

## **THE COUNCIL**

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*Minutes of the Proceedings for the*  
**STATED MEETING**

*of*

Thursday, April 11, 2024, 2:08 p.m.

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

### Council Members

Adrienne E. Adams, *The Speaker*

Shaun Abreu	Jennifer Gutiérrez	Keith Powers
Joann Ariola	Kamillah M. Hanks	Lincoln Restler
Alexa Avilés	Robert F. Holden	Kevin C. Riley
Diana I. Ayala	Crystal Hudson	Carlina Rivera
Chris Banks	Rita C. Joseph	Yusef Salaam
Joseph C. Borelli	Shekar Krishnan	Rafael Salamanca, Jr
Erik D. Bottcher	Linda Lee	Pierina A. Sanchez
Justin L. Brannan	Farah N. Louis	Lynn C. Schulman
Gale A. Brewer	Kristy Marmorato	Althea V. Stevens
Selvena N. Brooks-Powers	Christopher Marte	Sandra Ung
Tiffany L. Cabán	Darlene Mealy	Inna Vernikov
David M. Carr	Julie Menin	Kalman Yeger
Carmen N. De La Rosa	Francisco P. Moya	Susan Zhuang
Eric Dinowitz	Mercedes Narcisse	
Amanda C. Farías	Sandy Nurse	
Oswald J. Feliz	Chi A. Ossé	
James F. Gennaro	Vickie Paladino	

Excused: Council Member Hanif;  
Medical Leave: Council Member Williams;  
Parental Leave: Council Member Won.

The Majority Leader (Council Member Farías) 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 Farías).

*There were 48 Council Members marked present at this Stated Meeting held in the Council Chambers at City Hall, New York, N.Y. (including Council Members Caban, Carr, Gennaro, and Holden who participated remotely).*

### INVOCATION

The Invocation was delivered by Imam Abdoulazakou Traore, Darou Salam Islamic Community Inc., located at 677 Elton Avenue, The Bronx, N.Y. 10455.

*(singing verses in a foreign language)*

In the name of Allah,  
 the gracious, the merciful  
 praise be to Allah,  
 lord of the world,  
 the most gracious, the most merciful.  
 Master of the day of judgment,  
 it is you we worship,  
 and upon you we call for help.  
 Guide us to the straight path,  
 the path of those you have blessed,  
 not those against whom there is anger,  
 nor of those who are misguided.  
 Allah, there is no deity except him,  
 the ever living, the sustainer of all existence;  
 neither drowsiness overtakes him, nor sleep.  
 To him belongs whatever is in the heaven  
 and whatever is on the earth.  
 Who is it that can intercede with him,  
 except by his permission?  
 He knows what is presently before them  
 and what will be after them,  
 and they encompass not a thing  
 of his knowledge except for what he wills.  
 His presence extends  
 over the heaven and the earth,  
 and their preservation ties him not,  
 and he is the most high, the most great.  
 Almighty Allah, we are praying and asking you  
 after reciting the most powerful Surah chapter,  
 and the most powerful verse in the Quran,  
 to accept our Invocation  
 by guiding our lawmakers in making decisions.  
 Almighty Allah, the citizens of New York City  
 trusted them and elected them  
 for a purpose of great leadership.  
 Grant them the wisdom to achieve it.  
 Almighty Allah, we pray and ask you  
 to soften their heart and guide them  
 in all process that will lead them,  
 not to follow their desires,

but to fulfill their duties and responsibilities that New York citizens trusted them with. Almighty Allah, we pray and ask you to protect them and ease their task in order for them to give the best of their ability to serve New York City. Amen.

Council Member Stevens moves to spread the Invocation in full upon the record.

#### **ADOPTION OF MINUTES**

Council Member Bottcher moved that the Minutes of the Stated Meeting of March 7, 2024 be adopted as printed.

**MESSAGES & PAPERS FROM THE MAYOR**

Preconsidered M-35

**Communication from the Mayor – Submitting the name of Ms. Andrea Bierstein to the Council for its advice and consent regarding her appointment to the New York City Taxi and Limousine Commission, pursuant to Sections 31 and 2301 of the New York City Charter.**

March 20, 2024

The Honorable Adrienne E. Adams  
Speaker  
New York City Council  
City Hall  
New York, NY 10007

Dear Speaker Adams:

Pursuant to Sections 31 and 2301 of the New York City Charter, and upon recommendation by the Manhattan Delegation of the New York City Council, I am pleased to present the name of Andrea Bierstein to the City Council for advice and consent in anticipation of her appointment as a member of the New York City Taxi and Limousine Commission.

If appointed, Ms. Bierstein will serve the remainder of a seven-year term that will expire on January 31, 2029.

I send my thanks to you and the Members of the City Council for your review of this nomination.

Sincerely,

Eric Adams

Mayor  
EA:gt

cc: Andrea Bierstein  
Meera Joshi, Deputy Mayor for Operations  
David Do, Chair, New York City Taxi and Limousine Commission

Referred to the Committee on Rules, Privileges and Elections.

Preconsidered M-36

**Communication from the Mayor – Submitting the name of Ms. Maria Almonte-Weston to the City Council for advice and consent regarding her appointment as a Commissioner of the New York City Local Conditional Release Commission, pursuant Section 9-207 of the New York City Administrative Code and Section 271 of the New York State Correction Law.**

March 20, 2024

The Honorable Adrienne E. Adams  
Speaker  
New York City Council  
City Hall  
New York, NY 10007

Dear Speaker Adams:

Pursuant to Section 9-207 of the New York City Administrative Code and Section 271 of the New York State Correction Law, I am pleased to present the name of Maria Almonte-Weston to the City Council for advice and consent regarding her appointment as a Commissioner of the New York City Local Conditional Release Commission. If approved, Ms. Almonte-Weston will serve for a four-year term.

I send my thanks to you and all Council Members for your review of this nomination.

Sincerely,

Eric Adams  
Mayor

EA:gt

cc: Maria Almonte-Weston  
Phillip Banks, Deputy Mayor for Public Safety  
Juanita N. Holmes, Commissioner, New York City Department of Probation

Referred to the Committee on Rules, Privileges and Elections.

Preconsidered M-37

**Communication from the Mayor – Submitting the name of Mr. George Goodmon to the City Council for advice and consent regarding his appointment as a Commissioner of the New York City Local Conditional Release Commission, pursuant Section 9-207 of the New York City Administrative Code and Section 271 of the New York State Correction Law.**

March 20, 2024

The Honorable Adrienne E. Adams  
Speaker  
New York City Council  
City Hall  
New York, NY 10007

Dear Speaker Adams:

Pursuant to Section 9-207 of the New York City Administrative Code and Section 271 of the New York State Correction Law, I am pleased to present the name of George Goodmon to the City Council for advice and consent regarding his appointment as a Commissioner of the New York City Local Conditional Release Commission. If approved, Mr. Goodmon will serve for a four-year term.

I send my thanks to you and all Council Members for your review of this nomination.

Sincerely,

Eric Adams  
Mayor

EA:gt

cc: George Goodmon  
Phillip Banks, Deputy Mayor for Public Safety  
Juanita N. Holmes, Commissioner, New York City Department of Probation

Referred to the Committee on Rules, Privileges and Elections.

## LAND USE CALL-UPS

M-38

By The Chair of the Land Use Committee (Council Member Salamanca):

**Pursuant to Sections 11.20(b-d) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Application No. C 240175 PQX (Melrose Concourse NCP) shall be subject to Council review. This item is related to Application Nos. C 240174 HAX and G 240047 XAX.**

Coupled on Call-Up Vote.

M-39

By The Chair of the Land Use Committee (Council Member Salamanca):

**Pursuant to Sections 11.20(b-d) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on Application Nos. C 230148 ZSK and C 230152 ZSK (281-311 Marcus Garvey Boulevard) shall be subject to Council review. These items are related to Application Nos. C 230146 ZMK and N 230147 ZRK.**

Coupled on Call-Up Vote.

M-40

By Council Member Williams:

**Pursuant to Sections 11.20(b-d) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Application No. C 240061 PPQ (97-22 Cresskill Place Disposition) shall be subject to Council review.**

Coupled on Call-Up Vote.

The Majority Leader and Acting President Pro Tempore (Council Member Farías) put the question whether the Council would agree with and adopt such motions which were decided in the **affirmative** by the following vote:

**Affirmative** – Abreu, Ariola, Avilés, Ayala, Banks, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, Carr, De La Rosa, Dinowitz, Feliz, Gennaro, Gutiérrez, Hanks, Holden, Hudson, Joseph, Krishnan, Lee, Louis, Marmorato, Marte, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Paladino, Powers, Restler, Riley, Rivera, Salaam, Salamanca, Sanchez, Schulman, Stevens, Ung, Vernikov, Yeger, Zhuang, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Farías) and the Speaker (Council Member Adams) - **48**.

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

## REPORTS OF THE STANDING COMMITTEES

### Report of the Committee on Civil and Human Rights

Report for Int. No. 69-A

**Report of the Committee on Civil and Human Rights 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 prohibiting provisions in employment agreements that shorten the period in which claims and complaints of unlawful discriminatory practices, harassment or violence may be filed and in which civil actions may be commenced.**

The Committee on Civil and Human Rights, to which the annexed proposed amended local law was referred on February 8, 2024 (Minutes, page 273), respectfully

#### REPORTS:

#### I. INTRODUCTION

On April 11, 2024, the Committee on Civil and Human Rights, chaired by Council Member Nantasha Williams, held a vote on Proposed Introduction No. 69-A, sponsored by Council Member Lincoln Restler, in relation to prohibiting employment contracts from shortening the statute of limitations on discrimination claims and complaints under the Human Rights Law. The Committee heard a previous version of the bill on June 23, 2023 and February 29, 2024. Testimony from those hearings has informed the amendments to this bill. The bill passed with 5 votes in the affirmative, 0 votes in the negative, and no abstentions.

#### II. BACKGROUND

##### *a. Employment protections in the Human Rights Law*

The mandate of the New York City Commission on Human Rights (CCHR) is to protect New Yorkers from illegal discrimination by enforcing the City's Human Rights Law (HRL), both through proactive investigation and in response to individual complaints filed with CCHR's Law Enforcement Bureau.<sup>1</sup> The HRL protects against discrimination in a wide range of circumstances, including in the contexts of employment, housing, and public accommodations, on the basis of more than 25 protected categories.<sup>2</sup> Across this broad mandate, CCHR reports that the highest number of inquiries that they receive relate to employment,<sup>3</sup> most often on the basis of gender or disability.<sup>4</sup>

<sup>1</sup> See generally NYC Charter §§ 904-905; § 8-101, *The New York City Human Rights Law*, CCHR. Available at: <https://www.nyc.gov/site/cchr/law/chapter-1.page#8-102>

<sup>2</sup> Protected classes include, for example, race, gender, disability, sexual orientation, gender identity, sexual and reproductive health decisions, creed, age, source of income, national origin, immigration status, and marital, partnership or caregiver status. NYC Comm'n on Human Rights, *The New York City Human Rights Law* at § 8-107. Available at: <https://www.nyc.gov/site/cchr/law/chapter-1.page#8-102>.

<sup>3</sup> Testimony of the NYC Commission on Human Rights to the Committee on Civil and Human Rights, Oversight Hearing on Expanding NYC Human Rights law Employment Protections Against Workforce Discrimination, June 26, 2023, available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=6215506&GUID=E80CAC1C-0591-417E-A4B0-22199CD9FC2C&Options=&Search=>.

<sup>4</sup> Testimony of the NYC Commission on Human Rights to the Committee on Civil and Human Rights, Oversight Hearing on Fair Lending Practices Enforcement, Feb. 29, 2024, available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=6548280&GUID=42AC8555-64C1-4F9A-B839-163492B1E5B6&Options=&Search=>.



Employment-related protections under the HRL include protections against discriminatory hiring practices or discriminatory conditions or terms of employment; the HRL also requires employers to make reasonable religious or disability accommodations available to employees.<sup>5</sup> The Council has expanded the HRL's employment-related protections in recent years, including through Local Law 4 of 2021, prohibiting discrimination based on one's arrest record, pending criminal accusations, or criminal convictions;<sup>6</sup> Local Law 88 of 2021, which extends employment protections to domestic workers;<sup>7</sup> Local Law 32 of 2022, prohibiting New York City employers from posting job listings without certain salary information;<sup>8</sup> and Local Law 31 of 2023, expanding the definition of victim of domestic violence to include economic abuse, including behavior that controls, obstructs, or interferes with a person's access to or attempts to acquire economic resources to which they are entitled, such as through coercion, deception, fraud, or manipulation.<sup>9</sup> Local Law 61 of 2023, which took effect in November 2023, also extends these protections to include discrimination on the basis of height and weight.<sup>10</sup>

Where an employee or contractor<sup>11</sup> believes they have experienced a prohibited form of discrimination in an employment context, the HRL provides that they may file a complaint with CCHR for up to one year or three years after the discriminatory conduct occurred, depending on the type of alleged violation.<sup>12</sup> This statutory time limit on when a complaint or claim may be filed is known as a "statute of limitations."

### *b. Statutes of limitations in employment contracts*

In recent years, it has become increasingly common practice for employers to include in their employment contracts terms that limit the statute of limitations for an employee to file a claim or civil action against an employer on various grounds.<sup>13</sup> Such terms may appear in various stages of the contracting process: in job applications, offer letters, arbitration clauses, employment agreements, or employee handbooks, where prospective employees may not see or understand them.<sup>14</sup> A number of courts outside New York have found such clauses unenforceable because they are contrary to the public interest in eradicating discrimination in the workplace,<sup>15</sup> because they are procedurally unreasonable,<sup>16</sup> or because they contradict substantive rights

<sup>5</sup> See NYC Ad. Code §§ 8-107.1 – 8-107.3.

<sup>6</sup> See Local Law 2021/004, The Council of the City of New York. Available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3786108&GUID=4A060880-19DB-443B-8F74-D3F567F64A9F&Options=&Search=>

<sup>7</sup> See Local Law 2021/088, The Council of the City of New York. Available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3332139&GUID=9531B93E-8D47-48B6-8516-523D03EC932F&Options=&Search=>

<sup>8</sup> See Local Law 2022/032, The Council of the City of New York. Available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3713951&GUID=E7B03ABA-8F42-4341-A0D2-50E2F95320CD&Options=ID%7CText%7C&Search=32>

<sup>9</sup> See Local Law 2023/31, The Council of the City of New York. Available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5555441&GUID=0ADE9406-815C-4071-B96E-ADF9A03A7EF7&Options=&Search=>

<sup>10</sup> See Local Law 2023/61, The Council of the City of New York. Available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5570369&GUID=DF289A07-73A5-4AFE-8932-7EA5D1FA6577&Options=ID|Text|&Search=061>

<sup>11</sup> Protected persons under the Human Rights Law include contractors as well as family members of an employer. N.Y.C. Ad. Code § 8-102 (definition of "employer").

<sup>12</sup> N.Y.C. Ad. Code §§ 8-109(e), 8-502.d.

<sup>13</sup> Andrew Thompson, Shortened Limitation Periods in Employment Contracts: A "Reasonable" Suggestion, 73(3) Case W. Rsrv. L. Rev. 951, 953 (2023) Available at: <https://scholarlycommons.law.case.edu/caselrev/vol73/iss3/11>;

<sup>14</sup> Meredith R. Miller, Time's up: Against Shortening Statutes of Limitation by Employment Contract, 68 Vill. L. Rev. 221, 224 (2023). Available at: <https://digitalcommons.law.villanova.edu/vlr/vol68/iss2/2>.

<sup>15</sup> *E.g.*, *Rodriguez v. Raymours Furniture Co.*, 225 N.J. 343, 138 A.3d 528 (2016) (because allowing such provisions in an employment contract would frustrate "the public's strong interest in a discrimination-free workplace" and that such term was imposed through a contract of adhesion).

<sup>16</sup> *See, e.g.*, *Njang v. Whitestone Grp., Inc.*, 187 F. Supp. 3d 172 (D.D.C. 2016) (finding a six-month statute of limitation on a Title VII claim inherently unreasonable due to statutory filing requirements). *See also* Meredith R. Miller, Time's up: Against Shortening Statutes of Limitation by Employment Contract, 68 Vill. L. Rev. 221 (2023). Available at: <https://digitalcommons.law.villanova.edu/vlr/vol68/iss2/2>.

established as part of a statutory framework.<sup>17</sup> Legislatures may also act to indicate when courts may not enforce contractually shortened statutes of limitations.<sup>18</sup> Such laws create clarity and predictability, and also help to reinforce the public interest in deterring discriminatory conduct.<sup>19</sup>

On June 26, 2023, the Committee for Civil and Human Rights received testimony indicating that contractually shortened statutes of limitations in employment contracts are affecting New Yorkers' ability to have their claims heard under the HRL, and that such contracts are often presented as contracts of adhesion in situations where an employee or prospective employee may not understand them or feel empowered to negotiate terms.<sup>20</sup> On February 29, 2024, the Committee received further testimony indicating that this practice is occurring in New York City; that employees frequently refrain from immediately filing legitimate claims due to practical considerations inherent to the employee-employer relationship; and that some contractual statutes of limitations are set as short as six months, including by large employers.<sup>21</sup> At the same time, a New York case that upheld<sup>22</sup> a contractually shortened statute of limitations has undercut employees' ability to seek protection under the HRL.<sup>23</sup> This result undermines the HRL's purpose of strengthening societal institutions by preventing and eliminating discrimination.<sup>24</sup> Such shortened statutes of limitations also run contrary to the Council's efforts to ensure that the statute of limitations for the HRL's protections allows sufficient time to file a claim after alleged discriminatory conduct has occurred.<sup>25</sup>

The Committee received no testimony in opposition to this bill.

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<sup>17</sup> Logan v. MGM Grand Detroit Casino, No. 18-1381 (6th Cir. 2019) (ruling that the federal Title VII created a substantive right to a 300-day statute of limitations that an employee may not waive by contract); *see also, e.g.*, Crespo v. Kapnis, No. 21-cv-6963 (BMC), 2022 WL 2916033 (E.D.N.Y. July 25, 2022) (finding shortened limitations periods to bring FLSA claims unenforceable).

<sup>18</sup> For example, a number of state laws prohibit any contract from shortening the statute of limitations on any statutory claim. *E.g.*, S.C. CODE ANN. § 15-3-140 (2023) (disallowing any contractual shortening of statutes of limitation); FLA. STAT. § 95.03 (2023) (disallowing any contractual shortening of statutes of limitation); TEX. CIV. PRAC. & REM. CODE ANN. § 16.070 (disallowing any contractual shortening of statutes of limitation, except for the sale of a business exceeding a certain value). *Cf.* Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021, [Pub. L. No. 117-90, 136 Stat. 26](#) (codified at 9 U.S.C. §§ 401, 402) ("EFASASHA"). Likewise, the NYC Council has declared certain contract terms unenforceable and void as against public policy in other contexts where they may commonly occur. *E.g.*, Ad. Code §§ 11-243(z)(9), 11-265(b), 20-935(a).

<sup>19</sup> *See generally* Meredith R. Miller, Time's up: Against Shortening Statutes of Limitation by Employment Contract, 68 Vill. L. Rev. 221 (2023). Available at: <https://digitalcommons.law.villanova.edu/vlr/vol68/iss2/>.

<sup>20</sup> Public Testimony to the Committee on Civil and Human Rights, Oversight Hearing on Expanding NYC Human Rights law Employment Protections Against Workforce Discrimination, June 26, 2023, available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=6215506&GUID=E80CAC1C-0591-417E-A4B0-22199CD9FC2C&Options=&Search=>.

<sup>21</sup> Public Testimony to the Committee on Civil and Human Rights, Oversight Hearing on Fair Lending Practices Enforcement, Feb. 29, 2024, available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=6548280&GUID=42AC8555-64C1-4F9A-B839-163492B1E5B6&Options=&Search=>.

<sup>22</sup> Hunt v. Raymour & Flanigan, 105 A.D.3d 1005, 1006, 963 N.Y.S.2d 722, 724 (2013) (citing a non-employment-related precedent in upholding a contractually shortened statute of limitations in an employment context, without discussing the power dynamics inherent in the employment context); *see also* Meredith R. Miller, Time's up: Against Shortening Statutes of Limitation by Employment Contract, 68 Vill. L. Rev. 221 at 239 (2023). Available at: <https://digitalcommons.law.villanova.edu/vlr/vol68/iss2/>.

<sup>23</sup> *See* testimony from the public and from the NYC Commission on Civil and Human Rights to the Committee on Civil and Human Rights, Oversight Hearing on Expanding NYC Human Rights law Employment Protections Against Workforce Discrimination, June 26, 2023, available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=6215506&GUID=E80CAC1C-0591-417E-A4B0-22199CD9FC2C&Options=&Search=>; and testimony from the public and from the NYC Commission on Civil and Human Rights to the Committee on Civil and Human Rights, Oversight Hearing on Fair Lending Practices Enforcement, Feb. 29, 2024, available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=6548280&GUID=42AC8555-64C1-4F9A-B839-163492B1E5B6&Options=&Search=>.

<sup>24</sup> *See* NYC Charter § 900 ("It is the public policy of the city to promote equal opportunity and freedom from unlawful discrimination through the provisions of the city's human rights law."); NYC Ad. Code § 8-101 (finding that "prejudice, intolerance, bigotry, and discrimination, bias-related violence or harassment and disorder occasioned thereby threaten the rights and proper privileges of its inhabitants and menace the institutions and foundation of a free democratic state").

<sup>25</sup> For example, in the wake of the exposure of widespread gender-based harassment and violence by the #MeToo movement, City Council passed Law 100 of 2018 to extend the statute of limitations on claims of gender-based harassment to three years instead of one. LL 100 of 2018, available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3355441&GUID=35B10B56-040F-4219-9764-7C41CEB100D5&Options=Advanced&Search=>. *See generally* Matt Gonzales, *Five Years of #MeToo: Sexual Harassment Still Common in Workplaces*, Oct. 17, 2022, <https://www.shrm.org/topics-tools/news/inclusion-equity-diversity/five-years-metoo-sexual-harassment-still-common-workplaces>.

### III. BILL ANALYSIS

***Proposed Int. 69-A – A Local Law to amend the administrative code of the city of New York, in relation to prohibiting provisions in employment agreements that shorten the period in which claims and complaints of unlawful discriminatory practices, harassment or violence may be filed and in which civil actions may be commenced***

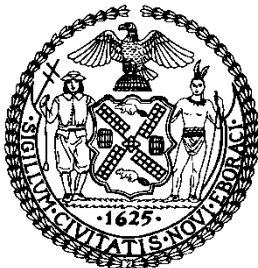
This bill would make unenforceable and void any new or existing provision of any employment agreement that purports to shorten the statute of limitations for filing a complaint or claim with the NYC Commission on Human Rights (CCHR) concerning an alleged violation of the Human Rights Law (HRL). Under Title 8 of the Administrative Code, people have one year to file a complaint with CCHR for an unlawful discriminatory practice or act of discriminatory harassment or violence and three years to file a claim of gender-based harassment. In addition, they may commence a civil action within three years. Under this bill, a court may not enforce any provision of an employment contract that purports to shorten those timelines, including for existing contracts already in force at the time of the law’s effective date.

This bill would not apply to agreements that do not pertain to terms of employment, such as a post-employment settlement agreement, or to agreements that do not seek to shorten a statute of limitations under the HRL,<sup>26</sup> such as an agreement to waive a right to file a claim altogether.

This bill has been amended from its original version, which prohibited any contractual agreement to shorten any statute of limitations under the HRL, to narrow its focus to the context of employment agreements. This was based on the testimony presented at the Committee’s hearings in June 2023 and February 2024, which focused on employment as the most common context in which the Human Rights Law’s statutes of limitations are contractually shortened.

This bill would take effect immediately.

**(The following is the text of the Fiscal Impact Statement for Int. No. 69-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: 69-A**

**COMMITTEE: Civil and Human Rights**

**TITLE:** A Local Law to amend the administrative code of the City of New York, in relation to prohibiting provisions in employment agreements that shorten the period in which claims and complaints of unlawful discriminatory practices, harassment or violence may be filed and in which civil actions may be commenced.

**SPONSOR(S):** Council Members Restler, Cabán, Williams, Stevens, Gutiérrez, Hudson, Bottcher, Riley, Brooks-Powers, Schulman, Hanif and Rivera.

<sup>26</sup> As set forth in NYC Admin. Code §§ 8-109(e) or 8-502.d.

**SUMMARY OF LEGISLATION:** Currently, under Title 8 of the Administrative Code, people have one year to file a complaint with the New York City (NYC) Commission on Human Rights for an unlawful discriminatory practice or act of discriminatory harassment or violence and three years to file a claim of gender-based harassment. In addition, they may commence a civil action within three years. This bill would make unenforceable and void any provision of any employment agreement that purports to shorten such periods.

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

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

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**FISCAL IMPACT STATEMENT:**

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

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

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

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

**SOURCE OF INFORMATION:** New York City Council Finance Division  
New York City Commission on Human Rights

**ESTIMATE PREPARED BY:** Florentine Kabore, Unit Head

**ESTIMATE REVIEWED BY:** Elizabeth Hoffman, Assistant Director  
Chima Obichere, Deputy Director  
Michael Twomey, Counsel

**LEGISLATIVE HISTORY:** This legislation was first introduced to the Council on February 8, 2024, as Intro. No. 69 and was referred to the Committee on Civil and Human Rights (the Committee). The legislation was considered by the Committee and the Committee on Consumer and Worker Protection at a hearing held on February 29, 2024, and the bill was laid over. The legislation has been amended, and the amended version, Proposed Intro. No. 69-A will be considered by the Committee on April 11, 2024. Upon a successful vote by the Committee, Proposed Intro. No. 69-A will be submitted to the full Council for a vote on April 11, 2024.

**DATE PREPARED:** 4/10/2024.

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

**(The following is the text of Int. No. 69-A:)**

## Int. No. 69-A

By Council Members Restler, Cabán, Williams, Stevens, Gutiérrez, Hudson, Bottcher, Riley, Brooks-Powers, Schulman, Hanif, Rivera and Joseph.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting provisions in employment agreements that shorten the period in which claims and complaints of unlawful discriminatory practices, harassment or violence may be filed and in which civil actions may be commenced**

*Be it enacted by the Council as follows:*

Section 1. Section 8-109 of the administrative code of the city of New York is amended by adding a new subdivision (e-1) to read as follows:

*(e-1) Any provision of an agreement involving an employer, employment agency, or agent thereof pertaining to terms of employment that purports to shorten the periods in which a complaint or claim may be filed pursuant to subdivision (e) is unenforceable and void as against public policy. Nothing in this subdivision shall be construed to affect the enforceability of any provision of any agreement other than a provision limiting the period in which a complaint or claim may be filed.*

§ 2. Section 8-502 of the administrative code of the city of New York is amended by adding a new subdivision d-1 to read as follows:

*d-1. Any provision of an agreement involving an employer, employment agency, or agent thereof pertaining to terms of employment that purports to shorten the periods in which a civil action may be commenced pursuant to subdivision d is unenforceable and void as against public policy. Nothing in this subdivision shall be construed to affect the enforceability of any provision of any agreement other than a provision limiting the period in which a civil action may be commenced.*

§ 3. This local law takes effect immediately.

NANTASHA M. WILLIAMS, *Chairperson*; RITA C. JOSEPH, CHRISTOPHER MARTE, RAFAEL SALALMANCA, Jr., KEVIN C. RILEY; 5-0-0; Committee on Civil and Human Rights, April 11, 2024. *Other Council Members Attending: Council Member Restler.*

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

## **Report of the Committee on Finance**

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

Report for Res. No. 305

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

The Committee on Finance, to which the annexed preconsidered resolution was referred on April 11, 2024, respectfully

#### **REPORTS:**

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

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

This Resolution, dated April 11, 2024, approves the new designations and the changes in the designation of certain organizations receiving local, aging, youth, anti-poverty, boroughwide, community safety and victims’ services, and Speaker’s initiative to address citywide needs discretionary funding and funding for certain initiatives in accordance with the Fiscal 2024 Expense Budget; approves the changes in designation of certain organizations receiving local discretionary funding and funding for a certain initiative in accordance with the Fiscal 2023 Expense Budget; approves the changes in the designation of certain organizations receiving local discretionary funding and funding for a certain initiative in accordance with the Fiscal 2022 Expense Budget; and amends the description for the Description/Scope of Services of certain organizations receiving local, community safety and victims’ services, anti-poverty, and Speaker’s initiative to address citywide needs discretionary funding in accordance with the Fiscal 2024 Expense Budget. All new designations and changes in designations are as described in the attached Charts and the Resolution text.

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

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

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

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 305:)**

Preconsidered Res. No. 305

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

By Council Member Brannan.

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

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

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

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

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2024 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local, anti-poverty, community safety and victim services, and Speaker’s initiative discretionary funding; now, therefore, be it

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

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

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

**Resolved**, That the City Council approves the changes in the designation of certain organizations receiving anti-poverty discretionary funding in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 4; and be it further

**Resolved**, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Boroughwide Needs Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 5; and be it further

**Resolved**, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Community Safety and Victim Services Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 6; and be it further

**Resolved**, That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Speaker’s Initiative to Address Citywide Needs in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 7; and be it further

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

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 9; and be it further

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

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 11; and be it further

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

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 13; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 14; and be it further

**Resolved,** That the City Council approves the new designations of certain organizations receiving funding pursuant to the SU-CASA Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 15; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 16; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Ending the Epidemic Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 17; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Mental Health Services for Vulnerable Populations Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 18; and be it further

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

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Initiative to Combat Sexual Assault in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 20; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Support for Victims of Human Trafficking Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 21; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 22; and be it further

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

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Trans Equity Programs Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 24; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Art a Catalyst for Change Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 25; and be it further



**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Innovative Criminal Justice Programs Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 26; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 27; and be it further

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

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

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 30; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Senior Centers, Programs, and Enhancements Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 31; and be it further

**Resolved,** That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 32.

**(For text of the Exhibit Charts, please refer to the attachments section of [the Res. No. 305 of 2024 file](https://council.nyc.gov) in the legislation section of the New York City Council website at <https://council.nyc.gov>)**

JUSTIN L. BRANNAN, *Chairperson*; DIANA I. AYALA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, DAVID M. CARR, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, CHI A. OSSÉ, PIERINA A. SANCHEZ, ALTHEA V. STEVENS; 12-0-0; *Absent*: Gale A. Brewer and Yusef Salaam; *Maternity*: Julie Won; *Medical*: Francisco P. Moya and Nantasha M. Williams; Committee on Finance, April 11, 2024.

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. 48

**Report of the Committee on Finance in favor of a Resolution approving 1350 Bedford Ave: Block 1205, Lot 28, Brooklyn, Community District 8, Council District 35.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on April 11, 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**

April 11, 2024

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 April 11, 2024 – Resolution approving a tax exemption for three Land Use items (Council Districts 7, 9, 15, 16, 35)

**Item #1: WHGA Amsterdam Garvey**

WHGA Amsterdam Garvey (“Project”) is a scattered site project consisting of 330 current units spread across 27 buildings located generally throughout the Harlem and West Harlem neighborhoods in Manhattan. The Project includes one building in the Third Party Transfer Program (“TPT”), which will be acquired by Amsterdam Garvey Housing Development Fund Corporation at closing (“Amsterdam Garvey HDFC”). The TPT building will complete a substantial rehabilitation scope of work, consisting of unit reconfiguration, and the rest of the buildings will complete a moderate rehabilitation scope of work. Post-construction, there will be 325 units, inclusive of four superintendent units, across the Project. The Project will be financed by a private loan and HPD City Capital subsidy.

Of the 27 buildings, two buildings—513 W 145<sup>th</sup> Street and the TPT building at 135 W 131<sup>st</sup> Street—are seeking full 40-year Article XI exemptions. The other buildings are eligible for 420-c exemptions. These two buildings consist of 15 units – six studios, one 1-bedroom, and eight 3-bedrooms – with two commercial spaces located at 513 W 145th Street and there is no superintendent unit within these two buildings.

All 27 buildings will be brought under the ownership of Amsterdam Garvey HDFC at closing. Amsterdam Garvey HDFC and West Harlem Group Assistance, Inc. (“WHGA”) will be the only entities in the post-closing organizational structure. The 513 W 145th St building has 12 violations (1 A, 1 B, and 10 C’s). The TPT building has 251 violations (29 A’s, 168 B’s, and 54 C’s), The TPT building will undergo a substantial rehabilitation and unit reconfiguration that will remedy these violations. All violations are required to be removed prior to the project’s conversion to permanent financing.

**Summary:**

- Borough – Manhattan
- Block 1916, Lot 17; Block 2077, Lot 22
- Council Districts – 7, 9
- Council Members – Abreu, Salaam
- Council Members approval –Yes
- Number of buildings – 2
- Number of units – 15 residential
- Type of exemption – Article XI, full, 40-year
- Population – Rental
- Sponsors – West Harlem Group Assistance, Inc.
- Purpose – preservation
- Cost to the city – \$949 thousand (projected cumulative value)
- Housing Code Violations
  - Class A – 30

- Class B – 169
- Class C – 64

Anticipated AMI Targets: All seven units in 135 W. 131<sup>st</sup> Street will be restricted to 80% AMI; all eight units in 513 W. 145<sup>th</sup> Street will be restricted to 60% AMI.

**Item #2: Crotona Park West**

Crotona Park West (the “Project”) consists of 20 buildings and 2 vacant lots located in the Morrisania and Claremont neighborhoods in the Bronx, containing 562 residential units. There are 7 studios, 202 one-bedrooms (plus one unit reserved for a superintendent), 306 two-bedrooms (plus one unit reserved for a superintendent), and 45 three-bedrooms. There are six commercial spaces and no community facility space. The Project is sponsored and managed by Phipps Houses Inc.; a non-profit organization located in Manhattan.

The Project will be going through HPD’s Housing Preservation Opportunities (HPO) program to maintain affordability and to allow the sponsor to meet critical and short-term needs of the buildings while maintaining operations, which are identified in an Integrated Physical Needs Assessment (IPNA) report. The anticipated work will include facade repair, window and insulation work, mold remediation, mailbox replacement, and building envelope sealings. A larger redevelopment plan is expected to occur at the site in the next 5 to 10 years. HPD will be providing a full 40-year Article XI tax exemption. The exemption was sized to preserve the existing affordability across the properties and maintain long term operations.

Current preferential rents average 41% AMI while the current legal rents average 46% AMI. The market rents in the area average 77% AMI according to Rent-O-Meter.

As a condition of providing the Article XI tax exemption, HPD will require a 40-year regulatory agreement restricting rents and income tiers in addition to requiring a 10% homeless set-aside (57 units) and HPD’s Aging-In-Place initiative. The Article XI will be retroactive to July 1, 2023 to address operational needs caused by the phasing out of the existing J-51 benefits.

**Summary:**

- Borough – Manhattan
- Block 2926, Lots 23, 27; Block 2927, Lots 31, 33, 38, 42, 50, 57, 59; Block 2929, Lots 24, 28, 31, 35; Block 2930, Lots 60, 61, 62, 63, 65, 66, 70, 72, 74
- Council Districts – 15, 16
- Council Members – Feliz, Stevens
- Council Members approval – Yes
- Number of buildings – 20
- Number of units – 562 residential
- Type of exemption – Article XI, full, 40 years
- Population – Rental
- Sponsors – Phipps Houses, Inc.
- Purpose – preservation
- Cost to the city – \$32.3 million (net present value)
- Housing Code Violations
  - Class A – 12
  - Class B – 8
  - Class C – 6

Anticipated AMI Targets: 10 units at 40%, 248 units at 50%, 249 units at 60%, 49 units at 80%, and 4 units at 95%

**Item #3: 1350 Bedford Avenue**

1350 Bedford Avenue (the “Project”) is seeking to obtain an Article XI exemption for a period of 40 years beginning on the date that the project closes on a regulatory agreement and tax exemption through HPD’s HUD Multifamily program. The 1350 Bedford Avenue Housing Development Fund Corporation (the “Legal Owner”) anticipates switching the project from a Mark-to-Market to Mark-Up-to-Market in 2033 when the HUD Use Agreement expires. The Project is requesting a standard term sheet exemption of 12% Gross Rent Tax (GRT) base + 25% increase to be capped at the lower of 17% of HUD contract rents and full real estate taxes to assist in preservation of the project’s affordability for the next 40 years. The Project includes 49 one-bedroom units and 29 two-bedroom units. Additionally, the building has one two-bedroom superintendent unit. There are 78 Housing Assistance Payment (HAP) units.

**Summary:**

- Borough – Brooklyn
- Block 1205, Lot 25
- Council District – 35
- Council Member – Hudson
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 78 residential
- Type of exemption – Article XI, partial, 40 years
- Population – Rental
- Sponsors – Wavecrest Management
- Purpose – preservation
- Cost to the city – \$1.85 million (net present value)
- Housing Code Violations
  - Class A – 7
  - Class B – 1
  - Class C – 1

Anticipated AMI Targets: 50% for all units

*Accordingly, this Committee recommends its adoption.*

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

Preconsidered Res. No. 344

**Resolution approving an exemption from real property taxes for property located at (Block 1205, Lot 28), Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 48).**

By Council Member Brannan.

**WHEREAS**, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated March 20, 2024 that the Council take the following action regarding a housing project located at (Block 1205, Lot 28), Brooklyn (“Exemption Area”):

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

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

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

**RESOLVED:**

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Company” shall mean 1350 Bedford Avenue LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
  - b. “Contract Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Contract Rent Differential Tax for the applicable tax year.
  - c. “Contract Rent Differential” shall mean the amount by which the total contract rents applicable to the Exemption Area for such tax year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date.
  - d. “Contract Rent Differential Tax” shall mean the sum of (i) \$212,797, plus (ii) twenty-five percent (25%) of the Contract Rent Differential; provided, however, the total annual real property tax payment by the Owner shall not at any time exceed the lesser of (A) seventeen percent (17%) of the contract rents in the applicable tax year, or (B) the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, if the Owner fails to provide the contract rents on or before the Contract Rent Deadline, Contract Rent Differential Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
  - e. “Effective Date” shall mean the date that HPD and the Owner enter into the Regulatory Agreement.
  - f. “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - g. “Exemption Area” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 1205, Lot 28 on the Tax Map of the City of New York.
  - h. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - i. “HDFC” shall mean 1350 Bedford Avenue Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - j. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - k. “Owner” shall mean, collectively, the HDFC and the Company.

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

JUSTIN L. BRANNAN, *Chairperson*; DIANA I. AYALA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, DAVID M. CARR, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, CHI A. OSSÉ, PIERINA A. SANCHEZ, ALTHEA V. STEVENS; 12-0-0; *Absent*: Gale A. Brewer and Yusef Salaam; *Maternity*: Julie Won; *Medical*: Francisco P. Moya and Nantasha M. Williams; Committee on Finance, April 11, 2024.

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. 49

**Report of the Committee on Finance in favor of a Resolution approving Crotona Park West: Block 2926, Lots 23 and 27; Block 2927, Lots 31, 33, 38, 42, 50, 57, and 59; Block 2929, Lots 24, 28, 31, and 35; Block 2930, Lots 60, 61, 62, 63, 65, 66, 70, 72, and 74, Bronx, Community District No. 3, Council Districts No. 15 and 16.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on April 11, 2024 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Finance Memo, please see the Report of the Committee on Finance for L.U. No. 48 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Preconsidered Res. No. 345

**Resolution approving an exemption from real property taxes for property located at (Block 2926, Lots 23, 27; Block 2927, Lots 31, 33, 38, 42, 50, 57, 59; Block 2929, Lots 24, 28, 31, 35; Block 2930, Lots 60, 61, 62, 63, 65, 66, 70, 72, 74), Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 49).**

By Council Member Brannan.

**WHEREAS**, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated March 18, 2024 that the Council take the following action regarding a housing project located at (Block 2926, Lots 23, 27; Block 2927, Lots 31, 33, 38, 42, 50, 57, 59; Block 2929, Lots 24, 28, 31, 35; Block 2930, Lots 60, 61, 62, 63, 65, 66, 70, 72, 74), 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. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Company” shall mean Phipps Houses, Inc. 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 July 1, 2023.

- 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 2926, Lots 23 and 27, Block 2927, Lots 31, 33, 38, 42, 50, 57, and 59, Block 2929, Lots 24, 28, 31, and 35, Block 2930, Lots 60, 61, 62, 63, 65, 66, 70, 72, and 74 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 Crotona Park West 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 on or after the date such regulatory agreement is executed.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  3. Notwithstanding any provision hereof to the contrary:
    - d. 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.
    - e. 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.



- f. 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 (i) the Exemption shall be reduced by the amount of such J-51 Benefits.

JUSTIN L. BRANNAN, *Chairperson*; DIANA I. AYALA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, DAVID M. CARR, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, CHI A. OSSÉ, PIERINA A. SANCHEZ, ALTHEA V. STEVENS; 12-0-0; *Absent*: Gale A. Brewer and Yusef Salaam; *Maternity*: Julie Won; *Medical*: Francisco P. Moya and Nantasha M. Williams; Committee on Finance, April 11, 2024.

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. 50

**Report of the Committee on Finance in favor of a Resolution approving WHGA Amsterdam Garvey: Block 1916, Lot 17; Block 2077, Lot 22, Manhattan, Community District No. 9 and 10, Council District No. 7 and 9.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on April 11, 2024 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Finance Memo, please see the Report of the Committee on Finance for L.U. No. 48 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Preconsidered Res. No. 346

**Resolution approving an exemption from real property taxes for property located at (Block 1916, Lot 17; Block 2077, Lot 22), Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 50).**

By Council Member Brannan.

**WHEREAS**, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated March 13, 2024 that the Council take the following action regarding a housing project located at (Block 1916, Lot 17; Block 2077, Lot 22), 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. “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.
  - b. “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1916, Lot 17 and Block 2077, Lot 22 on the Tax Map of the City of New York.
  - c. “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.
  - d. “HDFC” shall mean Amsterdam Garvey Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area in the Exemption Area with the prior written consent of HPD.
  - e. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - f. “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
  - g. “Owner” shall mean the HDFC.
  - h. “Prior Exemption” shall mean the exemptions from real property taxation for the Exemption Area approved by the New York City Council on March 7, 1995 (Resolution No. 882) and on December 11, 2018 (Resolution No. 660).
  - i. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner that is executed on or after November 1, 2023, and that establishes certain controls upon the operation of the Exemption Area during the term of the New Exemption.
2. The Prior Exemption shall terminate upon the Effective Date.

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

JUSTIN L. BRANNAN, *Chairperson*; DIANA I. AYALA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, DAVID M. CARR, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, CHI A. OSSÉ, PIERINA A. SANCHEZ, ALTHEA V. STEVENS; 12-0-0; *Absent*: Gale A. Brewer and Yusef Salaam; *Maternity*: Julie Won; *Medical*: Francisco P. Moya and Nantasha M. Williams; Committee on Finance, April 11, 2024.

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 Fire and Emergency Management

Report for Int. No. 126-A

**Report of the Committee on Fire and Emergency Management in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring provision of body armor to fire department employees within the bureau of emergency medical services providing emergency medical services.**

The Committee on Fire and Emergency Management, to which the annexed proposed amended local law was referred on February 28, 2024 (Minutes, page 416), respectfully

### REPORTS:

#### I. INTRODUCTION

On April 11, 2024, the Committee on Fire and Emergency Management, chaired by Joann Ariola, will voted on two bills: Proposed Introduction Number 126-A (“Prop. Int. No. 126-A”), in relation to requiring provision of body armor to fire department employees providing emergency medical services and Proposed Introduction Number 127-A (“Prop. Int. No. 127-A”), in relation to providing de-escalation and self-defense training to fire department employees providing emergency medical services. Both 126-A and 127-A passed with the vote of eight in the affirmative, zero in the negative, and zero abstentions. The Committee received favorable testimony at prior hearings on Prop. Int. 126-A and Prop. Int. 127-A from representatives from both the New York City Fire Department (“FDNY”) and the public.

#### II. BACKGROUND

##### *New York City’s Bureau of Emergency Medical Services*

EMS is responsible for delivering ambulance and pre-hospital emergency medical services citywide, as well as providing tactical and medical direction to field personnel, and administrative and support services to the EMS Bureau.<sup>1</sup> Local Law 20 of 1996 amended the City Charter and granted the FDNY the power to run EMS, thus transferring emergency medical and general ambulance duties from the Health and Hospitals Corporation to the FDNY.<sup>2</sup>

Since the 1996 merger, the FDNY’s core responsibility and expertise has evolved from an exclusive emphasis on fighting traditional structural fires to providing pre-hospital care as well as an expanded role in handling all types of emergencies. These emergencies include hazardous materials incidents, building collapses, transportation accidents, utility-related emergencies, natural disasters, extensive medical responses and acts of terrorism, throughout the City.<sup>3</sup> Currently, EMS is responsible for delivering ambulance and pre-hospital emergency medical services citywide. According to the Department, since FDNY became responsible for EMS, the only ambulances routinely dispatched via the City’s Emergency 9-1-1 system (“9-1-1 system”) are municipal ambulances and voluntary hospital-based ambulances under contract with the City.<sup>4</sup> Although community-based volunteer ambulances respond to medical emergencies, they are not routinely dispatched via the 9-1-1 system.<sup>5</sup>

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<sup>1</sup> *Id.*

<sup>2</sup> Local Law 20 of 1996 at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3625385&GUID=86C807C1-0E6D-4917-9875-ED7A0F3A869D&Options=ID|Text|&Search=>.

<sup>3</sup> FDNY Strategic Plan at <https://www.nyc.gov/site/fdny/about/resources/reports-and-publications/strategic-plans.page>

<sup>4</sup> Letter from Caroline Kretz, Associate Commissioner Intergovernmental Affairs, N.Y. City Fire Dep’t, to Elizabeth S. Crowley, Chair, Comm. on Fire & Criminal Just. Servs., N.Y. City Council, Feb. 11, 2010.

<sup>5</sup> New York City Council Fire and Criminal Justice Services oversight hearing transcript- The FDNY and its Utilization of Neighborhood Volunteer Ambulances, Feb. 23, 2010.

According to the most recent information published by FDNY, there are approximately 4,500 EMS personnel working for the Department. During Fiscal Year 2023, FDNY and EMS responded to more than 1.5 million medical emergencies, including 564,412 life-threatening incidents.<sup>6</sup> Currently, the two types of ambulances that operate in New York City are advanced life support ambulances (“ALS”), which are staffed by two paramedics, and basic life support ambulances (“BLS”), which are staffed by two emergency medical technicians (“EMTs”). Paramedics receive 1,500 hours of training whereas EMTs are only required to complete 120 to 150 hours.<sup>7</sup> The higher level of training received by paramedics allows them to perform advanced medical procedures, including patient intubation and the administration of drugs.<sup>8</sup> ALS incidents include segment one calls such as cardiac arrest, choking, difficulty breathing, unconsciousness, and other serious life-threatening medical emergencies. During Fiscal Year 2022, EMS responded to 30,736 reported segment one incidents.<sup>9</sup> BLS incidents include a wide variety of non-life-threatening conditions.

EMS workers have historically faced health and safety risks associated with delivering pre-hospital care. These risks include emotional stress and trauma, threatened and actual assaults by patients, and relatively low financial compensation. During 2022, there were a reported 363 threats and attacks on City EMS workers.<sup>10</sup> As a result of these job-related experiences, there have been steadily high rates of EMS attrition - 60 percent of EMS staff has less than three years of experience.<sup>11</sup>

### III. LEGISLATIVE ANALYSIS

#### *Proposed Introduction Number 126-A*

Section one of the bill would amend chapter one of title 15 of the Administrative Code by adding section 15-148. This bill would require the FDNY to provide body armor to employees within the bureau of emergency medical services providing emergency medical services. Such body armor will be required to meet ballistic and stab resistant standards. The bill takes effect immediately after it becomes law.

#### *Proposed Introduction Number 127-A*

Section one of the bill would amend chapter one of title 15 of the Administrative Code by adding section 15-149. The bill would require the FDNY to provide de-escalation and self-defense training to its employees who provide medical services. Since introduction the legislation has been amended by mandating training be available at least once every third calendar year. The bill takes effect immediately after it becomes law.

**(The following is the text of the Fiscal Impact Statement for Int. No. 126-A:)**

<sup>6</sup> 2023 Preliminary Mayor’s Management Report at <https://www.nyc.gov/assets/operations/downloads/pdf/pmmr2023/fdny.pdf>

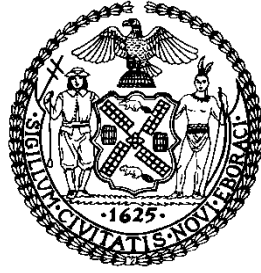
<sup>7</sup> Bernard O’Brien, *Two Paramedics on an Ambulance—Only in New York*, IBO WEB BLOG, Jul. 27, 2009, <http://ibo.nyc.ny.us/cgi-park/?p=77>.

<sup>8</sup> Bernard O’Brien, *Two Paramedics on an Ambulance—Only in New York*, IBO WEB BLOG, Jul. 27, 2009, <http://ibo.nyc.ny.us/cgi-park/?p=77>.

<sup>9</sup> 2023 Preliminary Mayor’s Management Report at pg. 35 at [fdny.pdf \(nyc.gov\)](https://www.nyc.gov/assets/operations/downloads/pdf/pmmr2023/fdny.pdf)

<sup>10</sup> Calder, Rich, “Spit Show” *Attacks on EMS Workers are Through the Roof*, 2/24/24, NY Post at <https://nypost.com/2024/02/24/us-news/attacks-on-nyc-ems-workers-are-through-the-roof/>

<sup>11</sup> Testimony by Local 2507 at City Council Hearing. February 26, 2019.



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

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

**RICHARD LEE, DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO. 126-A**

**COMMITTEE: Fire and Emergency Management**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring provision of body armor to fire department employees within the bureau of emergency medical services providing emergency medical services.

**Sponsors: Council Members** Borelli, Ariola, Riley, Schulman, Yeger and Farias.

**SUMMARY OF LEGISLATION:** This bill would require the Fire Department to provide body armor to employees within the bureau of emergency medical services providing emergency medical services. Such body armor will be required to meet ballistic and stab resistant standards.

**EFFECTIVE DATE:** Immediately.

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

**FISCAL IMPACT STATEMENT:**

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

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

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

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

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

**ESTIMATE PREPARED BY:** Tanveer Singh, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Aliya Ali, Unit Head  
Chima Obichere, Deputy Director

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on February 28, 2024, as Intro. No. 126 and referred to the Committee on Fire and Emergency Management (the Committee). The legislation was considered jointly by the Committee and the Committee on Housing and Buildings at a hearing held on February 29, 2024, and laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. No. 126-A will be considered by the Committee on April 11, 2024. Upon a successful vote by the Committee, Proposed Intro. No. 126-A will be submitted to the full Council for a vote on April 11, 2024.

**DATE PREPARED:** 4/09/2024.

**(For text of Int. No. 127-A and its Fiscal Impact Statement, please see the Report of the Committee on Fire and Emergency Management for Int. No. 127-A printed in these Minutes; for text of Int. No. 126-A, please see below)**

*Accordingly, this Committee recommends the adoption of Int. Nos. 126-A and 127-A:*

**(The following is the text of Int. No. 126-A:)**

Int. No. 126-A

By Council Members Borelli, Ariola, Riley, Schulman, Yeger, Farías, Rivera, Gennaro, Hanks, Brooks-Powers, Narcisse, Lee and Paladino.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring provision of body armor to fire department employees within the bureau of emergency medical services providing emergency medical services**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 15 of the administrative code of the city of New York is amended by adding a new section 15-148 to read as follows:

*§ 15-148 Provision of body armor. a. The commissioner shall provide body armor to all employees of the department within the bureau of emergency medical services who provide emergency medical services. Such body armor shall be of the type that the commissioner determines would be most suitable for the protection of such employees, and shall meet ballistic and stab resistance standards of the national institute of justice or any successor standards.*

*b. No employee of the department shall be permitted to retain or use the body armor provided pursuant to subdivision a of this section after leaving the employment of the department or moving to a position that does not involve the provision of emergency medical services.*

§ 2. This local law takes effect immediately.

JOANN ARIOLA, *Chairperson*; CARMEN N. DE LA ROSA, OSWALD J. FELIZ, JAMES F. GENNARO, KEVIN C. RILEY, LYNN C. SHULMAN, KALMAN YEGER, SUSAN ZHUANG; 8-0-0; Committee on Fire and Emergency Management, April 11, 2024. *Other Council Members Attending: The Minority Leader (Council Member Joseph C. Borelli).*

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. 127-A

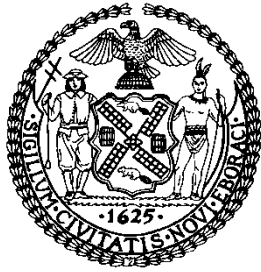
**Report of the Committee on Fire and Emergency Management in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to providing de-escalation and self-defense training to fire department employees within the bureau of emergency medical services providing emergency medical services.**

The Committee on Fire and Emergency Management, to which the annexed proposed amended local law was referred on February 28, 2024 (Minutes, page 416), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Fire and Emergency Management for Int. No. 126-A printed above in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 127-A:*



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

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

**RICHARD LEE, DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO. 127-A**

**COMMITTEE: Fire and Emergency Management**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to providing de-escalation and self-defense training to fire department employees within the bureau of emergency medical services providing emergency medical services.

**Sponsors: Council Members** Borelli, Ariola, Riley, Schulman, Yeger, Hudson, Brewer and Farias.

**SUMMARY OF LEGISLATION:** This bill would require the fire department to provide de-escalation and self-defense training to its employees providing medical services within the bureau of emergency medical services. Such training would be available at least once every third calendar year.

**EFFECTIVE DATE:** Immediately.

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



**FISCAL IMPACT STATEMENT:**

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

**IMPACT ON REVENUES:** It is 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 it is anticipated the agency responsible for carrying out its requirements would be able to incorporate the training into existing training time. However, if implemented outside of existing training times, the estimated cost, based on four hours of overtime per participant, would be approximately \$369,000 annually.

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

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

**ESTIMATE PREPARED BY:** Tanveer Singh, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Aliya Ali, Unit Head  
Chima Obichere, Deputy Director

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on February 28, 2024, as Intro. No. 127 and referred to the Committee on Fire and Emergency Management (the Committee). The legislation was jointly considered by the Committee and the Committee on Housing and Buildings at a hearing held on February 29, 2024, and laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. No. 127-A will be considered by the Committee on April 11, 2024. Upon a successful vote by the Committee, Proposed Intro. No. 127-A will be submitted to the full Council for a vote on April 11, 2024.

**DATE PREPARED:** 4/09/2024.

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

**(The following is the text of Int. No. 127-A:)**

Int. No. 127-A

By Council Members Borelli, Ariola, Riley, Schulman, Yeger, Hudson, Brewer, Farías, Rivera, Gennaro, Hanks, Brooks-Powers, Narcisse, Lee and Paladino.

**A Local Law to amend the administrative code of the city of New York, in relation to providing de-escalation and self-defense training to fire department employees within the bureau of emergency medical services providing emergency medical services**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 15 of the administrative code of the city of New York is amended by adding a new section 15-149 to read as follows:

*§ 15-149 De-escalation and self-defense training. The department shall develop de-escalation and self-defense training for employees of the department within the bureau of emergency medical services who provide emergency medical services. Such training shall be designed to address the unique characteristics and operations of emergency medical services, with a particular focus on violent situations in the context of patient care. Such training shall include, but need not be limited to, recognition and understanding of mental illness and distress, effective communication skills, conflict de-escalation techniques, and self-defense techniques. The department shall offer such training no less frequently than once every third calendar year.*

§ 2. This local law takes effect immediately.

JOANN ARIOLA, *Chairperson*; CARMEN N. DE LA ROSA, OSWALD J. FELIZ, JAMES F. GENNARO, KEVIN C. RILEY, LYNN C. SHULMAN, KALMAN YEGER, SUSAN ZHUANG; 8-0-0; Committee on Fire and Emergency Management, April 11, 2024. *Other Council Members Attending: The Minority Leader (Council Member Joseph C. Borelli).*

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

## Report of the Committee on Land Use

Report for L.U. No. 30

**Report of the Committee on Land Use in favor of approving Application number C 240092 ZSQ (Willets Point Phase II) submitted by Queens Development Group, LLC, City Football Stadium Group, LLC, and the New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 124-60\* of the Zoning Resolution to allow the distribution of total allowable floor area without regard for zoning lot lines or district boundaries and to modify: the required parking regulations of Sections 25-23 (Requirements Where Group Parking Facilities are Provided), 25-251 (Income-restricted housing units), 36-21 (General Provisions) and 124-50 (OFF-STREET PARKING REGULATIONS), the sign regulations of Sections 32-60 (SIGN REGULATIONS) and 124-15 (Modification of Sign Regulations), the loading requirements of Section 36-62 (Required Accessory Off-Street Loading Berths), the retail continuity regulations of Section 124-14 (Retail Continuity), the height and setback regulations of Section 124-22 (Height and Setback Regulations), the street network requirements of Section 124-30 (Mandatory Improvements), the public open space requirements of Section 124-42 (Types and Standards of Publicly Accessible Open Space) and the curb cut requirements of Section 124-53 (Curb Cut Restrictions) in connection with a proposed mixed-use development on property generally bounded by Northern Boulevard, 27th Street, Willets Point Boulevard\*\*, 126th Lane\*\*, 39th Avenue\*\*, Roosevelt Avenue, and Seaver Way (Block 1833, Lots 117, 120, 130, 135 and 140; Block 1823, Lots 12, 19, 20, 21, 23, 26, 28, 33, 40, 44, 47, 52 and 55; Block 1824, Lots 1, 12, 19, 21, 26, 28, 33, 38, 40, 45, 53 and 100; and Block 1825, Lots 1, 19, 21, 25, 28, 30, 37, 46, 48, 53, 55, 58 and 150; Block 1822, Lot 17; and Block 1820, Lots 1, 6, 9, 18, 34 and 108), within a C4-4 District in the Special Willets Point District, Borough of Queens, Community District 7, Council District 21.**

The Committee on Land Use, to which the annexed Land Use item was referred on March 7, 2024 (Minutes, page 1321) and which same Land Use item was coupled with the resolution shown below, respectfully

### REPORTS:

#### SUBJECT

#### **QUEENS CB-7 – FIVE APPLICATIONS RELATED TO WILLETS POINT PHASE II**

#### **C 240092 ZSQ (L.U. 30)**

City Planning Commission decision approving an application submitted by Queens Development Group, LLC, City Football Stadium Group, LLC, and the New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 124-60\* of the Zoning Resolution to allow the distribution of total allowable floor area without regard for zoning lot lines or district boundaries and to modify:

1. the required parking regulations of Sections 25-23 (Requirements Where Group Parking Facilities Are Provided), 25-251 (Income-restricted housing units), 36-21 (General Provisions) and 124-50 (OFF-STREET PARKING REGULATIONS);
2. the sign regulations of Sections 32-60 (SIGN REGULATIONS) and 124-15 (Modification of Sign Regulations);
3. the loading requirements of Section 36-62 (Required Accessory Off-street Loading Berths);
4. the retail continuity regulations of Section 124-14 (Retail Continuity);

5. the height and setback regulations of Section 124-22 (Height and Setback Regulations);
6. the street network requirements of Section 124-30 (MANDATORY IMPROVEMENTS);
7. the public open space requirements of Section 124-42 (Types and Standards of Publicly Accessible Open Space);
8. the curb cut requirements of Section 124-53 (Curb Cut Restrictions),

in connection with a proposed mixed-use development on property generally bounded by Northern Boulevard, 27th Street, Willets Point Boulevard, 126th Lane, 39th Avenue, Roosevelt Avenue, and Seaver Way (Block 1833, Lots 117, 120, 130, 135 and 140; Block 1823, Lots 12, 19, 20, 21, 23, 26, 28, 33, 40, 44, 47, 52 and 55; Block 1824, Lots 1, 12, 19, 21, 26, 28, 33, 38, 40, 45, 53 and 100; and Block 1825, Lots 1, 19, 21, 25, 28, 30, 37, 46, 48, 53, 55, 58 and 150; Block 1822, Lot 17; and Block 1820, Lots 1, 6, 9, 18, 34 and 108), within a C4-4 District in the Special Willets Point District.

**C 240094 ZSQ (L.U. 31)**

City Planning Commission decision approving an application submitted by Queens Development Group, LLC, City Football Stadium Group, LLC, and the New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-41 of the Zoning Resolution to allow an arena with a maximum capacity of 25,000 seats on property generally bounded by Seaver Way, 35th Avenue, 127th Street, Willets Point Boulevard, and 38th Avenue (Tax Block 1823, Lots 12, 19, 20, 21, 23, 26, 28, 33, 40, 44, 47, 52 and 55; Tax Block 1824, Lots 1, 12, 19, 21, 26, 28, 33, 38, 40, 45, 53 and 100; and Tax Block 1825, Lots 1, 19, 21, 25, 28, 30, 37, 46, 48, 53, 55, 58 and 150), in a C4-4 District, within the Special Willets Point District.

**C 240095 ZSQ (L.U. 32)**

City Planning Commission decision approving an application submitted by Queens Development Group, LLC, City Football Stadium Group, LLC, and the New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-802 of the Zoning Resolution to allow a transient hotel (Use Group 5), in connection with a proposed mixed-use development, on property generally bounded by Seaver Way, 38th Avenue, and the southeasterly centerline prolongation of Willets Point Boulevard (Block 1833, Lot 117), in a C4-4 District, within the Special Willets Point District.

**N 240093 ZRQ (L.U. 33)**

City Planning Commission decision approving an application submitted by Queens Development Group, LLC; City Football Stadium Group, LLC; and the New York City Economic Development Corporation, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying provisions of Article XII, Chapter 4 (Special Willets Point District).

