term “contracted entity” has the same meaning set forth in section 22-821.

Departments. The term “departments” means the department of city planning and the department of small business services.

Disadvantaged community. The term “disadvantaged community” means a disadvantaged community identified pursuant to section 75-0111 of the environmental conservation law.

Emerging business enterprise. The term “emerging business enterprise” means a business certified as an emerging business enterprise in accordance with section 1304 of the charter.

Industrial business zone. The term “industrial business zone” means an industrial business zone designated pursuant to section 22-626.

Industrial sector. The term “industrial sector” means a segment of the economy that includes manufacturing, wholesale trade, transportation and warehousing, utilities, construction, production of information and media production, repair and maintenance, clean energy, and waste management and remediation services.

Minority-owned business enterprise. The term “minority-owned business enterprise” means a business certified as a minority-owned business enterprise in accordance with section 1304 of the charter.

Primary industrial area. The term “primary industrial area” means an area of an industrial business zone that is for predominantly industrial use, with large lots and access to designated truck routes, freight rail, or

maritime freight capacity, supporting the preservation and growth essential industrial businesses and city infrastructure.

Strategic planning area: The term “strategic planning area” means an area comprising each of the following boroughs or groups of community districts: borough of Manhattan; Bronx community districts 1 and 2; Bronx community districts 3 through 8; Bronx community districts 9 through 12; Queens community districts 1 through 6; queens community districts 7 through 14; Brooklyn community districts 1, 2, 3 4, 8, 9; Brooklyn community districts 5, 14, 15, 16, 17, 18; Brooklyn community districts 6, 7, 10, 11, 12, 13; and borough of Staten Island.

Sustainable infrastructure. The term “sustainable infrastructure” means equipment or systems that prioritize economic or environmental sustainability and climate resiliency, including but not limited to clean energy infrastructure, flood resiliency infrastructure, or stormwater infrastructure.

Women-owned business enterprise. The term “women-owned business enterprise” means a business certified as a women-owned business enterprise in accordance with section 1304 of the charter.

b. No later than December 31, 2025, and no later than December 31 of every eighth year thereafter, the departments and a contracted entity, in consultation with the department of citywide administrative services, the department of transportation, the office of long-term planning and sustainability, and any other agency as determined by the departments and a contracted entity, shall submit to the mayor and speaker of the council and make publicly available on the city’s website, an industrial development strategic plan. Such plan shall include but need not be limited to:

1. A policy statement regarding the role of the industrial sector in achieving citywide objectives related to energy policy and greenhouse gas emissions; transportation and freight policy including improving supply chain resilience and reducing citywide truck traffic and its impacts on disadvantaged communities; siting of city operations or services; workforce development policies; and any related analysis of citywide industrial sector data, economic trends, and growth opportunities and challenges;

2. An overview of policies to support and grow the industrial sector, including but not limited to as-of-right and discretionary city and state financial incentives; city workforce development initiatives; city land use policies; major city capital investments; and any city policies relating to the impacts of growth of the industrial sector on disadvantaged communities;

3. For each designated industrial business zone:

(a) Economic and land use data for the prior twenty years to the extent practicable, including where available and accessible:

(1) Employment data including but not limited to department of labor quarterly census data on employment and wages data on the number of businesses and jobs in such zone disaggregated by sector and subsector, and workforce demographics for such zone including race, ethnicity, and country of origin;

(2) Real estate data including average sale and rent prices per square foot for industrial and commercial properties in such zone;

(3) Land use data at the tax lot level; and

(4) Data on as-of-right and discretionary New York city and New York state tax credits or other financial incentives administered for businesses in the industrial sector located in such zone.

(b) An identification of city-owned and city-leased property in such zone.

4. For each strategic planning area:

(a) Strategies for the use of city-owned and city-leased property within industrial business zones for the overall strategic planning area;

(b) A local business assessment in consultation with local industrial stakeholders including but not limited to non-profits that provide business services within industrial business zones, including a survey of businesses within the area to better understand local business conditions and needs;

(c) A summary of environmental conditions in the area, any effects of such conditions on industrial businesses, and any implications for citywide policy on environmental justice and climate resiliency; and

(d) An assessment of access to existing infrastructure, such as freight rail, truck routes, and maritime access, that is supporting or could support manufacturing and industrial activities.

5. An identification and description of recommended goals and strategies to support economic development and expand and retain businesses in the industrial sector, including but not limited to:

(a) Recommendations for improving or establishing new financial incentives available to businesses in the industrial sector;

(b) Recommendations relating to workforce development programs and policies, including educational and local hiring programming, and policies for increasing the participation of local business enterprises, minority- and women-owned business enterprises, and emerging business enterprises in the industrial sector; and

(c) For each strategic planning area;

(1) An identification of economic development goals including but not limited to priority industries and subsectors for growth in such area;

(2) An identification of primary industrial areas and potential land use policy objectives;

(3) An identification of potential capital investments, including for sustainable infrastructure and for development of city-owned or city-leased property within such area.

c. No later than July 1 of any year the industrial development strategic plan is required to be submitted pursuant to subdivision b, the departments and a contracted entity shall submit to the mayor and speaker of the council and make publicly available on the city's website a draft industrial development strategic plan. Following submission and posting online of such draft industrial strategic plan, the departments and a contracted entity shall hold no less than one public hearing in each borough to solicit public comment prior to submission of the industrial development strategic plan.

d. No later than December 31, 2027, and no later than December 31 every 2 years thereafter, other than any such year in which an industrial development strategic plan is required to be submitted pursuant to subdivision b, the departments and a contracted entity shall submit to the mayor and speaker of the city council a progress report on the industrial development strategic plan. Such report shall include, at a minimum

(a) any status update of the recommended goals and strategies identified in paragraph 5 of subdivision b of this section; and

(b) any revisions or updates to policies, programs or actions in the previous industrial development strategic plan, including the reason for such revisions or updates.

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

AMANDA FARÍAS, Chairperson; RAFAEL SALAMANCA, Jr., KEVIN C. RILEY, ALEXA AVILÉS, JENNIFER GUTIÉRREZ, ARI KAGAN, INNA VERNIKOV; 7-0-0, Committee on Economic Development, November 15, 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 Finance

Report for Int. No. 1070-A

Report of the Committee on Finance 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 biotechnology credit against the general corporation tax, the unincorporated business tax, and the corporate tax of 2015.

The Committee on Finance, to which the annexed proposed amended local law was referred on June 8, 2023 (Minutes, page 1693), respectfully

REPORTS:

I. Introduction

Today, the Finance Committee (“Committee”), chaired by Council Member Brannan will vote on: Introduction 1070-A sponsored by Council Member Gutiérrez, in relation to reinstating the biotechnology credit against the general corporation tax, unincorporated business tax, and the corporate tax of 2015. A prior version of Introduction 1070-A was heard on October 4, 2023.

The Committee will also hear and vote on Introduction 1209, sponsored by Council Members Brannan and Farías, 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; and Introduction 1210, sponsored by Council Member Brannan, in relation to authorizing an increase in the amount to be expended annually in four business improvement districts. On October 19, 2023, the Committee adopted Resolutions 807 and 808 that set November 15, 2023 as the date to consider local laws that would amend the district plan of the Westchester Square business improvement district to change the method of assessment, and increase the amount to be expended annually on four business improvement districts, respectively. Today the Committee will hear from all persons interested in the legislation.

II. Background

a. Introduction 1070-A

Biotechnology in New York City

Biotechnology is a form of technology involving the scientific manipulation of living organisms to produce products conducive to improving the lives and health of plants, animals and humans. This includes research on new drugs, medical devices and diagnostic tests.¹ With nine major research centers, 62 hospitals, hundreds of life science-related companies, and an unparalleled talent pool, New York City has a natural advantage in emerging technologies, particularly biotechnology. It received \$2.6 billion in research funding from the National Institutes of Health (“NIH”) in 2023, which would rank third in the nation behind the states of California and

¹ Biotechnologies is defined as “ technologies involving the scientific manipulation of living organisms, especially at the molecular and/or the sub-molecular genetic level, to produce products conducive to improving the lives and health of plants, animals, and humans; and the associated scientific research, pharmacological, mechanical, and computational applications and services connected with these improvements. Activities included with such applications and services shall include, but not be limited to, alternative mRNA splicing, DNA sequence amplification, antigenetic switching, bioaugmentation, bioenrichment, bioremediation, chromosome walking, cytogenetic engineering, DNA diagnosis, fingerprinting, and sequencing, electroporation, gene translocation, genetic mapping, site-directed mutagenesis, bio-transduction, bio-mechanical and bio-electrical engineering, and bio-informatics” §3102-E(1)(b)(5) of the New York State Public Authorities law.

Massachusetts.² Investments in commercialization of new technologies has proven successful; according to a report by the Department of City Planning and the Economic Development Corporation, New York City has added more than 260 life sciences research companies over the last ten years and made itself the core of the region leading the country in life sciences jobs and funding.³

New York City's Biotechnology Credit

Legislative History

In the Spring of 2009, the New York City Council urged the State Legislature and worked with them to pass legislation authorizing New York City to provide a biotechnology credit that would mirror the State's New York State's Emerging Technologies Facilities, Operations and Training Credit. On September 16, 2009, the Governor signed A.8131/S.4845-B into law, codified as Chapter 453 of the Laws of 2009. Shortly thereafter, on September 17, 2009, the Council passed Local Law 67 of 2009 which provides a credit against the City's general corporation tax and the unincorporated business tax for qualified emerging technology companies ("QETCs") located in New York City that focus primarily on biotechnology. The authorization term for the credit, referred to as the "Biotechnology Credit," as authorized by Chapter 453, was from January 1, 2010 to December 31, 2012.

On August 17, 2012, the Governor signed Chapter 429 of the Laws of 2012, which amended the Tax Law to allow New York City to extend the existing Biotechnology Credit through December 31, 2015. On December 10, 2012, the Council passed Local Law 61 of 2012 so extending the credit.

On April 13, 2015, the Governor signed Chapter 60 of the Laws of 2015, which amended the administrative code to create the corporate tax of 2015 and included the Biotechnology Credit to apply against the tax. On September 25, 2015, the Governor signed Chapter 260 of the Laws of 2015, which amended the Tax Law to allow New York City to again extend the Biotechnology Credit through December 31, 2018. On November 24, 2015, the Council passed Local Law 111 of 2015 so extending the credit.

In 2018, the State did not renew the Biotechnology Credit, allowing it to lapse on January 1, 2019. On May 3, 2023, the Governor signed Chapter 59 of the Laws of 2023, which amended the Tax Law to reauthorize the Biotechnology Credit for a term of January 1, 2023 to December 31, 2025.

How the Credit Works

The Biotechnology Credit provides QETC firms with a refundable credit for three types of expenses: qualifying expenses related to acquiring research and development property, certain expenses related to training employees, and other research and development expenses.

Policy Goals

The public policy purpose of the Credit is to provide a refundable tax credit to life science companies, in order to help them cover high startup costs including investments in research and development, incubator and research space, and lengthy clinical development processes. In so doing, this would help life sciences companies improve their chance of success and growth, inducing them to move to and remain in New York City, thereby providing significant economic benefits to New Yorkers in the form of high-quality jobs across the educational spectrum, as well as boosts to those businesses that provide support and complementary services to life sciences firms.

It is projected by the New York City Economic Development Corporation that the Credit, along with other investments and support, will help the life sciences industry yield an additional 20,000 jobs over the next ten to fifteen years, and contribute \$82 billion in cumulative economic impact over the same period.⁴

² NIH Awards by Location & Organization, Fiscal Year 2023, available at [NIH.gov](https://www.nih.gov) last accessed Sep. 25, 2023. City data was calculated by an aggregation of award amounts distributed to City-specific Congressional districts.

³ NYC Planning and NYCEDC, *Life Sciences in the NYC Metro*, June 2022 available at [NYC.gov](https://www.nyc.gov).

⁴ Emails with NYCEDC staff, October and November 2023.

Qualifications

A taxpayer is entitled to a credit if the company is located in the city and (A) whose primary products or services are classified as emerging technologies and whose total annual product sales are ten million dollars or less; or (B) has research and development activities in city and whose ratio of research and development funds to net sales equals or exceeds the average ratio for all surveyed companies classified as determined by the National Science Foundation in the most recent published results from its Survey of Industry Research and Development, or any comparable successor survey as determined by the department, and whose total annual product sales are ten million dollars or less. An eligible taxpayer shall also have:

- 1) no more than 100 full-time employees, of which at least 75 percent are employed in the City;
- 2) a ratio of research and development funds to net sales of at least six percent during the calendar year ending with or within the taxable year for which the credit is claimed; and
- 3) gross revenues not exceeding \$20 million, including affiliates for the calendar year immediately preceding the calendar year ending with or within the taxable year for which the credit is claimed.

Credit Amount

The City's biotechnology credit provides a refundable credit to small QETCs focusing on biotechnology in the following amount:

- a. up to 18 percent of costs related to purchase or renting of equipment for testing, quality control, research, or production;
- b. up to nine percent for qualified research expenses, primarily in-house research-related operating costs; and
- c. up to \$4,000 per employee for certain employee training expenses.

For newly formed or newly located to the City firms, or those that have increased their employment in the City by at least five percent, the credit will be no more than \$250,000 per QETC. For existing biotechnology firms that have not increased their employment by at least 5 percent to be eligible for the credit, the credit is up to \$125,000, for the same expenses, but at half of the above rates. The total credits for a given year are capped at \$3 million. If credits in a given year exceed the cap they will be allocated on a prorated basis by the New York City Department of Finance.

The Success of the Credit

The credit is part of a multifaceted policy to create a vibrant industry in New York City with sufficient size and density that it becomes a good place to make a career in biotechnology and to locate the kind of ancillary services that the industry needs.

Life sciences has become a growth industry in the City in the years since adoption of the Biotechnology Credit. The average wage of life science-related jobs in the City was \$142,000 in 2020, an increase of 67 percent from 2010.⁵ In March 2023, life sciences employed 84,700 people in the City.⁶ Private funding into the life sciences industry was \$3.9 billion in 2022, an 11.3 percent increase from the City's pre-pandemic peak of \$3.5 billion in 2019.

For Tax Year 2018, 28 qualifying firms claimed the biotechnology credit at the full value of \$3 million. Over the lifetime of the program, an average of 25 firms claimed the credit per year at a cost of \$2.3 million.

