

## THE COUNCIL

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*Minutes of the Proceedings for the*  
**STATED MEETING**  
*of*  
Thursday, April 18, 2024, 1:40 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	Vickie Paladino
Joann Ariola	Shahana K. Hanif	Keith Powers
Alexa Avilés	Kamillah M. Hanks	Lincoln Restler
Diana I. Ayala	Robert F. Holden	Kevin C. Riley
Chris Banks	Crystal Hudson	Yusef Salaam
Joseph C. Borelli	Rita C. Joseph	Rafael Salamanca, Jr
Erik D. Bottcher	Shekar Krishnan	Pierina A. Sanchez
Justin L. Brannan	Linda Lee	Lynn C. Schulman
Gale A. Brewer	Farah N. Louis	Althea V. Stevens
Selvena N. Brooks-Powers	Kristy Marmorato	Sandra Ung
Tiffany L. Cabán	Christopher Marte	Inna Vernikov
David M. Carr	Darlene Mealy	Nantasha M. Williams
Carmen N. De La Rosa	Julie Menin	Julie Won
Eric Dinowitz	Francisco P. Moya	Kalman Yeger
Amanda C. Farías	Mercedes Narcisse	Susan Zhuang
Oswald J. Feliz	Sandy Nurse	
James F. Gennaro	Chi A. Ossé	

Parental Leave: Council Member Rivera.

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

### INVOCATION

The Invocation was delivered by Pastor Martin Chang, Edge City Church, located at 46-16 Little Neck Parkway, Queens, N.Y. 11362.

Can I invite you now to bow your heads with me?  
As we pray, we get to invoke the name  
and the presence of God in our midst.

Let us pray.  
God, our Father,  
in Heaven may your name be known and revered.  
We give you thanks for all the goodness  
flowing from who you are.  
We thank you for all the kindness  
to all in our beloved city.  
At the same time, we are profoundly aware  
of the manifold needs in our midst,  
the signs of brokenness in the faces  
of familiar and stranger alike,  
the threat of breakdown in our systems.  
We beseech you for your help,  
working not only through the means  
of municipal polity and policy,  
but interfacing directly and throughout.  
God, you call us to seek  
the verdant welfare of this city and all who inhabit it,  
not just the privileged and influential,  
but marginalized, the forgotten.  
May our eyes and ears be attentive  
to all, not just some.  
God, we are so grateful  
for these gathered gifted leaders here,  
how they pour themselves out  
for the good of many millions they represent and serve.  
I ask that you would send timely downloads  
of supernatural compassion and innovation.  
Holy Spirit, won't you come  
and anoint these women and men  
with actionable wisdom and the humility  
to recognize and integrate it together?  
God, we grieve the increasingly polarized climate  
that makes it near impossible  
to generally hear one another.  
It feels as though it would take a miracle  
for a meaningful unity and purpose to take hold,  
but when it is according to your will,

we are stirred to pray for such a miracle,  
and we do for such a time as this.  
God, full of love and power, we bless you;  
won't you bless this Stated Meeting,  
this Council, Speaker, and Mayor, and this city?  
In the unique name of your son, Jesus, we pray.  
Amen.

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

#### **ADOPTION OF MINUTES**

Council Member Powers moved that the Minutes of the Stated Meeting of March 19, 2024 be adopted as printed.

**Council Member Williams’s Motion to Recommit L.U. No. 63 & Res. No. 396**

During the Discussion of General Orders segment of this meeting, Council Member Williams moved to recommit L.U. No. 63 & Res. No. 396 back to the Committee on Land Use for further consideration. She noted that the land use item in question was related to the 97-22 Cresskill Place Disposition in her district.

The Majority Leader and the Acting President Pro Tempore (Council Member Farías) asked if anyone would like to speak on the motion – seeing none, the motion in favor of recommitting L.U. No. 63 & Res. No. 396 was sent to the floor for a vote.

The Majority Leader and Acting President Pro Tempore (Council Member Farías) put the question whether the Council would agree with and adopt such motion to recommit which was 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, Hanif, Hanks, Holden, Hudson, Joseph, Krishnan, Lee, Louis, Marmorato, Marte, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Paladino, Powers, Restler, Riley, Salaam, Salamanca, Sanchez, Schulman, Stevens, Ung, Vernikov, Williams, Won, Yeger, Zhuang, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Farías) and the Speaker (Council Member Adams) - **50**.

**The vote to recommit L.U. No. 63 & Res. No. 396 back to the Committee on Land Use for further consideration was recorded as 50-0-0 as shown above.**

Shortly before the Roll Call on General Orders later in the meeting, the Majority Leader and Acting President Pro Tempore (Council Member Adams) made a further point of clarification: L.U. No. 63 & Res. No. 396 was recommitted to the Committee and Land Use and was not coupled on the day’s General Orders.

## REPORTS OF THE STANDING COMMITTEES

### Report of the Committee on Aging

Report for Int. No. 689-A

#### **Report of the Committee on Aging in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to a cabinet for older New Yorkers.**

The Committee on Aging, to which the annexed proposed amended local law was referred on March 19, 2024 (Minutes, page 1432), respectfully

#### REPORTS:

##### I. INTRODUCTION

On April 18, 2024, the Committee on Aging, chaired by Council Member Crystal Hudson, considered Proposed Introduction Number 689-A (Int. No. 689-A) by Council Member Hudson, in relation to a cabinet for older New Yorkers.

The Committee previously held a hearing on Int. No. 68-A on April 4, 2024, and received testimony from the New York City (“NYC” or “City”) Department for the Aging (“DFTA”), older adult advocates, and other interested stakeholders. On April 18, 2024, the Committee passed this legislation by a vote of six in the affirmative, zero in the negative, and zero abstentions.

##### II. BACKGROUND

Older adults are rapidly becoming a larger percentage of the population nationally and in New York State (NYS).<sup>1</sup> As such, older adults are driving most of the population growth in NYS.<sup>2</sup> In NYC, which is currently home to 1.8 million older New Yorkers, the population of residents aged 65 years and older increased by 36 percent over the past decade, from 1,010,156 in 2011 to 1,373,495 in 2021.<sup>3</sup> Older New Yorkers currently account for 16.2 percent of the City’s population.<sup>4</sup> Among the boroughs, Queens is home to the largest older adult population of any county in the State, while Brooklyn is home to the second largest older adult population.<sup>5</sup> By 2040, DFTA projects the population of older adults to reach 1.86 million, or 20.6 percent of the City’s population.<sup>6</sup>

As the City’s agency tasked with serving older adults, DFTA’s overarching mission is to “eliminate ageism and ensure the dignity and quality of life of... older New Yorkers,” and the agency is “deeply committed to helping older adults age in their homes and creating a community-care approach that reflects a model age-inclusive city.”<sup>7</sup> To fulfill its mission, DFTA promotes, administers, and coordinates the development and provision of services that allow older New Yorkers to maintain independence and participation in their

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<sup>1</sup> Jonathan Bowles, Eli Dvorkin & Charles Shaviro, *Keeping Pace with an Aging New York State*, Center for an Urban Future (Jan. 2023), accessible at <https://nycfuture.org/research/keeping-pace-with-an-aging-new-york-state>.

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

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

<sup>4</sup> *Id.*

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

<sup>6</sup> NYC Department for the Aging, *Commissioner’s Message* (n.d.), accessible at <https://www.nyc.gov/site/dfta/about/commissioners-message.page>.

<sup>7</sup> The City of New York, Preliminary Mayor’s Management Report: Preliminary Fiscal 2024 (Jan. 2024), 222, accessed at [https://www.nyc.gov/assets/operations/downloads/pdf/pmmr2024/2024\\_pmmr.pdf](https://www.nyc.gov/assets/operations/downloads/pdf/pmmr2024/2024_pmmr.pdf).

communities.<sup>8</sup> DFTA supports a broad range of services, both directly and through approximately 400 direct service contracts with community-based organizations across the five boroughs.<sup>9</sup>

These services include, but are not limited to, older adult centers (OACs), which offer meals, activities, classes and activities, fitness programs and social services;<sup>10</sup> geriatric mental health, which are offered in various languages at OACs;<sup>11</sup> in-home services for older adults who require assistance taking care of themselves;<sup>12</sup> caregiving, which provides resources and programs to help those caring for older adults;<sup>13</sup> health insurance assistance to help older adults with questions about Medicare;<sup>14</sup> crisis intervention and safety planning for older adults experiencing elder abuse and crime;<sup>15</sup> Friendly Visiting, which is a volunteer program to connect socially isolated older adults;<sup>16</sup> older adult workforce programs;<sup>17</sup> volunteer opportunities;<sup>18</sup> housing support;<sup>19</sup> transportation services;<sup>20</sup> legal assistance;<sup>21</sup> Naturally Occurring Retirement Communities;<sup>22</sup> a Bill Payer Program to help older adults organize and pay their bills on time;<sup>23</sup> and NY Connects, which provides one stop access to free, objective, comprehensive information and assistance to callers.<sup>24</sup>

### III. CABINET FOR OLDER NEW YORKERS

Given the unique and growing needs of its rapidly growing older adult population, it is essential that the City provides for efficient coordination among its agencies to ensure that it is an age-inclusive city. To that end, in September 2022, Mayor Eric Adams announced the NYC Cabinet for Older New Yorkers (“Cabinet”),<sup>25</sup> “[a]n inter-agency collaborative established to realize and institutionalize an age-inclusive New York City through structural, legislative, and systemic solutions.”<sup>26</sup> The Cabinet, which is chaired by DFTA Commissioner

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

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

<sup>10</sup> New York City Department for the Aging, Services: Older Adult Centers (n.d.), accessed at <https://www.nyc.gov/site/dfta/services/older-adult-center.page>.

<sup>11</sup> New York City Department for the Aging, Services: Geriatric Mental Health (n.d.), accessed at <https://www.nyc.gov/site/dfta/services/geriatric-mental-health.page>.

<sup>12</sup> New York City Department for the Aging, Services: In-Home Services (n.d.), accessed at <https://www.nyc.gov/site/dfta/services/in-home-services.page>.

<sup>13</sup> New York City Department for the Aging, Services: Caregiving (n.d.), accessed at <https://www.nyc.gov/site/dfta/services/caregiving.page>.

<sup>14</sup> New York City Department for the Aging, Services: Health Insurance Assistance (n.d.), accessed at <https://www.nyc.gov/site/dfta/services/health-insurance-assistance.page>.

<sup>15</sup> New York City Department for the Aging, Services: Elder Abuse & Crime (n.d.), accessed at <https://www.nyc.gov/site/dfta/services/elder-abuse-crime.page>.

<sup>16</sup> New York City Department for the Aging, Services: Friendly Visiting (n.d.), accessed at <https://www.nyc.gov/site/dfta/services/friendly-visiting.page>.

<sup>17</sup> New York City Department for the Aging, Services: Older Adult Workforce (n.d.), accessed at <https://www.nyc.gov/site/dfta/services/older-adult-workforce.page>.

<sup>18</sup> New York City Department for the Aging, Services: Volunteer (n.d.), accessed at <https://www.nyc.gov/site/dfta/services/volunteer.page>.

<sup>19</sup> New York City Department for the Aging, Services: Housing Support (n.d.), accessed at <https://www.nyc.gov/site/dfta/services/housing-support.page>.

<sup>20</sup> New York City Department for the Aging, Services: Transportation (n.d.), accessed at <https://www.nyc.gov/site/dfta/services/transportation.page>.

<sup>21</sup> New York City Department for the Aging, Services: Legal Help (n.d.), accessed at <https://www.nyc.gov/site/dfta/services/legal-help.page>.

<sup>22</sup> New York City Department for the Aging, Services: Naturally Occurring Retirement Communities (n.d.), accessed at <https://www.nyc.gov/site/dfta/services/naturally-occurring-retirement-communities.page>.

<sup>23</sup> New York City Department for the Aging, Services: Bill Payer Program (n.d.), accessed at <https://www.nyc.gov/site/dfta/services/bill-payer-program.page>.

<sup>24</sup> New York City Department for the Aging, Services: NY Connects (n.d.), accessed at <https://www.nyc.gov/site/dfta/services/ny-connects.page>.

<sup>25</sup> Office of the Mayor of New York City, “Mayor Adams Announces NYC Cabinet for Older New Yorkers, Coordinated City Agency Collective to Better Serve Residents Over 60” (Sept. 22, 2022), press release, accessed at <https://www.nyc.gov/office-of-the-mayor/news/697-22/mayor-adams-nyc-cabinet-older-new-yorkers-coordinated-city-agency-collective-to>.

<sup>26</sup> New York City Cabinet for Older New Yorkers, Overview (n.d.), accessed at <https://www.nyc.gov/site/cabinetforoldernewyorkers/about/overview.page>.

Lorraine Cortés-Vázquez and includes members from 23 agencies, represents a cross-section of City agencies that provide services to older New Yorkers.<sup>27</sup>

According to its website, the Cabinet has several initiatives related to health, housing, intergenerational education, outreach and engagement, safety, and transportation.<sup>28</sup> Among those initiatives is educating front-line professionals on existing community-based services available for older adults, and institutionalizing an approach to regularly review and update trainings to keep them up-to-date.<sup>29</sup> With regard to housing, the Cabinet is seeking to increase enrollment in Senior Citizen Rent Increase Exemption (SCRIE) and Disability Rent Increase Exemption (DRIE) benefits, as well as removing barriers to safe and affordable housing so that older New Yorkers can age in their homes and communities.<sup>30</sup> Concerning intergenerational outreach, the Cabinet launched an Anti-Ageism High School Resource Guide to educate students on ageism and its impact.<sup>31</sup> Similarly, the Cabinet is seeking to educate NYC311 Call Center Representatives with information on aging services and age discrimination.<sup>32</sup> With regard to safety, the NYC Police Department has designated Older Adult Liaisons for each of the 77 Precincts and nine Police Service Areas.<sup>33</sup> Additionally, police officers are required to undergo older adult awareness and response training.<sup>34</sup> Lastly, concerning transportation, the Cabinet is seeking to ensure age-inclusive older adult pedestrian planning.<sup>35</sup>

#### IV. LEGISLATIVE ANALYSIS

##### **Int. No. 689-A – A Local Law to amend the New York city charter, in relation to a cabinet for older New Yorkers**

This bill would codify a Cabinet for Older New Yorkers, made up of the commissioners of City agencies or their designees and chaired by the commissioner of the Department for the Aging. The Cabinet would facilitate inter-agency collaboration to improve services for older New Yorkers. The Commissioner of the Department for the Aging would be required to report to the Council, the Public Advocate, the Comptroller, the Borough Presidents and the public on the activity of the Cabinet.