**C 240058 MMQ (L.U. 34)**

City Planning Commission decision approving an application submitted by the New York City Economic Development Corporation; Queens Development Group, LLC; and CFG Stadium Group, LLC, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- the establishment of 38<sup>th</sup> Avenue, 39<sup>th</sup> Avenue, 126<sup>th</sup> Lane, and a portion of Willets Point Boulevard within an area generally bounded by Van Wyck Expressway Extension, Roosevelt Avenue, Seaver Way, and Northern Boulevard;
- the elimination, discontinuance and closing of 36<sup>th</sup> Avenue, east of Seaver Way;
- the elimination, discontinuance, and closing of streets within an area generally bounded by 127<sup>th</sup> Street, Northern Boulevard, Van Wyck Expressway Extension, and Roosevelt Avenue;
- the raising of grades within streets generally bounded by Northern Boulevard, 127<sup>th</sup> Street, Willets Point Boulevard, 38<sup>th</sup> Avenue, and Seaver Way;
- the adjustment of grades and block dimensions necessitated thereby; and
- any acquisition or disposition of real properties related thereto,

in accordance with Maps No. 5038, and 5039, dated September 26, 2023 and Map No. 5040, dated September 28, 2023, and all signed by the Borough President.

**INTENT**

To approve the zoning text amendment to Article XII, Chapter 4 of the Zoning Resolution for Special Willets Point District; amend the City Map to establish, eliminate, and change the grades of streets; grant special permit pursuant to ZR Section 124-60 to modify use or bulk regulations; grant special permit pursuant to ZR Section 74-41 to build a stadium of greater than 2,500 seats; and grant special permit pursuant to ZR Section 74-802 to build a transient hotel to facilitate a new mixed-use development in an area generally bounded by Roosevelt Avenue and 39th Avenue to the south, Northern Boulevard to the north, Seaver Way to the west and 126th Place, 127th Street and 126th Lane to the east, in the Willets Point neighborhood of Queens, Community District 7.

**PUBLIC HEARING**

**DATE:** March 12, 2024

**Witnesses in Favor:** Twenty-seven

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** April 10, 2024

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on L.U. Nos. 30 through 34.

**In Favor:**  
 Riley  
 Moya  
 Abreu  
 Schulman  
 Carr

**Against:**

**Abstain:**

**COMMITTEE ACTION**

**DATE:** April 11, 2024

The Committee recommends that the Council approve the attached resolutions.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Salamanca	None	None
Moya		
Rivera		
Riley		
Brooks-Powers		
Abreu		
Farias		
Hanks		
Sanchez		
Borelli		

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

Res. No. 347

**Resolution approving the decision of the City Planning Commission on ULURP No. C 240092 ZSQ, for the grant of a special permit (L.U. No. 30).**

By Council Members Salamanca and Riley.

**WHEREAS**, Queens Development Group, LLC, City Football Stadium Group, LLC, and the New York City Economic Development Corporation, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 124-60 of the Zoning Resolution to allow the distribution of total allowable floor area without regard for zoning lot lines or district boundaries and to modify:

1. the required parking regulations of Sections 25-23 (Requirements Where Group Parking Facilities Are Provided), 25-251 (Income-restricted housing units), 36-21 (General Provisions) and 124-50 (OFF-STREET PARKING REGULATIONS);
2. the sign regulations of Sections 32-60 (SIGN REGULATIONS) and 124-15 (Modification of Sign Regulations);
3. the loading requirements of Section 36-62 (Required Accessory Off-street Loading Berths);
4. the retail continuity regulations of Section 124-14 (Retail Continuity);
5. the height and setback regulations of Section 124-22 (Height and Setback Regulations);
6. the street network requirements of Section 124-30 (MANDATORY IMPROVEMENTS);
7. the public open space requirements of Section 124-42 (Types and Standards of Publicly Accessible Open Space);
8. the curb cut requirements of Section 124-53 (Curb Cut Restrictions),

in connection with a proposed mixed-use development on property generally bounded by Northern Boulevard, 27th Street, Willets Point Boulevard, 126th Lane, 39th Avenue, Roosevelt Avenue, and Seaver Way (Block 1833, Lots 117, 120, 130, 135 and 140; Block 1823, Lots 12, 19, 20, 21, 23, 26, 28, 33, 40, 44, 47, 52 and 55; Block 1824, Lots 1, 12, 19, 21, 26, 28, 33, 38, 40, 45, 53 and 100; and Block 1825, Lots 1, 19, 21, 25, 28, 30, 37, 46, 48, 53, 55, 58 and 150; Block 1822, Lot 17; and Block 1820, Lots 1, 6, 9, 18, 34 and 108), within a C4-4 District in the Special Willets Point District, which in conjunction with the related actions would facilitate a

new mixed-use development in an area generally bounded by Roosevelt Avenue and 39th Avenue to the south, Northern Boulevard to the north, Seaver Way to the west and 126th Place, 127th Street and 126th Lane to the east, in the Willets Point neighborhood of Queens, Community District 7 (ULURP No. C 240092 ZSQ) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on March 7, 2024, its decision dated March 6, 2024 (the “Decision”) on the Application;

**WHEREAS**, the Application is related to applications C 240094 ZSQ (L.U. No. 31), a special permit pursuant to ZR 74-41 to build a stadium of greater than 2,500 seats; C 240095 ZSQ (L.U. No. 32), a special permit pursuant to ZR 74-802 to build a transient hotel; N 240093 ZRQ (L.U. No. 33), a zoning text amendment modifying provisions of Article XII, Chapter 4 (Special Willets Point District); and C 240058 MMQ (L.U. No. 34), an amendment to the City Map to establish, eliminate, and change the grades of streets to facilitate the proposed development and accommodate future development within the Special Willets Point District;

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

**WHEREAS**, the City Planning Commission has made the findings required pursuant to Section 124-60 of the Zoning Resolution of the City of New York;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on March 12, 2024;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Positive Declaration issued March 1<sup>st</sup>, 2023 (CEQR No. 23DME005Q) and a Final Second Supplemental Environmental Impact Statement (FSSEIS) for which a Notice of Completion was issued on February 23, 2024, in which the proposed project as analyzed in the FSSEIS identified significant adverse impacts with respect to community facilities (publicly funded early childcare programs), transportation (traffic, transit, and pedestrians), historic and cultural resources (architectural), and construction activities related to transportation (traffic and pedestrians); and including that the potential significant adverse impacts related to hazardous materials and air quality would be avoided through the placement of (E) designations as described in the FSSEIS; and including that the proposed mitigation measures are summarized in the Alternatives and Mitigation chapters of the FSSEIS.

**RESOLVED:**

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

1. The FSSEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. The environmental impacts disclosed in the FSSEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report;
3. Consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the action, FSSEIS dated February 23, 2024, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
4. The adverse environmental impacts disclosed in the FSSEIS will be minimized or avoided to the maximum extent practicable by incorporating the mitigation measures that were identified in the FSSEIS as practicable.

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 240092 ZSQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

1. The property that is the subject of this application (C 240092 ZSQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specification and zoning computation indicated on the following approved plans, prepared by S9 Architecture with this application and incorporated in this resolution:

Drawing No.	Title	Last Date Revised
Z-000	Cover	02/23/2024
Z-002	Base Plane Calculations	02/23/2024
Z-003	District Street and Open Space Plan	02/23/2024
Z-004	Open Space Phasing Plan	02/23/2024
Z-005	Zoning Analysis	02/23/2024
Z-006	Zoning Analysis	02/23/2024
Z-007	Zoning Analysis	02/23/2024
Z-008	Zoning Analysis	02/23/2024
Z-009	Zoning Analysis	02/23/2024
Z-010	Zoning Analysis	02/23/2024
Z-011	Zoning Analysis	02/23/2024
Z-012	Overall Site Plan	02/23/2024
Z-013	Overall Ground Floor Plan	02/23/2024
Z-014	Overall Cellar Plan	02/23/2024
Z-015	Overall Ground Floor Waiver Plan	02/23/2024
Z-016	Overall Roof Waiver Plan	02/23/2024
Z-101	Triangle Parcel Site Plan	02/23/2024
Z-102	Triangle Parcel Ground Floor Plan	02/23/2024
Z-103	Triangle Parcel Cellar Plan	02/23/2024
Z-104	Triangle Ground Floor Waiver Plan	02/23/2024
Z-105	Triangle Roof Waiver Plan	02/23/2024
Z-106	Phase 1 Sections	02/23/2024
Z-107	Triangle Parcel Sections	02/23/2024
Z-108	Triangle Parcel Sections	02/23/2024
Z-201	Stadium Site Plan	02/23/2024
Z-202	Stadium Ground Floor Plan	02/23/2024
Z-203	Stadium Cellar Plan	02/23/2024
Z-204	Stadium Ground Floor Waiver Plan	02/23/2024
Z-205	Stadium Roof Waiver Plan	02/23/2024
Z-206	Stadium Waiver Sections	02/23/2024
Z-207	Stadium Elevations	02/23/2024
Z-208	Stadium Signage Waiver	02/23/2024
Z-209	Stadium Signage Waiver	02/23/2024
Z-210	Stadium Signage Waiver	02/23/2024
Z-211	Stadium Roof Signage Waiver	02/23/2024
Z-301	Northern Parcel Site Plan	02/23/2024
Z-302	Northern Parcel Ground Floor Plan	02/23/2024
Z-303	Northern Parcel Cellar Plan	02/23/2024
Z-304	Northern Parcel Ground Floor Waiver Plan	02/23/2024



Z-305	Northern Parcel Roof Waiver Plan	02/23/2024
Z-306	Northern Parcel Section	02/23/2024
Z-307	Northern Parcel Section	02/23/2024
Z-401	T Parcel Site Plan	02/23/2024
Z-402	T Parcel Ground Floor Plan	02/23/2024
Z-403	T Parcel Cellar Plan	02/23/2024
Z-404	T Parcel Ground Floor Waiver Plan	02/23/2024
Z-405	T Parcel Roof Waiver Plan	02/23/2024
Z-406	T Parcel Section	02/23/2024
Z-407	T Parcel Section	02/23/2024
L-100	Entry Plz, Ped. Corr. Roosevelt Ave and Eastern Perimeter Layout Plan	02/23/2024
L-101	126th Street Layout Plan	02/23/2024
L-102	Central Plaza Layout Plan	02/23/2024
L-103	Eastern Perimeter Layout Plan	02/23/2024
L-104	Stadium Layout Plan	02/23/2024
L-105	Stadium Layout Plan	02/23/2024
L-106	Stadium Layout Plan	02/23/2024
L-107	Stadium Layout Plan	02/23/2024
L-108	Northern Parcel Layout Plan	02/23/2024
L-109	126th Street Permitted Obstructions Plan	02/23/2024
L-110	Central Plaza Permitted Obstruction Plan	02/23/2024
L-111	Stadium Permitted Obstructions Plan	02/23/2024
L-112	Northern Parcel Permitted Obstructions Plan	02/23/2024
L-200	Entry Plz, Ped. Corr. Roosevelt Ave and Eastern Perimeter Grading Plan	02/23/2024
L-201	126th Street Grading Plan	02/23/2024
L-202	Central Plaza Grading Plan	02/23/2024
L-203	Eastern Perimeter Grading Plan	02/23/2024
L-204	Stadium Grading Plan	02/23/2024
L-205	Stadium Grading Plan	02/23/2024
L-206	Stadium Grading Plan	02/23/2024
L-207	Stadium Grading Plan	02/23/2024
L-208	Northern Parcel Grading Plan	02/23/2024
L-300	Entry Plz, Ped. Corr. Roosevelt Ave and Eastern Perimeter Planting Plan	02/23/2024
L-301	126th Street Planting Plan	02/23/2024
L-302	Central Plaza Planting Plan	02/23/2024
L-303	Eastern Perimeter Planting Plan	02/23/2024
L-304	Stadium Planting Plan	02/23/2024
L-305	Stadium Planting Plan	02/23/2024
L-306	Stadium Planting Plan	02/23/2024
L-307	Stadium Planting Plan	02/23/2024
L-308	Northern Parcel Planting Plan	02/23/2024
L-400	Entry Plz, Ped. Corr. Roosevelt Ave and Eastern Perimeter Material Plan	02/23/2024
L-401	126th Street Material Plan	02/23/2024
L-402	Central Plaza Material Plan	02/23/2024
L-403	Eastern Perimeter Material Plan	02/23/2024
L-404	Stadium Material Plan	02/23/2024
L-405	Stadium Material Plan	02/23/2024

L-406	Stadium Material Plan	02/23/2024
L-407	Stadium Material Plan	02/23/2024
L-408	Northern Parcel Material Plan	02/23/2024
L-409	Entry Plz, Ped. Corr. Roosevelt Ave and Eastern Perimeter Furniture Plan	02/23/2024
L-410	126th Street Furniture Plan	02/23/2024
L-411	Central Plaza Furniture Plan	02/23/2024
L-412	Eastern Perimeter Furniture Plan	02/23/2024
L-413	Stadium Furniture Plan	02/23/2024
L-414	Stadium Furniture Plan	02/23/2024
L-415	Stadium Furniture Plan	02/23/2024
L-416	Stadium Furniture Plan	02/23/2024
L-417	Northern Parcel Furniture Plan	02/23/2024
L-418	Entry Plz, Ped. Corr. Roosevelt Ave and Eastern Perimeter Lighting Plan	02/23/2024
L-419	126th Street Lighting Plan	02/23/2024
L-420	Central Plaza Lighting Plan	02/23/2024
L-421	Eastern Perimeter Lighting Plan	02/23/2024
L-422	Stadium Lighting Plan	02/23/2024
L-423	Stadium Lighting Plan	02/23/2024
L-424	Stadium Lighting Plan	02/23/2024
L-425	Stadium Lighting Plan	02/23/2024
L-426	Northern Parcel Lighting Plan	02/23/2024
L-500	Sections	02/23/2024
L-501	Sections	02/23/2024
L-502	Sections	02/23/2024
L-503	Sections	02/23/2024
L-504	Sections	02/23/2024
L-505	Sections	02/23/2024
L-506	Sections	02/23/2024
L-507	Sections	02/23/2024
L-508	Sections	02/23/2024
L-509	Sections	02/23/2024
L-510	Sections	02/23/2024
L-511	Sections	02/23/2024
L-512	Sections	02/23/2024
L-513	Sections	02/23/2024
L-600	Site Details	02/23/2024
L-601	Planting Details	02/23/2024
L-602	Site Furniture Details	02/23/2024
L-603	Wall and Benches Detail	02/23/2024
L-604	Open Space Signage Details	02/23/2024
L-605	Game Day Details	02/23/2024

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. In the event the property that is the subject of the application is developed as, sold as, or converted to

condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.

5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign or legal representative of such party to observe any of the restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission or of any agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission to disapprove any application for modification, cancellation or amendment of the special permit.
7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI, 10-0-0; *Absent*: Crystal Hudson; Committee on Land Use, April 11, 2024.

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

#### Report for L.U. No. 31

**Report of the Committee on Land Use in favor of approving Application number C 240094 ZSQ (Willetts Point Phase II) submitted by Queens Development Group, LLC, City Football Stadium Group, LLC, and the New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-41 of the Zoning Resolution to allow an arena with a maximum capacity of 25,000 seats on property generally bounded by Seaver Way, 35th Avenue, 127th Street, Willetts Point Boulevard\*\*, and 38th Avenue\*\* (Tax Block 1823, Lots 12, 19, 20, 21, 23, 26, 28, 33, 40, 44, 47, 52 and 55; Tax Block 1824, Lots 1, 12, 19, 21, 26, 28, 33, 38, 40, 45, 53 and 100; and Tax Block 1825, Lots 1, 19, 21, 25, 28, 30, 37, 46, 48, 53, 55, 58 and 150), in a C4-4 District, within the Special Willetts Point District, Borough of Queens, Community District 7, Council District 21.**

The Committee on Land Use, to which the annexed Land Use item was referred on March 7, 2024 (Minutes, page 1322) and which same Land Use item was coupled with the resolution shown below, respectfully

#### REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 30 printed above in these Minutes)

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 348

**Resolution approving the decision of the City Planning Commission on ULURP No. C 240094 ZSQ, for the grant of a special permit (L.U. No. 31).**

By Council Members Salamanca and Riley.

**WHEREAS**, Queens Development Group, LLC, City Football Stadium Group, LLC, and the New York City Economic Development Corporation, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-41 of the Zoning Resolution to allow an arena with a maximum capacity of 25,000 seats on property generally bounded by Seaver Way, 35th Avenue, 127th Street, Willets Point Boulevard, and 38th Avenue (Tax Block 1823, Lots 12, 19, 20, 21, 23, 26, 28, 33, 40, 44, 47, 52 and 55; Tax Block 1824, Lots 1, 12, 19, 21, 26, 28, 33, 38, 40, 45, 53 and 100; and Tax Block 1825, Lots 1, 19, 21, 25, 28, 30, 37, 46, 48, 53, 55, 58 and 150), in a C4-4 District, within the Special Willets Point District, which in conjunction with the related actions would facilitate a new mixed-use development in an area generally bounded by Roosevelt Avenue and 39th Avenue to the south, Northern Boulevard to the north, Seaver Way to the west and 126th Place, 127th Street and 126th Lane to the east, in the Willets Point neighborhood of Queens, Community District 7 (ULURP No. C 240094 ZSQ) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on March 7, 2024, its decision dated March 6, 2024 (the “Decision”) on the Application;

**WHEREAS**, the Application is related to applications C 240092 ZSQ (L.U. No. 30), a zoning special permit pursuant to ZR 124-60 (Special Permit to Modify Use or Bulk Regulations), as amended by the proposed zoning text amendment (C 240093 ZRQ) to permit the transfer of floor area without regard to zoning lot lines and modify the bulk and use regulations of the underlying Special Willets Point District; C 240095 ZSQ (L.U. No. 32), a special permit pursuant to ZR 74-802 to build a transient hotel; N 240093 ZRQ (L.U. No. 33), a zoning text amendment modifying provisions of Article XII, Chapter 4 (Special Willets Point District); and C 240058 MMQ (L.U. No. 34), an amendment to the City Map to establish, eliminate, and change the grades of streets to facilitate the proposed development and accommodate future development within the Special Willets Point District;

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

**WHEREAS**, the City Planning Commission has made the findings required pursuant to Section 74-41 of the Zoning Resolution of the City of New York;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on March 12, 2024;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Positive Declaration issued March 1<sup>st</sup>, 2023 (CEQR No. 23DME005Q) and a Final Second Supplemental Environmental Impact Statement (FSSEIS) for which a Notice of Completion was issued on February 23, 2024, in which the proposed project as analyzed in the FSSEIS identified significant adverse impacts with respect to community facilities (publicly funded early childcare programs), transportation (traffic, transit, and pedestrians), historic and

cultural resources (architectural), and construction activities related to transportation (traffic and pedestrians); and including that the potential significant adverse impacts related to hazardous materials and air quality would be avoided through the placement of (E) designations as described in the FSSEIS; and including that the proposed mitigation measures are summarized in the Alternatives and Mitigation chapters of the FSSEIS.

**RESOLVED:**

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

1. The FSSEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. The environmental impacts disclosed in the FSSEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report;
3. Consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the action, FSSEIS dated February 23, 2024, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
4. The adverse environmental impacts disclosed in the FSSEIS will be minimized or avoided to the maximum extent practicable by incorporating the mitigation measures that were identified in the FSSEIS as practicable.

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 240094 ZSQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

5. The property that is the subject of this application (C 240094 ZSQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specification and zoning computation indicated on the following approved plans, prepared by S9 Architecture with this application and incorporated in this resolution:

Drawing No.	Title	Last Date Revised
Z-000	Cover	02/23/2024
Z-002	Base Plane Calculations	02/23/2024
Z-003	District Street and Open Space Plan	02/23/2024
Z-005	Zoning Analysis	02/23/2024
Z-006	Zoning Analysis	02/23/2024
Z-007	Zoning Analysis	02/23/2024
Z-008	Zoning Analysis	02/23/2024
Z-009	Zoning Analysis	02/23/2024
Z-010	Zoning Analysis	02/23/2024
Z-011	Zoning Analysis	02/23/2024
Z-012	Overall Site Plan	02/23/2024
Z-013	Overall Ground Floor Plan	02/23/2024
Z-014	Overall Cellar Plan	02/23/2024
Z-015	Overall Waiver Ground Floor Plan	02/23/2024
Z-016	Overall Waiver Roof Plan	02/23/2024
Z-201	Stadium Site Plan	02/23/2024
Z-202	Stadium Ground Floor Plan	02/23/2024
Z-203	Stadium Cellar Plan	02/23/2024

Z-204	Stadium Waiver Ground Floor Plan	02/23/2024
Z-205	Stadium Waiver Roof Plan	02/23/2024
Z-206	Stadium Waiver Sections	02/23/2024
Z-207	Stadium Elevations	02/23/2024
Z-208	Stadium Signage Waiver	02/23/2024
Z-209	Stadium Signage Waiver	02/23/2024
Z-210	Stadium Signage Waiver	02/23/2024
Z-211	Stadium Signage Waiver	02/23/2024

6. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
7. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
8. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
9. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
10. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign or legal representative of such party to observe any of the restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission or of any agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission to disapprove any application for modification, cancellation or amendment of the special permit.
11. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI, 10-0-0; *Absent*: Crystal Hudson; Committee on Land Use, April 11, 2024.

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

## Report for L.U. No. 32

**Report of the Committee on Land Use in favor of approving Application number C 240095 ZSQ (Willets Point Phase II) submitted by Queens Development Group, LLC, City Football Stadium Group, LLC, and the New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-802 of the Zoning Resolution to allow a transient hotel (Use Group 5), in connection with a proposed mixed-use development, on property generally bounded by Seaver Way, 38th Avenue\*\*, and the southeasterly centerline prolongation of Willets Point Boulevard\*\* (Block 1833, Lot 117), in a C4-4 District, within the Special Willets Point District. Borough of Queens, Community District 7, Council District 21.**

The Committee on Land Use, to which the annexed Land Use item was referred on March 7, 2024 (Minutes, page 1322) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 30 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 349

**Resolution approving the decision of the City Planning Commission on ULURP No. C 240095 ZSQ, for the grant of a special permit (L.U. No. 32).**

By Council Members Salamanca and Riley.

**WHEREAS**, Queens Development Group, LLC, City Football Stadium Group, LLC, and the New York City Economic Development Corporation, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-802 of the Zoning Resolution to allow a transient hotel (Use Group 5), in connection with a proposed mixed-use development, on property generally bounded by Seaver Way, 38th Avenue, and the southeasterly centerline prolongation of Willets Point Boulevard (Block 1833, Lot 117), in a C4-4 District,, within the Special Willets Point District, Borough of Queens, Community District 7 (ULURP No. C 240095 ZSQ) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on March 7, 2024, its decision dated March 6, 2024 (the “Decision”) on the Application;

**WHEREAS**, the Application is related to applications C 240092 ZSQ (L.U. No. 30), a zoning special permit pursuant to ZR 124-60 (Special Permit to Modify Use or Bulk Regulations), as amended by the proposed zoning text amendment (N 240093 ZRQ) to permit the transfer of floor area without regard to zoning lot lines and modify the bulk and use regulations of the underlying Special Willets Point District; C 240094 ZSQ (L.U. No. 31), a special permit pursuant to ZR 74-41 to build a stadium of greater than 2,500 seats; N 240093 ZRQ (L.U. No. 33), a zoning text amendment modifying provisions of Article XII, Chapter 4 (Special Willets Point District); and C 240058 MMQ (L.U. No. 34), an amendment to the City Map to establish, eliminate, and change the grades of streets to facilitate the proposed development and accommodate future development within the Special Willets Point District;

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

**WHEREAS**, the City Planning Commission has made the findings required pursuant to Section 74-802 of the Zoning Resolution of the City of New York;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on March 12, 2024;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Positive Declaration issued March 1<sup>st</sup>, 2023 (CEQR No. 23DME005Q) and a Final Second Supplemental Environmental Impact Statement (FSSEIS) for which a Notice of Completion was issued on February 23, 2024, in which the proposed project as analyzed in the FSSEIS identified significant adverse impacts with respect to community facilities (publicly funded early childcare programs), transportation (traffic, transit, and pedestrians), historic and cultural resources (architectural), and construction activities related to transportation (traffic and pedestrians); and including that the potential significant adverse impacts related to hazardous materials and air quality would be avoided through the placement of (E) designations as described in the FSSEIS; and including that the proposed mitigation measures are summarized in the Alternatives and Mitigation chapters of the FSSEIS.

**RESOLVED:**

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

1. The FSSEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. The environmental impacts disclosed in the FSSEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report;
3. Consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the action, FSSEIS dated February 23, 2024, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
4. The adverse environmental impacts disclosed in the FSSEIS will be minimized or avoided to the maximum extent practicable by incorporating the mitigation measures that were identified in the FSSEIS as practicable.

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 240095 ZSQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

5. The property that is the subject of this application (C 240095 ZSQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by S9 Architecture with this application and incorporated in this resolution:

Drawing No.	Title	Last Date Revised
Z-000	Cover	02/23/2024



Z-002	Base Plane Calculations	02/23/2024
Z-003	District Street and Open Space Plan	02/23/2024
Z-005	Zoning Analysis	02/23/2024
Z-006	Zoning Analysis	02/23/2024
Z-007	Zoning Analysis	02/23/2024
Z-008	Zoning Analysis	02/23/2024
Z-009	Zoning Analysis	02/23/2024
Z-010	Zoning Analysis	02/23/2024
Z-011	Zoning Analysis	02/23/2024
Z-012	Overall Site Plan	02/23/2024
Z-013	Overall Ground Floor Plan	02/23/2024
Z-014	Overall Cellar Plan	02/23/2024
Z-015	Overall Waiver Ground Floor Plan	02/23/2024
Z-016	Overall Waiver Roof Plan	02/23/2024
Z-101	Triangle Parcel Site Plan	02/23/2024
Z-102	Triangle Parcel Ground Floor Plan	02/23/2024
Z-103	Triangle Parcel Cellar Plan	02/23/2024
Z-104	Triangle Waiver Ground Floor Plan	02/23/2024
Z-105	Triangle Waiver Roof Plan	02/23/2024
Z-106	Triangle Parcel Sections	02/23/2024
Z-107	Triangle Parcel Sections	02/23/2024
Z-108	Triangle Parcel Sections	02/23/2024
Z-109	Triangle Parcel Elevations	02/23/2024
Z-110	Triangle Parcel Elevations	02/23/2024
L-100	Entry Plz, Ped. Corr. Roosevelt Ave and Eastern Perimeter Layout Plan	02/23/2024

6. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
7. Such development shall confirm to all applicable laws and regulations relating to its construction, operation and maintenance.
8. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
9. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
10. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign or legal representative of such party to observe any of the restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission or of any agency of government, or any private person or entity. Any such failure as stated above, or

any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission to disapprove any application for modification, cancellation or amendment of the special permit.

11. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI, 10-0-0; *Absent*: Crystal Hudson; Committee on Land Use, April 11, 2024.

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

#### Report for L.U. No. 33

**Report of the Committee on Land Use in favor of approving Application number N 240093 ZRQ (Willets Point Phase II) submitted by Queens Development Group, LLC, City Football Stadium Group, LLC and the New York City Economic Development Corporation, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying provisions of Article XII, Chapter 4 (Special Willets Point District), Borough of Queens, Community District 7, Council District 21.**

The Committee on Land Use, to which the annexed Land Use item was referred on March 7, 2024 (Minutes, page 1322) and which same Land Use item was coupled with the resolution shown below, respectfully

#### REPORTS:

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 30 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 350

**Resolution approving the decision of the City Planning Commission on Application No. N 240093 ZRQ, for an amendment of the text of the Zoning Resolution (L.U. No. 33).**

By Council Members Salamanca and Riley.

**WHEREAS**, Queens Development Group, LLC, City Football Stadium Group, LLC and the New York City Economic Development Corporation, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying provisions of Article XII, Chapter 4 (Special Willets Point District), which in conjunction with the related actions would facilitate a new mixed-use development in an area generally bounded by Roosevelt Avenue and 39th Avenue to

the south, Northern Boulevard to the north, Seaver Way to the west and 126th Place, 127th Street and 126th Lane to the east, in the Willets Point neighborhood of Queens, Community District 7 (ULURP No. N 240093 ZRQ), (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on March 7, 2024, its decision dated March 6, 2024 (the "Decision") on the Application;

**WHEREAS**, the Application is related to applications C 240092 ZSQ (L.U. No. 30), a zoning special permit pursuant to ZR 124-60 (Special Permit to Modify Use or Bulk Regulations), as amended by the proposed zoning text amendment (C 240093 ZRQ) to permit the transfer of floor area without regard to zoning lot lines and modify the bulk and use regulations of the underlying Special Willets Point District; C 240094 ZSQ (L.U. No. 31), a special permit pursuant to ZR 74-41 to build a stadium of greater than 2,500 seats; C 240095 ZSQ (L.U. No. 32), a special permit pursuant to ZR 74-802 to build a transient hotel; and C 240058 MMQ (L.U. No. 34), an amendment to the City Map to establish, eliminate, and change the grades of streets to facilitate the proposed development and accommodate future development within the Special Willets Point District;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on March 12, 2024;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Positive Declaration issued March 1<sup>st</sup>, 2023 (CEQR No. 23DME005Q) and a Final Second Supplemental Environmental Impact Statement (FSSEIS) for which a Notice of Completion was issued on February 23, 2024, in which the proposed project as analyzed in the FSSEIS identified significant adverse impacts with respect to community facilities (publicly funded early childcare programs), transportation (traffic, transit, and pedestrians), historic and cultural resources (architectural), and construction activities related to transportation (traffic and pedestrians); and including that the potential significant adverse impacts related to hazardous materials and air quality would be avoided through the placement of (E) designations as described in the FSSEIS; and including that the proposed mitigation measures are summarized in the Alternatives and Mitigation chapters of the FSSEIS.

**RESOLVED:**

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

1. The FSSEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. The environmental impacts disclosed in the FSSEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report;
3. Consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the action, FSSEIS dated February 23, 2024, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
4. The adverse environmental impacts disclosed in the FSSEIS will be minimized or avoided to the maximum extent practicable by incorporating the mitigation measures that were identified in the FSSEIS as practicable.

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 240093 ZRQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Matter underlined is new, to be added;

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

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

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

**ARTICLE XII  
SPECIAL PURPOSE DISTRICTS**

**Chapter 4  
Special Willets Point District**

**124-00  
GENERAL PURPOSES**

\* \* \*

**124-05  
Certification for Large Developments**

The requirements of this Section shall apply to #zoning lots# of at least 200,000 square feet of #lot area#, containing #developments# or #enlargements# resulting in at least 100,000 square feet of #floor area# on such #zoning lots#, or multiple #zoning lots# of at least 200,000 square feet of #lot area#, in aggregate, that are subject to the provisions of Section 124-60 (SPECIAL PERMIT TO MODIFY USE OR BULK REGULATIONS).

No building permit shall be issued until the Chairperson of the City Planning Commission certifies to the Department of Buildings that such #developments# or #enlargements# comply with the provisions of this Section.

A set of drawings of sufficient scope and detail shall be submitted, showing that:

\* \* \*

- (d) for any portion of the #Special Willets Point District# not within the area proposed for #development# or #enlargement# and for which a certification pursuant to this Section has not been obtained, plans shall be submitted showing that the #development# or #enlargement# that is the subject of this certification shall not preclude such portions of the #Special Willets Point District# from complying with the provisions of Sections 124-31 and 124-40 under future certifications pursuant to this Section, except where such compliance is directly prevented by modifications granted by the Commission pursuant to Section 124-60.

\* \* \*

**124-30  
MANDATORY IMPROVEMENTS**

\* \* \*

**124-31  
Standards for Streets and Blocks**

#Developments# or #enlargements# that result in a total of at least 100,000 square feet of #floor area# on individual zoning lots of at least 200,000 square feet or groups of #zoning lots# subject to the provisions of Section 124-60 (SPECIAL PERMIT TO MODIFY USE OR BULK REGULATIONS) that are, in aggregate, at least 200,000 square feet, shall front upon #streets# that comply with the requirements of this Section, inclusive, unless modified by special permit pursuant to Section 124-60.

\* \* \*

**124-40  
PUBLICLY ACCESSIBLE OPEN SPACE REQUIREMENTS**

\* \* \*

**124-41  
Amount of Publicly Accessible Open Space**

Publicly accessible open space within the #Special Willets Point District# shall total not less than eight acres. Such required amounts shall be open to the sky and shall not include any sidewalks required pursuant to this Section or sidewalk widenings pursuant to Section 124-33.

For #developments# or #enlargements# that result in a total of at least 100,000 square feet of #floor area# on individual #zoning lots# of at least 200,000 square feet or groups of #zoning lots# subject to the provisions of Section 124-60 (SPECIAL PERMIT TO MODIFY USE OR BULK REGULATIONS) that are, in aggregate, at least 200,000 square feet, the following amount of publicly accessible open space shall be provided for each 1,000 square feet of floor area:

Within Area A: 30 square feet

Within Area B: 50 square feet.

\* \* \*

**124-60  
SPECIAL PERMIT TO MODIFY USE OR BULK REGULATIONS**

For any #zoning lot# within the #Special Willets Point District#, the City Planning Commission may permit modification of the #use# regulations, or #bulk# regulations, except #floor area ratio# provisions, or parking and loading regulations of this Resolution, the mandatory improvement or other urban design regulations of this Chapter, or the distribution of #floor area# or #dwelling units# without regard for #zoning lot lines#, provided the Commission shall find that such:

- (a) #use# or #bulk# modification shall aid in achieving the general purposes and intent of the Special District;
- (b) #use# modification shall encourage a lively pedestrian environment along the street, or is necessary for, and the only practicable way to achieve, the programmatic requirements of the development;
- (c) #bulk# modifications shall enhance the distribution of #bulk# within the Special District;

- (d) ~~#bulk#~~ modifications shall permit adequate access of light and air to surrounding streets; ~~and~~
- (e) parking and loading modifications will not have undue adverse effects on residents and businesses in the surrounding area, will not create serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;
- (f) modifications to mandatory improvements or other urban design regulations will not unduly impact the streetscape;
- (g) modifications to the distribution of #floor area# or #dwelling units# and the location of #buildings# will not unduly increase the #bulk# of #buildings# in any one #block# or unduly obstruct access to light and air to the detriment of the occupants or users of #buildings# in the #block# or nearby #blocks# or of people using the public #streets#; and
- (e)(h) ~~#use# or #bulk#~~ modifications, in total, shall relate harmoniously to the character of the surrounding area.

Notwithstanding the foregoing, a #use# modification may include a #use# proposed as part of a phased development within the Special District, where the Commission finds that such #use# is reasonably necessary for transitional purposes to assist in achievement of the goals of the Special District, provided the findings of paragraphs (a), (b) and (e) of this Section are met to the maximum extent possible, taking into account the nature of such #use#.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI, 10-0-0; *Absent*: Crystal Hudson; Committee on Land Use, April 11, 2024.

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

Report for L.U. No. 34

**Report of the Committee on Land Use in favor of approving Application number C 240058 MMQ (Willetts Point Phase II) submitted by the New York City Economic Development Corporation, Queens Development Group, LLC, and CFG Stadium Group, LLC, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code, for an amendment to the City Map involving: the establishment of 38th Avenue, 39th Avenue, 126th Lane, and a portion of Willetts Point Boulevard within an area generally bounded by Van Wyck Expressway Extension, Roosevelt Avenue, Seaver Way, and Northern Boulevard, the elimination, discontinuance and closing of 36th Avenue, east of Seaver Way, the elimination, discontinuance, and closing of streets within an area generally bounded by 127th Street, Northern Boulevard, Van Wyck Expressway Extension, and Roosevelt Avenue, the raising of grades within streets generally bounded by Northern Boulevard, 127th Street, Willetts Point Boulevard, 38th Avenue, and Seaver Way, the adjustment of grades and block dimensions necessitated thereby and any acquisition or disposition of real properties**

**related thereto, Borough of Queens, Community District 7, Council District 21.**

The Committee on Land Use, to which the annexed Land Use item was referred on March 7, 2024 (Minutes, page 1323) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 30 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 351

**Resolution approving the decision of the City Planning Commission on ULURP No. C 240058 MMQ, an amendment to the City Map (L.U. No. 34).**

By Council Members Salamanca and Riley.

**WHEREAS**, the New York City Economic Development Corporation, Queens Development Group, LLC, and CFG Stadium Group, LLC, filed an application pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving:

- the establishment of 38<sup>th</sup> Avenue, 39<sup>th</sup> Avenue, 126<sup>th</sup> Lane, and a portion of Willets Point Boulevard within an area generally bounded by Van Wyck Expressway Extension, Roosevelt Avenue, Seaver Way, and Northern Boulevard;
- the elimination, discontinuance and closing of 36<sup>th</sup> Avenue, east of Seaver Way;
- the elimination, discontinuance, and closing of streets within an area generally bounded by 127<sup>th</sup> Street, Northern Boulevard, Van Wyck Expressway Extension, and Roosevelt Avenue;
- the raising of grades within streets generally bounded by Northern Boulevard, 127<sup>th</sup> Street, Willets Point Boulevard, 38<sup>th</sup> Avenue, and Seaver Way;
- the adjustment of grades and block dimensions necessitated thereby; and
- any acquisition or disposition of real properties related thereto,

in accordance with Maps No. 5038, and 5039, dated September 26, 2023 and Map No. 5040, dated September 28, 2023, and all signed by the Borough President, which in conjunction with the related actions would facilitate a new mixed-use development in an area generally bounded by Roosevelt Avenue and 39<sup>th</sup> Avenue to the south, Northern Boulevard to the north, Seaver Way to the west and 126<sup>th</sup> Place, 127<sup>th</sup> Street and 126<sup>th</sup> Lane to the east, in the Willets Point neighborhood of Queens, Community District 7 (ULURP No. C 240058 MMQ) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on March 7, 2024 its decision dated March 6, 2024 (the "Decision"), on the Application;

**WHEREAS**, the Application is related to applications C 240092 ZSQ (L.U. No. 30), a zoning special permit pursuant to ZR 124-60 (Special Permit to Modify Use or Bulk Regulations), as amended by the proposed zoning text amendment (N 240093 ZRQ) to permit the transfer of floor area without regard to zoning lot lines and modify the bulk and use regulations of the underlying Special Willets Point District; C 240094 ZSQ (L.U. No. 31), a special permit pursuant to ZR 74-41 to build a stadium of greater than 2,500 seats; C 240095 ZSQ (L.U. No. 32), a special permit pursuant to ZR 74-802 to build a transient hotel; and N 240093 ZRQ (L.U. No. 33), a zoning text amendment modifying provisions of Article XII, Chapter 4 (Special Willets Point District);

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on March 12, 2024;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Positive Declaration issued March 1<sup>st</sup>, 2023 (CEQR No. 23DME005Q) and a Final Second Supplemental Environmental Impact Statement (FSSEIS) for which a Notice of Completion was issued on February 23, 2024, in which the proposed project as analyzed in the FSSEIS identified significant adverse impacts with respect to community facilities (publicly funded early childcare programs), transportation (traffic, transit, and pedestrians), historic and cultural resources (architectural), and construction activities related to transportation (traffic and pedestrians); and including that the potential significant adverse impacts related to hazardous materials and air quality would be avoided through the placement of (E) designations as described in the FSSEIS; and including that the proposed mitigation measures are summarized in the Alternatives and Mitigation chapters of the FSSEIS.

**RESOLVED:**

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

1. The FSSEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. The environmental impacts disclosed in the FSSEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report;
3. Consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the action, FSSEIS dated February 23, 2024, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
4. The adverse environmental impacts disclosed in the FSSEIS will be minimized or avoided to the maximum extent practicable by incorporating the mitigation measures that were identified in the FSSEIS as practicable.

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

Pursuant to Sections 197-d and 199 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 240058 MMQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision for an amendment to the City Map involving:

- the establishment of 38<sup>th</sup> Avenue, 39<sup>th</sup> Avenue, 126<sup>th</sup> Lane, and a portion of Willets Point Boulevard



within an area generally bounded by Van Wyck Expressway Extension, Roosevelt Avenue, Seaver Way, and Northern Boulevard;

- the elimination, discontinuance and closing of 36<sup>th</sup> Avenue, east of Seaver Way;
- the elimination, discontinuance, and closing of streets within an area generally bounded by 127<sup>th</sup> Street, Northern Boulevard, Van Wyck Expressway Extension, and Roosevelt Avenue;
- the raising of grades within streets generally bounded by Northern Boulevard, 127<sup>th</sup> Street, Willets Point Boulevard, 38<sup>th</sup> Avenue, and Seaver Way;
- the adjustment of grades and block dimensions necessitated thereby; and
- any acquisition or disposition of real properties related thereto,

in accordance with Maps No. 5038, and 5039, dated September 26, 2023 and Map No. 5040, dated September 28, 2023, and all signed by the Borough President is approved; and be it further

**RESOLVED** that, pursuant to Section 5-432 of the New York City Administrative Code, the City Planning Commission determines that “such closing or discontinuance will further the health, safety, pedestrian or vehicular circulation, housing, economic development or general welfare of the City”; and be it further

**RESOLVED** that, pursuant to Section 5-433 of the New York Administrative Code, the City Planning Commission adopts the legally required number of counterparts of Map No. 5039, dated September 26, 2023 and Map No. 5040, dated September 28, 2023, providing for the **discontinuance and closing** of various streets within an area bounded by 126<sup>th</sup> Street, Northern Boulevard, Van Wyck Expressway Extension and Roosevelt Avenue, said streets to be discontinued and closed being more particularly described as follows:

**STREETS TO BE DISCONTINUED AND CLOSED**  
**AS SHOWN ON ALTERATION MAP NO. 5039**  
**DATED SEPTEMBER 26, 2023**

Beginning at a point on the northeasterly line of Seaver Way, said point being 200.00’ feet southeasterly from the corner formed by the intersection of the southeasterly line of 35<sup>th</sup> Avenue and the northeasterly line of Seaver Way, as said streets are shown on Alteration Map 5039, dated September 26, 2023;

No. 1 – Running thence southeasterly along northeasterly line of Seaver Way, for 60.00 feet to the former southeasterly line of 36<sup>th</sup> Avenue, discontinued and closed;

No. 2 – Thence northeasterly along the former southeasterly line of 36<sup>th</sup> Avenue, discontinued and closed, forming an interior angle of 90 degrees 00 minutes 00 seconds, with the last mentioned course for 140.00 feet to the former northeasterly line of 36<sup>th</sup> Avenue, discontinued and closed;

No. 3 – Thence northwesterly along the former northeasterly line of 36<sup>th</sup> Avenue, discontinued and closed, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course for 60.00 feet to the former northwesterly streetline of 36<sup>th</sup> Avenue, discontinued and closed;

No. 4 – Thence southwesterly along the former northwesterly streetline of 36<sup>th</sup> Avenue, discontinued and closed, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, for 140 feet to the point of beginning.

Said 36<sup>th</sup> Avenue to be discontinued and closed east of Seaver Way contains an area of 8,400 square feet, more or less.

**STREETS TO BE DISCONTINUED AND CLOSED**  
**AS SHOWN ON ALTERATION MAP NO. 5040**  
**DATED SEPTEMBER 28, 2023**

Beginning at a point on the northeasterly streetline of 127<sup>th</sup> Street, said point being 440.94 feet distant southeasterly from the corner formed by the intersection of the southeasterly line of Northern Boulevard and the northeasterly line of 127<sup>th</sup> Street, as said streets are shown on Alteration Map 5040, dated September 28, 2023.

No. 1 – Running thence southeasterly along the northeasterly line of 127<sup>th</sup> Street for 60 feet to the former southeasterly line of 34<sup>th</sup> Avenue, discontinued and closed;

No. 2 – Thence northeasterly along the southeasterly line of 34<sup>th</sup> Avenue, discontinued and closed, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, for 647.51 feet to the former westerly line of Willets Point Boulevard, discontinued and closed;

No. 3 – Thence southerly along the former westerly line of Willets Point Boulevard, discontinued and closed, forming an interior angle of 311 degrees 21 minutes 42 seconds with the last mentioned course, for 266.47 feet to the former northwesterly line of 35<sup>th</sup> Avenue, discontinued and closed;

No. 4 – Thence southwestery along the former northwesterly line of 35<sup>th</sup> Avenue, discontinued and closed, forming an interior angle of 228 degrees, 38 minutes 18 seconds with the last mentioned course, for 471.43 feet to the northeasterly line of 127<sup>th</sup> Street;

No. 5 – Thence southeasterly along the northeasterly line of 127<sup>th</sup> Street, forming an interior angle of 90 degrees, 00 minutes, 00 seconds with the last mentioned course, for 60.00 feet to the former southeasterly streetline of 35<sup>th</sup> Avenue, discontinued and closed;

No. 6 – Thence northeasterly along the former southeasterly line of 35<sup>th</sup> Avenue, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, for 418.60 feet to the former westerly line of Willets Point Boulevard, discontinued and closed;

No. 7 – Thence southerly along the former westerly line of Willets Point Boulevard, forming an interior angle of 311 degrees 21 minutes 42 seconds with the land mentioned course, for 266.47 feet to the former northwesterly line of 36<sup>th</sup> Avenue, discontinued and closed;

No. 8 – Thence southwestery along the former northwesterly line of 36<sup>th</sup> Avenue, forming an interior angle of 228 degrees 38 minutes 18 seconds with the last mentioned course, for 242.51 feet to the northeasterly line of 127<sup>th</sup> Street;

No. 9 – Thence southeasterly along the northeasterly line of 127<sup>th</sup> Street, forming an interior angle of 90 degrees 00 minutes, 00 seconds with the last mentioned course, for 60.00 feet to the former northwesterly line of 36<sup>th</sup> Avenue, discontinued and closed;

No. 10 – Thence northeasterly along the former southeasterly streetline of 36<sup>th</sup> Avenue, discontinued and closed, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, for 189.69 feet to the former southwestery line of Willets Point Boulevard, discontinued and closed;

No. 11 – Thence southerly along the former westerly line of Willets Point Boulevard, forming an interior angle of 311 degrees, 21 minutes 42 seconds with the last mentioned course, for 266.47 feet to the former northwesterly line of Willets Point Boulevard, discontinued and closed;

No. 12 – Thence southwesterly along the former southwesterly line of Willets Point Boulevard, forming an interior angle of 228 degrees 38 minutes 18 seconds with the last mentioned course, for 13.60 feet to the northeasterly line of 127<sup>th</sup> Street;

No. 13 – Thence southeasterly along the northeasterly line of 127<sup>th</sup> Street, forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course, for 136.51 feet to the former easterly line of Willets Point Boulevard, discontinued and closed;

No. 14 – Thence northerly along the former easterly line of Willets Point Boulevard, forming an interior angle of 41 degrees 20 minutes 28 seconds with the last mentioned course, for 1185.49 feet to a point of curvature;

No. 15 – Thence northerly, northeasterly along the former easterly line of Willets Point Boulevard, discontinued and closed, on the arc of a circle curving to the right, the radius of which is 300 feet, for 329.574 feet to the westerly line of the Van Wyck Expressway Extension;

No. 16 – Thence northwesterly, westerly, southwesterly along the westerly line of the Van Wyck Expressway and the southerly line of Northern Boulevard, on the arc of a circle curving to the left, the radius of which is 291.306 feet, the tangent of which forms an interior angle of 75 degrees, 35 minutes, 45.2 seconds with the tangent of the last mentioned course, for 347.870 feet to a point of curvature;

No. 17 – Thence southwesterly along the former northerly line of Willets Point Boulevard, discontinued and closed, on the arc of a circle, curving to the left, the radius of which is 1751.800 feet, tangent to the last mentioned course, for 366.900 feet to the former southerly line of Willets Point Boulevard, discontinued and closed;

No. 18 – Thence easterly, southeasterly along the former southerly line of Willets Point Boulevard, discontinued and closed, on a circle, curving to the right, the radius of which is 253.000 feet, the tangent of which forms an interior angle of 180 degrees 00 minutes 00 seconds with the tangent of the last mentioned course, for 356.910 feet to a point of curvature;

No. 19 – Thence southeasterly, southerly along the former southwesterly and westerly line of Willets Point Boulevard, discontinued and closed, on the arc of a circle, curving to the right, the radius of which is 309.535 feet, tangent the last mentioned course, for 199.110 feet to the former northwesterly line of 34<sup>th</sup> Avenue, discontinued and closed;

No. 20 – Thence southwesterly along the former northwesterly line of 34<sup>th</sup> Avenue, discontinued and closed, forming an interior angle of 232 degrees 50 minutes 19 seconds with the tangent of the last mentioned course, for 430.53 feet to the former northeasterly line of 127<sup>th</sup> Place, discontinued and closed;

No. 21 – Thence northwesterly along the former northeasterly line of 127<sup>th</sup> Place, discontinued and closed, forming an interior angle of 270 degrees, 00 minutes, 00 seconds with the last mentioned course, for 460.12 feet to the southeasterly line of Northern Boulevard;

No. 22 – Thence southwesterly along the southeasterly line of Northern Boulevard, on the arc of a circle, the radius of which is 1751.800 feet, the tangent of which forms an interior angle of 90 degrees 12 minutes 34 seconds with the tangent of the last mentioned course, for 60.008 feet to the former southwesterly line of 127<sup>th</sup> Place, discontinued and closed;

No. 23 – Thence southeasterly along the former southwesterly line of 127<sup>th</sup> Place, discontinued and closed, forming an interior angle of 91 degrees, 45 minutes 12 seconds with the tangent of the last mentioned course, for 459.31 feet to the former northwesterly line of 34<sup>th</sup> Avenue, discontinued and closed;

No. 24 – Thence southwesterly along the former northwesterly line of 34<sup>th</sup> Avenue, discontinued and closed, forming an interior angle of 270 degrees 00 minutes 00 seconds with the last mentioned course, for 205 feet to the point of beginning.

Said, Willets Point Boulevard, 34<sup>th</sup> Avenue, 35<sup>th</sup> Avenue, 36<sup>th</sup> Avenue and 127<sup>th</sup> Place to be discontinued and closed contains an area of 294,472 square feet, more or less; and be it further

**RESOLVED**, that, pursuant to subdivision 1a of Section 5-433 of the New York City Administrative Code, public utility facilities within the subsurface of the streets cited herein (C 240058 MMQ) which are to be discontinued and closed by this action, may be maintained in place or relocated within such subsurface by the public utility, so that such maintenance in place or relocation of such facilities is consistent with the proposed use of the closed portion or portions of such subsurface and the requirements of other facilities located therein;

All such approvals being subject to the following conditions:

- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map Nos. 5038, and 5039, dated September 26, 2023 and Map No. 5040, dated September 28, 2023 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter and Section 5-435 of the New York City Administrative Code.
- b. The subject streets to be discontinued and closed shall be discontinued and closed on the day following the day on which such maps adopted by this resolution shall be filed in the offices specified by law.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, PIERINA A. SANCHEZ, JOSEPH C. BORELLI, 10-0-0; *Absent*: Crystal Hudson; Committee on Land Use, April 11, 2024.

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

Report for L.U. No. 37

**Report of the Committee on Land Use in favor of approving, as modified, Application number C 230126 ZMQ (30-11 12th Street Rezoning) submitted by 30-11 12th Street Realty, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9a by changing from an R4-1 District to an R6A District, changing from an R5B District to an R6A District, changing from an R6B District to an R6A District, and establishing within the proposed R6A District a C2-3 District, Borough of Queens, Community District 1, Council District 22.**

The Committee on Land Use, to which the annexed Land Use item was referred on March 19, 2024 (Minutes, page 1490), respectfully

#### **REPORTS:**

**(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 37 & Res. No. 355 printed in the General Orders Calendar section of these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, CRYSTAL HUDSON, PIERINA A. SANCHEZ; 8-0-0; *Absent*: Kamillah M. Hanks, Carlina Rivera, and the Minority Leader (Council Member Borelli); Committee on Land Use, March 28, 2024. *Other Council Members Attending: Council Member Cabán.*

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

Report for L.U. No. 38

**Report of the Committee on Land Use in favor of approving, as modified, Application number N 230127 ZRQ (30-11 12th Street Rezoning) submitted by 30-11 12th Street Realty, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Community District 1, Council District 22.**

The Committee on Land Use, to which the annexed Land Use item was referred on March 19, 2024 (Minutes, page 1490), respectfully

**REPORTS:**

**(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 38 & Res. No. 356 printed in the General Orders Calendars section of these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, CRYSTAL HUDSON, PIERINA A. SANCHEZ; 8-0-0; *Absent*: Kamillah M. Hanks, Carlina Rivera, and the Minority Leader (Council Member Borelli); Committee on Land Use, March 28, 2024. *Other Council Members Attending: Council Member Cabán.*

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

Report for L.U. No. 39

**Report of the Committee on Land Use in favor of approving, as modified, Application number C 230307 ZMQ (23-01 Steinway Street Rezoning) submitted by Efraim Realty, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9c by eliminating from within an existing R5D District a C2-3 District, changing from an R5D District to an R6A District, and establishing within a proposed R6A District a C2-4 District, Borough of Queens, Community District 1, Council District 22.**

The Committee on Land Use, to which the annexed Land Use item was referred on March 19, 2024 (Minutes, page 1490), respectfully

**REPORTS:**

**(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 39 & Res. No. 357 printed in the General Orders Calendars section of these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, CRYSTAL HUDSON, PIERINA A. SANCHEZ; 8-0-0; *Absent*: Kamillah M. Hanks, Carlina Rivera, and the Minority Leader (Council Member Borelli); Committee on Land Use, March 28, 2024. *Other Council Members Attending: Council Member Cabán.*

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

#### Report for L.U. No. 40

**Report of the Committee on Land Use in favor of approving, as modified, Application number N 230308 ZRQ (23-01 Steinway Street Rezoning) submitted by Efraim Realty, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Community District 1, Council District 22.**

The Committee on Land Use, to which the annexed Land Use item was referred on March 19, 2024 (Minutes, page 1490), respectfully

#### **REPORTS:**

**(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 40 & Res. No. 358 printed in the General Orders Calendars section of these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, CRYSTAL HUDSON, PIERINA A. SANCHEZ; 8-0-0; *Absent*: Kamillah M. Hanks, Carlina Rivera, and the Minority Leader (Council Member Borelli); Committee on Land Use, March 28, 2024. *Other Council Members Attending: Council Member Cabán.*

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

## Report for L.U. No. 44

**Report of the Committee on Land Use in favor of approving, as modified, Application number C 230381 ZMK (396-400 Avenue X Rezoning) submitted by PG Realty Investments, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 28c by changing from an R4 District to an R7A District and establishing within the proposed R7A District a C2-4 District, Borough of Brooklyn, Community District 15, Council District 47.**

The Committee on Land Use, to which the annexed Land Use item was referred on March 19, 2024 (Minutes, page 1491), respectfully

**REPORTS:**

**(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 44 & Res. No. 359 printed in the General Orders Calendars section of these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARIÁS, CRYSTAL HUDSON, PIERINA A. SANCHEZ; 8-0-0; *Absent*: Kamillah M. Hanks, Carlina Rivera, and the Minority Leader (Council Member Borelli); Committee on Land Use, March 28, 2024. *Other Council Members Attending: Council Member Cabán.*

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

## Report for L.U. No. 45

**Report of the Committee on Land Use in favor of approving, as modified, Application number N 230382 ZRK (396-400 Avenue X Rezoning) submitted by PG Realty Investments, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing Area, Borough of Brooklyn, Community District 15, Council District 47.**

The Committee on Land Use, to which the annexed Land Use item was referred on March 19, 2024 (Minutes, page 1492), respectfully

**REPORTS:**

**(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 45 & Res. No. 360 printed in the General Orders Calendars section of these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARIÁS, CRYSTAL HUDSON, PIERINA A. SANCHEZ; 8-0-0; *Absent*: Kamillah M. Hanks, Carlina Rivera, and the Minority Leader (Council Member Borelli); Committee on Land Use, March 28, 2024. *Other Council Members Attending: Council Member Cabán.*

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

### **Report of the Committee on Rules, Privileges and Elections**

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

Report for Res. No. 331

#### **Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment of Council Member Jennifer Gutiérrez as a member of the New York City Commission on Public Information and Communication.**

The Committee on Rules, Privileges and Elections, to which the annexed preconsidered resolution was referred on April 11, 2024, respectfully

#### **REPORTS:**

##### **TOPIC I: NEW YORK CITY COMMISSION ON PUBLIC INFORMATION AND COMMUNICATION – (CANDIDATE FOR APPOINTMENT BY THE COUNCIL)**

- **Council Member Jennifer Gutierrez [Preconsidered Res. 331]**

Chapter 47 of the New York City Charter (hereinafter “Charter”) provides that there shall be a Commission on Public Information and Communication (the Commission) consisting of 11 members, one of whom shall be a Council Member elected by the Council. The other members are the Public Advocate, who serves as the Chair, the Corporation Counsel or their delegate, the Director of Operations or their delegate, the Commissioner of the Department of Records and Information Services or their delegate, the Commissioner of the Office of Technology and Innovation or their delegate, the President of WNYC Communications Group or their delegate, and four other members, two of whom are appointed by the Mayor, one of whom is appointed by the Public Advocate, and one of whom is appointed by the Borough Presidents.<sup>1</sup>

The Charter provides that the Commission shall:

- Undertake activities to educate the public about the availability and potential usefulness of City produced or maintained information and assist the public in obtaining access to such information;
- Review all City information policies, including but not limited to, policies regarding public access to city produced or maintained information, particularly, computerized information;
- Review the quality, structure, and costs to the public of such information;
- Review agency compliance with the various notice, comment, and hearing provisions of the charter and other laws applicable to city agencies;
- Review the usefulness and availability of city documents, reports, and publications;
- Assist city agencies in facilitating public access to their meetings, transcripts, records, and other information, and monitor agency compliance with the provisions of the charter, and other laws which require such public access;
- Hold at least one public hearing each year on city information policies and issue at least one report each

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<sup>1</sup> Charter § 1061(a).



year with such recommendations as the commission deems advisable;

- On the request of any member of the public, elected official, or city agency, render advisory opinions regarding the application of those provisions of the charter or other laws which require public access to meetings, transcripts, records and other information; and
- Make recommendations regarding: (i) the application of new communications technology to improve public access to city produced or maintained information; (ii) the distribution of information to the public about the purposes and locations of the city's service delivery facilities; and (iii) programming for the municipal cable channels and broadcasting system.<sup>2</sup>

Members of the Commission may be removed by the Mayor for cause after notice and an opportunity to be heard.<sup>3</sup>

If elected by the Council, Council Member Gutierrez will serve an undefined term.<sup>4</sup>

**TOPIC II: NEW YORK CITY EQUAL EMPLOYMENT PRACTICES COMMISSION – (CANDIDATE FOR RE-APPOINTMENT BY THE COUNCIL)**

- **Ngozi Okaro [Preconsidered Res. 332]**

Chapter 36 of the *New York City Charter* (the “Charter”) establishes an Equal Employment Practices Commission (“EEPC”) within the City of New York. The law provides that EEPC shall review, evaluate and monitor the employment procedures, practices and programs of City agencies including the City’s Department of Citywide Administrative Services. Its purpose is to ensure an effective affirmative employment program of equal employment opportunity for minority group members and women who are employed by or seek employment with City agencies [*New York City Charter* §830(a)].

The EEPC consists of five members who are compensated on a per-diem basis.<sup>5</sup> The Mayor and the Council each appoint two members, and the Mayor and the Speaker of the Council jointly appoint a fifth member to serve as Chair of EEPC [*New York City Charter* §830(b)]. Members, including the Chair, have four year terms [*New York City Charter* §830(d)]. A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of EEPC. Three members shall constitute a quorum. [*New York City Charter* §830(c)].

EEPC may, within available appropriations, appoint an executive director and such deputies, assistants, and other employees as may be needed in the performance of its duties [*New York City Charter* §830(e)]. EEPC may meet as necessary to implement the provisions of Chapter 36 of the *Charter*, but at least once every eight weeks [*New York City Charter* §830(f)].

Pursuant to *New York City Charter* §831, some of EEPC powers and duties include:

- monitoring the employment practices of all local agencies, including non-Mayoral agencies;
- monitoring the implementation and coordination of City affirmative employment programs;
- requesting information from agencies to carry out Commission functions;

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<sup>2</sup> Charter § 1061.

<sup>3</sup> Charter § 1061.

<sup>4</sup> Charter § 1061

<sup>5</sup> The current per-diem rate for Commission members is \$250. The rate for the Chair is \$275.

- communicating with the New York City Human Rights Commission concerning violations;
- reviewing and providing comments on annual equal employment opportunity plans adopted by City agencies;
- recommending to any City agency actions which such agency should consider including in its next annual plan;
- advising, and if requested, assisting City agencies in their efforts to increase employment of minority group members and women who are employed by or who seek employment with City agencies;
- auditing and evaluating the employment practices and procedures of each City agency and their efforts to ensure fair and effective equal employment opportunity for minority group members and women at least once every four years and whenever requested by the New York City Civil Service Commission or the New York City Human Rights Commission or whenever otherwise deemed necessary by the Commission;
- making policy, legislative and budgetary recommendations to the Mayor, the Council, the New York City Department of Citywide Administrative Services or any City agency as the Commission deems necessary;
- publishing by the 15<sup>th</sup> of February of each year, a report to the Mayor and the Council on the activities of EEPC and the effectiveness of each City agency's affirmative employment efforts and the efforts by the New York City Department of Citywide Administrative Services to ensure equal employment opportunity for minority group members and women who are employed by or seek to be employed by City agencies;
- establishing appropriate advisory committees;
- serving as liaison for the City to state, federal and local agencies responsible for compliance with equal employment opportunity; and
- taking such other actions as are appropriate to effectuate the provisions and purposes of Chapter 36 of the *Charter*.

EEPC is also empowered with compliance procedures to insure that City agencies are adhering to the law [*New York City Charter* §832].

If re-appointed by the Council as a member of EEPC, Ms. Okaro, a resident of the Bronx, will serve the remainder of a four-year term that expires on June 30, 2027. A copy of Ms. Okaro's résumé is annexed to this briefing paper.

**TOPIC III:      NEW YORK CITY LOCAL CONDITIONAL RELEASE COMMISSION – (CANDIDATES FOR APPOINTMENT BY THE MAYOR UPON THE ADVICE AND CONSENT OF THE COUNCIL)**

- **George Goodmon** [*Preconsidered M-37*]
- **Maria Almonte-Weston** [*Preconsidered M-36*]

On November 14<sup>th</sup>, the Committee on Rules, Privileges and Elections held a public hearing on the nominations of Gregorio Mayers, David Fullard, and Lily Shapiro to the Local Conditional Release Commission.