⁵ NYC EDC. [Life Sciences](#), available at [NYC.gov](#) last accessed Sep. 27, 2023.

⁶ Cushman & Wakefield, [2023 March Life Sciences Update](#) at p. 24.

Tax Year	2010	2011	2012	2013	2014	2015	2016	2017	2018
No. of Firms	22	30	23	18	18	27	29	34	28
Total Cost (in millions)	\$2	\$3	\$2	\$2	\$1	\$2	\$3	\$3	\$3

Authorizing Legislation

On May 3, 2023, the Governor signed Chapter 59 of the Laws of 2023, which amended the Tax Law to reauthorize the Biotechnology Credit for a term of January 1, 2023 to December 31, 2025.

b. Introduction 1209 and Introduction 1210

Business Improvement Districts

Business Improvement Districts (“BIDs”), which are specifically established areas, use the City's property tax collection mechanism to approve a special tax assessment with which to fund additional services that would enhance such areas and improve local business. The additional services are normally in the areas of security, sanitation, physical/capital improvements (lighting, landscaping, sidewalks, etc.), seasonal activities (Christmas lighting) and related business services (marketing and advertising). The BID demarcates the areas in which services will be enhanced and also establishes the mechanism for the assessment needed to generate the required budget. Pursuant to §§25-410(b) and 25-416 of the Administrative Code, a BID may amend the method of assessment upon which the district charge is based, or obtain an increase in its budget (i.e. the total amount allowed to be expended annually by the BID or improvements, services, maintenance, and operation) by means of the adoption of a local law amending the BID’s district plan. Such a local law may be adopted by the City Council after a determination that it is in the public interest to authorize such an increase in the maximum annual amount and that the tax and debt limits prescribed in §25-412 of the Administrative Code will not be exceeded. Notice of the public hearing to consider such a local law must be published in at least one newspaper having general circulation in the district specifying the time when, and the place where, the hearing will be held and stating the increase proposed in the maximum amount to be expended annually.

III. Legislative Analysis

a. Introduction 1070-A

This legislation amends sections 11-503, 11-604, and 11-654 of the Administrative Code to reinstate the biotechnology credit, which expired January 1, 2019, retroactive to January 1, 2023 and allow it to run until January 1, 2026. The bill contains four sections.

Section 1 amends § 11-503 of the Code to reinstate the biotechnology credit against the unincorporated business tax for a period beginning on or after January 1, 2023 until January 1, 2026, as well as provide for how the Department of Finance shall treat any instances where the amount of credit allowed exceeds the amount of tax due for that tax year.

Section 2 amends § 11-604 of the Code to reinstate the biotechnology credit against the general corporation tax for a period beginning on or after January 1, 2023 until January 1, 2026.

Section 3 amends § 11-645 of the Code to reinstate the biotechnology credit against the corporate tax of 2015 for a period beginning on or after January 1, 2023 until January 1, 2026.

This bill would take effect immediately and apply to tax years beginning on or after January 1, 2023.

b. Introduction 1209

This legislation amends chapter 5 of title 25 of the Administrative Code to allow for a change in the method of assessment upon which the district charge in the Westchester Square BID is based. The current method of assessment for the Westchester Square BID is based on the length of each property's longer frontage with an additional \$300 fee for corner properties and properties with above ground commercial uses. Under the proposed amendment, the method of assessment would change by deriving assessments from each property's linear frontage along the main retail, commercial, or professional side of the property and by increasing the fee for corner properties and properties with above ground commercial uses to \$500. Wholly residential properties will remain assessed at \$1 annually, while government and not-for-profit owned properties devoted in whole to public or not-for-profit usages will remain exempt from assessment.

This amended method of assessment would allow for a more equitable assessment, as properties would now be assessed based on the length of their commercial frontage, rather than the longest linear frontage of their property overall. The change is designed such that 65 lots would see an increase in their assessment while 17 lots would see a decrease, with the median assessment amount in the BID decreasing 14 percent (\$4,520.91 to \$3,850.68).

The bill contains two sections.

Section 1 adds a new section to the Code, 25-484.2. This section acknowledges the change in the method of assessment requested by the BID would not exceed the tax and debt limitations prescribed in § 25-412 of the Code, and thereby authorizes the change set forth in the BID's amended district plan

This bill would take effect on July 1, 2024.

c. Introduction 1210

This legislation amends §§ 25-438.1(a), 25-459(a), and 25-464.1(a) of the Administrative Code and adds § 25-488.1 to the Code authorize increases in the amount to be expended in four BIDs. These increases, which have been requested by the four BIDs and approved by the respective District Management Associations, would result in a higher assessment on all properties currently subject to BID assessments as a result of the increase in the assessment rate. The bill contains five sections.

Section 1 amends § 25-438.1(a) of the Code to increase the annual expenditure of the Village Alliance business improvement district to \$1,900,000, effective July 1, 2024.

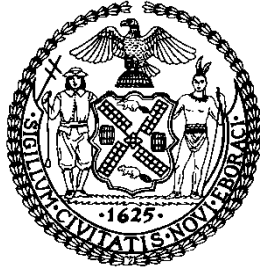
Section 2 amends § 25-459(a) of the Code to increase the annual expenditure of the Brighton Beach business improvement district to \$300,000, effective July 1, 2024.

Section 3 amends § 25-464.1(a) of the Code to increase the annual expenditure of the Fordham Road business improvement district to \$1,510,000, effective July 1, 2024.

Section 4 adds § 25-488.1 to the Code to increase the annual expenditure of the Meatpacking Area business improvement district to \$6,200,000, effective July 1, 2024.

This bill would take effect July 1, 2024.

(The following is the text of the Fiscal Impact Statement for Int. No. 1070-A:)



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

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

RICHARD LEE, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 1070-A

COMMITTEE: FINANCE

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to reinstatement of the biotechnology credit against the general corporation tax, the unincorporated business tax, and the corporate tax of 2015.

SPONSOR(S): Council Member Gutiérrez.

SUMMARY OF LEGISLATION: This legislation would reinstate the biotechnology credit, retroactive to January 1, 2023 and allow it to run until January 1, 2026. Prior to 2019, eligible biotechnology firms were allowed a refundable credit against the City's business taxes for certain expenses related to research and development. The State failed to renew the credit, allowing it to sunset on January 1, 2019. However, on May 3, 2023, the Governor signed new legislation that authorizes the City to bring back the Biotechnology Credit.

Eligible firms will receive refundable credits of up to \$250,000, with a total credit cap of \$3 million per year, to cover three types of expenses: qualifying expenses related to acquiring research and development property, certain expenses related to training employees, and other research and development expenses. The credit is limited to small firms engaged in biotechnology, with an emphasis on research and development.

For a firm to qualify for the credit, it must be located in the City and be classified as a qualified emerging technology company engaged in biotechnologies. Such a firm must also employ no more than 100 people full-time, of which three-quarters are employed in the City, with \$20 million or less in gross revenues, including affiliates. Lastly, qualified firms must have no more than \$10 million in total annual sales and a ratio of research and development funds to net sales of at least six percent.

The primary goal of the Biotechnology Credit is to improve the chances of success for small life science firms and ensure their continued growth. The refundable credit helps offset some of the high startup cost incurred by such firms, including expenses related to research and development, incubator and research space, as well as lengthy clinical development processes. This tax incentive enables the City to attract and retain life science firms, which leads to creation of high-quality jobs for New Yorkers and a boost to other industries that support and complement biotechnology firms.

EFFECTIVE DATE: This local law would take effect immediately and, be made retroactive to January 1, 2023.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2024

FISCAL IMPACT STATEMENT:

	Effective FY23	FY Succeeding Effective FY24	Full Fiscal Impact FY24
Revenues	(\$1.5)	(\$3.0)	(\$3.0)
Expenditures	\$0	\$0	\$0
Net	(\$1.5)	(\$3.0)	(\$3.0)

Dollars in millions

IMPACT ON REVENUES: This legislation would reduce City tax revenues by up to \$3 million per year through December 31, 2025. However, the Fiscal 2024 Adopted Plan already assumed reinstatement of the Biotechnology Credit and reduced expected City tax revenues accordingly. Hence, while the legislation will have a fiscal impact, it will not impact the City's revenue estimates.

IMPACT ON EXPENDITURES: The enactment of this legislation would have no impact on the City's expenditures.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: William Kyeremateng, Supervising Economist for Data Analytics,
Finance Division

ESTIMATE REVIEWED BY: Emre Edev, Deputy Director, Finance Division
Michael Twomey, Assistant Counsel, Finance Division

LEGISLATIVE HISTORY: Proposed Intro No. 1070 was introduced to the Council on June 8, 2023 and referred to the Committee on Finance ("Committee"). The legislation was considered by the Committee at a hearing on October 4, 2023 and was laid over. The legislation was subsequently amended and the Committee will vote on the amended legislation, Proposed Intro No. 1070-A, on November 15, 2023, and upon a successful vote by the Committee, Proposed Intro No. 1070-A will be submitted to the full Council for a vote on November 15, 2023.

DATE PREPARED: November 14, 2023.

(For text of Int. Nos. 1209 and 1210 and their Fiscal Impact Statements, please see the Report of the Committee on Finance for Int. Nos. 1209 and 1210, respectively, printed in these Minutes; for text of Int. No. 1070-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 1070-A, 1209, and 1210.

(The following is the text of Int. No. 1070-A:)

Int. No. 1070-A

By Council Members Gutiérrez and Gennaro.

A Local Law to amend the administrative code of the city of New York, in relation to a biotechnology credit against the general corporation tax, the unincorporated business tax, and the corporate tax of 2015.

Be it enacted by the Council as follows:

Section 1. Subparagraphs (1), (7) and (8) of paragraph (a) of subdivision (o) of section 11-503 of the administrative code of the city of New York, subparagraphs (1) and (7) as added by local law number 67 for the

year 2009, subparagraph (8) as amended by local law number 111 for the year 2015, are amended to read as follows:

(1) A taxpayer that is a qualified emerging technology company, engages in biotechnologies, and meets the eligibility requirements of this subdivision, shall be allowed a credit against the tax imposed by this subchapter. The amount of credit shall be equal to the sum of the amounts specified in subparagraphs (3), (4), (5) of this paragraph, subject to the limitations in [subparagraph] *subparagraphs (6) and (7)* of this paragraph [and], paragraph (b) of this subdivision, *and paragraph 3 of subdivision (d) of section 1201-a of the tax law*. For the purposes of this subdivision, “qualified emerging technology company” shall mean a company located in city: (A) whose primary products or services are classified as emerging technologies and whose total annual product sales are ten million dollars or less; or (B) a company that has research and development activities in city and whose ratio of research and development funds to net sales equals or exceeds the average ratio for all surveyed companies classified as determined by the National Science Foundation in the most recent published results from its Survey of Industry Research and Development, or any comparable successor survey as determined by the department, and whose total annual product sales are ten million dollars or less. For the purposes of this subdivision, the definition of research and development funds shall be the same as that used by the National Science Foundation in the aforementioned survey. For the purposes of this subdivision, “biotechnologies” shall mean the technologies involving the scientific manipulation of living organisms, especially at the molecular and/or the sub-molecular genetic level, to produce products conducive to improving the lives and health of plants, animals, and humans; and the associated scientific research, pharmacological, mechanical, and computational applications and services connected with these improvements. Activities included with such applications and services shall include, but not be limited to, alternative mRNA splicing, DNA sequence amplification, antigenetic switching bioaugmentation, bioenrichment, bioremediation, chromosome walking, cytogenetic engineering, DNA diagnosis, fingerprinting, and sequencing, electroporation, gene translocation, genetic mapping, site-directed mutagenesis, bio-transduction, bio-mechanical and bio-electrical engineering, and bio-informatics.

(7) [The credit allowed under this subdivision for any taxable year shall not reduce the tax due for such year to less than the amount computed in subdivision (a) of this section. Provided, however, if] *If the amount of credit allowed under this subdivision for any taxable year [reduces the tax to such amount] exceeds the amount of tax due for such year pursuant to this chapter*, any amount of credit not deductible in such taxable year shall be treated as an overpayment of tax to be credited or refunded in accordance with the provisions of section 11-526 of this chapter; provided, however, that notwithstanding the provisions of section 11-528 of this chapter, no interest shall be paid thereon.

(8) The credit allowed under this subdivision shall only be allowed for taxable years beginning on or after January first, two thousand ten and before January first, two thousand nineteen, *and beginning on or after January first, two thousand twenty-three and before January first, two thousand twenty-six*.

§ 2. Subparagraphs (1) and (8) of paragraph (a) of subdivision 21 of section 11-604 of the administrative code of the city of New York, subparagraph (1) as added by local law number 67 for the year 2009, subparagraph (8) as amended by local law number 111 for the year 2015, are amended to read as follows:

(1) A taxpayer that is a qualified emerging technology company, engages in biotechnologies, and meets the eligibility requirements of this subdivision, shall be allowed a credit against the tax imposed by this subchapter. The amount of credit shall be equal to the sum of the amounts specified in subparagraphs (3), (4), and (5) of this paragraph, subject to the limitations in [subparagraph] *subparagraphs (6) and (7)* of this paragraph [and], paragraph (b) of this subdivision, *and paragraph 3 of subdivision (d) of section 1201-a of the tax law*. For the purposes of this subdivision, “qualified emerging technology company” shall mean a company located in city: (A) whose primary products or services are classified as emerging technologies and whose total annual product sales are ten million dollars or less; or (B) a company that has research and development activities in city and whose ratio of research and development funds to net sales equals or exceeds the average ratio for all surveyed companies classified as determined by the National Science Foundation in the most recent published results from its Survey of Industry Research and Development, or any comparable successor survey as determined by the department, and whose total annual product sales are ten million dollars or less. For the purposes of this subdivision, the definition of research and development funds shall be the same as that used by the National

Science Foundation in the aforementioned survey. For the purposes of this subdivision, “biotechnologies” shall mean the technologies involving the scientific manipulation of living organisms, especially at the molecular and/or the sub-molecular genetic level, to produce products conducive to improving the lives and health of plants, animals, and humans; and the associated scientific research, pharmacological, mechanical, and computational applications and services connected with these improvements. Activities included with such applications and services shall include, but not be limited to, alternative mRNA splicing, DNA sequence amplification, antigenetic switching bioaugmentation, bioenrichment, bioremediation, chromosome walking, cytogenetic engineering, DNA diagnosis, fingerprinting, and sequencing, electroporation, gene translocation, genetic mapping, site-directed mutagenesis, bio-transduction, bio-mechanical and bio-electrical engineering, and bio-informatics.