Since being heard, the bill received technical edits, and was amended to expand the Cabinet’s membership and expand the list of required invitees to cabinet meetings to include the City’s public libraries. The bill was further amended to require that the required report be distributed to the Public Advocate, the Comptroller, and the Borough Presidents in addition to the Council.

**(The following is the text of the Fiscal Impact Statement for Int. No. 689-A:)**

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

<sup>28</sup> New York City Cabinet for Older New Yorkers, Initiatives (n.d.), accessed at <https://www.nyc.gov/site/cabinetforoldernewyorkers/initiatives/health.page>.

<sup>29</sup> New York City Cabinet for Older New Yorkers, Initiatives: Health (n.d.), accessed at <https://www.nyc.gov/site/cabinetforoldernewyorkers/initiatives/health.page>.

<sup>30</sup> New York City Cabinet for Older New Yorkers, Initiatives: Housing (n.d.), accessed at <https://www.nyc.gov/site/cabinetforoldernewyorkers/initiatives/housing.page>.

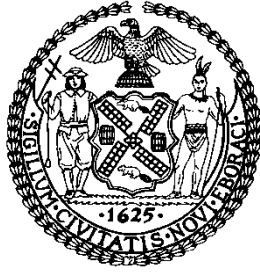
<sup>31</sup> New York City Cabinet for Older New Yorkers, Initiatives: Intergenerational (n.d.), accessed at <https://www.nyc.gov/site/cabinetforoldernewyorkers/initiatives/intergenerational.page>.

<sup>32</sup> New York City Cabinet for Older New Yorkers, Initiatives: Outreach and Engagement (n.d.), accessed at <https://www.nyc.gov/site/cabinetforoldernewyorkers/initiatives/outreach-and-engagement.page>.

<sup>33</sup> New York City Cabinet for Older New Yorkers, Initiatives: Safety (n.d.), accessed at <https://www.nyc.gov/site/cabinetforoldernewyorkers/initiatives/safety.page>.

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

<sup>35</sup> New York City Cabinet for Older New Yorkers, Initiatives: Transportation (n.d.), accessed at <https://www.nyc.gov/site/cabinetforoldernewyorkers/initiatives/transportation.page>.



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

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

**RICHARD LEE, FINANCE DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 689-A**

**COMMITTEE: Aging**

**TITLE:** A Local Law to amend the New York city charter, in relation to a cabinet for older New Yorkers.

**SPONSOR(S):** Council Members Hudson, Gennaro, Gutiérrez, Zhuang, Louis, Schulman, Brooks-Powers, Fariás.

**SUMMARY OF LEGISLATION:** Proposed Int. No. 689-A would codify a Cabinet for Older New Yorkers, made up of the commissioners of city agencies or their designees and chaired by the commissioner of the Department for the Aging (NYC Aging). The cabinet would facilitate inter-agency collaboration to improve services for older New Yorkers. Beginning one year after the effective date of this law and annually thereafter, the commissioner of NYC Aging would be required to report to the Council, the Public Advocate, the Comptroller, the Borough Presidents, and the public on the activity of the Cabinet.

**EFFECTIVE DATE:** This local law would take effect 90 days after it becomes law.

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

**FISCAL IMPACT STATEMENT:**

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

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation, in addition if there are expenses, NYC Aging will utilize existing resources.

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

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

**ESTIMATE PREPARED BY:** Saiyemul Hamid, Financial Analyst

**ESTIMATE REVIEWED BY:** Julia K. Haramis, Unit Head  
Elizabeth Hoffman, Assistant Director  
Michael Twomey, Assistant Counsel



**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on March 19, 2024, as Int. No. 689 and was referred to the Committee on Aging (the Committee). A hearing was held by the Committee on April 4, 2024, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 689-A, will be voted on by the Committee at a hearing on April 18, 2024. Upon a successful vote by the Committee, Proposed Int. No. 689-A will be submitted to the full Council for a vote on April 18, 2024.

**DATE PREPARED:** April 11, 2024.

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

**(The following is the text of Int. No. 689-A:)**

Int. No. 689-A

By Council Members Hudson, Gennaro, Gutiérrez, Zhuang, Louis, Schulman, Brooks-Powers and Farías.

**A Local Law to amend the New York city charter, in relation to a cabinet for older New Yorkers**

*Be it enacted by the Council as follows:*

Section 1. Chapter 66 of the New York city charter is amended by adding a new section 2405 to read as follows:

§ 2405. *Cabinet for older New Yorkers. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Mayor’s office for people with disabilities. The term “mayor’s office for people with disabilities” means the office established under executive order number 17 for the year 1990.*

*Mayor’s office of talent and workforce development. The term “mayor’s office of talent and workforce development” means the office established under executive order number 22 for the year 2022.*

*NYC service. The term “NYC service” means the division of the office of the mayor focused on volunteerism and service in New York city established in the year 2009.*

*b. The entities defined in subdivision a of this section shall include any successor office or other agency that carries out the same or substantially similar functions as such entities.*

*c. Cabinet. There shall be a cabinet for older New Yorkers. The cabinet shall meet at least once quarterly.*

*d. Duties. The cabinet shall facilitate coordination across agencies to further the elimination of age-related barriers and inequities in the provision of services to older adults and review current and future initiatives to ensure that such initiatives are inclusive of older adults.*

*e. Members. The cabinet shall be composed of the following members, or their designees:*

- 1. Commissioner for the aging, who shall serve as chair;*
- 2. Chair of the civic engagement commission;*
- 3. Commissioner of information technology and telecommunications;*
- 4. Commissioner of equity;*
- 5. Chair of the commission on human rights;*
- 6. Commissioner of consumer and worker protection;*
- 7. Commissioner of cultural affairs;*
- 8. Commissioner of health and mental hygiene;*
- 9. Commissioner of housing preservation and development;*
- 10. Commissioner of parks and recreation;*
- 11. Police commissioner;*
- 12. Commissioner of small business services;*
- 13. Commissioner of social services;*
- 14. Commissioner of transportation;*
- 15. Commissioner of veterans’ services;*
- 16. Commissioner of youth and community development;*

17. Chief service officer of NYC service;
18. Director of the office of community mental health;
19. Director of the office of criminal justice;
20. Director of the office of food policy;
21. Director of the office of immigrant affairs;
22. Commissioner of the mayor's office for people with disabilities;
23. Director of the office of talent and workforce development; and
24. Director of the office of urban agriculture.

f. Required invitations. The commissioner shall also invite to participate in the work of the cabinet the following persons, or their designees:

1. Chancellor of the city school district of the city of New York;
2. Chief executive officer of the New York city health and hospitals corporation;
3. Chief executive officer of the New York city housing authority;
4. President of the Brooklyn public library;
5. President of the New York public library; and
6. President of the Queens public library.

g. Optional invitations. The commissioner may invite representatives of any relevant federal, state, or local entity to participate in the work of the cabinet.

h. Report. One year after the effective date of the local law that added this section and annually thereafter, the commissioner shall submit to the speaker of the council, the public advocate, the comptroller, and the Bronx, Brooklyn, Manhattan, Queens, and Staten Island borough presidents, and post on the website of the department a report on the work of the cabinet. Such report shall include, but need not be limited to:

1. Actions taken or proposed as a result of the meeting of such cabinet;
2. Attendance at cabinet meetings; and
3. Minutes of cabinet meetings.

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

CRYSTAL HUDSON, Chairperson; DARLENE MEALY, LYNN C. SCHULMAN, CHRIS BANKS, YUSEF SALAAM, SUSAN ZHUANG; 6-0-0; Absent: Linda Lee; Committee on Aging, April 18, 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 Environmental Protection, Resiliency and Waterfronts

Report for Int. No. 129-A

### Report of the Committee on Environmental Protection, Resiliency and Waterfronts in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to establishing a pilot program to construct solar canopies in certain parking lots.

The Committee on Environmental Protection, Resiliency and Waterfronts, to which the annexed proposed amended local law was referred on February 28, 2024 (Minutes, page 419), respectfully

#### REPORTS:

#### I. INTRODUCTION

On April 18, 2024, the New York City Council Committee on Environmental Protection, Resiliency, and Waterfronts (the “Committee”), chaired by Council Member James F. Gennaro, held a hearing to vote on Int. No. 129-A, sponsored by Council Member Justin Brannan, in relation to establishing a pilot program to construct solar canopies in certain parking lots. Int. No. 129-A was first heard by the Committee on March 1, 2024.

#### II. BACKGROUND

The New York City (“NYC” or the “City”) owns or operates parking lots throughout the city for both private and municipal vehicles. The Department of Transportation, for example, operates 38 municipal parking lots across the five boroughs, with a combined total capacity of 7,360 parking spaces.<sup>1</sup> Other agencies that operate parking lots include the Parks Department and the Department of Sanitation. These facilities may present an opportunity to increase the installation of solar photovoltaic technologies (“PV”), more commonly known as solar panels, on City-owned property. Installing solar PV over municipal parking lots can provide shade and a measure of weather protection for customers as well as power for those seeking to charge electric vehicles (“EVs”),<sup>2</sup> while improving grid reliability through increased distributed energy generation, and potentially providing the City with additional income through the sale of excess electricity.

In February 2023, the Department of Citywide Administrative Services (“DCAS”) reported that it had installed 85 solar carports throughout NYC and would install another 71 solar carports by July 2023.<sup>3</sup> Solar carports are freestanding structures, not necessarily connected to the electric grid, that are covered with solar PV and may power EV charging stations. According to DCAS, each of the 71 new carports costs approximately \$74,000 and powers two direct current fast chargers (“DCFCs”),<sup>4</sup> which have a typical power output of 50 kilowatts (“kW”) or more and can charge an EV in 20 minutes to one hour.<sup>5</sup> Additionally, DCAS announced in October 2023 that it would install four new solar carports on New York City Housing Authority public housing parking lots across the City.<sup>6</sup>

<sup>1</sup> “Municipal Parking Facilities,” New York City Department of Transportation, *available at*: <https://www.nyc.gov/html/dot/html/motorist/parkinglist.shtml>

<sup>2</sup> Andrew Blok, “Solar Parking Lots Are a Win-Win Energy Idea. Why Aren't They the Norm?,” CNET, February 13, 2023, *available at*: <https://www.cnet.com/home/energy-and-utilities/solar-parking-lots-are-a-win-win-energy-idea-why-arent-they-the-norm/>

<sup>3</sup> “NYC DCAS Adds 71 Solar Electric Vehicle Chargers to Power Fleet Vehicles Using Nothing but Sunlight,” NYC Department of Citywide Administrative Services, February 10, 2023, *available at*: <https://www.nyc.gov/site/dcas/news/23-005/nyc-dcas-adds-71-solar-electric-vehicle-chargers-power-fleet-vehicles-using-nothing-sunlight>

<sup>4</sup> *Id.*

<sup>5</sup> “Charger Types and Speeds,” U.S. Department of Transportation, *available at*: <https://www.transportation.gov/rural/ev/toolkit/ev-basics/charging-speeds>

<sup>6</sup> “Mayor Adams Signs Bill Paving Way for Electrification Of All City Government Vehicles,” NYC Department of Citywide Administrative Services, *available at*: <https://www.nyc.gov/site/dcas/news/23-014/mayor-adams-signs-bill-paving-way-electrification-all-city-government-vehicles>

The installation of solar carports complements the expected growth of EV ownership. In December 2022, the New York State Department of Environmental Conservation (“DEC”) adopted rules that require all new light-duty cars sold in the state to be zero emission by 2035,<sup>7</sup> which will likely accelerate EV adoption statewide. Installation of solar carports may also ensure that the City’s EV fleet has sufficient access to charging infrastructure. Currently, 4,646 out of 28,520 vehicles in the City’s fleet are electric.<sup>8</sup> However, that number is likely to increase as the City implements Local Law 140 of 2023 (“LL140”). The law requires that all light- and medium-duty vehicles procured by the City after July 2025 be zero emission vehicles, such that all light- and medium-duty vehicles in the City’s fleet are zero emission vehicles by July 2035.<sup>9</sup> LL140 also requires that all heavy-duty vehicles procured after July 2028 be zero emission vehicles such that all heavy-duty vehicles in the City’s fleet are zero emission vehicles by July 2038.<sup>10</sup> These procurement requirements are subject to certain exceptions, such as cost, availability, and lack of charging infrastructure.<sup>11</sup>

### III. LEGISLATION

#### Int. No. 129-A

This bill would mandate that DCAS, or another agency designated by the mayor, create a pilot program to install solar canopies at no less than one City-controlled parking lot where such a canopy would be cost effective in each borough. To the extent practicable, such canopies would need to be installed within two years. In addition, for each City-controlled parking lot at which a solar canopy is installed, DCAS or such other agency would be required to install at least five EV chargers with a minimum charging capacity of six kilowatts. After the conclusion of the pilot program, this bill would require a report on, among other things, the total number and locations of City-controlled parking lots where solar canopies were installed as part of the pilot program and where they would be cost effective, and recommendations as to whether and how the pilot program may be expanded and made permanent.

This local law would take effect immediately.

#### UPDATE

On Thursday, April 18, 2024, the Committee adopted Int. No. 129-A by a vote of seven in the affirmative, zero in the negative, zero abstentions, and two absences.

**(The following is the text of the Fiscal Impact Statement for Int. No. 129-A:)**

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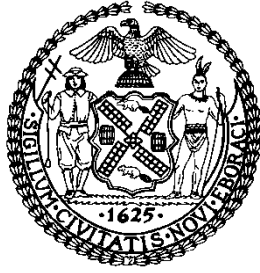
<sup>7</sup> “DEC Announces Adoption of Advanced Clean Cars II Rules for New Passenger Cars and Light-Duty Truck Sales,” NYS Department of Environmental Conservation, December 29, 2022, *available at*: <https://dec.ny.gov/news/press-releases/2022/12/dec-announces-adoption-of-advanced-clean-cars-ii-rule-for-new-passenger-cars-and-light-duty-truck-sales>

<sup>8</sup> Vehicle Fleets and Maintenance, NYC Department of Citywide Administrative Services, *available at*: <https://www.nyc.gov/assets/dcas/downloads/pdf/fleet/mmr-vehicle-fleets-and-maintenance-fy2023.pdf>

<sup>9</sup> Local Law 140 of 2023, NYC Council, *available at*: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5570518&GUID=7D043D66-332E-4243-9083-D9CA6A202E4D&Options=ID|Text|Other|&Search=0279-A>

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

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



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

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

**RICHARD LEE, FINANCE DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 129-A**

**COMMITTEE:** Environmental Protection, Resiliency  
and Waterfronts

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to establishing a pilot program to construct solar canopies in certain parking lots.