No members of the public appeared in support or opposition to the nominations.

Section 271 of the New York State Correction Law provides that the City of New York may adopt a local law establishing a local conditional release commission (LCRC), consisting of at least five members, each of whom shall be appointed by the mayor with the advice and consent of the Council.<sup>6</sup> Local Law 60 of 2020 established an LCRC in New York City.<sup>7</sup>

Each member of an LCRC must be a graduate of an accredited four-year college or university and have at least five years of experience in the field of criminology, administration of criminal justice, law enforcement, probation, parole, law, social work, social science, psychology, psychiatry or corrections.<sup>8</sup>

The term of office for each member of an LCRC is four years, provided that any member chosen to fill a vacancy occurring other than by expiration of a term shall be appointed for the remainder of the unexpired term.<sup>9</sup>

The Mayor may remove any member of the LCRC for cause, after notice and an opportunity to be heard.<sup>10</sup>

The director of the local probation department, or such director's designee, shall serve as an ex-officio, non-voting member of the LCRC.<sup>11</sup> Further, the local probation department shall provide support staff to the LCRC.<sup>12</sup>

The New York City LCRC has the power and duty to determine which persons who are serving definite sentences for imprisonment in local correctional facilities and who are eligible for early release may be released on conditional release and under what conditions.<sup>13</sup> Persons may be imprisoned in local correctional facilities for sentences of less than one year, without respect to whether the crime is a violation of local or state law, a felony or a misdemeanor.

Persons are eligible for conditional release when:

1. They are serving one or more definite sentences of imprisonment in local correctional facilities with an aggregate term in excess of 90 days;<sup>14</sup>
2. They have not been sentenced for a violent felony offense as defined in Section 70.02 of the Penal Law, manslaughter in the second degree, vehicular manslaughter in the second degree, vehicular manslaughter in the first degree, criminally negligent homicide, an offense defined in Article 130 of the Penal Law, incest, or an offense defined in Article 263 of the Penal Law (sexual performance by a child), or aggravated harassment of an employee by an incarcerated individual.<sup>15</sup>
3. They have a jail record which makes them eligible for a reduction of sentence for good behavior under Section 804 of the Correction Law;<sup>16</sup>
4. They have verified community ties in one of the following areas: employment, permanent residence and family.<sup>17</sup>

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<sup>6</sup> Correction Law § 271(1).

<sup>7</sup> Ad. Code § 9-207.

<sup>8</sup> Id.

<sup>9</sup> Correction Law § 271(2).

<sup>10</sup> Correction Law § 271(4).

<sup>11</sup> Correction Law § 271(5).

<sup>12</sup> Correction Law § 271(6).

<sup>13</sup> Correction Law § 272(1).

<sup>14</sup> Correction Law § 272(1); Penal Law § 70.40(2).

<sup>15</sup> Correction Law § 273(1)(a) referring to § 803.

<sup>16</sup> Correction Law § 273(1)(b).

<sup>17</sup> Correction Law § 273(1)(c).

Persons who are eligible for conditional release may apply for conditional release after serving 60 days in a local correctional facility.<sup>18</sup> However, no person shall be granted conditional release shall be released until they have served at least 90 days of their sentence.<sup>19</sup>

If at any time during the period of conditional release, the commission, or any member thereof, has reasonable cause to believe that a person who has been conditionally released has lapsed into criminal ways or company, or has violated one or more conditions of conditional release, the commission or such member may declare such person delinquent and issue a written declaration of delinquency. Upon such declaration, such commission or such member may issue a warrant for the retaking and temporary detention of such person.<sup>20</sup>

Upon a finding in support of the violation, the commission may revoke the conditional release, or continue or modify the conditions of such conditional release. Any such actions by the commission shall be deemed a judicial function and shall not be reviewable if done in accordance with law.<sup>21</sup>

A prior version of Section 271 the Correction Law was adopted in 1989. That version required every county to have an LCRC.<sup>22</sup> When crime rates skyrocketed, the New York City LCRC released hundreds of people held on low-level offenses to help relieve jail overcrowding.<sup>23</sup> By the early 2000's, those numbers changed dramatically, with the New York City LCRC only granting conditional release to 15 people between 1999 and 2004.<sup>24</sup> In October of 2004, then-Mayor Bloomberg asked the Department of Investigation to look into the decision making process behind the early release of former State Senator Guy Vellella and two of his associates who had been convicted on charges related to public corruption. The Senator and his associates were 3 of 5 people granted early release that year, out of 7,000 eligible inmates.<sup>25</sup> Mayor Bloomberg accepted the resignations of the commissioners later that month.

Subsequently, Section 271 of Correction Law was amended in 2009 to make it optional for local governments to establish LCRCs. New York City did not opt to establish an LCRC until sixteen years later when Local Law 60 of 2020 was adopted pursuant to the amended version of the Correction Law. Despite the passage of Local Law 60, the latest incarnation of the LCRC has yet to be convened.

If appointed to the LCRC by the Mayor, Mr. Goodman will serve a four-year term. A copy of the candidate's résumé and the related message from the Mayor are attached to this briefing paper.

If appointed to the LCRC by the Mayor, Ms. Almonte-Weston will serve a four-year term. A copy of the candidate's résumé and the related report and resolution are attached to this briefing paper.

**TOPIC IV: NEW YORK CITY TAXI AND LIMOUSINE COMMISSION – (CANDIDATE FOR APPOINTMENT BY THE MAYOR UPON THE ADVICE AND CONSENT OF THE COUNCIL)**

- **Andrea Bierstein [*Preconsidered M-35*]**

The TLC was created pursuant to Local Law 12 of 1971 in Chapter 65 of the Charter. Section 2300 of the *Charter* provides that there shall be a TLC, which shall have the purpose of further developing and improving the taxi and limousine service in the City. The purpose of the TLC shall also remain consistent with the

<sup>18</sup> Correction Law § 273(1).

<sup>19</sup> Correction Law § 273(4).

<sup>20</sup> Correction Law § 274.

<sup>21</sup> Correction Law § 274.

<sup>22</sup> Section 1 of Chapter 79 of the Laws of 1989.

<sup>23</sup> *Conditional release commission has no commissioners*, *Queens Daily Eagle*, March 10, 2022, available at <https://queenseagle.com/all/2022/3/10/conditional-release-commission-has-no-commissioners>.

<sup>24</sup> *Id.*

<sup>25</sup> *Mayor Seeks Investigation in Vellella Case*, *The New York Times*, Oct. 1, 2004, available at <https://www.nytimes.com/2004/10/01/nyregion/mayor-seeks-investigation-in-velella-case.html>

promotion and protection of the public comfort and convenience, adopting and establishing an overall public transportation policy governing taxi, coach, limousine, and wheelchair accessible van services, as it relates to the overall public transportation network of the City. The TLC shall also be responsible for establishing certain rates, standards, and criteria for the licensing of vehicles, drivers, chauffeurs, owners, and operators engaged in such services. The TLC also authorizes individuals who wish to operate commuter van services within the City.

The TLC consists of nine members appointed by the Mayor, all subject to the advice and consent of the Council. Five of said members must be a resident from each of the five boroughs of the City, and are recommended for appointment by a majority vote of the Council Members from the respective borough. TLC members are appointed for seven year terms, and can serve until the appointment and qualification of a successor. Vacancies, other than those that occur due to an expiration of a term, shall be filled for the unexpired term. The mayor may remove any such member for cause, upon stated charges.

The mayor designates one TLC member to act as the Chairperson and Chief Executive Officer. The Chairperson shall have be in-charge of the organization of his/her office, and possesses the authority to employ, assign, and superintend the duties of such officers and employees, as may be necessary to carry out the provisions of Chapter 65 of the *Charter*. The *Charter* provides that the Chairperson shall devote his/her full time to this position and as such, the Chair will receive compensation that is set by the Mayor. The Chair currently receives an annual salary of \$243,171.00. The other TLC members are not entitled to compensation.

Pursuant to the *Charter*, all TLC proceedings and all documents and records in its possession, shall be public records. Furthermore, the TLC is required to make an annual report to the Council, on or before the second Monday of January, of every year, concerning information that consists of the following; complaints received by the commission from the public, including, but is not limited to, complaints of overcharging, as well as enforcement actions undertaken by the commission, whether the enforcement action was dismissed or settled, or if a penalty was imposed by the commission on the subject of the enforcement action. The information regarding enforcement actions shall also include, but is not limited to; enforcement action relating to illegal street hails, unlicensed vehicles, overcharging, and toll lane infractions.

If Ms. Bierstein, a resident of the borough of Manhattan, is appointed as a member of the TLC by the Mayor, she will serve the remainder of a seven-year term that will expire on January 31, 2029. Pursuant to Section 2301 of the Charter, Ms. Bierstein's nomination was recommended by a majority vote of the Council Members representing the borough of Manhattan. A copy of the candidate's résumé and the related message from the Mayor are attached to this briefing paper.

*(After interviewing the candidates and reviewing the submitted material, the Committee decided to approve the appointment of the nominees. For nominee Ngozi Okaro [Res. No. 332] please see the Report of the Committee on Rules, Privileges and Elections for Res. No. 332 printed below in these Minutes; for nominees Andrea Bierstein [M-35], Maria Almonte-Weston [M-36], and George Goodmon [M-37], please see, respectively, the Reports of the Committee on Rules, Privileges and Elections for M-35, M-36, and M-37 printed below in these Minutes; for nominee Jennifer Gutierrez [M-331], please see immediately below:)*

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to Chapter 47 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the appointment of Council Member Jennifer Gutierrez as a member of the New York City Commission on Public Information and Communication to serve an undefined term.

This matter was heard on March 28, 2024.

Accordingly, this CommittFee recommends the adoption of Res. Nos. 331 and 332 and M-Nos. 35, 36, and 37.

**(The following is the text of Preconsidered Res. No. 331:)**

Preconsidered Res. No. 331

**RESOLUTION APPROVING THE APPOINTMENT COUNCIL MEMBER JENNIFER GUTIERREZ AS A MEMBER OF THE NEW YORK CITY COMMISSION ON PUBLIC INFORMATION AND COMMUNICATION.**

By Council Member Powers.

**RESOLVED**, Pursuant to Chapter 47 of the New York City Charter, the Council approves the appointment of Council Member Jennifer Gutierrez as a member of the New York City Commission on Public Information and Communication to serve an undefined term.

KEITH POWERS, *Chair*; RAFAEL SALAMANCA, Jr., DIANA I. AYALA, JUSTIN L. BRANNAN, SELVENA N. BROOKS-POWERS, GALE A. BREWER, AMANDA C. FARÍAS, CRYSTAL HUDSON, PIERINA A. SANCHEZ; THE MINORITY LEADER (Council Member JOSEPH C. BORELLI); THE SPEAKER (Council Member ADRIENNE E. ADAMS); 11-0-0; Committee on Rules, Privileges and Elections, April 11, 2024.

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 Rules, Privileges and Elections and had been favorably reported for adoption

Report for Res. No. 332

**Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment of Ngozi Okaro as a member of the New York City Equal Employment Practices Commission.**

The Committee on Rules, Privileges and Elections, to which the annexed preconsidered resolution was referred on April 11, 2024, respectfully

**REPORTS:**

**(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for Res. No. 331 printed above in these Minutes)**

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to Chapter 36 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the appointment of Ngozi Okaro as a member of the New York City Equal Employment Practices Commission to serve the remainder of a four-year term that expires on June 30, 2027.

This matter was heard on March 28, 2024.

*Accordingly, this Committee recommends the appointment of this candidate.*

**(The following is the text of Res. No. 332:)**

Preconsidered Res. No. 332

**RESOLUTION APPROVING THE APPOINTMENT OF NGOZI OKARO AS A MEMBER OF THE NEW YORK CITY EQUAL EMPLOYMENT PRACTICES COMMISSION**

By Council Member Powers.

**RESOLVED**, Pursuant to Chapter 36 of the New York City Charter, the Council approves the appointment of Ngozi Okaro as a member of the New York City Equal Employment Practices Commission to serve the remainder of a four-year term that expires on June 30, 2027.

KEITH POWERS, *Chair*; RAFAEL SALAMANCA, Jr., DIANA I. AYALA, JUSTIN L. BRANNAN, SELVENA N. BROOKS-POWERS, GALE A. BREWER, AMANDA C. FARÍAS, CRYSTAL HUDSON, PIERINA A. SANCHEZ; THE MINORITY LEADER (Council Member JOSEPH C. BORELLI); THE SPEAKER (Council Member ADRIENNE E. ADAMS); 11-0-0; Committee on Rules, Privileges and Elections, April 11, 2024.

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 Rules, Privileges and Elections and had been favorably reported for adoption.

Report for M-35

**Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment of Andrea Bierstein as a member of the New York City Taxi and Limousine Commission.**

The Committee on Rules, Privileges and Elections, to which the annexed preconsidered Mayor's Message was referred on April 11, 2024 and which same Mayor's Message was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for Res. No. 331 printed above in these Minutes)**

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to Sections 31 and 2301 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the appointment of **Andrea Bierstein** as a member of the New York City Taxi and

Limousine Commission to serve the remainder of a seven-year term that will expire on January 31, 2029.

This matter was heard on March 28, 2024.

*Accordingly, this Committee recommends the appointment of this candidate.*

**(The following is the text of Res. No. 352:)**

Res. No. 352

**RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR ANDREA BIERSTEIN AS A MEMBER OF THE NEW YORK CITY TAXI AND LIMOUSINE COMMISSION.**

By Council Member Powers.

**RESOLVED**, Pursuant to Sections 31 and 2301 of the New York City Charter, the Council hereby approves the appointment by the Mayor of Andrea Bierstein as a member of the New York City Taxi and Limousine Commission to serve the remainder of a seven-year term that will expire on January 31, 2029.

KEITH POWERS, *Chair*; RAFAEL SALAMANCA, Jr., DIANA I. AYALA, JUSTIN L. BRANNAN, SELVENA N. BROOKS-POWERS, GALE A. BREWER, AMANDA C. FARIÁS, CRYSTAL HUDSON, PIERINA A. SANCHEZ; THE MINORITY LEADER (Council Member JOSEPH C. BORELLI); THE SPEAKER (Council Member ADRIENNE E. ADAMS); 11-0-0; Committee on Rules, Privileges and Elections, April 11, 2024.

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 Rules, Privileges and Elections and had been favorably reported for adoption.

Report for M-36

**Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment of Maria Almonte-Weston as a member of the New York City Local Conditional Release Commission.**

The Committee on Rules, Privileges and Elections, to which the annexed preconsidered Mayor's Message was referred on April 11, 2024 and which same Mayor's Message was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for Res. No. 331 printed above in these Minutes)**

The Committee on Rules, Privileges and Elections respectfully reports:



Pursuant to Section 9-207 of the New York City Administrative Code and Section 271 of the New York State Correction Law, the Committee on Rules, Privileges and Elections, hereby approves the appointment of Maria Almonte-Weston as a member of the New York City Local Conditional Release Commission to serve a four-year term.

This matter was heard on March 28, 2024.

*Accordingly, this Committee recommends the appointment of this candidate.*

**(The following is the text of Res. No. 353:)**

Res. No. 353

**RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR MARIA ALMONTE-WESTON AS A MEMBER OF THE NEW YORK CITY LOCAL CONDITIONAL RELEASE COMMISSION.**

By Council Member Powers.

**RESOLVED**, Pursuant to Section 9-207 of the New York City Administrative Code and Section 271 of the New York State Correction Law, the Council hereby approves the appointment by the Mayor of Maria Almonte-Weston as a member of the New York City Local Conditional Release Commission to serve a four-year term.

KEITH POWERS, *Chair*; RAFAEL SALAMANCA, Jr., DIANA I. AYALA, JUSTIN L. BRANNAN, SELVENA N. BROOKS-POWERS, GALE A. BREWER, AMANDA C. FARÍAS, PIERINA A. SANCHEZ; THE SPEAKER (Council Member ADRIENNE E. ADAMS); 9-1-1; *Negative*: The Minority Leader (Council Member Joseph C. Borelli); *Abstain*: Crystal Hudson; Committee on Rules, Privileges and Elections, April 11, 2024.

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 Rules, Privileges and Elections and had been favorably reported for adoption.

Report for M-37

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

The Committee on Rules, Privileges and Elections, to which the annexed preconsidered Mayor's Message was referred on April 11, 2024 and which same Mayor's Message was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for Res. No. 331 printed above in these Minutes)**

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to Section 9-207 of the New York City Administrative Code and Section 271 of the New York State Correction Law, the Committee on Rules, Privileges and Elections, hereby approves the appointment of George Goodmon as a member of the New York City Local Conditional Release Commission to serve a four-year term.

This matter was heard on March 28, 2024.

*Accordingly, this Committee recommends the appointment of this candidate.*

**(The following is the text of Res. No. 354:)**

Res. No. 354

**RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR GEORGE GOODMON AS A MEMBER OF THE NEW YORK CITY LOCAL CONDITIONAL RELEASE COMMISSION.**

By Council Member Powers.

**RESOLVED**, Pursuant to Section 9-207 of the New York City Administrative Code and Section 271 of the New York State Correction Law, the Council hereby approves the appointment by the Mayor of George Goodmon as a member of the New York City Local Conditional Release Commission to serve a four-year term.

KEITH POWERS, *Chair*; RAFAEL SALAMANCA, Jr., DIANA I. AYALA, JUSTIN L. BRANNAN, SELVENA N. BROOKS-POWERS, GALE A. BREWER, AMANDA C. FARÍAS, PIERINA A. SANCHEZ; THE SPEAKER (Council Member ADRIENNE E. ADAMS); 9-1-1; *Negative*: The Minority Leader (Council Member Joseph C. Borelli); *Abstain*: Crystal Hudson; Committee on Rules, Privileges and Elections, April 11, 2024.

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

## GENERAL ORDERS CALENDAR

Report for L.U. No. 37 & Res. No. 355

**Report of the Committee on Land Use in favor of approving, as modified, Application number C 230126 ZMQ (30-11 12th Street Rezoning) submitted by 30-11 12th Street Realty, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9a by changing from an R4-1 District to an R6A District, changing from an R5B District to an R6A District, changing from an R6B District to an R6A District, and establishing within the proposed R6A District a C2-3 District, Borough of Queens, Community District 1, Council District 22.**

The Committee on Land Use, to which the annexed Land Use item was referred on March 19, 2024 (Minutes, page 1490) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

### REPORTS:

#### SUBJECT

#### QUEENS CB-1 – TWO APPLICATIONS RELATED TO 30-11 12<sup>TH</sup> STREET REZONING

#### **C 230126 ZMQ (L.U. No. 37)**

City Planning Commission decision approving an application submitted by 30-11 12th Street Realty, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9a:

1. changing from an R4-1 District to an R6A District property bounded by a line perpendicular to the southerly street line of Welling Court distant 100 feet westerly from the point of intersection of the southerly street line of Welling Court and the northwesterly street line of 12th Street as measured along the southerly streetline of Welling Court, Welling Court, 12th Street, a line 200 feet southwesterly of 30th Avenue and its northwesterly prolongation, and a line midway between Welling Court and 12th Street;
2. changing from an R5B District to an R6A District property bounded by 12th Street, a line 150 feet southwesterly of 30th Avenue, a line 100 feet northwesterly of 14th Street, and a line 200 feet southwesterly of 30th Avenue;
3. changing from an R6B District to an R6A District property bounded by 12th Street, 30th Avenue, a line 100 feet northwesterly of 14th Street, and a line 150 feet southwesterly of 30th Avenue; and
4. establishing within the proposed R6A District a C2-3 District on property bounded by a line perpendicular to the southerly street line of Welling Court distant 100 feet westerly from the point of intersection of the southerly street line of Welling Court and the northwesterly street line of 12th Street as measured along the southerly streetline of Welling Court, Welling Court, 30th Avenue, a line 100 feet northwesterly of 14th Street, a line 150 feet southwesterly of 30th Avenue and its northwesterly prolongation, and a line midway between Welling Court and 12th Street;

as shown on a diagram (for illustrative purposes only) dated October 16, 2023, and subject to the conditions of CEQR Declaration E-733.

**N 230127 ZRQ (L.U. No. 38)**

City Planning Commission decision approving an application submitted by 30-11 12th Street Realty LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

**INTENT**

To approve the amendment to rezone the project area from an R4-1, R5B, and R6B zoning districts to an R6A/C2-3 zoning district and amend the zoning text to designate the project area as a Mandatory Inclusionary Housing (MIH) area to facilitate the development of a new eight-story mixed-use building with 86 dwelling units, of which 26 would be permanently income-restricted, with ground-floor retail at 30-11 12th Street in the Astoria neighborhood of Queens, Community District 1.

**PUBLIC HEARING**

**DATE:** March 12, 2024

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** March 26, 2024

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on L.U. No. 37 and approve with modifications the decision of the City Planning Commission on L.U. No. 38.

**In Favor:**

Riley  
Moya  
Abreu  
Schulman  
Salaam  
Carr

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** March 28, 2024

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

Salamanca  
Moya  
Riley  
Brooks-Powers  
Abreu  
Farias  
Hudson  
Sanchez

**Against:**

None

**Abstain:**

None

**FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSIONS**

The City Planning Commission filed a letter dated \_\_\_\_\_, 2024, with the Council on \_\_\_\_\_, 2024, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 355

**Resolution approving the decision of the City Planning Commission on ULURP No. C 230126 ZMQ, a Zoning Map amendment (L.U. No. 37).**

By Council Members Salamanca and Riley.

**WHEREAS**, 30-11 12th Street Realty, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9a, by changing from an R4-1 District to an R6A District, changing from an R5B District to an R6A District, changing from an R6B District to an R6A District, and establishing within the proposed R6A District a C2-3 District, which in conjunction with the related action would facilitate the development of a new eight-story mixed-use building with 86 dwelling units, of which 26 would be permanently income-restricted, with ground-floor retail at 30-11 12th Street in the Astoria neighborhood of Queens, Community District 1 (ULURP No. C 230126 ZMQ) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on March 8, 2024 its decision dated March 6, 2024 (the "Decision") on the Application;

**WHEREAS**, the Application is related to application N 230127 ZRQ (L.U. No. 38), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on March 12, 2024;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Negative Declaration issued on October 16, 2023 (CEQR No. 23DCP026Q), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials and air quality and (E-733) (the “Negative Declaration”).

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-733) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 230126 ZMQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 9a and 9b:

1. changing from an R4-1 District to an R6A District property bounded by a line perpendicular to the southerly street line of Welling Court distant 100 feet westerly from the point of intersection of the southerly street line of Welling Court and the northwesterly street line of 12th Street as measured along the southerly streetline of Welling Court, Welling Court, 12th Street, a line 200 feet southwesterly of 30th Avenue and its northwesterly prolongation, and a line midway between Welling Court and 12th Street;
2. changing from an R5B District to an R6A District property bounded by 12th Street, a line 150 feet southwesterly of 30th Avenue, a line 100 feet northwesterly of 14th Street, and a line 200 feet southwesterly of 30th Avenue;
3. changing from an R6B District to an R6A District property bounded by 12th Street, 30th Avenue, a line 100 feet northwesterly of 14th Street, and a line 150 feet southwesterly of 30th Avenue; and
4. establishing within the proposed R6A District a C2-3 District on property bounded by a line perpendicular to the southerly street line of Welling Court distant 100 feet westerly from the point of intersection of the southerly street line of Welling Court and the northwesterly street line of 12th Street as measured along the southerly streetline of Welling Court, Welling Court, 30th Avenue, a line 100 feet northwesterly of 14th Street, a line 150 feet southwesterly of 30th Avenue and its northwesterly prolongation, and a line midway between Welling Court and 12th Street;

as shown on a diagram (for illustrative purposes only) dated October 16, 2023, and subject to the conditions of CEQR Declaration E-733.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARIÁS, CRYSTAL HUDSON, PIERINA A. SANCHEZ; 8-0-0; *Absent*: Kamillah M. Hanks, Carlina Rivera, and the Minority Leader (Council Member Borelli); Committee on Land Use, March 28, 2024. *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 for L.U. No. 38 & Res. No. 356

**Report of the Committee on Land Use in favor of approving, as modified, Application number N 230127 ZRQ (30-11 12th Street Rezoning) submitted by 30-11 12th Street Realty, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Community District 1, Council District 22.**

The Committee on Land Use, to which the annexed Land Use item was referred on March 19, 2024 (Minutes, page 1490) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 37 & Res. No. 355 printed above in the General Orders Calendars section of these Minutes)**

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

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

Res. No. 356

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 230127 ZRQ, for an amendment of the text of the Zoning Resolution (L.U. No. 38).**

By Council Members Salamanca and Riley.

**WHEREAS**, 30-11 12th Street Realty, LLC, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related action would facilitate the development of a new eight-story mixed-use building with 86 dwelling units, of which 26 would be permanently income-restricted, with ground-floor retail located at 30-11 12th Street in the Astoria neighborhood of Queens, Community District 1 (ULURP No. N 230127 ZRQ) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on March 8, 2024, its decision dated March 6, 2024 (the "Decision") on the Application;

**WHEREAS**, the Application is related to application C 230126 ZMQ (L.U. No. 37), a zoning map amendment to change an R4-1, R5B, and R6B zoning districts to an R6A/C2-3 zoning district;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on March 12, 2024;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Negative Declaration issued on October 16, 2023 (CEQR No. 23DCP026Q), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials and air quality and (E-733) (the “Negative Declaration”).

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-733) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 230127 ZRQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission, with the following modifications.

- Matter underlined is new, to be added;
- Matter ~~struck out~~ is to be deleted;
- Matter ~~double struck out~~ is old, deleted by the City Council;
- Matter double-underlined is new, added by the City Council;
- Matter within # # is defined in Section 12-10;
- \* \* \* indicates where unchanged text appears in the Zoning Resolution.

\* \* \*

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

\* \* \*

**QUEENS**

\* \* \*

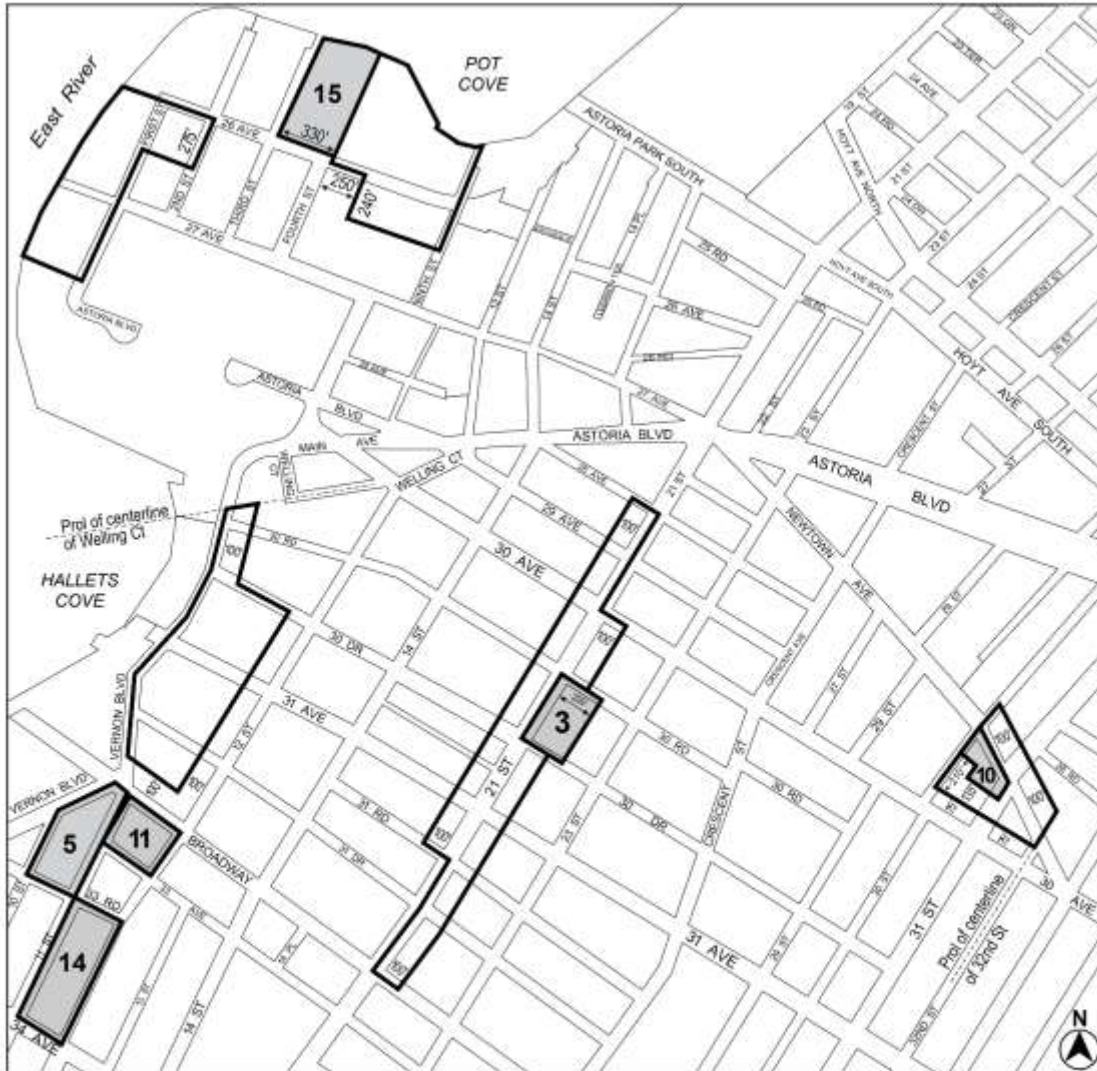
**Queens Community District 1**

\* \* \*

Map 1 – [date of adoption]

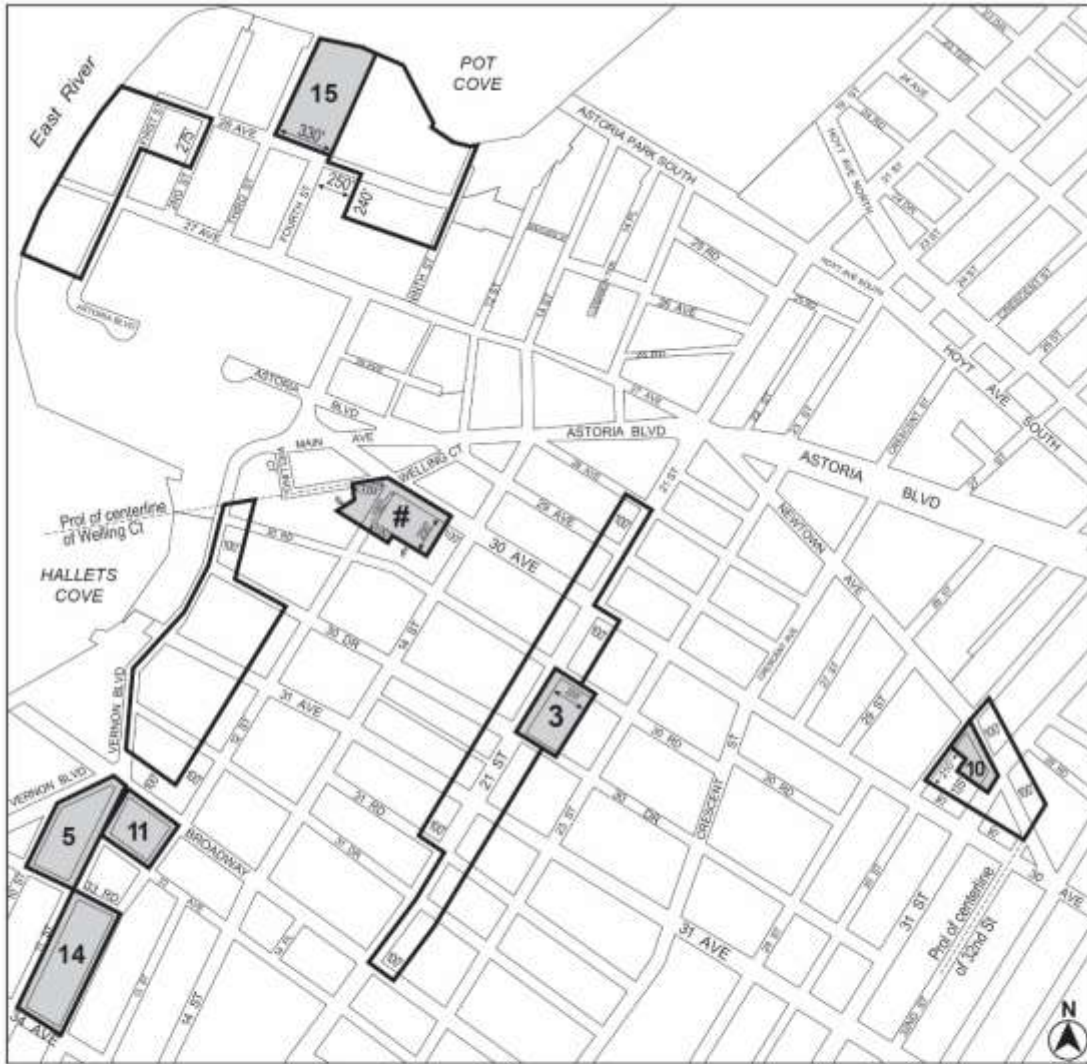


[EXISTING MAP]



- Inclusionary Housing designated area
- Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
  - Area 3 – 10/31/18 MIH Program Option 1 and Option 2
  - Area 5 – 10/17/19 MIH Program Option 1
  - Area 10 – 6/17/21 MIH Program Option 1
  - Area 11 – 10/21/21 MIH Program Option 1
  - Area 14 – 7/14/22 MIH Program Option 1
  - Area 15 – 9/29/22 MIH Program Option 1 and Deep Affordability Option

[PROPOSED MAP]



- Inclusionary Housing designated area**
- Mandatory Inclusionary Housing Program Area** *see Section 23-154(d)(3)*
- Area 3 – 10/31/18 MIH Program Option 1 and Option 2
- Area 5 – 10/17/19 MIH Program Option 1
- Area 10 – 6/17/21 MIH Program Option 1
- Area 11 – 10/21/21 MIH Program Option 1
- Area 14 – 7/14/22 MIH Program Option 1
- Area 15 – 9/29/22 MIH Program Option 1 and Deep Affordability Option
- Area # – [date of adoption] MIH Program Option 1 and ~~Option 2~~ Deep Affordability Option

Portion of Community District 1, Queens

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARIÁS, CRYSTAL HUDSON, PIERINA A. SANCHEZ; 8-0-0; *Absent*: Kamillah M. Hanks, Carlina Rivera, and the Minority Leader (Council Member Borelli); Committee on Land Use, March 28, 2024. *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 for L.U. No. 39 & Res. No. 357

**Report of the Committee on Land Use in favor of approving, as modified, Application number C 230307 ZMQ (23-01 Steinway Street Rezoning) submitted by Efraim Realty, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9c by eliminating from within an existing R5D District a C2-3 District, changing from an R5D District to an R6A District, and establishing within a proposed R6A District a C2-4 District, Borough of Queens, Community District 1, Council District 22.**

The Committee on Land Use, to which the annexed Land Use item was referred on March 19, 2024 (Minutes, page 1490) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

#### **REPORTS:**

#### **SUBJECT**

#### **QUEENS CB-1 – TWO APPLICATIONS RELATED TO 23-01 STEINWAY STREET REZONING**

#### **C 230307 ZMQ (L.U. No. 39)**

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

1. eliminating from within an existing R5D District a C2-3 District bounded by a line midway between 38th Street and Steinway Street, a line 100 feet northeasterly of 23rd Avenue, Steinway Street, and a line 100 feet southwesterly of 23rd Avenue;
2. changing from an R5D District to an R6A District property bounded by a line midway between 38th Street and Steinway Street, a line 100 feet northeasterly of 23rd Avenue, a line midway between Steinway Street and 41st Street, and a line 100 feet southwesterly of 23rd Avenue; and
3. establishing within a proposed R6A District a C2-4 District bounded by a line midway between 38th Street and Steinway Street, a line 100 feet northeasterly of 23rd Avenue, a line midway between Steinway Street and 41st Street, and a line 100 feet southwesterly of 23rd Avenue;

as shown on a diagram (for illustrative purposes only) dated October 16, 2023, and subject to the conditions of

CEQR Declaration E-744.

**N 230308 ZRQ (L.U. No. 40)**

City Planning Commission decision approving an application submitted by Efraim Realty, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

**INTENT**

To approve the amendment to rezone the project area from an R5D and R5D/C2-3 zoning districts to an R6A/C2-4 zoning district and amend the zoning text to designate a Mandatory Inclusionary Housing (MIH) area to facilitate the development of a six-story mixed-use building with 22 dwelling units, approximately six of which would be permanently income-restricted, and ground-floor commercial space at 23-01 Steinway Street in the Ditmars-Steinway neighborhood of Queens, Community District 1.

**PUBLIC HEARING**

**DATE:** March 12, 2024

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** March 26, 2024

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on L.U. No. 39 and approve with modifications the decision of the City Planning Commission on L.U. 40.

**In Favor:**

Riley  
Moya  
Abreu  
Schulman  
Salaam  
Carr

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** March 28, 2024

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

Salamanca  
Moya  
Riley  
Brooks-Powers  
Abreu  
Farias  
Hudson  
Sanchez

**Against:**

None

**Abstain:**

None

**FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSIONS**

The City Planning Commission filed a letter dated \_\_\_\_\_, 2024, with the Council on \_\_\_\_\_, 2024, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 357

**Resolution approving the decision of the City Planning Commission on ULURP No. C 230307 ZMQ, a Zoning Map amendment (L.U. No. 39).**

By Council Members Salamanca and Riley.

**WHEREAS**, Efraim Realty, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9c, by eliminating from within an existing R5D District a C2-3 District, changing from an R5D District to an R6A District, and establishing within a proposed R6A District a C2-4 District, which in conjunction with the related action would facilitate the development of a six-story mixed-use building with 22 dwelling units, approximately six of which would be permanently income-restricted, and ground-floor commercial space at 23-01 Steinway Street in the Ditmars-Steinway neighborhood of Queens, Community District 1 (ULURP No. C 230307 ZMQ) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on March 8, 2024 its decision dated March 6, 2024 (the "Decision") on the Application;

**WHEREAS**, the Application is related to application N 230308 ZRQ (L.U. No. 40), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on March 12, 2024;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Negative Declaration issued on October 16, 2023 (CEQR No. 23DCP167Q), which includes an (E) designation (E-744)

related to hazardous materials, air quality, and noise to avoid the potential for significant adverse impacts. The (E) designation (E-744) supersedes (E-245) on Block 793, Lot 73 and (E-524) on Block 805, Lot 61 (the “Negative Declaration”).

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-744) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 230307 ZMQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 9c:

1. eliminating from within an existing R5D District a C2-3 District bounded by a line midway between 38th Street and Steinway Street, a line 100 feet northeasterly of 23rd Avenue, Steinway Street, and a line 100 feet southwesterly of 23rd Avenue;
2. changing from an R5D District to an R6A District property bounded by a line midway between 38th Street and Steinway Street, a line 100 feet northeasterly of 23rd Avenue, a line midway between Steinway Street and 41st Street, and a line 100 feet southwesterly of 23rd Avenue; and
3. establishing within a proposed R6A District a C2-4 District bounded by a line midway between 38th Street and Steinway Street, a line 100 feet northeasterly of 23rd Avenue, a line midway between Steinway Street and 41st Street, and a line 100 feet southwesterly of 23rd Avenue;

as shown on a diagram (for illustrative purposes only) dated October 16, 2023, and subject to the conditions of CEQR Declaration E-744, Borough of Queens, Community District 1.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, CRYSTAL HUDSON, PIERINA A. SANCHEZ; 8-0-0; *Absent*: Kamillah M. Hanks, Carlina Rivera, and the Minority Leader (Council Member Borelli); Committee on Land Use, March 28, 2024. *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 for L.U. No. 40 & Res. No. 358

**Report of the Committee on Land Use in favor of approving, as modified, Application number N 230308 ZRQ (23-01 Steinway Street Rezoning) submitted by Efraim Realty, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Community District 1, Council District 22.**

The Committee on Land Use, to which the annexed Land Use item was referred on March 19, 2024 (Minutes, page 1490) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 39 & Res. No. 357 printed above in the General Orders Calendars section of these Minutes)**

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

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

Res. No. 358

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 230308 ZRQ, for an amendment of the text of the Zoning Resolution (L.U. No. 40).**

By Council Members Salamanca and Riley.

**WHEREAS**, Efraim Realty, LLC, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related action would facilitate the development of a six-story mixed-use building with 22 dwelling units, approximately six of which would be permanently income-restricted, and ground-floor commercial space at 23-01 Steinway Street in the Ditmars-Steinway neighborhood of Queens, Community District 1 (ULURP No. N 230308 ZRQ), (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on March 8, 2024, its decision dated March 6, 2024 (the "Decision") on the Application;

**WHEREAS**, the Application is related to application C 230307 ZMQ (L.U. No. 39), a zoning map amendment to change an R5D and R5D/C2-3 zoning districts to an R6A/C2-4 zoning district;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on March 12, 2024;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Negative Declaration issued on October 16, 2023 (CEQR No. 23DCP167Q), which includes an (E) designation (E-744)

related to hazardous materials, air quality, and noise to avoid the potential for significant adverse impacts. The (E) designation (E-744) supersedes (E-245) on Block 793, Lot 73 and (E-524) on Block 805, Lot 61 (the “Negative Declaration”).

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-744) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 230308 ZRQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission, with the following modifications.

Matter underlined is new, to be added;

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

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

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

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

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

\* \* \*

**APPENDIX F**

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

\* \* \*

**QUEENS**

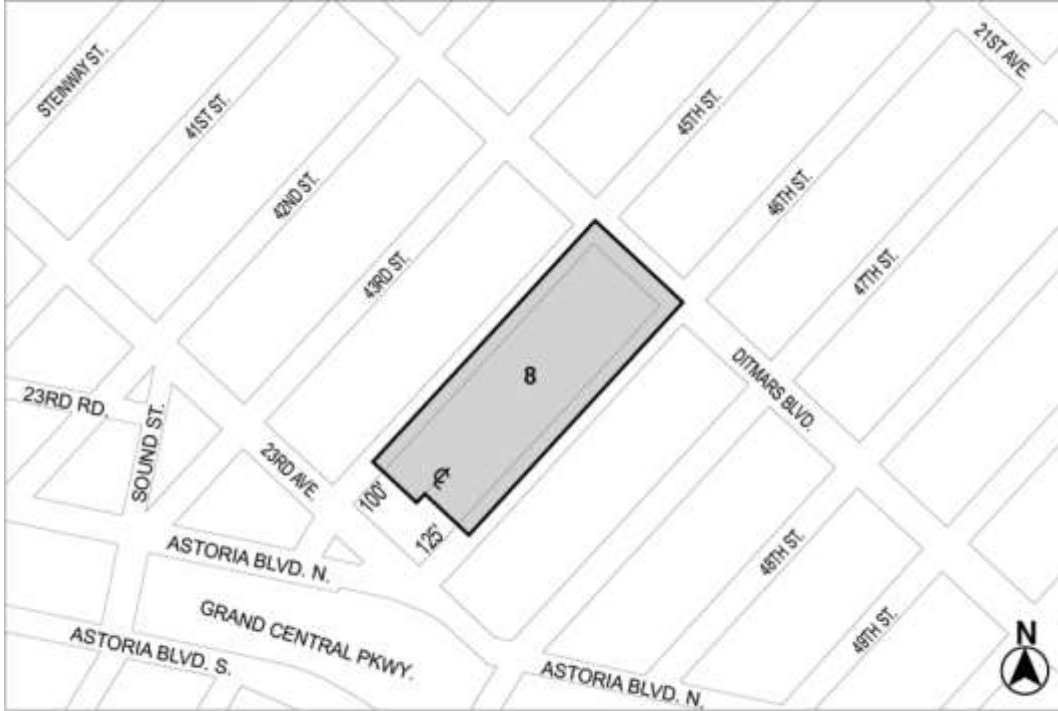
**Queens Community District 1**


\* \* \*

Map 8– [date of adoption]

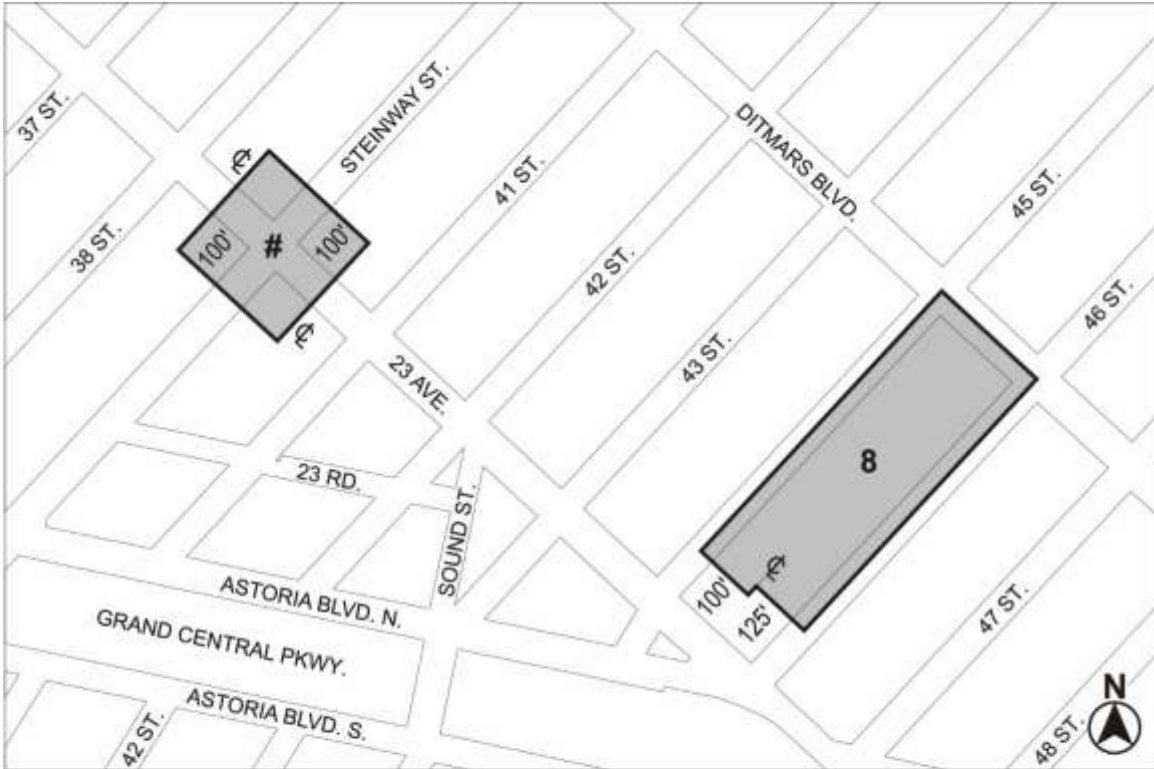


[EXISTING MAP]



 Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*  
Area 8 (2/11/20) — MIH Program Option 1 and Option 2

[PROPOSED MAP]



- Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3)
- Area 8 — 2/11/20 MIH Program Option 1 and Option 2
- Area # — [date of adoption] MIH Program Option 1 and ~~Option 2~~ Deep Affordability Option

Portion of Community District 1, Queens

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, CRYSTAL HUDSON, PIERINA A. SANCHEZ; 8-0-0; *Absent*: Kamillah M. Hanks, Carlina Rivera, and the Minority Leader (Council Member Borelli); Committee on Land Use, March 28, 2024. *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 for L.U. No. 44 &amp; Res. No. 359

**Report of the Committee on Land Use in favor of approving, as modified, Application number C 230381 ZMK (396-400 Avenue X Rezoning) submitted by PG Realty Investments, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 28c by changing from an R4 District to an R7A District and establishing within the proposed R7A District a C2-4 District, Borough of Brooklyn, Community District 15, Council District 47.**

The Committee on Land Use, to which the annexed Land Use item was referred on March 19, 2024 (Minutes, page 1491) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

**REPORTS:****SUBJECT**

**BROOKLYN CB-15 – TWO APPLICATIONS RELATED TO 396-400 AVENUE X  
REZONING**

**C 230381 ZMK (L.U. No. 44)**

City Planning Commission decision approving an application submitted by PG Realty Investments, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 28c:

1. changing from an R4 District to an R7A District property bounded by Avenue X, East 3<sup>rd</sup> Street, a line 100 feet southerly of Avenue X, and East 2<sup>nd</sup> Street; and
2. establishing within the proposed R7A District a C2-4 District bounded by Avenue X, East 3<sup>rd</sup> Street, a line 100 feet southerly of Avenue X, and East 2<sup>nd</sup> Street;

as shown on a diagram (for illustrative purposes only) dated December 11, 2023, and subject to the conditions of CEQR Declaration E-743.

**N 230382 ZRK (L.U. No. 45)**

City Planning Commission decision approving an application submitted by PG Realty Investments, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing Area, Borough of Brooklyn, Community District 15.

**INTENT**

To approve the amendment to rezone the project area from an R4/OP zoning district to a R7A/C2-4/OP zoning district and amend the zoning text to designate the project area as a Mandatory Inclusionary Housing (MIH) area to facilitate the development of a 46,000-square-foot mixed-use building with 45 dwelling units, approximately 12 of which would be designated permanently income-restricted, as well as approximately 5,000 square feet of ground-floor commercial space located at 396-400 Avenue X in the Gravesend neighborhood of Brooklyn, Community District 15.

**PUBLIC HEARING**

**DATE:** March 12, 2024

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** March 26, 2024

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on L.U. No. 44 and approve with modifications the decision of the City Planning Commission on L.U. No. 45.

**In Favor:**

Riley  
Moya  
Abreu  
Schulman  
Salaam  
Carr

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** March 28, 2024

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

Salamanca  
Moya  
Riley  
Brooks-Powers  
Abreu  
Farias  
Hudson  
Sanchez

**Against:**

None

**Abstain:**

None

**FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSIONS**

The City Planning Commission filed a letter dated \_\_\_\_\_, 2024, with the Council on \_\_\_\_\_, 2024, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 359

**Resolution approving the decision of the City Planning Commission on ULURP No. C 230381 ZMK, a Zoning Map amendment (L.U. No. 44).**

By Council Members Salamanca and Riley.

**WHEREAS**, PG Realty Investments, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 28c, by changing from an R4 District to an R7A District and establishing within the proposed R7A District a C2-4 District, which in conjunction with the related action would facilitate the development of a 46,000-square-foot mixed-use building with 45 dwelling units, approximately 12 of which would be designated permanently income-restricted, as well as approximately 5,000 square feet of ground floor commercial space located at 396-400 Avenue X in the Gravesend neighborhood of Brooklyn, Community District 15 (ULURP No. C 230381 ZMK) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on March 8, 2024 its decision dated March 6, 2024 (the "Decision") on the Application;

**WHEREAS**, the Application is related to application N 230382 ZRK (L.U. No. 45), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on March 12, 2024;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Negative Declaration issued on December 11, 2023 (CEQR No. 23DCP136K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials and air quality (E-743) (the "Negative Declaration").

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-743) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 230381 ZMK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 28c:

1. changing from an R4 District to an R7A District property bounded by Avenue X, East 3rd Street, a line 100 feet southerly of Avenue X, and East 2nd Street; and
2. establishing within the proposed R7A District a C2-4 District bounded by Avenue X, East 3rd Street, a line 100 feet southerly of Avenue X, and East 2nd Street;

as shown on a diagram (for illustrative purposes only) dated December 11, 2023, and subject to the conditions of CEQR Declaration E-743, Borough of Brooklyn, Community District 15.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, CRYSTAL HUDSON, PIERINA A. SANCHEZ; 8-0-0; *Absent*: Kamillah M. Hanks, Carlina Rivera, and the Minority Leader (Council Member Borelli); Committee on Land Use, March 28, 2024. *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 for L.U. No. 45 & Res. No. 360

**Report of the Committee on Land Use in favor of approving, as modified, Application number N 230382 ZRK (396-400 Avenue X Rezoning) submitted by PG Realty Investments, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing Area, Borough of Brooklyn, Community District 15, Council District 47.**

The Committee on Land Use, to which the annexed Land Use item was referred on March 19, 2024 (Minutes, page 1492) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

#### REPORTS:

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 44 & Res. No. 359 printed above in the General Orders Calendars section of these Minutes)**

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

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

Res. No. 360

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 230382 ZRK, for an amendment of the text of the Zoning Resolution (L.U. No. 45).**

By Council Members Salamanca and Riley.

**WHEREAS**, PG Realty Investments, LLC, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing Area, which in conjunction

with the related action would facilitate the development of a 46,000-square-foot mixed-use building containing a total of approximately 45 dwelling units, approximately 12 of which would be designated permanently income-restricted, as well as approximately 5,000 square feet of ground-floor commercial space at 396-400 Avenue X in the Gravesend neighborhood of Brooklyn, Community District 15 (ULURP No. N 230382 ZRK), (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on March 8, 2024, its decision dated March 6, 2024 (the "Decision") on the Application;

**WHEREAS**, the Application is related to application C 230381 ZMK (L.U. No. 44), a zoning map amendment to change a R4/OP zoning district to a R7A/C2-4/OP zoning district;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on March 12, 2024;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Negative Declaration issued on December 11, 2023 (CEQR No. 23DCP136K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials and air quality (E-743) (the "Negative Declaration").

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-743) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 230382 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission, with the following modifications.

Matter underlined is new, to be added;

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

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

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

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

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

\* \* \*

**APPENDIX F**

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

\* \* \*

**BROOKLYN**

\* \* \*

**Brooklyn Community District 15**

\* \* \*

Map 6 – [date of adoption]



Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*  
 Area # [date of adoption] MIH Program Option 1 ~~and Option 2~~

Portion of Community District 15, Brooklyn

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARIÁS, CRYSTAL HUDSON, PIERINA A. SANCHEZ; 8-0-0; *Absent*: Kamillah M. Hanks, Carlina Rivera, and the Minority Leader (Council Member Borelli); Committee on Land Use, March 28, 2024. *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).



**Resolution approving various persons Commissioners of Deeds**

By the Presiding Officer –

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

*Approved New Applicants*

<i>Name</i>	<i>Address</i>	<i>District #</i>
KATHERINE LIZARDO	304 E 147th Street, Apt 19 New York, New York 10039	9
DEWEY DONAHUE	410 E 237th Street, Apt 1 Bronx, New York 10470	11
SAMANTHA SANTANA ADAMES	3580 Webster Ave, Apt 3F Bronx, New York 10467	11
ALDAIR ALONSO	103-44 52nd Ave, 1st Floor Queens, New York 11368	21
ALDAIR ALONSO	103-44 52nd Ave, 1st Floor Queens, New York 11368	21
WINNIE DE JESUS	38-16 111th Street, Apt B2 Queens, New York 11368	21
CYNTHIA COLLAZO	65-77 Parsons Blvd, Apt 2D Queens, New York 11365	24
AMAGDA GONZALEZ	40-35 67th Street, Apt 44 Queens, New York 11377	26
SREEJATA VALCOURT	145-51 107th Ave, 1st Floor Queens, New York 11435	28
JEANETTE MANI	94-23 121st Street, 1st Floor Queens, New York 11419	29
HENRY BUREN	25 Montrose Ave, Apt 704 Brooklyn, New York 11206	34
MICHELLE DOMINGUEZ SOLANO	151 Hemlock Street, 2nd Floor Brooklyn, New York 11208	37
ALDRIN LOUIS	2101 Beverly Road, Apt 3B Brooklyn, New York 11226	40
NASTASSIA BAXTER	11325 Seaview Ave, Apt 2H Brooklyn, New York 11239	42

DARWIN BELOTTE	1140 E 58th Street, 2nd Floor Brooklyn, New York 11234	46
LYES SLIMANI	54 Boundary Ave Staten Island, New York 10306	50

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

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

- |  |   |
|--|---|
| (1) <b>Preconsidered<br/>M-35 &amp;<br/>Res. No. 352 -</b> | Submitting the name of <b>Ms. Andrea Bierstein</b> to the Council for its <b>advice and consent</b> regarding her appointment to the New York City Taxi and Limousine Commission.                               |
| (2) <b>Preconsidered<br/>M-36 &amp;<br/>Res. No. 353 -</b> | Submitting the name of <b>Ms. Maria Almonte-Weston</b> to the City Council for <b>advice and consent</b> regarding her appointment as a Commissioner of the New York City Local Conditional Release Commission. |
| (3) <b>Preconsidered<br/>M-37 &amp;<br/>Res. No. 354 -</b> | Submitting the name of <b>Mr. George Goodmon</b> to the City Council for <b>advice and consent</b> regarding his appointment as a Commissioner of the New York City Local Conditional Release Commission.       |
| (4) <b>Int. No. 69-A -</b>                                 | Prohibiting provisions in employment agreements that shorten the period in which claims and complaints of unlawful discriminatory practices, harassment or violence.  |
| (5) <b>Int. No. 126-A -</b>                                | Provision of body armor to Fire Department employees within the bureau of emergency medical services providing emergency medical services.  |
| (6) <b>Int. No. 127-A -</b>                                | De-escalation and self-defense training to Fire Department employees within the Bureau of Emergency Medical Services providing emergency medical services.  |
| (7) <b>Preconsidered<br/>Res. No. 305 -</b>                | New designation and changes in the designation of certain organizations to receive funding in the Expense Budget ( <b>Transparency Resolution</b> ).  |

- (8) **Preconsidered Res. No. 331 -** THE APPOINTMENT COUNCIL MEMBER **JENNIFER GUTIÉRREZ** AS A MEMBER OF THE NEW YORK CITY COMMISSION ON PUBLIC INFORMATION AND COMMUNICATION.
- (9) **Preconsidered Res. No. 332 -** THE APPOINTMENT OF **NGOZI OKARO** AS A MEMBER OF THE NEW YORK CITY EQUAL EMPLOYMENT PRACTICES COMMISSION.
- (10) **L.U. No. 30 & Res. No. 347 -** **App. C 240092 ZSQ (Willets Point Phase II)**, Borough of Queens, Community District 7, Council District 21.
- (11) **L.U. No. 31 & Res. No. 348 -** **App. C 240094 ZSQ (Willets Point Phase II)**, Borough of Queens, Community District 7, Council District 21.
- (12) **L.U. No. 32 & Res. No. 349 -** **App. C 240095 ZSQ (Willets Point Phase II)**, Borough of Queens, Community District 7, Council District 21.
- (13) **L.U. No. 33 & Res. No. 350 -** **App. N 240093 ZRQ (Willets Point Phase II)**, Borough of Queens, Community District 7, Council District 21.
- (14) **L.U. No. 34 & Res. No. 351 -** **App. C 240058 MMQ (Willets Point Phase II)**, Borough of Queens, Community District 7, Council District 21.
- (15) **L.U. No. 37 & Res. No. 355 -** **App. number C 230126 ZMQ (30-11 12th Street Rezoning)**, Borough of Queens, Community District 1, Council District 22.
- (16) **L.U. No. 38 & Res. No. 356 -** **App. N 230127 ZRQ (30-11 12th Street Rezoning)**, Borough of Queens, Community District 1, Council District 22.
- (17) **L.U. No. 39 & Res. No. 357 -** **App. C 230307 ZMQ (23-01 Steinway Street Rezoning)**, Borough of Queens, Community District 1, Council District 22.

- (18) **L.U. No. 40 & Res. No. 358 -** **App. N 230308 ZRQ (23-01 Steinway Street Rezoning)**, Borough of Queens, Community District 1, Council District 22.
- (19) **L.U. No. 44 & Res. No. 359 -** **App. C 230381 ZMK (396-400 Avenue X Rezoning)**, Borough of Brooklyn, Community District 15, Council District 47.
- (20) **L.U. No. 45 & Res. No. 360 -** **App. N 230382 ZRK (396-400 Avenue X Rezoning)**, Borough of Brooklyn, Community District 15, Council District 47.
- (21) **Preconsidered L.U. No. 48 & Res. No. 344 -** 1350 Bedford Ave, Brooklyn, Community District 8, Council District 35.
- (22) **Preconsidered L.U. No. 49 & Res. No. 345 -** Crotona Park West, Bronx, Community District No. 3, Council Districts No. 15 and 16.
- (23) **Preconsidered L.U. No. 50 & Res. No. 346 -** WHGA Amsterdam Garvey, Manhattan, Community District No. 9 and 10, Council District No. 7 and 9.
- (24) **Resolution approving various persons Commissioners of Deeds.**

The Majority Leader and Acting President Pro Tempore (Council Member Farías) 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, Banks, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, Carr, De La Rosa, Dinowitz, Feliz, Gennaro, Gutiérrez, Hanks, Holden, Hudson, Joseph, Krishnan, Lee, Louis, Marmorato, Marte, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Paladino, Powers, Restler, Riley, Rivera, Salaam, Salamanca, Sanchez, Schulman, Stevens, Ung, Vernikov, Yeger, Zhuang, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Farías) and the Speaker (Council Member Adams) - **48**.

**The General Order vote recorded for this Stated Meeting was 48-0-0 as shown above with the exception of the votes for the following legislative items:**

The following was the vote recorded for **Preconsidered M-36 & Res. No. 353 and Preconsidered M-37 & Res. No. 354**:

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

**Negative** – Ariola, Carr, Holden, Marmorato, Paladino, Vernikov, Yeger, Zhuang, and the Minority Leader (Council Member Borelli) - **9**.

**Abstention** – Hudson - **1**.

The following was the vote recorded for **Int. No. 69**:

**Affirmative** – Abreu, Ariola, Avilés, Ayala, Banks, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, Carr, De La Rosa, Dinowitz, Feliz, Gennaro, Gutiérrez, Hanks, Holden, Hudson, Joseph, Krishnan, Lee, Louis, Marmorato, Marte, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Paladino, Powers, Restler, Riley, Rivera, Salaam, Salamanca, Sanchez, Schulman, Stevens, Ung, Vernikov, Zhuang, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Farías) and the Speaker (Council Member Adams) - **47**.