(8) The credit allowed under this subdivision shall only be allowed for taxable years beginning on or after January first, two thousand ten and before January first, two thousand nineteen, *and beginning on or after January first, two thousand twenty-three and before January first, two thousand twenty-six.*

§ 3. Subparagraph (8) of paragraph (a) of subdivision 21 of section 11-654 of the administrative code of the city of New York, as amended by section 14 of part P of chapter 60 of the laws of 2016, is amended to read as follows:

(8) The credit allowed under this subdivision shall only be allowed for taxable years beginning before January first, two thousand nineteen, *and beginning on or after January first, two thousand twenty-three and before January first, two thousand twenty-six.*

§ 4. This local law takes effect immediately, and shall apply to tax years beginning on or after January 1, 2023.

JUSTIN L. BRANNAN, *Chairperson*: DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, CHARLES BARRON, AMANDA FARÍAS, KAMILLAH HANKS, CRYSTAL HUDSON, CHI. A. OSSÉ, PIERINA ANA SANCHEZ, ALTHEA V. STEVENS, , JULIE WON, DAVID M. CARR; 15-0-0; *Absent*: Gale A. Brewer, Marjorie Velázquez, and Nantasha M. Williams. Committee on Finance, November 15, 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. 1209

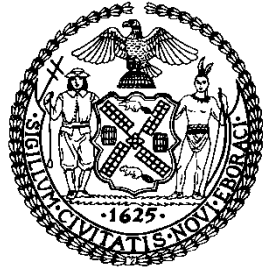
Report of the Committee on Finance in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to amending the district plan of the Westchester Square business improvement district to change the method of assessment upon which the district charge is based.

The Committee on Finance, to which the annexed proposed local law was referred on October 5, 2023 (Minutes, page 2613), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Finance for Int. No. 1070-A printed above in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1209:



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

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

RICHARD LEE, DIRECTOR

FISCAL IMPACT STATEMENT

INT. NO. 1209

COMMITTEE: FINANCE

TITLE: 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.

Sponsors: Council Members Brannan and Farías (by request of the Mayor).

SUMMARY OF LEGISLATION: The proposed local law amends the Administrative Code of the city of New York to authorize a change in the method of assessment upon which the district charge in the Westchester Square Business Improvement District (BID) is based. The authorized budget for the BID will remain unchanged.

EFFECTIVE DATE: This local law would take effect on July 1, 2024.

FISCAL YEAR (FY) IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal Year 2025

FISCAL IMPACT STATEMENT:

	Effective FY 25	Succeeding FY 26	Full Fiscal Impact FY 25
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: BIDs special assessments

SOURCE OF INFORMATION: New York City Department of Small Business Services
New York City Council Finance Division

ESTIMATE PREPARED BY: Michael Twomey, Committee Counsel

ESTIMATE REVIEWED BY: Kathleen Ahn, Finance Counsel

LEGISLATIVE HISTORY: On October 19, 2023, the Finance Committee adopted Resolution 807 that set November 15, 2023 as the date to consider a local law that would authorize a change in the method of assessment upon which the district charge in the Westchester Square Business Improvement District (BID) is based as of July 1, 2024. Int. No. 1209 will be heard by the Finance Committee on November 15, 2023, and upon a successful vote by the Finance Committee on November 15, 2023, the bill will be submitted to the full Council for a vote on November 15, 2023.

DATE PREPARED: November 13, 2023.

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 1209:)

Int. No. 1209

By Council Members Brannan and Farías (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

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-484.2 to read as follows:

§ 25-484.2 *Westchester Square business improvement district; amendment of the district plan. a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize a change in the method of assessment upon which the district charge in the Westchester Square business improvement district is based, and the council having determined further that the tax and debt limitations prescribed in section 25-412 of chapter four of this title will not be exceeded by such change, there is hereby authorized in such district such change as is set forth in the amended district plan required to be filed with the city clerk pursuant to subdivision b of this section.*

b. Immediately upon adoption of this local law, the council shall file with the city clerk the amended district plan containing the change in the method of assessment authorized by subdivision a of this section.

§ 2. This local law shall take effect on July 1, 2024.

JUSTIN L. BRANNAN, *Chairperson*: DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, CHARLES BARRON, AMANDA FARÍAS, KAMILLAH HANKS, CRYSTAL HUDSON, CHI. A. OSSÉ, PIERINA ANA SANCHEZ, ALTHEA V. STEVENS, , JULIE WON, DAVID M. CARR; 15-0-0; *Absent*: Gale A. Brewer, Marjorie Velázquez, and Nantasha M. Williams. Committee on Finance, November 15, 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. 1210

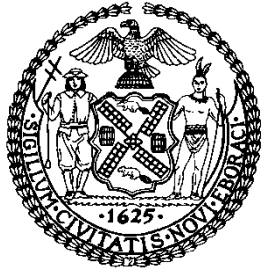
Report of the Committee on Finance in favor of approving and adopting, a Local law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in four business improvement districts.

The Committee on Finance, to which the annexed proposed local law was referred on October 5, 2023 (Minutes, page 1261), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Finance for Int. No. 1070-A printed above in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1210:



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

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

RICHARD LEE, DIRECTOR

FISCAL IMPACT STATEMENT

INT. NO. 1210

COMMITTEE: FINANCE

TITLE: 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.

Sponsors: Council Member Brannan (by request of the Mayor).

SUMMARY OF LEGISLATION: The proposed local law amends the Administrative Code of the city of New York to increase the budget amounts of four business improvement districts (“BIDs”) throughout the City. The budgets are funded by special assessments on properties within the BID and pay for additional services beyond those which the City provides. The special assessments are collected with the City’s property tax collection system and passed through to the BIDs.

EFFECTIVE DATE: This local law would take effect on July 1, 2024.

FISCAL YEAR (FY) IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal Year 2025

FISCAL IMPACT STATEMENT:

	Effective FY 25	Succeeding FY 26	Full Fiscal Impact FY 25
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: BIDs special assessments

SOURCE OF INFORMATION: New York City Department of Small Business Services
New York City Council Finance Division

ESTIMATE PREPARED BY: Michael Twomey, Committee Counsel

ESTIMATE REVIEWED BY: Kathleen Ahn, Finance Counsel

LEGISLATIVE HISTORY: On October 19, 2023, the Finance Committee adopted Resolution 808 that set November 15, 2023 as the date to consider a local law that would to increase the budget amounts of four BIDs throughout the City as of July 1, 2024. Int. No. 1210 will be heard by the Finance Committee on November 15, 2023, and upon a successful vote by the Finance Committee on November 15, 2023, the bill will be submitted to the full Council for a vote on November 15, 2023.

DATE PREPARED: November 13, 2023.

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 1210:)

Int. No. 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

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 25-438.1 of the administrative code of the city of New York, as amended by local law number 17 for the year 2016, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Village Alliance business improvement district beginning on July 1, [2015] 2024, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [one million four hundred thousand dollars (\$1,400,000)] *one million nine hundred thousand dollars (\$1,900,000)*.

§ 2. Subdivision a of section 25-459 of the administrative code of the city of New York, as amended by local law number 5 for the year 2011, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Brighton Beach business improvement district beginning on July 1, [2010] 2024, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [two hundred twenty thousand dollars (\$220,000)] *three hundred thousand dollars (\$300,000)*.

§ 3. Subdivision a of section 25-464.1 of the administrative code of the city of New York, as amended by local law number 235 for the year 2017, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Fordham Road business improvement district beginning on July 1, [2017] 2024, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [one million ten thousand dollars (\$1,010,000)] *one million five hundred ten thousand dollars (\$1,510,000)*.

§ 4. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-488.1 to read as follows:

§ 25-488.1 *Meatpacking Area business improvement district.*

a. *The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Meatpacking Area business improvement district beginning on July 1, 2024, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of six million two hundred thousand dollars (\$6,200,000).*

b. *The amount of such expenditure to be levied upon each property in the district shall be determined in accordance with the method of assessment set forth in the Meatpacking Area business improvement district plan.*

§ 5. This local law takes effect July 1, 2024.

JUSTIN L. BRANNAN, *Chairperson*: DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, CHARLES BARRON, AMANDA FARIÁS, KAMILLAH HANKS, CRYSTAL HUDSON, CHI. A. OSSÉ, PIERINA ANA SANCHEZ, ALTHEA V. STEVENS, , JULIE WON, DAVID M. CARR; 15-0-0; *Absent*: Gale A. Brewer, Marjorie Velázquez, and Nantasha M. Williams. Committee on Finance, November 15, 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 L.U. No. 286

Report of the Committee on Finance in favor of a Resolution approving Parkview Apartments, Block 2940, Lots 1, 6, and 72, Bronx, Community District 3, Council District No. 17.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on November 15, 2024 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

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

THE COUNCIL OF THE CITY OF NEW YORK

November 15, 2023

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

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

RE: Finance Committee Agenda of November 15, 2023 – Resolution approving a tax exemption for two Land Use items (Council Districts 17, 9)

Item #1: Parkview Apartments

Parkview Apartments is a three-building portfolio with 200 residential rental units and 10 commercial units located in the Fairmont - Claremont Village neighborhood in the Bronx. The project consists of three elevator buildings located at 1660 Crotona Park East (67 units), 1680 Crotona Park East (62 units), and 819 East 173rd Street (71 units). The unit mix is 2 studios, 93 one-bedrooms, 84 two-bedrooms, 19 three-bedrooms, and 1 four-bedroom. There are 10 retail spaces located at 819 East 173rd Street which will be excluded from the Article XI exemption. The application is for a full Article XI exemption and HPD subsidy through the PLP program to fund the substantial rehabilitation.

As part of this closing, the owner will sign a 40-year HPD Regulatory Agreement that will set rent and income restrictions as well as require a 15% homeless referral set aside (30 units). The scope of work includes, but is not limited to, new windows, new sidewalks, and upgrades to kitchens and bathrooms, replacement of common area lights with LED efficient lighting, new security cameras, and boiler upgrades. The scope of work will include pergola (canopy) solar which will assist in minimizing common area electric usage and costs.

Summary:

- Borough – Bronx
- Block 2940, Lots 1, 6, and 72
- Council District – 17
- Council Member – Salamanca, Jr.
- Council Member approval – Yes
- Number of buildings – 3
- Number of units – 200 residential
- Type of exemption – Article XI, full, 40-year
- Population – Rental
- Sponsors – Parkview Apartments LLC
- Purpose – preservation
- Cost to the city – \$12.2 million (net present value)
- Housing Code Violations
 - Class A – 89
 - Class B – 219
 - Class C – 81

Anticipated AMI Targets: 20 units at 50%, 113 at 60%, 24 at 70%, 42 at 90%

Item #2: WHGA DUNBAR HDFC.HPO.FY24

WHGA DUNBAR HDFC.HPO.FY24 (the “Project”) consists of 6 six-story walk-up buildings, located in Central Harlem, Manhattan. The Project is located on West 149th and West 150th Streets between Frederick Douglass Blvd and Adam Clayton Powell Jr. Blvd. The Project consists of 537 residential units. Of the 537 residential units, there are 149 one-bedroom units, 333 two-bedroom units, 54 three-bedroom units, and 1 four-bedroom unit. All the units within the buildings are rent stabilized.

The Project has a J-51 exemption since 2001 and will expire in 2035. Current rents charged an average of \$1,513, approximately 53% of AMI. The market rents in the area average 94% of AMI, according to Rent-O-Meter.

HPD will be providing a full 40-year Article XI tax exemption through the Housing Preservation Opportunities (“HPO”) program for the rehabilitation of the properties and preservation of affordability. The scope of work will be determined by an Integrated Physical Needs Assessment (“IPNA”) but anticipated work may include window insulated glass replacements, radiant barrier behind radiators, plumbing repairs along with additional repairs, replacements and required Asbestos-Containing Materials testing/ Lead-Based Paint inspection. The Article XI tax exemption was sized to preserve the existing affordability across the properties. There will be a HPD regulatory agreement restricting rents and income tiers and requiring at least a 10% homeless set-aside (54 units) as well as HPD’s Aging-in-Place initiative.

Summary:

- Borough – Manhattan
- Block 2035, Lot 1
- Council District – 9
- Council Member – Richardson Jordan
- Council Member approval – Yes
- Number of buildings – 6
- Number of units – 537 residential
- Type of exemption – Article XI, full, 40 years
- Population – Rental
- Sponsors – Paradise Management LLC
- Purpose – preservation
- Cost to the city – \$44.7 million (net present value)
- Housing Code Violations
 - Class A – 24
 - Class B – 77
 - Class C – 88

Anticipated AMI Targets: 93 units at 40%, 59 at 50%, 102 at 60%, 58 at 80%, 141 at 100%, 79 at 125%, 5 at 150%

Accordingly, this Committee recommends the adoption of L.U. Nos. 286 and 287.

(For text of the coupled resolution for L.U. No. 287, please see the Report of the Committee on Finance for L.U. No. 287 printed in these Minutes; for the coupled resolution for L.U. No. 286, please see below:)

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

Preconsidered Res. No. 845

Resolution approving an exemption from real property taxes for property located at (Block 2940, Lots 1, 6, and 72), Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 286).

By Council Member Brannan.

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated October 30, 2023 that the Council take the following action regarding a housing project located at (Block 2940, Lots 1, 6, and 72), Bronx (“Exemption Area”):

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

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

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

RESOLVED:

1. The Council hereby grants an exemption from real property taxes as follows: For the purposes hereof, the following terms shall have the following meanings:
 - a. “Company” shall mean Parkview Apartments LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
 - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - d. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2940, Lots 1, 6, and 72 on the Tax Map of the City of New York.
 - e. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - f. “HDFC” shall mean Parkview - Crotona Park Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - g. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - h. “J-51 Benefits” shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect on the Effective Date.
 - i. “Owner” shall mean, collectively, the HDFC and the Company.

- j. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Notwithstanding any provision hereof to the contrary:
 - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
4. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, (a) nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities, and (b) the J-51 Benefits shall remain in effect, but the Exemption shall be reduced by the amount of such J-51 Benefits.