**Sponsors:** Council Members Brannan, Dinowitz, Restler, Won, Brewer, Hanif, Hudson, Gennaro, (by request of the Queens Borough President).

**SUMMARY OF LEGISLATION:** This bill would mandate that the Department of Citywide Administrative Services (DCAS), or another agency designated by the Mayor, create a pilot program to install solar canopies at no less than 1 city-controlled parking lot where such a canopy would be cost effective in each borough. To the extent practicable, such canopies would need to be installed within 2 years. In addition, for each city controlled parking lot at which a solar canopy is installed, DCAS or such other agency would be required to install at least 5 electric vehicle chargers with a minimum charging capacity of 6 kilowatts. After the conclusion of the pilot program, this local law would require a report on, among other things, the total number and locations of city-controlled parking lots where solar canopies were installed as part of the pilot program and where they would be cost effective, and recommendations as to whether and how the pilot program may be expanded and made permanent.

**EFFECTIVE DATE:** This bill would take effect immediately.

**FISCAL YEAR (FY) IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal Year 2026

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY25</b>	<b>FY Succeeding Effective FY25</b>	<b>Full Fiscal Impact FY25</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$300,000
<b>Net</b>	\$0	\$0	\$300,000

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

**IMPACT ON EXPENDITURES:** The projected cost for the installation of a solar canopy outputting at least 30 kW is \$60,000. To install at least one solar canopy at one municipal parking lot in each borough would cost \$300,000. Since these municipal parking lots are already equipped with at least 5 electric vehicle chargers with a minimum charging capacity of 6 kW, there is no cost associated with installing the chargers. There are several potential costs relating to the legislation that would not be able to be determined until it was implemented, including: any

site requirements that would lead to additional construction costs, the need to retrofit chargers, and any additional staffing necessary. There would also likely be some offsetting savings from reduced energy costs that cannot be estimated at this time.

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

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

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

**ESTIMATE REVIEWED BY:** Aliya Ali, Unit Head  
Elizabeth Hoffman, A Director  
Michael Twomey, Finance Division Assistant Counsel  
Jonathan Rosenberg, Managing Deputy Director

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on February 28, 2024, as Intro. No. 129 and referred to the Committee on Environmental Protection, Resiliency and Waterfronts (the Committee). The legislation was considered by the Committee at a hearing held on March 1, 2024, and laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. No. 129-A will be considered by the Committee on April 18, 2024. Upon successful vote by the Committee, Proposed Intro. No. 129-A will be submitted to the full Council for a vote on April 18, 2024.

**DATE PREPARED:** 4/16/2024.

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

**(The following is the text of Int. No. 129-A:)**

Int. No. 129-A

By Council Members Brannan, Dinowitz, Restler, Won, Brewer, Hanif, Hudson, Gennaro and Avilés (by request of the Queens Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to establishing a pilot program to construct solar canopies in certain parking lots**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 4 of the administrative code of the city of New York is amended by adding a new section 4-218 to read as follows:

§ 4-218 Solar energy generation on city-controlled parking lots. a. As used in this section, the following terms have the following meanings:

*City-controlled parking lot.* The term “city-controlled parking lot” means an open parking lot, as such term is defined in the New York city building code, that the city operates on property that is owned by the city or leased by the city pursuant to an agreement that would allow the city to install a solar canopy on such lot in accordance with this section, provided, however, that city-controlled parking lot does not mean a parking lot that is leased to or operated by a person or entity other than the city.

*Cost-effective.* The term “cost-effective” means, with respect to the installation of a solar canopy on a city-controlled parking lot, that the cumulative savings with respect to such solar canopy will, within 25 years of such installation, be equal to or exceed the expected net cost of such solar canopy over the same period. The calculation of cost-effectiveness shall include:

1. The expected net present value to the city of the energy that would be produced by such canopy, if such canopy remained active, over such 25 year period after such canopy is installed, or, where a city-controlled

*parking lot is not owned by the city, over the lesser of such 25 year period or the length of time remaining before the lease for such lot expires or is due to be renewed; and*

*2. The value of emissions reductions attributable to such canopy over the applicable time period described in paragraph 1 of this term, which shall be calculated using a social cost of carbon value, as provided in a rule promulgated pursuant to paragraph 4 of subdivision d of section 3-125, or if no such rule exists, the greater of a social cost of carbon value, if any, determined by the United States environmental protection agency for the applicable year or \$142 per metric ton of carbon dioxide equivalent, provided, however, that a site- or project-specific social cost of carbon value may be developed and used in lieu of the social cost of carbon value provided herein if such site- or project-specific social cost of carbon value is higher than the social cost of carbon value provided by this paragraph.*

*Department. The term “department” means the department of citywide administrative services.*

*Net cost. The term “net cost” means the gross cost to the city of the acquisition, installation, and maintenance of a solar canopy on a city-controlled parking lot minus an amount equal to the sum of all federal, state, and other non-city governmental assistance utilized by the city to offset such gross cost.*

*Solar canopy. The term “solar canopy” means a structure covering 1 or more parking spaces that is designed and constructed to capture solar radiation for the purpose of producing usable energy.*

*b. Identification of locations. The department shall, with the cooperation of all other relevant agencies, review all city-controlled parking lots and identify city-controlled parking lots where the installation of solar canopies would be cost-effective.*

*c. Pilot program. 1. The department, or another agency designated by the mayor, with the cooperation of all other relevant agencies, shall establish a pilot program to install and maintain solar canopies on city-controlled parking lots. Such pilot program shall include the installation of a solar canopy on at least 1 city-controlled parking lot in each borough where there is a city-controlled parking lot identified by the department pursuant to subdivision b of this section. To the extent practicable, such solar canopies shall be installed no later than 2 years after the effective date of the local law that added this section. In the event that the department or such agency designated by the mayor determines that it will be unable to install such solar canopies by such deadline, the department or such agency shall immediately notify the mayor and the speaker of the council and provide an explanation for the delay, along with the anticipated date on which such installations will be complete. Such pilot program shall continue for 1 year following such installation.*

*2. For each city-controlled parking lot at which a solar canopy is installed under this subdivision, the department shall install no fewer than 5 electric vehicle chargers, each of which shall have a minimum charging capacity of 6 kilowatts. Such electric vehicle chargers shall be installed no later than the date on which such solar canopies are installed.*

*3. Nothing in this subdivision shall be interpreted so as to limit any obligation of the department or any other agency to install electric vehicle charging stations or related equipment pursuant to any other provision of law.*

*d. Report. No later than 6 months after the pilot program ends, the department or other agency designated by the mayor shall, with the cooperation of all other relevant agencies, submit to the mayor and the speaker of the council a report that includes the following:*

*1. The number of city-controlled parking lots at the start of the pilot program, and the locations of such parking lots;*

*2. The number and location of city-controlled parking lots the department identified as cost-effective for the installation of solar canopies pursuant to subdivision b of this section;*

*3. The number and location of city-controlled parking lots where solar canopies were installed as part of the pilot program established by subdivision c of this section; and*

*4. Any recommendations as to whether and how such pilot program may be expanded and made permanent.*

*§ 2. This local law takes effect immediately.*

JAMES F. GENNARO, *Chairman*; ALEXA AVILÉS, ROBERT F. HOLDEN, KRISTY MARMORATO, SANDY NURSE, LINCOLN RESTLER, RAFAEL SALAMANCA, Jr.; 7-0-0; *Absent*: Susan Zhuang; *Conflict*: Justin L. Brannan; Committee on Environmental Protection, Resiliency & Waterfronts, April 18, 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 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 L.U. No. 70

#### **Report of the Committee on Finance in favor of a Resolution approving West 107th Street.HUDMF.FY24: Block 1842, Lot 42, Manhattan, Community District 7, Council District 7.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on April 18, 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 18, 2024

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

FROM: Michael Twomey, Assistant Counsel, Finance Division

RE: Finance Committee Agenda of April 18, 2024 – Resolution approving a tax exemption for four Land Use items (Council Districts 7, 30, 33, 3)

#### **Item #1: West 107th Street.HUDMF.FY24**

West 107th currently receives an Article V tax exemption that is set to expire June 2024. The sponsor proposes to preserve the property for 40 years under a renewed Article V exemption, continuing affordability at 50% AMI or less. This transaction will also provide additional units set-aside for homeless tenants, with the 30% homeless set-aside requirement per the HUD Multifamily program term sheet and no current homeless set-aside on the



project today. As part of the transaction, the project will complete capital work as identified in an Integrated Physical Needs Assessment (IPNA) along with improvements under HPD's Aging in Place (AIP) initiative.

Summary:

- Borough – Manhattan
- Block 1842, Lot 42
- Council District – 7
- Council Member – Abreu
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 61 residential
- Type of exemption – Article V, partial, 40-year
- Population – Rental
- Sponsors – LIHC Investment Group
- Purpose – preservation
- Cost to the city – \$2.46 million (net present value)
- Housing Code Violations
  - Class A – 2
  - Class B – 1
  - Class C – 8

Anticipated AMI Targets: 50% for all units

**Item #2: 68-19 Woodhaven Boulevard**

SMJ Development LLC, an MBE developer with experiences in building income-restricted homes in New York City, is proposing a new construction project known as 68-19 Woodhaven Boulevard (the “Project”) located in the Rego Park neighborhood of Queens. The Project will convert a vacant lot on Woodhaven Boulevard between 68th Road and 68th Avenue into a 100% affordable residential rental building serving households between 30% and 90% of AMI with 32 cellar parking spaces and units. The parking spaces are required by zoning, as the site is not in a Transit Zone, and are reserved for building residents. Also, the project will enter into a 40-year HDC/HPD Regulatory Agreement.

The Project will be a one seven-story elevator building with basic residential amenities and will accommodate a total of 120 affordable units including one superintendent's unit and expected to be funded under HPD's ELLA program. Up to 18 units will be set aside for formerly homeless tenants, of which 8 units are designated for homeless veterans through HUD Veterans Affairs Support Housing (“VASH”) Program.

Summary:

- Borough – Queens
- Block 3148, Lot 2
- Council District – 30
- Council Member – Holden
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 120 residential
- Type of exemption – Article XI, full, 40 years

- Population – Rental
- Sponsors – SMJ Development LLC
- Purpose – new construction
- Cost to the city – \$8.11 million (net present value)
- Housing Code Violations
  - Class A – n/a
  - Class B – n/a
  - Class C – n/a

Anticipated AMI Targets: 10 units under OurSpace Formerly Homeless program, 8 units under VASH Formerly Homeless Veterans program, 21 units at 30% AMI, 22 units at 50% AMI, 35 units at 80% AMI, 23 units at 90% AMI

### **Item #3: Cadman Towers**

Cadman Towers (the “Project”) is a Mitchell-Lama cooperative that consists of two buildings with a total of 421 residential units and one super unit (two-bedrooms) located in the Brooklyn Heights neighborhood of Brooklyn, constructed in 1972. Of the 421 units in the Project, 184 are one-bedroom units, 169 are two-bedroom units, and 68 are three-bedroom units. Of the 421 units, 418 units are occupied and two are currently vacant. The building also consists of four commercial units, with all the commercial units currently occupied. The average maintenance fees for the Project is approximately 53% AMI.

The current Project owner is a Mitchell-Lama cooperative that has voted in favor of converting to a Housing Development Fund Corporation (“HDFC”) Cooperative under the New York City Department of Housing Preservation and Development (“HPD”) Article II to Article XI Conversion Program, which is aimed at preserving Mitchell-Lama cooperative by facilitating long-term affordability by offering financial incentives to existing shareholders. As part of its Plan of Reconstitution accepted by the NYS Attorney General’s office, shareholders of Cadman Towers, Inc. have voted to convert to HDFC Cooperative and in doing so, will be subject to a 99-year Regulatory Agreement where shareholders income will continue to be restricted at 125% of AMI, with resale prices set to be affordable for individuals and families at 80% of the AMI. As part of the agreement, it is proposed that 50% of the proceeds of future sales will go into reserves to fund rehab work and/or pay off existing debt.

The Project is requesting an Article XI tax exemption to ensure stabilized operations, maintenance, and restrictions on sales for the next 99 years. The Article XI will be beneficial in addressing long term operational viability needs. Long term Article XI will stabilize tax costs and allow the Project to leverage debt to refinance the debt and pay for future capital repairs as systems start to age.

### **Summary:**

- Borough – Brooklyn
- Block 232, Lot 1; Block 238, Lot 35
- Council District – 33
- Council Member – Restler
- Council Member approval – Yes
- Number of buildings – 2
- Number of units – 421 residential
- Type of exemption – Article XI, partial, 40 years
- Population – Homeownership
- Sponsors – Cadman Towers, Inc
- Purpose – preservation

- Cost to the city – \$12.4 million (net present value)
- Housing Code Violations
  - Class A – 2
  - Class B – 2
  - Class C – 1

Anticipated AMI Targets: 80% for unit sales; shareholder income will be restricted at 125%

**Item #4: 570 Washington Street**

570 Washington Street (the “Project”) is a 176-unit (inclusive of one superintendent unit) with approximately 180,000 SF new construction affordable senior building located in the West Village. The Project is part of a larger site plan that includes a 130-unit market-rate condo building adjacent to the affordable site.

The Project will provide 175 units of affordable housing for households in which at least one member is age 62 or older. The unit mix will consist of 83 studio units, 56 one-bedroom, and 36 two-bedroom with one two-bedroom unit set aside as a superintendent’s unit. All units will be affordable to older adult households at 50% of Area Median Income (“AMI”), with 30% of units set aside for formerly homeless households. All units, except for the superintendent’s unit, will be covered under a Project-based Section 8 HAP Contract and on-site social services will be offered to residents, inclusive of case management and group programming financed through HRA Senior Affordable Housing Tenant Services funding. The Project will promote aging in place for seniors with 5,600 SF of residential amenity spaces including a community room with a warming kitchen, a health and wellness center, dedicated social service offices, meeting rooms, a computer room and library, and a fitness room. The Project will also include on-site management, shared laundry facilities, and bike storage.