**Negative** – Yeger - **1**.

The following was the vote recorded for **Preconsidered Res. No. 331**:

**Affirmative** – Abreu, Ariola, Avilés, Ayala, Banks, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, Carr, De La Rosa, Dinowitz, Feliz, Gennaro, Gutiérrez, Hanks, Holden, Hudson, Joseph, Krishnan, Lee, Louis, Marmorato, Marte, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Paladino, Powers, Restler, Riley, Rivera, Salaam, Salamanca, Sanchez, Schulman, Stevens, Ung, Zhuang, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Farías) and the Speaker (Council Member Adams) - **46**.

**Abstention** – Vernikov and Yeger - **2**.

The following was the vote recorded for **L.U. No. 30 & Res. No. 347; L.U. No. 31 & Res. No. 348; L.U. No. 32 & Res. No. 349; L.U. No. 33 & Res. No. 350; and L.U. No. 34 & Res. No. 351 (Willetts Point Phase II coupled items)**:

**Affirmative** – Abreu, Ariola, Avilés, Ayala, Banks, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, Carr, De La Rosa, Dinowitz, Feliz, Gennaro, Gutiérrez, Hanks, Holden, Hudson, Joseph, Lee, Louis, Marmorato, Marte, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Paladino, Powers, Restler, Riley, Rivera, Salaam, Salamanca, Sanchez, Schulman, Stevens, Ung, Vernikov, Yeger, Zhuang, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Farías) and the Speaker (Council Member Adams) - **47**.

**Negative** – Krishnan - **1**.

*The following Introductions were sent to the Mayor for his consideration and approval:  
Int. Nos. 69-A, 126-A, and 127-A.*

**RESOLUTIONS**

*presented for voice-vote*

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

Report for voice-vote item Res. No. 74

**Report of the Committee on Cultural Affairs, Libraries and International Intergroup Relations in favor of approving a Resolution recognizing April 17 annually as Giovanni da Verrazzano Day in the City of New York.**

The Committee on Cultural Affairs, Libraries and International Intergroup Relations, to which the annexed resolution was referred on February 28, 2024 (Minutes, page 496), respectfully

**REPORTS:**

On Thursday, April 11, 2024, the Committee on Cultural Affairs, Libraries and International Intergroup Relations, chaired by Council Member Carlina Rivera, held a vote on Resolution Number (Res. No.) 74, sponsored by Council Member David Carr, recognizing April 17 annually as Giovanni da Verrazzano Day in the City of New York. The Committee originally heard Res. No. 74 on March 28, 2024. At that hearing, the Committee received testimony in support of this resolution from community members.

The Committee on Cultural Affairs, Libraries and International Intergroup Relations passed the resolution by a vote of seven in the affirmative, zero in the negative, and zero abstentions.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 74:)**

Res. No. 74

**Resolution recognizing April 17 annually as Giovanni da Verrazzano Day in the City of New York.**

By Council Members Carr, Brannan, Holden, Hanks, Farías, Rivera, Gennaro, Narcisse, Ariola, Paladino, Marmorato and Borelli.

**Whereas**, Giovanni da Verrazzano (1485-1528) was an Italian explorer, born into Florentine nobility, who set out on a voyage in 1524 on behalf of French King François 1<sup>er</sup> to discover a westward passage to Asia; and

**Whereas**, Verrazzano left France with four ships, but two were sunk by a storm early in the voyage and another was so damaged that it had to return to France, leaving Verrazzano and a crew of 150 on the remaining *Delfina*; and

**Whereas**, Verrazzano reached what is now Cape Fear in North Carolina in March, 1524, and sailed north, exploring the eastern coast of North America; and

**Whereas**, During this voyage, Verrazzano became the first European to sail into New York Harbor and into the mouth of the Hudson River on April 17, 1524, before continuing northward past the coast of what is now Rhode Island and Maine and on to Newfoundland; and

**Whereas**, Verrazzano's voyage contributed to mapmakers' knowledge, at the time, of the geography of the North American coast; and

**Whereas**, Centuries later, New York City (NYC) Mayor Robert Wagner proclaimed April 17 as Verrazzano Day, after efforts by the Italian Historical Society of America and other historians to bestow on Verrazzano the credit that they felt he was due; and

**Whereas**, Mayor Wagner’s proclamation was followed in 1957 by a proclamation from New York State (NYS) Governor W. Averell Harriman and by proclamations from the governors of South Carolina, New Jersey, Rhode Island, and Maine, identifying Verrazzano as the first European explorer to reach their states; and

**Whereas**, Spanning the very New York Bay waters explored by Verrazzano, the Verrazzano-Narrows Bridge, which opened in 1964, was named after the Italian explorer, after overcoming some opposition; and

**Whereas**, In 2018, NYS Governor Andrew Cuomo signed a bill that added the second “z” to the official name of the Verrazzano-Narrows Bridge, which had been spelled incorrectly since the bridge’s dedication as “Verrazano,” due to an error in the construction contract; and

**Whereas**, Governor Cuomo said, “The Verrazzano Bridge is a vital transportation artery for millions of Staten Island and Brooklyn residents, [and we] are correcting this decades-old misspelling out of respect to the legacy of the explorer and to New York’s heritage”; and

**Whereas**, April 17, 2024, will be the 500th anniversary of Verrazzano’s sailing into New York Harbor; now, therefore, be it

**Resolved**, That the Council of the City of New York recognizes April 17 annually as Giovanni da Verrazzano Day in the City of New York.

CARLINA RIVERA, *Chairperson*; FARAH N. LOUIS, SHAHANA K. HANIF, KAMILLAH M. HANKS, CRYSTAL HUDSON, CHI A, OSSÉ, SANDRA UNG, NANTASHA M. WILLIAMS, DAVID M. CARR; 7-0-0; *Excused*: Shahana K. Hanif; *Absent*: Crystal Hudson; Committee on Cultural Affairs, Libraries, and International Intergroup Relations, April 11, 2024.

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

Adopted unanimously by the Council by voice-vote.



## INTRODUCTION AND READING OF BILLS

Int. No. 736

By Council Members Abreu, Yeger, Gennaro, Holden, Feliz, Louis, Brewer, Krishnan, Marte, Farías, Avilés, Menin, Ayala, Sanchez, Narcisse, Banks, Vernikov and Paladino.

### **A Local Law in relation to establishing a rat contraceptive pilot program**

*Be it enacted by the Council as follows:*

Section 1. Rat contraceptive pilot program. a. Definitions. For the purposes of this local law, the following terms have the following meanings:

Rat contraceptive. The term “rat contraceptive” means an agent for the reduction of reproductive capacity in rats that is approved for such use by the United States environmental protection agency.

Rat mitigation zones. The term “rat mitigation zones” means the zones designated pursuant to section 17-133.2 of the administrative code of the city of New York.

Rat signs. The term “rat signs” means the observable indicators used by the department of health and mental hygiene to determine the presence of rats, including burrows, rub marks, runways, tracks, gnaw marks, droppings, and the presence of live rats.

b. Pilot program. The department of health and mental hygiene, in consultation with the department of sanitation, shall establish a pilot program to deploy rat contraceptives and track the efficacy of such program in reducing the rat population. Such program shall involve the following:

1. The program installation shall take place in pilot program areas, to be designated by the department of health and mental hygiene, within rat mitigation zones. There shall be at least 2 pilot program areas, where each area shall cover at least 10 city blocks in surface area. The boundaries of each pilot program area shall be located at least 500 feet from the boundaries of the rat mitigation zone;

2. The department of health and mental hygiene shall designate at least 1 pilot program comparison area with similar building types to the pilot program areas, and shall make reasonable efforts to implement similar mitigation efforts, other than the implementation of rat contraceptive, across the pilot program areas and the comparison area or areas to allow for a controlled comparison;

3. For no less than 6 months immediately before the deployment of the rat contraceptive, the department of health and mental hygiene shall perform monthly inspections of the pilot program areas and shall tally all rat signs observed in each pilot program area and pilot program comparison area, disaggregated by type of rat sign;

4. Following at least 6 months of inspections, as required in paragraph 3 of this subdivision, the department of health and mental hygiene shall deploy rat contraceptive in the pilot program areas;

5. For no less than 12 months immediately after the deployment of the rat contraceptive, the department of health and mental hygiene shall perform monthly inspections of the pilot program areas and shall tally all rat signs observed in each pilot program area and pilot program comparison area, disaggregated by type of rat sign; and

6. The department of health and mental hygiene shall track all interventions in all rat mitigation zones, including the application of rat contraceptive, any change in sanitation procedures, and any other rat mitigation interventions, including the dates and locations of such interventions, during the periods designated by paragraphs 3, 4 and 5 of this subdivision.

c. Implementation. The pilot program established pursuant to subdivision b of this section shall commence no later than 180 days after the effective date of this local law. The duration of such program shall be no less than 18 months unless the department of health and mental hygiene terminates or suspends the program on an earlier date; provided that the department of health and mental hygiene shall notify the speaker of the council in writing of such termination or suspension within 7 days after taking such action and indicate the reasons for taking such action.

d. Report. No later than 1 year after the termination of the pilot program established pursuant to this section, the commissioner of health and mental hygiene, in consultation with the commissioner of sanitation, shall submit to the mayor and the speaker of the council a report regarding the outcomes of such pilot program, the existing rat mitigation zones, and inspections during the period of such program. Such report shall include, but need not be limited to, the following information:

1. The cost of such program;
  2. Any challenges experienced by the department of health and mental hygiene and department of sanitation during the implementation of such program; and
  3. A table in which each separate row references a unique pilot program area or pilot program comparison area. Each such row shall include the following information, as well as any additional information the commissioner of health and mental hygiene deems appropriate, set forth in separate columns:
    - (a) A unique identification code for the area;
    - (b) Whether the area is a pilot program area or pilot comparison area;
    - (c) The location of such area; and
    - (d) A description of the building classes present in such area.
  4. A table on all rat inspections in which each separate row references a unique inspection in all rat mitigation zones, including the inspections required by subdivision b and any regular inspections by the department of health and mental hygiene. Each such row shall include the following information, as well as any additional information the commissioner of health and mental hygiene deems appropriate, set forth in separate columns:
    - (a) A unique identification code for the inspection;
    - (b) The date of such inspection;
    - (c) The borough, block, and lot number of such inspection;
    - (d) The location of such inspection, given as longitude and latitude; and
    - (e) The tally of all rat signs, disaggregated by type of rat sign.
  5. A table on all interventions in which each separate row references a unique intervention in all rat mitigation zones, including the application of rat contraceptive, any change in sanitation procedures, and any other rat mitigation interventions. Each such row shall include the following information as well as any additional information the commissioner of health and mental hygiene deems appropriate, set forth in separate columns:
    - (a) A unique identification code for the intervention;
    - (b) A description of the intervention, including whether it is an application of rat contraceptive, a change in sanitation procedures, or any other rat mitigation intervention;
    - (c) The dates of such intervention;
    - (d) The borough, block, and lot number for such intervention; and
    - (e) The location of such intervention, given as longitude and latitude.
- § 2. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 737

By Council Members Abreu, Menin, Gutiérrez, Restler, Nurse, Marte, Hanif, Hudson, Feliz, Brewer, Krishnan, Farías, Avilés, Ayala and Banks.

**A Local Law to amend the administrative code of the city of New York, in relation to establishing gratuity standards for food delivery workers**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 20-563.2 of the administrative code of the city of New York is amended by adding a new paragraph 4 to read as follows:

*4. For each transaction where gratuity is solicited, a third-party food delivery service shall suggest and offer an option of a gratuity of at least 10 percent of the purchase price.*

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

Referred to the Committee on Consumer and Worker Protection.

Int. No. 738

By Council Members Abreu, Gutiérrez, Menin, Restler, Nurse, Marte, Hanif, Hudson, Feliz, Krishnan, Farías, Avilés, Narcisse and Banks.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring third-party food delivery services that solicit gratuities to do so before or at the same time an online order is placed**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section of 20-563.2 of the administrative code of the city of New York is amended by adding a new paragraph 4 to read as follows:

*4. Any third-party food delivery service that solicits a gratuity for a food delivery worker hired, retained or engaged by such third-party food delivery service from a customer in connection with an online order shall solicit the gratuity in a conspicuous manner before or at the same time the online order is placed.*

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

Referred to the Committee on Consumer and Worker Protection.

Res. No. 304

**Resolution calling on the New York State Legislature to pass, and the Governor to sign S8681/A9189, in relation to the imposition of securing orders for certain crimes committed by individuals without permanent residency status.**

By Council Members Ariola, Yeger, Holden, Paladino, Carr, Borelli, Marmorato, Vernikov, Zhuang and Gennaro.

**Whereas**, Recent events have highlighted concern regarding the safety of New York City residents and first responders in the performance of their duties, as according to New York Police Department Commissioner Edward Caban, “in recent months, a wave of migrant crime has washed over our City”; and

**Whereas**, In January of this year, an incident occurred near Times Square where two NYPD officers were assaulted while attempting to address disorderly conduct within a group of individuals; and

**Whereas**, Despite the NYPD apprehending the suspects allegedly involved in the attack, the subsequent release of individuals without bail, raised significant questions about the criminal justice system and its handling of individuals without permanent residency status; and

**Whereas**, NYPD Commissioner Caban has further expressed that alleged perpetrators have demonstrated a high level of sophistication, often operating as what he described as ghost criminals with no discernible criminal history, photographic records, or clear identification details, making law enforcement efforts challenging; and

**Whereas**, Mayor Eric Adams has expressed similar sentiments advocating for stringent legal consequences, including deportation for those found guilty, to ensure the safety and well-being of all residents and visitors in New York City; and

**Whereas**, S8681/A9189 sponsored by New York State Senator Andrew Lanza and New York State Assemblymember Jaime Williams, aims to impose securing orders for crimes perpetrated against peace officers, police officers, firefighters, emergency medical services professionals, or uniformed workers by individuals lacking permanent residency status; and

**Whereas**, This bill would also further mandate that such individuals be detained in the custody of the sheriff throughout the entirety of the related judicial proceedings; and

**Whereas**, It's simply unacceptable when anyone attacks a first responder, but we must ensure that those who lack permanent residency status are not able to slip away after being arrested before they are held to account for their actions; now therefor be it,

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign S8681/A9189, in relation to the imposition of securing orders for certain crimes committed by individuals without permanent residency status.

Referred to the Committee on Public Safety

Int. No. 739

By Council Members Ayala, Rivera, Louis and the Public Advocate (Mr. Williams).

**A Local Law to amend the administrative code of the city of New York, in relation to reports on the response to asylum seeker arrivals and requiring the use of budget codes for funding associated with the response to asylum seeker arrivals**

*Be it enacted by the Council as follows:*

Section 1. a. Definitions. For the purposes of this local law, the following terms have the following meanings:

Adult family. The term “adult family” means a family as defined by subdivision e of section 491.2 of title 18 of the New York codes, rules and regulations, or any successor provision.

Budget code. The term “budget code” means a 4-character code assigned to a schedule within an agency which identifies the allocation made in such schedule in terms of its accounting fund class, unit of appropriation, responsibility center, control category, local service district and program.

Temporary housing facility type. The term “temporary housing facility type” means whether the facility is emergency congregate housing, a shelter, a hotel, or any other form of temporary housing.

Family with children. The term “family with children” means a family as defined by section 900.2 of title 18 of the New York codes, rules and regulations, or any successor provision.

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

Emergency congregate housing. The term “emergency congregate housing” means any location operated by an agency or a provider under contract or similar agreement with an agency, except for any location operated by the department of social services or provider under contract or similar agreement with the department of social services, where individuals and families reside for more than 96 hours and where such individuals and families sleep in a congregate setting with shared facilities including sleeping quarters and bathrooms.

Object code. The term “object code” means a 3-character code which classifies expenditures pursuant to the chart of accounts issued by the comptroller of the city of New York.

Per diem cost. The term “per diem cost” means an aggregate cost of all services provided, including but not limited to food, rent, housing, laundry, agency staff salaries, social services, medical services, security services, staff overtime, and language access services, divided by number of households and days.

Population type. The term “population type” means whether the population consists of single adults, adult families, or families with children.

Provider. The term “provider” means a not-for-profit organization under contract or similar agreement with the department of social services.

Shelter. The term “shelter” means a building, or individual units within a building, utilized by the department of social services or by a provider under contract or similar agreement with the department of social services.

Single adult. The term “single adult” means an adult without an accompanying adult or child.

b. Reports on the response to asylum seekers. No later than April 10, 2024, and monthly thereafter on the tenth of the month until April 10, 2029, the commissioner of social services or another commissioner designated by the mayor, in consultation with the emergency management department, the department of housing preservation and development, the New York city health and hospitals corporation, the department of citywide administrative services, department of information technology and telecommunications, and any other agency involved in response to asylum seekers, shall submit to the mayor and the speaker of the council the following reports containing information on the asylum seeker population arriving in the city of New York.

1. Expense report. The expense report on the response to asylum seekers shall include a table in which each separate row references a category of expenditure related to the response to asylum seeker arrivals, including, but not limited to, food, rent, laundry, agency staff salaries, social services, medical services, security services, staff overtime, and language access services for the preceding month. Each row shall include the following information, as well as any additional information the commissioner deems appropriate, set forth in separate columns:

- (a) The agency responsible for the expenditure;
- (b) The current budgeted amount for the expenditure for the fiscal year;
- (c) The cumulative amount spent to date on the expenditure for the fiscal year;
- (d) The relevant units of appropriation of the expenditure;
- (e) The budget codes applicable to the funding for the expenditure;
- (f) The object codes applicable to the funding for the expenditure; and
- (g) The revenue source identification number, the funding type, and the funding source description for the expenditure

2. Contracts report. The contracts report on the asylum seeker response shall include a table in which each separate row references a unique contract related to the response to asylum seeker arrivals, including those administered by an agency and including any subcontracts, which was active in the preceding month. Each row shall include the following information, as well as any additional information the commissioner deems appropriate, set forth in separate columns:

- (a) The entity administering the contract;
- (b) The contract identification number;
- (c) The name of the contractor;
- (d) The contracted goods or services;
- (e) The agencies benefiting from the contracted goods or services;
- (f) The type of procurement method of the contract;
- (g) The contracted value;
- (h) The terms of the contract, including length of contract;
- (i) The relevant units of appropriation; and
- (j) The relevant budget codes.

3. Temporary housing report. The temporary housing report for the response to asylum seeker arrivals shall include a table where each combination of facility type and population type is represented by a row. Each row shall include the following information regarding the preceding month, as well as any additional information the commissioner deems appropriate, set forth in separate columns:

- (a) The agency responsible for the temporary housing;
- (b) The number of operational sites of such combination of facility type and population type;
- (c) The number of individuals served at such combination of facility type and population type;
- (d) The number of households served at such combination of facility type and population type;
- (e) The number of individuals who have exited such combination of facility type and population type;
- (f) The number of households who have exited such combination of facility type and population type;
- (g) The actual per diem cost of such combination of facility type and population;
- (h) The expense categories included in the actual per diem cost; and
- (i) The projected per diem cost utilized to determine the current projected budget.

4. Immigration application status report. The immigration application status report shall include a table in which each separate row is the total number of applications that have been submitted with the office of asylum seekers operations or any successor office in the preceding month. The table shall include the number of

applications submitted, accepted, rejected for administrative reasons, and denied, for all of the following categories of applications, as well as any additional information the commissioner deems appropriate, set forth in separate columns:

- (a) The number of asylum applications;
- (b) The number of temporary protected status applications;
- (c) The number of special immigrant juvenile adjustment applications;
- (d) The number of applications for forms of relief not listed in subparagraphs (a)-(c) of this paragraph; and
- (e) The number of applications for employment authorization.

5. Immigration application appointments report. The immigration status report shall include a table in which each separate row references the number of appointments scheduled with the office of asylum seekers operations or any successor office in the preceding month. Each row shall include the following categories of applicants, as well as any additional information the commissioner deems appropriate, set forth in separate columns:

- (a) The number of appointments completed;
- (b) The number of appointment requests by asylum seekers for that month or a future month;
- (c) The number of appointments in which an individual had previously had an appointment with the office;

and

(d) The number of appointments that included a referral to a legal service provider due to the complexity of the legal issues or for any other reason.

6. Demographic report. The demographic report shall include a table regarding the asylum seekers who have arrived in the city of New York since April 1, 2022, in which each separate row references a unique individual asylum seeker. Each row shall include the following information for each individual, as well as any additional information the commissioner deems appropriate, set forth in separate columns:

- (a) A unique and anonymous identification code corresponding to the individual about whom information is reported, that remains attributable to the same individual over time;
- (b) A unique and anonymous identification code corresponding to the household such individual is part of that remains attributable to the same individual over time;
- (c) The month and year of arrival of the individual;
- (d) The age of the individual in years at time of arrival;
- (e) The gender identity of the individual;
- (f) The languages spoken by the individual;
- (g) The country of origin of the individual;
- (h) The race of the individual;
- (i) The ethnicity of the individual;
- (j) The highest level of education received by the individual; and
- (k) The occupational background of the individual.

c. Retroactive reports. No later than April 1, 2024, to the extent practicable, the commissioner of social services or another commissioner designated by the mayor shall submit to the mayor and the speaker of the council retroactive reports containing the information required by paragraphs 1 to 5 of subdivision b of this section, for each month preceding the first report submitted as required by subdivision b of this section, through April 2022. Such reports shall be in the formats required by paragraphs 1 to 5 of subdivision b of this section, respectively.

d. No report required by this section shall contain personally identifiable information.

e. The information contained in the reports required by this section shall be published in a searchable, sortable, and machine-readable format.

§ 2. Chapter 4 of title 5 of the administrative code of the city of New York is amended by adding a new section 5-511 to read as follows:

*§ 5-511 Funding associated with the asylum seeker response. a. Definitions. For purposes of this section, the term "budget code" means a 4-character code assigned to a schedule within an agency which identifies the allocation made in such schedule in terms of its accounting fund class, unit of appropriation, responsibility center, control category, local service district and program.*

*b. The agencies shall utilize budget codes starting with the letter "M" for all funding associated with the response to asylum seeker arrivals. Such budget codes shall not be used for funding for any other functions or programs.*

§ 3. This local law takes effect immediately.

Referred to the Committee on Immigration.

Int. No. 740

By Council Members Borelli, Carr, Brannan, Holden, Ariola, Paladino, Yeger, Vernikov, Marmorato, Zhuang and Hanks.

**A Local Law to amend the administrative code of the city of New York, in relation to establishing a real property tax exemption for Cold War veterans**

*Be it enacted by the Council as follows:*

Section 1. Part 1 of subchapter 2 of chapter 2 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-245.76 to read as follows:

*§11-245.76 Exemption for Cold War veterans. a. Definitions. As used in this section, the following terms have the following meanings:*

*Active duty. The term "active duty" means full-time duty in the United States armed forces, other than active duty for training.*

*Armed forces. The term "armed forces" means the United States army, navy, marine corps, air force, and coast guard.*

*Cold War veteran. The term "Cold War veteran" means a person, male or female, who served on active duty in the United States armed forces, during the time period from September 2, 1945 to December 26, 1991, and (i) was discharged or released therefrom under honorable conditions, or (ii) has a qualifying condition, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service.*

*Latest class ratio. The term "latest class ratio" means the latest final class ratio established by the state board pursuant to title one of article 12 of the real property tax law for use in a special assessing unit as defined in section 1801 of the real property tax law.*

*Qualified owner. The term "qualified owner" means a Cold War veteran, the spouse of a Cold War veteran, or the unremarried surviving spouse of a deceased Cold War veteran. Where property is owned by more than one qualified owner, the exemption to which each is entitled may be combined. Where a veteran is also the unremarried surviving spouse of a veteran, such person may also receive any exemption to which the deceased spouse was entitled.*

*Qualified residential real property. The term "qualified residential real property" means property owned by a qualified owner which is used exclusively for residential purposes; provided, however, that in the event that any portion of such property is not used exclusively for residential purposes, but is used for other purposes, such portion shall be subject to taxation and only the remaining portion used exclusively for residential purposes shall be subject to the exemption provided by this section. Such property shall be the primary residence of the Cold War veteran or the unremarried surviving spouse of a Cold War veteran, unless the Cold War veteran or unremarried surviving spouse is absent from the property due to medical reasons or institutionalization.*

*Service connected. The term "service connected" means, with respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in line of duty on active military, naval or air service.*

*b. Amount of Exemption; Limitations. 1. Qualifying residential real property shall be exempt from taxation to the extent of 15 percent of the assessed value of such property; provided however, that such exemption shall not exceed \$39,000 or the product of \$39,000 multiplied by the latest class ratio, whichever is less.*

*2. In addition to the exemption provided by paragraph 1 of this subdivision, where the Cold War veteran received a compensation rating from the United States department of veterans affairs or from the United States department of defense because of a service connected disability, qualifying residential real property shall be*

*exempt from taxation to the extent of the product of the assessed value of such property, multiplied by 50 percent of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed \$130,000, or the product of \$130,000 multiplied by the latest class ratio, whichever is less.*

*3. If a Cold War veteran receives the exemption under section 11-245.45 or 11-245.5, the Cold War veteran shall not be eligible to receive the exemption under this section.*

*4. The exemption from taxation provided by this subdivision shall be applicable to the city of New York ad valorem taxes, but shall not be applicable to taxes levied for school purposes.*

*5. The exemption provided by paragraph 1 of this subdivision shall be granted for a period of 10 years. The commencement of such 10 year period shall be governed pursuant to this paragraph. Where a qualified owner owns qualifying residential real property on the effective date of the local law that added this section, such 10 year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring on or after such effective date. Where a qualified owner does not own qualifying residential real property on the effective date of the local law that added this section, such 10 year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring at least 60 days after the date of purchase of qualifying residential real property; provided, however, that should the Cold War veteran apply for and be granted an exemption on the assessment roll prepared pursuant to a taxable status date occurring within 60 days after the date of purchase of residential real property, such 10 year period shall be measured from the first assessment roll in which the exemption occurs. If, before the expiration of such 10 year period, such exempt property is sold and replaced with other residential real property, such exemption may be granted pursuant to this subdivision for the unexpired portion of the 10 year exemption period.*

*c. Application. Application for exemption shall be made by the owner, or all of the owners, of the property on a form prescribed by the state board. Such form shall be furnished by the department of finance and shall be filed at the department of finance on or before the fifteenth of March. The exemption shall continue in full force and effect for all appropriate subsequent tax years and the owner or owners of the property shall not be required to refile each year. Applicants shall be required to refile on or before the taxable status date if the percentage of disability percentage increases or decreases or may refile if other changes have occurred which affect qualification for an increased or decreased amount of exemption. Any applicant convicted of willfully making any false statement in the application for such exemption shall be subject to the penalties prescribed in the penal law.*

*d. Real property held in trust. Notwithstanding any other provision of law to the contrary, the provisions of this section shall apply to any real property held in trust solely for the benefit of a person or persons who would otherwise be eligible for a real property tax exemption, pursuant to this section, were such person or persons the owner or owners of such real property.*

*e. Cooperative corporations. 1. For the purposes of this section, title to the portion of real property owned by a cooperative apartment corporation in which a tenant-stockholder of such corporation resides and which is represented by his or her share or shares of stock in such corporation as determined by its or their proportional relationship to the total outstanding stock of the corporation, including that owned by the corporation, shall be deemed to be vested in such tenant-stockholder.*

*2. Provided that all other eligibility criteria of this section are met, that proportion of the assessment of such real property owned by a cooperative apartment corporation determined by the relationship of such real property vested in such tenant-stockholder to such real property owned by such cooperative apartment corporation in which such tenant-stockholder resides shall be subject to exemption from taxation pursuant to this section and any exemption so granted shall be credited by the department of finance against the assessed valuation of such real property; the reduction in real property taxes realized thereby shall be credited by the cooperative apartment corporation against the amount of such taxes otherwise payable by or chargeable to such tenant-stockholder.*

*3. Notwithstanding paragraph two of this subdivision, a tenant-stockholder who resides in a dwelling that is subject to the provisions of article 2, 4, 5 or 11 of the private housing finance law shall not be eligible for an exemption pursuant to this section.*

*§ 2. This local law takes effect immediately.*

Referred to the Committee on Finance.



## Int. No. 741

By Council Members Bottcher, Won and the Public Advocate (Mr. Williams) and Council Members Avilés and Gennaro.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting city agencies from procuring single-use water containers**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 6 of the administrative code of the city of New York is amended by adding a new subchapter 9 to read as follows:

*SUBCHAPTER 9  
SINGLE-USE WATER CONTAINERS*

*§ 6-319 Single-use plastic water containers. a. Definition. For the purposes of this section, the term “single-use plastic water container” means any sealed plastic container with a volume of less than one gallon that contains flat, unflavored drinking water and is generally recognized by the public as an item to be discarded after one use.*

*b. No agency shall enter into or renew any contract for the purchase of single-use plastic water containers or meals or refreshments that include single-use plastic water containers, except as provided in subdivision c.*

*c. The provisions of subdivision b of this section shall not apply to contracts for the purchase of single-use plastic water containers or meals or refreshments that include single-use plastic water containers under the following circumstances:*

- i. When necessary to protect health, safety, and welfare;*
- ii. To prepare for or respond to an emergency; or*
- iii. When compliance with this section would conflict with contract requirements or labor agreements in existence as of the effective date of this section or agreements solicited before the effective date of this section.*

*§ 2. This local law takes effect immediately.*

Referred to the Committee on Contracts.

Preconsidered Res. No. 305

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

By Council Member Brannan.

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

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

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

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

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2024 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local,

anti-poverty, community safety and victim services, and Speaker's initiative discretionary funding; now, therefore, be it

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

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

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

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving anti-poverty discretionary funding in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 4; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Boroughwide Needs Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 5; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Community Safety and Victim Services Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 6; and be it further

**Resolved,** That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 7; and be it further

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

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 9; and be it further

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

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 11; and be it further

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

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 13; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 14; and be it further

**Resolved,** That the City Council approves the new designations of certain organizations receiving funding pursuant to the SU-CASA Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 15; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 16; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Ending the Epidemic Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 17; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Mental Health Services for Vulnerable Populations Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 18; and be it further

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

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Initiative to Combat Sexual Assault in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 20; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Support for Victims of Human Trafficking Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 21; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 22; and be it further

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

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Trans Equity Programs Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 24; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Art a Catalyst for Change Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 25; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Innovative Criminal Justice Programs Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 26; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 27; and be it further

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

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

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 30; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Senior Centers, Programs, and Enhancements Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 31; and be it further

**Resolved,** That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 32.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for text of the Exhibit Charts, please refer to the attachments section of [the Res. No. 305 of 2024 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>).

## Int. No. 742

By Council Members Brewer, Restler, Feliz and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to lobbying prohibitions in connection with campaign-related fundraising or political consulting**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 3 of the administrative code of the city of New York is amended by adding a new subchapter 4 to read as follows:

**SUBCHAPTER 4**  
**PROHIBITED LOBBYING BY PERSONS ENGAGED IN CAMPAIGN-RELATED FUNDRAISING OR**  
**POLITICAL CONSULTING**

*§ 3-251 Definitions. As used in this subchapter, the following terms have the following meanings:*

*Contribution. The term “contribution” has the same meaning as set forth in subdivision 8 of section 3-702.*

*Fundraising activities. The term “fundraising activities” means solicitation or collection of contributions for a candidate for nomination for election, or election, or for the political committee of such candidate.*

*Lobbying. The term “lobbying” has the same meaning as set forth in subdivision (c) of section 3-211.*

*Person. The term “person” means a person as such term is defined in section 1-112 and any spouse or domestic partner and unemancipated children of such person; and if the person is an organization, the term “person” means only (i) the division of the organization that engages in fundraising activities or political consulting activities, (ii) any officer or employee of such person who engages in fundraising activities or political consulting activities of the organization or is employed in the organization’s division that engages in fundraising activities or political consulting activities of the organization, and (iii) the spouse or domestic partner and unemancipated children of such officers or employees.*

*Political committee. The term “political committee” has the same meaning as set forth in subdivision 11 of section 3-702.*

*Political consulting activities. The term “political consulting activities” means participation in the campaign of a candidate for nomination for election, or election, by providing political advice for compensation by or on behalf of such candidate.*

*Public servant. The term “public servant” has the same meaning as set forth in subdivision 19 of section 2601 of the charter.*

*§ 3-252 Prohibited lobbying of elected officials. a. A person who has engaged in fundraising activities for a candidate for nomination for election, or election, to the office of mayor, public advocate, comptroller, borough president, or member of the council, or for the political committee of any such candidate, or for a public servant who is a candidate for nomination for election, or election, to any elective office, or for the political committee of any such public servant shall not engage in lobbying before any such candidate or such public servant who is elected within 2 years after the occurrence of such fundraising activities to any such office. Such prohibition applies for a period of 1 year after the certification of election results for such candidate or such public servant.*

*b. A person who has engaged in political consulting activities for a candidate for nomination for election, or election, to the office of mayor, public advocate, comptroller, borough president, or member of the council, or for a public servant who is a candidate for nomination for election, or election, to any elective office shall not engage in lobbying before any such candidate or such public servant who is elected within 2 years after the occurrence of such political consulting activities to any such office. Such prohibition applies for a period of 1 year after the certification of election results for such candidate or such public servant.*

*§ 3-253 Notice. The campaign finance board shall work with agencies and the council to develop notices and advertisements intended to reach persons that engage in fundraising activities or political consulting activities that will inform such persons of the prohibitions set forth in this subchapter. The campaign finance board shall disseminate such notices and advertisements through print and electronic media no later than 60 days after the effective date of the local law that added this subchapter.*

*§ 3-254 Penalties. Any person that knowingly and willfully violates section 3-252 is subject to a civil penalty, which for the first violation is not less than \$2,500 and not more than \$5,000, for the second violation is not less than \$5,000 and not more than \$15,000, and for the third and subsequent violations is not less than \$15,000 and not more than \$30,000 dollars. In addition to such civil penalties, for the second and subsequent violations of section 3-252, a person that knowing and willfully violates such section is also guilty of a class A misdemeanor.*

§ 2. This local law takes effect 270 days after it becomes law.

Referred to the Committee on Governmental Operations, State & Federal Legislation.

Int. No. 743

By Council Members De La Rosa, Gennaro and Louis.

**A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to requiring the department of citywide administrative services to offer career counseling to municipal employees to advise them of professional development and promotional opportunities**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 814 of the New York city charter, as amended by local law number 12 for the year 2019, is amended by adding a new paragraph (12) to read as follows:

a. The commissioner shall have the following powers and duties in addition to the powers and duties of a municipal civil service commission provided in the civil service law, and those vested in the commissioner as head of the department, except where any specific power or duty is assigned to the mayor, heads of city agencies or the civil service commission pursuant to this chapter:

- (1) To recruit personnel;
- (2) To make studies in regard to the grading and classifying of positions in the civil service, establish criteria and guidelines for allocating positions to an existing class of positions, and grade and establish classes of positions;
- (3) To schedule and conduct examinations for positions in the civil service;
- (4) To establish, promulgate and certify eligible lists in the manner provided in the civil service law, and the rules of the commissioner;
- (5) To determine the appropriateness of eligible lists for the filing of vacancies in the manner provided in the civil service law and the rules of the commissioner;
- (6) To investigate applicants for positions in the civil service; to review their qualifications, and to revoke or rescind any certification or appointment by reason of the disqualification of the applicant or appointee under the provisions of the civil service law, and the rules of the commissioner or any other law;
- (7) To review any appointment of persons as provisional employees within sixty days after appointment to assure compliance with this chapter, the civil service law, and any rule or regulation issued pursuant to this charter or civil service law;
- (8) To certify payrolls in accordance with the provisions of the civil service law and the rules of the commissioner;
- (9) To keep records regarding candidates for appointment to the civil service and officers and employees in the civil service;
- (10) To develop and recommend to the mayor standard rules governing working conditions, vacations and leaves of absence; and career, salary and wage plans providing for the creation, abolition and modification of positions and grades and fixing salaries of persons paid from the city treasury, subject to the provisions of this charter, the civil service law, other applicable statutes and collective bargaining agreements;
- (11) To administer the city-wide safety incentive, training and development, and other such personnel programs of the city[.]; and
- (12) *To offer career counseling to employees of the city civil service.*

§ 2. Chapter 2 of title 12 of the administrative code of the city of New York is amended by adding a new section 12-217 to read as follows:

§ 12-217 *Career Counseling. a. Definitions. As used in this section, the following terms have the following meanings:*

*Agency. The term “agency” means any agency, the head of which holds office upon appointment of the mayor and those units within the executive office of the mayor designated by the mayor to be covered by the provisions of chapter 16 of the charter. Such term does not include agencies headed by boards, commissions, or other multi-member bodies, whether appointed by the mayor or otherwise, nor to elected officials, nor to other agencies the heads of which are appointed by officials other than the mayor or by multi-member bodies.*

*Career Counseling. The term “career counseling” means remote or in-person consultation with, and provision of information to, individuals regarding opportunities for promotion, training, and education.*

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

*Eligible employee. The term “eligible employee” means current employees of agencies who have been employed by such agency for at least five consecutive years.*

*b. The department shall offer career counseling to eligible employees. Information included in such career counseling may include, but need not be limited to, opportunities to apply for managerial or supervisory positions or positions with higher salaries, opportunities through the promotional exam process, and the availability of department- or agency-provided trainings.*

*c. The department shall, in coordination with relevant agencies, conduct outreach to eligible employees at least once annually regarding the availability of career counseling services, including information about how eligible employees may access such services. Eligible employees shall be informed that their request for career counseling will remain confidential.*

*d. Eligible employees may request career counseling from the department through either a remote or in-person format. The department shall conduct a 60-minute career counseling session with the requesting eligible employee within 60 days of an eligible employee’s request. The department shall conduct at least 1 follow-up call to an eligible employee who participates in a career counseling session within 30 days of such career counseling session.*

*e. The department shall, in consultation with relevant agencies, create written materials concerning the promotional exam application process, the availability of exam preparation materials, the process for enrolling in department- or agency-provided trainings, and any other relevant information as determined by the department, to be distributed at career counseling sessions or by request of any eligible employee.*

*f. No later than September 1, 2025, and each September 1 thereafter, the department shall submit to the mayor and the speaker of the council a report containing the following information for the prior fiscal year:*

*1. The number of eligible employees who sought career counseling, disaggregated by agency, race, and gender;*

*2. The number of eligible employees who, subsequent to their career counseling session: (i) applied to take a promotional exam; (ii) enrolled in an agency-provided training; (iii) enrolled in a department-provided training; (iv) transferred into a title offering higher pay; (v) transferred to a different agency; and (vi) were promoted;*

*3. The number of career counselors employed by the department; and*

*4. The number of career counseling sessions conducted, disaggregated by in-person or remote format.*

*g. The department shall offer electronic surveys to relevant employees upon completion of a career counseling session, to be completed on a voluntary basis. Survey questions shall include, but need not be limited to, questions designed to obtain the information required to be reported by subdivision f of this section.*

§ 3. This local law takes effect 60 days after it becomes law.

Referred to the Committee on Civil Service and Labor.

## Res. No. 306

**Resolution calling on the Department of Citywide Administrative Services to grant additional points on promotional exams to examinees who have completed the agency's Executive Development and Management & Supervision trainings.**

By Council Member De La Rosa.

**Whereas,** The current municipal civil service promotional system must do more to ensure the recruitment and retention of a highly motivated and skilled workforce; and

**Whereas,** Under New York State law, New York City (City) must rank candidates for competitive class title positions, including promotions, based on their exam results and fill vacancies from the top three ranking candidates; and

**Whereas,** This system recognizes employees for their test-taking ability, which may or may not best represent the applicant's ability to perform the duties of the promotional position; and

**Whereas,** Moreover, this system does little to distinguish high-performing employees and promote career development; and

**Whereas,** To encourage employee advancement and build a pipeline of qualified managers within City agencies, the City must explore opportunities to optimize the civil service promotional exam system for applicants who acquire additional skills and training; and

**Whereas,** The Department of Citywide Administrative Services (DCAS) offers a wide range of courses, educational programs, and professional development opportunities to City employees that help build expertise and improve service delivery; and

**Whereas,** DCAS offers Executive Development and Management & Supervision training courses for public sector leaders; and

**Whereas,** These courses include instruction in core managerial competencies and tools to enhance creative thinking and decision-making; and

**Whereas,** DCAS's Executive Development Portfolio includes the flagship Management Academy and Leadership Institute, which are competitive programs for high-performing leaders that include courses such as Intentional Leadership, Promoting Psychological Safety to Improve Performance, and Organizational Design for Executives; and

**Whereas,** DCAS's Management & Supervision portfolio includes open enrollment courses such as Data Analytics for Hiring Managers, Essential Skills for Leaders, and Fundamentals of Supervision; and

**Whereas,** Employees who complete these trainings deserve recognition for taking the initiative to learn new professional skills to foster their leadership abilities and advance their careers; and

**Whereas,** DCAS is the Municipal Civil Service Commission for the City, tasked with administering the Civil Service Law and upholding the principles of merit and fitness within the City's workforce; and

**Whereas,** As the Municipal Civil Service Commission, DCAS has discretion to assess a candidate for promotion based on their seniority, trainings, experience, and performance ratings; and

**Whereas,** DCAS may prioritize an employee's skills and motivation to excel by rewarding participants who complete the agency's managerial and supervisory trainings with additional points on their civil service promotional exam; and

**Whereas,** Awarding points for the successful completion of training programs reinforces a culture of meritocracy, where advancement is based on skills, knowledge, and performance, thereby fostering greater job satisfaction and retention; and

**Whereas,** City-provided trainings provide equal opportunities for skill development and career advancement, leveling the playing field and enabling individuals from diverse backgrounds to access leadership positions; and

**Whereas,** Therefore, promoting individuals who have completed Executive Development and Management & Supervision trainings can lead to increased representation in promotional titles among women, people of color, and other minority groups; and

**Whereas,** Encouraging employees to participate in professional development training can cultivate a diverse and capable management cadre within the civil service, ensuring that the municipal workforce possesses the

necessary tools and competencies to meet the evolving needs and challenges of City service; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the Department of Citywide Administrative Services to grant additional points on promotional exams to examinees who have completed the agency's Executive Development and Management & Supervision trainings.

Referred to the Committee on Civil Service and Labor.

Int. No. 744

By Council Members Dinowitz, Powers, and Ariola.

**A Local Law to amend the administrative code of the city of New York, in relation to duplicate 311 requests for service and complaints**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-311 to read as follows:

§ 23-311 Duplicate 311 service requests or complaints. *a. Definitions. As used in this section, the term "duplicate request" means a 311 request for service or complaint that requests the same action or relates to the same set of circumstances in the same location as a previously submitted 311 request for service or complaint.*

*b. No agency shall close a 311 request for service or complaint on the sole basis that the agency has identified it as a duplicate request.*

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

Referred to the Committee on Governmental Operations, State & Federal Legislation.

Int. No. 745

By Council Members Farías, Brooks-Powers, Restler and Hudson.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to conduct an annual study on bicycle activity**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-187.1 to read as follows:

§ 19-187.1 Study on bicycle activity. *No later than February 1, 2023, and annually thereafter, the department shall conduct and submit to the mayor and the speaker of the council and post conspicuously on the department's website an annual study on bicycle activity during the previous calendar year. In completing such study, the department shall:*

*a. Identify the streets most frequently biked that have protected bike lanes and the streets most frequently biked that do not have protected bike lanes;*

*b. Identify the bridges most frequently biked that have protected bike lanes and the bridges most frequently biked that do not have protected bike lanes; and*



*c. Propose recommendations for improving bicycle safety and flow on the streets and bridges identified pursuant to subdivisions a and b of this section and any other locations suitable for biking in the city.*

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

Referred to the Committee on Transportation and Infrastructure.

Int. No. 746

By Council Members Feliz, Krishnan, Avilés, Nurse, Banks and Restler.

**A Local Law to amend the administrative code of the city of New York, in relation to the improvement of paved medians through the planting of vegetation or use in stormwater management**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-159.8 to read as follows:

§ 19-159.8 *Improvement of paved medians. a. Definitions. For the purposes of this section, the term "paved median" means a median without planted vegetation or stormwater management infrastructure.*

*b. The commissioner, in collaboration with the commissioner of parks and recreation and the commissioner of environmental protection, shall improve paved medians by planting vegetation or adding stormwater management infrastructure. Improvements shall be made at a minimum of 3 miles of paved medians per borough per year until all paved medians have been improved.*

*c. Notwithstanding the requirements of subdivision b of this section, the commissioner is not required to improve paved medians where the commissioner, in consultation with the commissioner of parks and recreation and the commissioner of environmental protection, determines that it is unfeasible to do so. In making such feasibility determination the commissioner shall consider public safety, the suitability of the median for the growth of vegetation, the suitability of the median for managing stormwater, the potential impact on underground infrastructure, aesthetic impact, and other factors deemed appropriate by the commissioner.*

*d. One year after the effective date of the local law that added this section, and every year thereafter until the improvement of all paved medians deemed feasible, the commissioner shall submit to the speaker of the council and post on the department's website a report regarding the length and location of paved medians improved as required under this section in the preceding year.*

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

Referred to the Committee on Transportation and Infrastructure.

Int. No. 747

By Council Member Gennaro.

**A Local Law to amend the administrative code of the city of New York, in relation to establishing a code of conduct applicable to citizen noise complaints**

*Be it enacted by the Council as follows:*

Section 1. Section 24-261 of the administrative code of the city of New York, as amended by local law number 16 for the year 2024, is amended by adding a new subdivision (f) to read as follows:

*(f) Code of conduct. (1) The department shall promulgate rules relating to a code of conduct applicable to all natural persons who serve complaints pursuant to this section upon the department that includes, but is not limited to, requirements that persons conduct themselves in a dignified, orderly and decorous manner during all interactions with the department and demonstrate familiarity with the provisions of this section.*

*(2) When a natural person fails to abide by the standards of conduct set forth in the rules promulgated by the department pursuant to this subdivision, the commissioner may, upon notice to such person and a reasonable opportunity to be heard, disqualify such person from serving complaints pursuant to this section. Such notice shall be sent by certified mail to the address provided in the records of the department for such person.*

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

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 748

By Council Members Gennaro and Krishnan.

**A Local Law to amend the administrative code of the city of New York, in relation to the improvement, formalization, or creation of trails**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-165 to read as follows:

§ 18-165 Trails. *a. Definitions. For purposes of this section, the term "trail" means a path reserved for recreational activities such as walking or bicycling and on which the use of motor vehicles is prohibited.*

*b. The commissioner shall improve, formalize, or create at least 300 miles of trails in parks and natural areas within 3 years of the effective date of this section. The commissioner shall prioritize work on trails so that:*

*1. They connect the maximum amount of natural areas; and*

*2. They improve access by low and moderate income communities to natural areas.*

*c. The commissioner shall publish on the department's website a map or maps of trails within the city and shall update such map or maps with the trails that are improved, formalized, or created as required under subdivision b of this section.*

*d. When improving, formalizing, or creating trails the commissioner shall consider how such work can improve or create trail networks.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Parks and Recreation.

Int. No. 749

By Council Members Gutiérrez, Won, Schulman, Marte and Krishnan (in conjunction with the Brooklyn Borough President).

**A Local Law to amend the New York city charter, in relation to the creation of an office of residential displacement remediation and establishing a residential displacement remediation online portal**

*Be it enacted by the Council as follows:*

Section 1. Chapter 19-a of the New York city charter is amended by adding a new section 499 to read as follows:

§ 499. *Office of residential displacement remediation. a. Office created. The commissioner shall establish an office of residential displacement remediation within the department to provide centralized support to city residents displaced by residential fires and other natural disasters. Such office shall be headed by a director of residential displacement remediation who shall be appointed by and shall report to the commissioner. The office created pursuant to this section shall work in consultation with the commissioner of buildings, the commissioner*

of health and mental hygiene, the fire commissioner, and any other relevant agency to fulfill the duties of the office. The duties of the office shall include, but not be limited to:

1. Provide information on city, state, and federal services available to individuals displaced by residential fires and other natural disasters;

2. Coordinate responses and inspections of relevant agencies, including, but not limited to, by the fire department, the department of buildings, and the department of environmental protection following a residential fire or other natural disaster;

3. Monitor agency compliance with procedures governing inspections conducted by the fire department, the department of buildings, the department of environmental protection, and any other relevant agencies following a residential fire or other natural disaster; and

4. Monitor agency compliance with procedures governing vacate orders issued by the fire department, the department of buildings, and any other relevant agency following a residential fire or other natural disaster.

b. Online information portal. The commissioner, in consultation with the commissioner of information technology and telecommunications, shall develop and maintain a case management portal on the department's website that provides information for city residents displaced by residential fires and other natural disasters and for owners of the affected properties. The commissioner shall update the information on such portal as frequently as practicable. Such portal shall include, but not be limited to, the following information:

1. The applicable timeline of services and deadlines following a residential fire or other natural disaster;

2. The status of relevant agency inspections;

3. The status of relevant vacate orders;

4. Information on any city, state, or federal organizations or agencies that provide emergency aid to individuals displaced by a residential fire or other natural disaster;

5. Information on any city, state, or federal organizations or agencies that provide emergency housing to individuals displaced by a residential fire or other natural disaster, grouped by borough; and

6. A summary of relevant agencies and their roles following a residential fire or natural disaster whose occurrence leads to displacement.

c. The commissioner, through the portal developed pursuant to subdivision b, shall provide updates on the status of relevant inquiries for city residents displaced by residential fires and other natural disasters by email, text message, or any manner deemed appropriate by the commissioner.

d. Upon the issuance of a vacate order by the department of buildings or any other relevant agency, the commissioner shall provide status update notifications, as provided in subdivision b of this section, to the community board, borough president, and council member representing the district where the residential fire or natural disaster occurred.

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner of emergency management and any affected agency may take any steps necessary for the implementation of this local law before such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 750

By Council Members Gutiérrez, Schulman, Marte and Krishnan (in conjunction with the Brooklyn Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to the timeframe to correct department of buildings violations, requiring additional documentation when an owner seeks to demolish a building, and expanding the certification of no harassment program**

*Be it enacted by the Council as follows:*

Section 1. Section 28-204.2 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

**§ 28-204.2. Order to certify correction.** Each such notice of violation shall contain an order of the commissioner directing the respondent to correct the condition constituting the violation and to file with the department electronically or in such other manner as the department may authorize by rule a certification that the condition has been corrected. [Unless otherwise provided by rule, such] Such order shall require that violations classified as major or lesser be corrected within 30 days from the date of the order, that violation classified as immediately hazardous be corrected forthwith. Such order shall also require that certification of the correction of the violation shall be filed with the department in a manner and form and within such period of time as shall be established by the department. In any proceeding before the environmental control board, no civil penalty shall be imposed for a lesser violation or for a first-time violation of the major violations listed in items 1.1 through 1.7 of this section if the respondent complies with the commissioner's order to correct and to certify correction of the violation within the applicable time period. However, such violation may serve as a predicate for purposes of assessing aggravating factors attributable to multiple offenses.

1. As described in this section, no civil penalty shall be imposed upon correction of the following first-time major violations:

1.1. Failure to post, or post in accordance with the restrictions and prohibitions set forth in section 28-105.11, a building permit or a copy thereof for work at a work site in violation of section 28-105.11, or violation of a corresponding rule promulgated by the department;

1.2. Failure to maintain a sign in accordance with the requirements of title 27, title 28, the zoning resolution of the city of New York, or the rules of the city of New York in violation of section 28-301.1, or violation of a corresponding rule promulgated by the department;

1.3. Failure by an owner of a boiler to file a complete boiler inspection report in violation of section 28-303.7, or violation of a corresponding rule promulgated by the department;

1.4. A sign in a commercial, or C, district exceeds surface area restrictions in violation of section 32-64 of the zoning resolution of the city of New York, or violation of a corresponding rule promulgated by the department;

1.5. A sign in a specified commercial, or C, district projects across the street line limitation in violation of section 32-652 of the zoning resolution of the city of New York, or violation of a corresponding rule promulgated by the department;

1.6. A sign displayed on an awning, canopy or marquee in a commercial, or C, district in violation of the restrictions set forth in section 32-653 of the zoning resolution of the city of New York, or violation of a corresponding rule promulgated by the department; and

1.7. Miscellaneous sign violation under the zoning resolution of the city of New York, or violation of a corresponding rule promulgated by the department.

§ 2. Article 201 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-201.5 as follows:

**§ 28-201.5 Correction of violations report.** No later than July 15 of each year, the department shall submit to the mayor and the speaker of the council, and shall post conspicuously on the department's website, a report on the time elapsed to correct violations in certain residential buildings. For each building classified as occupancy group R-2 or R-3 for which a notice of violation issued in the prior calendar year contained an order to certify correction, such report shall include, but not be limited to, for each such violation:

1. The address of the property;
2. The class of violation issued;
3. The date the notice of violation was issued;
4. The date the owner submitted a notice of correction;
5. Whether the correction was accepted by the department;
6. The number of days from the issuance of the notice of violation to when the correction was accepted by the department;
7. Whether the violation remained uncorrected for more than 6 months; and
8. Any enforcement actions taken by the department.

§ 3. Article 104 of Chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-104.8.4 as follows:

**§ 28-104.8.4 Application after vacate order.** When an applicant seeks to demolish a building after the issuance of an order pursuant to 27-2139 but before such order has been lifted, the applicant shall submit documentation in support of the application to demolish such building showing any steps taken to correct any violations outstanding as of the date of such application for demolition. Such documentation may include, but is not limited to, permits, financial statements, estimates, plans, and invoices. Failure to disclose such information on construction documents shall be a violation of this code.

§ 4. Paragraph (5) of subdivision d of section 27-2093.1 of the administrative code of the city of New York, as added by local law number 1 for the year 2018, the effective date of such local law having been amended by local law number 140 for the year 2021, is amended to read as follows:

(5) Upon the completion of any such survey and further investigation, the department may:

(A) determine that no harassment has occurred within the stated period of time and forthwith grant such certification of no harassment.

(B) deny a certification of no harassment without a hearing if there has been a finding by the New York state homes and community renewal or any court having jurisdiction that there has been harassment, unlawful eviction, [or] arson by or on behalf of the owner, *or an order of correction of a housing maintenance code violation has been issued,* during the stated period of time; or

(C) where there has been no prior determination of harassment, unlawful eviction, [or] arson by or on behalf of the owner, *or an order of correction of a housing maintenance code violation has been issued,* provide that a hearing be held at the office of administrative trials and hearings if the department has reasonable cause to believe that harassment has occurred within such stated period of time. The owner of the pilot program building for which a certification of no harassment is sought shall have the opportunity to be heard at such hearing prior to the granting or denial of such certification. The department may receive testimony from tenants, community groups and any other interested parties. Notice of such hearing shall be given to the applicant in the manner prescribed by the office of administrative trials and hearings. Within 45 days after the office of administrative trials and hearings issues a report and recommendation, the department shall either grant or deny such certification of no harassment.

§ 5. (i) This local law takes effect 120 days after becoming law.

(ii) The amendments to section 27-2093.1 of the administrative code of the city of New York, as amended by section four of this local law, shall not effect the repeal of such sections pursuant to section 9 of local law number 140 of the year 2021.

Referred to the Committee on Housing and Buildings.

Int. No. 751

By Council Members Gutiérrez, Ariola, Won, Gennaro, Schulman, Marte and Krishnan (in conjunction with the Brooklyn Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of a residential fire emergency response guide**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 15 of the administrative code of the city of New York is amended by adding a new section 15-148 to read as follows:

*§ 15-148 Residential fire emergency guide. a. No later than July 1, 2024, the commissioner, in consultation with the commissioner of emergency management and any other relevant agencies, shall develop and maintain a residential fire emergency response guide for residents affected by a fire emergency. The commissioner shall update information provided in the guide as necessary.*

*b. The guide developed pursuant to subdivision a of this section shall include the following information:*

- 1. A summary of relevant agencies and their roles following a residential fire;*
- 2. Information pertaining to post-fire inspections;*
- 3. Information on any city, state, or federal organizations or agencies that provide emergency aid to individuals displaced by residential fires;*
- 4. Information on any city, state, or federal organizations or agencies that provide emergency housing to individuals displaced by residential fires, disaggregated by borough;*
- 5. Landlord duties and tenant protections following a residential fire; and*
- 6. Best practices regarding renters' insurance and suspending utilities for residential tenants displaced by or affected by a residential fire.*

*c. The commissioner shall print and distribute the guide developed pursuant to subdivision a of this section to displaced or otherwise affected tenants following residential fires. Responding firefighters shall be required to distribute the guide developed pursuant to subdivision a of this section to displaced or otherwise affected tenants on location following residential fires. The commissioner shall publish the guide on the department's website in the designated citywide languages as defined in section 23-1101.*

*d. The commissioner, commissioner of housing preservation and development, and any other relevant agencies shall be required to distribute the guide developed pursuant to subdivision a of this section to displaced or otherwise affected tenants on location of all post-fire inspections.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Fire and Emergency Management.

Res. No. 307

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation that limits the duration of time for which a landlord can collect payment from loss of rents insurance coverage without conducting meaningful repairs to an uninhabitable unit leased by a tenant to three months.**

By Council Members Gutiérrez and Krishnan (in conjunction with the Brooklyn Borough President).

**Whereas**, New Yorkers whose homes become uninhabitable due to reasons such as flooding from a storm or fire damage often must abandon their residence and find emergency or new permanent housing; and

**Whereas**, Emergency displacement from a home may cause immense financial and emotional harm, especially when it persists for an extended period of time; and

**Whereas**, When a property becomes unsafe to occupy, due to an emergency or any other reason, the Department of Buildings or the Department of Housing Preservation and Development will issue a vacate order that prevents tenants from reoccupying the property until it is sufficiently repaired; and

**Whereas**, According to data from the New York City Open Data portal, the average time to close a vacate order that requires repair by a landlord is over 365 days; and

**Whereas**, As of February 2024, there are more than 5,000 units with outstanding vacate orders that require repair by a landlord and approximately 80% of these units are located in environmental justice communities, which are low-income or minority communities in New York City; and

**Whereas**, These data suggest that many landlords do not repair uninhabitable units in a timely manner even though these repairs would allow for the resumption of rent collection; and

**Whereas**, Loss of rents coverage, also known as fair rental value coverage, is an insurance product included in most landlord insurance policies that provides a payment equal to the value of rent generated by a covered property when that property becomes uninhabitable; and

**Whereas**, Loss of rents coverage reduces the incentive for landlords to repair uninhabitable units in a timely manner and thereby may extend the duration of time for which a vacated tenant is displaced; and

**Whereas**, The incentive to delay repairs may be especially strong when the covered property contains rent-controlled units because, in this case, a delay of repairs may coerce a rent-controlled tenant to find an alternate permanent residence, which would allow the unit to become rent stabilized or deregulated; and

**Whereas**, The negative externalities of loss of rents coverage could be mitigated if landlords were prohibited from indefinite collection of insurance payments unless they make meaningful repairs to leased but uninhabitable units; now, therefore, be it

**Resolved** that the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation that limits the duration of time for which a landlord can collect payment from loss of rents insurance coverage without conducting meaningful repairs to an uninhabitable unit leased by a tenant to three months.

Referred to the Committee on Housing and Buildings.

Int. No. 752

By Council Members Holden, Gennaro, Restler and Marmorato.

**A Local Law to amend the administrative code of the city of New York, in relation to refusing to renew, suspending, or revoking a license of a tobacco retail dealer that has violated certain authorization requirements of the cannabis law**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 20-206 of the administrative code of the city of New York, subdivision a and paragraph 1 of such subdivision as added by local law number 2 for the year 2000, paragraph 2 of such subdivision as amended by local law number 95 for the year 2015, paragraph 3 of such subdivision as amended by local law number 191 for the year 2017, and paragraph 4 of such subdivision as added by local law number 95 for the year 2015, is amended to read as follows:

a. In addition to any other powers of the commissioner, and not in limitation thereof, the commissioner may, after due notice and opportunity to be heard, refuse to renew any license required under this subchapter and may suspend or revoke such license if the person holding such license, or, where applicable, any of its officers, principals, directors, members, managers, employees, or stockholders owning more than ten percent of the outstanding stock of the corporation, has been found to have:

1. made a material false statement or concealed a material fact in connection with the filing of any application pursuant to this subchapter; [or]

2. not paid, within the time permitted by law, any civil penalty or judgment duly imposed pursuant to the provisions of this subchapter or any rules promulgated thereunder or pursuant to chapter thirteen of title eleven of this code, or chapter forty of title eleven of this code relating to cigarette sales; [or]

3. violated the provisions of subdivision a or b of section 17-706 of this code or any rules promulgated thereunder; [or]

4. violated any provision of section 10-203 of this code or any rules promulgated thereunder[.]; or

5. *violated subdivision 1 of section 125 of the cannabis law or any rules promulgated thereunder through the unregistered, unlicensed, or unpermitted distribution for sale, selling at wholesale or retail, or delivering to consumers of any cannabis, cannabis product, medical cannabis, or cannabinoid hemp or hemp extract product, as such terms are defined in section 3 of the cannabis law.*

§ 2. The commissioner of consumer and worker protection shall conduct an education and outreach campaign to inform affected licensees of the new grounds added by this local law for refusal to renew, suspension, or revocation of a license.

§ 3. This local law takes effect immediately.

Referred to the Committee on Consumer and Worker Protection.

Int. No. 753

By Council Members Holden and Marmorato.