JUSTIN L. BRANNAN, *Chairperson*: DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, CHARLES BARRON, AMANDA FARÍAS, KAMILLAH HANKS, CRYSTAL HUDSON, CHI. A. OSSÉ, PIERINA ANA SANCHEZ, ALTHEA V. STEVENS, , JULIE WON, DAVID M. CARR; 15-0-0; *Absent*: Gale A. Brewer, Marjorie Velázquez, and Nantasha M. Williams. Committee on Finance, November 15, 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 L.U. No. 287

Report of the Committee on Finance in favor of a Resolution approving WHGA Dunbar HDFC.HPO.FY24, Block 2035, Lot 1, Manhattan, Community District 10, Council District No. 9.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on November 15, 2024 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Finance for L.U. No. 286 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Preconsidered Res. No. 846

Resolution approving an exemption from real property taxes for property located at (Block 2035, Lot 1), Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 287).

By Council Member Brannan.

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated October 30, 2023 that the Council take the following action regarding a housing project located (Block 2035, Lot 1), Manhattan (“Exemption Area”):

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

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

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

RESOLVED:

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Company” shall mean 2802-2816 FDB LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
 - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.

- d. “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 2035, Lot 1 on the Tax Map of the City of New York.
 - e. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - f. “HDFC” shall mean WHGA Dunbar Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - g. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - h. “J-51 Benefits” shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect on the Effective Date.
 - i. “Owner” shall mean, collectively, the HDFC and the Company.
 - j. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Notwithstanding any provision hereof to the contrary:
- a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

4. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, (a) nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities, and (b) the J-51 Benefits shall remain in effect, but the Exemption shall be reduced by the amount of such J-51 Benefits.

JUSTIN L. BRANNAN, *Chairperson*: DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, CHARLES BARRON, AMANDA FARÍAS, KAMILLAH HANKS, CRYSTAL HUDSON, CHI. A. OSSÉ, PIERINA ANA SANCHEZ, ALTHEA V. STEVENS, , JULIE WON, DAVID M. CARR; 15-0-0; *Absent*: Gale A. Brewer, Marjorie Velázquez, and Nantasha M. Williams. Committee on Finance, November 15, 2023.

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

Report of the Committee on Governmental Operations

Report for Int. No. 348-A

Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to classifying credit card processing fees and bank fees as exempt expenditures.

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on May 5, 2022 (Minutes, page 923), respectfully

REPORTS:

I. INTRODUCTION

On November 15, 2023, the New York City Council Committee on Government Operations, chaired by Council Member Sandra Ung, voted on Proposed Introduction Number (Int. No.) 348-A, sponsored by Council Member Powers, which would amend the administrative code of the City of New York in relation to classifying credit card processing fees and bank fees as exempt expenditures. On June 7, 2023, the Committee, held an oversight hearing entitled “Improving Voter Turnout in Municipal Elections.” At that hearing the Committee on Governmental Operations considered a previous version of Int. No. 348. Witnesses invited to testify included the Campaign Finance Board, the Civic Engagement Commission, advocacy organizations, and other members

of the public. The testimony and feedback informed changes to the bill. On November 15, 2023, the committee passed the legislation by a vote of 3 in the affirmative, 0 in the negative, and 0 abstentions.

II. BACKGROUND

a. Campaign Finance Board and the Campaign Finance Act

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

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

In order to be eligible for matching funds, campaigns must raise a minimum amount of money and receive contributions of \$10 or more from a minimum number of individual donors. This ensures that candidates have a sufficient amount of public support before they can receive public funds.

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

b. Campaign Finance Reforms

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

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

¹ NYC Charter § 1052

² NYC Charter § 1052 (a)(1)

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

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

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

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

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

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

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

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

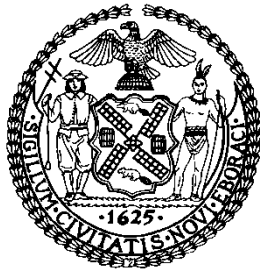
III. LEGISLATIVE ANALYSIS

Int. 348-A - A Local Law to amend the administrative code of the city of New York, in relation to classifying credit card processing fees and bank fees as exempt expenditures

Int. 348-A would provide that bank fees and credit card processing fees paid by a campaign for contributions received by the campaign would not count against the expenditure limitation for that campaign. Bank fees are the fees banks charge to demand deposit account holders for the regular use or maintenance account, including check fees, monthly fees, overdraft fees, and wire fees.

This local law would take effect immediately and would apply to any expenditure made prior to the effective date in furtherance of an election that occurs after November 7, 2023.

The following is the text of the Fiscal Impact Statement for Int. No. 348-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: 348-A

COMMITTEE: Governmental Operations

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to classifying credit card processing fees and bank fees as exempt expenditures.

SPONSOR(S): Council Members Powers, Yeger, Joseph, Abreu, Sanchez, Ung, Brannan, Rivera, and Riley.

SUMMARY OF LEGISLATION: Proposed Intro. No. 348-A would provide that bank fees and credit card processing fees paid by a campaign for contributions received by the campaign would not count against the expenditure limitation for that campaign. Bank fees are the fees banks charge to demand deposit account holders for the regular use or maintenance of an account, including check fees, monthly fees, overdraft fees, and wire fees.

EFFECTIVE DATE: This local law would take immediately and applies to any expenditure made prior to the effective date in furtherance of an election that occurs after November 7, 2023.

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

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

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 Campaign Finance Board 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
Campaign Finance Board

ESTIMATE PREPARED BY: Ross S. Goldstein, Financial Analyst

ESTIMATE REVIEWED BY: Julia K. Haramis, Unit Head
Eisha N. Wright, Deputy Director
Jonathan Rosenberg, Managing Deputy Director
Kathleen Ahn, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council on May 5, 2022, as Int. No. 348 and was referred to the Committee on Governmental Operations (the Committee). A hearing was held by the Committee on June 7, 2023, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 348-A, will be voted on by the Committee at a hearing on November 15, 2023. Upon a successful vote by the Committee, Proposed Intro. No. 348-A will be submitted to the full Council for a vote on November 15, 2023.

DATE PREPARED: November 9, 2023.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 348-A:)

Int. No. 348-A

By Council Members Powers, Yeger, Joseph, Abreu, Sanchez, Ung, Brannan, Rivera, Riley, Velázquez, Brooks-Powers and Gennaro.

A Local Law to amend the administrative code of the city of New York, in relation to classifying credit card processing fees and bank fees as exempt expenditures

Be it enacted by the Council as follows:

Section 1. Section 3-702 of the administrative code of the city of New York is amended by adding a new subdivision 24 to read as follows:

24. The term “bank fees” means fees charged by a banking or financial institution to demand deposit account holders for regular use or maintenance of an account, including check fees, monthly fees, overdraft fees, and wire fees.

§ 2. Section 3-706 of the administrative code of the city of New York is amended by adding a new subdivision 6 to read as follows:

6. Expenditures for bank fees and for credit card processing fees for contributions received by the candidate and their principal committee shall not be limited by the expenditure limitation of paragraph a of subdivision 1 of this section.

§ 3. This local law takes effect immediately and shall apply to any expenditure made prior to the effective date in furtherance of an election that occurs after November 7, 2023.

SANDRA UNG, *Chairperson*; SHAHANA K. HANIF, LYNN C. SCHULMAN; 3-0-0; *Absent*: Gale A. Brewer and Lincoln Restler; Committee on Governmental Operations, November 15, 2022.

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

Report of the Committee on Housing and Buildings

Report for Int. No. 1031-A

Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to a fair housing plan, and to repeal local law number 133 for the year 2018, relating to affordable housing plans

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on May 11, 2023 (Minutes, page 1282), respectfully

REPORTS:

I. INTRODUCTION

On November 15, 2023, the New York City Council Committee on Housing and Buildings, chaired by Council Member Pierina Sanchez, held a hearing to vote on Int. No. 1031-A, sponsored by Speaker Adrienne Adams, in relation to a fair housing plan and the repeal of Local Law 133 of 2018, relating to affordable housing plans. Int. No. 1031-A was first discussed as a concept by Speaker Adams with the release of her *Housing Agenda to Confront the City’s Crisis* in December, 2022, and first heard by the Committee on Housing and Buildings on September 26, 2023.

II. BACKGROUND

Housing affordability in New York is at crisis levels, with over half of city renter households burdened with high rent in comparison to income.¹ From 2008–2021, New York City lost over half a million low-rent (i.e.,

¹ U.S. Census Bureau and New York City Department of Housing Preservation and Development. New York City Housing and Vacancy Survey 2021. Available at <https://www.census.gov/programs-surveys/nychvs.html>.

under \$1,500/month) apartments.² Working- and middle-class renters face declining options with median market-rate rent now over \$3,000 per month in many neighborhoods and tens of thousands of applicants competing for every affordable housing lottery.³ The burdens of unaffordable housing fall hardest on households of color, whose lower median incomes, household wealth, and homeownership rate reflect the ongoing legacy of racial inequality and discrimination in access to housing and economic opportunity.⁴ From 2010–2019, median household income for white households in New York City grew by nearly 20% from approximately \$86,000 to \$103,000. During the same period, median household income for Black New Yorkers grew by less than 10% from only \$50,000 to \$54,000 and by less than 15% for Latino New Yorkers from \$43,000 to \$49,000.⁵

The dual challenges of housing affordability and housing equity are intertwined with overall challenges in the housing market. Insufficient supply at all levels increases rent, with the strain felt most severely by those who need affordable housing at the lowest income levels. From 2010–2020, New York City built only about 200,000 new housing units, while gaining nearly 630,000 new residents and nearly one million jobs.⁶ This rate of production lags far behind most other large and growing cities.⁷ In addition to slow overall production, the development of both affordable and market-rate units is not equitably distributed throughout the city. Many neighborhoods with abundant access to infrastructure and amenities such as open space and public transit have produced far too few market-rate and affordable housing units in recent decades, often due to restrictive zoning.⁸

Housing production data on the NYC Open Data portal reveal how little new housing has been built in neighborhoods with extensive access to resources and infrastructure. Neighborhoods that have seen extensive development since 2010 are primarily those targeted by the Bloomberg administration for housing growth, such as West Midtown/West Chelsea, Greenpoint-Williamsburg, Downtown Brooklyn, and Long Island City. These areas are covered by older inclusionary zoning provisions that provide fewer and less affordable units than Mandatory Inclusionary Housing.⁹ Disparities in affordable housing production by neighborhood are even more severe than disparities in total housing production, with 100% affordable Department of Housing Preservation and Development term sheet development concentrating in just a handful of predominantly lower-income communities of color including the south and central Bronx, central and eastern Brooklyn, and a few other pockets like Downtown Far Rockaway in Queens.¹⁰

III. LEGISLATION

Int. No. 1031-A

This bill would require the administering agency to submit to the Mayor, the Speaker of the Council, and publish online a fair housing plan every five years. This plan would start with an analysis of citywide housing

² U.S. Census Bureau and New York City Department of Housing Preservation and Development, *ibid*;

³ U.S. Census Bureau and New York City Department of Housing Preservation and Development, *ibid*; New York City Department of Housing Preservation and Development. Local Law 217 Open Data. Available at <https://www.nyc.gov/site/hpd/about/open-data.page>.

⁴ See NYC HPD. Where We Live NYC: Fair Housing Together. October 2020. Available at <https://www.nyc.gov/assets/hpd/downloads/pdfs/wwl-plan.pdf>; see New York City Department of Housing Preservation and Development and New York Department of City Planning, Equitable Development Data Explorer, available at <https://equitableexplorer.planning.nyc.gov/map/data/district>.

⁵ U.S. Census Bureau. ACS 2008-2012, 2007-2021 via the <https://equitableexplorer.planning.nyc.gov/data/citywide/nyc/econ/hsp>.

⁶ Department of City Planning. Net Change in Housing Units 2010-2020. December 2021. Available at <https://www.nyc.gov/assets/planning/download/pdf/planning-level/housing-economy/info-brief-net-change-housingunits-2010-2020.pdf>; US Census Bureau, Census 2020; New York State Department of Labor. Current Employment Statistics 2010-2020. Available at <https://dol.ny.gov/current-employment-statistics-0>.

⁷ See Citizens Housing and Budget Commission. Strategies to Boost Housing Production in the New York City Metropolitan Area. August 26, 2020. Available at <https://cbcn.org/research/strategies-boost-housing-production-new-york-city-metropolitan-area>.

⁸ New York City Department of Housing Preservation and Development. Affordable Housing Production by Building Open Data. Available at <https://www.nyc.gov/site/hpd/about/open-data.page>; and New York City Department of Housing Preservation and Development and New York Department of City Planning, Equitable Development Data Explorer, available at <https://equitableexplorer.planning.nyc.gov/map/data/district>.

⁹ In Downtown Brooklyn and Greenpoint-Williamsburg for example, DCP and HPD open data reveal that approximately 15% of recent housing production has been affordable, much at 80% AMI or higher

¹⁰ Affordable Housing Production by Building. NYC Open Data Portal. Updated August 22, 2023. Available at <https://data.cityofnewyork.us/Housing-Development/Affordable-Housing-Production-by-Building/hg8x-zxpr>.

to identify housing disparities and develop policy goals and strategies to affirmatively further fair housing. One year after submission of the fair housing plan, the administering agency would conduct a long-term needs assessment of housing units and housing opportunities across socio-economic levels. The administering agency would also submit five-year citywide housing production targets, including specific targets for affordable housing units, deeply affordable housing units and housing serving formerly homeless households.

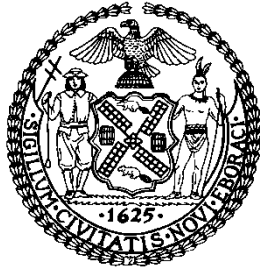
This bill would also require the allocation of these five-year unit production targets across community districts. The production targets would be based on the number of housing units produced over the previous 10 years, whether the community district is a limited affordability area or a high displacement-risk area, climate change, and relevant data from the equitable development data tool. In addition to housing production targets, the bill would also require the agencies to propose a strategic equity framework identifying obstacles and specifying goals and strategies for affirmatively furthering fair housing across community districts. Finally, this bill would require the administering agency to release a preliminary version of the fair housing plan to the public at least 30 days before the submission of such final plan and the administering agency must meet with the public prior to submission of the final plan to solicit feedback. The administering agency would submit a report annually, commencing October 1, 2026, to the Mayor and the Speaker of the Council on the progress towards meeting the goals and strategies identified in the plan.

This bill would take effect immediately.

UPDATE

On Wednesday, November 15, 2023, the Committee adopted Int. 1031-A by a vote of 8 in the affirmative, 0 in the negative, 0 abstentions, and 1 absence.