**Summary:**

- Borough – Manhattan
- Block 596, Lot 1103
- Council District – 3
- Council Member – Bottcher
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 176 residential
- Type of exemption – Article XI, full, 40 years
- Population – Rental
- Sponsors – Jonathan Rose Companies / Atlas Capital Group
- Purpose – new construction
- Cost to the city – \$28.6 million (net present value)
- Housing Code Violations
  - Class A – n/a
  - Class B – n/a
  - Class C – n/a

Anticipated AMI Targets: up to 50% AMI

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

## Preconsidered Res. No. 377

**Resolution approving an additional period of exemption from real property taxes for property located at (Block 1842, Lot 42) Manhattan, pursuant to Section 125(1)(a-3) of the Private Housing Finance Law (Preconsidered L.U. No. 70).**

By Council Member Brannan.

**WHEREAS**, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated April 1, 2024 that the Council take the following action regarding a housing project located at (Block 1842, Lot 42) Manhattan (“Exemption Area”):

Approve an additional period of tax exemption from real property taxes pursuant to Section 125(1)(a-3) of the Private Housing Finance Law (the “Tax Exemption”);

**WHEREAS**, The project description that HPD provided to the Council states that the owner of the Project (the “Owner”) for the subject period of the requested exemption was a duly organized housing redevelopment company formed pursuant to Article V 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 West 107 Partners, L.P
  - 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) exceeded the total contract rents which are authorized as of the date of the Regulatory Agreement.
  - d) “Contract Rent Differential Tax” shall mean the sum of (i) \$294,042, plus (ii) twenty-five percent (25%) of the Contract Rent Differential; provided, however, that 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 June 15, 2024.
  - 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 Manhattan, City and State of New York, identified as Block 1842, Lot 42 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 Redevelopment Agreement, (iii) the date of the expiration or termination of the Regulatory Agreement, (iv) the date upon which the Exemption Area ceases to be owned by the Owner, (v) the date upon which the City terminates the partial tax exemption pursuant to the terms of the Regulatory Agreement, or (vi) the date of the expiration or termination of the Exemption Area’s Section 8 Housing Assistance Payments contract.
  - i) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - j) “Owner” shall mean the Company or, with the prior written approval of HPD, any future owner of the Exemption Area that is a redevelopment company organized pursuant to Article V of the Private Housing Finance Law.
  - k) “Redevelopment Agreement” shall mean the Agreement dated March 4, 1982 between the City of New York and the Owner, establishing certain controls upon the operation of the Exemption Area in accordance with Private Housing Finance Law Section 114 and recorded on reel 669, page 1309, in the office of the City Register of the City of New York.
  - l) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area on and 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. 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 V of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Redevelopment Agreement, (iii) the Exemption Area is not being operated in accordance with the Regulatory Agreement, (iv) 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, (v) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, (vi) the owner of the Exemption Area does not apply for a new Section 8 Housing Assistance Payments contract on or before August 31, 2038 or does not receive a new HAP contract effective September 1, 2038, or (vii) 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 Company, 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 Exemption, the owner of the Exemption Area shall (a) execute and record the Regulatory Agreement, and (b) for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

JUSTIN L. BRANNAN, *Chairperson*; DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, DAVID M. CARR, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, CHI A. OSSÉ, PIERINA A. SANCHEZ, NANTASHA M. WILLIAMS, YUSEF SALAAM; 14-1-1; *Negative*: Gale A. Brewer; *Abstain*: Althea V. Stevens; *Parental*: Julie Won; Committee on Finance, April 18, 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).

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. 71

**Report of the Committee on Finance in favor of a Resolution approving 68-19 Woodhaven Boulevard: Block 3148, Lot 2, Queens, Community District 6, Council District 30.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on April 18, 2024 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Memo, please see the Report of the Committee on Finance for L.U. No. 70 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Preconsidered Res. No. 378

**Resolution approving an exemption from real property taxes for property located at (Block 3148, Lot 2) Queens, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 71).**

By Council Member Brannan.

**WHEREAS**, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated April 2, 2024 that the Council take the following action regarding a housing project located at (Block 3148, Lot 2) Queens (“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 SMJ Woodhaven Owner LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
  - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) date that either (A) HPD and the Owner, or (B) HPD, HDC and the Owner, enter into the Regulatory Agreement.
  - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - d. “Exemption Area” shall mean the real property located in the Borough of Queens, City and State of New York, identified as Block 3148, Lot 2 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. “HDC” shall mean the New York City Housing Development Corporation.
  - g. “HDFC” shall mean 68-19 Woodhaven Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - h. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - i. “Owner” shall mean, collectively, the HDFC and the Company.

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

JUSTIN L. BRANNAN, *Chairperson*; DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, DAVID M. CARR, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, CHI A. OSSÉ, PIERINA A. SANCHEZ, NANTASHA M. WILLIAMS, YUSEF SALAAM; 14-1-1; *Negative*: Gale A. Brewer; *Abstain*: Althea V. Stevens; *Parental*: Julie Won; Committee on Finance, April 18, 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).



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. 72

**Report of the Committee on Finance in favor of a Resolution approving Cadman Towers: Block 232, Lot 1; Block 238, Lot 35, Brooklyn, Community District 2, Council District 33.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on April 18, 2024 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Memo, please see the Report of the Committee on Finance for L.U. No. 70 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Preconsidered Res. No. 379

**Resolution approving an exemption from real property taxes for property located at (Block 232, Lot 1; Block 238, Lot 35), Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 72).**

By Council Member Brannan.

**WHEREAS**, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated April 5, 2024 that the Council take the following action regarding a housing project located at (Block 232, Lot 1; Block 238, Lot 35), 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. “Current Owner” shall mean Cadman Towers, Inc.
  - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the New Owner enter into the Regulatory Agreement.

- c. “Exemption Area” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 232, Lot 1 and Block 238, Lot 35 on the Tax Map of the City of New York.
  - d. “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.
  - e. “HDFC” shall mean Cadman Towers Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - f. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - g. “J-51 Benefits” shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect on or after the Effective Date; provided, however, that such J-51 Tax Benefits shall not exceed fifty percent (50%) of the Shelter Rent Tax payable in any tax year.
  - h. “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
  - i. “New Owner” shall mean the HDFC.
  - j. “Prior Exemption” shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on August 22, 1968 (Cal No. 16-A), as amended by the Board of Estimate on December 4, 1969 (Cal. No. 78) and on February 10, 1972 (Cal. No. 21), and as extended by the Council on February 2, 2005 (Resolution No. 388-A).
  - k. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the New Owner that is executed on or after March 1, 2024 and that establishes certain controls upon the operation of the Exemption Area during the term of the New Exemption.
  - l. “Shelter Rent” shall mean the total rents received from the residential and commercial occupants of the Exemption Area, including, but not limited to, Section 8, rent supplements, rental assistance, and any other subsidy, less the cost of providing to such occupants electricity, gas, heat and other utilities.
  - m. “Shelter 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 Shelter Rent Tax for the applicable tax year.
  - n. “Shelter Rent Tax” shall mean, with respect to any tax year, an amount equal to ten percent (10%) of the Shelter Rent in such tax year, but in no event less than six hundred fourteen thousand four hundred ninety-four dollars (\$614,494) per annum; provided, however, that if the New Owner fails to provide the Shelter Rent on or before the Shelter Rent Deadline, Shelter Rent 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.
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. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the New Owner shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the New Owner shall not at any time exceed 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.
5. 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 New 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 New 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.
6. In consideration of the New Exemption, the owner of the Exemption Area shall, 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, (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 New Exemption shall be reduced by the amount of such J-51 Benefits, and (ii) the Shelter Rent Tax shall be reduced by such J-51 Benefits.

JUSTIN L. BRANNAN, *Chairperson*; DIANA I. AYALA, FRANCISCO P. MOYA, 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, NANTASHA M. WILLIAMS, YUSEF SALAAM; 14-1-1; *Negative*: Gale A. Brewer; *Abstain*: Althea V. Stevens; *Parental*: Julie Won; Committee on Finance, April 18, 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).

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. 73

**Report of the Committee on Finance in favor of a Resolution approving 570 Washington Street: Block 596, Lot 1103, Manhattan, Community District 2, Council District 3.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on April 18, 2024 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Memo, please see the Report of the Committee on Finance for L.U. No. 70 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Preconsidered Res. No. 380

**Resolution approving an exemption from real property taxes for property located at (Block 596, Lot 1103), Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 73).**

By Council Member Brannan.

**WHEREAS**, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated April 5, 2024 that the Council take the following action regarding a housing project located at (Block 596, Lot 1103), Manhattan (“Exemption Area”):

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

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

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

**RESOLVED:**

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Company” shall mean 570 Washington St LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.

- b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - d. “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 596 Lot 1103 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 SH Clarkson 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. “Owner” shall mean, collectively, the HDFC and the Company.
  - i. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Notwithstanding any provision hereof to the contrary:
- a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that has a new permanent certificate of occupancy or a temporary

certificate of occupancy for all of the residential areas on or before five years from the Effective Date.

- c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
4. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

JUSTIN L. BRANNAN, *Chairperson*; DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, DAVID M. CARR, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, CHI A. OSSÉ, PIERINA A. SANCHEZ, NANTASHA M. WILLIAMS, YUSEF SALAAM; 14-1-1; *Negative*: Gale A. Brewer; *Abstain*: Althea V. Stevens; *Parental*: Julie Won; Committee on Finance, April 18, 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 Land Use**

Report for L.U. No. 35

**Report of the Committee on Land Use in favor of approving Application number C 240099 HAX (East Tremont Cluster 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 907 East 175th Street (Block 2958, Lot 120), 1900 Marmion Avenue (Block 2960, Lot 21), and 706 Fairmount Place (Block 2950, Lot 18), Borough of the Bronx, Community District 6, Council District 15.**

The Committee on Land Use, to which the annexed Land Use item was referred on March 19, 2024 (Minutes, page 1489) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**BRONX CB-6 – TWO APPLICATIONS RELATED TO EAST TREMONT CLUSTER NCP**

**C 240099 HAX (L.U. No. 35)**

City Planning Commission decision approving an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a. the designation of property located at 907 East 175th Street (Block 2958, Lot 120), 1900 Marmion Avenue (Block 2960, Lot 21) and 706 Fairmount Place (Block 2950, Lot 18) as an Urban Development Action Area; and
  - b. an Urban Development Action Area Project for such area; and
- 2) 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;

to facilitate the development of three buildings containing an approximate total of 63 residential units.

**G 240046 XAX (L.U. No. 36)**

Application 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 706 Fairmount Place (Block 2950, Lot 18), 907 East 175<sup>th</sup> Street (Block 2958, Lot 120), and 1900 Marmion Avenue (Block 2960, Lot 21).

**INTENT**

To approve the urban development action area project designation, project approval, and disposition of city-owned property; and a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law for property located at 706 Fairmount Place (Block 2950, Lot 18), 907 East 175<sup>th</sup> Street (Block 2958, Lot 120), and 1900 Marmion Avenue (Block 2960, Lot 21) to facilitate the development of three new residential buildings with an approximate total of 63 affordable dwelling units and one unit for a superintendent in the East Tremont Neighborhood of the Bronx, Community District 6.

**PUBLIC HEARING**

**DATE:** March 28, 2024

**Witnesses in Favor:** Three

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** April 17, 2024

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission and the HPD request on L.U. Nos. 35 and 36.

**In Favor:**

Hanks  
Brannan  
Feliz  
Farias  
Marte  
Nurse  
Salaam

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** April 17, 2024

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

Salamanca  
Moya  
Riley  
Brooks-Powers  
Abreu  
Farias  
Hanks  
Hudson  
Sanchez  
Borelli

**Against:**

None

**Abstain:**

None



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

Res. No. 381

**Resolution approving the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) and the decision of the City Planning Commission, ULURP No. C 240099 HAX, approving the designation of an Urban Development Action Area, an Urban Development Action Area Project, and the disposition of city-owned property located at 706 Fairmount Place (Block 2950, Lot 18), 907 East 175<sup>th</sup> Street (Block 2958, Lot 120), and 1900 Marmion Avenue (Block 2960, Lot 21), Borough of the Bronx, Community District 6, to a developer to be selected by HPD (L.U. No. 35; C 240099 HAX).**

By Council Members Salamanca and Hanks.

**WHEREAS**, the City Planning Commission filed with the Council on March 8, 2024 its decision dated March 6, 2024 (the “Decision”), on the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) regarding city-owned property located at 706 Fairmount Place (Block 2950, Lot 18), 907 East 175<sup>th</sup> Street (Block 2958, Lot 120), and 1900 Marmion Avenue (Block 2960, Lot 21) (together, the “Disposition Area”), approving:

- a) pursuant to Article 16 of the General Municipal Law of New York State the designation of the Disposition Area as an Urban Development Action Area;
- b) pursuant to Article 16 of the General Municipal Law of New York State an Urban Development Action Area Project for the Disposition Area (the “Project”); and
- c) pursuant to Section 197-c of the New York City Charter the disposition of the Disposition Area to a developer to be selected by the New York City Department of Housing Preservation and Development;

which in conjunction with the related action would facilitate the development of three new residential buildings with an approximate total of 63 affordable dwelling units (and one superintendent unit) in the East Tremont Neighborhood of the Bronx, Community District 6 (ULURP No. C 240099 HAX) (the “Application”);

**WHEREAS**, the Application is related to application G 240046 XAX (L.U. No. 36), a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law;

**WHEREAS**, the City Planning Commission has certified its unqualified approval of UDAAP pursuant to Article 16 of the General Municipal Law;

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

**WHEREAS**, by letter dated March 8, 2024 and submitted to the Council on March 8, 2024, HPD submitted its requests (the “HPD Requests”) respecting the Application including the submission of the project summary for the Project (the “Project Summary”);

**WHEREAS**, upon due notice, the Council held a public hearing on the Application and Decision and the HPD Requests on March 28, 2024;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Negative Declaration issued October 13<sup>th</sup>, 2023 (CEQR No. 22HPD025X) (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 Negative Declaration.

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report C 240099 HAX and incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission and the HPD Requests.

Pursuant to Article 16 of the General Municipal Law of New York State, based on the environmental determination and the consideration described in the report C 240099 HAX and incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission and the HPD Requests.