**A Local Law to amend the administrative code of the city of New York, in relation to light pollution from light fixtures in a residential district**

*Be it enacted by the Council as follows:*

Section 1. Chapter 4 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-426 to read as follows:

§ 24-426 *Light pollution reduction. In the case of light posts, fixtures or other lighting neither operated by a local, state or federal agency nor operated for the illumination of a parking lot or sidewalk shed, no person shall operate or cause to be operated a light post, fixture or other lighting causing outdoor illumination greater than 3,000 lumens in a residential district, unless such post, fixture or lighting is fully shielded to reduce light trespass. Any person in violation of this section shall be liable for a civil penalty of \$50, recoverable in a proceeding before the office of administrative trials and hearings.*

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

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 754

By Council Members Holden, Restler, Ariola and Marmorato.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the Department of Homeless Services to report information regarding veterans entering and exiting shelter**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-328 to read as follows:

§ 21-328. *Veterans in shelter report. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Residential rehabilitation facilities. The term “residential rehabilitation facilities” means facilities for veterans and service members recovering from injuries or illnesses.*

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

*Subsidized housing. The term “subsidized housing” means dwelling units aided by one or more federal, state or city programs designed to provide low or moderate income housing.*

*Supportive housing. The term “supportive housing” means affordable housing, combined with recovery-oriented services, where tenants pay up to thirty percent of their income towards rent and utilities.*



*Veteran. The term “veteran” means a person who has served in the active military of the United States and who has been released from such service otherwise than by dishonorable discharge.*

*b. Beginning no later than September 1, 2022 and on the first day of each succeeding calendar quarter thereafter, the department shall submit to the Speaker a report and post such report on its website detailing the following information relating to the previous calendar quarter:*

- 1. The total number of veterans entering shelter, disaggregated by the number and percent of veterans who are new to the shelter system and those who have had prior shelter stays;*
- 2. For the total number of veterans staying in shelter, the average length of stay, disaggregated by male and female veterans; and*
- 3. The total number and percent of veterans placed in permanent housing, disaggregated by the type of housing including but not limited to supportive housing, subsidized housing, residential rehabilitation facilities and veterans who return to their family or to independent living.*

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 755

By Council Members Holden, Gennaro, Ariola and Marmorato.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting new smoking paraphernalia retailer dealers near schools**

*Be it enacted by the Council as follows:*

Section 1. Section 17-702 of the administrative code of the city of New York, as amended by local law number 191 for the year 2017, is amended by adding a new subdivision dd to read as follows:

*dd. “Smoking paraphernalia retail dealer” means any person engaged in the retail sale of non-tobacco smoking products. For the purposes of this section, the possession or transportation at any one time of more than 20 non-tobacco smoking products by any person other than a manufacturer or a person delivering such products in the regular course of business for a manufacturer or smoking paraphernalia retail dealer, shall be presumptive evidence that such person is a smoking paraphernalia retail dealer.*

§ 2. Chapter 7 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-706.1 to read as follows:

*§ 17-706.1 Smoking paraphernalia retail dealer locations. It is unlawful for any person to engage in business as a smoking paraphernalia retail dealer within 500 feet of any public or non-public school serving children in any grade from kindergarten through high school except where such smoking paraphernalia retail dealer was engaged in the retail sale of non-tobacco smoking products in such location on the effective date of this section.*

§ 3. Section 17-709 of the administrative code of the city of New York, as amended by local law number 145 for the year 2017, is amended to read as follows:

§ 17-709 Enforcement. The department of health and mental hygiene and the department of finance shall enforce the provisions of this subchapter. The department of consumer affairs shall enforce sections 17-703, 17-703.1, 17-704, 17-704.1, 17-705, [and] 17-706 and 17-706.1. In addition, designated enforcement employees of any authorizing agency shall have the power to enforce the provisions of this subchapter.

§ 4. Section 17-709.1 of the administrative code of the city of New York, as added by local law number 97 for the year 2013, is amended to read as follows:

§ 17-709.1 Rules. The commissioner of the department and the commissioner of finance shall promulgate any rules as may be necessary for the purposes of carrying out the provisions of this subchapter. *The commissioner of consumer affairs shall promulgate any rules as may be necessary for the purposes of carrying out the provisions of section 17-706.1.*

§ 5. This local law takes effect 60 days after it becomes law, except that before such date the commissioner of consumer affairs shall publicize the location restriction set forth in section 17-706.1 of the administrative code

of the city of New York, as added by section two of this local law, and may take any other measures necessary for the implementation of this local law, including the promulgation of rules.

Referred to the Committee on Health.

Int. No. 756

By Council Members Holden and Ariola.

**A Local Law in relation to the creation of an interagency derelict housing and neglected property task force**

*Be it enacted by the Council as follows:*

Section 1. Derelict housing and neglected property task force. a. There shall be an interagency task force that shall review and recommend changes to the laws, rules, regulations and policies related to the abatement of nuisances or other health or safety risks created by derelict housing and neglected properties.

b. The task force shall consist of 7 members, or their designees, as follows:

1. the commissioner of health and mental hygiene;
2. the commissioner of buildings;
3. the commissioner of housing preservation and development;
4. the commissioner of sanitation;
5. the commissioner of environmental protection;
6. one member appointed by the mayor; and
7. one member appointed by the speaker of the council.

c. Members of the task force shall serve for a term of 1 year, to commence after the appointment of the final member of the task force. All members shall be appointed to the task force within 60 days of the enactment of this local law.

d. All members of the task force shall serve without compensation and shall meet, at a minimum, on a quarterly basis.

e. No member of the task force shall be removed except for cause and upon notice and hearing by the appropriate appointing official. In the event of a vacancy, a successor shall be appointed in the same manner as the original appointment to serve the balance of the unexpired term.

f. The task force shall issue a report to the mayor and council no later than 12 months after the final member of the task force is appointed. Such report shall include, but need not be limited to, analysis and recommendations regarding the following:

1. reporting of problems relating to derelict housing or neglected properties by members of the public and the response to such reports, including situations where it may be unclear which agency has the authority to address the problem;
2. coordination between agencies when one property has violations from different city agencies;
3. strategies for addressing violations that a property owner fails to repair; and
4. the authority of city agencies to repair violations, including through the department of health and mental hygiene's authority to abate nuisances, and the department of housing preservation and development's emergency repair program, and whether any additional authority to repair violations should be granted to any agency.

g. Such task force shall dissolve 90 days after the final submission of the report required pursuant to subdivision f.

§ 2. This local law takes effect immediately and is deemed repealed 90 days after the final submission of the report required by subdivision f of section 1 of this local law.

Referred to the Committee on Housing and Buildings.

## Int. No. 757

By Council Members Holden, Yeger and Ariola.

**A Local Law to amend the New York city charter, in relation to requiring civilian complaint review board members to participate in a ride-along with a member of the police department**

*Be it enacted by the Council as follows:*

Section 1. Subdivision (c) of section 440 of the New York city charter is amended by adding a new paragraph 8 to read as follows:

*8. Within the first year after appointment, each member of the board shall participate in a ride-along with a member of the police department. The ride-along shall be:*

*(i) at least 2 hours long; and*

*(ii) conducted in the presence of a police officer performing police duties.*

*The failure by a board member to complete the ride-along within the first year after appointment shall not affect the validity of the member's appointment to the board. A member appointed to fill a vacancy on the board shall be exempt from the requirements of this paragraph if the balance of the unexpired term the member is appointed to serve is less than 1 year.*

§ 2. Subdivision (d) of section 440 of the New York city charter is amended by adding a new paragraph 4 to read as follows:

*4. The police commissioner shall cooperate with members of the board to facilitate the ride-along with a member of the police department required by subdivision (c) of this section.*

§ 3. This local law takes effect immediately.

Referred to the Committee on Public Safety

## Int. No. 758

By Council Members Holden, Yeger and Ariola.

**A Local Law to amend the New York city charter, in relation to requiring civilian complaint review board members and investigators to participate in a firearm use and safety training conducted by the police department.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision (c) of section 440 of the New York city charter is amended by adding a new paragraph 8 to read as follows:

*8. Within the first year after appointment or hire, each member of the board, and any civilian investigator employed by the board, shall participate in a firearm use and safety training conducted by the police department. Such training shall:*

*(i) Include a video-based program that provides participants with information regarding use of force options and patrol tactics pertaining to firearm use and safety;*

*(ii) Allow participants to apply concepts learned from such program in a simulated environment; and*

*(iii) Last no longer than 8 hours.*

*The failure by a board member or civilian investigator employed by the board to complete such training within the first year after appointment or hire shall not affect the validity of the member's appointment to or the investigator's hire by the board. A board member appointed to fill a vacancy on the board shall be exempt from the requirements of this paragraph if the balance of the unexpired term the member is appointed to serve is less than 1 year.*

§ 2. Subdivision (d) of section 440 of the New York city charter is amended by adding a new paragraph 4 to read as follows:

4. *The police commissioner shall cooperate with members of the board and civilian investigators employed by the board to facilitate the firearm use and safety training required by paragraph 8 of subdivision (c) of this section.*

§ 3. This local law takes effect immediately.

Referred to the Committee on Public Safety

Int. No. 759

By Council Members Holden, Yeger and Marmorato.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the exhalation of smoke at a person's face with the intent to harass, annoy or alarm such person**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 10 of the administrative code of the city of New York is amended by adding a new section 10-184 to read as follows:

§ 10-184 *Unlawful exhalation of smoke. a. Definitions. As used in this section, the term "smoke" means the smoke or vapor produced by inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, little cigar, pipe, water pipe, herbal cigarette, non-tobacco smoking product, or any similar form of lighted object or device designed for human use or consumption by the inhalation of smoke.*

*b. Unlawful exhalation of smoke. It is unlawful for a person, with the intent to harass, annoy or alarm another person, to exhale smoke so that such smoke is directed at the face of such other person.*

*c. Criminal penalty. Any person who violates subdivision b of this section shall be guilty of a misdemeanor punishable by up to one month in jail, or a fine of up to \$500, or both.*

*d. Civil penalty. Any person who violates subdivision b of this section shall be liable for a civil penalty of up to \$500, which may be recoverable in a proceeding before the office of administrative trials and hearings, pursuant to chapter 45-A of the charter.*

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

Referred to the Committee on Public Safety

Int. No. 760

By Council Member Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to revising criteria for enforcement of civil and criminal offenses for specified unlawful acts, and to repeal and replace section 14-155 of such code in relation thereto**

*Be it enacted by the Council as follows:*

Section 1. Section 14-155 of the administrative code of the city of New York is REPEALED and a new section 14-155 is added to read as follows:

§ 14-155 *Enforcement criteria. a. The department shall review and revise as appropriate its guidance regarding the determination of whether to use civil or criminal enforcement for specified unlawful acts, in accordance with the requirements of this section. Such guidance shall recommend that criminal enforcement be used for specified unlawful acts unless certain criteria specified by the department are met for the use of civil enforcement.*

*b. The department shall provide such guidance to its uniformed officers and make such guidance publicly available.*

*c. Nothing in this section or in the administration or application thereof shall be construed as creating a right to be subject to civil or criminal enforcement or prosecution in connection with any alleged specified unlawful act, or as creating a private right of action on the part of any person or entity against the city of New York, the department or any official or employee thereof.*

§ 2. This local law takes effect 180 days after it becomes law, except that the police department shall take such measures as are necessary for the implementation of this local law before such date.

Referred to the Committee on Public Safety

Int. No. 761

By Council Member Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to unlawful methods of restraint during an arrest or attempted arrest**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 10-181 of the administrative code of the city of New York, as added by local law number 66 for the year 2020, is amended to read as follows:

a. Unlawful methods of restraint. No person shall restrain an individual in a manner that restricts the flow of air or blood by compressing the windpipe or the carotid arteries on each side of the neck, [or sitting, kneeling, or standing on the chest or back in a manner that compresses the diaphragm,] in the course of effecting or attempting to effect an arrest.

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 762

By Council Members Holden, Salamanca, Menin, Abreu, Williams, Stevens, Banks, Joseph, Borelli and Paladino.

**A Local Law to amend the administrative code of the city of New York, in relation to establishing exemptions for third-party food delivery services from the limits on fees charged by such services on food service establishments**

*Be it enacted by the Council as follows:*

Section 1. Section 20-563.3 of the administrative code of the city of New York, as added by local law number 103 for the year 2021, is amended to read as follows:

a. It shall be unlawful for a third-party food delivery service to charge a food service establishment a delivery fee that totals more than 15% of the purchase price of each online order.

b. It shall be unlawful for a third-party food delivery service to charge a food service establishment any fee or fees, other than a delivery fee and a transaction fee (*such fees other than a delivery fee and a transaction fee referred to collectively as "Other Fees"*), for the use of [their] a service that allows customers to place orders with the food service establishment using the third-party food delivery platform that totals more than 5% of the purchase price of each online order.

c. It shall be unlawful for a third-party food delivery service to charge a food service establishment a transaction fee that totals more than 3% of the purchase price of each online order, provided however that a third-party food delivery service may charge a food service establishment a transaction fee of more than 3% of the purchase price of an online order if: (i) such transaction fee is charged to the food service establishment in the same amount as the charge imposed upon the third-party food delivery service for such online order, and (ii) such third-party food delivery service can provide proof of such charge imposed upon it to both the department and the relevant food service establishment upon request.

d. *Subdivisions a, b and c of this section shall not apply to a third-party food delivery service that provides a food service establishment with: (i) the option to obtain delivery services for a fee consistent with the cap on fees as set forth in subdivisions a, b and c of this section, and (ii) the option to be listed and discoverable on all modalities or platforms offered by the third-party food delivery service for a fee consistent with the caps on fees as set forth in subdivisions b and c of this section. Notwithstanding the foregoing, a third-party food delivery service shall not charge more than 15% for delivery fees, 25% for Other Fees and 3% for transaction fees unless such transaction fees are covered by an exception pursuant to subdivision c of this section.*

e. *Within 30 days of the effective date of this local law, a third-party food delivery service shall notify all food service establishments with which it has an existing agreement of the options described in subdivision d. A third-party food delivery service may not change the fees set forth in any such agreement except as permitted in the terms of the agreement.*

f. *Within 30 days of receipt of a written request by a food service establishment that has executed an agreement with a third-party delivery service in accordance with section 20-563.6, a third-party delivery service shall not purchase the public-facing name of the requesting food service establishment as a keyword from an internet search provider that sells advertising keywords for purposes of internet advertising that is targeted to be displayed within New York City. This subdivision does not apply to advertising or interest content displayed outside of New York City or prohibit a third-party food delivery service from purchasing keyword advertising using common terms or names, including, but not limited to, terms relating to locations, food types, or cuisine types.*

g. *A third-party food delivery service shall not prevent a food service establishment from including physical marketing materials, such as menus or coupons, to customers in connection with an order made through a third-party food delivery service.*

h. *A third-party food delivery service shall not require a food service establishment, as a condition of an agreement entered into pursuant to section 20-563.6, to charge the same price for food and beverage items ordered through a third-party food delivery service for delivery as that purchased in person at the food service establishment or ordered directly through the food service establishment. It shall not be a violation of this subsection for a third-party food delivery service and a food service establishment to enter an agreement that includes a provision that deviates from this prohibition, but only if the food service establishment maintains the ability to obtain delivery service from the third-party food delivery platform through an agreement without such a provision.*

i. No later than September 30, 2023, and every two years thereafter, the commissioner shall submit to the speaker of the council and the mayor a report on the fee cap pursuant to this section, which shall include but not be limited to recommendations related to either the maintenance or adjustment of the fee cap as set forth in this section, in consideration of factors from the immediately preceding two years, such as:

1. *The effect of the cap as set forth in subdivisions a, b and c of this section and the effect of the exemption as set forth in subdivision d of this section on third-party food delivery services and food service establishments, including, but not limited to, the effect on the revenue of third-party food delivery services and the effect on the marketing and revenue of food service establishments;*

2. *Whether [the cap] such cap or such exemption affects wages and working conditions for persons who deliver food or beverages for third-party food delivery services;*

3. *Products that third-party food delivery services offer to food service establishments for listing, processing and marketing;*

4. *The number of complaints made to the department related to the alleged violations of this subchapter and the number of violations issued under this subchapter;*

5. *The total amount of penalties imposed as a result of violations of this subchapter; and*

6. *The amount of restitution recovered on behalf of food service establishments pursuant to this subchapter.*

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

Referred to the Committee on Consumer and Worker Protection.

Int. No. 763

By Council Members Holden, Dinowitz, Yeger, Restler, Ariola and Marmorato.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring that law enforcement officers responding to noise complaints carry sound level meters**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-175 to read as follows:

§ 14-193 *Sound level meters. a. Definitions. For the purposes of this section the following terms have the following meanings:*

*Dwelling. The term “dwelling” means any building lawfully occupied in whole or in part as the temporary or permanent residence of one or more natural persons.*

*Law enforcement officer. The term “law enforcement officer” a peace officer or police officer as defined in the Criminal Procedure Law who is employed by the city of New York or a special patrolman appointed by the police commissioner pursuant to section 14-106 of the administrative code.*

*Sound level meter. The term “sound level meter” means any instrument, including but not limited to a microphone, an amplifier, an output meter, and frequency weighting networks, for the measurement of noise and sound levels in a specified manner and which complies with standards established by the American National Standards Institute specifications for sound level meters S1.4-1971, as amended or S1.4-1983, as amended.*

*b. Law enforcement officers responding to noise complaints pursuant to chapter 2 of title 24, where the noise originates from a dwelling and enforcement of the applicable law may require the measurement of sound, shall be equipped with sound level meters and shall use such sound level meters where appropriate.*

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

Referred to the Committee on Public Safety.

Int. No. 764

By Council Members Holden, Joseph, Brewer and Bottcher.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the installation of cameras on street sweepers to photograph and report parking, stopping or standing violations**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-111.2 to read as follows:

§ 16-111.2 *Cameras on street sweepers and parking violations. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Parking violation. The term “parking violation” means a violation for which a notice of liability is authorized to be issued to an operator of a motor vehicle for violation of any local law, rule or regulation provided for or regulating the parking, stopping or standing of a motor vehicle.*

*Street sweeper. The term “street sweeper” means a vehicle under the jurisdiction of the department that is equipped with a mechanical broom to clean a street.*

*b. Installation of cameras on street sweepers. The commissioner shall install cameras on all street sweepers and ensure such cameras are functioning during street cleaning operations. Such installation shall be completed within one year of the effective date of this section until all street sweepers are equipped with such cameras.*

*c. Photographing and reporting of parking violations. Starting one year after the effective date of this section, each street sweeper shall photograph parking violations and report such violations to the commissioner. The commissioner shall report such violations to the commissioner of finance and the police commissioner who may enforce such violations. Reports required by this subdivision shall include:*

*1. Two or more photographs, two or more microphotographs, a videotape or other recorded images of the vehicle at the time it is in violation a local law, rule or regulation provided for or regulating the parking, stopping or standing of a motor vehicle;*

*2. The date, time and location at which the photographs, microphotographs, videotape or other recorded images were taken;*

*3. The identification number or other reference of the camera, street sweeper and operator that recorded the violation; and*

*4. Any other information necessary and appropriate for the enforcement and adjudication of such violations.*

*d. Report. Not later than 180 days after the effective date of this section, and monthly thereafter, the commissioner, in consultation with the commissioner of finance and the police commissioner, shall submit a report on each unique parking violation photographed and reported as required by subdivision c of this section to the mayor and the speaker of the council and shall post such report on the department's website. Such report shall include, but not be limited to, a table in which each separate row references a unique parking violation and shall include, but not be limited to, the following information about each such parking violation for the previous month, set forth in separate columns:*

*1. The date of such violation;*

*2. The street and sanitation district where such violation occurred;*

*3. Whether such violation was enforced, and the date of such enforcement, if applicable; and*

*4. Any explanation as to why such violation was not enforced, if applicable.*

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner of sanitation, the commissioner of finance and the police commissioner shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 765

By Council Members Holden, Louis, Brewer, Farías and Gennaro.

### **A Local Law in relation to establishing a task force on vehicles registered out-of-state**

*Be it enacted by the Council as follows:*

Section 1. Task force on vehicles registered out-of-state. a. The department of transportation shall establish an interagency task force to conduct a study on ways to address the issue of New York city residents who own motor vehicles registered out-of-state that are required to be registered in New York.

b. The task force shall consist of 5 members, as follows:

1. the commissioner of the department of transportation, or their designee, who shall serve as chair;

2. the commissioner of the police department, or their designee;

3. the commissioner of the department of finance, or their designee;

4. one member appointed by the mayor with relevant expertise in the area of vehicle and traffic violation enforcement; and

5. one member appointed by the speaker of the council.

c. The task force shall invite representatives from the New York state department of motor vehicles, the New York state department of transportation, and representatives of any other relevant state agency or state



elected official, as identified by the task force, to participate in the development of the task force report pursuant to subdivision g of this section.

d. Members of the task force shall serve for a term of 1 year, to commence after the appointment of the final member of the task force. All members shall be appointed to the task force within 60 days of the enactment of this local law.

e. All members of the task force shall serve without compensation and shall meet, at a minimum, on a quarterly basis.

f. No member of the task force shall be removed except for cause and upon notice and hearing by the appropriate appointing official. In the event of a vacancy, a successor shall be appointed in the same manner as the original appointment to serve the balance of the unexpired term.

g. The task force shall issue and submit a report of its findings and recommendations to the mayor and the speaker of the city council no later than 12 months after the effective date of the local law that added this section. Such report shall include, but need not be limited to, the following information:

1. the number of motor vehicles owned by residents of New York city, disaggregated by the number that are registered in New York state and the number that are registered in any state other than New York;

2. the number of motor vehicles that have been issued citations for violation of the requirement that they be registered in New York state; and

3. recommendations on ways to increase compliance with the requirement that city residents register their motor vehicles in New York state.

h. The task force shall terminate upon the issuance of its final report.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 766

By Council Members Holden, Feliz, Bottcher, Yeger, Gennaro, Marte and Restler.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the parking, standing, stopping, or operation of a motor vehicle with obscured or defaced license plates**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-175.9 to read as follows:

§ 19-175.9 *Obscured or defaced license plates. a. Definitions. For purposes of this section, the term "obscured or defaced license plate" means any license plate that does not comply with the requirements and prohibitions set forth in paragraph (b) of subdivision 1 of section 402 of the vehicle and traffic law.*

*b. Prohibitions. 1. It is unlawful for any person to park, stand, or stop a motor vehicle with an obscured or defaced license plate.*

*2. It is unlawful for any person to operate a motor vehicle with an obscured or defaced license plate.*

*c. Penalties. 1. The violation of paragraph 1 of subdivision b of this section shall constitute a misdemeanor punishable by a fine of not more than \$1,000, or by imprisonment not to exceed 20 days, or both.*

*2. Any person who violates paragraph 1 of subdivision b of this section is liable for any monetary penalties applicable pursuant to the vehicle and traffic law.*

*3. The violation of paragraph 2 of subdivision b of this section shall constitute a misdemeanor punishable by a fine of not more than \$1,000, or by imprisonment not to exceed 20 days, or both.*

*4. Any person who violates paragraph 2 of subdivision b of this section is liable for a civil penalty of \$500 for a first violation and \$1,000 for each subsequent violation committed within 6 months of a first violation.*

§ 2. This local law takes effect 60 days after becoming law.

Referred to the Committee on Transportation and Infrastructure.

## Res. No. 308

**Resolution calling on the New York State Legislature to pass and governor to sign, A.6087/S.3741, which would amend the New York State Penal Law to establish the offenses of reckless endangerment of an emergency service person in the first degree and second degree when individuals knowingly alter or convert a building that impedes egress and results in the injury or death of emergency service personnel**

By Council Members Holden, Yeger, Ariola and Marmorato.

**Whereas**, An illegal conversion is an alteration or modification of an existing building to create an additional housing unit without first obtaining approval from the New York State Department of State's Division of Building Standards and Codes; and

**Whereas**, Building codes exist to ensure that residents, and particularly first responders and emergency personnel, are protected from the dangers posed by fire and inferior construction methods; and

**Whereas**, New York City has seen a drastic increase in population over the past decade resulting in pervasive illegally converted buildings; and

**Whereas**, Each year, there are numerous fatal structural fires attributed to illegally converted buildings; and

**Whereas**, Far too often, these situations result in serious injury to, or the death of, not only residents but also firefighters or other emergency personnel; and

**Whereas**, New York State passed a law in 2017 that afforded protection to tenants from illegally converted buildings; and

**Whereas**, Similarly, New York State should pass a law to further protect emergency service personnel when responding to an emergency; and

**Whereas**, A.6087, introduced by New York State Assembly Member Kenneth Zebrowski, and S.3741, introduced by New York State Senator James Gaughran, seek to amend the New York State Penal Law in relation to establishing the offenses of reckless endangerment of an emergency service personnel in the second degree as a Class E felony and reckless endangerment of an emergency service personnel in the first degree as a Class D felony; and

**Whereas**, A.6087/S.3741 seeks to create the new crimes of reckless endangerment of a peace officer, police officer, firefighter or emergency medical services professional in the first and second degrees when such individual is injured or killed when responding to an emergency in an illegally converted building; and

**Whereas**, Emergency service personnel provide an invaluable service in keeping us safe and assisting us in emergencies, and when an unscrupulous individual directly places their health and safety at risk for the sake of their own profits they should be held accountable; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass and governor to sign, A.6087/S.3741, which would amend the New York State Penal Law to establish the offenses of reckless endangerment of an emergency service person in the first degree and second degree when individuals knowingly alter or convert a building that impedes egress and results in the injury or death of emergency service personnel.

Referred to the Committee on Public Safety

## Res. No. 309

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation that would amend pretrial detention to include all hate crime charges.**

By Council Members Holden, Yeger, Ariola and Marmorato.

**Whereas**, On January 1, 2020, The New York State legislature implemented sweeping reforms to the state's system of pretrial detention, which prohibited judges from setting bail or other forms of pretrial detention for many charges; and

**Whereas**, By April 2020, the State legislature amended these laws to allow for pretrial detention for expanded types of charges, including two categories of hate crimes: assault as a hate crime in the third degree and arson as a hate crime in the third degree; and

**Whereas**, A December 2021 CBS News report indicated there was a 100% increase in hate crimes in New York City in 2021 compared to 2020; and

**Whereas**, Reports indicate dramatic increases in anti-Asian, anti-Semitic and hate crimes regarding sexual orientation; and

**Whereas**, Permitting pretrial detention provides judges with the option to more meaningfully address hate crimes; and

**Whereas**, The 2020 amendments to the bail reform laws do not include the types of hate crimes prevalent throughout the city; and

**Whereas**, New York City is incredibly diverse with over 3 million foreign-born residents, many different faiths, and more than 200 languages spoken; and

**Whereas**, There can be no tolerance for hate crimes in New York City; and

**Whereas**, Expanding bail eligibility to all hate crimes underlines the seriousness with which the City takes these types of attacks; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on New York State Legislature to pass, and the Governor to sign, legislation that would amend pretrial detention to include all hate crime charges.

Referred to the Committee on Public Safety

Res. No. 310

**Resolution calling upon the New York State Legislature to amend New York State law to allow for service by first-class mail of notices of violation issued pursuant to any street sweeper camera enforcement program relating to parking established by New York City law.**

By Council Member Holden.

**Whereas**, Alternate side parking rules in New York City (NYC) require owners of parked motor vehicles to move their vehicles during fixed time periods to allow for street cleaning by NYC Department of Sanitation street sweepers; and

**Whereas**, Motor vehicles in violation of alternate side parking rules in NYC obstruct street sweepers and make it more difficult for the NYC Department of Sanitation to keep NYC's streets clean; and

**Whereas**, Requiring NYC enforcement agents to affix notices of violation to the windshields of motor vehicles in violation of alternate side parking rules is a burden on limited city resources; and

**Whereas**, An NYC program involving the installation of cameras on street sweepers to photograph alternate side parking violations and the service of notices of violation by first-class mail would allow for more effective enforcement of alternate side parking violations; and

**Whereas**, The New York City Council previously passed Local Law 160 of 2018, which created a local camera enforcement program to detect motor vehicles exceeding the speed limit in school speed zones; and

**Whereas**, Introduction Number 670, introduced in the New York City Council in 2022, would create a local camera enforcement program involving the installation of cameras on streets sweepers to photograph and report parking violations; and

**Whereas**, Subdivision 2 of section 238 of the New York State (NYS) Vehicle and Traffic Law requires a notice of violation relating to the adjudication of parking violations to be served personally upon the operator of a motor vehicle in the absence of state authorization in specific cases; and

**Whereas**, The NYS Legislature has passed legislation allowing service by first-class mail of notices of violation in connection with camera enforcement programs relating to red light speeding, school zone speeding, and bus lane traffic violations; and

**Whereas**, NYS legislation to allow service by first-class mail of notices of violations issued pursuant to an NYC-created street sweeper camera enforcement program relating to parking would greatly enhance the effectiveness of such a program; and

**Whereas**, There is no current NYS legislation pertaining to the installation of cameras on street sweepers in NYC, and the last pieces of NYS legislation addressing this topic, A.8533, introduced by former NYS Assembly Member Brian Kavanagh, and companion bill S.5536, were introduced in 2011 and since then have languished in committee; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to amend New York State law to allow for service by first-class mail of notices of violations issued pursuant to any street sweeper camera enforcement program relating to parking established by New York City law.

Referred to the Committee on Sanitation and Solid Waste Management.

Res. No. 311

**Resolution calling on the New York State Assembly to pass, and the Governor to sign, S.2028-A/A.2965-A, to establish a property tax exemption for veterans with a 100 percent service-connected disability.**

By Council Members Holden, Yeger, Ariola and Marmorato.

**Whereas**, America's veterans have made immense sacrifices for our country, which can result in service-connected disabilities that affect their ability to find employment, resulting in financial hardship; and

**Whereas**, Veterans with a service-connected disability encounter many obstacles to finding and maintaining a job, including a lack of understanding or knowledge on the part of employers with respect to disability-related supports and rights; and

**Whereas**, Many states grant former service members with a service-connected disability a property tax abatement to honor their contributions and ease their financial struggle, but the scale and scope of exemptions vary; and

**Whereas**, The U.S. Department of Veterans Affairs (VA) rates disability on a scale of 0 to 100 percent, rounding off to the nearest 10 percent, with higher percentages correlating to more severe conditions; and

**Whereas**, Permanent and total disability means a veteran has a service-connected condition that the VA has determined will not improve; and

**Whereas**, Temporary 100 percent disability means a veteran has a condition that is fully disabling but not permanent; and

**Whereas**, Individual unemployability is a VA designation for veterans deemed unable to work due to a service-connected disability; and

**Whereas**, 18 states offer a complete property tax exemption on the former service member's primary residence if they have a 100% disability rating, but New York State does not; and

**Whereas**, Currently, New York City (City) offers two types of property tax exemptions to veterans—the Alternative Veterans Exemption and the Eligible Funds Exemption; and

**Whereas**, The Alternative Veterans Exemption reduces the assessed value of the recipient's property before taxes are assessed, if the veteran served during a qualified service period, with an additional reduction if they served in a combat zone; and

**Whereas**, The Eligible Funds Exemption reduces the assessed value of the recipient's property before taxes are assessed and is available to veterans who purchase their homes using "eligible funds," including pensions, bonuses, insurance, and mustering-out pay; and

**Whereas**, While these exemptions acknowledge the contributions of our City’s veterans, there is more that the City must do to recognize the challenges of service-disabled veterans; and

**Whereas**, S.2028-A, sponsored by State Senator Joseph Addabbo, and A.2965-A, sponsored by State Assembly Member Stacey Pheffer-Amato, would create an exemption from all taxes imposed upon disabled veterans and their spouses, with a 100 percent service-connected disability; and

**Whereas**, This legislation has already passed the State Senate, however it awaits passage in the State Assembly before reaching the Governor’s desk for signature; and

**Whereas**, Policymakers at all levels of government play a role in easing this population’s financial strain and transition back to civilian life; and

**Whereas**, For their commendable service and tremendous sacrifice, veterans with a 100 percent service-connected disability are entitled to this benefit; now, therefore be it

**Resolved**, That the Council of the City of New York calls on the New York State Assembly to pass, and the Governor to sign, S.2028-A/A.2965-A, to establish a property tax exemption for veterans with a 100 percent service-connected disability.

Referred to the Committee on Veterans.

Int. No. 767

By Council Members Hudson and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of citywide administrative services to administer workplace culture surveys**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 12 of the administrative code of the city of New York is amended by adding a new section 12-218 to read as follows:

*§ 12-218 Workplace culture surveys. a. Definitions. As used in this section, the following terms have the following meanings:*

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

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

*Employee. The term “employee” means employees of city agencies.*

*Workplace Culture. The term “workplace culture” means an employee’s perceived work atmosphere at the agency at which they are employed, as it relates to colleagues, supervisors, job duties, compensation, working conditions, and other related factors that influence their employment.*

*b. No later than July 1, 2025, the commissioner shall create a workplace culture survey to be administered online, the responses to which shall be anonymous. The survey shall be designed to elicit information related to workplace culture. The survey instructions shall emphasize that employee answers will remain anonymous and shall only be used by the department to report a summary analysis. The survey shall include, but need not be limited to, questions related to:*

- 1. The employee’s views on their workplace culture;*
- 2. The employee’s views on management practices;*
- 3. Whether the employee has considered pursuing a managerial or supervisory role within their agency;*
- 4. The employee’s perceived barriers to promotion;*
- 5. The employee’s views on diversity and equity within their agency;*
- 6. Any workplace culture or equity-related concerns that may cause the employee to consider departing from their position or agency;*
- 7. The employee’s views on any improvements that could be made to the agency workplace culture.*

*c. No later than September 1, 2025, and each September 1 annually thereafter, the department shall coordinate with agencies to distribute a link to the survey required by subdivision b of this section to all employees, to be completed on a voluntary basis.*

*d. No later than January 1, 2026, and each January 1 annually thereafter, the commissioner shall submit to the mayor, the speaker of the council, heads of agencies, and the equal employment practices commission a report regarding a summary and analysis of information received from the surveys administered pursuant to subdivision c of this section, disaggregated by agency. The report shall not contain any personal identifying information.*

§ 2. Paragraph 19 of subdivision a of section 815 of the New York city charter is amended to read as follows:

a. Subject to the civil service law and applicable provisions of this charter, heads of city agencies shall have the following powers and duties essential for the management of their agencies in addition to powers and duties vested in them pursuant to this charter or other applicable law:

- (1) To recruit personnel;
- (2) To participate with the department of citywide administrative services in job analyses for the classification of positions;
- (3) To allocate individual positions to existing civil service titles;
- (4) To allocate individual managerial or executive positions to managerial assignment levels;
- (5) To assist the department of citywide administrative services in the determination of minimum qualifications for classes of positions and to review and evaluate qualifications of candidates for positions in the civil service;
- (6) To assist the commissioner in the planning and preparation of open competitive examinations;
- (7) To schedule and conduct tests other than written tests for promotion to competitive class positions;
- (8) To determine whether to hold an open competitive or promotion examination to fill positions in the civil service subject to disapproval of the commissioner within [thirty] 30 days;
- (9) To plan and administer employee incentive and recognition programs;
- (10) To fill vacant positions within quarterly spending allotments and personnel controls pursuant to section [one hundred six] 106;
- (11) To administer and certify eligible lists for classes of positions unique to the agency;
- (12) To make appointments to competitive positions from eligible lists pursuant to subsection [one] 1 of section [sixty-one] 61 of the state civil service law, which authority shall not be abridged or modified by local law or in any other manner;
- (13) To establish and administer performance evaluation programs to be used during the probationary period and for promotions, assignments, incentives and training;
- (14) To conduct training and development programs to improve the skills, performance and career opportunities of employees;
- (15) To ensure and promote equal opportunity for all persons in appointment, payment of wages, development and advancement;
- (16) To administer employee safety programs;
- (17) To maintain personnel records;
- (18) To perform such other personnel management functions as are delegated by the commissioner pursuant to this chapter or that are not otherwise assigned by this chapter;
- (19) To establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women who are employed by, or who seek employment with, the agency and, in accordance with the uniform procedures and standards established by the department of citywide administrative services for this purpose, to adopt and implement an annual plan to accomplish this objective. Such plan shall include the following information: an analysis of the agency's compensation data and measures to address pay disparity and occupational segregation, *both within the agency and through outreach with prospective applicants and external stakeholders*, in the most recent fiscal year; diversity and inclusion training; and schedule and workplace accommodations and access to facilities, including access for individuals with disabilities, gender appropriate bathrooms, and lactation rooms. Such plan shall first be submitted to the department of citywide administrative services pursuant to the customary annual plan schedule. Copies of such plans shall be filed with the mayor, council, department of citywide administrative services, equal employment practices commission, and city civil service commission and shall be made available

for reasonable public inspection. In carrying out duties related to this paragraph, the heads of city agencies shall cooperate fully with the department of citywide administrative services' office of diversity and inclusion in accordance with section 814.1; and

(20) To provide assistance to minority group members and women interested in being employed by city agencies to ensure that such minority group members and women benefit, to the maximum extent possible, from city employment and educational assistance programs.

§3. This local law takes effect immediately.

Referred to the Committee on Civil Service and Labor.

Int. No. 768

By Council Member Lee.

**A Local Law to amend the administrative code of the city of New York, in relation to education and outreach on building emissions requirements**

*Be it enacted by the Council as follows:*

Section 1. Article 320 of chapter 3 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-320.5.2 to read as follows:

**§ 28-320.5.2. Notifications for covered buildings.** *No later than June 1, 2024, and every two years thereafter, the office of building energy and emissions performance shall notify the owner of a covered building in writing of the following:*

- 1. The covered building's estimated greenhouse gas emissions based on the most recent year of data available;*
- 2. The covered building's estimated building emissions limit in 2024, 2030, 2035, 2040, and 2050;*
- 3. A range of estimated penalties for the building based on low, medium, or high emissions scenarios and a brief explanation of the penalty determination factors pursuant to section 28-320.6.1;*
- 4. The amount of greenhouse gas emissions that the covered building must reduce by 2024, 2030, 2035, 2040, and 2050 to not exceed its emissions limits in each such year; and*
- 5. The website address where the department maintains outreach and education materials to inform building owners about compliance with this article.*

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

Referred to the Committee on Housing and Buildings.

## Int. No. 769

By Council Member Lee.

**A Local Law to amend the administrative code of the city of New York, in relation to buildings subject to energy and emissions limits and energy conservation measure requirements**

*Be it enacted by the Council as follows:*

Section 1. Exception 2 of the definition of “COVERED BUILDING” in section 28-320.1 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

[Real property, not more than three stories, consisting of a series of attached, detached or semi-detached dwellings, for which ownership and the responsibility for maintenance of the HVAC systems and hot water heating systems is held by each individual dwelling unit owner, and with no HVAC system or hot water heating system in the series serving more than 25,000 gross square feet (2322.5 m<sup>2</sup>), as certified by a registered design professional to the department.]

*A series of attached, detached or semidetached dwelling units, not more than three stories above grade, which are provided collectively with essential services such as, but not limited to, water supply and house sewers, and which units are located on a site or plot not less than 20,000 square feet (1858.0608 m<sup>2</sup>) in area under common ownership, and which units together and in their aggregate are arranged or designed to provide three or more apartments.*

§ 2. Exception 1 of the definition of “COVERED BUILDING” in section 28-321.1 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

[Real property, not more than three stories, consisting of a series of attached, detached or semi-detached dwellings, for which ownership and the responsibility for maintenance of the HVAC systems and hot water heating systems is held by each individual dwelling unit owner, and with no HVAC system or hot water heating system in the series serving more than 25,000 (2322.5 m<sup>2</sup>) gross square feet, as certified by a registered design professional to the department.]

*A series of attached, detached or semidetached dwelling units, not more than three stories above grade, which are provided collectively with essential services such as, but not limited to, water supply and house sewers, and which units are located on a site or plot not less than 20,000 square feet (1858.0608 m<sup>2</sup>) in area under common ownership, and which units together and in their aggregate are arranged or designed to provide three or more apartments.*

§ 3. This local law takes effect on the same date that local law number 126 for the year 2021 takes effect and is retroactive to, and deemed to have been in full force and effect on, November 15, 2019.

Referred to the Committee on Housing and Buildings.

## Int. No. 770

By Council Members Lee, Hudson, Zhuang, Yeger, Brewer and Restler.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring home-delivered meals be delivered each day of the calendar year.**



*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-213 to read as follows:

*§ 21-213 Home-delivered meals for older adults.*

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

*Authorized older adult. The term “authorized older adult” means a New York City resident aged 60 years or older, who has been deemed eligible to receive a home-delivered meal.*

*Home-delivered meal. The term “home-delivered meal” means a meal that a home-delivered meal provider delivers to an authorized older adult.*

*Home-delivered meals program. The term “home-delivered meals program” means the program operated by the department to maintain or improve the nutritional status of older adults who are unable to prepare meals.*

*Home-delivered meal provider. The term “home-delivered meal provider” means any entity that contracts with the department to deliver a home-delivered meal to an authorized older adult.*

*b. The home-delivered meals program shall provide each authorized older adult with at least 1 home delivered meal a day, 7 days a week, 365 days a year. This section shall apply to all contracts between the department and a home-delivered meal provider for delivery of home-delivered meals under the home-delivered meals program that are in effect on or after the effective date of the local law that added this section.*

*§ 2. This local law takes effect 180 days after becoming law.*

Referred to the Committee on Aging.

Int. No. 771

By Council Members Lee, Ung, Krishnan, Joseph, Gennaro, Brewer, Won and Hudson.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring distribution of information regarding phone interpretation services**

*Be it enacted by the Council as follows:*

Section 1. Title 21-A of the administrative code of the city of New York is amended by adding a new chapter 29 to read as follows:

**CHAPTER 29**

**DISTRIBUTION OF INFORMATION REGARDING PHONE INTERPRETATION SERVICES**

*§ 21-1001. Distribution of information regarding phone interpretation services. a. Definitions. As used in this chapter, the term “school” means a school of the city school district of the city of New York.*

*b. Information to be distributed. No later than September 15, 2023, and annually thereafter, the department shall distribute to each school, to be shared with every student of such school, the following information in writing, in hard copy and electronically, using plain language:*

*1. A list of phone interpretation services offered by the department;*

*2. Information on how to access such services;*

*3. Examples of how such services may be used, included, but not limited to, helping parents communicate with school staff; and*

*4. Any other information that the department determines could increase awareness and understanding of such services.*

*c. Such materials shall be made available in English and in additional languages as determined by the department.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 772

By Council Members Lee, Ung, Salaam, Dinowitz, Riley, Marmorato, Stevens, Farias, Paladino, Williams, Schulman, Holden, Ariola, Banks, Yeger, Louis, Narcisse, Brannan, Vernikov, Hanks, Carr, Borelli and Won.

**A Local Law to amend the administrative code of the city of New York, in relation to building emissions calculations, adjustments and penalties**

*Be it enacted by the Council as follows:*

Section 1. Section 28-320.3 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

**§ 28-320.3 Building emissions limits.** Except as otherwise provided in this article, or otherwise provided by rule, on and after January 1, 2024 a covered building shall not have annual building emissions higher than the annual building emissions limit for such building as determined in accordance with this section based on the occupancy group of the building. *For garden-type maisonette dwelling projects, as defined by section 4 of the multiple dwelling law, and covered buildings held in the cooperative or condominium form of ownership, ground floor open and green spaces adjacent to the building and located on the same tax lot shall be considered as part of the gross floor area of the building for the purpose of calculating the building's greenhouse gas emissions.*

§ 2. Section 28-320.6.1 of the administrative code of the city of New York, as amended by local law number 77 for the year 2023, is amended to read as follows:

**§ 28-320.6.1 Determination of penalty.** In considering the amount of civil penalty to be imposed pursuant to this article, a court or administrative tribunal shall give due regard to the aggravating or mitigating factors including:

1. The respondent's good faith efforts to comply with the requirements of this article, including investments in energy efficiency projects or [and] greenhouse gas emissions reductions before the effective date of this article;
2. The respondent's history of compliance with this article;
3. The respondent's compliance with the conditions of any adjustment to the applicable building emissions limit, issued by the department pursuant to section 28-320.7;
4. Whether the noncompliance was directly related to unexpected and unforeseeable events or conditions during the calendar year outside the control of the respondent;
5. The respondent's access to financial resources, where the court or administrative tribunal may consider the financial hardship of a building owned by such respondent as evidence of such respondent's access to such financial resources *or, for residential buildings comprised of condominiums or cooperative units, the court or administrative tribunal may consider the median property value of the units in the residential building, as determined by the department of finance, as a mitigating factor;* and

- 6. Whether payment of such penalty would impact the operations of facilities critical to human life or safety.

§ 3. Article 320 of Chapter 3 of Title 28 of the administrative code of the city of New York is amended by adding a new section 28-320.6.1.2 to read as follows:

**§ 28-320.6.1.2 Reduced civil penalties for certain covered buildings.** *For covered buildings held in the cooperative or condominium form of ownership comprised of units with an average assessed value of \$65,000 or less, as determined by the department of finance, that qualify for a penalty reduction based on the mitigating factors of section 28-320.6.1, civil penalties shall be reduced according to the following schedule:*

- 1. *From January 1, 2030 to December 31, 2035, civil penalties shall be reduced by 100 percent;*
- 2. *From January 1, 2036 to December 31, 2040, civil penalties shall be reduced by 50 percent; and*
- 3. *From January 1, 2041 to December 31, 2045, civil penalties shall be reduced by 25 percent.*

§ 4. Section 28-320.7 of the administrative code of the city of New York is amended by adding new items 3, 4 and 5 to read as follows:

- 3. *Such an adjustment may be granted upon a specific determination that a covered building comprised of condominiums or cooperative units has made prior retrofits to such building that contributed to building emissions reduction, including oil to gas conversions.*
- 4. *Such an adjustment may be granted upon a specific determination that a covered building comprised of condominiums or cooperative units has installed a solar photovoltaic system for energy generation on the building.*
- 5. *Such an adjustment may be granted upon a specific determination that a covered building comprised of cooperative or condominium units has submetered the individual apartments.*

§ 5. This local law takes effect immediately.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 773

By Council Members Lee, Yeger, Gennaro, Brewer, Restler, Won and Hudson.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to notify property owners ordered to repair sidewalks of existing department plans to make repairs on same sidewalks**

*Be it enacted by the Council as follows:*

Section 1. Subdivision c of section 19-152 of the administrative code of the city of New York, as amended by local law number 120 for the year 2018, is amended to read as follows:

- c. Whenever the department shall determine that a sidewalk flag should be installed, constructed, reconstructed, or repaved, or that a vacant lot should be fenced, or a sunken lot filled or a raised lot cut down, it

may order the owner of the property abutting on such sidewalk flag or the owner of such vacant, sunken or raised lot by issuing a violation order to perform such work. Such order shall provide a detailed explanation of the inspection and the sidewalk defects according to sidewalk flags including a detailed diagram of the property and defects by type. The order shall also inform the owner of the existence of the borough offices within the department together with an explanation of the procedures utilized by the borough office as provided for in paragraph eighteen of subdivision a of section twenty-nine hundred three of the New York city charter as well as a complaint and appeal process, including the right to request a reinspection and then the right to appeal by filing a notice of claim with the office of the comptroller of the city of New York and thereafter a petition for appeal and commence a proceeding to review and/or correct the notice of account and/or the quality of the work performed under the direction of or by the department as provided herein and the procedures as to how to appeal by filing a notice of claim with the office of the comptroller of the city of New York and how to file a petition and commence a proceeding to review and/or correct the notice of account and/or the quality of the work performed as provided herein and the location where the forms may be obtained. Such order shall specify the work to be performed, an estimate of the cost of the work to repair the defects and the order shall also specify a reasonable time for compliance, provided that the time for compliance shall be a minimum of 75 days. The department shall, by appropriate regulations, provide for a reinspection by a different departmental inspector than the inspector that conducted the first or original inspection upon request of the property owner to the appropriate borough office. Where appropriate, the department shall notify the property owner of the date of reinspection at least five days prior to the reinspection date. Such inspector conducting the reinspection shall conduct an independent inspection of the property without access to the reports from the first inspection. The inspector conducting the reinspection shall file a new report and the department shall issue a new order to the owner specifying the results of the reinspection with a detailed diagram of the property and defects by type. Such order shall also advise the owner of the procedures utilized by the borough office as provided for in paragraph eighteen of subdivision a of section twenty-nine hundred three of the New York city charter and also of the right to challenge the notice of account and/or the quality of the work performed by filing a notice of claim with the office of the comptroller and thereafter a petition and commence a proceeding to review and/or correct the notice of account and/or the quality of the work performed under the direction of or by the department as provided in sections 19-152.2 and 19-152.3 of the code and specify the procedures as to how to appeal by filing a notice of claim with the office of the comptroller of the city of New York and how to file a petition and commence a proceeding to review and/or correct the notice of account and/or the quality of the work performed and the location where the forms may be obtained. Prior to issuing an order pursuant to this subdivision, the department shall determine if either the department or the department of parks and recreation has any existing plans to install, construct, reconstruct, repave or repair a sidewalk flag which is the subject of the order, and if such plans exist, the order must notify the owner of such plans, except if work pursuant to such plans is scheduled to commence within 90 days then the department shall not issue such order.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Res. No. 312

**Resolution calling on the New York State legislature to pass, and the Governor to sign, S.1678A/A.1941, which would require all public school districts, charter schools, and non-public schools to serve breakfast and lunch at no cost to students.**

By Council Member Lee.

**Whereas**, The United States Department of Agriculture (USDA) defines food insecurity as the lack of access to nutrition necessary for an active, healthy life; and

**Whereas**, According to scientific studies, children in food-insecure households are more likely to experience developmental issues, to have more chronic health conditions, higher hospitalization rates, poorer mental health, and academic and behavioral problems; and

**Whereas**, Per the USDA, as of 2018, an estimated 11.2 million, or 15.2 percent, of American children resided in food-insecure households; and

**Whereas**, The USDA estimated that as of 2020, nearly 14 million or 10.5 percent of U.S. households were food-insecure; and

**Whereas**, According to the same data, in 2020, the rate of food insecurity among households with children was higher than the national average at 14.8 percent, an increase from 13.6 percent in 2019; and

**Whereas**, As per the same 2020 estimates, Black, non-Hispanic, and Hispanic U.S. households had much higher prevalence of food insecurity, standing at 21.7 percent and 17.2 percent, respectively, and contrasted with the national average of 10.5 percent; and

**Whereas**, In New York State, as of 2020, 596,060, or 14.6 percent, of children were food insecure, but only 85 percent of them were income-eligible for federal nutrition programs; and

**Whereas**, In New York State, as of 2020, the prevalence of food insecurity was much higher among Black and Latino individuals, standing at 19 percent for each and contrasted with 5 percent among White, non-Hispanic individuals; and

**Whereas**, In New York City, as of 2020, the Bronx had the highest rate of all five boroughs of food insecurity among children at 36.3 percent (128,740 children), only 86 percent of whom were income-eligible for federal nutrition programs; and

**Whereas**, In New York City, as of 2020, Brooklyn had the second highest prevalence of food insecurity among children at 26 percent (152,960 children), only 81 percent of whom were income-eligible for federal nutrition programs; and

**Whereas**, A 2019 study of New York City's middle schools providing free lunch and breakfast for all students irrespective of income discovered that universal provision of free meals improved students' weight outcomes, increased school lunch participation, and improved math and English test scores; and

**Whereas**, As of 2022, an estimated 470,000 children in New York State were income-ineligible for free school meals even though they resided in households earning less than a living wage; and

**Whereas**, Only 59 percent of New York schools offered free meals for all students as of 2022; and

**Whereas**, Estimates by Feeding New York State indicate that a statewide universal free school meals program in New York State would improve access to food for about 726,000 students by enabling 1,954 additional schools to provide free school meals to all pupils; and

**Whereas**, According to the same estimates by Feeding New York State, a universal free school meals program would also relieve financial pressure on families by saving an estimated \$140 per child in grocery costs each month; and

**Whereas**, With the intent of reducing child food insecurity, State Senator Michelle Hinchey has introduced S.1678A in the New York State Senate, and Assembly Member Jessica González-Rojas has introduced companion bill A.1941 in the New York State Assembly, which would require all public school districts, charter schools, and non-public schools to serve breakfast and lunch at no cost to students; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State legislature to pass, and the Governor to sign, S.1678A/A.1941, which would require all public school districts, charter schools, and non-public schools to serve breakfast and lunch at no cost to students.

Referred to the Committee on Education.

Res. No. 313

**Resolution calling upon the United States Congress to pass, and the President to sign, legislation amending the Anti-Drug Abuse Act of 1986 to allow for the operation of legitimate supervised consumption sites around the country.**

By Council Member Lee.

**Whereas**, drug overdoses are a major public health crisis in New York City and across the United States, resulting in 2,668 deaths in New York City and over 106,000 throughout the country in 2021; and

**Whereas**, opioid abuse and overdoses are estimated to cost the American economy more than a trillion dollars every year; and

**Whereas**, public health experts have estimated opioid use disorder costs New York State approximately three percent of its GDP; and

**Whereas**, decades of punitive approaches to drug abuse have not meaningfully reduced the phenomenon or compensated for its harms; and

**Whereas**, the city, state, and federal governments have an abiding interest in reducing the harms caused by drug abuse and its attendant cost to public health and safety; and

**Whereas**, supervised consumption sites provide a model for how to reduce likelihood of overdose and connect chronic drug users to health care, counseling and other services; and

**Whereas**, on November 30, 2021, New York City opened two overdose prevention centers, the first government run supervised consumption sites in the country; and

**Whereas**, these sites allowed staff to mitigate hundreds of potential overdoses; and

**Whereas**, more than half of the patrons of these sites utilized additional services; and

**Whereas**, supervised consumption sites exist in a legal grey area thanks to a portion of the federal Anti-Drug Abuse Act of 1986, known as the “crack house statutes,” which attached felony liability to those who maintain a premises for the sake of using controlled substances; and

**Whereas**, the possibility of criminal prosecution discourages public health authorities and nonprofit providers from operating supervised consumption sites despite promising data on their efficacy at reducing overdose deaths and connecting habitual drug users to services; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Congress to pass, and the President to sign, legislation amending the Anti-Drug Abuse Act of 1986 to allow for the operation of legitimate supervised consumption sites around the country

Referred to the Committee on Mental Health, Disabilities and Addiction.

Res. No. 314

**Resolution calling on the United States Congress to pass and the President to sign amendments to the Len Bias Law, known as the Anti-Drug Abuse Act of 1986 H.R.5484, to ensure that family members or associate drug users are not criminalized for calling emergency services in a crisis.**

By Council Member Lee.

**Whereas**, The Len Bias Law provisioned in the Anti-Drug Abuse Act signed by President Ronald Reagan on October 27, 1986, provided a mandatory 20-year minimum and maximum life prison sentence as well as a fine of up to \$2 million for drug distribution cases that resulted in a person’s death or serious injury; and

**Whereas**, Many states passed their own versions of the Len Bias Law to be used when sentencing people convicted of state drug distribution offenses; and

**Whereas**, Some state laws include mandatory sentencing guidelines, while others permit prosecutors to charge someone with reckless homicide for distributing drugs that result in a user's death; and

**Whereas**, Data published by the Centers for Disease Control and Prevention indicate that drug use is increasing with more Americans dying of overdose than in any point in modern history; and

**Whereas**, The Office of National Drug Control Policy started spending more money on treatment and prevention in 2021 than on interdiction and law enforcement; and

**Whereas**, Overdose Prevention Centers (“OPC’s”) operated by OnPoint NYC in New York City has been offering drug users with safe, supervised places to use drugs while also connecting them to services that promote health, including harm reduction, medical attention, mental health therapy, drug treatment, and social supports; and

**Whereas**, People who use illegal drugs frequently worry that by dialing 911 for an overdose, they will be detained and prosecuted; and

**Whereas**, Some states have instituted ‘911 Good Samaritan laws’ that provide legal protections for individuals who call for emergency assistance in the event of a drug overdose; and

**Whereas**, Amending the Len Bias Law, known as the Anti-Drug Abuse Act of 1986 H.R.5484, would empower others, particularly fellow drug users to save the life of a person who has overdosed; and

**Whereas**, Exploring evidence-based solutions such as treatment, rather than incarceration for addiction to address root causes such as harm reduction will improve lives instead of destroying them; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the United States Congress to pass and the President to sign amendments to the Len Bias Law, known as the Anti-Drug Abuse Act of 1986 H.R.5484, to ensure that family members or associate drug users are not criminalized for calling emergency services in a crisis.

Referred to the Committee on Mental Health, Disabilities and Addiction.

Res. No. 315

**Resolution calling on the United States Congress to pass and the President to sign, H.R.2400, which would amend title XIX of the Social Security Act to allow States to make medical assistance available to inmates during the 30-day period preceding their release.**

By Council Member Lee.

**Whereas**, Currently, federal law prohibits federal healthcare coverage for incarcerated individuals, except under very limited circumstances, as they are considered ‘inmates of a public institution’ and barred from receiving Medicaid benefits, even though most detained individuals are Medicaid eligible; and

**Whereas**, While they receive health care while they are incarcerated, without healthcare coverage in place when they are released, many of these individuals struggle to access mental health and substance use treatments upon community reentry; and

**Whereas**, In many states, Medicaid coverage is immediately terminated when someone is sent to a correctional institution, which creates a serious coverage gap extending post-release while they seek to reinstate their benefits, leaving these individuals with no access to health care or addiction treatment during a stressful and dangerous time; and

**Whereas**, According to the New England Journal of Medicine, individuals reentering society are 129 times likelier than the general population to die of a drug overdose during the first two weeks after release; and

**Whereas**, Many of these deaths are preventable with appropriate medical, mental health, and substance use interventions, which usually require health insurance; and

**Whereas**, The federal agency in charge of both Medicare and Medicaid, the Center for Medicare and Medicaid Services, has argued in favor of adding people back to the Medicaid eligibility list "immediately upon release from a correctional facility"; and

**Whereas**, H.R.2400 sponsored by U.S. House Representative Paul Tonko, seeks to expand access to addiction treatment and other health services for Medicaid-eligible individuals by granting states the authority to restart Medicaid services for incarcerated individuals 30 days before their release; and

**Whereas**, H.R.2400 would make it easier for states to coordinate effective addiction treatment and other health services, allowing for a reduced risk of overdose deaths post-release; and

**Whereas**, Incarcerated people and those released from incarceration face poverty, unemployment, and disproportionately high rates of disability, disease, and illness, however, Medicaid is a tool that can be utilized to expand healthcare coverage and reduce the number of preventable deaths after release; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the United States Congress to pass and the President to sign, H.R.2400, which would amend title XIX of the Social Security Act to allow States to make medical assistance available to inmates during the 30-day period preceding their release.

Referred to the Committee on Mental Health, Disabilities and Addiction.

Res. No. 316

**Resolution calling on the United States Congress to pass and the President to sign S.79/H.R.1693 117<sup>th</sup> Congress (2021-2022), known as the Equal Act of 2021.**

By Council Member Lee.

**Whereas**, In 1986, Congress passed the Anti-Drug Abuse Act, which established a 100:1 sentencing disparity for crack and powder cocaine, as well as for the first time, mandatory minimum penalties triggered by particular amounts of cocaine; and

**Whereas**, Pursuant to 21 U.S. Code § 841, distribution of just 5 grams of crack carries a minimum 5-year federal prison sentence, while for powder cocaine, distribution of 500 grams, 100 times the amount of crack cocaine, carries the same sentence; and

**Whereas**, Recent studies by the United States Sentencing Commission have concluded that crack-cocaine is not appreciably different from powder-cocaine in either chemical composition or physical reactions in its users; and

**Whereas**, While reports indicate Whites are more likely to report lifetime cocaine use, inner city communities of color have been targeted as a result of national drug enforcement and prosecutorial policies and practices; and

**Whereas**, Advocates strongly believe that crack cocaine mandatory minimum sentences are an attack on the poor because they are more affordable for poor Americans, many of whom are African Americans, than powder cocaine, which is much more expensive and is typically used by wealthier white Americans; and

**Whereas**, Nationwide studies by the U.S. Sentencing Commission have revealed data showing more than 80% of defendants sentenced for crack offenses were African Americans, despite more than 66% of crack users being white and other than non-African Americans; and

**Whereas**, As African Americans have been the target of the vast majority of prosecutions under the Anti-Drug Abuse Act, racial disparities in sentencing have disproportionately led to longer sentences than powder users; and

**Whereas**, In 2010, Congress reduced the crack-to-powder ratio from 100:1 to 18:1 in the Fair Sentencing Act, S.79/H.R.1693, known as the Equal Act of 2021, sponsored by U.S. Senator Cory Booker and U.S. House Representative Hakeem Jeffries, seeks to eliminate the crack-to-powder disparity ratio entirely and guarantees that individuals who were convicted or given a sentence for a federal offense involving cocaine can be resentenced in accordance with the new law; and

**Whereas**, By eliminating the harsh sentencing punishments that currently disproportionately affect African American communities and severely restrict their opportunities, changing these sentencing guidelines would greatly assist African American communities; now, therefore, be it;

**Resolved**, That the Council of the City of New York calls on the United States Congress to pass and the President to sign S.79/H.R.1693 117<sup>th</sup> Congress (2021-2022), known as the Equal Act of 2021.

Referred to the Committee on Mental Health, Disabilities and Addiction.



## Res. No. 317

**Resolution calling on New York State to mandate basic training in addiction treatment as a requirement for medical schools that receive state funding.**

By Council Members Lee and Gennaro.

**Whereas**, According to Centers for Disease Control and Prevention, deaths due to drug overdoses hit an all-time high in 2021, and preliminary data suggests that the numbers from 2022 will be even higher; and

**Whereas**, The Office of the Special Narcotics Prosecutor for the City of New York estimates that there were over 3,000 deaths in New York City due to drug overdoses in the 12 months ending in August 2022; and

**Whereas**, Many overdoses deaths could have been prevented with proper addiction treatment; and

**Whereas**, Addiction is a treatable disease; and

**Whereas**, Addiction is a public health issue and medical professionals play an important role in identifying and treating addiction; and

**Whereas**, Doctors, including primary care physicians, who do not specialize in addiction treatment are often called upon to diagnose and/or treat substance abuse disorders; and

**Whereas**, Medical professionals need to be able to recognize the signs of addiction in order to be able to refer patients to addiction specialists when necessary; and

**Whereas**, There are not enough programs or medical professionals trained in substance abuse to treat all of the individuals that want or need addiction treatment; and

**Whereas**, Not all medical professionals are aware of the medications that are available to treat addiction; and

**Whereas**, If they do not receive training on addiction in medical school many medical professionals will never receive any training on how to diagnose or treat substance abuse disorders; and

**Whereas**, Opioids, and other addictive medications, play an essential role in medical pain management; and

**Whereas**, Medical professionals need to be trained how to prescribe opioids and other controlled substances appropriately in order to prevent addiction; and

**Whereas**, Learning about addiction treatment in medical school will better enable doctors to advocate for addiction treatments for their patients; and

**Whereas**, Teaching about addiction in while they are still students is critical because medical schools is where doctors develop lifelong practice habits; and

**Resolved**, That the Council of the City of New York calls on New York State to mandate basic training in addiction treatment as a requirement for medical schools that receive state funding.