(The following is the text of the Fiscal Impact Statement for Int. No. 1031-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: 1031-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the New York city charter, in relation to a fair housing plan, and to repeal local law number 133 for the year 2018, relating to affordable housing plans.

SPONSOR(S): The Speaker (Council Member Adams) and Council Members Sanchez, Salamanca, Riley, Louis, Ayala, Powers, Abreu, Avilés, Bottcher, Cabán, De La Rosa, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hudson, Joseph, Krishnan, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Restler, Rivera, Stevens, Ung, Velázquez, Williams, Won and Brewer.

SUMMARY OF LEGISLATION: Proposed Int. No. 1031-A would require city agencies to create and submit to the Mayor and the Speaker of the Council a fair housing assessment and plan every five years. The assessment would include a citywide fair housing plan that would be coordinated with the requirements of the federal Fair Housing Act and be due by October 1, 2025. One year later, the administering agency would submit an assessment of

long-term citywide housing needs, five-year production targets distributed to the community district level, and a strategic equity framework that would report on the progress made towards the housing production targets set, obstacles and strategies for furthering fair housing across community districts, focusing on preservation of affordable housing, anti-displacement resources and neighborhood investments for underserved communities. Annually, a report would have to be submitted on the progress made by the City towards implementing the strategies set out in both parts of the housing assessment.

EFFECTIVE DATE: This local law 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	\$423,750	\$847,500	\$847,500
Net	\$423,750	\$847,500	\$847,500

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 the enactment of this legislation would necessitate additional members of staff at the Department of Housing Preservation and Development (HPD) and the Department of City Planning (DCP) to analyze data, generate the strategic equity framework, set targets and assess progress, and issue regular reports. Budgeted positions that remain available in areas such as research, policy, and planning may be used to fulfill some requirements of the legislation, while seven additional positions including fringe across HPD and DCP would cost approximately \$847,500 at full fiscal impact.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

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

ESTIMATE PREPARED BY: Daniel Kroop, Principal 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 May 11, 2023, as Int. No. 1031 and was referred to the Committee on Housing and Buildings (the Committee). The Committee held a joint hearing with the Committee on Land Use on September 26, 2023, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 1031-A, will be voted on by the Committee at a hearing on November 15, 2023. Upon a successful vote by the Committee, Proposed Intro. No. 1031-A will be submitted to the full Council for a vote on November 15, 2023.

DATE PREPARED: November 14, 2023

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1031-A:)

Int. No. 1031-A

By The Speaker (Council Member Adams) and Council Members Sanchez, Salamanca, Riley, Louis, Ayala, Powers, Abreu, Avilés, Bottcher, Cabán, De La Rosa, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hudson, Joseph, Krishnan, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Restler, Rivera, Stevens, Ung, Velázquez, Williams, Won, Brewer, Hanks and Brooks-Powers.

A Local Law to amend the New York city charter, in relation to a fair housing plan, and to repeal local law number 133 for the year 2018, relating to affordable housing plans

Be it enacted by the Council as follows:

Section 1. Local law number 133 for the year 2018 is REPEALED.

§ 2. Chapter 1 of the New York city charter is amended is by adding a new section 16-a to read as follows:

§ 16-a. *Fair housing plan and housing reports. a. Definitions. As used in this section, the following terms have the following meanings:*

Administrating agency. The term “administrating agency” means an office or agency designated by the mayor to implement the provisions of this subdivision.

Affordable dwelling unit. The term “affordable dwelling unit” means an income-restricted dwelling unit in an affordable housing building.

Affordable housing. The term “affordable housing” means a residential building subject to a regulatory agreement, restrictive declaration, or other similar instrument with a federal, state, or city governmental entity or instrumentality that provides for the creation of one or more affordable dwelling units.

Anti-displacement and anti-harassment resources. The term “anti-displacement and anti-harassment resources” means initiatives developed or provided by a city agency that are intended to protect tenants from residential displacement, including but not limited to legal services, education, outreach, and targeted inspection and enforcement by the department of housing preservation and development or the department of buildings.

Deeply affordable housing unit. The term “deeply affordable housing unit” means an affordable housing unit required, pursuant to a regulatory agreement, restrictive declaration, or other similar instrument with a federal, state, or city governmental entity or instrumentality, to be affordable to a household that has an income of no more than 60 percent of the area median income adjusted for the size of the household.

Equitable development data tool. The term “equitable development data tool” means the online resource that provides data about housing affordability, displacement, and racial equity in the city created and maintained by the department of housing preservation and development and the department of city planning pursuant to section 25-117 of the administrative code.

High displacement-risk area. The term “high displacement-risk area” means a community district that the administrating agency determines is in an area where tenants are within the upper 2 quintiles of risk of displacement based on the displacement risk index of the equitable development data tool, and any other factor deemed relevant by such administrating agency.

Housing serving formerly homeless households. The term “housing serving formerly homeless households” means a dwelling unit dedicated to formerly homeless individuals or families, inclusive of supported housing units accessible to tenants at risk of homelessness.

HUD. The term “HUD” means the federal department of housing and urban development.

Limited affordability area. The term “limited affordability area” means a community district at or below 30 percent of all community districts ranked by number of low-cost dwelling units as determined by the administrating agency, provided, however, that such administrating agency may by rule adopt a different definition of limited affordability area based on updated technical standards or data that is consistent with the intent of the definition provided herein.

Neighborhood equity investments. The term “neighborhood equity investments” means capital and programmatic public investments designed to address structural disadvantages that residents of a neighborhood

experience because of the race, ethnicity, disability, religion, or other protected characteristic of the residents of such neighborhood.

Overcrowding. The term “overcrowding” has the meaning ascribed to such term in the New York city housing and vacancy survey, as required by the local emergency housing rent control act, chapter 21 of the laws of 1962.

Preservation. The term “preservation” means financial assistance for existing residential buildings provided by a city, state, or federal government entity.

Rent burdened. The term “rent burdened” means paying more than 30 percent of household income toward rent and utilities.

Underserved area. The term “underserved area” means a community district determined by the administrating agency to have structural disadvantages associated with the race, ethnicity, disability, religion, or other protected characteristics of its residents, including disparate access to high-quality resources and services.

b. Fair housing plan. In accordance with the schedule required for the submission of a fair housing plan required by HUD, or in the absence of such required schedule no later than October 1, 2025 and every 5 years thereafter, the administrating agency shall submit a fair housing plan to the mayor and the speaker of the council and post such plan on its website. Such plan shall include, but need not be limited to:

1. An analysis of citywide data relating to fair housing, including but not limited to fair housing data provided by HUD and any other data the administrating agency determines to be necessary and appropriate for affirmatively furthering fair housing;

2. Policy goals and strategies, responsive to data, policy analysis, and public engagement conducted by the administrating agency, that affirmatively further fair housing. Such goals and strategies shall include, but need not be limited to:

(a) Combatting discrimination;

(b) Facilitating equitable housing development;

(c) Preserving existing housing and combatting residential displacement;

(d) Strengthening rental assistance programs and addressing discrimination based on lawful source of income in accordance with section 8-107 of the administrative code;

(e) Creating independent and integrated living options for individuals with disabilities;

(f) Making public investments to address discrimination, segregation, and poverty; and

(g) Any other fair housing issues identified by the administrating agency through public engagement.

c. Long-term housing needs assessment. No later than 1 year after the date required for the submission of a fair housing plan pursuant to subdivision b of this section, the administrating agency shall conduct a citywide assessment of the total number of housing units, affordable housing units, deeply affordable housing units, and housing serving formerly homeless households that such agency determines is needed to provide housing opportunity for households of all socio-economic levels. Such analysis shall consider, among other factors deemed relevant by the administrating agency: expected changes in total population, jobs, and housing units; demographic trends in the composition of the city’s population, including aging; overcrowding and prevalence of rent burdened households; and other relevant data from the equitable development data tool.

d. Housing production targets. No later than 1 year after the submission of a fair housing plan pursuant to subdivision b of this section, the administrating agency shall submit to the mayor and the speaker of the council and post on its website:

1. A 5-year citywide housing production target for each of the following housing types: total housing units; affordable housing units; deeply affordable housing units; housing serving formerly homeless households; and the preservation of housing units. In determining such targets, the administrating agency shall consider, among other factors it deems relevant, the long-term housing needs assessment developed pursuant to subdivision c of this section.

2. For each community district, 5-year housing production targets for the following housing types identified in paragraph 1 of this subdivision: total housing units; affordable housing units; deeply affordable housing units; and housing serving formerly homeless households. In determining such targets, the administrating agency shall consider, among other factors it deems relevant:

- (a) The total number of housing units, affordable housing units, deeply affordable housing units, and housing serving formerly homeless households produced over the previous 10 years;*
- (b) A community district's status as a limited affordability area or a high displacement-risk area;*
- (c) Relevant data from the equitable development data tool or other sources on access to transit, employment opportunities, open space, and other neighborhood amenities and public services; and*
- (d) Impacts associated with climate change.*

e. Strategic equity framework. No later than 1 year after the submission of a fair housing plan pursuant to subdivision b of this section, the administering agency shall submit to the mayor and the speaker of the council and post on its website a strategic equity framework that assesses obstacles to and identifies goals and strategies for furthering fair housing citywide and across community districts. Such framework shall include, but need not be limited to:

1. An assessment of progress toward the housing production targets identified in subdivision d of this section;

2. An assessment of obstacles to furthering fair housing across community districts and strategies to overcome those obstacles including but not limited to the construction of new rental housing, new affordable housing, new deeply affordable housing units, new housing serving formerly homeless households, or new multi-family housing, the preservation of existing housing, zoning or other regulatory changes, anti-displacement and anti-harassment resources, and mobility counseling and related supports. Such assessment shall include relevant data from the equitable development data tool and any other data deemed relevant by the administering agency;

3. An assessment of obstacles to citywide housing access experienced by older adults, households experiencing homelessness, and households exiting the shelter system, including obstacles to the construction of new affordable housing and new housing serving formerly homeless households, preservation of existing affordable housing, homeowner resources, rental assistance, and any other program or service designed to expand housing access, and strategies to overcome those obstacles;

4. An assessment of obstacles to citywide housing stability experienced by households at risk of displacement, including obstacles to accessing anti-displacement and anti-harassment resources or preservation programs in high displacement-risk areas, and strategies to overcome those obstacles; and

5. An assessment of obstacles to increasing the amount of neighborhood equity investments in underserved areas and strategies to overcome those obstacles.

f. Public input. 1. The administering agency shall release a preliminary version of the plan required by subdivision b available at least 30 days before the submission of such final plan.

2. In developing the plan required by subdivision b of this section, the administering agency shall meet with the public prior to the submission of such final plan to address borough-specific considerations, provided that at least one such meeting shall occur after the release of the preliminary plan.

3. In developing the long-term housing needs assessment required by subdivision c of this section, housing targets required by subdivision d of this section, and the strategic equity framework required by subdivision e of this subdivision, the administering agency shall release preliminary versions at least 30 days before the submission of such final assessment, targets, and framework and meet with the public after the release of the preliminary versions and before the submission of the final assessment, targets, and framework.

g. Report. No later than October 1, 2026, and annually thereafter, the administering agency shall submit to the mayor and the speaker of the council and post on its website an annual update on the city's progress relating to the goals and strategies identified pursuant to subdivision b of this section, except that no such annual update shall be due in any year for which a plan pursuant to subdivision b or a report pursuant to subdivisions c, d, or e of this section is due.

§ 3. This local law takes effect immediately.

PIERINA ANA SANCHEZ, *Chairperson*; ERIC DINOWITZ, TIFFANY CABÁN, SHAUN ABREU, ALEXA AVILÉS, CHARLES BARRON, CRYSTAL HUDSON, DAVID M. CARR; 8-0-0; *Absent*: Oswald Feliz; Committee on Housing and Buildings, November 15, 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. 708-A

Report of the Committee on Transportation and Infrastructure 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 redesigning the city truck route network.

The Committee on Transportation and Infrastructure, to which the annexed proposed amended local law was referred on September 29, 2022 (Minutes, page 2284), respectfully

REPORTS:

INTRODUCTION

On November 15, 2023, the Committee on Transportation and Infrastructure, chaired by Majority Whip Selvena N. Brooks-Powers, conducted a hearing to vote on Int. No. 708-A. Int. No. 708-A, sponsored by Council Member Alexa Avilés, is in relation to redesigning the city truck route network. A previous hearing on a prior version of Int. No. 708-A was held on April 10, 2023 entitled Truck Routes. Those that testified at this hearing included representatives from the NYC DOT, NYPD, transportation and street safety advocates, trucking companies and other interested stakeholders.

On November 15, 2023, the Committee on Transportation and Infrastructure adopted Int. No. 708-A with a vote of 10 in the affirmative, one in the negative, with zero abstentions.