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

The Council approves the designation of the Disposition Area as an urban development action area pursuant to Section 693 of the General Municipal Law.

The Council approves the Project as an urban development action area project pursuant to Section 694 of the General Municipal Law and subject to the terms and conditions of the Project Summary, a copy of which is attached hereto.

**ATTACHMENT:**

**PROJECT SUMMARY**

- 1. **PROGRAM:** NEIGHBORHOOD CONSTRUCTION PROGRAM
- 2. **PROJECT:** East Tremont Cluster NCP
- 3. **LOCATION:**
  - a. **BOROUGH:** Bronx
  - b. **COMMUNITY DISTRICT:** 6
  - c. **COUNCIL DISTRICT:** 15
  - d. **DISPOSITION AREA:**

<u>BLOCKS</u>	<u>LOTS</u>	<u>ADDRESSES</u>
2958	120	907 East 175 <sup>th</sup> Street
2960	21	1900 Marmion Avenue
2950	18	706 Fairmount Place

- 4. BASIS OF DISPOSITION PRICE:** Nominal. Sponsor will pay one dollar per lot and deliver a note and mortgage for the remainder of the appraised value (“Land Debt”). For a period of at least thirty (30) years following completion of construction, the Land Debt or the City’s capital subsidy may be repayable out of resale or refinancing profits. The remaining balance, if any, may be forgiven at the end of the term.
- 5. TYPE OF PROJECT:** New Construction
- 6. APPROXIMATE NUMBER OF BUILDINGS:** 3
- 7. APPROXIMATE NUMBER OF UNITS:** 64 dwelling units (including a superintendent unit)
- 8. HOUSING TYPE:** Rental
- 9. ESTIMATE OF INITIAL RENTS** Rents will be affordable to families with incomes between 30% and 80% of area median income (AMI). Formerly homeless tenants referred by DHS and other City agencies will pay up to 30% of their income as rent. All units will be subject to rent stabilization.
- 10. INCOME TARGETS** Up to 80% of AMI.
- 11. PROPOSED FACILITIES:** None
- 12. PROPOSED CODES/ORDINANCES:** None
- 13. ENVIRONMENTAL STATUS:** Negative Declaration
- 14. PROPOSED TIME SCHEDULE:** Approximately 24 months from closing to completion of construction

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI, 10-0-0; Committee on Land Use, April 17, 2024. *Other Council Members Attending: Council Member Avilés.*

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. 36

**Report of the Committee on Land Use in favor of approving Application number G 240046 XAX (East Tremont Cluster NCP) submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for approval of an Urban Development Action Area Project (UDAAP), and an exemption from real property taxes for property located at 706 Fairmount Place (Block 2950, Lot 18), 907 East 175th Street (Block 2958, Lot 120), and 1900 Marmion Avenue (Block 2960, Lot 21), Borough of the Bronx, Community District 6, Council District 15.**

The Committee on Land Use, to which the annexed Land Use item was referred on March 19, 2024 (Minutes, page 1489) 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. 35 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 382

**Resolution approving a tax exemption pursuant to Article XI of the Private Housing Finance Law (L.U. No. 36; Non-ULURP No. G 240046 XAX).**

By Council Members Salamanca and Hanks.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council on March 8, 2024 its request dated March 8, 2024 that the Council approve a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (the “Tax Exemption Request”) for property located at 706 Fairmount Place (Block 2950, Lot 18), 907 East 175<sup>th</sup> Street (Block 2958, Lot 120), and 1900 Marmion Avenue (Block 2960, Lot 21), Community District 6, Borough of the Bronx, Council District 15 (the “Exemption Area”);

**WHEREAS**, the Tax Exemption Request is related to application C 240099 HAX (L.U. No. 35), an urban development action area designation, project approval, and disposition of city-owned property;

**WHEREAS**, upon due notice, the Council held a public hearing on the Tax Exemption Request on March 28, 2024; and

**WHEREAS**, the Council has considered the land use and financial implications and other policy issues relating to the Tax Exemption Request.

**RESOLVED:**

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

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

- 1) “Company” shall mean East Tremont Development LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
  - 2) “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.
  - 3) “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - 4) “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2950, Lot 18, Block 2958, Lot 120, and Block 2960, Lot 21 on the Tax Map of the City of New York.
  - 5) “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.
  - 6) “HDFC” shall mean East Tremont Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - 7) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - 8) “Owner” shall mean, collectively, the HDFC and the Company.
  - 9) “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.
- b. 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.
- c. Notwithstanding any provision hereof to the contrary:
- 1) 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.

- 2) The Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that have a new permanent certificate of occupancy or a temporary certificate of occupancy for all of the residential areas on or before five years from the Effective Date.
  - 3) 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. 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.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARIÁS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI, 10-0-0; Committee on Land Use, April 17, 2024. *Other Council Members Attending: Council Member Avilés.*

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. 41

**Report of the Committee on Land Use in favor of approving Application number C 230337 ZMK (341 10th Street Rezoning) submitted by Stellar 341, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16d by changing from an existing R6A District to an R7-3 District, changing from an R6B District to an R7-3 District, and establishing within the proposed R7-3 District a C2-4 District, Borough of Brooklyn, Community District 6, Council District 38.**

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, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB-6 – FIVE APPLICATIONS RELATED TO 341 10<sup>TH</sup> STREET  
REZONING AND LSGD SPECIAL PERMITS**

**C 230337 ZMK (L.U. No. 41)**

City Planning Commission decision approving an application submitted by Stellar 341, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16d:

1. changing from an existing R6A District to an R7-3 District property bounded by 9th Street, a line 100 feet northwesterly of 5th Avenue, a line midway between 9th Street and 10th Street, a line 100 feet southeasterly of 4th Avenue, a line 100 feet northeasterly of 10th Street, and a line 345 feet northwesterly of 5th Avenue;
2. changing from an R6B District to an R7-3 District property bounded by a line midway between 9th Street and 10th Street, a line 100 feet northwesterly of 5th Avenue, 10th Street, and a line 100 feet southeasterly of 4th Avenue; and
3. establishing within the proposed R7-3 District a C2-4 District bounded by 9th Street, a line 100 feet northwesterly of 5th Avenue, a line 100 feet northeasterly of 10th Street, and a line 345 feet northwesterly of 5th Avenue;

as shown on a diagram (for illustrative purposes only) dated October 2, 2023, and subject to the conditions of CEQR Declaration E-730.

**N 230338 ZRK (L.U. No. 42)**

City Planning Commission decision approving an application submitted by Stellar 341, 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 provisions of Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts) and related Sections, and modifying APPENDIX F (Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas) for the purpose of establishing a Mandatory Inclusionary Housing area.

**G 240045 XAK (L.U. No. 43)**

Application submitted by the New York City Department of Housing Preservation and Development, pursuant to Section 577 of the Private Housing Finance Law for approval of an exemption from real property taxes for property located at 341 10th Street (Block 1010, Lot 26), Council District 38.

**C 230339 ZSK (L.U. No. 46)**

City Planning Commission decision approving an application submitted by Stellar 341, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743(a)(2) of the Zoning Resolution to modify the height and setback requirements of Sections 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residence for seniors), and the rear yard regulations of Section 23-47 (Minimum Required Rear Yards) and Section 23-532 (Required rear yard equivalents), in connection with a proposed mixed-use development, within a large-scale general development, generally bounded by a line 100 feet northeasterly of 10th Street, a line 345 feet northwesterly of 5th Avenue, 9th Street, a line 95 feet northwesterly of 5th Avenue, 10th Street, and a line 88 feet southeasterly of 4th Avenue (Block 1010, Lot 26), within R7-3 and R7-3/C2-4 Districts, and partially within C4-4D and C4-3A Districts.

**C 230340 ZSK (L.U. No. 47)**

City Planning Commission decision approving an application submitted by Stellar 341, 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 allow the reduction of previously required accessory residential off-street parking spaces from 77 spaces to 39 spaces, and to allow the waiver of the required accessory residential off-

street parking spaces, in connection with a proposed mixed-used development seeking bulk modifications, within a large-scale general development in a Transit Zone, generally bounded by a line 100 feet northeasterly of 10th Street, a line 345 feet northwesterly of 5th Avenue, 9th Street, a line 95 feet northwesterly of 5th Avenue, 10th Street, and a line 88 feet southeasterly of 4th Avenue (Block 1010, Lot 26), in R7-3 and R7-3/C2-4 Districts, and partially within C4-4D and C4-3A Districts.

**INTENT**

To approve the amendment to rezone the project area from an R6A and R6B zoning districts to R7-3 and R7-3/C2-4 zoning districts; amend the zoning text to establish bulk regulations applicable to R7-3 within Mandatory Inclusionary Housing (MIH) areas and establish an MIH area; approve a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law for property located at 341 10<sup>th</sup> Street (Block 1010, Lot 26); grant an approval of the special permit to establish a Large Scale General Development (LSGD) and modify bulk regulations; and grant an approval of the special permit to reduce parking requirements in the LSGD to facilitate the development of two new 17- and 19-story mixed-use buildings totaling approximately 245,000 square feet with 305 residential units, 162 of which would be income restricted, and ground floor community facility and retail space at 341 10th Street (Block 1010, Lot 26) in the Park Slope neighborhood of Brooklyn, Community District 6.

**PUBLIC HEARING**

**L.U. Nos. 41 through 43**

**DATE:** March 12, 2024

**Witnesses in Favor:** Eighteen

**Witnesses Against:** Seven

**L.U. Nos. 46 and 47**

**DATE:** March 26, 2024

**Witnesses in Favor:** None

**Witnesses Against:** One

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** April 17, 2024

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on L.U. Nos. 41-43 and 46-47.

**In Favor:**

- Riley
- Moya
- Abreu
- Hanks
- Schulman
- Salaam
- Carr

**Against:**

None

**Abstain:**

None



**COMMITTEE ACTION****DATE:** April 17, 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		
Riley		
Brooks-Powers		
Abreu		
Farias		
Hanks		
Hudson		
Sanchez		
Borelli		

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

Res. No. 383

**Resolution approving the decision of the City Planning Commission on ULURP No. C 230337 ZMK, a Zoning Map amendment (L.U. No. 41).**

By Council Members Salamanca and Riley.

**WHEREAS**, Stellar 341, 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. 16d, by changing from an existing R6A District to an R7-3 District, changing from an R6B District to an R7-3 District, and establishing within the proposed R7-3 District a C2-4 District, which in conjunction with the related actions would facilitate the development of two new 17- and 19-story mixed-use buildings totaling approximately 245,000 square feet with 305 residential units, 162 of which would be income restricted, and ground floor community facility and retail space at 341 10th Street (Block 1010, Lot 26) in the Park Slope neighborhood of Brooklyn, Community District 6 (ULURP No. C 230337 ZMK) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on March 11, 2024 its decision dated March 6, 2024 (the "Decision") on the Application;

**WHEREAS**, the Application is related to applications N 230338 ZRK (L.U. No. 42), a zoning text amendment to establish bulk regulations applicable to R7-3 within Mandatory Inclusionary Housing (MIH) areas and establish an MIH area; G 240045 XAK (L.U. No. 43), a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law; C 230339 ZSK (L.U. No. 46), a zoning special permit to establish a Large Scale General Development (LSGD) and modify bulk regulations; and C 230340 ZSK (L.U. No. 47), a zoning special permit to reduce parking requirements in the Large Scale General Development (LSGD);

**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 2, 2023 (CEQR No. 23DCP145K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-730) (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-730) 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 230337 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. 16d:

1. changing from an existing R6A District to an R7-3 District property bounded by 9th Street, a line 100 feet northwesterly of 5th Avenue, a line midway between 9th Street and 10th Street, a line 100 feet southeasterly of 4th Avenue, a line 100 feet northeasterly of 10th Street, and a line 345 feet northwesterly of 5th Avenue;
2. changing from an R6B District to an R7-3 District property bounded by a line midway between 9th Street and 10th Street, a line 100 feet northwesterly of 5th Avenue, 10th Street, and a line 100 feet southeasterly of 4th Avenue; and
3. establishing within the proposed R7-3 District a C2-4 District bounded by 9th Street, a line 100 feet northwesterly of 5th Avenue, a line 100 feet northeasterly of 10th Street, and a line 345 feet northwesterly of 5th Avenue;

as shown on a diagram (for illustrative purposes only) dated October 2, 2023, and subject to the conditions of CEQR Declaration E-730, Borough of Brooklyn, Community District 6.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI, 10-0-0; *Parental*: Carlina Rivera. Committee on Land Use, April 17, 2024. *Other Council Members Attending*: Council Member Avilés.

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. 42

**Report of the Committee on Land Use in favor of approving Application number N 230338 ZRK (341 10th Street Rezoning) submitted by Stellar 341, 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 provisions of Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts) and various other related Sections, and modifying APPENDIX F (Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas) for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 6, Council District 38.**

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, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 41 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. 384

**Resolution approving the decision of the City Planning Commission on Application No. N 230338 ZRK, for an amendment of the text of the Zoning Resolution (L.U. No. 42).**

By Council Members Salamanca and Riley.

**WHEREAS**, Stellar 341, 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 provisions of Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts) and related Sections, and modifying APPENDIX F (Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas) for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related actions would facilitate the development of two new 17- and 19-story mixed-use buildings totaling approximately 245,000 square feet with 305 residential units, 162 of which would be income restricted, and ground floor community facility and retail space at 341 10th Street (Block 1010, Lot 26) in the Park Slope neighborhood of Brooklyn, Community District 6, (ULURP No. N 230338 ZRK), (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on March 11, 2024, its decision dated March 6, 2024 (the "Decision") on the Application;

**WHEREAS**, the Application is related to applications C 230337 ZMK (L.U. No. 41), a zoning map amendment to change R6A and R6B zoning districts to R7-3 and R7-3/C2-4 zoning districts; G 240045 XAK (L.U. No. 43), a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law; C 230339 ZSK (L.U. No. 46), a zoning special permit to establish a Large Scale General Development (LSGD) and modify bulk regulations; and C 230340 ZSK (L.U. No. 47), a zoning special permit to reduce parking requirements in the Large Scale General Development (LSGD);

**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 2, 2023 (CEQR No. 23DCP145K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-730) (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-730) 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 230338 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Matter underlined is new, to be added;

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

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

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

\* \* \*

**ARTICLE II  
RESIDENCE DISTRICT REGULATIONS**

**Chapter 1  
Statement of Legislative Intent**

\* \* \*

**21-10  
PURPOSES OF SPECIFIC RESIDENCE DISTRICTS**

\* \* \*

**21-15  
R3-2, R4, R4B, R5, R6, R7, R8, R9 and R10 — General Residence Districts**

These districts are designed to provide for all types of residential buildings, in order to permit a broad range of housing types, with appropriate standards for each district on density, open space, and spacing of buildings. However, R4B Districts are limited to single- or two-family dwellings, and zero lot line buildings are not permitted in R3-2, R4 (except R4-1 and R4B), and R5 (except R5B) Districts. The various districts are mapped in relation to a desirable future residential density pattern, with emphasis on accessibility to transportation facilities and to various community facilities, and upon the character of existing development. These districts also include community facilities and open uses which serve the residents of these districts or benefit from a residential environment.