Referred to the Committee on Mental Health, Disabilities and Addiction.

## Res. No. 318

**Resolution calling on the Federal Government to mandate basic training in addiction treatment as a requirement for medical schools that receive federal funding.**

By Council Members Lee and Gennaro.

**Whereas**, According to Centers for Disease Control and Prevention, deaths due to drug overdoses hit an all-time high in 2021, and preliminary data suggests that the numbers from 2022 will be even higher; and

**Whereas**, The Office of the Special Narcotics Prosecutor for the City of New York estimates that there were over 3,000 deaths in New York City due to drug overdoses in the 12 months ending in August 2022; and

**Whereas**, Many overdoses deaths could have been prevented with proper addiction treatment; and

**Whereas**, Addiction is a treatable disease; and

**Whereas**, Addiction is a public health issue and medical professionals play an important role in identifying and treating addiction; and

**Whereas**, Doctors, including primary care physicians, who do not specialize in addiction treatment are often called upon to diagnose and/or treat substance abuse disorders; and

**Whereas**, Medical professionals need to be able to recognize the signs of addiction in order to be able to refer patients to addiction specialists when necessary; and

**Whereas**, There are not enough programs or medical professionals trained in substance abuse to treat all of the individuals that want or need addiction treatment; and

**Whereas**, Not all medical professionals are aware of the medications that are available to treat addiction; and

**Whereas**, If they do not receive training on addiction in medical school many medical professionals will never receive any training on how to diagnose or treat substance abuse disorders; and

**Whereas**, Opioids, and other addictive medications, play an essential role in medical pain management; and

**Whereas**, Medical professionals need to be trained how to prescribe opioids and other controlled substances appropriately in order to prevent addiction; and

**Whereas**, Learning about addiction treatment in medical school will better enable doctors to advocate for addiction treatments for their patients; and

**Whereas**, Teaching about addiction in while they are still students is critical because medical schools is where doctors develop lifelong practice habits; and

**Resolved**, That the Council of the City of New York calls on the Federal Government to mandate basic training in addiction treatment as a requirement for medical schools that receive federal funding.

Referred to the Committee on Mental Health, Disabilities and Addiction.

Res. No. 319

**Resolution calling on United States Attorney General Merrick Garland and the Department of Justice to issue guidance that they will not prosecute overdose prevention centers under section 856 of the Controlled Substances Act, and the Office of National Drug Control Policy to develop a set of standards, policies, and procedures for overdose prevention centers.**

By Council Member Lee.

**Whereas**, New York City and the nation are experiencing an opioid crisis involving the misuse of prescription opioid pain relievers as well as heroin and fentanyl; and

**Whereas**, According to the New York City Department of Health and Mental Hygiene (DOHMH), overdose is the leading cause of accidental death in the city, surpassing motor vehicle deaths, homicides, and suicides combined; and

**Whereas**, According to provisional DOHMH data, 2,668 individuals died of a drug overdose in New York City in 2021, an increase of 27 percent since 2020 and 78 percent since 2019 ; and

**Whereas**, Opioid overdose deaths in New York City persist despite the availability of treatment services, collaborative interventions between public health and law enforcement, and increased access to the emergency overdose rescue medicine naloxone, according to DOHMH; and

**Whereas**, Harm reduction encompasses a set of practical strategies aimed at reducing the morbidity and mortality associated with drug use; and

**Whereas**, Overdose prevention centers (OPCs), also known as supervised consumption sites, are professionally supervised facilities where persons who use drugs can consume them under controlled conditions and access services including safe disposal of syringes and injection equipment, vaccination, HIV and hepatitis C testing, linkage to substance use treatment, counseling, and connections to social and medical services; and

**Whereas**, Supervised consumption is a proven harm reduction strategy and approximately 100 OPCs operate in countries including Germany, Spain, and Canada; and

**Whereas**, According to a 2021 report on OPCs published by the National Institutes of Health, “the preponderance of the evidence suggests these sites are able to provide sterile equipment, overdose reversal, and linkage to medical care for addiction, in the virtual absence of significant direct risks like increases in drug use, drug sales, or crime;” and

**Whereas**, In November 2021, New York City opened the first two government-sanctioned OPCs in the United States; and

**Whereas**, According to DOHMH, since opening on November 30, 2021 to the end of 2022, the two supervised consumption sites were used over 52,000 times by 2,227 unique individuals, staff intervened in more than 670 overdoses to prevent potential injury or death, and there were no overdose deaths at the facilities; and

**Whereas**, The success of New York City’s OPCs has spurred other cities and states—including New York State—to consider legislation that would allow for supervised consumption programs; and

**Whereas**, Section 856 of the Controlled Substances Act, known as the “crack house statute,” makes it illegal to own, rent or operate a location for the purpose of using a controlled substance; and

**Whereas**, There is disagreement as to whether the crack house statute applies to OPCs; and

**Whereas**, Despite the evidence that OPCs are an effective harm reduction strategy, many jurisdictions and operators are reluctant to open OPCs due to the possibility of federal enforcement under the Controlled Substances Act; and

**Whereas**, In April 2021, then-Mayor Bill de Blasio, along with the mayors of cities including Philadelphia, San Francisco, and Oakland, sent a letter to Attorney General Merrick Garland requesting clarity from the Biden administration over whether opening OPCs would violate federal law and urging Garland to issue a national policy “deprioritizing enforcement” of the Controlled Substances Act against OPC operators and clients; and

**Whereas**, In a February 2022 statement to the Associated Press, the Department of Justice said it is “evaluating supervised consumption sites, including discussions with state and local regulators about appropriate guardrails for such sites, as part of an overall approach to harm reduction and public safety;” and

**Whereas**, The Office of National Drug Control Policy (ONDCP) leads and coordinates the nation’s drug policy so that it improves the health and lives of the American people; and

**Whereas**, ONDCP’s 2022 National Drug Control Strategy was the first national plan to prioritize harm reduction, focusing on preventing death and illness in drug users while trying to engage them in care and treatment; and

**Whereas**, The Strategy directs federal agencies to take actions that meet people who need treatment where they are and ensure those at highest-risk of an overdose can access evidence-based treatment; now, therefore, be it,

**Resolved**, That the Council of the City of New York calls on Attorney General Merrick Garland and the Department of Justice to issue guidance that they will not prosecute overdose prevention centers under the Controlled Substances Act, and the Office of National Drug Control Policy to develop a set of standards, policies, and procedures for overdose prevention centers.

Referred to the Committee on Mental Health, Disabilities and Addiction.

Res. No. 320

**Resolution calling upon the New York State Legislature to pass and Governor to sign S.5827-B, requiring high schools to provide and students to take and complete a financial literacy class as a condition to graduate.**

By Council Members Lee, the Public Advocate (Mr. Williams) and Council Members Joseph, Louis and Gennaro.

**Whereas**, A 2018 survey by the Financial Industry Regulatory Authority found that in New York, 28% of credit card holders only made minimum monthly payments in some months, 41% of individuals did not have

savings to cover expenses for three months in an emergency, 12% owed more on their home than it was worth, and 11.5% of older adults live in poverty, compared to 9.7% nationally, all areas that can be improved if New Yorkers are taught financial literacy while in high school; and

**Whereas**, The survey additionally found that 2.5 million New Yorkers owed over \$37,600 in federal student loan debt in 2020, slightly more than the national average; and

**Whereas**, The Consumer Financial Protection Bureau has found that carefully implemented high school financial education requirements are linked to improved credit scores and lowered probability of delinquency in young adults in select states with financial education requirements, while voluntary programs are less likely to be adopted by schools; and

**Whereas**, Research has shown that far too many students, especially those from low income backgrounds, do not receive personal finance education during high school but are expected to make long-term decisions about student loans and budgeting immediately after graduating high school; and

**Whereas**, The goal of financial literacy is to establish a feeling of control over personal finances, using money as a tool to freely make choices to build greater life satisfaction, enabling individuals to navigate unexpected issues such as job loss, avoiding and managing debt, working towards a secure retirement, and enabling individuals to set and work towards financial goals; and

**Whereas**, The United States Department of the Treasury found that students who receive K-12 financial education achieve significantly higher savings and net worth later in life; and

**Whereas**, The American Public Education Foundation graded New York with a “D” rating on the Nation’s Report Card on Financial Literacy; and

**Whereas**, Based on the Office of the New York State Comptroller’s 2022 audit of five New York State agencies, including the Department of Financial Services (DFS), the Department of State (DOS), the NYS Office for the Aging (NYSOFA), the Office of Temporary and Disability Assistance (OTDA), and the State University of New York (SUNY), found that the State had not developed a coherent strategy or made a concentrated effort to offer financial literacy education and information to the public; and

**Whereas**, New York requires high school students to take a half-credit economics course — such as “Economics, the Free Enterprise System, and Finance”— but does not require any coursework at all in financial literacy; and

**Whereas**, High-school graduates should enter adulthood with a basic understanding of personal finances, and New York can help ensure that every student, regardless of socioeconomic status, is equipped to make informed personal financial decisions; and

**Whereas**, In the 2021-2022 legislative session, New York State Senator Leroy Comrie introduced legislation (S.5827-B) requiring high schools to provide a course in financial literacy and require students to take and complete such courses as a condition of graduation; and

**Whereas**, The pass/fail financial literacy course required by the state legislation would provide instruction on several topics, including personal budgeting, wages and taxes, self-employment, savings and investments (stocks, bonds, and mutual funds), debt management, checking accounts, credit cards, credit scores, saving for education and retirement, insurance, rights and obligations as a tenant, borrowing money to buy automobiles and homes, the benefits and drawbacks of leasing and purchasing automobiles, and the benefits and drawbacks of renting and buying homes; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign S.5827-B, requiring high schools to provide and students to take and complete a financial literacy class as a condition to graduate.

Referred to the Committee on Education.

## Res. No. 321

**Resolution calling upon the New York State Legislature to pass and the Governor to sign S.6359/A.7260, to require public elementary and high schools to provide instruction in Asian American history and civic impact.**

By Council Members Lee, Ung, Krishnan, Won, Hanif, Zhuang, Gennaro, Bottcher, Hudson, Avilés and Ariola.

**Whereas**, There was a significant increase in anti-Asian hate crimes from 2020 to 2021 across major cities in the United States, according to an analysis of police department statistics released by the Center for the Study of Hate and Extremism (CSHE) at California State University; and

**Whereas**, The CSHE analysis found that hate crimes targeting Asian people in 16 of America's largest cities increased by 164 percent in the first quarter of 2021 in comparison to the same period in 2020; and

**Whereas**, Further, anti-Asian hate incident reports, including verbal harassment, physical assault, civil rights violations and online harassment, nearly doubled in March 2021 in comparison to March 2020 according to a national report released by Stop AAPI Hate; and

**Whereas**, NBC News and other media outlets attribute the recent increase in anti-Asian hate incidents to negative stereotyping of Asians and rhetoric linking the coronavirus pandemic to Asians; and

**Whereas**, Many advocates, including the NYC Coalition for Educational Justice, contend that schools can play a significant role in helping to reduce racial prejudice and diminish implicit bias in our society; and

**Whereas**, Research shows that use of culturally responsive teaching and curricula that reflects the diversity, identities, and experiences of students of all races and ethnicities benefits all students by helping them to understand different perspectives, appreciate others' strengths, build empathy and reduce implicit bias, according to the NYU Metropolitan Center for Research on Equity and the Transformation of Schools; and

**Whereas**, The curriculum in New York schools is often devoid of content related to the impact of Asian Americans on the history and culture of the state and the country at large, and the discrimination they have historically faced; and

**Whereas**, A lack of understanding and knowledge of Asian Americans has contributed to the recent increase in violence and hate crimes against people of Asian descent, particularly in the wake of the COVID-19 pandemic, according to Stop AAPI Hate, leading the US Congress to pass the Covid-19 Hate Crimes Act in May 2021; and

**Whereas**, S.6359, sponsored by Senator Liu, and its companion bill A.7260, sponsored by Assemblymember Kim, would require public elementary and high schools in New York to provide instruction in Asian American history and civic impact; and

**Whereas**, This legislation directs the Board of Regents to develop a course of study in the events of Asian American history and directs the Commissioner of Education to provide technical assistance in the development of curricula on Asian American history and civic impact and to provide suitable course materials; and

**Whereas**, The required instruction would include, at minimum, the history of Asian Americans in New York and the Northeast; the contributions of Asian Americans toward advancing civil rights from the nineteenth century onward; the contributions made by individual Asian Americans in government and the arts, humanities and sciences; and the contributions of Asian American communities to the economic, cultural, social and political development of the United States; and

**Whereas**, Companion bills S.6359 and A.7260 would ensure that students in New York State schools are taught about the historical contributions of Asian Americans, which will help foster respect and understanding of Asian American history, and allow Asian American students to see themselves reflected as an important part of the history and culture of New York and the United States; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign S.6359/A.7260, to require public elementary and high schools to provide instruction in Asian American history and civic impact.

Referred to the Committee on Education.

## Res. No. 322

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.642/S.1215, which directs the Queens Board of Elections to provide language assistance in Bengali, Punjabi and Hindi.**

By Council Members Lee, Gennaro, Krishnan, Schulman, Ariola, Cabán, Abreu, Farías, Brannan, Menin, Won, Hudson and Avilés.

**Whereas**, The Federal Voting Rights Act of 1965 (VRA) is landmark legislation designed to prevent federal, state or local governments from interfering with an individual's right to vote based on their race or ethnicity; and

**Whereas**, Section 203 of the VRA requires election officials to provide ballots, registration forms and other election materials in languages other than English; and

**Whereas**, The United States Census Bureau determines which jurisdictions are required to provide election materials in languages other than English; and

**Whereas**, In 2021 the US Census Bureau confirmed that Queens County was required to provide election materials in "Asian Indian" languages under section 203 of the VRA; and

**Whereas**, According to the US Census Bureau, Bengali, Hindi and Punjabi are the most spoken languages among Asian-Indian individuals in Queens; and

**Whereas**, The City Board of Elections has only provided ballots and voter registration forms in Bengali in Queens; and

**Whereas**, The City Board of Elections does not translate any election materials or provide any language assistance in Punjabi or Hindi in Queens; and

**Whereas**, A.642, introduced by Assembly Member David I. Weprin and pending in the New York State Assembly, and companion bill S.1215 introduced by Senator Leroy Comrie and pending in the New York State Senate, seeks to amend the Election Law to require the Queens Board of Elections to provide language assistance, including ballots, signs, mailings, employee and volunteer training materials and information on the Board's website in Bengali, Punjabi and Hindi; and

**Whereas**, In addition to meeting the requirements of Section 203 of the VRA, A.642/S.1215 requires the Queens Board of Elections to produce and distribute a booklet containing information about how to register to vote, instructions for obtaining an absentee ballot as well as other general voter information along with a voter registration form in Bengali, Punjabi and Hindi; and

**Whereas**, A.642/S.1215 will bring New York into fuller compliance with the intent of section 203 of the VRA by providing voting materials in the three Asian-Indian languages most commonly spoken in Queens; and

**Whereas**, A.642/S.1215 will remove barriers that prevent Punjabi and Hindi-speakers in Queens from fully participating in the electoral process; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, A.642/S.1215, which directs the Queens Board of Elections to provide language assistance in Bengali, Punjabi and Hindi.

Referred to the Committee on Governmental Operations, State & Federal Legislation.

## Res. No. 323

**Resolution calling on the MTA and NYCTA to adopt federally-recommended measures to ensure that access-a-ride serves New Yorkers on-time.**

By Council Members Lee, Brooks-Powers, Hudson, Narcisse, Gennaro and Ariola.

**Whereas**, since the passage of the Americans with Disabilities Act of 1990, the federal government has mandated the elimination of discrimination against individuals with disabilities in public settings, including in transportation; and

**Whereas**, the ADA mandated that public entities provide individuals with disabilities accessible forms of transportation; and

**Whereas**, Title II of the ADA holds that the failure of a public entity to provide individuals with disabilities a level of transportation services comparable to those enjoyed by the rest of the public amounts to discrimination; and

**Whereas**, the Metropolitan Transportation Authority and the New York City Transit Authority established the Access-A-Ride paratransit program to fulfill in part its obligation to provide accessible transportation options; and

**Whereas**, an investigation by the Department of Justice found in October 2022 that Access-A-Ride consistently fails to provide New Yorkers with disabilities with transportation comparable to that available to non-disabled MTA riders; and

**Whereas**, the investigation found that Access-A-Ride routinely fails to provide timely drop-offs and reasonable travel times, and

**Whereas**, MTA and NYCTA lack performance standards for on-time Access-a-Ride drop-offs, and

**Whereas**, MTA and NYCTA do not collect and maintain data on paratransit drop off times, and

**Whereas**, MTA and NYCTA do not analyze drop-off time performance, and

**Whereas**, MTA and NYCTA do not incentivize contractors to meet timely drop-off standards or impose consequences for failure to meet such standards, and

**Whereas**, MTA and NYCTA do not have a standard to prevent excessively long trips, defined as those that take 15 minutes longer than traveling between the same two points by fixed route transit, and

**Whereas**, MTA and NYCTA do not conduct analyses of comparable trip time for Access-A-Ride, and

**Whereas**, the Department of Justice has said that it may pursue a lawsuit against MTA and NYCTA if the entities do not address the deficiencies mentioned above, now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the MTA and NYCTA to adopt federally-recommended measures to ensure that access-a-ride serves New Yorkers on-time.

Referred to the Committee on Mental Health, Disabilities and Addiction.

Int. No. 774

By Council Members Marte, Brewer and Restler.

### **A Local Law to amend the New York city building code, in relation to sidewalk shed inspections**

*Be it enacted by the Council as follows:*

Section 1. Section 3307.6.5.8 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

**3307.6.5.8. Periodic inspection.** Six months following the initial installation inspection, and every six months thereafter, the sidewalk shed shall be inspected by [a qualified person designated by the designer, the permit holder for the shed, or a third party acceptable to both the designer and the permit holder] the department to verify that the sidewalk shed is in a safe condition and is in compliance with drawings and the requirements of this chapter. [Following the inspection, the qualified person who inspected the sidewalk shed shall prepare, sign, and date an inspection report.] The department shall charge the owner of a building, to which such sidewalk shed is attached, a fee for each inspection performed by the department, provided that the fees are determined by the department and based on the size of the sidewalk shed that is being inspected.

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

Referred to the Committee on Housing and Buildings.

Int. No. 775

By Council Members Marte, Hudson, Bottcher and Menin.

**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**

*Be it enacted by the Council as follows:*

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

*§ 21-210 Anti-discrimination training. a. The commissioner shall require that employees of senior centers and employees of entities that contract with the department to provide services to senior citizens, be trained in the prevention and elimination of discrimination based on sexual orientation, gender identity and expression and receive supplemental refresher training regarding the same at least once every three years, if such employee has or is expected to have significant and direct person to person contact with senior citizens.*

*b. The commissioner shall require senior centers to hold at least two educational sessions per year during which guests and members of the senior center will receive counseling regarding the prevention and elimination of discrimination based on sexual orientation, gender identity and expression and be instructed on how to report instances of such discrimination and what avenues of relief and action are available to those who have experienced such discrimination.*

*c. The commissioner shall require that every senior center post signage in a prominent common area within the center that directs those who need information regarding discrimination based on sexual orientation, gender identity, and expression, including how to report such incidents, and what avenues of relief and action are available to those who have experienced such discrimination.*

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

Referred to the Committee on Aging.

Int. No. 776

By Council Members Marte and Menin.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting third-party grocery delivery services from requiring delivery workers to wear backpacks for deliveries on certain vehicles or to make deliveries of goods weighing more than 22 pounds in a single trip**

*Be it enacted by the Council as follows:*

Section 1. Chapter 15 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 3 to read as follows:



SUBCHAPTER 3  
GROCERY DELIVERY WORKERS

*§ 20-1531 Definitions. For purposes of this subchapter, the following terms have the following meanings:*

*Bicycle. The term “bicycle” has the same meaning ascribed to such term in subdivision a of section 10-157.*

*Electric scooter. The term “electric scooter” has the same meaning ascribed to such term in section 114-e of the vehicle and traffic law.*

*Grocery delivery worker. The term “grocery delivery worker” means any natural person or any organization composed of no more than one natural person, whether or not incorporated or employing a trade name, who is hired, retained, or engaged as an independent contractor by a third-party grocery delivery service to deliver food, beverages, or other goods to a consumer in exchange for compensation.*

*Moped. The term “moped” has the same meaning ascribed to such term in subdivision a of section 19-176.3.*

*Motorized scooter. The term “motorized scooter” has the same meaning ascribed to such term in subdivision a of section 19-176.2.*

*Third-party grocery delivery service. The term “third-party grocery delivery service” means a service that offers or facilitates the same-day delivery or same-day pickup of food, beverages, or other goods from an establishment, whether or not open to the public, that stocks such goods.*

*§ 20-1532 Backpacks. No third-party grocery delivery service shall require a grocery delivery worker to wear a backpack during a delivery made in whole or in part on a bicycle, electric scooter, motorized scooter or moped.*

*§ 20-1533 Weight of goods. No third-party grocery delivery service shall require a grocery delivery worker to make a single trip to deliver food, beverages, or other goods that weigh more than 22 pounds collectively.*

*§ 20-1534 Retaliation. No person shall take any adverse action against a grocery delivery worker that penalizes such worker for, or is reasonably likely to deter such worker from, exercising or attempting to exercise any right protected under this subchapter. Adverse actions include threats, intimidation, harassment, discipline, denial of work opportunities to or discrimination against a grocery delivery worker, reduction in hours or pay, reduction or downgrade of a workers’ public or internal rating, and other negative consequences imposed on a grocery delivery worker, including actions related to perceived immigration status or work authorization. A grocery delivery worker need not explicitly refer to this section to be protected from retaliation.*

*§ 20-1535 Remedies for grocery delivery workers. a. For violations of their rights under this subchapter, a grocery delivery worker shall be entitled to the following relief:*

*1. All compensatory damages and other relief required to make the worker or former worker whole;*

*2. An order directing compliance with the requirements set forth in this subchapter; and*

*3. For each violation of:*

*(a) Section 20-1534,*

*(1) \$500 for each violation not involving denial of future work opportunities;*

*(2) \$2,500 for each violation involving denial of future work opportunities; and*

*(3) Any equitable relief appropriate under the circumstances, including but not limited to payment of any lost earnings resulting from such retaliation.*

*(b) Section 20-1532, \$200; and*

*(c) Section 20-1533, \$200.*

*b. The relief authorized by this section shall be imposed on a per worker and per instance basis for each violation.*

*§ 20-1536 Civil penalties. a. For each violation of this subchapter, a third-party grocery delivery service is liable for a penalty of \$500 for the first violation and, for subsequent violations that occur within two years of any previous violation of this subchapter, up to \$750 for the second violation and up to \$1,000 for each succeeding violation.*

*b. The penalties imposed pursuant to this section shall be imposed on a per worker and per instance basis for each violation.*

*§ 20-1537 Enforcement by the corporation counsel. The corporation counsel or such other persons designated by the corporation counsel on behalf of the department may initiate in any court of competent jurisdiction any action or proceeding that may be appropriate or necessary for correction of any violation issued pursuant to section 20-1507, section 20-1535 or section 20-1536, including actions to secure permanent*

*injunctions, enjoining any acts or practices that constitute such violation, mandating compliance with the provisions of this subchapter, or such other relief as may be appropriate.*

*§ 20-1538 Private cause of action. a. Any person alleging a violation of the following provisions of this subchapter may bring a civil action, in accordance with applicable law, in any court of competent jurisdiction:*

- 1. Section 20-1532;*
- 2. Section 20-1533; and*
- 3. Section 20-1534.*

*b. Such court may order compensatory, injunctive and declaratory relief, including the remedies set forth in section 20-1535, and reasonable attorney's fees.*

*c. A civil action under this section shall be commenced within two years of the date the person knew or should have known of the alleged violation.*

*d. 1. Any person filing a civil action shall simultaneously serve notice of such action and a copy of the complaint upon the department. Failure to so serve a notice does not adversely affect any person's cause of action.*

*2. A worker need not file a complaint with the department pursuant to subdivision b of section 20-1507 before bringing a civil action; however, no person shall file a civil action after filing a complaint with the department unless such complaint has been withdrawn or dismissed without prejudice to further action.*

*3. No person shall file a complaint with the department after filing a civil action unless such action has been withdrawn or dismissed without prejudice to further action.*

*4. The commencement or pendency of a civil action by a worker does not preclude the department from investigating a third-party grocery delivery service or commencing, prosecuting or settling a case against a third-party grocery delivery service based on some or all of the same violations.*

*§ 20-1539 Rules. The commissioner shall promulgate rules necessary and appropriate to the administration and enforcement of this subchapter. Such rules shall address the availability of scales to grocery delivery workers for the purpose of enforcing the provisions of section 20-1533.*

*§ 2. This local law takes effect 90 days after it becomes law and does not apply to a contract or an agreement between a third-party grocery delivery service and a grocery delivery worker for delivery services entered into prior to the effective date of this local law.*

Referred to the Committee on Consumer and Worker Protection.

Int. No. 777

By Council Members Marte and Menin.

**A Local Law to amend the administrative code of the city of New York, in relation to services that advertise delivery within 15 minutes**

*Be it enacted by the Council as follows:*

Section 1. Chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 14 to read as follows:

**SUBCHAPTER 14  
15-MINUTE DELIVERY SERVICES**

*§ 20-699.8 15-minute delivery services. a. Definitions. For the purposes of this section, the term "15-minute delivery service" means any website, mobile application, or other internet service that offers or arranges for delivery of goods, including food, and advertises, or has within the preceding three months advertised, that such deliveries occur within 15 minutes or less.*

*b. Every 15-minute delivery service shall include the following language in any advertisement that mentions deliveries within 15 minutes or less: “Delivery is not guaranteed within 15 minutes. For the safety of the public and delivery workers, please allow more than 15 minutes for delivery.” In any such written advertisement, such language shall be prominently displayed in font that is easy to read.*

*c. Every 15-minute delivery service shall disclose to any worker engaged to make deliveries on behalf of such service that delivery is not required within 15 minutes and that there is no penalty for failure to deliver within 15 minutes. If the 15-minute delivery service uses a mobile application to communicate with such workers, such disclosure shall be prominently displayed in such mobile application.*

*d. A 15-minute delivery service shall not penalize any worker engaged to make deliveries on behalf of such service for failure to deliver within 15 minutes.*

*e. Any 15-minute delivery service that violates any of the provisions of this section shall be subject to a civil penalty of not less than \$250 nor more than \$750 for each violation.*

§ 2. This local law takes effect 60 days after it becomes law.

Referred to the Committee on Consumer and Worker Protection.

Int. No. 778

By Council Members Marte, Ossé, Won, Gutiérrez and Sanchez.

**A Local Law in relation to requiring the department of city planning to conduct a study on hostile architecture**

*Be it enacted by the Council as follows:*

Section 1. Study on hostile architecture. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Agency. The term “agency” means a city, county, borough or other office, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury.

City. The term “city” means the city of New York.

Director. The term “director” means the director of city planning.

Hostile architecture. The term “hostile architecture” means an architectural design in which a public space is constructed or altered to guide or restrict public behavior, including, but not limited to, attributes designed or intended to prevent persons from sitting or lying on benches, planters, ledges, steps, platforms, fire hydrants or any other furniture, structure or surface at street level.

Relevant agencies. The term “relevant agencies” means the department of buildings, the department of parks and recreation, the department of transportation and any other agency that the director deems relevant.

b. Study and report. The director, in collaboration with the relevant agencies, shall conduct a study regarding hostile architecture in the city to analyze the extent of such architecture and to assess compliance with section 37-741 of the zoning resolution. Such study shall include, but need not be limited to, the following:

1. A list of each instance of hostile architecture in the city, by community district, with each separate row of the list referencing a unique instance of hostile architecture and providing the following information about such architecture set forth in separate columns:

(a) The agency with jurisdiction over such instance of hostile architecture;

(b) The type of hostile architecture; and

(c) The borough-block-lot number of the property where such architecture is located; and

2. An assessment of whether each public plaza, as defined section 12-10 of the zoning resolution, complies with section 37-741 of the zoning resolution relating to standards for seating within public plazas, which assessment shall include, but not be limited to, the following, if applicable:

- (a) A list of the public plazas that do not comply with such provision, which shall include, but not be limited to, a description of each instance of non-compliance and the agency with jurisdiction over such public plaza;
- (b) A description of the most frequent types of non-compliance with such provision;
- (c) Any efforts made to ensure such public plazas comply;
- (d) Any barriers that prevent such public plazas from being brought into compliance;
- (e) The feasibility of bringing such public plazas into compliance and eliminating hostile architecture from such public plazas; and
- (f) Any recommendations to improve compliance, including, but not limited to, a plan to replace any hostile architecture.

c. Report required. Within 18 months of the effective date of this local law, the commissioner, in collaboration with the relevant agencies, shall submit to the mayor and the speaker of the council a report summarizing the findings and recommendations of the study required by subdivision b of this section and shall post such report on the website of the department of city planning.

§ 2. This local law takes effect immediately.

Referred to the Committee on Land Use.

Res. No. 324

**Resolution calling on the Governor to sign A. 10414-A/S. 9032-B that would in part extend the master ground lease between the Battery Park City Authority and New York City, and A. 10371-A/S. 9031-A that would in part require a majority of the Authority Board members to be primary residents of Battery Park City.**

By Council Member Marte.

**Whereas**, In 1968, New York State (State) Governor Nelson Rockefeller signed the Battery Park City Authority Act, which authorized the creation of a public benefit corporation, known as the Battery Park City Authority (BPCA), focused on building and managing an area on the lower west side of Manhattan; and

**Whereas**, After extensive public input and negotiations between the New York City (City) and State governments, the BPCA began construction of a 92-acre neighborhood, called Battery Park City, in such area; and

**Whereas**, Battery Park City property owners do not own the land where their properties are located but pay the BPCA rent, Payments in Lieu of Taxes (PILOT) and maintenance fees; and

**Whereas**, The BPCA leases the Battery Park City land for a yearly “ground rent” fee to the City through a 99.5-year arrangement called the master ground lease; and

**Whereas**, The BPCA is about halfway into its master ground lease which is set to expire on June 18, 2069, and as a result no individual ground leases between the BPCA and Battery Park City property owners can extend beyond 2069; and

**Whereas**, According to a June 2022 press release from the office of State Senator Brian Kavanaugh, Battery Park City residents have expressed concern that it may become more difficult to obtain mortgages and loans in connection with Battery Park City properties as the remaining time of the master ground lease shortens and lenders may have less certainty regarding the future status of the properties; and

**Whereas**, The members of the BPCA Board (Board), who are nominated by the State Governor, make decisions that impact Battery Park City residents and businesses, such as the negotiation of individual ground leases, the management of assets and the awarding of contracts that serve and impact the Battery Park City community; and

**Whereas**, A. 10414-A, sponsored by Assembly Member Yuh-Line Niou in the State Assembly, and companion bill S. 9032-B, sponsored by Senator Brian Kavanaugh in the State Senate, would extend the master ground lease until June 18, 2119 in order to permit the BPCA to extend individual ground leases with property owners; and

**Whereas**, A. 10371-A, sponsored by Assembly Member Yuh-Line Niou in the State Assembly, and companion bill S. 9031-A, sponsored by Senator Brian Kavanagh in the State Senate, would require primary residents of Battery Park City to make up a majority of the members of the BPCA Board so that the Board can understand the neighborhood's needs and values; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the Governor to sign A. 10414-A/S. 9032-B that would in part extend the master ground lease between the Battery Park City Authority and New York City, and A. 10371-A/S. 9031-A that would in part require a majority of the Authority Board members to be primary residents of Battery Park City.

Referred to the Committee on Land Use.

Int. No. 779

By Council Members Menin, Holden, Restler and Zhuang.

**A Local Law to amend the administrative code of the city of New York, in relation to construction noise complaints, noise mitigation plans, and citizen enforcement**

*Be it enacted by the Council as follows:*

Section 1. Subdivision (e) of section 24-207 of the administrative code of the city of New York, as added by local law number 53 for the year 2018, is amended to read as follows:

(e) (1) The commissioner shall adopt rules prescribing specific time frames for inspections in response to after hours noise complaints received by the department in order to ensure that such inspections are most likely to occur at (i) a time that the alleged noise is continued from the time of the complaint or (ii) at a time when the alleged noise is likely to be repeated.

(2) *Where the department receives 2 or more complaints for unreasonable noise within any 24-hour period regarding after hours or emergency construction work performed during such period, the department shall notify the responsible party at the work site. The department shall provide such notice no later than the business day immediately following the day on which the department receives the second of such complaints.*

(3) *The department shall inspect any construction work site for which the department receives 4 or more complaints for unreasonable noise within a 48-hour period regarding after hours or emergency construction work performed during such period. The department shall conduct such inspection no later than the business day immediately following the day on which the department receives the fourth of such reports.*

§ 2. Subdivisions (b) and (c) of section 24-220 of the administrative code of the city of New York, as amended by local law number 10 for the year 2018, are amended to read as follows:

(b) Such plan shall be adopted prior to the commencement of construction at the site or, with respect to emergency work, as defined in the department's rules, within [three days] *1 day* thereafter, and shall apply to all work at the site throughout the construction process. The plan shall provide in detail the noise mitigation strategies, methods, procedures and technology, as prescribed in the rules of the department or specifically approved by the commissioner in accordance with section 24-221 of this code, for each device or activity employed or performed at the site. Each permit holder or other person in charge of such construction site will be accountable for compliance with such rules and shall ensure that each person performing construction work at the site shall be aware of the plan and shall be responsible for complying with those provisions that affect his or her work.

(c) A copy of the plan shall be kept at the construction site and shall be displayed in a conspicuous manner on the exterior of the construction site and made accessible for inspection by the public and persons authorized to enforce the provisions of this code provided that where there are no exterior structures on the construction site such plan need only be kept at the site and made accessible for inspection by the public and persons authorized to enforce the provisions of this code. *Where after hours construction work is performed, a notice to residents*

shall be posted containing information on how to report unreasonable noise and how to serve a citizen’s complaint pursuant to section 24-261.

§ 3. Section 24-261 of the administrative code of the city of New York, subdivisions (d) and (e) of such section as amended by local law number 16 for the year 2024, is amended to read as follows:

(a) Any person other than personnel of the department and employees of the city of New York authorized by law to serve summonses for violation of the code may serve upon the department a complaint in a form prescribed by the commissioner alleging that a person has violated a provision of this code set forth in table VI, below, or an order or regulation promulgated under such provision together with evidence of such violation. *The commissioner shall not accept evidence submitted pursuant to this section as sufficient basis for a complaint unless (i) the evidence is recorded in a manner prescribed by the rules of the department, and (ii) the equipment model used to record the evidence has been approved by the department within 3 years prior to the observation.*

TABLE VI

Violation related to section or subdivision and order or regulation thereunder
24-208
24-216
24-220 (b)
24-222
24-223 (d)
24-224
24-232, except that the provisions of this section 24-261 shall apply only to violations by persons operating motor vehicles listed in subdivisions one and two of column I, and subdivisions one and two of column II of Table 1. 24-234 24-236 24-237, except that the provisions of this section 24-261 shall apply only to a violation by a person operating a circulation device with a rated capacity in excess of fifty thousand British thermal units per hour or its equivalent.
24-238
24-240
24-241
24-244
24-245

(b) A person who has served a complaint pursuant to subdivision (a) of this section may serve upon the person allegedly in violation and upon the board a notice of violation in a form prescribed by the board, if within thirty days from service of such complaint:

(1) The department has failed to serve a notice of violation, pursuant to section 24-259 of this code, for the violation alleged in a complaint pursuant to subdivision (a) of this section; or

(2) The department fails to serve a written notice upon the complainant of its determination that his or her complaint is frivolous or duplicitous.

(c) A person commencing a proceeding before the board pursuant to this section, shall prosecute such proceeding at his or her own expense. The department may intervene in such a proceeding at any time.

(d) In any proceeding brought by the department after receiving a complaint pursuant to subdivision (a) of this section, the board shall award the complainant, out of the proceeds collected, fair and reasonable compensation, which shall not exceed 25 percent of the proceeds collected, for disclosure of information or evidence not in the possession of the department, which leads to the imposition of the civil penalty; provided that for any proceeding brought by the department after receiving a complaint pursuant to subdivision (a) of this section alleging a violation of subdivision (b) of section 24-244, the board shall award the complainant, out of the proceeds collected, compensation in the amount of \$5.

(e) In any proceeding brought by a complainant, the board shall award, out of the proceeds collected, 50 percent of any civil penalty as fair and reasonable compensation to such person; provided that for any proceeding brought by a complainant alleging a violation of subdivision (b) of section 24-244, the board shall award, out of the proceeds collected, compensation in the amount of \$10 to such person.

*(f) The department shall publish on its website information related to best practices for filing complaints pursuant to this section. Such information shall include but need not be limited to guidance on procedures for filing such complaints and for gathering supporting documentation.*

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

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Res. No. 325

**Resolution calling upon the New York State Legislature to pass and the Governor of New York to sign the Renewable Action Through Project Interconnection and Deployment Act.**

By Council Members Menin, Gennaro and Nurse.

**Whereas**, In Governor Hochul's 2024 State of the State Address, she proposed the Renewable Action Through Project Interconnection and Deployment (RAPID) Act to help achieve New York State's (NYS) ambitious climate agenda; and

**Whereas**, The RAPID Act streamlines the creation of infrastructure to upgrade NYS's energy grid for electric transition; and

**Whereas**, Electricizing the NYS power grid is crucial to reducing carbon emissions and making the transition to clean energy to power the Empire State; and

**Whereas**, The NYS Office of Renewable Energy Siting (ORES) is responsible for permitting and sanctioning future large-scale green infrastructure projects to produce clean, renewable energy; and

**Whereas**, According to Kevin Parker, Chair of the NY Senate Energy Committee, ORES' showing thus far has been lackluster, and improving processing speed for new projects is urgent; and

**Whereas**, According to Governor Hochul's office, a transmission process application may indefinitely be delayed for up to two years as it sits in the approval process under the status quo; and

**Whereas**, So that the efficacy of ORES can be increased, the RAPID Act transfers ORES to the NYS Department of Public Service (DPS); and

**Whereas**, ORES is a relatively new agency created in 2020, and DPS is firmly established in NY public policy, rules, and regulations; and

**Whereas**, Being under the jurisdiction of DPS would clarify and simplify ORES' role in the regulatory framework allowing more resources to be spent on reviewing and approving new electric energy construction rather than deliberating in the rule-making process; and

**Whereas**, The New York League of Conservation Voters, an organization dedicated to environmental advocacy, supports the RAPID Act to promote a more productive environmental review and permitting process bolstering development; and

**Whereas**, New York City (NYC) has the goal of achieving one hundred percent clean energy by 2040 according to the Mayor's Office of Climate and Environmental Justice; and

**Whereas**, The RAPID Act is an important milestone in transitioning NYC toward a renewable future and the creation of an all-electric power grid; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor of New York to sign the Renewable Action Through Project Interconnection and Deployment Act

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

## Int. No. 780

By Council Member Nurse.

**A Local Law to amend the administrative code of the city of New York in relation to aligning the requirements of the Earned Safe and Sick Time Act and the Temporary Schedule Change Act**

*Be it enacted by the Council as follows:*

Section 1. Section 20-912 of the administrative code of the city of New York is amended by adding a definition of “caregiver,” “care recipient,” and “minor child” in alphabetical order to read as follows:

*Caregiver. The term “caregiver” has the same meaning as in section 20-1261.*

*Care recipient. The term “care recipient” has the same meaning as in section 20-1261.*

*Minor Child. The term “minor child” has the same meaning as in section 20-1261.*

§ 2. Section 20-914 of the administrative code of the city of New York, as amended by local law number 97 for the year 2020, is amended to read as follows:

§ 20-914 Use of safe/sick time.

a. Sick time.

1. An employee shall be entitled to use sick time for absence from work due to:

(a) such employee’s mental or physical illness, injury or health condition or need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive medical care; or

(b) care of a family member who needs medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or who needs preventive medical care; or

(c) closure of such employee’s place of business by order of a public official due to a public health emergency or such employee’s need to care for a child whose school or childcare provider has been closed by order of public official due to a public health emergency.

2. For absence of more than three consecutive work days for sick time, an employer may require reasonable documentation that the use of sick time was authorized by this subdivision. For sick time used pursuant to this subdivision, documentation signed by a licensed health care provider indicating the need for the amount of sick time taken shall be considered reasonable documentation and an employer shall not require that such documentation specify the nature of the employee’s or the employee’s family member’s injury, illness or condition, except as required by law. Where a health care provider charges an employee a fee for the provision of documentation requested by their employer, such employer shall reimburse the employee for such fee.

b. Safe time.

1. An employee shall be entitled to use safe time for absence from work due to any of the following reasons:

(a) when the employee or employee’s family member has been the victim of domestic violence pursuant to subdivision thirty-four of section two hundred ninety-two of the executive law, a family offense matter, sexual offense, stalking or human trafficking:

[(a)] (1) to obtain services from a domestic violence shelter, rape crisis center, or other shelter or services program for relief from a family offense matter, sexual offense, stalking, or human trafficking;

[(b)] (2) to participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee’s family members from future family offense matters, sexual offenses, stalking or human trafficking;

[(c)] (3) to meet with a civil attorney or other social service provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding, including but not limited to, matters related to a family offense matter, sexual offense, stalking, human trafficking, custody, visitation, matrimonial issues, orders of protection, immigration, housing, discrimination in employment, housing or consumer credit;

[(d)] (4) to file a complaint or domestic incident report with law enforcement;

[(e)] (5) to meet with a district attorney’s office;

[(f)] (6) to enroll children in a new school; or

[(g)] (7) to take other actions necessary to maintain, improve, or restore the physical, psychological, or economic health or safety of the employee or the employee’s family member or to protect those who associate or work with the employee.



(b) *When the employee is a caregiver for a minor child or care recipient, to provide care to the minor child or care recipient; or*

(c) *to attend a legal proceeding or hearing related to subsistence benefits or housing to which the employee, a family member, or the employee's care recipient is a party.*

2. For an absence of more than three consecutive work days for safe time, an employer may require reasonable documentation that the use of safe time was authorized by this subdivision. For safe time used pursuant to this subdivision, documentation signed by an employee, agent, or volunteer of a [victim] services organization, *school or care provider*;[,] an attorney or other court personnel;[,] a member of the clergy, or a medical or other professional service provider [from whom the employee of that employee's family member has sought assistance in addressing domestic violence, family offense matters, sex offenses, stalking, or human trafficking and their effects]; a police or court record; or a notarized letter from the employee explaining the need for such time shall be considered reasonable documentation and an employer shall not require that such documentation specify the details of the *underlying need for the safe time* [domestic violence, family offense matter, sexual offense, stalking or human trafficking]. An employer shall reimburse an employee for all reasonable costs or expenses incurred for the purpose of obtaining such documentation for an employer.

c. An employer may require reasonable notice of the need of use safe/sick time. Where such need is foreseeable, an employer may require reasonable advance notice of the intention to use such safe/sick time, not to exceed seven days prior to the date such safe/sick time is to begin. Where such need is not foreseeable, an employer may require an employee to provide notice of the need for the use of safe/sick time as soon as practicable.

d. Nothing herein shall prevent an employer from requiring an employee to provide written confirmation that an employee used safe/sick time pursuant to this section.

e. An employer shall not require an employee, as a condition of taking safe/sick time, to search for or find a replacement worker to cover the hours during which such employee is utilizing time.

f. Nothing in this chapter shall be construed to prohibit an employer from taking disciplinary action, up to and including termination, against a worker who uses safe/sick time provided pursuant to this chapter for purposes other than those described in this section.

§ 3. Section 20-915 of the administrative code of the city of New York, as amended by local law number 97 for the year 2020, is amended to read as follows:

§ 20-915 Changing schedule.

a. *An employee may request a temporary change in schedule pursuant to subdivision b of section 20-1262 of chapter 12 instead of using safe/sick time. Such a temporary change may be made upon [Upon] mutual consent of the employee and the employer*[, an employee who is absent for a reason listed in subdivision a of section 20-914 of this chapter may work additional hours during the immediately preceding seven days if the absence was foreseeable or within the immediately subsequent seven days from that absence without using safe/sick time to make up for the original hours for which such employee was absent, provided that an adjunct professor who is an employee at an institute of higher education may work such additional hours at any time during the academic term].

b. An employer shall not require [such] *an* employee to work additional hours to make up for the [original] hours for which such employee *uses safe/sick time* [was absent] or to search for or find a replacement employee to cover the hours during which the employee *uses safe/sick time* [is absent pursuant to this section].

c. If [such] *an employer and* employee agree to a temporary change, and the employee's work [works additional hours, and such] hours are fewer than the number of hours such employee was originally scheduled to work, then such employee shall be able to use *any available* safe/sick time [provided pursuant to this chapter] for the difference. Should the employee work additional hours, the employer shall comply with any applicable federal, state or local labor laws.

§ 4. Section 20-1261 of the administrative code of the city of New York, as amended by local law number 69 for the year 2018, is amended to read as follows:

[Business day. The term "business day" means any 24-hour period when an employer requires employees to work at any time.]

Caregiver. The term "caregiver" means a person who provides direct and ongoing care for a minor child or care recipient.

Care recipient. The term “care recipient” means a person with a disability who (i) is a family member or a person who resides in the caregiver’s household and (ii) relies on the caregiver for medical care or to meet the needs of daily living.

Minor child. The term “minor child” means a child under the age of 18.

[Personal event. The term “personal event” means (i) the need for a caregiver to provide care to a minor child or care recipient; (ii) an employee’s need to attend a legal proceeding or hearing for subsistence benefits to which the employee, a family member or the employee’s care recipient is a party; or (iii) any circumstance that would constitute a basis for permissible use of safe time or sick time as set forth in section 20-914.]

*Unpaid safe/sick time. The term “unpaid safe/sick time” means unpaid time off that is provided by an employer to an employee that can be used for the purposes described in section 20-914.*

b. For purposes of this subchapter, the following terms have the same meaning as those set forth in section 20-912: *employee, employer,* calendar year, child, family member and [paid] safe/sick time.

§ 5. Section 20-1262 of the administrative code of the city of New York, as amended by local law number 80 for the year 2020, is amended to read as follows:

§ 20-1262 Required [temporary changes] *unpaid safe/sick time* and [other requests for] *right to request temporary\_changes* to a work schedule.

a. *An employer shall provide an employee with a minimum of 16 hours of unpaid safe/sick time upon hire and on the first day of each calendar year. Any unpaid safe/sick time under this subchapter that is not used before the end of the calendar year shall not carry over to the following calendar year. An employer shall provide unpaid safe/sick time under this subchapter in addition to any safe/sick time the employer must provide under chapter 8 of this title. An employer shall not require an employee to use or exhaust unpaid safe/sick time under this subchapter before the employee uses safe/sick time accrued under chapter 8 of this title. An employee shall be entitled to use unpaid safe/sick time under this subchapter for the same purposes, and subject to the same rights and limitations, as those set forth in subdivision g of section 20-913, section 20-914, and section 20-915, and any rules promulgated thereunder. The provisions of sections 20-916, 20-917, 20-918, 20-921 and 20-922 are incorporated by reference into this subchapter.* [An employer shall grant an employee’s request for a temporary change to the employees’ work schedule relating to a personal event in accordance with the following provisions, with a temporary change meaning a limited alteration in the hours or times that or locations where an employee is expected to work, including, but not limited to, using paid time off, working remotely, swapping or shifting work hours and using short-term unpaid leave:

1. On request, the employer must grant a request for a temporary change to the employee’s work schedule under this section two times in a calendar year for up to one business day per request. The employer may permit the employee to use two business days for one request, in which case the employer need not grant another request.

2. An employee who requests such a change:

(a) Shall notify such employee’s employer or direct supervisor as soon as the employee becomes aware of the need for a temporary change to the work schedule and shall inform the employer or supervisor that the change is due to a personal event;

(b) Shall make a proposal for the temporary change to the work schedule, unless the employee seeks to leave without pay; and

(c) Need not put the initial request in writing, but as soon as is practicable, and no later than the second business day after the employee returns to work following the conclusion of the temporary change to the work schedule, the employee must submit the request in writing, indicating the date for which the change was requested and that it was due to the employee’s personal event. The employer may require that such request be submitted in electronic form in employees of the employer commonly use such electronic form to request and manage leave and schedule changes. If the employee fails to submit the written request, the employer’s obligation to respond in writing pursuant to paragraph 3 of this subdivision is waived.

3. An employer who received such an initial request shall respond immediately, but need not put such initial response in writing. As soon as practicable, and no later than 14 days after the employee submits the request in writing, the employer shall provide a written response, which may be in electronic form if such form is easily accessible to the employee. An employer’s written response shall include:

(a) Whether the employer will agree to the temporary change to the work schedule in the manner requested by the employee, or will provide the temporary change to the work schedule as leave without pay, which does not constitute a denial;

(b) If the employer denies the request for a temporary change to the work schedule, an explanation for the denial; and

(c) How many requests and how many business days pursuant to this subchapter the employee has left in the calendar year after taking into account the employer's decision contained in the written response.

4. An employer may deny a request for a temporary change to the employee's work schedule relating to a personal event only in the employee has already exhausted the two allotted requests in the calendar year pursuant to paragraph 1 of subdivision a of this section or if an exemption set forth in section 20-1263 applies.]

b. An employee may request, and in doing so is protected by the provisions of [subchapter 1 of this chapter] *section 20-1204*, and an employer may grant or deny, a *temporary* change to [a] *the employee's* work schedule. *A temporary change means a limited alternation in the dates, hours, times, or locations where an employee is expected to work, including, but not limited to, using paid or unpaid time off, working remotely, swapping shifts with another employee, or shifting work hours to earlier or later in the work week or workday. An employer is not required to agree to an employee's requested temporary change, but the employer must respond to the employee's request as soon as practicable. An employer may propose an alternative temporary change, provided that the employee is not required to accept such alternative temporary change.* [other than the temporary changes an employer is required to grant under subdivision a of this section. An employee request for such other change to a work schedule and an employer response to such a request shall follow the procedure in paragraphs 2 and 3 of subdivision a of this section to the extent applicable and as set forth in the rules promulgated by the commissioner.

c. 1.] An employee need not use [leave accrued] *unpaid safe/sick time under this subchapter or safe/sick time* under chapter 8 of this title before requesting schedule changes under this subchapter.

[2. Unpaid leave granted for a personal event pursuant to this subchapter does not count toward an employer's obligation to grant leave under chapter 8 of this title.

3. Leave granted under chapter 8 of this title does not count toward an employer's obligation to grant leave under this section.

4.] c. Nothing in this subchapter affects and employer's obligation to provide a reasonable accommodation [in the form of a change to a work schedule required] pursuant to other laws or regulations or to otherwise comply with the requirements of other laws or regulations, including, but not limited to, those requirements contained in title 8.

§ 6. Section 20-1263 of the administrative code of the city of New York, as added by local law number 69 for the year 2018, is amended to read as follows:

§ 20-1263 Exemptions. [This] *The provisions of this* subchapter [does] *do* not:

a. Apply to any employee who:

1. Is covered by a valid collective bargaining agreement if such agreement *(i) expressly* waives the provisions of this subchapter [and] *(ii)* addresses temporary changes to work schedules, and *(iii) provides for comparable or superior benefit in the form of unpaid or paid time off;*

2. [Has been employed by the employer for fewer than 120 days;

3.] Is employed by any employer whose primary business for which that employee works is the development, creation or distribution of theatrical motion pictures, televised motion pictures, television programs or live entertainment presentations, except for an employee whose primary duty is the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer's customers and except for an employee whose primary duty is performing routine mental, manual, mechanical or physical work in connection with the care or maintenance of an existing building or location used by the employer; or

[4.] 3. Works fewer than 80 hours in the city in a calendar year.

b. Preempt, limit or otherwise affect the applicability of any provisions of any other law, regulation, requirement, policy or standard, other than a collective bargaining agreement, that provides comparable or superior benefits for employees to those required herein.

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

Referred to the Committee on Civil Service and Labor.

## Int. No. 781

By Council Members Nurse and Gennaro.

**A Local Law to amend the administrative code of the city of New York, in relation to organic waste recycling by city agencies**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 16-307 of the administrative code of the city of New York, as amended by local law number 36 for the year 2010, is amended to read as follows:

a. The commissioner shall adopt, amend and implement rules, as necessary, governing the source separation or post-collection separation, collection, processing, marketing, and sale of designated recyclable materials including, but not limited to, designated metal, glass, plastic, [and] paper, *and organic waste* generated by any agency, as such term is defined in section 1-112 of the code.

§ 2. Section 16-307 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

*d. Definitions. For purposes of this section, the term "organic waste" means any material found in the waste stream that can be broken down into, or otherwise become part of, usable compost, such as food scraps, soiled paper, and plant trimmings, that is produced via meal service or institutional feeding. As determined by the commissioner, such term may also include disposable plastic food service ware and bags that meet the ASTM International standard specifications for compostable plastics, but shall not include liquids and textiles.*

§ 3. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Sanitation and Solid Waste Management.

## Int. No. 782

By Council Members Nurse, Ossé, Hudson, Narcisse, Sanchez, Brooks-Powers, Avilés, Krishnan, Won and Gutiérrez (in conjunction with the Brooklyn Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to preemptive outreach to property owners subject to municipal property taxes**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 11-207.1 is amended to read as follows:

b. 1. The notice of property value sent by the department to an owner of real property shall inform such owner how to access additional information on the website of the department regarding valuation of the subject real property, including the factors used by the department to determine the market value of such real property. The notice of property value shall include the address of such website. Such information shall be made available at least thirty days prior to the final date for filing any appeal.

2. *The commissioner of finance, or their designee, shall include with the notice of property value sent to an owner of real property, a notice containing detailed information about available property tax exemptions and abatements for which the recipient owner may be eligible. Such notice shall clearly state the filing deadline to apply for such exemptions and abatements and give detailed information about qualifications for each respective exemption and abatement. Such notice shall also provide the recipient owner guidance on how to access this information in the designated citywide languages, as well as in a Braille alphabet or in audio format as necessary. For the purposes of this paragraph, "designated citywide languages" has the same meaning as described in subdivision a of section 23-1101.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Finance.

## Int. No. 783

By Council Members Nurse, Ossé, Hudson, Narcisse, Sanchez, Avilés, Krishnan, Won, Gutiérrez, Williams, Brewer, Joseph and Abreu (in conjunction with the Brooklyn Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to the public recording of tax liens**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 11-320 of the administrative code of the city of New York is amended to add a new paragraph 3 to read as follows:

*3. The commissioner of finance shall record in the Automated City Register Information System database, or successor database, the tax lien on property in the city according to its borough, block, and lot identifier, once the lawful debt on the property exceeds five thousand dollars past due for a period of more than three years. Any failure to comply with this paragraph shall not affect the validity of any sale of tax liens pursuant to this chapter.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Finance.

## Int. No. 784

By Council Members Nurse, Farías, Bottcher, Menin, Williams, Ossé, Gennaro, Brewer and Restler (by request of the Queens and Brooklyn Borough Presidents).

**A Local Law to amend the administrative code of the city of New York, in relation to establishing a tracking system concerning the disposal of yellow and brown grease**

*Be it enacted by the Council as follows:*

Section 1. Subdivision c of section 16-515 of the administrative code of the city of New York, as amended by local law 80 for the year 2020, is amended to read as follows:

c. (i) Any person who violates subdivision b of section 16-505 of this chapter or any rule pertaining thereto shall, upon conviction thereof, be punished by a civil penalty not to exceed [one thousand] 1,000 dollars for each such violation to be recovered in a civil action or returnable to the office of administrative trials and hearings or otherwise consistent with orders of the mayor issued in accordance with section 1048 of the charter[.];

(ii) Any person that violates section 16-529 shall be liable for a civil penalty in the amount of 500 dollars for the first violation and 1,000 dollars for a second or subsequent violation to be recovered in a civil action or returnable the office of administrative trials and hearings or otherwise consistent with orders of the mayor issued in accordance with section 1048 of the charter.

§ 2. Chapter 1 of title 16-a of the administrative code of the city of New York is amended by adding a new section 16-529 to read as follows:

§16-529 Grease tracking system. a. The commission shall establish a program for documenting and tracking the collection, transportation and disposal of yellow and brown grease utilizing an industry standard manifesting sheet.

b. In addition to any other records required by this title, every transporter of yellow or brown grease shall report to the commission quarterly and maintain for not less than two years the following:

1. The name and address of each location from which the transporter obtained the yellow or brown grease;
2. The quantity of yellow or brown grease received from each location;
3. The dates on which the yellow or brown grease was obtained from each location; and
4. The name and address of the facility where the yellow or brown grease was ultimately disposed.

*c. In addition to any records required by this title, a commercial establishment that has on its premises a grease interceptor shall report to the commission annually and maintain for not less than two years the name and address of the company or other entity that collects material from the grease interceptor and the dates during the immediately preceding 12 months on which the yellow or brown grease was retrieved from the commercial establishment.*

§ 3. This local law takes effect 180 days after it becomes law, except that the commissioner shall take such steps as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Sanitation and Solid Waste Management.

Res. No. 326

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation banning the sale of beverages in single-use plastic containers.**

By Council Members Nurse, Gennaro, Avilés, Salaam, Sanchez and Williams.

**Whereas**, According to a study published by the World Economic Forum, worldwide use of plastic has grown 20-fold over the past 50 years, and is expected to double again in the next two decades, to the point where it is estimated that the planet's oceans will contain more plastic by weight than fish by 2050; and

**Whereas**, According to the United Nations Environment Programme, approximately 430 million tons of plastic are produced annually, significantly more than the estimated combined weight of every living human on Earth, which amounted to approximately 390 million tons in 2023, according to a study of mammalian biomass on Earth; and

**Whereas**, According to figures from the Organisation for Economic Co-operation and Development's 2022 Global Plastic Outlook, less than 10% of the plastic produced globally is recycled every year, with approximately 55 million tons collected for recycling in 2019, and approximately 79 million tons released into the environment as litter that year; and

**Whereas**, In the United States, the percentage of plastic waste diverted for recycling is even lower, with approximately 5% of the more than 50 million tons of plastic waste produced by American households diverted to recycling in 2021, according to a report published by Greenpeace in October of 2022; and

**Whereas**, According to the Container Recycling Institute, United States sales of plastic water bottles increased from 2.8 billion units in 1996 to nearly 71 billion units in 2018; and

**Whereas**, A 2021 study published in the journal Nature Sustainability found that plastic beverage containers accounted for approximately 12% of global ocean plastic litter, with an additional 6% comprised of plastic bottle caps and container lids; and

**Whereas**, The same study identified that approximately 50% of global ocean plastic litter is comprised of single-use plastic such as plastic bags, beverage containers, wrappers, food containers, cutlery, bottle caps, and lids; and

**Whereas**, When exposed to the elements and degraded by ultraviolet light, plastic pollution can begin to break down into smaller and smaller pieces, with particles sized between 1 micrometer and 5 millimeters categorized as microplastics and those sized between 1 nanometer and 1 micrometer categorized as nanoplastics; and

**Whereas**, In 2022, a study analyzing blood samples from 22 anonymous donors found the presence of microplastics in 80% of the individuals tested, with half the samples containing polyethylene terephthalate (PET) plastic, commonly used in beverage containers; and

**Whereas**, A 2021 study showed that microplastic particles can be found in human placentas, and a growing body of evidence has demonstrated that microplastic particles can latch onto red blood cells, potentially limiting their ability to transport oxygen, and can accumulate in human hearts, brains, and other organs; and

**Whereas**, A study published in February 2024 in the journal Toxicological Sciences detected plastic particles in every one of the 62 placental tissue samples examined, finding concentrations ranging from 6 to over 700 micrograms per gram of tissue, with PET comprising more than half of the total plastics found across all

tissue samples examined, and polyvinyl chloride (PVC) and nylon microplastic particles each comprising approximately 10% of the total plastics found; and

**Whereas**, A 2022 study demonstrated that microplastic particles can bond with heavy metals, potentially releasing those metals in our bodies when ingested and increasing the risk of the metals bio-accumulating up the food chain, a process by which organisms amass and concentrate toxins from consuming smaller organisms that have also amassed and concentrated those toxins; and

**Whereas**, While bottled water is often marketed as healthier or safer to consume than tap water, municipal water suppliers in the United States are generally subject to more stringent regulations than bottled water manufacturers, and are subject to strict testing protocols for pollutants and bacterial contaminants; and

**Whereas**, New York City's drinking water supply is tested hundreds of times per day, every day of the year, with samples collected from multiple points across the potable water delivery infrastructure, including from among nearly 1,000 street-side sampling stations citywide; and

**Whereas**, The United States Food and Drug Administration only requires bottled water manufacturers to test their water supply once a year for chemical contaminants, once every four years for radiological contaminants, and once a week for microbial contaminants; and

**Whereas**, The plastic bottles beverages are sold in can themselves be a source of contamination, with plasticizing chemicals like bisphenol A (BPA), phthalates (PAEs), benzyl butyl phthalate (BBP), di-n-butyl phthalate (DBP), and di (2-ethylhexyl) phthalate (DEHP), which can act as hormone disruptors in the human body, commonly leaching into beverages from bottles; and

**Whereas**, A study published in January of 2024 in the journal Proceedings of the National Academy of Sciences found significantly higher levels of micro and nano plastic contamination in samples of bottled water than detected in previous studies, with new detection techniques finding on average, 240,000 plastic fragments per liter of water; and

**Whereas**, Several studies have calculated the carbon intensity of tap water to be anywhere from 300 to 1,000 times lower than the carbon impact of bottled water; and

**Whereas**, A 2021 study published in the journal Science of the Total Environment estimated the overall environmental impact of bottled water to be approximately 1400–3500 higher than tap water, when considering resource depletion, emission of harmful pollutants associated with production and manufacturing, energy consumption from processing, filtering, bottling, and transportation, and the negative effects of plastic pollution on ecosystems; and

**Whereas**, According to the Los Angeles Times, over 60% of bottled water manufacturers obtain their water from municipal sources, essentially selling repackaged tap water to consumers at a significant markup; and

**Whereas**, Given the significant environmental impacts and potential health impacts associated with the sale of beverages in plastic containers, as well as the easy access to beverages sold in other, potentially more recyclable and sustainable packaging materials; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation banning the sale of beverages in single-use plastic containers.