BACKGROUND

Truck Routes

In NYC, commercial vehicles are required to use the Truck Route Network when traversing the City.¹ This network is made up of two classes of roadways: Local Truck Routes and Through Truck Routes.² All vehicles defined as a truck (having two axles and six tires, or three or more axles) are required to follow the Truck Route Network and thus, the DOT-published NYC Truck Route Map.³

The Local Truck Route Network is designed for trucks with an origin and destination within a borough, including those trucks that are making a delivery or are loading and/or servicing, while the Through Truck Route Network is primarily composed of major urban arterials and highways and must be used by trucks that neither have an origin or destination within the borough.⁴ There are exceptions to these rules, including if a destination is not located on a truck route, or if the vehicle is an authorized emergency vehicle and/or authorized public

¹ NYC, DOT, Motorists and Parking, *Truck Routing*, available at <https://www.nyc.gov/html/dot/html/motorist/truckrouting.shtml>

² *Id.*

³ *Id.*

⁴ *Id.*

utility company vehicle engaged in an emergency operation as defined by Section 114-b of the New York State Vehicle and Traffic Law. However, most trucks are required to abide by the NYC Truck Route Network.⁵

The NYC Truck Route Network is vital to NYC, as industries and commercial establishments rely heavily on the use of these routes.⁶ Although vital, these routes also come at a cost, with environmental justice advocates long pointing to the issues that significant truck traffic and truck exhaust produces in NYC's communities, particularly in low-income communities of color, where high rates of respiratory illnesses like asthma are common.⁷ Such high rates of illness require a need for mitigation efforts in coordination with the communities most affected.⁸ Emerging market trends and land use patterns also point to the need for a robust assessment and redesign of the City's truck routes. There are certain parts of the City where home deliveries now outpace commercial deliveries with trucks having to go to areas to deliver goods where they once never had to.⁹ This trend has only increased since the COVID-19 pandemic, as people rely more and more on delivered goods. Thus, the DOT has made changes to the NYC Truck Route Network and map over the years, particularly between 2012 and 2015, and also in 2022.¹⁰

The coordination of truck route design with emerging land use patterns in logistics and other truck-heavy industries is also critical. In 2016, 2.2 million square feet of NYC distribution space was utilized for e-commerce deliveries.¹¹ In 2019, 3.8 million square feet of additional e-commerce space was planned or under construction.¹² As of 2022, since the onset of COVID-19 and the increased need to facilitate delivery and distribution, Amazon had purchased more than 50 warehouses across the City and its surrounding suburbs, and UPS was building a logistics facility larger than Madison Square Garden on the New Jersey waterfront near Lower Manhattan.¹³ In addition, in Brooklyn, Queens, and the Bronx, 14 warehouses to help facilitate e-commerce operations were built.¹⁴ In recent years, major retailers and logistics operators such as UPS, FedEx and DHL, along with smaller businesses, have signed leases on warehouses as demand for such space increases dramatically.¹⁵ Notably, in March of 2022, only 1.6 percent of all warehouses in NYC were available for lease.¹⁶ Although these warehouses bring jobs and can lower residential property taxes by contributing to the local tax base, opponents note that these large hubs will lead to a rise in pollution and traffic congestion, largely due to the trucks that deliver the goods produced and/or stored in these warehouse facilities.¹⁷

Many cities have been/are working to efficiently regulate the use of delivery systems and truck route networks. For example, in 2017, Paris convened a working group of stakeholders, and produced a land use plan for its freight and deliveries, which focused on three types of places for various-sized goods with associated land use and zoning recommendations.¹⁸ The plan allowed for multiple modal logistics platforms, cross-docking places, and pick-up spaces like automated lockers.¹⁹ In addition, in 2020, the City of London sought to mitigate the impacts of truck traffic generated by large commercial buildings, with a plan that required a Delivery Service Plan (DSP) to be produced for all major developments where the development was likely to cause large impacts on the truck network, with smaller developments able to voluntarily adopt a DSP to manage deliveries on site as well.²⁰ London's DSPs provide guidance to property owners on how to better manage deliveries, including

⁵ *Id.*

⁶ NYC, EDC, *Freight NYC*, available at https://edc.nyc/sites/default/files/filemanager/Programs/FreightNYC_book_DIGITAL.pdf

⁷ City Limits, *No Easy Answers as NYC Searches for Better Ways to Get Freight into a Crowded City*, August 21, 2019, available at <https://citylimits.org/2019/08/21/freight-trucks-traffic-nyc/>

⁸ *Id.*

⁹ *Id.*

¹⁰ NYC, DOT, Motorists and Parking, *Truck Routing*, available at <https://www.nyc.gov/html/dot/html/motorist/truckrouting.shtml>

¹¹ NYC, EDC, *Freight NYC*, available at https://edc.nyc/sites/default/files/filemanager/Programs/FreightNYC_book_DIGITAL.pdf

¹² *Id.*

¹³ The New York Times, Matthew Haag, *Warehouses Transform N.Y.C. Neighborhoods as E-Commerce Booms*, March 16, 2022, available at <https://www.nytimes.com/2022/03/16/nyregion/e-commerce-warehouses-nyc.html>

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ VREF Center for Excellence for Sustainable Urban Freight Systems Peer-to-Peer Exchange Program, *Logistics and Land Use Planning: The Example of Paris*, June 21, 2017, available for download at <https://coe-sufs.org/wordpress/wp-content/uploads/2017/06/P2P-Logistics-and-Land-Use-Planning-Final-06-20-2017.pdf>

¹⁹ *Id.*

²⁰ Transport for London, *Delivery and Servicing Plan Guidance: Planning for Safe, Clean, and Efficient freight in London*, December 2020, available for download at <http://planning.data.tfl.gov.uk/delivery-and-servicing-plan-guidance.pdf>

improving data collection and implementing concrete tools like a delivery booking system, off-hour deliveries, supply chain reviews to find efficiencies/consolidate vendors, and centralized ordering systems.²¹ Academic research has shown that DSPs have reduced costs and externalities by more than 50 percent in some cases, by reducing the number of suppliers, and encouraging the grouping of deliveries and selection of less distant suppliers, among other interventions.²² Notably, in a DOT report to the Council required by Local Law 189,²³ DOT committed to begin developing guidance for implementing DSPs in partnership with building and property owners.

Improving Deliveries

In December of 2021, DOT and the NYC Economic Development Corporation released a report called *Delivering Green: A Vision for a Sustainable Freight Network Serving New York City*.²⁴ The report largely focuses on ensuring that truck deliveries are more sustainable and efficient, goods are increasingly moved by multiple modes of transit, such as via water, rail and cargo bicycles, and new technologies are implemented in the City to make freight movement more efficient.²⁵ In undertaking these efforts, the City intends to seek and utilize federal funding through the Infrastructure Investment and Jobs Act, which includes over \$120 billion over the next five years.²⁶ The report's main goals are to:

- Make the Last Mile More Efficient through the promotion of the Off-Hour Delivery Program, expansion of the Neighborhood Loading Zones program, and the development of urban consolidation and micro-distribution approaches;
- Green the Last Mile through supporting the transition to zero emission truck fleets, shifting goods off trucks and onto commercial cargo bicycles, and exploring other sustainable small delivery approaches;
- Create a Culture of Compliance through federal funding to implement technology and for increased education and outreach to improve truck rule compliance;
- Shift Freight from Road to Water through the creation of opportunities for waterborne freight movement by modernizing NYC's marine terminals, expanding waterfront access to maritime shippers, and supporting private sector marine highway initiatives; and
- Shift Freight from Road to Rail through the increased diversion of freight from trucks to trains by the expansion of trainload facilities in the City and modernizing key freight rail assets.²⁷

In May of 2021, DOT released *Delivering New York: A Smart Truck Management Plan for New York City*, which provides a policy framework for a safe, sustainable, equitable and efficient last-mile freight delivery system.²⁸ The plan looks to transform NYC's "last-mile" delivery systems through: accommodating growing truck traffic; expanding intermodal delivery methods, including programs to reduce freight travel demand, such as the OHD program; providing better access to the curb; testing innovative delivery methods; improving truck routing; and streamlining regulations for smarter, data-driven governance.²⁹ The main goals of the plan are: improving the safety of truck travel through and within the City; improving the efficiency of freight movement

²¹ *Id.*

²² University of Westminster, Research in Transportation Business and Management, Leonardi, J., Browne, M., Allen, J., Zunder, T. and Aditjandra, P., *Increase urban freight efficiency with delivery and servicing plan*, October 30, 2014, available at <https://westminsterresearch.westminster.ac.uk/item/9700w/increase-urban-freight-efficiency-with-delivery-and-servicing-plan>

²³ NYC, DOT, Report, *Improving the efficiency of truck deliveries in NYC*, April 2019 (prepared pursuant to local law 189 for the year 2017)

²⁴ NYC, DOT and EDC, *Delivering Green: A Vision For a Sustainable Freight Network Serving New York City*, available for download at <https://www.nyc.gov/html/dot/html/motorist/trucks.shtml#map>

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ NYC, DOT, *Delivering New York: A Smart Truck Management Plan for New York City*, available for download at <https://www.nyc.gov/html/dot/html/motorist/trucks.shtml#map>

²⁹ *Id.*

to, from, and within the City; fostering the sustainable and responsible movement of goods and expanding partnerships within the public and private sectors to increase awareness and understanding of freight activity.³⁰

Street Safety

Street safety is one of DOT's main goals, and also the core of the City's Vision Zero initiative.³¹ Street safety includes taking steps to prevent traffic crashes involving trucks and other commercial vehicles, which may lead to a fatality or serious injury.³² In 2022, NYC traffic fatalities dropped for the first time since 2019, with one of the lowest annual pedestrian death rate recorded in the City's history.³³ In NYC, overall traffic fatalities fell in 2022 by 6.6% and pedestrian fatalities fell by 6.3%.³⁴ In February 2023, according to NYPD data, there were 527 recorded instances where a "large commercial vehicle (of which includes six or more tires)" was involved in a motor vehicle collision.³⁵ Although total fatalities in NYC is trending in the right direction, traffic fatalities and injuries still remain a major issue of concern, including those involving trucks.

LEGISLATIVE ANALYSIS

Analysis of Int. No. 708-A

Int. No. 708-A, sponsored by Council Member Alexa Avilés, would require the Department of Transportation ("DOT") to redesign the city's truck route network to improve safety, increase visibility, reduce traffic congestion, and reduce vehicle miles traveled. In redesigning the network, this bill would require DOT to consult with City agencies, community boards and business improvement districts, and representatives from businesses, environmental and climate justice organizations, street safety organizations, and the trucking, logistics and last-mile delivery industries. The bill would also require that DOT assess whether daylighting or daylighting barriers should be implemented at intersections on the truck route network, and review and replace truck route signage where necessary.

If enacted, Int. No. 708-A would take effect immediately.

UPDATE

On November 15, 2023, the Committee on Transportation and Infrastructure adopted Int. No. 708-A with a vote of 10 in the affirmative, one in the negative, with zero abstentions.

(The following is the text of the Fiscal Impact Statement for Int. No. 708-A:)

³⁰ *Id.*

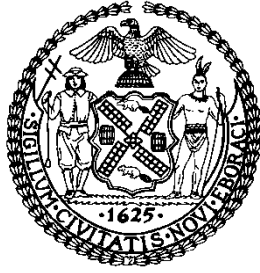
³¹ NYC, DOT, *Vision Zero*, available at <https://www.nyc.gov/content/visionzero/pages/>

³² *Id.*

³³ NYC, DOT, About DOT, Press Releases, *Vision Zero: NYC Traffic Fatalities Dropped in 2022 For First Time in Three Years, Pedestrian Deaths Near Record Lows*, January 6, 2023, available at <https://www.nyc.gov/html/dot/html/pr2023/vision-zero-fatalities-dropped-2022.shtml>

³⁴ *Id.*

³⁵ NYPD, *Motor Vehicle Collision Report Statistics Citywide*, February 2023, available at <https://www.nyc.gov/site/nypd/stats/traffic-data/traffic-data-collision.page>



**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: 708-A

COMMITTEE: Transportation and Infrastructure

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to redesigning the city truck route network.

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

SUMMARY OF LEGISLATION: This bill would require the Department of Transportation (“DOT”) to redesign the city’s truck route network to improve safety, increase visibility, reduce traffic congestion, and reduce vehicle miles traveled. In redesigning the network, this bill would require DOT to consult with City agencies, community boards and business improvement districts, and representatives from businesses, environmental and climate justice organizations, street safety organizations, and the trucking, logistics and last-mile delivery industries. The bill would also require that DOT assess whether daylighting or daylighting barriers should be implemented at intersections on the truck route network, and review and replace truck route signage where necessary.

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 DOT 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 29, 2022, as Intro. No. 708 and referred to the Committee on Transportation and Infrastructure (the Committee). A hearing was held by the Committee on April 10, 2023 and the bill was laid over. The legislation has been amended and the amended version, Proposed Intro. No. 708-A will be considered by the Committee on November 15, 2023. Upon a successful vote by the Committee, Proposed Intro. No. 708-A will be submitted to the full Council for a vote on November 15, 2023.

DATE PREPARED: November 9, 2023.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 708-A:)

Int. No. 708-A

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

A Local Law to amend the administrative code of the city of New York, in relation to redesigning the city truck route network

Be it enacted by the Council as follows:

Section 1. a. Definitions. For the purposes of this section, the following terms have the following meanings:
City truck route network. The term “city truck route network” means roadways or portions of roadways, designated pursuant to section 4-13 of title 34 of the rules of the city of New York, that trucks operating in the city are required to use.

Department. The term “department” means the department of transportation.

Truck. The term “truck” has the same meaning as set forth in paragraph (1) of subdivision (a) of section 4-13 of title 34 of the rules of the city of New York.

b. City truck route network redesign. The department shall redesign the city truck route network and make any changes to such network that the department determines would enhance safety, increase visibility, reduce traffic congestion, reduce vehicle miles traveled, or otherwise facilitate the conduct of vehicular traffic within the city truck route network, in accordance with section 1043 of the New York city charter. In redesigning such network, the department shall consult with the department of city planning, the department of small business services, a contracted entity as defined in section 22-821 of the administrative code of the city of New York,

district management associations for business improvement districts, community boards, representatives from environmental and climate justice organizations and street safety organizations, and representatives from the trucking, logistics and last-mile delivery industries. In addition, the department shall seek input from relevant state and federal agencies.

c. Report. No later than September 15, 2024, the department shall publish on its website, and submit to the speaker of the council and the mayor, a report on the redesign of the city truck route network described in subdivision b, including the reasons for any proposed changes. The report shall include consideration of existing freight origin and destination patterns, including major truck traffic generators, and current industry trends in freight, logistics, and deliveries. The report shall also include recommendations for improving truck routes, including but not limited to recommendations relating to: (i) changes to truck route signage; (ii) street safety design; (iii) education and outreach about truck routes and enforcement of truck routes; (iv) designing truck routes to reduce the negative effects of freight deliveries on surrounding communities; and (v) encouraging compliance with the size or weight limitations imposed pursuant to section 385 of the vehicle and traffic law.

d. Implementation. In accordance with section 1043 of the New York city charter, the department shall make changes to the city truck route network that the department has determined would enhance safety, increase driver visibility, reduce traffic congestion, reduce vehicle miles traveled, or otherwise facilitate the conduct of vehicular traffic within the city truck route network, including but not limited to updating or replacing signage on roadways or portions of roadways that are part of the city truck route network which the department deems necessary for improved visibility or truck route navigation, no later than September 15, 2026.

§ 2. Paragraph 1 of subdivision b of section 19-175.8 of the administrative code of the city of New York, as added by local law number 66 for the year 2023, is amended to read as follows:

1. An assessment of the types of intersections where the implementation of daylighting is most effective at enhancing safety, *including an assessment of whether daylighting or daylighting barriers should be implemented at intersections located on roadways or portions of roadways that are designated as part of a truck route pursuant to section 4-13 of title 34 of the rules of the city of New York*; and

§ 3. This local law takes effect immediately.