R7-3 and R9-1 Districts may be mapped only as specified in this paragraph. Such districts may be mapped within the waterfront area and in the Special Mixed Use Districts and Mandatory Inclusionary Housing areas. In addition, R7-3 Districts may be mapped in the Special Long Island City Mixed Use District ~~and Special St. George District~~, and R9-1 Districts may be mapped in ~~Mandatory Inclusionary Housing areas~~.

**Chapter 2  
Use Regulations**

\* \* \*

**Chapter 3  
Residential Bulk Regulations in Residence Districts**

**23-00  
APPLICABILITY AND GENERAL PURPOSES**

**23-01  
Applicability of This Chapter**

\* \* \*

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII, XIII and XIV.

For the purposes of this Chapter, the regulations applicable to an R7-2 District shall apply to R7-3 Districts, unless otherwise specified.

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, the #conversion# of non-#residential# #floor area# to #residences# in #buildings# erected prior to December 15, 1961, or January 1, 1977, as applicable, shall be subject to the provisions of Article I, Chapter 5 (Residential Conversions Within Existing Buildings), unless such #conversions# meet the requirements for #residential developments# of Article II (Residence District Regulations).

\* \* \*

**23-10  
OPEN SPACE AND FLOOR AREA REGULATIONS**

\* \* \*

**23-15  
Open Space and Floor Area Regulations in R6 Through R10 Districts**

\* \* \*

**23-155  
Affordable independent residences for seniors**

R6 R7 R8 R9 R10

In the districts indicated, the maximum #floor area ratio# for #affordable independent residences for seniors# utilizing the Quality Housing #bulk# regulations shall be as set forth in the table in this Section.

In R6, R7, R8, R9 or R10 Districts without a letter suffix, the maximum #floor area ratio# and #open space ratio# for #affordable independent residences for seniors# utilizing the basic #bulk# regulations shall be as set forth for #residential uses# in Sections 23-151 (Basic regulations for R6 through R9 Districts) and 23-152 (Basic regulations for R10 Districts), as applicable.

**MAXIMUM FLOOR AREA RATIO FOR AFFORDABLE INDEPENDENT RESIDENCES FOR SENIORS IN QUALITY HOUSING BUILDINGS**

District	Maximum #Floor Area Ratio#
R6 R6A R7B	3.90
R6B	2.20
R7 <u>R7-1</u> <u>R7-2</u> R7A	5.01
R7D	5.60
R7X <u>R7-3</u>	6.00
R8 R8A R8X	7.20

\* \* \*

**23-60  
HEIGHT AND SETBACK REGULATIONS**

\* \* \*

**23-66  
Height and Setback Requirements for Quality Housing Buildings**

\* \* \*

**23-664  
Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors**

R6 R7 R8 R9 R10

\* \* \*

TABLE 2

ALTERNATIVE MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT FOR CERTAIN QUALITY HOUSING BUILDINGS IN NON-CONTEXTUAL DISTRICTS

District	Maximum Base Height (in feet)	Maximum Height of #Buildings or other Structures# (in feet)	Maximum Number of #Stories#
R6	65	115	11
<del>R7</del> R7-1 R7-2	75	135	13
<u>R7-3</u>	<u>85</u>	<u>185</u>	<u>18</u>
R8	105	215	21
R9-1	125	285	28

**23-665  
Additional regulations**

\* \* \*

**Chapter 4  
Bulk Regulations for Community Facilities in Residence Districts**

**24-00  
APPLICABILITY, GENERAL PURPOSES AND DEFINITIONS**

**24-01  
Applicability of This Chapter**

\* \* \*

Special regulations applying to #large-scale community facility developments# or to #community facility uses# in #large-scale residential developments# are set forth in Article VII, Chapters 9 or 8, respectively.

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII, XIII and XIV.

For the purposes of this Chapter, the regulations applicable to an R7-2 District shall apply to R7-3 Districts, unless otherwise specified.

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

\* \* \*

**24-013  
Special provisions for certain community facility uses**

The provisions of this Section shall apply to #buildings# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations, as listed in Use Group 3.

(a) #Buildings# containing #long-term care facilities#

(1) In R1 and R2 Districts

\* \* \*

(3) In R6 through R10 Districts

In R6 through R10 Districts, the #bulk regulations# of Article II, Chapter 3 applicable to #affordable independent residences for seniors#, inclusive, shall apply to #buildings#, or portions thereof, containing #long-term care facilities#, except as follows:

(i) in R6A Districts or R6 Districts without a letter suffix, the maximum #floor area ratio# for #long-term care facilities# shall be 3.6;

(ii) in R7A Districts or R7 Districts without a letter suffix, other than R7-3 Districts, the maximum #floor area ratio# for #long-term care facilities# shall be 4.6; and

(iii) the minimum size of #dwelling unit# provisions of Section 23-23 shall not apply.

In R6 through R10 Districts without letter suffixes, the Commission may permit the #bulk# regulations of this Chapter to apply to such #long-term care facilities# pursuant to the special permit in Section 74-903.

\* \* \*

**Chapter 5  
Accessory Off-Street Parking and Loading Regulations**

\* \* \*

**25-00  
GENERAL PURPOSES AND DEFINITIONS**

\* \* \*

**25-02  
Applicability**

\* \* \*

**25-026  
Applicability of regulations in ~~the waterfront area~~ R7-3 Districts**

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2. R7-3 Districts shall be governed by the #accessory# off-street parking regulations of an R7-2 District.

\* \* \*

**ARTICLE III  
COMMERCIAL DISTRICT REGULATIONS**



\* \* \*

**Chapter 3  
Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts**

**33-00  
APPLICABILITY, DEFINITIONS AND GENERAL PROVISIONS**

**33-01  
Applicability of This Chapter**

\* \* \*

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII, XIII and XIV.

For the purposes of this Chapter, the regulations applicable to C1 or C2 Districts mapped within an R7-2 District shall apply to C1 or C2 Districts mapped within R7-3 Districts, unless otherwise specified.

All C6-1A Districts shall comply with the regulations of C6-1 Districts except as set forth in Sections 33-12, paragraph (c), 33-13, paragraph (b) and 33-15, paragraph (a).

\* \* \*

**33-012  
Special provisions for certain community facility uses**

The provisions of this Section shall apply to #buildings# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations, as listed in Use Group 3.

(a) #Buildings# containing #long-term care facilities#

(1) #Commercial Districts# with a residential equivalent of an R1 or R2 District

\* \* \*

(3) #Commercial Districts# with a residential equivalent of an R6 through R10 District

In C1 or C2 Districts mapped within R6 through R10 Districts, or in #Commercial Districts# with a residential equivalent of an R6 through R10 District, the #bulk# regulations of Article II, Chapter 3, applicable to #affordable independent residences for seniors#, inclusive, shall apply to #buildings#, or portions thereof, containing #long-term care facilities#, except as follows:

(i) in C1 or C2 Districts mapped within R6A Districts or R6 Districts without a letter suffix, or in #Commercial Districts# with a residential equivalent of an R6A District or an R6 District without a letter suffix, the maximum #floor area ratio# for #long-term care facilities# shall be 3.6;

(ii) in C1 or C2 Districts mapped within R7A Districts or R7 Districts without a letter suffix, other than R7-3 Districts, or in #Commercial Districts# with a residential

equivalent of an R7A District or an R7 District without a letter suffix, the maximum #floor area ratio# for #long-term care facilities# shall be 4.6;

- (iii) the minimum size of #dwelling unit# provisions of Section 23-23 shall not apply;

\* \* \*

**Chapter 5**  
**Bulk Regulations for Mixed Buildings in Commercial Districts**

**35-00**  
**APPLICABILITY AND DEFINITIONS**

**35-01**  
**Applicability of this Chapter**

\* \* \*

**35-012**  
**Special provisions for certain community facility uses**

The provisions of this Section shall apply to #zoning lots# with #mixed buildings# containing #long-term care facilities#, or philanthropic or non-profit institutions with sleeping accommodations, as listed in Use Group 3.

- (a) #Buildings# containing #long-term care facilities#
  - (1) #Commercial Districts# with a residential equivalent of an R1 or R2 District

\* \* \*

- (3) #Commercial Districts# with a residential equivalent of an R6 through R10 District

In C1 or C2 Districts mapped within R6 through R10 Districts, or in #Commercial Districts# with a residential equivalent of an R6 through R10 District, the #bulk# regulations of Article II, Chapter 3, applicable to #affordable independent residences for seniors#, inclusive, shall apply to #buildings#, or portions thereof, containing #long-term care facilities#, except as follows:

- (i) in C1 or C2 Districts mapped within R6A Districts or R6 Districts without a letter suffix, or in #Commercial Districts# with a residential equivalent of an R6A District or an R6 District without a letter suffix, the maximum #floor area ratio# for #long-term care facilities# shall be 3.6;
- (ii) in C1 or C2 Districts mapped within R7A Districts or R7 Districts without a letter suffix, other than R7-3 Districts, or in #Commercial Districts# with a residential equivalent of an R7A District or an R7 District without a letter suffix, the maximum #floor area ratio# for #long-term care facilities# shall be 4.6;
- (iii) the minimum size of #dwelling unit# provisions of Section 23-23 shall not apply;

\* \* \*

**Chapter 6  
Accessory Off-Street Parking and Loading Regulations**

\* \* \*

**36-00  
GENERAL PURPOSES AND DEFINITIONS**

\* \* \*

**36-02  
Applicability of District Regulations**

\* \* \*

**36-027  
Applicability of regulations in ~~the waterfront area~~ R7-3 Districts**

~~Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.~~

In #Commercial Districts# where #residential uses# are governed by the #bulk# regulations of R7-3 Districts, the #accessory# off-street parking regulations of R7-2 Districts shall apply to #residential uses#.

**36-028  
Applicability of regulations in flood zones**

\* \* \*

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

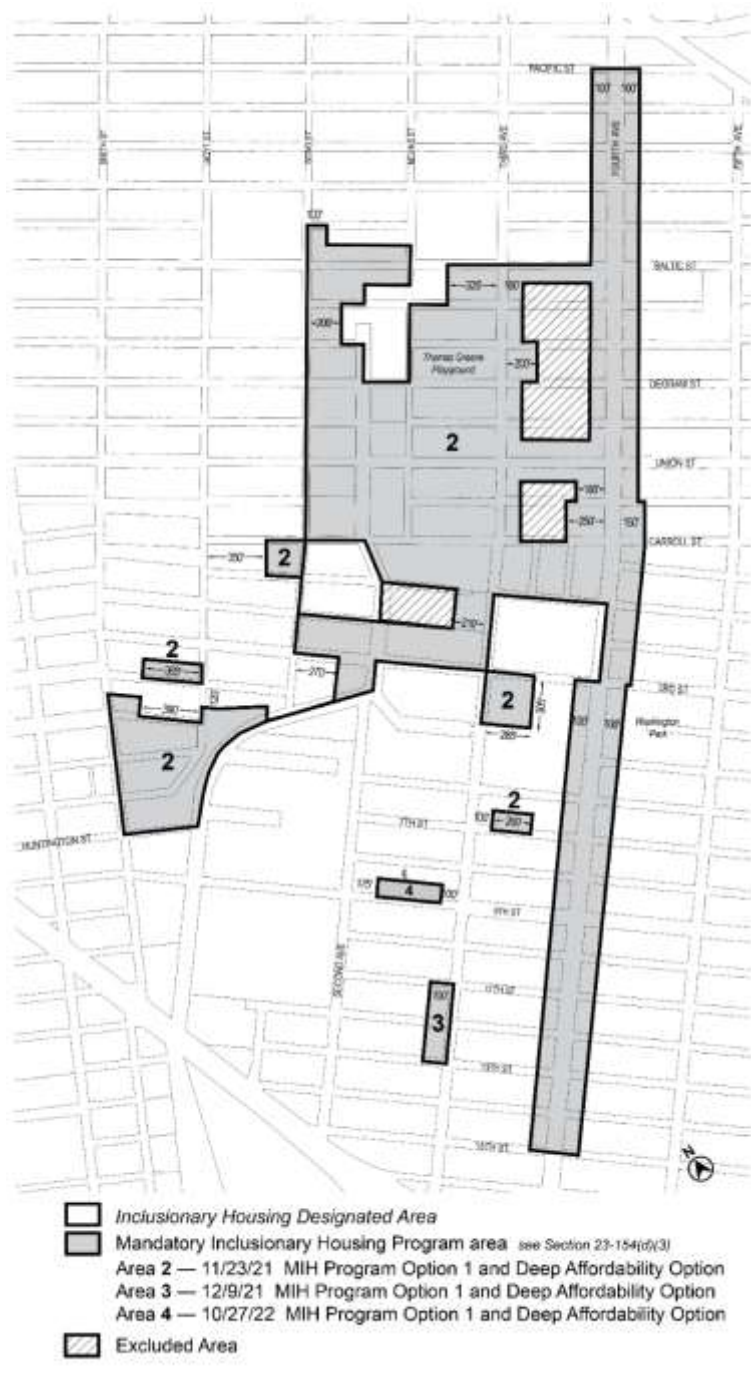
\* \* \*

**BROOKLYN**

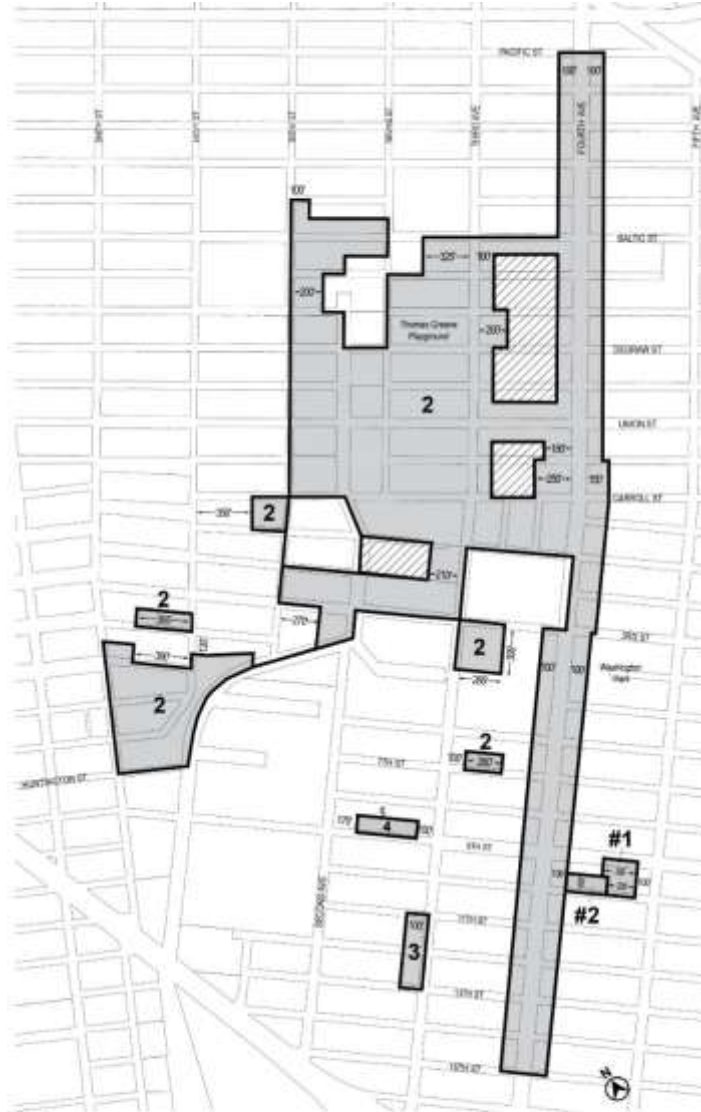
**Brooklyn Community District 6**

Map 1 – [date of adoption]