Referred to the Committee on Sanitation and Solid Waste Management.

Res. No. 327

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation allowing for property owners who receive tax exemptions to have the exemption apply retroactively where eligible.**

By Council Members Nurse, Ossé, Hudson, Narcisse, Sanchez, Brooks-Powers, Avilés, Krishnan, Won, Gutiérrez and Williams (in conjunction with the Brooklyn Borough President).

**Whereas**, The New York City Department of Finance (“DOF”) is responsible for the collection of property taxes in the city of New York; and

**Whereas**, State law allows for several exemption or abatement programs from the property tax for eligible property owners, such as senior citizens, veterans, clergy, and others; and

**Whereas**, DOF is responsible for the administration of property tax exemptions authorized by state law; and

**Whereas**, Not every property owner in the city of New York is aware of their potential eligibility for such exemption programs; and

**Whereas**, Failure to enroll in such programs can result in property owners owing more in property tax than they are otherwise obligated; and

**Whereas**, Excessive property tax bills can lead to property owners falling into arrears and potential foreclosure; and

**Whereas**, The application date for property tax exemptions is fixed by state law; and

**Whereas**, State law does not allow for an otherwise eligible property owner to receive exemption benefits if they have not submitted an application for that tax year; now, therefore be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, legislation allowing for property owners who receive tax exemptions to have the exemption apply retroactively where eligible.

Referred to the Committee on Finance.

Res. No. 328

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A.4454/S.305, in relation to prohibiting eviction without good cause.**

By Council Members Nurse, Brewer, Avilés, Hudson, Won, Krishnan, Cabán, Marte, Rivera, De La Rosa, Gutiérrez, Sanchez, Restler, Ossé, Hanif, Farías, Joseph, Banks, Abreu, Stevens, Salaam and Bottcher (in conjunction with the Brooklyn Borough President).

**Whereas**, On February 8, 2024, the New York City Department of Housing Preservation and Development (HPD), along with the U.S. Census Bureau, released selected initial findings from the 2023 New York City Housing and Vacancy Survey (2023 HVS), which reported that the net rental vacancy rate was 1.41 percent in New York City (NYC or the City) in 2023, the lowest since the 1968 HVS; and

**Whereas**, The 2023 HVS reported that 2 out of 3 NYC households rented their homes in 2023, nearly 2 million NYC households; and

**Whereas**, A household is moderately rent burdened if more than 30 percent and less than 50 percent of household income is paid towards rent, and severely rent burdened if more than 50 percent of household income is paid towards rent; and

**Whereas**, According to the 2023 HVS, of NYC households earning \$50,000 to \$99,999 annually, 33 percent were moderately rent burdened and 10 percent were severely rent burdened; of households earning \$25,000 to \$49,999 annually, 36 percent were moderately rent burdened and 45 percent were severely rent burdened; and of households earning less than \$25,000 annually, 4 percent were moderately rent burdened and 86 percent were severely rent burdened; and

**Whereas**, According to data from the New York State (NYS or the State) Unified Court System, there has been a rapid rise in eviction filings since the expiration of COVID-related statewide eviction protections on January 15, 2022, with the number of total yearly eviction filings increasing from 69,346 in 2021 to 214,468 in 2023; and

**Whereas**, A report from the NYC Office of Civil Justice showed that 84 percent of tenants that had representation were able to stay in their homes; and

**Whereas**, However, since January 2022, the proportion of tenants having representation in housing court fell dramatically due to the sharp increase in eviction filings outpacing capacity among legal service providers,



with the City Comptroller finding that, as of February 2023, 73 percent of tenants facing eviction did not have legal representation; and

**Whereas**, On February 28, 2022, tenant advocacy and policy organizations Housing Justice for All, the Community Service Society of New York (CSS), New York University's Urban Democracy Lab, and the Pratt Center for Community Development released a joint report detailing how minority households, specifically Black households, were 3 times as likely to face eviction as white households across the state, while Black tenants in NYC were twice as likely as white tenants to have zero dollars in savings; and

**Whereas**, The Gothamist reported that since January 2022, completed residential evictions were concentrated in central Brooklyn, the central and South Bronx, and northern Staten Island, areas more likely to have Black or Latino residents as well as low-income residents; and

**Whereas**, A January 2022 analysis from the Pratt Center and CSS found that legislation preventing evictions without good cause (Good Cause Eviction legislation) could protect 1.6 million households and nearly 50 percent of tenants statewide, while the New York Civil Liberties Union cited Good Cause Eviction legislation as an important measure in contributing to housing stability, an important factor in health, education, employment, and childhood well-being; and

**Whereas**, A May 2022 Data for Progress poll showed that more than 2 in 3 likely voters in the State supported Good Cause Eviction legislation; and

**Whereas**, A.4454, sponsored by Assembly Member Pamela Hunter and pending in the State Assembly Housing Committee, and companion bill S.305, sponsored by State Senator Julia Salazar and pending in the New York State Senate, would prohibit landlords from taking any action to evict, to fail to renew a lease, or to remove a tenant from a housing accommodation unless it was done for good cause; and

**Whereas**, CSS found that the legislation would also newly cover about 784,000 renter households in NYC, including tenants living in buildings built after 1974, buildings that have been deregulated, and smaller buildings; and

**Whereas**, This legislation is widely supported by New Yorkers and would help ameliorate the housing crisis by protecting millions of renter households in the City and the State from evictions without good cause; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, A.4454/S.305, in relation to prohibiting eviction without good cause.

Referred to the Committee on Housing and Buildings.

Res. No. 329

**Resolution calling on the United States Congress to pass, and the President to Sign, H.R.6592, the Fight Book Bans Act.**

By Council Members Ossé, Gennaro, Cabán, Sanchez, Abreu, Ayala, Hudson, Nurse and Won.

**Whereas**, Attempts to ban books in schools and libraries are increasing across the United States; and

**Whereas**, The American Library Association (ALA) Office for Intellectual Freedom's preliminary book ban data for the first 8 months of 2023 reported a 20% increase in book challenges from the same period in 2022, with 695 attempts to censor library materials and challenges to 1,915 unique titles; and

**Whereas**, Similarly, PEN America found that during the 2022-2023 school year, book bans increased by 33%; and

**Whereas**, Exposing students to a variety of different experiences, cultures, identities, and abilities through characters and narratives that have traditionally been underrepresented in schools and classroom libraries is critical to the development of empathy and community and for fostering equity across all learning environments; and

**Whereas**, Book bans disproportionately target books by or about people of color and lesbian, gay, bisexual, queer, intersex, asexual, and other (LGBTQIA+ ) individuals; and

**Whereas**, During the 2022-2023 school year, per PEN America’s research, 48% of banned books covered topics of violence, physical abuse, or sexual assault; 30% of banned books included characters of color and themes of race and racism; 30% of banned books represented LGBTQIA+ identities; and 6% of banned books included a transgender character; and

**Whereas**, In New York State alone, the ALA recorded 19 attempts to restrict access to books and 45 titles challenged in those attempts, including “Gender Queer” by Maia Kobabe, “Deogratias: A Tale of Rwanda” by J.P. Stassen, “People Kill People,” by Ellen Hopkins, “It Ends With Us,” by Colleen Hoover, and “All Boys Aren’t Blue,” by George M. Johnson; and

**Whereas**, Once a book has been challenged, it often must be removed from library shelves and classrooms until a lengthy review process is completed; and

**Whereas**, The removal and review of challenged books can take considerable time from school educators and administrators or must be outsourced to third-party companies, which USA Today has reported is costing school districts thousands of dollars annually in addition to fees associated with retaining legal representation and expert advice sometimes needed to fight off a challenge; and

**Whereas**, Schools that are already struggling to manage day-to-day operations and responsibilities due to lack of funds and staff do not have the capacity or resources to take on book challenges; and

**Whereas**, The National Center for Education Statistics reported that as of October 2022, 44% of public schools were operating without a full-time teaching staff; and

**Whereas**, In New York City, teacher attrition has doubled since 2019 according to reporting from Chalkbeat; and

**Whereas**, New York City schools are also facing additional budget cuts in the coming fiscal year which would make fighting any book challenges a considerable financial burden; and

**Whereas**, H.R.6592, the “Fight Book Bans Act,” introduced by U.S. Representative Maxwell Frost, would enable the United States Department of Education (DoE) to provide grants of up to \$100,000 to cover the costs associated with book challenges; and

**Whereas**, These grants would offer financial relief to schools and school districts, making it possible for them to prioritize fighting book challenges without sacrificing limited resources; and

**Whereas**, Dedicated school funding for the costs associated with book challenges is a critical tool in combatting the growing threat of censorship associated with book bans; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the United States Congress to pass, and the President to Sign, H.R.6592, the Fight Book Bans Act.

Referred to the Committee on Education.

Res. No. 330

**Resolution calling on the federal government to make over-the-counter naloxone free for everyone.**

By Council Members Ossé, Gennaro, Cabán, Sanchez, Abreu, Ayala, Hudson, Nurse and Narcisse.

**Whereas**, According to the National Center for Health Statistics at the Centers for Disease Control and Prevention (CDC), nationally, overdose deaths involving opioids increased by more than eight times since 1999, accounting for over 932,000 deaths between 1999 and 2020; and

**Whereas**, The most recent available CDC data show that in 2020, 38,048 drug overdose deaths occurred in 28 U.S. states and the District of Columbia, for an age-adjusted rate of 30.6 per 100,000 U.S. residents; and

**Whereas**, 13,287 overdose deaths in the U.S. in 2020 involved opioids with stimulants, accounting for 34.9 percent of all overdose deaths, for an age-adjusted rate of 10.8 per 100,000 U.S. residents; and

**Whereas**, 18,307 overdose deaths in the U.S. in 2020 involved opioids without stimulants, accounting for 48.1 percent of all overdose deaths, for an age-adjusted rate of 14.7 per 100,000 U.S. residents; and

**Whereas**, CDC data also reveal that in 2020, 70 percent of all drug overdose deaths in the U.S. involved illicitly-manufactured varieties of fentanyl—a synthetic opioid; and

**Whereas**, Nationwide CDC data additionally indicate that in 2020, overdose deaths involving opioids with stimulants were especially prevalent among Black, non-Hispanic persons and American Indian/Alaska Native, non-Hispanic individuals, at an age-adjusted rate of 14.6 per 100,000 individuals and 12.9 per 100,000 individuals, respectively, and contrasted with the national rate of 10.8 per 100,000 U.S. residents; and

**Whereas**, Nationwide CDC data also show that in 2020, overdose deaths involving opioids without stimulants were most frequent among Black, non-Hispanic persons and White, non-Hispanic individuals, at an age-adjusted rate of 16.7 per 100,000 individuals and 16.2 per 100,000 individuals, respectively, and contrasted with the national rate of 14.7 per 100,000 U.S. residents; and

**Whereas**, Among New York State residents, the number of overdose deaths involving any opioid increased each year between 2010 and 2017 at an overall rate of over 200 percent; and

**Whereas**, In 2019, there were 2,939 opioid-related overdose deaths in New York State, with most of the opioid-related mortality trend driven by synthetic opioids other than methadone—predominantly illegally-produced fentanyl—which was responsible for a total increase in opioid-overdose deaths of over 1,251 percent between 2010 and 2019; and

**Whereas**, Preliminary January 2023 data published by the New York State Department of Health reveal that the age-adjusted rate of overdose deaths involving any opioid grew in New York State from 14.9 per 100,000 New York State residents in 2019 to 23.8 per 100,000 New York State residents in 2021, representing 2,671 opioid-related overdose deaths in 2021 throughout the state exclusive of New York City; and

**Whereas**, Data published by the New York City Department of Health and Mental Hygiene (NYC DOHMH) demonstrate that in New York City, drug overdose deaths increased every year between 2018 and 2021, from 1,452 deaths to 2,668 deaths; and

**Whereas**, NYC DOHMH data also indicate that the rate of drug overdose deaths in New York City inclined from 31.6 per 100,000 New York City residents in 2020 to 39.4 per 100,000 New York City residents in 2021; and

**Whereas**, Black New York City residents had the highest rate of drug overdose deaths in 2021, at 53.5 per 100,000 individuals, and the largest increase in rate when accounting for race or ethnicity from 39.8 per 100,000 individuals in 2020; and

**Whereas**, The rate of drug overdose deaths among Hispanic New York City residents grew from 35.7 per 100,000 individuals in 2020 to 49.2 per 100,000 individuals in 2021; and

**Whereas**, NYC DOHMH reported that for the fifth consecutive year, fentanyl was the most common substance involved in overdose deaths in New York City, playing a part in 80 percent of all drug overdose deaths in 2021; and

**Whereas**, Residents of very high poverty New York City neighborhoods had the highest rate of overdose deaths in 2021, at 71.7 per 100,000 residents, and the largest increase in rate from 49.7 per 100,000 residents in 2020; and

**Whereas**, Naloxone is a medication that rapidly reverses the effects of opioid overdose and is the standard treatment for opioid overdose; and

**Whereas**, The U.S. Food and Drug Administration (FDA) first approved naloxone nasal spray, under the brand name Narcan, in 2015 as a prescription drug, and on March 29, 2023, Narcan became the first naloxone product approved by FDA for over-the-counter, non-prescription sale and use; and

**Whereas**, GoodRx, a free service that gathers prices, coupons, and savings tips for prescription and non-prescription drugs at virtually every U.S. pharmacy to help Americans find lower drug prices in their local communities, projects that naloxone nasal spray would be offered for sale at discounted prices with GoodRx coupons ranging from \$35.50 at Rite Aid to \$91.73 at Acme Markets Pharmacy, with most retail outlets' prices clustered around \$40 to \$50; and

**Whereas**, According to a July 2019 report by the Kaiser Family Foundation, a non-profit health policy research organization, in 2016-2017, 25 percent of uninsured American adults with Opioid Use Disorder were living in poverty, and an additional 35 percent of them had incomes ranging between 100 percent and 200 percent of the Federal Poverty Level (\$24,120 a year for an individual in 2017); and

**Whereas**, To stem the ever-rising tide of the opioid-related mortality, it is imperative to make over-the-counter naloxone free for everyone in order to remove financial barriers to access to this life-saving medication; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the federal government to make over-the-counter naloxone free for everyone.

Referred to the Committee on Health.

Preconsidered Res. No. 331

**RESOLUTION APPROVING THE APPOINTMENT COUNCIL MEMBER JENNIFER GUTIERREZ AS A MEMBER OF THE NEW YORK CITY COMMISSION ON PUBLIC INFORMATION AND COMMUNICATION.**

By Council Member Powers.

**RESOLVED**, Pursuant to Chapter 47 of the New York City Charter, the Council approves the appointment of Council Member Jennifer Gutierrez as a member of the New York City Commission on Public Information and Communication to serve an undefined term.

Adopted by the Council (preconsidered and approved by the Committee on Rules, Privileges and Elections).

Preconsidered Res. No. 332

**RESOLUTION APPROVING THE APPOINTMENT OF NGOZI OKARO AS A MEMBER OF THE NEW YORK CITY EQUAL EMPLOYMENT PRACTICES COMMISSION**

By Council Member Powers.

**RESOLVED**, Pursuant to Chapter 36 of the New York City Charter, the Council approves the appointment of Ngozi Okaro as a member of the New York City Equal Employment Practices Commission to serve the remainder of a four-year term that expires on June 30, 2027.

Adopted by the Council (preconsidered and approved by the Committee on Rules, Privileges and Elections).

Int. No. 785

By the Public Advocate (Mr. Williams) and Council Member Won.

**A Local Law to amend the administrative code of the city of New York, in relation to distressed property consultant disclosures and homeowner foreclosure prevention education**

*Be it enacted by the Council as follows:*

Section 1. Subdivisions b, c and e of section 20-723.3 of the administrative code of the city of New York, as added by local law number 74 for the year 2009, are amended to read as follows:

b. Every distressed property consultant who does business in *the city of* New York [City] and who advertises distressed property consulting services through the media of a newspaper, magazine, circular, pamphlet, store display, *website, e-mail, letter* or handbill [and/or] *or* via a unit or units of advertising space, *or through in-person or telephonic solicitation,* shall disclose in such advertising *or communication*, in accordance with the

rules established by the commissioner, *in plain language* in clear and prominent letter type, in a print color that contrasts with the background against which it appears:

1. *that the city of New York can provide referrals through 311 to community-based organizations that may be able to provide education, information or low-cost or free foreclosure prevention assistance;*

2. *that, pursuant to section 265-b of the New York state real property law, a distressed property consultant is prohibited from:*

[i.] *(a) performing consulting services without a written, fully executed contract with a homeowner;*

[ii.] *(b) charging for or accepting any payment for consulting services before the full completion of all such services, including a payment to be placed in escrow pending the completion of such services;*

[iii.] *(c) taking a power of attorney from a homeowner; [and]*

[iv.] *(d) retaining any original loan document or other original document related to the distressed home loan, the property, or the potential loss of the home for nonpayment of taxes[.];*

*(e) inducing the transfer of a deed to any person or entity, including to the distressed property consultant;*

*(f) accepting or taking ownership of a deed from a homeowner for any period of time whatsoever;*

*(g) communicating with the homeowner or any member of the homeowner's family or household with such frequency or at such unusual hours or in such a manner as can reasonably be expected to abuse or harass the homeowner;*

*(h) claiming, attempting or threatening to enforce a right with knowledge or reason to know that the right does not exist;*

*(i) using a communication which simulates in any manner legal or judicial process or which gives the appearance of being authorized, issued, or approved by a government, governmental agency, or attorney at law when it is not; and*

*(j) encumbering the property with a lien without any contractual or legal basis.*

[2.] 3. *that hiring a distressed property consultant does not stop the foreclosure process, nor can a distressed property consultant guarantee any particular result with regards to a distressed property[.];*

4. *that hiring a distressed property consultant is not a replacement for hiring independent legal counsel; and*

5. *that there is no obligation to accept assistance from a distressed property consultant.*

c. The commissioner may make and promulgate such rules as may be necessary for the proper implementation and enforcement of this section. *The commissioner shall publish and make available a disclosure template that contains the disclosures that are required to be made by a distressed property consultant pursuant to subdivision b. Such disclosure shall be provided to each homeowner seeking services of a distressed property consultant at the first in-person meeting between such homeowner and such distressed property consultant.*

e. [(1)] 1. Notwithstanding any other provision of law, the department shall be authorized upon due notice and hearing, to impose civil penalties for the violation of any provision of this section. The department shall have the power to render decisions and orders and to impose civil penalties of not less than [two thousand five hundred dollars] \$2,500 nor more than [five thousand dollars] \$5,000 for each violation. All proceedings authorized pursuant to this paragraph shall be conducted in accordance with rules promulgated by the commissioner. The remedies and penalties provided for in this paragraph shall be in addition to any other remedies or penalties provided for the enforcement of such provisions under any other law including, but not limited to, civil or criminal actions or proceedings.

[(2)] 2. All such proceedings shall be commenced by the service of a notice of violation returnable to the office of administrative trials and hearings. The commissioner shall prescribe the form and wording of notices of violation. The notice of violation or copy thereof shall constitute notice of the violation charged, and, if sworn to or affirmed, shall be prima facie evidence of the facts contained therein.

3. *In addition to any proceedings permitted by paragraph 1, any person who violates any of the provisions of this section or any rule or regulation issued thereunder shall be guilty of a class A misdemeanor.*

§ 2. Section 20-726 of the administrative code of the city of New York is amended to read as follows:

Any person, firm, corporation or association or agent or employee thereof, who shall violate any of the provisions of this subchapter upon conviction thereof, shall be punished by a fine of not more than [five hundred

dollars ([\$500]) or by imprisonment not exceeding [thirty (30)] days, or by both. *This section shall not apply to violations of section 20-723.3.*

§ 3. Title 11 of the administrative code of the city of New York is amended by adding a new chapter 32 to read as follows:

**CHAPTER 32**  
**HOMEOWNER FORECLOSURE PREVENTION EDUCATION**

§ 11-3201 *Homeowner foreclosure prevention education. The commissioner of finance, in conjunction with the commissioner of consumer and worker protection, and the commissioner of housing preservation and development, shall create an educational guide about foreclosure prevention intended for use by homeowners. Such guide shall be published on the websites of the department of finance, the department of consumer and worker protection, and the department of housing preservation and development, made available upon request through 311 and at in-person at locations that are operated by such departments. Such guide shall include, but need not be limited to, the following:*

1. *Information about financial assistance programs for homeowners offered by city agencies;*
2. *Foreclosure prevention resources; and*
3. *Information about deed theft, deed fraud, and foreclosure fraud, and information about how to avoid becoming a victim of deed theft, deed fraud, and foreclosure fraud.*

§ 4. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Consumer and Worker Protection.

Int. No. 786

By the Public Advocate (Mr. Williams) and Council Member Restler.

**A Local Law to amend the administrative code of the city of New York, in relation to public notification regarding release of oil**

*Be it enacted by the Council as follows:*

Section 1. Section 24-609 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

c. 1. *The commissioner shall report on the department's website regarding any release of oil of any kind or in any form, including petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil, of which the commissioner has been notified by any means. The commissioner shall update such report by the first of the month and shall submit annual reports no later than January 15 to the speaker of the council.*

2. *Such report shall include:*

- (a) *The chemical name or common name of the oil;*
- (b) *The location of release of the oil;*
- (c) *The quantity of the oil that was released;*
- (d) *The date on which the oil was released;*
- (e) *The name of the party that was responsible for the release of the oil; and*
- (f) *Any actions taken with regard to environmental remediation.*

3. *The commissioner shall notify the speaker of the council, individual council members whose districts are affected and affected community boards as soon as practicable regarding any release specified in paragraph 1 of this subdivision.*

§ 2. Chapter 1 of title 30 of the administrative code of the city of New York is amended by adding a new section 30-117 to read as follows:

§ 30-117. *Reporting of the release of oil. a. The commissioner shall report on the office's website regarding any release of any oil of any kind or in any form, including petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil, of which the commissioner has been notified by any means. The*

commissioner shall update such report by the first of the month and shall submit annual reports no later than January 15 to the speaker of the council. Such report shall include:

1. The chemical name or common name of the oil;
2. The location of release of the oil;
3. The quantity of the oil that was released;
4. The date on which the oil was released;
5. The name of the party that was responsible for the release of the oil; and
6. Any actions taken with regard to environmental remediation.

b. The commissioner shall notify the speaker of the council, individual council members whose districts are affected and affected community boards as soon as practicable regarding any release specified in subdivision a of this section.

§ 3. This law takes effect 120 days after it becomes law.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 787

By the Public Advocate (Mr. Williams).

**A Local Law to amend the New York city building code, in relation to requiring safety netting and guardrail systems to protect floor openings**

*Be it enacted by the Council as follows:*

Section 1. Section 3306.9.12.1 of the building code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

**3306.9.12.1 Floor openings used for the removal of debris.** Every opening in a floor used for the removal of debris shall be tightly enclosed with a shaftway, extending from floor to floor, with such shaftway enclosed with:

1. Planking not less than 2 inches (51 mm) in thickness, or equivalent solid material; [or]
2. Where the opening is used for the removal of noncombustible material, wire mesh may be utilized in lieu of planking, provided such mesh is not less than number 18 gauge wire mesh, with openings in the wire no longer than ½ inch (13 mm), and also provided that the wire mesh is securely attached, in accordance with drawings developed by a registered design professional, to the shaftway so that the wire mesh enclosure in any location does not deflect more than 2 inches (51 mm) when a force of at least 200 pounds (890 n) is applied along any horizontal portion of such wire mesh enclosure[.]; or
3. A guardrail system, vertical netting and horizontal netting where required by Sections 3308.6 and 3308.7.

**Exceptions:**

1. In buildings not more than six stories or 75 feet (22 860 mm) in height, whichever is less, a shaftway is not required. Instead openings in the floor shall be clearly marked and solidly planked over while not in use by planking not less than 2 inches (51 mm) in thickness, or equivalent solid material, and laid close. Where such working deck reaches a height of six stories or 75 feet (22 860 mm) above the level of the ground, horizontal netting shall be provided at a level not more than two stories or 30 feet (9144 mm) below, as required by section 3308.6.1.

2. A shaftway is not required at the working deck. Instead, openings in the working deck shall be clearly marked and solidly planked over while not in use by planking not less than 2 inches (51 mm) in thickness, or equivalent solid material, and laid close. Where such working deck reaches a height of six stories or 75 feet (22 860 mm) above the level of the ground, horizontal netting shall be provided at a level not more than two stories or 30 feet (9144 mm) below, as required by section 3308.6.1.

§ 2. Section 3308 of the building code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

### **SECTION BC 3308**

#### **UNENCLOSED PERIMETER PROTECTION, INTERIOR SHAFTWAYS, AND FLOOR OPENINGS**

§ 3. Section 3308.1 of the building code of the city of New York, as amended by local law 141 for the year 2013, is amended to read as follows:

**3308.1 Scope.** Protection shall be provided along unenclosed perimeters, interior shaftways and floor openings, as required by this section and rules promulgated by the commissioner, including but not limited to safety netting systems, guardrail systems, cocoon systems, climbing formwork, and enclosure panels. Except where this section authorizes the temporary removal of unenclosed perimeter, interior shaftway or floor opening protection, no work shall occur, nor shall materials be stored on any level where required unenclosed perimeter, interior shaftway or floor opening protection is not installed.

§ 4. Section 3308.5 of the building code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

**3308.5 Vertical safety netting systems.** Vertical safety netting shall be installed, maintained, and provided along all unenclosed perimeters and interior shaftways.

§ 5. Section 3308.6.1.1 of the New York city building code, as amended by local law 126 for the year 2021, is amended to read as follows:

**3308.6.1.1 During construction.** When, during the course of new building construction, or during the vertical or horizontal enlargement of an existing building, the topmost walkable floor reaches a height of six stories or 75 feet (22 860 mm), whichever is less, above the level of the ground or an adjoining roof, horizontal safety netting shall be provided at a level not more than two stories or 30 feet (9144 mm), whichever is less, below:

1. Any floor opening or interior shaftway;

[1.] 2. In concrete structures: the stripping floor; or

[2.] 3. In steel structures: at the topmost story where the concrete floor slab has been placed.

**Exception:** When tarpaulins encase one or more floors immediately below the finished concrete floor in order to maintain temporary heat, the horizontal netting may be located no more than three floors below the finished concrete floor.

§ 6. Section 3308.6.1.2 of the New York city building code, as amended by local law 126 for the year 2021, is amended to read as follows:

**3308.6.1.2 During demolition.** When the demolition of the exterior walls or the roof of a building occurs at a height greater than six stories or 75 feet (22 860 mm), whichever is less, horizontal safety netting shall be provided at a level not more than two stories or 30 feet (9144 mm), whichever is less, below the story from which the exterior walls and roof are being removed or below any floor opening or interior shaftway.



**Exception:** Demolition of exterior walls only for the purposes of the alteration, maintenance, or repair of a facade shall be in accordance with Section 3308.6.1.3.

§ 7. Section 3308.6.1.6 of the New York city building code, as amended by local law 141 for the year 2013, is amended to read as follows:

**3308.6.1.6 Temporary removal.** Horizontal safety netting may be temporarily removed in the immediate area where active loading or unloading operations are occurring, or where perimeter work is occurring, or to relocate the nets to a higher level, provided that no concrete work, including formwork placement or stripping, no structural steel placement or assembly, and no work within 10 feet (3048 mm) from an unenclosed perimeter, interior shaftway or floor opening of the building occurs on levels above the horizontal safety netting. Horizontal safety nets shall be reinstalled immediately following the end of active loading or unloading operations, or active work, or at the end of the workday, whichever occurs sooner.

§ 8. Section 3308.7 of the New York city building code, as amended by local law 126 for the year 2021, is amended to read as follows:

**3308.7 Guardrail system.** A guardrail system shall be installed, maintained, and provided along all unenclosed perimeters, interior shaftways and floor openings.

§ 9. Section 3308.10 of the New York city building code, as added by local law 126 for the year 2021, is amended to read as follows:

**3308.10 Temporary removal of unenclosed perimeter protection.** Unenclosed perimeter protection, or portions thereof, may be temporarily removed in the immediate area where active loading or unloading operations, including debris removal, are occurring, or to the extent necessary to facilitate active work at the perimeter, including but not limited to inspections or the relocation of unenclosed perimeter protection to a higher level, provided there is compliance with the following items:

Guardrail systems may be temporarily removed in the immediate area where active loading or unloading operations, including debris removal, are occurring, or where perimeter work is occurring, provided that:

1. All material, equipment, and debris on the floor is secured against dislodgement by wind or accidental impact;
2. A controlled access zone is established to prevent unauthorized personnel from entering the area where the unenclosed perimeter protection has been removed;
3. Prior to the removal the floor is cleared of all material, equipment, and debris to a distance of at least 10 feet (3048 mm) in all directions from the area where the unenclosed perimeter protection is to be removed, except for material or equipment that is related to the active loading or unloading operation or active work at the perimeter, or that is stored in accordance with Section 3303.4.5.2;
4. Immediately prior to removal the floor is broom-swept to a distance of at least 10 feet (3048 mm) in all directions from the area where the unenclosed perimeter protection is to be removed and, in addition, areas in the immediate vicinity of the unenclosed perimeter protection are vacuumed, including areas around zero cables, toeboards, and spaces where trapped debris may have accumulated;
5. During removal operations areas are vacuumed as required by Section 3308.9.6;

6. A competent person supervises the operation as required by Section 3308.10.2;
7. Where vertical safety netting, guardrails, or equivalent alternative systems are removed, the removal does not extend past the column bays where the active loading or unloading operations are occurring or where active work at the perimeter is occurring; and
8. Where horizontal safety netting or equivalent alternative systems are removed, none of the following types of work occurs at or above the level where the horizontal safety netting or equivalent alternative system has been removed:
  - 8.1 Concrete work, including formwork placement or stripping;
  - 8.2. Structure steel placement or assembly; or
  - 8.3. Any other work within 10 feet (3048 mm) from an unenclosed perimeter of the building.

§ 10. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, prior to its effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 788

By the Public Advocate (Mr. Williams) and Council Member Brewer.

**A Local Law to amend the New York city building code, in relation to strengthening scaffolding requirements**

*Be it enacted by the Council as follows:*

Section 1. Exception 2 of section 3314.4.1.1 of the New York city building code, as added by local law number 141 for the year 2013, is amended to read as follows:

2. The installation and removal of a suspended scaffold may be supervised by a competent person designated by the scaffold permit holder, or where there is no scaffold permit holder, designated by the scaffold controlling entity, provided that such scaffold is installed and removed in conjunction with:

- 2.1. The construction of a new building;
- 2.2. The full demolition of an existing building; or
- 2.3. The vertical or horizontal enlargement of an existing building.[:]

[2.4. The alteration, maintenance, or repair of a façade of a major building where a site safety plan is required by Section 3310.3.]

§ 2. Exception 2 of section 3314.4.2.1 of the New York city building code, as added by local law number 141 for the year 2013, is amended to read as follows:

2. In lieu of direct and continuing supervision by a licensed rigger, the use of a suspended scaffold may be supervised by a competent person designated by the scaffold controlling entity, provided such scaffold is used in conjunction with:

2.1. The construction of a new building;

2.2. The full demolition of an existing building; or

2.3. The vertical or horizontal enlargement of an existing building.[:]

[2.4. The alteration, maintenance, or repair of a façade of a major building where a site safety plan is required by Section 3310.3.]

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 789

By the Public Advocate (Mr. Williams) and Council Member Restler.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring multiple dwelling owners to provide notice to their tenants prior to temporarily or permanently making building amenities unavailable**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 27-2004 of the administrative code of the city of New York is amended by adding a new paragraph 49 to read as follows:

*49. A building amenity is any equipment, feature or space within a multiple dwelling that may be used in common by the lawful occupants of two or more dwelling units, including, but not limited to, entrances, elevators, freight elevators, laundry rooms, laundry equipment, exercise rooms, exercise equipment, basketball courts, tennis courts, ping-pong tables, billiard tables, foosball tables, air-hockey tables, swimming pools, changing areas, shower areas, lounge areas, roof terraces, outdoor areas, barbeque equipment, parking spaces, dog runs, dog cleaning facilities, storage units, wireless internet, screening rooms, game rooms or day care facilities.*

§2. Section 27-2005 of the administrative code of the city of New York is amended by adding a new subdivision g to read as follows:

*h. 1. The owner of a multiple dwelling shall post notice pursuant to this subdivision when making a building amenity under such owner's control unavailable to one or more lawful occupants of such multiple dwelling. Where the owner expects that such unavailability will last for twenty-four hours or more, excluding periods during which such amenity is normally unavailable, such notice shall be posted at least two weeks before making such amenity unavailable. Where the owner expects that such unavailability will last for less than twenty-four hours, notice need not be posted, provided that where such unavailability lasts for twenty-four hours or more, notice shall be posted as soon as practicable after the commencement of such unavailability. The notice required by this subdivision shall be posted in a prominent place within the public part of the multiple dwelling for the lesser of two weeks or the duration of the unavailability, shall identify the building amenity which is to be made unavailable and the expected duration of its unavailability and shall be updated as needed, provided that where the building amenity will be permanently unavailable, such notice shall remain posted for no fewer than thirty days following the first date of such unavailability. Such notice shall be in a form approved by the department and shall be posted in the designated citywide languages and, where the leases for fifty percent or more of the dwelling units within such multiple dwelling are provided in another language, such other language.*

*2. The provisions of this section shall not apply to building amenities made unavailable on an emergency*

*basis. The department shall by rule determine what constitutes an emergency basis.*

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

Referred to the Committee on Housing and Buildings.

Int. No. 790

By the Public Advocate (Mr. Williams) and Council Members Sanchez, Brewer and Restler.

**A Local Law to amend the administrative code of the city of New York, in relation to the licensing of general contractors**

*Be it enacted by the Council as follows:*

Section 1. Section 28-105.5.1 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

**§ 28-105.5.1 Applicant for permit.** The applicant for a permit shall be the [person who] designee of the approved general contractor business that performs the work or retains a subcontractor to perform the work [or who retains a subcontractor to do the work] or with respect to work performed by employees of a city agency, the designee of such agency.

**Exception:** [For permits issued for plumbing work, fire protection and suppression work, and oil-burning appliance work, the applicant for such permits shall be the licensed master plumber, licensed master fire suppression piping contractor, or licensed oil-burning equipment installer, respectively, who performs the work.] Permits for work required to be performed by licensees other than licensed general contractors.

§ 2. Section 28-401.3 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended by adding and setting forth in alphabetical order in such section, definitions of “DESIGNEE”, “GENERAL CONTRACTOR BUSINESS”, “GENERAL CONTRACTOR WORK”, “LICENSED GENERAL CONTRACTOR, LIMITED”, and “LICENSED GENERAL CONTRACTOR, UNLIMITED” to read as follows:

**DESIGNEE.** A limited or unlimited licensed general contractor who has sole authority and full responsibility for all general contractor work performed in conjunction with a general contractor business, or performed by employees of a city agency, and for the supervision of all employees of the business or city agency who perform such work.

**GENERAL CONTRACTOR BUSINESS.** A sole proprietorship, partnership or corporation authorized by the commissioner to conduct general contractor work as defined in this section under a designee who holds a limited general contractor license or an unlimited general contractor license. The term “general contractor business” shall not be construed to mean a city agency that performs general contractor work.

**GENERAL CONTRACTOR WORK.** Work requiring a permit pursuant to this code to construct, enlarge, alter, repair, demolish, or remove any building or structure in the city of New York, or change the use or occupancy of such building or structure or an open lot or portion thereof. The term “general contractor work” shall not be construed to mean work performed by an individual, corporation, partnership, or other business entity that holds another license pursuant to this code or subchapter 22 of chapter 2 of title 20 of the administrative code, and that is exclusively within the scope of such license.

**LICENSED GENERAL CONTRACTOR, LIMITED.** An individual who has satisfied the qualification requirements of this chapter for the limited general contractor license, has been issued such a license, and is authorized under the provisions of this chapter to perform general contractor work on a building that is not a major building as that term is defined in section 202 of the New York city building code and on a major building that is not subject to the scope of section 3310 of the New York city building code.

**LICENSED GENERAL CONTRACTOR, UNLIMITED.** An individual who has satisfied the qualification requirements of this chapter for the unlimited general contractor license, has been issued such a license, and is authorized under the provisions of this chapter to perform general contractor work.

§ 3. The term “GENERAL CONTRACTOR” in section 28-401.3 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended and set forth in alphabetical order in such section, to read as follows:

**LICENSED GENERAL CONTRACTOR.** [An individual, corporation, partnership or other business entity that applies for a permit pursuant to this code to construct a new residential structure containing no more than three dwelling units.] An individual who has satisfied the qualification requirements of this chapter for a limited general contractor license or an unlimited general contractor license, has been issued such a license, and is authorized under the provisions of this chapter to perform general contractor work in the city of New York. The term “licensed general contractor” shall not be construed to [include] mean an individual, corporation, partnership or other business entity that holds [a] another license pursuant to this code or subchapter [twenty-two] 22 of chapter [two] 2 of title [twenty] 20 of the administrative code, and [enters into a contract to perform] performs work exclusively within the scope of such license, [nor shall it include an individual who constructs a residential structure containing no more than three dwelling units for his or her own occupancy,] or any subcontractors working for the licensed general contractor.

§ 4. Section 28-401.15 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

**§ 28-401.15 Schedule of fees.**

<b>LICENSE TYPE</b>	<b>INITIAL FEE</b>	<b>RENEWAL FEE</b>	<b>ADDITIONAL FEES</b>
Master rigger license.	\$200	\$150 triennially	Late-renewal fee: \$50 Reissuance fee: \$50
Special rigger license.	\$100	\$75 triennially	Late-renewal fee: \$50 Reissuance fee: \$50
Basic hoisting machine operator license (Class A).	\$150	\$150 triennially	Late-renewal fee: \$50 Reissuance fee: \$50
Basic hoisting machine operator license with endorsement to operate hoisting machinery without limitation or restriction (Class B).	\$200	\$150 triennially	Late-renewal fee: \$50 Reissuance fee: \$50

Special hoisting machine operator license (Class C).	\$100	\$75 triennially	Late-renewal fee: \$50 Reissuance fee: \$50
Concrete testing laboratory license.	\$100	\$75 annually	Late-renewal fee: \$50 Reissuance fee: \$50
Welder license.	\$50	\$45 triennially	Late-renewal fee: \$50 Reissuance fee: \$50
Master plumber license (certificate of competence).	\$200	\$150 triennially	Late-renewal fees: Up to 30 days late, \$50; From 31 days to five years late, \$100 for each year or part thereof. Reissuance fee: \$50
Master plumber license seal.	\$50	\$75 triennially	Replacement fee upon loss of seal, w/affidavit: \$75
Journeyman plumber registration.	\$50		No renewal. Reissuance fee: \$50
Master fire suppression piping contractor (class A, B or C) license (certificate of competence).	\$200	\$150 triennially	Late-renewal fees: Up to 30 days late, \$50; From 31 days to five years late, \$100 for each year or part thereof. Reissuance fee: \$50
Master fire suppression piping contractor (class A, B or C) license seal.	\$50	\$75 triennially	Replacement fee upon loss of seal, w/affidavit: \$75
Journeyman fire suppression piping installer registration.	\$50		No renewal. Reissuance fee: \$50
Oil-burning equipment installer <u>license</u> . [License.]	\$100	\$75 triennially	Late-renewal fee: \$50 Reissuance fee: \$50
Oil-burning equipment installer seal.	\$100	\$75 triennially	Replacement fee upon loss of seal, w/affidavit: \$75
High-pressure boiler operating engineer license.	\$50	\$45 triennially	Late-renewal fee: \$50 Reissuance fee: \$50
Portable high-pressure boiler operating engineer license.	\$50	\$45 triennially	Renewal fee includes renewal fee for a hoisting machine operator license. Late-renewal fee: \$50 Reissuance fee: \$50
Master sign hanger license.	\$100	\$75 triennially	Late-renewal fee: \$50 Reissuance fee: \$50

Special sign hanger license.	\$100	\$75 triennially	Late-renewal fee: \$50 Reissuance fee: \$50
Outdoor advertising company registration.	As provided by dept rules.	As provided by dept rules.	As provided by dept rules.
Filing representative registration.	As provided by dept rules.	As provided by dept rules.	As provided by dept rules.
Site safety coordinator certificate.	\$100	\$50	Late-renewal fee \$50 Reissuance fee: \$50
Site safety manager certificate.	\$300	\$150	Late-renewal fee \$50 Reissuance fee: \$50
[General contractor registration.]	[\$300]	[\$240 triennially]	[Late-renewal fee \$50 Reissuance fee: \$50]
Tower crane rigger license.	\$150	\$50 triennially	Late-renewal fee \$50 Reissuance fee: \$50
[Safety registration endorsement]	[\$80 each]	[\$80 triennially]	[Late-renewal fee: \$50 Reissuance fee: \$50]
Lift director registration.	As provided by dept rules.	As provided by dept rules.	As provided by dept rules.
<u>Limited general contractor license.</u>	<u>As provided by dept rules.</u>	<u>As provided by dept rules.</u>	<u>As provided by dept rules.</u>
<u>Unlimited general contractor license.</u>	<u>As provided by dept rules.</u>	<u>As provided by dept rules.</u>	<u>As provided by dept rules.</u>

§ 5. Item 18 of section 28-401.19 of the administrative code of the city of New York, as amended by local law 126 for the year 2021, is renumbered item 19 and amended to read as follows, and section 28-401.19 of the administrative code of the city of New York, as amended by local law 126 for the year 2021, is amended by adding a new item 18 to read as follows:

18. Failure to demonstrate fitness to engage in the trade for which the individual is licensed.

[18.] 19. With respect to a general contractor [registration] license or general contractor business, upon a finding that the applicant, designee or [registrant or] a business entity in which one of the applicant’s or [registrant’s] business’s principals, officers or directors is a principal, officer or director has engaged in any of the acts set forth in items 1 through [17] 18 or any of the following:

[18.1.] 19.1. Fraud, misrepresentation or bribery in securing a sign-off of work or a temporary or permanent certificate of occupancy.

[18.2.] 19.2. A practice [on the part of the registrant] of [failure] failing to timely perform or complete its contracts for the construction of new residential structures containing no more than three dwelling units, or the manipulation of assets or accounts, or fraud or bad faith.

[18.3.] 19.3. Approval or knowledge [on the part of the registrant] of an act of omission, fraud, or misrepresentation committed by one or more agents or employees of the [registrant] licensee, and failure to report such act to the department.

[18.4.] 19.4. [The applicant or registrant, or any of its principals, officers or directors, or any of its stockholders owning more than ten percent of the outstanding stock of the corporation has been convicted] Conviction of a crime which, in accordance with article [twenty-three-a] 23-a of the correction law, is determined to have a direct relationship to such person's fitness or ability to perform any of the activities for which a [registration] license is required under this article.

[18.5.] 19.5. [The applicant or registrant, or any of its principals, officers or directors has] Has been or is a principal, officer or director of a [registered] licensed general contractor business whose registration or license has been revoked.

§ 6. Section 28-401.19.3.2 of title 28 of the administrative code of the city of New York is REPEALED.

§ 7. Article 418 of title 28 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

#### **ARTICLE 418 GENERAL CONTRACTOR [REGISTRATION] LICENSE**

**§ 28-418.1 Requirement of [registration] license.** It shall be unlawful for a person to [conduct business as a general contractor] perform general contractor work unless such person holds a general contractor [registration] license in accordance with the provisions of this article or such work is performed under the supervision of a person who holds such a license.

**§ 28-418.1.1 Expiration of [registration] license.** A general contractor [registration] license shall expire on the third anniversary of such [registration] license or such other date as determined by the commissioner by rule so as to distribute the expiration dates of the [registrations] licenses evenly over the course of a year.

**§ 28-418.2 Unlawful use of general contractor title.** It shall be unlawful to use or cause to be used the title registered or licensed general contractor or any other title in a manner as to convey the impression that an individual, corporation, partnership or other business entity, or any person it employs, is a [registered] licensed general contractor, unless such individual, corporation, partnership or other business entity is [registered] licensed in accordance with the provisions of this article.

**§ 28-418.3 Application requirements.** An application for a general contractor [registration] license or renewal shall be made in writing to the commissioner on a form provided by the department and shall be accompanied by [the following:] such documentation as required by the department.

1. If the applicant is an individual: the applicant's full name, residence address, business address and business telephone number;
2. If the applicant is a corporation:
  - 2.1. The corporate name, address and telephone number of the applicant's principal office or place of business;
  - 2.2. The date and state of incorporation;
  - 2.3. The name, residence address and residence telephone number of all corporate officers and registered agents and any person owning an interest of ten percent or more in the corporation;



- 2.4. Proof that the corporation is in good standing under the laws of the state of New York;
3. If the applicant is a partnership:
  - 3.1. The name, address and telephone number of the applicant's principal office or place of business;
  - 3.2. The name, residence address and residence telephone number of all partners;
4. The registration fee;
5. A verified statement that the applicant is financially solvent;
6. The name and address of the principal location from which the applicant has engaged in the business of general contracting at any time within the last five (5) years;
7. If the applicant is not a sole proprietor, proof that the applicant is authorized to do business in the state of New York;
8. Proof of insurance as required by section 28-401.9;
9. The name and address of the officer, principal or director of the applicant who is primarily responsible for the registrant's compliance with the requirements of this code or any rule adopted thereunder;
10. Any other information that the commissioner may require.]

**[§28-418.3.1] §28-418.4 Financial solvency.** Financial solvency is a requirement for all authorized general contractor businesses. For the purposes of this article, financial solvency shall mean that the [applicant's] operating capital of a general contractor business approved by the department pursuant to this article shall exceed \$25,000, or a higher amount as set forth in department rules, beginning 90 days prior to the license application.

**[§28-418.4] §28-418.5 Warranties.** A warranty shall be provided to the buyer of a new one-, two- or three-family structure that accords with the provisions of article 36-B of the New York state general business law, including the following:

1. One (1) year from and after the warranty date the home will be free from defects due to a failure to have been constructed in a skillful manner;
2. Two (2) years from and after the warranty date the plumbing, electrical, heating, cooling and ventilation systems of the home will be free from defects due to a failure by the builder to have installed such systems in a skillful manner; and
3. Six (6) years from and after the warranty date the home will be free from material defects, including, but not limited to, any construction that is not in compliance with the building code or the zoning resolution of the city of New York.

**[§ 28-418.4.1] § 28-418.5.1 Modification prohibited.** Except as otherwise provided in section 777-b of article [360-B] 36-B of the New York state general business law, no such warranty shall be modified or excluded in any way.

**[§ 28-418.5] § 28-418.6 Duties and responsibilities.** Licensed general contractors shall be responsible for all work performed in accordance with permits issued under their license, and any associated work, including work performed by their subcontractors. The licensed general contractor shall comply with sections [28-418.5.1] 28-418.6.1 through [28-418.5.3] 28-418.6.3.

**[§ 28-418.5.1] § 28-418.6.1 Subcontractor information.** The licensed general contractor shall be responsible for [providing information to the department about his or her subcontractors and the particular work they perform on jobs for which the department has issued permits to the general contractor. Such information shall be provided in a format and at the times specified in the rules of the department.] maintaining records that include current information about all permits obtained and all contractors or subcontractors performing work on any project permitted or requiring a permit under this code, including the contractor's or subcontractor's name and address, and, if applicable, their license number. The licensed

general contractor shall, in a form and manner determined by the department, provide such records to the department at the start of the project and within 24 hours of a request by the commissioner.

[§ 28-418.5.2] **§ 28-418.6.2 Technical reports.** The licensed general contractor shall maintain at the work site such technical reports as specified in the rules of the department and shall make such reports available to department personnel on request.

[§ 28-418.5.3 **Notice of pending disciplinary actions.** The general contractor shall notify all of its suppliers of any pending suspension or revocation actions against such general contractor and shall provide an affidavit to the department stating that this notification has been made.]

**§ 28-418.6.3 Submission of plan to reduce rate of hazardous violations.** The commissioner may require any licensed general contractor and general contractor business to provide the department with a plan to improve its rate of hazardous violations or to submit a formal site safety plan meeting the requirements of this code. The plan must be approved by the department and may include such measures as employment of a safety compliance officer, at the licensee's expense, to ensure compliance with the approved plan.

**§ 28-418.7 Qualifications.** Applicants for a general contractor license shall meet the qualifications of sections 28-418.7.1 or 28-418.7.2.

**§ 28-418.7.1 Licensed general contractor, limited.** An applicant for a limited general contractor license shall:

1. Possess a valid Site Safety Training (SST) Supervisor Card; and
2. Meet one of the following requirements:
  - 2.1. Has received, at minimum, a baccalaureate degree from an accredited four-year college or university in the field of engineering, architecture, construction management, building construction and demolition or a degree deemed substantially similar by the department and has at least one (1) year of practical field experience in general construction on buildings; or
  - 2.2. Has a total of at least five (5) years of practical experience working in a construction industry related field, at least three (3) of which shall have been in general construction on buildings, and the balance shall have been in or relating to engineering, architecture, construction and demolition supervision, or construction and demolition project management, or functions deemed substantially similar by the department; or
  - 2.3. Is a New York State licensed Professional Engineer (PE) or Registered Architect (RA) in good standing with the state of New York and with the city of New York for a minimum of three (3) years immediately prior to application.

**§ 28-418.7.2 Licensed general contractor, unlimited.** An applicant for an unlimited general contractor license shall:

1. Possess a valid Site Safety Training (SST) Supervisor Card;
2. Within one (1) year prior to application, have satisfactorily completed a course that is at least forty (40) hours in length and approved by the department in construction and demolition site safety; and
3. Meet one of the following requirements:

- 3.1. Satisfy the qualification requirements for one of the bases in section 28-418.7.1 and have at least three (3) additional years of experience, within the five (5) years prior to application, performing work on a major building as defined in section 202 that is within the scope of work regulated by section 3310 of the New York city building code; or
- 3.2 Is a New York city limited general contractor licensee in good standing for a minimum of three (3) years immediately prior to application and has at least three (3) years of practical experience, within the five (5) years prior to application, working as a limited general contractor and permit holder on projects subject to the requirements of Section 3301.13 of the New York city building code.

**§ 28-418.8 General contractor business.** It shall be unlawful for any person to engage in the business of performing general contractor work unless such business is approved by the department in accordance with this section. The application for approval of a general contractor business under a licensed general contractor shall be filed with the commissioner, in such form as the commissioner may direct.

1. The application shall indicate the name and license number of the licensed general contractor who shall serve as the designee of such business, and, if the business is a partnership or corporation, the names of all other licensed general contractors associated with such business. Upon approval of such application the commissioner shall issue an authorization number to the business. The authorization number shall be included on all applications for permits and any other documents required to be filed with the department.
2. In the case of a partnership or corporation, only one licensed general contractor shall be the designee of such partnership or corporation.
3. A general contractor business, whether in the form of a corporation, a partnership or a sole proprietorship, may continue to engage in general contractor work only so long as the designee of such business identified on the application for approval of the general contractor business remains an officer, member, or shareholder owning 10 percent or more of company stock of such corporation, a partner of such partnership or the proprietor of such sole proprietorship, unless the department is notified of the change in the designee as provided in item 5 of this section.
4. A general contractor business shall not change its name or business structure without prior notice to the department.
5. A general contractor business shall not change its designee without prior notice to the department. A co-designee or other licensed general contractor may be designated to fulfill the designee's duties and responsibilities on behalf of such general contractor business or city agency, provided that such co-designee or licensed general contractor meets the requirements of item 3 of this section.
6. A general contractor business shall comply with the financial solvency requirements in section 28-418.4.

**§ 28-418.9 Designee for general contractor business or city agency.** Each general contractor business or city agency shall authorize one responsible designee who shall apply for permits on behalf of the business or city agency, be licensed pursuant to this article and shall comply with the following:

1. The designee shall have full responsibility over the general contractor work.
2. The designee shall be responsible for exercising supervision of the licensed general contractor business' operations, including any subcontractors retained to carry out permitted work, to ensure compliance with this chapter and the rules of the department.
3. Notify the department if they leave the general contractor business or city agency, or are otherwise no longer the designee. After notification to and acknowledgement by the department, the designated general contractor may relinquish such authority and the general contractor business or city agency may name a new designee in accordance with item 5 of section 28-418.8.

**§ 28-418.9.1 Restriction.** A designee for a city agency may not be a designee for any general contractor business at the same time.

**§28-418.9.2 Co-designees.** A general contractor business or city agency whose designee holds an unlimited general contractor license may have up to five (5) co-designees who also hold an unlimited general contractor license and may supervise the permitted work.

**§ 28-418.10 Status of general contractor registrations and safety registration numbers as of the effective date of this section.** General contractor registrations and safety registration numbers that are active as of the effective date of this section shall be automatically converted to a limited general contractor license with the full authority to file permits for the scope of work allowed by such license until the expiration of such registration term. To be converted to an unlimited general contractor license, proof of the experience required by section 28-418.7.2 shall be provided in a form and manner determined by the department. Individuals seeking to renew such limited and unlimited general contractor license shall comply with the qualifications set out in section 28-418.7.

**§ 28-418.11 Designees as of the effective date of this section.** Individuals who hold general contractor registrations as of the effective date of this section will be automatically named the designee for their associated general contractor business or city agency. Businesses with individuals who hold associated safety registration numbers but do not also hold general contractor registrations, must submit the name of their designee to the department in such form and manner as determined by the commissioner. Designees may be changed for a general contractor business or city agency by a written notice to the department.

**§ 28-418.12 Unregistered entities having or applying for permits to perform general contractor work as of the effective date of this section.** Individuals, corporations, partnerships or other business entities not required to be registered in accordance with the law in effect prior to the effective date of this section performing general contractor work pursuant to permits issued prior to such effective date must obtain a general contractor license to continue work under such permit after such effective date, unless otherwise exempted. Permits will not be issued with respect to applications for permits for general contractor work filed prior to the effective date of this section, but not yet approved by the department by the effective date of this section, unless the applicant obtains a general contractor license prior to issuance of such permit.

§ 8. Article 420 of chapter 4 of title 28 of the administrative code of the city of New York is REPEALED.

§ 9. This local law takes effect 3 years after it becomes law, except that the commissioner of buildings shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

## Res. No. 333

**Resolution calling on the New York State Legislature to pass, and the New York State Governor to sign, S. 1828 /A. 3103, which would eliminate the subminimum wage for employees based on their disability or age.**

By the Public Advocate (Mr. Williams).

**Whereas**, The Fair Labor Standards Act (FLSA) is a Federal law that establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private sector and in Federal, State, and local government; and

**Whereas**, To prevent employers from not hiring certain individuals based on certain characteristics, such as being a student learner or having a disability, including disabilities related to age and injury, the FLSA provides for the employment of such individuals at wage rates below the statutory minimum, if an employer is issued a subminimum wage certificate by the Wage and Hour Division (WHD) of the United States Department of Labor; and

**Whereas**, Although the intent of the FLSA is to prevent certain workers from not receiving a job, as employers may not hire these workers if regular minimum wage laws applied, certain workers have nevertheless been unfairly treated and paid fractions of what others are paid; and

**Whereas**, The FLSA impacts individuals with disabilities in particular, as section 14(c) of the law authorizes employers that have been issued a subminimum wage certificate to pay subminimum wages to workers who have physical or mental disabilities, including disabilities related to age or injury, that may affect earning or productive capacity for the job being performed; and

**Whereas**, Wages paid by these employers are required to be commensurate with a disabled workers' individual productivity as compared to the wage and productivity of workers who do not have disabilities performing the same type, quality, and quantity of work, but some argue that these standards are arbitrary and, oftentimes, may be skewed by an employer looking to cut costs; and

**Whereas**, This means that workers with disabilities, including disabilities related to age or injury, can be paid significantly less than other workers if an employer shows that the worker with disabilities is not as productive or efficient; and

**Whereas**, Notably, there have been a number of instances of this happening to an extreme, including in 2013, when NBC News reported that GoodWill Industries paid their workers with disabilities as little as 22 cents an hour, and in 2018, when Vox Media reported an Illinois nonprofit paid workers with disabilities in gift cards; and

**Whereas**, In addition, WHD data, as of October 1, 2021, shows that about 39,386 workers with disabilities in the United States were paid subminimum wages by employers with a subminimum wage certificate during the employer's most recently completed fiscal quarter, including almost 600 workers with disabilities being paid a subminimum wage by employers in New York State; and

**Whereas**, Thus, as a result of a legal loophole in the FLSA, individuals with disabilities, including disabilities related to age or injury, are being undervalued and unfairly compensated by employers; and

**Whereas**, In order to ensure that these workers are protected in New York State, S. 1828 /A. 3103 have been introduced in the New York State Legislature; and

**Whereas**, S.1828, introduced by State Senator James Skoufis, and A.3103, introduced by State Assemblymember Phil Steck, would eliminate the subminimum wage for employees based on their disability or age; and

**Whereas**, This legislation would have a large impact on New York State and New York City, as both have a significant population of individuals with disabilities, with the Center for Disease Control estimating that 21.1% of adults in New York State have some type of disability, and the American Community Survey estimating that roughly 11.2% of the City's total population have some type of disability; and

**Whereas**, Due to the large number of individuals with disabilities, and New York State's General Municipal Law requiring that all public bidding for contracts be awarded to the lowest possible bidder, there is incentive for employers in New York State to reduce costs and thus, contract bids, by applying for a subminimum wage certificate and paying workers with disabilities a subminimum wage; and

**Whereas**, S. 1828 /A. 3103 would ensure that New York State workers with disabilities, including disabilities related to age or injury, receive the pay they deserve and are treated fairly; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass, and the New York State Governor to sign, S. 1828 /A. 3103, which would eliminate the subminimum wage for employees based on their disability or age.

Referred to the Committee on Civil Service and Labor.

Res. No. 334

**Resolution calling on the Department of Corrections and Community Supervision to open its law library during states of emergency and pandemics with safety protocols in place.**

By the Public Advocate (Mr. Williams).

**Whereas**, The New York State Department of Corrections and Community Supervision (DOCCS), as a result of the U.S. Supreme Court’s decision in *Bounds v. Smith*, 430 U.S. 813 (1977), is constitutionally required to provide people in state custody with access to the courts either by providing adequate law libraries or adequate legal assistance; and

**Whereas**, DOCCS’ Department Directive 4483, “Law Libraries, Inmate Legal Assistance and Notary Public Services,” establishes guidelines for the operations of law library programs to meet its constitutional mandate; and

**Whereas**, Department Directive 4484 requires law libraries in state correctional facilities to open at least six or seven per weeks for seven or six hours per day, and provide notary services, photocopying legal materials, word processing or computer services, and legal writing supplies; and

**Whereas**, At the height the COVID-19 pandemic, DOCCS closed its law library program as part of an effort to prevent the additional spread of infectious viral transmission of COVID-19 in state correctional facilities; and

**Whereas**, DOCCS issued a re-opening plan fact sheet that calls for a gradual re-opening of some behavioral health programs and services for incarcerated people, with both staff and people in custody required to wear masks; and

**Whereas**, While DOCCS has gradually reintroduced general library services with safety protocols in place, the Department has not provided information on when law libraries will be fully re-opened, according to a December 23, 2021 update to the DOCCS COVID-19 Report regarding the new Omicron variant; and

**Whereas**, The closure of the law library program curtails access to the courts as people in custody are unable to adequately access basic resources for legal research and notary services, or to prepare legal papers; and

**Whereas**, Public defenders have identified notary services as an important and necessary resources, as they allow people in custody to get important legal paperwork notarized; and

**Whereas**, Although COVID-19 has required closure of public places and social distancing, access to a law library is a constitutional right; and

**Whereas**, DOCCS has demonstrated that it can operate other congregate environments such as programming in a safe fashion and with adherence to public health guidelines; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon on the Department of Corrections and Community Supervision to open its law library during states of emergency and pandemics with safety protocols in place.

Referred to the Committee on Criminal Justice.

## Res. No. 335

**Resolution calling upon the State Legislature to pass and the Governor to sign legislation barring prison labor contracting statewide.**

By the Public Advocate (Mr. Williams).

**Whereas**, New York State vehicle license plates are manufactured at Auburn Correctional Facility by Corcraft Products, the brand name under which New York’s State Department of Corrections and Community Supervision (DOCCS) accepts commercial contracts; and

**Whereas**, According to Corcraft Products, incarcerated individuals in New York manufacture a variety of products in addition to license plates, including highway signs, classroom furniture, textiles, mattresses, and file cabinets; and

**Whereas**, In 2019, New York City Comptroller Scott Stringer reported that wages for individuals incarcerated with DOCCS range from \$0.32 to \$0.39 per hour for skilled work, and even less for unskilled work; and

**Whereas**, According to the DOCCS Division of Industries, Corcraft Products generates upwards of \$50 million annually on prison-labor based contracts; and

**Whereas**, Nevada, Alaska, Maine and Kansas have effectively banned the exploitative use of prison labor by implementing minimum wage standards for incarcerated workers; and

**Whereas**, The wage disparity for incarcerated individuals remains in place due to a lack of sufficient labor protections in State law, sanctioning the practice of severely underpaid work; and

**Whereas**, Just under half of New York State’s prison population derives from New York City, according to the 2019 DOCCS Under Custody Report; and

**Whereas**, The New York prison system’s failure to offer adequate labor compensation impacts more than 20,000 of New York City’s incarcerated individuals; and

**Whereas**, According to the Brennan Center for Justice, correctional facilities endorse prison labor as a way to allow incarcerated individuals to pay for basic services during their own incarceration, establishing a “pay-to-stay” system which reflects a prison economy that works to further perpetuate mass incarceration; and

**Whereas**, Black New Yorkers are overrepresented in the incarcerated population and therefore are disproportionately affected by these policies; the Prison Policy Initiative reported that 53 percent of incarcerated individuals in New York State are Black, while only 16 percent of New York State’s overall population self-identify as Black; and

**Whereas**, State bill S287/A1643 was introduced in 2021, would establish a minimum wage of only \$3.00 an hour for incarcerated individuals working for a nonprofit organization; and

**Whereas**, The American Civil Liberties Union’s National Prison Project has urged states to move away from their dependency on prison labor, and Director David Fathi has specifically cautioned against allowing a desire for cheap labor to drive prison policy; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the State Legislature to pass and the Governor to sign legislation barring prison labor contracting statewide.