SELVENA N. BROOKS-POWERS, *Chairperson*; FARAH N. LOUIS, CARLINA RIVERA, AMANDA FARIAS, LINDA LEE, MERCEDES NARCISSE, LINCOLN RESTLER, ARI KAGAN, DAVID M. CARR, JOANN ARIOLA; 10-1-0; Negative: Kalman Yeger; *Absent*: Nantasha M. Williams and Julie Won; Committee on Transportation and Infrastructure, November 15, 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

There were no additional items listed on the General Orders Calendar.

**ROLL CALL ON GENERAL ORDERS FOR THE DAY
(Items Coupled on General Orders Calendar)**

- | | |
|---|--|
| (1) Int. No. 348-A - | Classifying credit card processing fees and bank fees as exempt expenditures. |
| (2) Int. No. 511-A - | Study, report and rulemaking regarding procurement process time schedules. |
| (3) Int. No. 564-A - | Commission on diverse sexual orientation or gender identity older adults within the Department for the Aging. |
| (4) Int. No. 708-A - | Redesigning the city truck route network. |
| (5) Int. No. 1012-A - | Industrial Development Strategic Plan. |
| (6) Int. No. 1031-A - | Fair Housing Plan, and to repeal Local Law number 133 for the year 2018, relating to affordable housing plans. |
| (7) Int. No. 1070-A - | Biotechnology credit against the General Corporation Tax, the Unincorporated Business Tax, and the corporate tax of 2015. |
| (8) Int. No. 1209 - | Amending the District Plan of the Westchester Square Business Improvement District to change the method of assessment upon which the district charge is based. |
| (9) Int. No. 1210 - | Authorizing an increase in the amount to be expended annually in four business improvement districts. |
| (10) Preconsidered
L.U. No. 286 &
Res. No. 845 - | Parkview Apartments, Bronx, Community District 3, Council District No. 17. |
| (11) Preconsidered
L.U. No. 287 &
Res. No. 846 - | WHGA Dunbar HDFC.HPO.FY24, Manhattan, Community District 10, Council District No. 9. |

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, Brannan, Brooks-Powers, Cabán, Carr, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Hudson, Joseph, Kagan, Krishnan, Lee, Louis, Marte, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Paladino, Restler, Riley, Rivera, Salamanca, Sanchez, Schulman, Stevens, Ung, Vernikov, Won, Yeger, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **45**.

The General Order vote recorded for this Stated Meeting was 45-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **Int. No. 708-A**:

Affirmative – Abreu, Ariola, Avilés, Ayala, Barron, Brannan, Brooks-Powers, Cabán, Carr, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Hudson, Joseph, Kagan, Krishnan, Lee, Louis, Marte, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Paladino, Restler, Riley, Rivera, Salamanca, Sanchez, Schulman, Stevens, Ung, Vernikov, Won, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **44**.

Negative – Yeger – **1**.

The following was the vote recorded for **Int. Nos. 1209 and 1210**:

Affirmative – Abreu, Ariola, Avilés, Ayala, Barron, Brannan, Brooks-Powers, Cabán, Carr, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Hudson, Joseph, Kagan, Krishnan, Lee, Louis, Marte, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Paladino, Restler, Riley, Rivera, Salamanca, Sanchez, Schulman, Stevens, Ung, Vernikov, Won, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **44**.

Negative – Yeger – **1**.

*The following Introductions were sent to the Mayor for his consideration and approval:
Int. Nos. 348-A, 511-A, 564-A, 708-A, 1012-A, 1031-A, 1070-A, 1209, and 1210.*

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. 621-A

Report of the Committee on Cultural Affairs, Libraries and International Intergroup Relations in favor of approving, as amended, a Resolution designating November 15 annually as Ol' Dirty Bastard Day in the City of New York and honoring his legacy as a founder of the legendary Wu-Tang Clan and as a unique MC.

The Committee on Cultural Affairs, Libraries and International Intergroup Relations, to which the annexed amended resolution was referred on May 11, 2023 (Minutes, page 1316), respectfully

REPORTS:

On Tuesday, November 14, 2023, the Committee on Cultural Affairs, Libraries and International Intergroup Relations, chaired by Council Member Chi Ossé, held a vote on Resolution Number (Res. No.) 621-A, sponsored by Council Member Ossé, designating November 15 annually as Ol' Dirty Bastard Day in the City of New York and honoring his legacy as a founder of the legendary Wu-Tang Clan and as a unique MC. The Committee originally heard Res. No. 621 on June 7, 2023.

On November 14, 2023, the Committee on Cultural Affairs, Libraries and International Intergroup Relations passed this resolution by a vote of eight in the affirmative, zero in the negative, and zero abstentions.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 621-A:)

Res. No. 621-A

Resolution designating November 15 annually as Ol' Dirty Bastard Day in the City of New York and honoring his legacy as a founder of the legendary Wu-Tang Clan and as a unique MC.

By Council Members Ossé, Cabán, Riley, Louis, Farías, Rivera and Williams.

Whereas, Russell Tyrone Jones was born on November 15, 1968, in Brooklyn and became one of Hip Hop's most unique MCs (master of ceremonies) and influential voices, known to his many fans as Ol' Dirty Bastard or ODB; and

Whereas, ODB is known for his half-sung, half-rapped style, with free-associative rhymes that have stood the test of time, or, as *Rolling Stone* magazine put it, "a like-it-raw vibe that disguised lyrical chops, a jazzy flow, and hip-hop's greatest can't-sing voice since Biz Markie"; and

Whereas, ODB became one of the founding members of the Wu-Tang Clan, the iconic rap collective primarily from Staten Island, along with his cousins Gary Grice (known to fans as GZA) and Robert Diggs (known to fans as RZA); and

Whereas, ODB boasted the loudest personality of the Wu-Tang members and was loved by his fans as a larger-than-life magnetic character, on stage and off; and

Whereas, In 1993, Wu-Tang released its landmark *Enter the Wu-Tang (36 Chambers)*, ranked as 8 by *Rolling Stone* on its list of the 200 greatest Hip Hop albums; and

Whereas, In writing about Wu-Tang’s debut album, *Rolling Stone* spotlighted “the free-form wit” of ODB and noted that the album was “[n]ine guys from New York’s outermost boroughs, steeped in Five Percent teachings and old kung-fu movies, crammed into one smoky studio for a lyrical battle royale that would reshape rap for the next decade...and [make] an entire generation of MCs step up their lingo”; and

Whereas, In 1995, ODB released his first solo album *Return to the 36 Chambers: The Dirty Version*, produced by RZA and written, in part, by GZA; and

Whereas, *Return to the 36 Chambers: The Dirty Version* was ranked as 106 by *Rolling Stone* on its top 200 list and was nominated for a Grammy Award for best rap album; and

Whereas, ODB was later also nominated for a Grammy for best rap album for *Wu-Tang Forever* in 1997 and for best rap performance by a duo or group for “Ghetto Supastar” in 1998; and

Whereas, ODB’s long list of classics from his Wu-Tang days and his solo work includes “Shimmy Shimmy Ya,” “Brooklyn Zoo,” “Baby C’mon,” “Protect Ya Neck,” “Hip to the Hoppa,” and “Got Your Money”; and

Whereas, ODB was working on a new album when he died on November 13, 2004, in Manhattan; and

Whereas, At the funeral, RZA eulogized ODB as “a unique soul in the family,” whom “people fell in love with immediately” wherever he went; and

Whereas, It is appropriate to dedicate a day to commemorate ODB’s influence on the generations of MCs that have followed him and his fellow Wu-Tang members; now, therefore, be it

Resolved, That the Council of the City of New York designates November 15 annually as Ol’ Dirty Bastard Day in the City of New York and honors his legacy as a founder of the legendary Wu-Tang Clan and as a unique MC.

CHI A. OSSÉ, *Chairperson*; FRANCISCO P. MOYA, FARAH N. LOUIS, AMANDA FARIÁS, SHAHANA K. HANIF, CRYSTAL HUDSON, RITA C. JOSEPH, SANDRA UNG; 8-0-0, *Absent*: Council Member Dinowitz; Committee on Cultural Affairs, Libraries and International Intergroup Relations, November 14, 2023.

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

The following 5 Council Members formally noted their intent to vote **negative** on this item:
Council Members Ariola, Gennaro, Holden, Kagan, and Vernikov.

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

Adopted by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Res. No. 844

Resolution calling on Congress to pass, and the President to sign, a renewed Farm Bill that increases funding for life-saving food aid.

By Council Members Brewer and Louis.

Whereas, According to the New York City Mayor’s Office of Food Policy, 14.6 percent of New York City residents were food insecure in 2022; and

Whereas, According to the New York City Human Resources Administration, 1,754,927 New York City residents received benefits under the Supplemental Nutrition Assistance Program (SNAP) in February 2023; and

Whereas, The Farm Bill is a multiyear federal law that governs an array of agricultural and food programs and funds vital food and nutrition assistance programs that support New York City residents, including SNAP; and

Whereas, Congress must renew the Farm Bill on a regular basis, which historically it has done approximately every 5 years; and

Whereas, The 2018 Farm Bill expired on September 30, 2023, but Congress has temporarily extended its appropriations in a Continuing Resolution that extends funding for all federal programs until it expires on November 17, 2023; and

Whereas, SNAP provides essential food benefits to low-income families to supplement their grocery budget so they can afford the nutritious food essential to health and well-being; and

Whereas, Funding for SNAP and other Farm Bill programs is vital and should be continued and increased; and

Whereas, Any cuts to the life-saving food aid provided in the Farm Bill will increase food insecurity in New York City and threaten the health and lives of the City’s most vulnerable residents; and

Whereas, Congress and the President have the opportunity not only to reauthorize the Farm Bill but also to increase its funding for SNAP and other food and nutrition assistance programs; now, therefore, be it

Resolved, That the Council of the City of New York calls on Congress to pass, and the President to sign, a renewed Farm Bill that increases funding for life-saving food aid.

Referred to the Committee on General Welfare.

Int. No. 1250

By Council Members Narcisse, Hanif, Schulman and Louis.

A Local Law to amend the New York city charter, in relation to establishing an office of organ transplant equity within the department of health and mental hygiene

Be it enacted by the Council as follows:

Section 1. Chapter 22 of the New York city charter is amended by adding a new section 570 to read as follows:

§ 570. *Office of organ transplant equity. a. Definitions. For purposes of this section, the following terms have the following meanings:*

National transplant waitlist. The term “national transplant waitlist” means the list established pursuant to clause (i) of subparagraph (A) of paragraph (2) of subsection (b) of section 274 of title 42 of the United States code and refers to the pool of individuals who are registered as candidates for an organ transplant.

Office. The term “office” means the office of organ transplant equity.

Organ. The term “organ” has the same meaning as set forth in section 4360 of the public health law.

Transplant center. The term “transplant center” means a unit within a hospital that performs organ transplants and organ transplant-related activities, including but not limited to qualifying individuals for organ transplants, registering individuals on the national transplant waitlist, performing organ transplant surgery, and providing care for individuals before and after they receive organ transplants.

b. *Establishment of office.* There shall be in the department an office of organ transplant equity, the head of which shall be a director of organ transplant equity who shall be appointed by the head of the department.

c. *Powers and duties.* The office shall, at a minimum, have the power and duty to:

1. Offer organ transplant care coordination services to individuals seeking an organ transplant, including but not limited to the following services:

(a) Informing such individuals about the process for obtaining an organ transplant;

(b) Assisting such individuals with obtaining health insurance, including but not limited to by providing referrals for such individuals to legal service providers with expertise in health insurance eligibility, with a focus on providing such referrals for such individuals who are non-citizens;

(c) Assisting such individuals with navigating transplant centers’ intake and evaluation processes for placement on the national transplant waiting list, with a focus on providing such assistance to individuals who face barriers to placement on the national transplant waitlist because of their immigration status, spoken language, health insurance status, or ability to pay; and

(d) Acting as a liaison between individuals seeking an organ transplant and community-based organizations, legal service organizations, transplant centers, dialysis providers, other healthcare providers who make organ transplant referrals, health insurance companies, organizations offering financial assistance for organ transplant costs, and any other organizations related to organ transplant care or access;

2. Ensure that the organ transplant care coordination services required pursuant to paragraph 1 of this subdivision are available in each borough;

3. Make best efforts to cultivate partnerships with transplant centers, with the goal of offering the organ transplant care coordination services required pursuant to paragraph 1 of this subdivision in collaboration with each transplant center in the city;

4. Provide information on the department’s website about how individuals seeking organ transplants can access the organ transplant care coordination services required pursuant to paragraph 1 of this subdivision and how transplant centers, dialysis providers, and other healthcare providers who make transplant referrals can support the office’s provision of such services;

5. Develop informational materials and trainings for, and offer such materials and trainings to, transplant centers, dialysis providers, and other healthcare providers who make transplant referrals, which materials and trainings shall, at a minimum, include:

(a) Discussion of implicit biases affecting organ transplant care and access;

(b) Descriptions of health insurance options for non-citizens; and

(c) Presentation of strategies to improve the equitable distribution of organs;

6. Develop informational materials in the designated citywide languages as defined in section 23-1101 for, and disseminate such materials to, individuals seeking an organ transplant, which materials shall, at a minimum, include:

(a) Information on an individual’s legal rights related to the process for obtaining an organ transplant and otherwise receiving organ transplant care;

(b) Resources for assistance in obtaining health insurance and other financing for organ transplant care;

(c) An explanation of health insurance options for non-citizens as such options relate to receiving organ transplant care;

(d) An explanation of, and resources to navigate, the process for obtaining an organ transplant, including a method to contact the office; and

(e) Information about common barriers and biases affecting organ transplant care and access; and

7. Hosting outreach events, especially in communities determined by the commissioner to have limited access to organ transplants, to educate event participants about navigating the process for obtaining an organ transplant.

d. Contracts or agreements with third parties. The department may enter into contracts or agreements with third parties to implement the provisions of this section, including for administration of the organ transplant care coordination services required pursuant to paragraph 1 of subdivision c of this section.

e. Reporting. No later than 180 days after the effective date of the local law that added this section and annually thereafter, the director of organ transplant equity shall submit to the mayor and the speaker of the council, and post on the department's website, a report on the office's activities pursuant to subdivision c of this section and outcomes for the prior year. Such director shall prepare the report in a manner that does not jeopardize the confidentiality of the individuals using the office's services and resources, and the report shall include, at a minimum, the following information:

1. A description of the organ transplant care coordination services provided pursuant to the requirements of paragraph 1 of subdivision c of this section;

2. The number of individuals receiving such services, disaggregated by race, income group, spoken language, zip code of residence, and health insurance status;

3. The number of individuals providing such services through employment by, or in partnership with, the office;

4. The locations where such services are provided;

5. A list of transplant centers, dialysis providers, other healthcare providers, and any other organizations partnering with the office, and a description of the scope of each partnership;

6. A description of the organ transplant care and access outcomes for individuals who receive such services, including but not limited to the number of individuals who obtain health insurance, are referred to a transplant center, complete a transplant center's intake and evaluation processes, are placed on the national transplant waitlist, and receive an organ transplant, with an analysis of how such outcomes vary across race, income group, spoken language, zip code of residence, and health insurance status;

7. In the event that the office, after making significant efforts, is unable to ensure that such services are available in every borough pursuant to paragraph 2 of subdivision c of this section, a list of the boroughs in which the office failed to ensure the availability of such services and the reasons for such failure;

8. A description of the materials developed pursuant to paragraphs 5 and 6 of subdivision c of this section, along with a list of locations where such materials have been disseminated;

9. An analysis of the barriers to organ transplant care and access faced by individuals using the organ transplant care coordination services required pursuant to paragraph 1 of subdivision c of this section, and recommendations to overcome such barriers in the city; and

10. A table in which each separate row references each training and each outreach event conducted pursuant to paragraphs 5 and 7 of subdivision c of this section, using a unique identification code for each such training or event, and each such row shall include the following information set forth in separate columns:

(a) The subject of each such training or event;

(b) The date of each such training or event;

(c) The borough in which each such training or event was conducted;

(d) The zip code assigned to the location where each such training or event was conducted;

(e) The number of attendees at each such training or event, excluding department staff and any other individuals conducting each such training or event; and

(f) The targeted audience for each such training or event.