[EXISTING MAP]



[PROPOSED MAP]



- Inclusionary Housing Designated Area
- Mandatory Inclusionary Housing Program area see Section 23-154(d)(3)
- Area 2 — 11/23/21 MIH Program Option 1 and Deep Affordability Option
- Area 3 — 12/9/21 MIH Program Option 1 and Deep Affordability Option
- Area 4 — 10/27/22 MIH Program Option 1 and Deep Affordability Option
- Area #1 — [date of adoption] MIH Program Option 1
- Area #2 — [date of adoption] MIH Program Option 2 and Workforce Option
- Excluded Area

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI, 10-0-0; *Parental*: Carlina Rivera. Committee on Land Use, April 17, 2024. *Other Council Members Attending: Council Member Avilés.*

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. 43

**Report of the Committee on Land Use in favor of approving Application number G 240045 XAK (341 10th Street Article XI) submitted by the New York City Department of Housing Preservation and Development, pursuant to Section 577 of the Private Housing Finance Law for approval of an exemption from real property taxes for property located at 341 10th Street (Block 1010, Lot 26), Borough of Brooklyn, Community District 6, Council District 38.**

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, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 41 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. 385

**Resolution approving a tax exemption pursuant to Article XI of the Private Housing Finance Law (L.U. No. 43; Non-ULURP No. G 240045 XAK).**

By Council Members Salamanca and Riley.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council on March 11, 2024 its request dated March 11, 2024 that the Council approve a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (the “Tax Exemption Request”) for property located at Block 1010, Lot 26, Community District 6, Borough of Brooklyn, Council District 38 (the “Exemption Area”);

**WHEREAS**, the Tax Exemption Request is related to applications C 230337 ZMK (L.U. No. 41), a zoning map amendment to change R6A and R6B zoning districts to R7-3 and R7-3/C2-4 zoning districts; N 230338 ZRK (L.U. No. 42), a zoning text amendment to establish bulk regulations applicable to R7-3 within Mandatory Inclusionary Housing (MIH) areas and establish an MIH area; C 230339 ZSK (L.U. No. 46), a zoning special permit to establish a Large Scale General Development (LSGD) and modify bulk regulations; and C 230340 ZSK (L.U. No. 47), a zoning special permit to reduce parking requirements in the Large Scale General Development (LSGD);

**WHEREAS**, upon due notice, the Council held a public hearing on the Tax Exemption Request on March 12, 2024; and

**WHEREAS**, the Council has considered the land use and financial implications and other policy issues relating to the Tax Exemption Request.

**RESOLVED:**

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Company” shall mean Stella 341 LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
  - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - d. “Exemption Area” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 1010, Lot 26 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 FAC 341 10th Street 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. “Owner” shall mean, collectively, the HDFC and the Company.
  - i. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Notwithstanding any provision hereof to the contrary:
  - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing

Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

- b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
  - c. Nothing herein shall entitle the HDPC, 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, 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.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARIÁS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI, 10-0-0; *Parental*: Carlina Rivera. Committee on Land Use, April 17, 2024. *Other Council Members Attending: Council Member Avilés.*

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. 46

**Report of the Committee on Land Use in favor of approving Application number C 230339 ZSK (341 10th Street Rezoning) application submitted by Stellar 341, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743(a)(2) of the Zoning Resolution to modify the height and setback requirements of Sections 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residence for seniors), and the rear yard regulations of Section 23-47 (Minimum Required Rear Yards) and Section 23-532 (Required rear yard equivalents), in connection with a proposed mixed-use development, within a large-scale general development, generally bounded by a line 100 feet northeasterly of 10th Street, a line 345 feet northwesterly of 5th Avenue, 9th Street, a line 95 feet northwesterly of 5th Avenue, 10th Street, and a line 88 feet southeasterly of 4th Avenue (Block 1010, Lot 26), within R7-3 and R7-3/C2-4 Districts, and partially within C4-4D and C4-3A Districts, Borough of Brooklyn, Community District 6, Council District 38.**



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, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 41 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. 386

**Resolution approving the decision of the City Planning Commission on ULURP No. C 230339 ZSK, for the grant of a special permit (L.U. No. 46).**

By Council Members Salamanca and Riley.

**WHEREAS**, Stellar 341, LLC, 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 74-743(a)(2) of the Zoning Resolution to modify the height and setback requirements of Sections 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residence for seniors), and the rear yard regulations of Section 23-47 (Minimum Required Rear Yards) and Section 23-532 (Required rear yard equivalents), in connection with a proposed mixed-use development, within a large-scale general development, generally bounded by a line 100 feet northeasterly of 10th Street, a line 345 feet northwesterly of 5th Avenue, 9th Street, a line 95 feet northwesterly of 5th Avenue, 10th Street, and a line 88 feet southeasterly of 4th Avenue (Block 1010, Lot 26), within R7-3 and R7-3/C2-4 Districts, and partially within C4-4D and C4-3A Districts, which in conjunction with the related actions would facilitate the development of two new 17- and 19-story mixed-use buildings totaling approximately 245,000 square feet with 305 residential units, 162 of which would be income restricted, and ground floor community facility and retail space at 341 10th Street (Block 1010, Lot 26) in the Park Slope neighborhood of Brooklyn, Community District 6 (ULURP No. C 230339 ZSK) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on March 11, 2024, its decision dated March 6, 2024 (the “Decision”) on the Application;

**WHEREAS**, the Application is related to applications C 230337 ZMK (L.U. No. 41), a zoning map amendment to change R6A and R6B zoning districts to R7-3 and R7-3/C2-4 zoning districts; N 230338 ZRK (L.U. No. 42), a zoning text amendment to establish bulk regulations applicable to R7-3 within Mandatory Inclusionary Housing (MIH) areas and establish an MIH area; G 240045 XAK (L.U. No. 43), a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law; and C 230340 ZSK (L.U. No. 47), a zoning special permit to reduce parking requirements in the Large Scale General Development (LSGD);

**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 74-743 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 26, 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 Negative Declaration issued on October 2, 2023 (CEQR No. 23DCP145K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-730) (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-730) 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 230339 ZSK, 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 230339 ZSK) 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 Marvel Architects, filed with this application and incorporated in this Resolution:

<b>Drawing No.</b>	<b>Title</b>	<b>Last Date Revised</b>
U-002.00	LSGD Site Plan	9/15/2023
U-003.00	LSGD Zoning Calculations	10/2/2023
U-006.00	Zoning Diagrams - Waiver Plan	10/2/2023
U-007.00	Zoning Sections I	10/2/2023
U-008.00	Zoning Sections II	9/15/2023
U-009.00	Zoning Diagrams - Axonometrics	9/15/2023

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. No development pursuant to this resolution shall be permitted until the Restrictive Declaration dated February 29, 2024 and executed by Stellar 341 LLC, as a condition of the special permit, is recorded and filed in the Office of the Register of the City of New York, County of Kings. Such restrictive declaration shall be deemed incorporated herein.
5. 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.
6. 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, sub-lessee or occupant.

7. 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 covenants, restrictions, agreements, terms or conditions of this resolution and the restrictive declaration 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 other 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 or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted or of the restrictive declaration.
8. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city or such employees or agents failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI, 10-0-0; *Parental*: Carlina Rivera. Committee on Land Use, April 17, 2024. *Other Council Members Attending: Council Member Avilés.*

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. 47

**Report of the Committee on Land Use in favor of approving Application number C 230340 ZSK (341 10th Street Rezoning) submitted by Stellar 341, 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 allow the reduction of previously required accessory residential off-street parking spaces from 77 spaces to 39 spaces, and to allow the waiver of the required accessory residential off-street parking spaces, in connection with a proposed mixed-used development seeking bulk modifications, within a large-scale general development in a Transit Zone, generally bounded by a line 100 feet northeasterly of 10th Street, a line 345 feet northwesterly of 5th Avenue, 9th Street, a line 95 feet northwesterly of 5th Avenue, 10th Street, and a line 88 feet southeasterly of 4th Avenue (Block 1010, Lot 26), in R7-3 and R7-3/C2-4 Districts, and partially within C4-4D and C4-3A Districts, Borough of Brooklyn, Community District 6, Council District 38.**

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, respectfully

#### **REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 41 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. 387

**Resolution approving the decision of the City Planning Commission on ULURP No. C 230340 ZSK, for the grant of a special permit (L.U. No. 47).**

By Council Members Salamanca and Riley.

**WHEREAS**, Stellar 341, LLC, 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 74-532 of the Zoning Resolution to allow the reduction of previously required accessory residential off-street parking spaces from 77 spaces to 39 spaces, and to allow the waiver of the required accessory residential off-street parking spaces, in connection with a proposed mixed-used development seeking bulk modifications, within a large-scale general development in a Transit Zone, generally bounded by a line 100 feet northeasterly of 10th Street, a line 345 feet northwesterly of 5th Avenue, 9th Street, a line 95 feet northwesterly of 5th Avenue, 10th Street, and a line 88 feet southeasterly of 4th Avenue (Block 1010, Lot 26), in R7-3 and R7-3/C2-4 Districts, and partially within C4-4D and C4-3A Districts, which in conjunction with the related actions would facilitate the development of two new 17- and 19-story mixed-use buildings totaling approximately 245,000 square feet with 305 residential units, 162 of which would be income restricted, and ground floor community facility and retail space at 341 10th Street (Block 1010, Lot 26) in the Park Slope neighborhood of Brooklyn, Community District 6 (ULURP No. C 230340 ZSK) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on March 11, 2024, its decision dated March 6, 2024 (the “Decision”) on the Application;

**WHEREAS**, the Application is related to applications C 230337 ZMK (L.U. No. 41), a zoning map amendment to change R6A and R6B zoning districts to R7-3 and R7-3/C2-4 zoning districts; N 230338 ZRK (L.U. No. 42), a zoning text amendment to establish bulk regulations applicable to R7-3 within Mandatory Inclusionary Housing (MIH) areas and establish an MIH area; G 240045 XAK (L.U. No. 43), a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law; and C 230339 ZSK (L.U. No. 46), a zoning special permit to establish a Large Scale General Development (LSGD) and modify bulk regulations;

**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 74-532 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 26, 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 Negative Declaration issued on October 2, 2023 (CEQR No. 23DCP145K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-730) (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-730) 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 230340 ZSK, 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 230340 ZSK) 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 Marvel Architects, filed with this application and incorporated in this Resolution:

<b>Drawing No.</b>	<b>Title</b>	<b>Last Date Revised</b>
U-002.00	LSGD Site Plan	9/15/2023
U-003.00	LSGD Zoning Calculations	10/2/2023

- 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, sub-lessee 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 covenants, restrictions, agreements, terms or conditions of this resolution, 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 other 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 or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.
- 7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city or such employees or agents failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI, 10-0-0; *Parental*: Carlina Rivera. Committee on Land Use, April 17, 2024. *Other Council Members Attending: Council Member Avilés.*

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. 51

**Report of the Committee on Land Use in favor of approving 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.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 11, 2024 (Minutes, page 1723) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**BRONX CB-3 – THREE APPLICATIONS RELATED TO MELROSE CONCOURSE NCP**

**C 240174 HAX (L.U. No. 51)**

City Planning Commission decision approving an application submitted by the Department of Housing Preservation and Development (HPD):

- 3) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a. the designation of property located at 404 Claremont Parkway (Block 2896, Lot 96), 1169 Washington Avenue (Block 2389, Lot 47), and 12 Gouverneur Place (Block 2388, Lot 55) as an Urban Development Action Area; and
  - b. an Urban Development Action Area Project for such area; and
- 4) 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;  
to facilitate the development of three buildings containing an approximate total of 71 affordable housing units.

**G 240047 XAX (L.U. No. 52)**

Application 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), Council District 16.

**C 240175 PQX (L.U. No. 62)**

Application 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, Council District 16.

**INTENT**

To approve the urban development action area project designation, project approval, and disposition of city-owned property; acquisition of property; and a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law to facilitate the development of three new residential buildings with a total of 71 affordable dwelling units in the Claremont and Morrisania sections of Bronx, Community District 3.

**PUBLIC HEARING**

**L.U. No. 51**

**DATE:** March 28, 2024

**Witnesses in Favor:** Five

**Witnesses Against:** None

**L.U. Nos. 52 and 62**

**DATE:** April 17, 2024

**Witnesses in Favor:** None

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** April 17, 2024

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission and the HPD request on L.U. Nos. 51, 52 and 62.