Referred to the Committee on Criminal Justice.

## Res. No. 336

**Resolution calling upon the New York City Department of Correction to increase the wage rates of incarcerated individuals to the New York State minimum wage rate of \$15 per hour.**

By the Public Advocate (Mr. Williams).

**Whereas**, According to the Bureau of Justice Statistics, nearly 2.2 million adults in the United States are incarcerated in federal and state prisons and local jails; and

**Whereas**, According to Pew Research Center, the United States has the largest prison population and the highest incarceration rate in the world; and

**Whereas**, The Thirteenth Amendment to the United States Constitution bans slavery and involuntary servitude, except as a punishment for a crime of which a person has been convicted; and

**Whereas**, Pursuant to the Thirteenth Amendment, incarcerated individuals can be required to work during their imprisonment as punishment for their crimes; and

**Whereas**, Incarcerated individuals' work assignments include labor in areas such as maintenance, food service, clothing production, plumbing and landscaping; and

**Whereas**, According to the Prison Policy Initiative, incarcerated individuals assigned to work in federal and state prisons are paid between 14 cents to 63 cents per hour on average; and

**Whereas**, Deductions for restitution, room and board, child support and other costs reduce the net wages earned by incarcerated individuals, often leaving them with less than 50 percent of their gross pay; and

**Whereas**, Courts have generally held that prisoners are not covered by federal and state minimum wage laws because the relationship between a prison and an incarcerated individual is not an employer employee relationship; and

**Whereas**, The New York City Department of Correction ("DOC") is charged with overseeing and providing for the care, custody and control of individuals 16 years of age and older who are accused of crimes or convicted and sentenced to one year or less of incarceration in New York City; and

**Whereas**, DOC reported over 49,000 admissions to New York City correctional facilities during Fiscal Year 2018, with an average daily population of 8,900 incarcerated individuals; and

**Whereas**, Section 625 of the New York City Charter requires that every incarcerated individual of an institution under the authority of the DOC Commissioner must be employed in some form of industry and the products of such employment must be utilized in such institutions or by another agency; and

**Whereas**, Pursuant to section 187 of the Correction Law, the DOC Commissioner grades the compensation received by incarcerated individuals in New York City correctional facilities based on the work performed during their incarceration; and

**Whereas**, According to DOC's wage scale, wage rates for incarcerated individuals in New York City correctional facilities range from 17 cents to \$1 per hour; and

**Whereas**, According to The New York Times, from August 21 to September 9, 2018, prisoners across the United States staged a nationwide prison strike to protest the low wages that incarcerated individuals receive for their labor—what strike organizers refer to as "prison slavery"; and

**Whereas**, Increasing the wages of incarcerated individuals would help to ensure their economic stability and ease the path to their successful reentry into society after release; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Department of Correction to increase the wage rates of incarcerated individuals to the New York State minimum wage rate of \$15 per hour.

Referred to the Committee on Criminal Justice.

Res. No. 337

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation requiring all New York City Community District Education Councils to adopt a set of bylaws and a code of conduct that includes disciplinary consequences for discriminatory actions and use of discriminatory language.**

By the Public Advocate (Mr. Williams).



**Whereas,** In 2002, the New York State (NYS) legislature passed the School Governance Reform Act, which transitioned a decentralized school system of elected community school boards and an appointed central Board of Education, to one that operated solely under the mayor (Mayoral Control); and

**Whereas,** The law also replaced community school boards with “community district education councils,” typically referred to as community education councils (CECs), which allow for parent and community engagement; and

**Whereas,** The City also has several citywide councils to address the needs of specific student populations, including the Citywide Council on High Schools, the Citywide Council on Special Education, the Citywide Council on English Language Learners, and the Citywide Council for District 75; and

**Whereas,** Each of the 32 community school districts (CSDs) in New York City has a CEC, which should be comprised of 12 members: 11 voting members (nine of whom must be parents of children attending a school or a pre-kindergarten program in the CSD, and two appointed by the borough president who must be residents or business owners in the CSD) and one non-voting member who is a high school senior residing in the CSD, appointed by the superintendent from among the elected student leadership; and

**Whereas,** CECs have no executive or administrative powers, but are charged with promoting student achievement and advising and commenting on educational policies, with certain responsibilities including: holding monthly public meetings with the superintendent to provide parents and the community a forum to air their concerns; reviewing the CSD’s educational programs and assessing their effect on student achievement; approving zoning lines as submitted by the superintendent; holding hearings on the CSD’s annual capacity plans and prioritizing requests for capital improvements in schools of the CSD; participating in joint public hearings with the Department of Education (DOE) on school closings and co-locations; preparing an annual school district report card; submitting an annual evaluation of the superintendent to the chancellor of the DOE; and providing input on district concerns to the chancellor; and

**Whereas,** New York State education law section 2590-e provides for the removal from office of CEC members for various infractions including: willful or repeated failure to file required financial reports or other required disclosures and failure to comply with training and continuing education requirements; and

**Whereas,** Additionally, section 2590-d of New York State education law requires CECs to have by-laws and regulations to govern the conduct of the body’s proceedings; and

**Whereas,** State law further specifies some minimum requirements that must be included in the bylaws, such as required level of communication with parent-teacher associations within the community district, and development of a process for community input in the annual superintendent evaluation; and

**Whereas,** State law does not currently require bylaws to include a code of conduct that includes disciplinary consequences for CEC members for discriminatory actions and use of discriminatory language; and

**Whereas,** In September 2019, a member of CEC 22 was accused of using an anti-Asian slur in an online forum; and

**Whereas,** Subsequently, some advocates called for removal of that CEC member; and Whereas, To do their work effectively, CECs must maintain strong relationships and trust with the communities they represent; and

**Whereas,** Having a written code of conduct or other protocol for removing or disciplining members in such a situation would allow CECs to maintain respectful dialogue and help restore trust between the CEC and the community; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation requiring all New York City Community District Education Councils to adopt a set of bylaws and a code of conduct that includes disciplinary consequences for discriminatory actions and use of discriminatory language.

Referred to the Committee on Education.

## Res. No. 338

**Resolution calling upon the New York City Department of Education and the New York State Education Department to meet their obligations under state and federal law to provide impartial due process hearings in a timely manner as they relate to resolving complaints filed by families of students with disabilities.**

By the Public Advocate (Mr. Williams) and Council Member Bottcher.

**Whereas**, Under the federal Individuals with Disabilities Education Act (IDEA), New York State (NYS) must provide a free and appropriate public education (FAPE) to all students residing in the State, including students with disabilities, between the ages of 3 and 21; and

**Whereas**, In NYS, for any disputes that arise between the student's family and the school district regarding matters relating to the identification, evaluation or educational placement of a student with a disability or the provision of FAPE to the student, both parties must have an opportunity for an impartial due process hearing; and

**Whereas**, The hearing must be conducted by the New York State Education Department (NYSED) and an impartial hearing officer must be appointed to hear and decide the dispute between the family and the school district; and

**Whereas**, While the IDEA requires a final decision in non-disciplinary cases to be reached and mailed to each of the parties within 75 days, the average complaint against the New York City Department of Education (DOE) was open for 225 days during the 2018-19 school year; and

**Whereas**, According to the NYSED Office of Special Education DOE Compliance Assurance Plan, as of 2019, the DOE has been out of compliance with IDEA on its delivery of services for special education students for at least thirteen consecutive school years; and

**Whereas**, Noncompliance includes failure to provide related services to students with disabilities as recommended on students' Individualized Education Programs (IEP) and failure to provide families access to adequate due process after a complaint has been filed; and

**Whereas**, On January 6, 2020, NYSED records indicated approximately 10,000 open special education due process complaints in New York City, as compared to 209 in the rest of NYS; and

**Whereas**, According to the NYSED External Review of The New York City Impartial Hearing Office Report, due process complaints increased 42% from the 2014-15 to the 2018-19 school years; and

**Whereas**, On June 29, 2021, special education advocates from nine legal services organizations sent a letter to NYSED and DOE officials reiterating NYSED's and DOE's legal obligations to provide due process hearings in a timely matter and recommending solutions to the hearing delays; and

**Whereas**, The letter also highlighted that low-income children whose families cannot afford the cost of required services on their own while waiting for their claims to be processed are disproportionately impacted; and

**Whereas**, Further, these delays cause students to miss out on critical services, such as not receiving physical therapy or other services listed on a student's IEP, which are necessary to their development and learning process; and

**Whereas**, NYSED and DOE should enhance resources such as additional hearing spaces and impartial hearing officers and make efforts to increase their capacity to conduct timely due process hearings; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Department of Education and New York State Education Department to meet their obligations under state and federal law to provide impartial due process hearings in a timely manner as they relate to resolving complaints filed by families of students with disabilities.

Referred to the Committee on Mental Health, Disabilities and Addiction.

## Int. No. 791

By Council Members Restler, Sanchez, Ayala, Farias, Ung and Lee.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of social services to post on its website data concerning vacant supportive housing units**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-148.1 to read as follows:

*§ 21-148.1 Supportive housing occupancy reporting. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Available vacant unit. The term “available vacant unit” means a supportive housing unit that is ready for a client referral.*

*Online unit. The term “online unit” means a vacant unit that is not yet ready for client referral due to staffing capacity, unit turnover, maintenance, or other reasons.*

*Supportive housing. The term “supportive housing” means affordable, permanent housing with support services.*

*Vacant unit. The term “vacant unit” means a supportive housing unit that is not occupied for permanent residence purposes.*

*Vacant unit with placement pending. The term “vacant unit with placement pending” means a vacant unit for which a placement agency has referred a client for an interview but for which no determination has yet been made.*

*b. Not later than September 1, 2024, the commissioner shall post on the department’s website information on vacant units contained within the coordinated assessment and placement system (CAPS). Such information shall be disaggregated by (i) whether a unit will be available for the first time or is a supportive housing unit already in use and (ii) the supportive housing provider. Such information shall be updated each month and shall include, at a minimum:*

- 1. The total number of vacant units;*
- 2. The percentage of all supportive housing units in the city that are vacant;*
- 3. The total number of vacant units with placement pending;*
- 4. The total number of available vacant units for which a placement agency has not referred a client for an interview;*
- 5. The total number of online units;*
- 6. The total number of vacant units, beginning 12 months prior to the enactment date of the local law that added this section;*
- 7. The average number of days between the date a vacant unit became available and the date such unit was occupied, for all vacant units in each month beginning 12 months prior to the enactment date of the local law that added this section;*
- 8. The average number of days between the date a placement agency received a client’s application and the date such client was referred to a unit, in each month beginning 12 months prior to the enactment date of the local law that added this section; and*
- 9. The average number of days between the date a placement agency referred a client to a unit and the date the unit was occupied, in each month beginning 12 months prior to the enactment date of the local law that added this section.*

*§ 2. This local law takes effect immediately.*

Referred to the Committee on General Welfare.

## Int. No. 792

By Council Members Rivera, Cabán, Abreu, Ossé, Avilés, Restler, Won, Williams, Ayala, Hudson and Narcisse.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to use an electronic case management system to track investigations of sexual abuse**

*Be it enacted by the Council as follows:*

Section 1. Section 9-156 of the administrative code of the city of New York, as added by local law number 21 for the year 2019, is amended by adding a new subdivision i to read as follows:

*i. The department shall collect, manage, and store all information required pursuant to this section electronically.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Criminal Justice.

## Int. No. 793

By Council Members Rivera, Brewer, Cabán, Ossé, Avilés, Restler and Won.

**A Local Law in relation to establishing a pilot program to study alternatives to asphalt for street resurfacing and street construction projects**

*Be it enacted by the Council as follows:*

Section 1. Alternatives to asphalt pilot program. a. Definitions. For purposes of this local law, the following terms have the following meanings:

Bio-bitumen. The term “bio-bitumen” means a combination of plastic, organic materials, paper and textile waste, heated to approximately 500 degrees Celsius in the absence of oxygen, to form a substance similar to asphalt.

Secondary organic aerosol. The term “secondary organic aerosol” means an air pollutant that is formed by the oxidation of volatile organic compounds.

b. The department of transportation shall establish a pilot program to study the use of materials other than asphalt or asphaltic concrete, as those words are defined in section 19-101 of the administrative code of the city of New York, for street resurfacing and street construction projects. The pilot program shall, at a minimum:

1. Use materials such as solar panels, organic-based products, recycled plastic and bio-bitumen, or other similar materials that are known or reasonably believed to result in lower emissions of carbon dioxide and secondary organic aerosols, as determined by the commissioner of transportation, as replacements for asphalt and asphaltic concrete; and

2. Include no less than one street resurfacing or street construction project, which location shall be determined by the department of transportation.

c. No later than the first anniversary of the effective date of this local law, the commissioner of transportation, in consultation with the commissioner of environmental protection, shall submit to the mayor and to the speaker of the council, and post on the department of transportation’s website, a report, which shall include, but not be limited to, the following:

1. The total cost of such pilot program, including projected cost of expanding and maintaining such a program;

2. An analysis of the effectiveness of the materials used pursuant to subdivision b of this section with respect to reduction of greenhouse gas emissions and other environmental benefits as determined by the department of transportation;

3. An analysis of the use and limitations of the materials used pursuant to subdivision b of this section on city streets; and
  4. Recommendations for implementing a permanent city program to explore and use alternatives to asphalt in street resurfacing and street construction projects.
- § 2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Res. No. 339

**Resolution calling on the New York State Legislature to Pass, and the Governor to Sign, S.2085/A.1633, the Local Input in Community Healthcare Act.**

By Council Members Rivera, Cabán, Avilés and Schulman.

**Whereas**, According to MergerWatch, an advocacy group that focuses on patient rights during hospital mergers, between 1997 and 2018 over 40 hospitals across New York State closed for inpatient services, and of these, 15 were in New York City (City); and

**Whereas**, Most recently, Mount Sinai, one of the City's largest health systems with eight hospital campuses and a revenue of over \$11.3 billion announced plans to close its Beth Israel hospital located in Lower Manhattan by July 2024, and New York State is planning to downsize or close State University of New York (SUNY) Downstate hospital in East Flatbush; and

**Whereas**, Hospital closures have immediate and longer-term impacts on their local communities in terms of health equity, access to care, and the local workforce; and

**Whereas**, SUNY Downstate is a safety-net hospital obligated to provide care to all patients regardless of insurance status and has the only kidney transplant program in Brooklyn; and

**Whereas**, Mount Sinai Beth Israel primarily treats lower-income patients; and

**Whereas**, A community-led Health Equity Impact Assessment (HEIA) carried out by the Community Coalition to Save Beth Israel and New York Eye and Ear Infirmary found that the majority (80%) of patients went to Beth Israel for emergency care, and 77% chose the hospital because it is closest to where they live; and

**Whereas**, Closure of hospitals such as Beth Israel and SUNY Downstate would result in a loss of access to emergency treatment, specialty medical services, and continuity of care for the surrounding community while putting additional strain on nearby hospitals who will be forced to absorb newly displaced patients; and

**Whereas**, In addition to negative impacts for patients, as hospitals are some of the largest employers in a community, closures can result in significant job loss; and

**Whereas**, According to the U.S. Bureau of Labor Statistics, support occupations including orderlies, nursing assistants, healthcare support workers, social workers, community health workers, security workers, food preparation and service workers, janitors, cleaners, groundskeepers, housekeepers, childcare workers, cashiers, file clerks, and maintenance workers make up a third of all jobs in General Medical and Surgical Hospitals; and

**Whereas**, In calendar year 2023, per data from the New York State Department of Labor, there were an average of 360,000 people employed in General and Surgical Hospitals in New York State, of which 43%, or over 159,000, worked in New York City; and

**Whereas**, Currently, facilities that have plans to close must receive approval from the New York State Department of Health (DOH) and Director of the Center for Health Care Quality and Surveillance, but community input, via a community forum, is only required by the New York Public Health Law after the hospital has already closed; and

**Whereas**, S.2085, introduced by New York State Senator Brian Kavanagh and pending in the State Senate, and companion bill A.1633, introduced by New York State Assembly Member Jo Anne Simon and pending in the State Assembly, also known as the Local Input in Community Healthcare (LICH) Act, seeks to amend the New York Public Health Law such that the New York State Commissioner of Health could only approve a hospital closure after determining the needs of the community and other impacted stakeholders; and

**Whereas**, The LICH Act would also require hospitals seeking closure to produce a closure plan informed by a community input process and including the impact of the closure on the surrounding community including the underserved and uninsured, and measures and recommendations to mitigate negative consequences; and

**Whereas**, Stakeholder consultations and the development of a closure plan focused on real impacts will improve transparency, promote community engagement and empowerment, and could help prevent the loss of critical access to healthcare for underserved communities by identifying both alternatives and instances where an existing facility is vital and cannot be safely closed; and

**Whereas**, As hospitals in New York State are certified nonprofits licensed by the State to serve the needs of their communities, it is imperative that impacted stakeholders be consulted and their voices heard before a hospital is permitted to close; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to Pass, and the Governor to Sign, S.2085/A.1633, the Local Input in Community Healthcare Act.

Referred to the Committee on Hospitals.

Res. No. 340

**Resolution calling on the U.S. Citizenship and Immigration Services (USCIS) to eliminate filing fees for humanitarian benefit applications and subsequent employment authorization applications and calling on Congress and the President to move significant funding to USCIS to cover the funding lost by the eliminated filing fees.**

By Council Member Rivera.

**Whereas**, Currently, USCIS is funded primarily by fees charged to individuals and entities applying for or petitioning for immigration benefits; and

**Whereas**, Of USCIS' Fiscal Year 2023 5.9-billion-dollar budget, roughly 5 billion comes from filing fees; and

**Whereas**, Although funding to USCIS from Congress has increased over the past few years, particularly for application processing, it is still minimal compared to the funding provided by filing fees; and

**Whereas**, The filing fees include applications for humanitarian immigration benefits and subsequent work authorization applications; and

**Whereas**, Humanitarian benefits include humanitarian parole, refugee status, asylum status, and temporary protected status; and

**Whereas**, These humanitarian programs and protections are intended to assist individuals fleeing disasters and oppression or in need of support for other urgent circumstances; and

**Whereas**, Although there is no fee to apply specifically for refugee or asylum status, there are fees required for first-time applicants of temporary protected status and certain applicants for humanitarian parole; and

**Whereas**, Additionally, all humanitarian benefit applicants, excluding refugees and certain parole programs, are required to pay for an employment authorization application; and

**Whereas**, According to USCIS, the fees range depending on applicants' and petitioners' ages and the specific benefits being applied for, but can end up costing over 500 dollars; and

**Whereas**, Applications for employment authorization alone are around 410 dollars; and

**Whereas**, For individuals fleeing war, economic collapse, or natural disasters, entering the United States already comes with significant financial barriers; and

**Whereas**, Individuals that are applying for humanitarian relief and subsequent work authorization are often entering the country with minimal or no money to support themselves, and often have to rely on charities, businesses, or family members to pay filing fees; and

**Whereas**, For individuals seeking humanitarian relief, paying a filing fee is difficult, if not impossible; and

**Whereas**, Additionally, these filing fees are substantial obstacles for accessing work authorization; and

**Whereas**, Although fee waiver applications are available, the requirements are complex and specific, and filing improperly will jeopardize the entire application process; and

**Whereas**, In New York City, these financial barriers for accessing humanitarian relief and work authorization are significant because of the influx of asylum seekers and migrants that have come to New York over the last year; and

**Whereas**, New York City has welcomed over 130,000 migrants and asylum seekers over the last year, and 65,000 remain in the care of the city; and

**Whereas**, For individuals eligible for temporary protected status, humanitarian parole, or asylum, the required filing fees will likely complicate or delay access to relief and work authorization; and

**Whereas**, Without eliminating fees for applicants of humanitarian relief and subsequent work authorization, these additional financial barriers could force them to enter an underground economy that increases their risk of labor exploitation or harm; and

**Whereas**, Although the Biden Administration has proposed additional Congressional funding be directed to USCIS, this proposal did not address the filing fees for humanitarian relief and subsequent work authorization; and

**Whereas**, At the beginning of 2023, USCIS proposed increasing their fee schedules, and although details of what exact fees would be included are not yet available, if the increase includes humanitarian relief and subsequent work authorization, this will further complicate access to benefits and work permits; and

**Whereas**, Individuals who have come to the United States seeking humanitarian relief should not be charged for their applications for relief or employment authorization; and

**Whereas**, Congressional funding for USCIS must be increased to eliminate these fees; and

**Whereas**, Additional Congressional and Biden Administration funding for USCIS would be an effective way to invest in legal immigration and work authorization in the United States, thereby economically benefiting the entire country; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the U.S. Citizenship and Immigration Services (USCIS) to eliminate filing fees for humanitarian benefit applications and subsequent employment authorization applications and calling on Congress and the President to move significant funding to USCIS to cover the funding lost by the eliminated filing fee.

Referred to the Committee on Immigration.

Int. No. 794

By Council Members Stevens and Banks.

**A Local Law to amend the New York city charter, in relation to the composition of the youth board**

*Be it enacted by the Council as follows:*

Section 1. Subdivisions b and c of section 734 of the New York city charter, as amended by local law number 81 for the year 1996, are amended to read as follows:

b. The youth board shall be representative of the community, and shall include persons representing the areas of social service, health care, education, business, industry and labor. *All members of the youth board shall have demonstrated experience with organizations or activities directly concerned with the welfare of youth. At least 1 member of the youth board shall be at least 16 years of age and not older than 24 years of age.*

c. The youth board shall consist of up to [twenty-eight] 28 members, appointed by the mayor, [fourteen] 14 of whom shall be appointed upon recommendation of the city council.

§ 2. This local law takes effect immediately.

Referred to the Committee on Children and Youth.

## Int. No. 795

By Council Members Stevens, Hanks, Ayala, Narcisse and Banks.

**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 hearing screenings for school-aged children throughout the city and develop an outreach campaign**

*Be it enacted by the Council as follows:*

Section 1. Title 17 of the administrative code of the city of New York is amended by adding a new chapter 22 to read as follows:

*CHAPTER 22  
HEALTH SERVICES FOR SCHOOL-AGED CHILDREN*

*§ 17-2201 Definitions. For the purposes of this chapter, the following terms have the following meanings:*  
*Health professional. The term “health professional” means a person duly licensed or otherwise authorized to practice a health profession pursuant to applicable law, including but not limited to, physicians, registered professional nurses, nurse practitioners, physicians assistants, and audiologists.*

*School-aged child. The term “school-aged child” means any child aged 4 to 18, inclusive, who resides in the city.*

*§ 17-2202 Hearing screening; outreach campaign. a. The commissioner shall provide and facilitate hearing screenings for school-aged children at facilities of the department and of any other appropriate agency. The commissioner shall ensure that such screenings are provided free of charge in at least four locations per borough.*

*b. The commissioner shall appoint registered health professionals, as may be required, to administer hearing screenings to school aged children in the city.*

*c. The commissioner, in collaboration with the head of any other appropriate agency, shall develop and engage in an outreach campaign to inform school-aged children and their parents or legal guardians of the availability of hearing tests conducted pursuant to this section. Such outreach campaign shall include but need not be limited to the use of print, radio, and television advertisements.*

*§ 2. This local law takes effect 120 days after it becomes law.*

Referred to the Committee on Health.

## Int. No. 796

By Council Members Stevens, Ayala, Narcisse, Banks and Paladino.

**A Local Law to amend the New York city building code, in relation to providing local community boards and elected officials with advance notice of the installation of sidewalk sheds**

*Be it enacted by the Council as follows:*

Section 1. Chapter 33 of the New York city building code is amended by adding a new section 3307.6.5.15 to read as follows:

**3307.6.5.15 Notification.** At least 72 hours before a new sidewalk shed is installed, the commissioner shall notify the council member and community district who represent the site where the sidewalk shed will be installed. The commissioner shall also provide the reason for the sidewalk shed installation as part of this notification.



§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 797

By Council Members Stevens, Narcisse and Banks (by request of the Bronx Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to reporting on student clubs and organizations**

*Be it enacted by the Council as follows:*

Section 1. The administrative code of the city of New York is amended by adding a new chapter 29 to title 21-A to read as follows:

*Chapter 29  
Reporting on Student Clubs and Organizations*

*§ 21-1001 Reporting on school clubs and organizations. a. No later than December 1, 2023, and annually thereafter, the department shall submit to the council and post on its website a report for the current academic year regarding the status of student clubs and organizations at each school. The report shall contain the following information for each school:*

- 1. Whether such school has any student clubs and organizations as outlined in chancellor's regulation A-601 or successor regulations related to student clubs and organizations;*
- 2. For each student club and organization identified in paragraph 1 of this subdivision, the type of licensed department pedagogical employee serving as faculty advisor; and*
- 3. For each student club and organization identified in paragraph 1 of this subdivision, whether such student club or organization has authorization to conduct activities off school property.*

*b. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information or that would conflict with the interests of law enforcement or the safety of students.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 798

By Council Members Stevens, Cabán, Rivera, Riley, Salaam, the Public Advocate (Mr. Williams) and Council Members Avilés, Ossé, Sanchez, Restler, Won, Hudson and Nurse.

**A Local Law to amend the administrative code of the city of New York, in relation to abolishing the criminal group database and prohibiting the establishment of a successor database**

*Be it enacted by the Council as follows:*

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-193 to read as follows:

*§ 14-193 Criminal group database prohibited. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Criminal group database. The term "criminal group database" means the database utilized by the department to centralize and consolidate criminal group related intelligence and as further described in the*

department's proposed surveillance impact and use policy for such criminal group database, posted online pursuant to subdivision c of section 14-188 on January 11, 2021, requiring a surveillance technology impact and use policy for existing surveillance technology.

*Inspector general for the police department.* The term "inspector general for the police department" means the individual responsible for implementing the duties set forth in paragraph 1 of subdivision c of section 803 of the New York city charter.

b. The criminal group database shall be abolished pursuant to this section and no agency shall establish a successor database that has the same or substantially similar features.

c. No later than 2 years after the effective date of the local law that added this section, the commissioner shall abolish the criminal group database and shall destroy all information contained therein.

d. No later than 10 days after the effective date of the local law that added this section, the commissioner shall notify each agency of the federal or state government with which the commissioner has entered an agreement regarding the collection or sharing of information contained in the criminal group database of the provisions of this section, and shall request the destruction by any agency of the federal or state government of information contained in the criminal group database that was provided to such agency.

e. Prior to the abolishment of the criminal group database pursuant to subdivision c of this section, no employee shall access or use such database for any purpose except to carry out the provisions of this section or to process a request for access to information contained in such database pursuant to the state freedom of information law or any other law entitling access to information contained in such database. Any employee who violates this subdivision shall be subject to a civil penalty no less than \$500 for the first violation and no less than \$1,000 for any subsequent violation.

f. No later than 10 days after the effective date of the local law that added this section, the commissioner shall transfer all records that comprise the criminal group database to the custody of the inspector general for the police department. No employee of the department shall access any such records for any purpose after such transfer of records is complete.

g. 1. No later than 180 days after the effective date of the local law that added this section, the inspector general for the police department shall issue notice by mail to each person whose name is or has been included in the criminal group database.

2. Such notice shall:

(a) Contain a description of the criminal group database, including an explanation of why it was created, how it was used and the potential consequences of being named in such database;

(b) Inform the intended recipient that their name appears in the criminal group database;

(c) Reference this section, and provide a plain explanation of the forthcoming abolishment of the criminal group database, including the date on which such information contained therein shall be destroyed pursuant to this section; and

(d) Provide information regarding how the intended recipient may submit a request, pursuant to the state freedom of information law, to access additional information regarding such person's inclusion in the criminal group database.

h. No later than 180 days after the effective date of the local law that added this section, the inspector general for the police department shall carry out a public awareness campaign for the purpose of informing the public that the criminal group database shall be abolished and that requests for records contained therein may be submitted pursuant to the state freedom of information law, prior to the destruction of such records pursuant to this section.

i. Any person aggrieved by an employee's violation of this section shall have a cause of action against such employee in any court of competent jurisdiction for any or all of the following relief:

1. Compensatory and punitive damages;

2. Injunctive and declaratory relief;

3. Attorneys' fees and costs; and

4. Such other relief as a court may deem appropriate.

j. The inspector general for the police department shall enforce the provisions of this section and, no later than January 1 of each year, shall submit a report to the mayor and the speaker of the council, and post such report on the inspector general's website, that contains a summary of the inspector general's efforts in the prior

*calendar year to carry out the inspector general's duties pursuant to this section, including details of the inspector general's oversight and enforcement of this section.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 799

By Council Members Stevens, Riley, Williams, Gennaro, Hanks, Menin, Hudson, Ariola and Paladino.

**A Local Law in relation to panic buttons for small business operators**

*Be it enacted by the Council as follows:*

Section 1. Definitions. a. For the purposes of this section, the following terms have the following meanings: Department. The term "department" means the department of small business services.

Panic button. The term "panic button" means a help or distress signaling system that connects an individual in distress or someone assisting that individual with the police department. Such panic button shall also be equipped to alert pedestrians in the vicinity where the panic button is activated, by visual sign or sound.

b. Establishment of a storefront panic button pilot program. 1. The department shall establish a one-year "storefront panic button pilot program," during which qualifying businesses will be reimbursed for the cost of purchasing and installing panic buttons made available for use to any employee or patron in case of emergency. Upon request of a qualifying business, the department shall reimburse the business for the allowable costs of purchasing and installing panic buttons, as established by the department, provided that the business provides proof of purchase.

2. A business qualifies to participate in the program if such business: (i) has a storefront entry; (ii) employs fewer than ten individuals; and (iii) is located in a pilot district as determined by this section. The department shall determine any other qualifications relevant to the program.

3. Siting of pilot district. The commissioner of the department, in consultation with the commissioner of the police department, shall identify potential locations for the pilot districts in consideration of all relevant factors, which shall include, but need not be limited to crime rates.

c. Reporting. No later than 90 days after the completion of the pilot program created pursuant to paragraph b of this section, the commissioner of the department shall report a detailed assessment of the impacts of the pilot program to the mayor and the speaker of the council. Such assessment shall include, but need not be limited to: (i) recommendations for improving the pilot program, including the specification of any beneficial new technology for informing law enforcement about ongoing criminal activity; (ii) recommendations on whether or not to make the pilot program permanent; (iii) recommendations on whether or not to add similar permanent or pilot programs in additional districts or locations; (iv) the costs incurred by the city in implementing the pilot program up to the date of the report; and (v) anticipated future costs per year if the recommendations included in the report were followed.

§ 2. This local law takes effect 120 days after it becomes a law, except that the commissioner of small business services shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such date.

Referred to the Committee on Small Business.

## Int. No. 800

By Council Members Williams, Riley and Gennaro.

**A Local Law to amend the administrative code of the city of New York, in relation to tree maintenance prioritization**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-104.1 to read as follows:

*§ 18-104.1 Trees and vegetation; prioritization of maintenance. a. The commissioner shall develop criteria, including a rating system, for the prioritization of maintenance of trees within the commissioner's jurisdiction. The criteria shall include the following:*

*1. The likelihood that a tree or limb is in imminent danger of falling and causing harm to a person or to property;*

*2. The potential for damage that a falling tree or limb may cause to nearby persons or property;*

*3. Where, in the event that a tree or limb has already fallen, the potential exists for further damage to persons or property should the tree or limb not be removed in a timely manner; and*

*4. Whether a tree limb is within, or will imminently be within, a distance of 5 feet from any building or structure.*

*b. Upon the creation of the criteria described in subdivision a of this section, the department shall post on its website a description of the process used and the factors considered by the department, and by any person authorized by the department, to determine how tree maintenance is prioritized.*

*§ 2. This local law takes effect immediately.*

Referred to the Committee on Parks and Recreation.

## Res. No. 341

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.9342/S.8581, in relation to expanding eligibility for participation in the resilient retrofits loan and grant program and establishing a fund to support that program.**

Council Members Williams and Gennaro.

**Whereas**, According to New York City Department of Environmental Protection (DEP), sewer backups occur when wastewater cannot flow freely in the sewer system, often causing home backups and local flooding; and

**Whereas**, Low-lying neighborhoods with poor drainage capacity can experience sewer backups, which can also be caused by failing infrastructure; and

**Whereas**, The Queens Chronical, a Queens based online publication, reported that in 2019 a collapsed pipe in the sewer main flooded more than 100 homes in South Ozone Park with sewage; and

**Whereas**, According to Queens Daily Eagle, a local newspaper, as of January 12, 2024, a section in East Elmhurst, Queens, has a public sewer line that experiences chronic backups, leading to flooding after an average rainfall; and

**Whereas**, The Queens Daily Eagle article also mentioned that impacted East Elmhurst residents had sewer water flooding into their basements and homes, leading to anxiety, health problems, and significant financial damages; and

**Whereas**, Complaints of sewer backup in New York City (NYC) are increasing, rising from 11,562 in 2022 to 12,454 in 2023 according to NYC Open Data; and

**Whereas**, This trend highlights the pressing need for upgrades to prevent further disruptions and potential health hazards to residents, but the costs can be significant; and

**Whereas**, According to DEP, property owners are responsible for maintaining their plumbing, including sewer lines connected to city main lines and repairing a sewer line break in New York City typically costs between \$10,000 and \$15,000; and

**Whereas**, Backwater valves stop contaminated water from getting back into homes but installation costs for installation range from \$3,000 to \$5,000 for one-story buildings and \$3,750 to \$5,500 for small two-story structures, according to the DEP; and

**Whereas**, A.9342, sponsored by Assembly Member Khaleel Anderson and pending in the New York State Assembly, and companion bill S.8581, sponsored by State Senator Leroy Comrie and pending in the New York State Senate, would create a program to offer low- to no-interest loans to property owners for hazard mitigation, cleanups, and upgrades of private sewers; and

**Whereas**, A.9342/S.8581 would cover up to 80% of the total costs associated with these essential sewer system enhancements; and

**Whereas**, Creating a program to address sewer backflow issues in New York will improve the safety, financial stability, housing security, and well-being for impacted residents; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, A.9342/S.8581, in relation to expanding eligibility for participation in the resilient retrofits loan and grant program and establishing a fund to support that program.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

#### Int. No. 801

By Council Members Won, Brooks-Powers, Louis, Stevens, Farías and Banks.

### **A Local Law to amend the administrative code of the city of New York, in relation to explanations for subcontractor denials in city contracting**

*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 6-142.1 to read as follows:

*§ 6-142.1. Subcontractor denial explanations. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Contractor. The term "contractor" means any person having a contract with a city agency.*

*Subcontractor. The term "subcontractor" means any person providing goods, labor or services to or for a contractor or another subcontractor in furtherance of such contractor's performance of a contract with a city agency.*

*b. If a contracting agency denies approval of a proposed subcontractor, the agency shall provide the contractor a detailed written explanation of the reasons for such denial within thirty days of such denial.*

*c. The procurement policy board may promulgate rules as necessary to implement the provisions of this section.*

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

Referred to the Committee on Contracts.

## Int. No. 802

By Council Members Won, Menin, Farías, Ayala, Louis, Stevens and Banks.

**A Local Law to amend the administrative code of the city of New York, in relation to establishing a standard insurance policy for food procurement vendors**

*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 6-130.1 to read as follows:

§ 6-130.1 *Standard insurance policy for food procurement vendors. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Food procurement vendor. The term "food procurement vendor" means any vendor that enters into a contract with an agency to provide food or food-related services.*

*Food-related services. The term "food-related services" means any services where the principal purpose of the contract is the preparation, handling, transportation, storage, or serving of food.*

*b. The city chief procurement officer shall establish a standard insurance policy that shall be required for all food procurement vendors entering into contracts with agencies. Such policy shall include, at a minimum: (i) commercial general liability insurance; (ii) product liability insurance, which may be satisfied by a specialized food liability policy; and (iii) any other insurance coverages deemed necessary by the city chief procurement officer to protect against risks associated with food procurement.*

*c. All agency solicitations and contracts for food procurement shall require vendors to maintain, at a minimum, insurance meeting the requirements of the standard policy established pursuant to subdivision b of this section. This subdivision does not prevent any contract with a food procurement vendor from containing additional insurance requirements.*

*d. The city chief procurement officer shall review the standard insurance policy established pursuant to this section annually and make any necessary changes, considering, at a minimum, the adequacy of coverage for risks associated with food procurement and consistency with food industry insurance standards.*

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

Referred to the Committee on Contracts.

## Int. No. 803

By Council Members Won, De La Rosa, Krishnan, Louis and Banks.

**A Local Law to amend the New York city charter, in relation to protests of agency procurement decisions**

*Be it enacted by the Council as follows:*

Section 1. Paragraphs 8 and 9 of subdivision b of section 311 of the New York city charter, paragraph 8 as amended by local law number 169 for the year 2023 and paragraph 9 as amended by local law number 20 for the year 2004 and redesignated by local law number 129 for the year 2005, are amended, and a new paragraph 10 is added to such subdivision b, to read as follows:

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]

9. [such other rules as are required by this chapter.] *rules authorizing the submission of a protest by a vendor or a vendor's designated representative of a determination of any procurement action by an agency; and*

10. *such other rules as are required by this chapter.*

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

Referred to the Committee on Contracts.

## Res. No. 342

**Resolution calling on the New York State Assembly to pass, and the Governor to sign, S.7383/A.8864, establishing an online noticing process for public contracts as well as a time-limited comment period.**

By Council Members Won, Ayala, Louis, Stevens, Farías and Banks.

**Whereas**, New York City relies on outside vendors to provide essential services to its citizens such as foster care and legal aid; and

**Whereas**, City contractors depend on timely payment to deliver on their contracts and continue providing services; and

**Whereas**, New York City has perennially struggled to pay outside vendors on time, primarily by failing to register contracts prior to their starting date; and

**Whereas**, Many vendors providing essential services are not-for-profit corporations with limited revenue options beyond payments from the City to fulfill contracts; and

**Whereas**, Vendors have testified at hearings before the New York City Council Committee on Contracts that they have taken on debt to continue operations while waiting for delayed payments from the City; and

**Whereas**, Vendors have testified before the New York City Council Committee on Contracts that they receive little guidance on the expected timetable for contract registration; and

**Whereas**, Delays and procedural red tape in the contract publication and registration process create additional costs and uncertainty for vendors; and

**Whereas**, The New York City Charter requires that a public hearing be noticed, and in most cases held, before the City enters into any contract for goods, services or construction valued at \$100,000 or more by a method other than competitive sealed bidding or competitive sealed bids from prequalified vendors; and

**Whereas**, This requirement is time-consuming for the City and lengthens the contract registration process; and

**Whereas**, S.7383/A.8864 would replace the current public hearing requirement with a time-limited online public comment period; and

**Whereas**, The New York State Senate has adopted S.7383, with the companion bill A.8864 now awaiting passage in the Assembly; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Assembly to pass, and the Governor to sign, S.7383/A.8864, establishing an online noticing process for public contracts as well as a time-limited comment period.

Referred to the Committee on Contracts.

## Res. No. 343

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.9057/S.7826, mandating the acceptance of the New York city identity card as a primary form of identification at state-chartered banks, savings banks, savings and loan associations, and credit unions.**

By Council Members Won, Avilés, Louis, Stevens, Farías, Cabán and Banks.

**Whereas**, In January 2015, former Mayor Bill de Blasio launched New York City's municipal identification program, called IDNYC; and

**Whereas**, IDNYC is a free identification card available to all New York City residents, ages 10 and up, regardless of their immigration status; and

**Whereas**, IDNYC is accessible to all, including vulnerable communities that traditionally face obstacles obtaining identification, such as those who are homeless, formerly incarcerated, or undocumented; and

**Whereas**, IDNYC provides a number of benefits to cardholders including health, fitness, cultural and entertainment discounts; and

**Whereas**, IDNYC can be used as proof of identity for city agencies when applying for city services, like SNAP or Section 8, and interacting with the New York City Police Department; and

**Whereas**, According to city data, in the year after the implementation of IDNYC, more than half of the cardholders used IDNYC as their primary form of identification; and

**Whereas**, Significant objectives of IDNYC include increasing access to financial services for unbanked individuals and meeting federal regulations for use at financial institutions; and

**Whereas**, According to the city's website on IDNYC, the card is accepted as a primary form of identification to open a bank or credit union account at more than ten financial institutions throughout the City, including Amalgamated Bank, Carver Federal Savings Bank, East West Bank, First Republic Bank, Lower East Side People's Federal Credit Union, Neighborhood Trust Federal Credit Union, PNC Bank, Spring Bank, Urban Upbound Federal Credit Union, and USALLIANCE; and

**Whereas**, However, banks have been hesitant to accept IDNYC as a primary identification card, with some claiming security concerns; and

**Whereas**, The Federal Reserve, Treasury Department, and Office of the Comptroller of the Currency have said IDNYC meets the requirements of federal anti-money laundering laws; and

**Whereas**, In 2016, the New York State Department of Financial Services urged New York state-chartered financial institutions to accept IDNYC from possible clients; and

**Whereas**, The New York Banker's Association responded by indicating despite comments from both state and federal entities, the choice to accept IDNYC was left up to the discretion of the financial institutions; and

**Whereas**, IDNYC advocates maintain the refusal of IDNYC by some banks as a primary form of identification is not about security because the requirements to get IDNYC is just as stringent as other identification cards; and

**Whereas**, Advocates also noted, after a year and a half into the IDNYC program, none of the banks and credit unions that accepted IDNYC reported problems with fraud or security breaches; and

**Whereas**, According to the Department of Consumer and Worker Protection, over 305,000 New York City households are unbanked, and these households are predominately in neighborhoods with the highest poverty rates, lowest median household incomes, and high unemployment rates; and

**Whereas**, Households that do not utilize traditional banking options can often turn to predatory financial services and are more likely to be victims of financial fraud; and

**Whereas**, A.9057, introduced by Assembly Member Grace Lee and pending in the New York State Assembly, and companion bill S.7826, introduced by Senator Jessica Ramos and pending in the New York State Senate, seek to amend the banking law, in relation to mandating the acceptance of the New York city identity card as a primary form of identification at state-chartered banks, savings banks, savings and loan associations, and credit unions; and

**Whereas**, By opening a bank account, households can build credit, protect their money, pay taxes more easily, and receive direct deposits; and

**Whereas**, Opening a bank account is an important way to build stability and bank account holders are able to participate more effectively in the New York City economy; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, A.9057/S.7826, mandating the acceptance of the New York city identity card as a primary form of identification at state-chartered banks, savings banks, savings and loan associations, and credit unions.

Referred to the Committee on Consumer and Worker Protection.



## Preconsidered L.U. No. 48

By Council Member Brannan:

**1350 Bedford Ave: Block 1205, Lot 28, Brooklyn, Community District 8, Council District 35.**

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

## Preconsidered L.U. No. 49

By Council Member Brannan:

**Crotona Park West: Block 2926, Lots 23 and 27; Block 2927, Lots 31, 33, 38, 42, 50, 57, and 59; Block 2929, Lots 24, 28, 31, and 35; Block 2930, Lots 60, 61, 62, 63, 65, 66, 70, 72, and 74, Bronx, Community District No. 3, Council Districts No. 15 and 16.**

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

## Preconsidered L.U. No. 50

By Council Member Brannan:

**WHGA Amsterdam Garvey: Block 1916, Lot 17; Block 2077, Lot 22, Manhattan, Community District No. 9 and 10, Council District No. 7 and 9.**

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

## Preconsidered L.U. No. 51

By Council Member Salamanca:

**Application number C 240174 HAX (Melrose Concourse NCP) submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Article 16 of the General Municipal Law of New York State for the designation of an Urban Development Action Area and an Urban Development Action Area Project, and pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD, for property located at 12 Gouverneur Place (Block 2388, Lot 55), p/o 1169 Washington Avenue (Block 2389, p/o Lot 47), and 404 Claremont Parkway (Block 2896, Lot 96), Borough of the Bronx, Community District 3, Council District 16.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions (preconsidered but laid over by the Subcommittee on Landmarks, Public Sitings and Dispositions).

## Preconsidered L.U. No. 52

By Council Member Salamanca:

**Application number G 240047 XAX (Melrose Concourse NCP Article XI) submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Section 577 of Article XI of the Private Housing Finance Law, for approval of an exemption from real property taxation for property located at 12 Gouverneur Place (Block 2388, Lot 55), 1169 Washington Avenue (Block 2389, Lot 47), and 404 Claremont Parkway (Block 2896, Lot 96), Borough of the Bronx, Community District 3, Council District 16.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions (preconsidered but laid over by the Subcommittee on Landmarks, Public Sitings and Dispositions).

## Preconsidered L.U. No. 53

By Council Member Salamanca:

**Application number G 240049 NUM (Genesis MPLP UDAAP) submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Article 16 of the General Municipal Law for the approval of an urban development action area project and real property tax exemption for properties located at 220 Lenox Avenue (Block 1720, Lot 35), 222 Lenox Avenue (Block 1720, Lot 36), 33 West 138th Street (Block 1736, Lot 25), 77 Lenox Avenue aka 100 West 114<sup>th</sup> Street (Block 1823, Lot 36), 205 West 115<sup>th</sup> Street (Block 1831, Lot 25), 358 West 116<sup>th</sup> Street (Block 1849, Lot 42), 170 West 130<sup>th</sup> Street (Block 1914, Lot 60), and 203 West 131<sup>st</sup> Street Block 1937, Lot 27), Borough of Manhattan, Community District 10, Council District 9.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions (preconsidered but laid over by the Subcommittee on Landmarks, Public Sitings and Dispositions).

## Preconsidered L.U. No. 54

By Council Member Salamanca:

**Application number G 240050 XAM (Genesis MPLP Article XI) submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Section 577 of Article XI of the Private Housing Finance Law, for approval of an exemption from real property taxation for property located at 220 Lenox Avenue (Block 1720, Lot 35), 222 Lenox Avenue (Block 1720, Lot 36), 33 West 138th Street (Block 1736, Lot 25), 77 Lenox Avenue aka 100 West 114<sup>th</sup> Street (Block 1823, Lot 36), 205 West 115<sup>th</sup> Street (Block 1831, Lot 25), 358 West 116<sup>th</sup> Street (Block 1849, Lot 42), 170 West 130<sup>th</sup> Street (Block 1914, Lot 60), and 203 West 131<sup>st</sup> Street Block 1937, Lot 27), Borough of Manhattan, Community District 10, Council District 9.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions (preconsidered but laid over by the Subcommittee on Landmarks, Public Sitings and Dispositions).

## Preconsidered L.U. No. 55

By Council Member Salamanca:

**Application number N 240010 ZRY (Zoning for Economic Opportunity) submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying multiple Sections to support economic growth and resiliency by providing businesses with additional zoning flexibility to locate and expand, Citywide.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

## Preconsidered L.U. No. 56

By Council Member Salamanca:

**Application number N 240011 ZRY (Zoning for Economic Opportunity – Manufacturing Districts) submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying multiple Sections to add new Manufacturing District options, Citywide.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

## Preconsidered L.U. No. 57

By Council Member Salamanca:

**Application number N 240179 ZRY (Gaming Facility Text Amendment) submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gaming facilities licensed by the State as a permitted use in certain Commercial and Manufacturing districts, Citywide.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

## Preconsidered L.U. No. 58

By Council Member Salamanca:

**Application number C 230051 ZMK (41 Richards Street) submitted by 54 Richards Street, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16a, changing from an M1-1 District to an M1-5 District, Borough of Brooklyn, Community District 6, Council District 38.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

Preconsidered L.U. No. 59

By Council Member Salamanca:

**Application number C 230323 ZMK (817 Avenue H Rezoning) submitted by Agudist Council of Greater New York Inc., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22c, by eliminating from within an existing R5 District a C1-3 District, changing from an R5 District to an R7A District, and establishing within the proposed R7A District a C2-4 District, Borough of Brooklyn, Community District 14, Council District 45.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

Preconsidered L.U. No. 60

By Council Member Salamanca:

**Application number N 230324 ZRK (817 Avenue H Rezoning) submitted by Agudist Council of Greater New York Inc., pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 14, Council District 45.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

Preconsidered L.U. No. 61

By Council Member Salamanca:

**Application C 240075 ZMQ (80-01 Broadway Commercial Overlay) submitted by GWY Realty Inc., pursuant to Sections 197- c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9d by establishing within an existing R7ADistrict, a C2-4 District, Borough of Queens, Community District 4, Council District 25.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

L.U. No. 62

By Council Member Salamanca:

**Application number C 240175 PQX (Melrose Concourse NCP) submitted by the Department of Housing Preservation and Development (HPD), pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 1169 Washington Avenue (Block 2389, p/o Lot 47) to facilitate development of a building containing approximately 34 affordable housing units, Borough of the Bronx, Community District 3, Council District 16.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions

L.U. No. 63

By Council Member Salamanca:

**Application number C 240061 PPQ (97-22 Cresskill Place Disposition) submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of New York City Charter, for the disposition of one city- owned property, located at 97-22 Cresskill Place (10011, Lot 14) pursuant to zoning, Borough of Queens, Community District 12, Council District 27.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions.

L.U. No. 64

By Council Member Salamanca:

**Application number C 230146 ZMK (281-311 Marcus Garvey Boulevard) submitted by Omni New York, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17a, changing from an R6A District to an R7A District, changing from an R6B District to an R7A District, and establishing within the proposed R7A District a C2-4 District, Borough of Brooklyn, Community District 3, Council District 36.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 65

By Council Member Salamanca:

**Application number N 230147 ZRK (281-311 Marcus Garvey Boulevard) submitted by Omni New York, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 3, Council District 36.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 66

By Council Member Salamanca:

**Application number C 230148 ZSK (281-311 Marcus Garvey Boulevard) submitted by Omni New York, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to the following Sections of the Zoning Resolution, Section 74-743(a)(1) to allow the distribution of total allowable floor area without regard for the zoning lot lines or district boundaries; and Section 74-743(a)(2) to modify the height and setback requirements of Section 23-662 (Maximum Height of Buildings and Setback Regulations), Section 23-664 (Modified Height and Setback Regulations for Certain Inclusionary Housing Buildings or Affordable Independent Residences for Seniors), and 23-693 (Special Provisions Applying Adjacent to R1 through R6B Districts); in connection with two proposed mixed-use developments, within a large-scale general development bounded by Quincy Street, a line 120 feet easterly of Marcus Garvey Boulevard, a line midway between Quincy Street and Gates Avenue, Lewis Avenue, a line midway between Gates Avenue and**

**Monroe Street, a line 80 feet easterly of Marcus Garvey Boulevard, Monroe Street, and Marcus Garvey Boulevard (Block 1629, Lot 1 and Block 1634, Lot 1), in R6A, R6B, and R7A/C2-4\* Districts, Borough of Brooklyn, Community District 3, Council District 36.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 67

By Council Member Salamanca:

**Application number C 230152 ZSK (281-311 Marcus Garvey Boulevard) submitted by Omni New York, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-532 of the Zoning Resolution to waive all of the required accessory residential off-street parking spaces for the proposed new development, and to reduce from 234 spaces to 118 spaces the previously required accessory residential parking for an existing development, in connection with a proposed mixed-used development within a large-scale general development in a Transit Zone, bounded by Quincy Street, a line 120 feet easterly of Marcus Garvey Boulevard, a line midway between Quincy Street and Gates Avenue, Lewis Avenue, a line midway between Gates Avenue and Monroe Street, a line 80 feet easterly of Marcus Garvey Boulevard, Monroe Street, and Marcus Garvey Boulevard (Block 1629, Lot 1 and Block 1634, Lot 1), in R6A, R6B, and R7A/C2-4\* Districts, Borough of Brooklyn, Community District 3, Council District 36.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 68

By Council Member Salamanca:

**Application number C 200310 ZMK (1289 Atlantic Avenue Rezoning) submitted by AA Atlantic, LLC, pursuant to Sections 197- c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17a, changing from an M1-1 District to an R6B District and changing from an M1-1 District to a C4-5X District, Borough of Brooklyn, Community District 3, Council District 36.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 69

By Council Member Salamanca:

**Application number N 200293 ZRK (1289 Atlantic Avenue Rezoning) submitted by AA Atlantic, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 3, Council District 36.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

NEW YORK CITY COUNCIL

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

**Monday, April 15, 2024**

Committee on Fire and Emergency Management

Joann Ariola, Chairperson

**Oversight** - The State of FDNY Equipment

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

**Tuesday, April 16, 2024**

Committee on Economic Development

Amanda Farías, Chairperson

**Oversight** - Helicopter Noise and Safety.

**Int 26** - By Council Members Farías, Louis, Restler, Gutiérrez, Hudson, Marte, Hanif, Yeger, Brewer, Holden and Avilés - **A Local Law** to amend the administrative code of the city of New York, in relation to restricting non-essential helicopter operations at city heliports to helicopters powered fully by electric engines.

**Int 27** - By Council Members Farías, Louis, Restler, Gutiérrez, Hudson, Hanif, Holden and Avilés - **A Local Law** to amend the administrative code of the city of New York, in relation to monitoring helicopter noise.

**Int 70** - By Council Members Restler, Farías, Brewer, Hanif, Avilés, Hudson, Gutiérrez, Marte, Won, Abreu, Salaam and Holden (in conjunction with the Manhattan and Brooklyn Borough Presidents) - **A Local Law** to amend the administrative code of the city of New York, in relation to prohibiting non-essential helicopters from operating at heliports owned or operated by the city.

**Res 85** - By Council Members Gennaro, Farías, Brewer, Yeger, Louis and Holden - **Resolution** calling on the New York State Legislature to pass, and the Governor to sign, A.7638-A/S.7216-A, which would establish a noise tax on non-essential helicopter and seaplane flights in cities with a population of one million or more.

**Res 226** - By Council Members Brewer, Holden and Avilés - **Resolution** calling on the New York State Legislature to amend the Hudson River Park Trust Act by banning non-essential use of its heliport.

**Res 233** - By Council Members Brewer, Yeger, Hanif, Won and Holden (by request of the Manhattan and Brooklyn Borough Presidents) - **Resolution** calling upon the United States Federal Aviation Administration to ban all non-essential helicopter travel, including tourist and chartered helicopter flights over New York City.

Committee Room – 250 Broadway, 16th Floor..... 10:00 a.m.

Committee on Immigration jointly with the

Alexa Avilés, Chairperson

Committee on Hospitals

Mercedes Narcisse, Chairperson

**Oversight** – The Experiences of Black Migrants in New York City.

**Int 84** - By Council Members Rivera, Avilés, Louis, Gutiérrez, Hudson, Schulman and Sanchez - **A Local Law** to amend the administrative code of the city of New York, in relation to a survey of newly arrived migrants and asylum seekers, and to repeal such amendments upon the expiration thereof.

**Int 85** - By Council Members Rivera, Avilés, Gutiérrez, Schulman, Sanchez and Louis - **A Local Law** to amend the administrative code of the city of New York, in relation to a health survey of newly arrived migrants and asylum seekers, and to repeal such amendments upon the expiration thereof.

**Int 739** - By Council Members Ayala, Rivera and Louis - **A Local Law** to amend the administrative code of the city of New York, in relation to reports on the response to asylum seeker arrivals and requiring the use of budget codes for funding associated with the response to asylum seeker arrivals.

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

Wednesday, April 17, 2024

[Committee on Consumer and Worker Protection](#) Julie Menin, Chairperson  
**Oversight** - Enforcement of the Fair Workweek Law.  
 Council Chambers – City Hall.....10:00 a.m.

[Committee on Small Business](#) Oswald Feliz, Chairperson  
**Oversight** - Vital Corridors: Storefront Vacancy Rates and Trends.  
 Committee Room – City Hall.....10:00 a.m.

[Subcommittee on Zoning & Franchises](#) Kevin C. Riley, Chairperson  
**See Land Use Calendar**  
 Committee Room – 250 Broadway, 16th Floor..... 10:00 a.m.

[Subcommittee on Landmarks, Public Sitings and Dispositions](#) Kamillah Hanks, Chairperson  
**See Land Use Calendar**  
 Committee Room – 250 Broadway, 16th Floor..... 12:00 p.m.

[Committee on Higher Education](#) Eric Dinowitz, Chairperson  
**Oversight** - How Fit Are CUNY Facilities?  
 Committee Room – City Hall.....1:00 p.m.

[Committee on Hospitals](#) jointly with the Mercedes Narcisse, Chairperson  
[Committee on Health](#) and the Lynn C. Schulman, Chairperson  
[Committee on Education](#) and the Rita Joseph, Chairperson  
[Committee on Mental Health, Disabilities and Addiction](#) Linda Lee, Chairperson  
**Oversight** - School-Based Health Centers and School-Based Mental Health Clinics.  
**Int 341** - By Council Members Narcisse, Brooks-Powers, Joseph, Riley, Hanif, Gennaro, Louis, Hudson, Banks, Ossé, Schulman, Brannan and Avilés - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the New York city department of education to report the number of students reported to the office of school health as having a diagnosis of sickle cell disease or trait.  
**Res 13** - By Council Members Joseph, Lee, Avilés, Farías, Cabán, Stevens, Gennaro, Louis, Rivera, Schulman, Gutiérrez, Hudson, Nurse, Hanks, Salaam, Marte, Riley, Banks, Bottcher, Williams, Feliz, Hanif, Brewer and De La Rosa - **Resolution** designating the second Friday in March annually as Social and Emotional Learning Day in the City of New York and recognizing the importance of ensuring that prekindergarten through twelfth grade public school students acquire the social-emotional competencies needed to succeed in life.  
 Council Chambers – City Hall.....1:00 p.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..... 1:30 p.m.

Thursday, April 18, 2024

**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 two New Yorkers who recently died in fatal fires: 99-year-old Alemise Marcellus died on March 21, 2024 in Council Member Joseph's district; and 38-year old Tracy Ann Douglas died on April 9, 2024 in Council Member Riley's district. On behalf of the Council, the Speaker (Council Member Adams) offered her thoughts and condolences to their loved ones and neighbors.

The Speaker (Council Member Adams) acknowledged the death of NYPD Detective Jonathan Diller. He was fatally shot on March 25, 2024 while conducting a traffic stop in Far Rockaway, Queens. The Speaker (Council Member Adams) noted that Detective Diller had faithfully served the city and the borough of Queens for three years. She described him as a beloved father, husband, son, and brother who positively impacted those around him. On behalf of the Council, the Speaker (Council Member Adams) offered her prayers to his family and his colleagues.

The Speaker (Council Member Adams) acknowledged the death of 19-year-old Win Rozario in Council Member Schulman's district in Queens. On March 27, 2024, Mr. Rozario called 911 while in the midst of a mental health crisis but was tragically shot and killed by responding officers. The Speaker (Council Member Adams) spoke of the important need for community based mental health interventions and evidence-based crisis responses. She reiterated the Council's call for greater investments in mental health services which would advance such goals in the upcoming City Budget. On behalf of the Council, the Speaker (Council Member Adams) offered her prayers to Win Rozario's family.

The Speaker (Council Member Adams) acknowledged the death of longtime Brooklyn DJ Mister Cee. He passed away at the age of 57 on April 10, 2024. The Speaker (Council Member Adams) noted that Mister Cee, who had worked for HOT 97 radio for many years, was recognized as a legendary DJ and as a pioneer in the industry. She further noted that he was pivotal to Big Daddy Kane and the notorious B.I.G.'s careers as well as the careers of many other hip-hop artists.

The Speaker (Council Member Adams) acknowledged that the murderer of 14 year-old Aamir Griffin was recently sentenced to 30 years in prison. Aamir was shot and killed on October 26, 2019 on a basketball court in South Jamaica. She noted that Aamir, a resident of her 28<sup>th</sup> Council District in Queens, was a student and star basketball player at Benjamin Cardozo High School who hoped to make it to the N.B.A. She spoke of how Aamir's death had devastated his family and shaken the community. She remembered the raw emotions that she herself, her staff, community leaders, and members of the 113th Precinct had shared that night following his murder. The Speaker (Council Member Adams) reiterated that it was her vision and intention to upgrade and rename the community center at the Baisley Park Houses as the Aamir Griffin Community Center.

The Speaker (Council Member Adams) noted that *Eid al-Fitr*, marking the end of Ramadan, had started during the previous week on April 9th. She wished a happy *Eid Muburak* to the nearly one million Muslim New Yorkers who help strengthen the city's diversity.

The Speaker (Council Member Adams) acknowledged that April 13<sup>th</sup> marks *Vaisakhi* which is one of the most significant days for the Sikh community. She noted that many Sikhs chose to be baptized on this holiday. She hoped for a wonderful day of reflection and celebration for those observing *Vaisakhi*.

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Whereupon on motion of the Speaker (Council Member Adams), the Majority Leader and Acting President Pro Tempore (Council Member Farías) adjourned these proceedings to meet again for the Stated Meeting on Thursday, April 18, 2024.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

*Editor's Local Law Note:* Int. No. 653-A, adopted by the Council at the March 19, 2024 Stated Meeting, and Int. No. 1-B, adopted by the Council at the March 7, 2024 Stated Meeting, were both signed into law by the Mayor on March 25, 2024 as Local Law Nos. 47 and 48 of 2024, respectively.

Int. Nos. 19-A, 21-A, 49-A, 50-A, and 51-A, all adopted at the February 28, 2024 Stated Meeting, were returned unsigned by the Mayor on April 1, 2024. These items had become law on March 29, 2024 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Laws Nos. 49 through 53 of 2024, respectively.

Int. Nos. 4-A, 17-B, and 172, all adopted at the March 7, 2024 Stated Meeting, were returned unsigned by the Mayor on April 8, 2024. These items had become law on April 6, 2024 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Laws Nos. 54 through 56 of 2024, respectively.

*Editor's Note:* For the transcript of these proceedings, please refer to the respective attachment section of items introduced or adopted at this Stated Meeting of April 11, 2024 on the New York City Council website at <https://council.nyc.gov>.