§ 2. This local law takes effect 120 days after becoming law.

Referred to the Committee on Health.

Preconsidered L.U. No. 286

By Council Member Brannan:

Parkview Apartments, Block 2940, Lots 1, 6, and 72, Bronx, Community District 3, Council District No. 17.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 287

By Council Member Brannan:

WHGA Dunbar HDFC.HPO.FY24, Block 2035, Lot 1, Manhattan, Community District 10, Council District No. 9.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

NEW YORK CITY COUNCIL

A N N O U N C E M E N T S

Friday, November 17, 2023

[Committee on Aging](#) jointly with the
[Committee on Health](#) and the
[Committee on Hospitals](#)

Crystal Hudson, Chairperson
Lynn C. Schulman, Chairperson
Mercedes Narcisse, Chairperson

Oversight - Older Adults Living with HIV.

Int 620 - By Council Members Hudson, Bottcher, Ossé, Schulman, Cabán, Carr, Richardson Jordan, Menin, Powers, Brewer, Brooks-Powers, Restler, Hanif, Ung, Nurse, Farías, Won, Avilés, Narcisse, Velázquez, Williams, Gennaro, Gutiérrez, Ayala, Joseph, Sanchez, Brannan, Abreu, Krishnan and Louis - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to conduct monkeypox education and prevention efforts and establish an infectious disease vaccine scheduling portal.

Int 623 - By Council Members Marte, Hudson, Restler, Won, Nurse, Gutiérrez, Joseph, Velázquez, Barron, Avilés, Krishnan, Narcisse, De La Rosa, Abreu, Ossé, Cabán, Sanchez, Menin, Bottcher, Hanif, Lee, Brooks-Powers, Ung, Brannan, Riley, Williams, Powers, Farías, Schulman, Feliz, Richardson Jordan, Stevens, Dinowitz, Louis, Hanks and Gennaro - **A Local Law** to amend the administrative code of the city of New York, in relation to anti-discrimination training on sexual orientation, gender identity and expression for senior service providers.

Int 825 - By Council Members Ossé, Hudson, Cabán, Schulman, Richardson Jordan, Bottcher, Menin, Hanif, Restler, Joseph, Farías, Krishnan, Barron, Velázquez, Avilés, Brewer, Williams, Abreu, Louis, Narcisse, Sanchez, Brannan, Ung, Brooks-Powers, Salamanca, Marte, Riley and Hanks - **A Local Law** to amend the administrative code of the city of New York, in relation to a report on the outreach and distribution of pre-exposure prophylaxis throughout the city of New York.

Int 895 - By Council Members Sanchez, the Public Advocate (Mr. Williams), Louis, Hanif, Hudson, Restler, Menin, Ossé, De La Rosa, Cabán, Avilés, Krishnan, Narcisse, Schulman, Stevens, Farías, Velázquez, Brewer, Joseph, Ayala, Williams, Nurse, Rivera, Riley, Bottcher, Abreu and Dinowitz (in conjunction with the Bronx Borough President) - **A Local Law** to amend the administrative code of the city of New York, in relation to expanding availability of rapid testing for sexually transmitted infections.

Int 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.

Res 294 - By Council Members Hudson, Bottcher, Ossé, Cabán, Schulman, Carr, Richardson Jordan, Powers, Brewer, Restler, Hanif, Won, Nurse, Farías, Avilés, Narcisse, Velázquez, Krishnan, Williams, Gutiérrez, Brooks-Powers, Ayala, Joseph, Sanchez, Abreu and Louis - **Resolution** calling upon the United States Department of Health and Human Services to increase the number of monkeypox vaccines available and ensure the amount of vaccines sent to New York City is reflective of the proportion of the nationwide cases for an equitable distribution and effective containment of the nationwide monkeypox outbreak.

Res 395 - By Council Members Hudson, Ossé, Cabán, Schulman, Bottcher, Hanif, Restler, Joseph, Farías, Menin, Krishnan, Barron, Velázquez, Avilés, Brewer, Williams, Louis and Riley - **Resolution** calling upon the New York State Legislature to pass, and the Governor to sign, S728/A2198 and S836/A1732, and for the Governor to sign S688/A807, which would increase access to pre-exposure prophylaxis and post-exposure prophylaxis.

Council Chambers – City Hall.....10:00 a.m.

Monday, November 20, 2023

[Committee on Fire and Emergency Management](#) jointly with the
[Committee on Oversight and Investigations](#)

Joann Ariola, Chairperson
Gale A. Brewer, Chairperson

Oversight – Emergency Planning, Notifications, and Response to Citywide Flooding Events.

Int 1199 - By Council Members Restler, Cabán, De La Rosa, Abreu, Powers, Lee, Hanif, Avilés, Krishnan, Marte, Ossé, Sanchez, Ayala, Rivera, Nurse, Riley, Ung, Brewer and Gutiérrez - **A Local Law** to amend the administrative code of the city of New York, in relation to emergency response protocols on days of air quality emergency.

[Committee on Fire and Emergency Management](#) jointly with the
[Committee on Oversight and Investigations](#) (Cont.)

Int 1200 - By Council Members Restler, Abreu, Menin, De La Rosa, Powers, Gennaro, Lee, Cabán, Hanif, Avilés, Krishnan, Marte, Ossé, Sanchez, Ayala, Rivera, Nurse, Riley, Ung, Brewer and Gutiérrez - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the commissioner of emergency management to develop and implement a plan regarding public notification during air quality emergencies.

Int 1201 - By Council Members Restler, Powers, De La Rosa, Abreu, Brewer, Lee, Cabán, Hanif, Avilés, Krishnan, Marte, Ossé, Sanchez, Ayala, Rivera, Nurse, Riley, Ung and Gutiérrez - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the commissioner of emergency management to develop and implement a comprehensive plan for air quality emergencies.

Council Chambers – City Hall.....10:00 a.m.

[Subcommittee on Zoning & Franchises](#)

Kevin C. Riley, Chairperson

See Land Use Calendar

Committee Room – 250 Broadway, 16th Floor..... 10:30 a.m.

[Committee on Land Use](#)

Rafael Salamanca, Jr., Chairperson

All items reported out of the Subcommittees

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Committee Room – 250 Broadway, 16th Floor.....10:45 a.m.

[Committee on Public Safety](#) jointly with the
[Committee on Technology](#) and the
[Committee on Governmental Operations](#)

Kamillah Hanks, Chairperson
Jennifer Gutiérrez, Chairperson
Sandra Ung, Chairperson

Oversight – Media Transparency: NYPD Radio Encryption, Press Credentials Process, and Government Social Media Archiving.

Int 961 - By Council Member Brewer - **A Local Law** to amend the New York city charter and the administrative code of the city of New York, in relation to creating an archive of official government social media accounts.

Committee Room – 250 Broadway, 16th Floor..... 1:00 p.m.

Tuesday, November 28, 2023

[Committee on Aging](#)

Crystal Hudson, Chairperson

Int 896 - By Council Members Schulman, Hudson, Louis, Stevens, Hanif, Farías, Abreu, Richardson Jordan and Lee - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department for the aging to report on senior and accessible dwelling units.

Int 985 - By Council Members Dinowitz, Yeger, Restler, Hudson, Hanif, Farías, Sanchez, Abreu, Krishnan, Velázquez, Riley, Brewer, Gutiérrez and Marte - **A Local Law** to amend the administrative code of the city of New York, in relation to provision of senior citizen rent increase exemption application forms pre-populated with applicable data to eligible persons living in city-supervised Mitchell-Lama housing.

Res 757 - By Council Members Hudson, Yeger, Stevens, Gutiérrez, Louis, Restler, Farías, Schulman, Hanif, Abreu and Lee - **Resolution** calling on the Federal Communication Commission Management Agency to add alerts for missing persons with dementia to the Wireless Emergency Alerts system.
 Council Chambers – City Hall.....10:00 a.m.

Wednesday, November 29, 2023

[Committee on Immigration](#) jointly with the Shahana K. Hanif, Chairperson
[Committee on Education](#) Rita Joseph, Chairperson
Oversight - Immigrant Students in New York City Public Schools.
 Council Chambers – City Hall.....10:00 a.m.

Thursday, November 30, 2023

[Committee on Criminal Justice](#) Carlina Rivera, Chairperson
Oversight - Alternatives to Detention and Incarceration in New York City.
 Council Chambers – City Hall.....10:00 a.m.

[Committee on Higher Education](#) Eric Dinowitz, Chairperson
Oversight - CUNY Reconnect.
 Committee Room – City Hall.....10:00 a.m.

[Committee on Veterans](#) Robert F. Holden, Chairperson
Int 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.
Int 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.
Int 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.
Int 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.
Res 837 - By Council Members Holden, Gutiérrez, Louis, Stevens, Hanif, Farías and Ariola - **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.
 Committee Room – 250 Broadway, 14th Floor.....10:00 a.m.

[Subcommittee on Zoning & Franchises](#) Kevin C. Riley, Chairperson
See Land Use Calendar
 Committee Room – 250 Broadway, 16th Floor.....11:00 a.m.

[Committee on Public Housing](#) jointly with the
[Committee on Aging](#)

Alexa Avilés, Chairperson
Crystal Hudson, Chairperson

Oversight - Doors, Locks and Lights: the Infrastructure of Resident Safety at NYCHA.
Council Chambers – City Hall.....1:00 p.m.

Monday, December 4, 2023

[Committee on Women and Gender Equity](#) jointly with the
[Committee on Technology](#)

Tiffany Cabán, Chairperson
Jennifer Gutiérrez, Chairperson

Oversight - Online harassment against women, girls, and gender expansive people.
Council Chambers – City Hall.....10:00 a.m.

Tuesday, December 5, 2023

[Subcommittee on Landmarks, Public Sitings and Dispositions](#)
See Land Use Calendar

Farah N. Louis, Chairperson

Committee Room – 250 Broadway, 16th Floor..... 11:00 a.m.

Wednesday, December 6, 2023

[Committee on Civil Service and Labor](#)

Carmen De La Rosa, Chairperson

Res 547 - By Council Members De La Rosa, Ung, Krishnan, Gennaro, Farías, Won, Brewer, Powers, Narcisse, Ossé, Bottcher, Abreu, Holden, Schulman, Marte, Moya, Hudson, Brannan, Ayala, Riley, Hanks, Menin, Hanif, Dinowitz and Avilés - **Resolution** calling upon the New York City School Construction Authority (SCA) and the New York City Department of Design and Construction (DDC) to reconsider their decision to substitute precast concrete wall panels in place of traditional handset brick and block walls in public projects in New York City.

Council Chambers – City Hall.....11:00 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 46-year-old Francisco Lumbreras. She noted that he was a cement truck driver with Teamsters Local 282. Mr. Lumbreras was killed in a truck machinery accident in the Bronx on November 6, 2023. On behalf of the Council, the Speaker (Council Member Adams) offered her thoughts and prayers to his loved ones.

The Speaker (Council Member Adams) acknowledged the death of 73-year-old Maria Rodriguez. She noted that Ms. Rodriguez had been fatally struck by a school bus after dropping off her grandchildren at school. The Speaker (Council Member Adams) described Ms. Rodriguez as a beloved mother and grandmother who was known as the matriarch of her family. On behalf of the Council, the Speaker (Council Member Adams) offered her thoughts and prayers to Ms. Rodriguez's family and neighbors.

The Speaker (Council Member Adams) acknowledged the loss of several New York City residents to fatal fires in the previous weeks: a 78-year-old man lost his life in a house fire in Council Member Carr's district; three members of multiple generations from a single family died in a lithium ion battery fire in Council Member's Ossé's district; and a resident in Council Member Moya's district and a resident in Council Member Riley's district had both lost their lives in deadly blazes as well. The Speaker (Council Member Adams) reiterated that fire safety had been one of the Council's top priorities. She noted that there was far more work to be done in achieving the progress and safety which city residents deserve.

* * *

Whereupon on motion of the Speaker (Council Member Adams), the Majority Leader and Acting President Pro Tempore (Council Member Powers) adjourned these proceedings to meet again for the Stated Meeting on Wednesday, December 6, 2023.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

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 15, 2023 on the New York City Council website at <https://council.nyc.gov>.

Editor's Local Law Note: Int. Nos. 78-A, 576-A, 703-A, 818-A, 857-A, 1065-A, and 1094-A, all adopted at the October 5, 2023 Stated Meeting, were returned unsigned by the Mayor on November 6, 2023. These items had become law by November 5, 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. 143 to 149 of 2023, respectively.