**In Favor:**

Hanks  
Brannan  
Feliz  
Farias  
Marte  
Nurse  
Salaam

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** April 17, 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		
Riley		
Brooks-Powers		
Abreu		
Farias		
Hanks		
Hudson		
Sanchez		
Borelli		

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

Res. No. 388

**Resolution approving the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) and the decision of the City Planning Commission, ULURP No. C 240174 HAX, approving the designation of an Urban Development Action Area, an Urban Development Action Area Project, and the disposition of city-owned 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, to a developer to be selected by HPD (L.U. No. 51; C 240174 HAX).**

By Council Members Salamanca and Hanks.

**WHEREAS**, the City Planning Commission filed with the Council on March 22, 2024 its decision dated March 20, 2024 (the “Decision”), on the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) regarding city-owned 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), (the “Disposition Area”), approving:

- a) pursuant to Article 16 of the General Municipal Law of New York State the designation of the Disposition Area as an Urban Development Action Area;
- d) pursuant to Article 16 of the General Municipal Law of New York State an Urban Development Action Area Project for the Disposition Area (the “Project”); and
- e) pursuant to Section 197-c of the New York City Charter the disposition of the Disposition Area to a developer to be selected by the New York City Department of Housing Preservation and Development;

which in conjunction with the related actions would facilitate the development of three new residential buildings with a total of 71 affordable dwelling units in in the Claremont and Morrisania sections of Bronx Community District 3 (ULURP No. C 240174 HAX) (the “Application”);



**WHEREAS**, the Application is related to applications G 240047 XAX (L.U. No. 52), a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law; and C 240175 PQX (L.U. No. 62), an acquisition of property; and

**WHEREAS**, the City Planning Commission has certified its unqualified approval of UDAAP pursuant to Article 16 of the General Municipal Law;

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

**WHEREAS**, by letter dated March 22, 2024 and submitted to the Council on March 22, 2024, HPD submitted its requests (the “HPD Requests”) respecting the Application including the submission of the project summary for the Project (the “Project Summary”);

**WHEREAS**, upon due notice, the Council held public hearings on the Application and Decision and the HPD Requests on March 28, 2024 and April 17, 2024;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Negative Declaration issued on November 16, 2023 (CEQR No. 22HPD009X) (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 Negative Declaration.

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report C 240174 HAX and incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission and the HPD Requests.

Pursuant to Article 16 of the General Municipal Law of New York State, based on the environmental determination and the consideration described in the report C 240174 HAX and incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission and the HPD Requests.

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

The Council approves the designation of the Disposition Area as an urban development action area pursuant to Section 693 of the General Municipal Law.

The Council approves the Project as an urban development action area project pursuant to Section 694 of the General Municipal Law and subject to the terms and conditions of the Project Summary, a copy of which is attached hereto.

**ATTACHMENT:**

**PROJECT SUMMARY**

- 1. PROGRAM:** NEIGHBORHOOD CONSTRUCTION PROGRAM
- 2. PROJECT:** Melrose Concourse NCP
- 3. LOCATION:**
- a. BOROUGH:** Bronx
- b. COMMUNITY DISTRICT:** 3
- c. COUNCIL DISTRICT:** 16
- d. DISPOSITION AREA:**
- |                         | <u>BLOCKS</u> | <u>LOTS</u> | <u>ADDRESSES</u>        |
|-------------------------|---------------|-------------|-------------------------|
|                         | 2896          | 96          | 404 Claremont Parkway   |
|                         | 2389          | p/o 47      | p/o 1169 Washington Ave |
|                         | 2388          | 55          | 12 Gouverneur Place     |
| <b>e. PROJECT AREA:</b> | 2896          | 96          | 404 Claremont Parkway   |
|                         | 2389          | 47          | 1169 Washington Avenue  |
|                         | 2388          | 55          | 12 Gouverneur Place     |
- 4. BASIS OF DISPOSITION PRICE:** Nominal. Sponsor will pay one dollar per lot and deliver an enforcement note and mortgage for the remainder of the appraised value ("Land Debt"). For a period of at least thirty (30) years following completion of construction, the Land Debt or the City's capital subsidy may be repayable out of resale or refinancing profits. The remaining balance, if any, may be forgiven at the end of the term.
- 5. TYPE OF PROJECT:** New Construction
- 6. APPROXIMATE NUMBER OF BUILDINGS:** 3
- 7. APPROXIMATE NUMBER OF UNITS:** 72 dwelling units (including a superintendent unit)
- 8. HOUSING TYPE:** Rental
- 9. ESTIMATE OF INITIAL RENTS** Rents will be affordable to families with incomes between 30% and 80% of area median income (AMI). Formerly homeless tenants referred by DHS and other City agencies will pay up to 30% of their income as rent. All units will be subject to rent stabilization.
- 10. INCOME TARGETS** Up to 80 % of AMI.
- 11. PROPOSED FACILITIES:** None

- 12. **PROPOSED CODES/ORDINANCES:** None
- 13. **ENVIRONMENTAL STATUS:** Negative Declaration
- 14. **PROPOSED TIME SCHEDULE:** Approximately 24 months from closing to completion of construction

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI, 10-0-0; *Parental*: Carlina Rivera. Committee on Land Use, April 17, 2024. *Other Council Members Attending: Council Member Avilés.*

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. 52

**Report of the Committee on Land Use in favor of approving 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.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 11, 2024 (Minutes, page 1724) 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. 51 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 389

**Resolution approving a tax exemption pursuant to Article XI of the Private Housing Finance Law (L.U. No. 52; Non-ULURP No. G 240047 XAX).**

By Council Members Salamanca and Hanks.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council on March 22, 2024 its request dated March 22, 2024 that the Council approve a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (the “Tax Exemption Request”) 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), Community District 3, Borough of the Bronx, Council District 16 (the “Exemption Area”);

**WHEREAS**, the Tax Exemption Request is related to applications C 240174 HAX (L.U. No. 51), an urban development action area designation (UDAA), project approval (UDAAP) and disposition of City-owned property; and C 240175 PQX (L.U. No. 62), an acquisition of property;

**WHEREAS**, upon due notice, the Council held a public hearing on the Tax Exemption Request on April 17, 2024; and

**WHEREAS**, the Council has considered the land use and financial implications and other policy issues relating to the Tax Exemption Request.

**RESOLVED:**

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

- a. For the purposes hereof, the following terms shall have the following meanings:
  - 1) “Company” shall mean Beech Set Melrose Owner LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
  - 2) “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.
  - 3) “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2388, Lot 55, Block 2389, Lot 47, and Block 2896, Lot 96 on the Tax Map of the City of New York.
  - 4) “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.
  - 5) “HDFC” shall mean SHF Melrose Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - 6) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - 7) “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
  - 8) “Owner” shall mean, collectively, the HDFC and the Company.
  - 9) “Prior Exemption” shall mean the exemption from real property taxation for a portion of the Exemption Area pursuant to Section 577 of the Private Housing Finance Law approved by the New York City Council on September 12, 2018 (Resolution No. 526).
  - 10) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner that is executed on or after February 1, 2024 and that establishes certain controls upon the operation of the Exemption Area during the term of the New Exemption.

- b. The Prior Exemption shall terminate solely with respect to the portion of the Exemption Area included in such Prior Exemption upon the Effective Date.
- c. 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.
- d. Notwithstanding any provision hereof to the contrary:
  - 1) 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.
  - 2) The New Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that have a new permanent certificate of occupancy or a temporary certificate of occupancy for all of the residential areas on or before five years from the Effective Date.
  - 3) Nothing herein shall entitle the HDPC, 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) 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.
- e. 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.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI, 10-0-0; *Parental*: Carlina Rivera. Committee on Land Use, April 17, 2024. *Other Council Members Attending: Council Member Avilés.*

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. 53

**Report of the Committee on Land Use in favor of approving 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 114th Street (Block 1823, Lot 36), 205 West 115th Street (Block 1831, Lot 25), 358 West 116th Street (Block 1849, Lot 42), 170 West 130th Street (Block 1914, Lot 60), and 203 West 131st Street Block 1937, Lot 27), Borough of Manhattan, Community District 10, Council District 9.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 11, 2024 (Minutes, page 1724) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:****SUBJECT****MANHATTAN CB-10 – TWO APPLICATIONS RELATED TO GENESIS MPLP****G 240049 NUM (L.U. No. 53)**

Application 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 (UDAAP) 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.

**G 240050 XAM (L.U. No. 54)**

Application 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.

**INTENT**

To approve UDAAP designation, project approval, and disposition; and a real property tax exemption for the project to provide approximately eighty-five (85) rental dwelling units and one (1) commercial/community facility unit.

**PUBLIC HEARING****DATE:** March 28, 2024**Witnesses in Favor:** Three**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** April 17, 2024

The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development on L.U. Nos. 53 and 54.

**In Favor:**

Hanks  
Brannan  
Feliz  
Farias  
Marte  
Nurse  
Salaam

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** April 17, 2024

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

Salamanca  
Moya  
Riley  
Brooks-Powers  
Abreu  
Farias  
Hanks  
Hudson  
Sanchez  
Borelli

**Against:**

None

**Abstain:**

None

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

Res. No. 390

**Resolution approving an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law 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; and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, Community District 10, Borough of Manhattan (L.U. No. 53; G 240049 NUM).**

By Council Members Salamanca and Hanks.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on March 21, 2024 its request dated March 21, 2024 that the Council take the following action regarding the proposed Urban Development Action Area Project (the "Project") located at 220 Lenox Avenue (Block 1720, Lot 35), 222 Lenox Avenue (Block 1720, Lot 36), 33 West 138<sup>th</sup> 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), Community District 10, Borough of Manhattan (the "Disposition Area"):

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

**WHEREAS**, the Application is related to application G 240050 XAM (L.U. No. 54), a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on March 28, 2024; and

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

**RESOLVED:**

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

The Council waives the designation requirement of the Disposition Area as an Urban Development Action Area pursuant to Section 693 of the General Municipal Law.



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

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

The Project shall be developed in a manner consistent with the Project Summary that HPD has submitted to the Council on March 21, 2024, a copy of which is attached hereto.

**ATTACHMENT:**

**PROJECT SUMMARY**

1. **PROGRAM:** MULTIFAMILY PRESERVATION LOAN PROGRAM
2. **PROJECT:** Genesis MMN1901
3. **LOCATION:**
  - a. **BOROUGH:** Manhattan
  - b. **COMMUNITY DISTRICT:** 10
  - c. **COUNCIL DISTRICT:** 09
  - d. **DISPOSITION AREA**

<u>Block</u>	<u>Lot</u>	<u>Address</u>
1720	35	220 Lenox Avenue
1720	36	222 Lenox Avenue
1736	25	33 West 138 <sup>th</sup> Street
1823	36	77 Lenox Avenue a/k/a 100 West 114 <sup>th</sup> Street
1831	25	205 West 115 <sup>th</sup> Street
1849	42	358 West 116 <sup>th</sup> Street
1914	60	170 West 130 <sup>th</sup> Street
1937	27	203 West 131 <sup>st</sup> Street
4. **BASIS OF DISPOSITION PRICE:** Nominal. Sponsor will pay one dollar per building and deliver an enforcement note and mortgage for the remainder of the appraised value (“Land Debt”). For a period of up to sixty (60) years, the Land Debt or the City’s capital subsidy may be repayable out of resale or refinancing profits. The remaining balance, if any, may be forgiven at maturity.
5. **TYPE OF PROJECT:** Rehabilitation
6. **APPROXIMATE NUMBER OF BUILDINGS:** Eight (8) Multiple Dwellings
7. **APPROXIMATE NUMBER OF UNITS:** Eighty-five (85) dwelling units
8. **HOUSING TYPE:** Rental

- 9. ESTIMATE OF INITIAL RENTS:** Initial rents will be established in compliance with federal regulations, where applicable, and will be affordable to the targeted income groups. All units will be subject to rent stabilization. Eligible tenants may apply for rent subsidies.
- 10. INCOME TARGETS:** The Disposition Area contains occupied buildings which will be sold subject to existing tenancies. Vacant units, if any, will be rented in compliance with federal regulations, where applicable. Vacant units not subject to such regulations will be rented to families with annual household incomes up to 165% of the area median.
- 11. PROPOSED FACILITIES:** Approximately one (1) commercial or community space
- 12. PROPOSED CODES/ORDINANCES:** None
- 13. ENVIRONMENTAL STATUS:** Type II
- 14. PROPOSED TIME SCHEDULE:** Approximately twenty-four (24) months from closing to completion of construction.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI, 10-0-0; *Parental*: Carlina Rivera. Committee on Land Use, April 17, 2024. *Other Council Members Attending*: Council Member Avilés.

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. 54

**Report of the Committee on Land Use in favor of approving 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 114th Street (Block 1823, Lot 36), 205 West 115th Street (Block 1831, Lot 25), 358 West 116th Street (Block 1849, Lot 42), 170 West 130th Street (Block 1914, Lot 60), and 203 West 131st Street Block 1937, Lot 27), Borough of Manhattan, Community District 10, Council District 9.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 11, 2024 (Minutes, page 1724) 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. 53 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 391

**Resolution approving a tax exemption pursuant to Article XI of the Private Housing Finance Law (L.U. No. 54; Non-ULURP No. G 240050 XAM).**

By Council Members Salamanca and Hanks.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council on March 21, 2024 its request dated March 21, 2024 that the Council approve a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (the “Tax Exemption Request”) 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), Community District 10, Borough of Manhattan, Council District 9 (the “Exemption Area”);

**WHEREAS**, the Tax Exemption Request is related to application G 240049 NUM (L.U. No. 53), for approval of an Urban Development Action Area Project (UDAAP);

**WHEREAS**, upon due notice, the Council held a public hearing on the Tax Exemption Request on March 28, 2024; and

**WHEREAS**, the Council has considered the land use and financial implications and other policy issues relating to the Tax Exemption Request.

**RESOLVED:**

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

- a. All of the value of the property in the Disposition Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the later of (i) the date of conveyance of the Disposition Area to the Sponsor, or (ii) the date that HPD and the Sponsor enter into a regulatory agreement governing the operation of the Disposition Area (“Effective Date”) and terminating upon the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the regulatory agreement between HPD and the Sponsor, or (iii) the date upon which the Disposition Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company (“Expiration Date”).
- b. Notwithstanding any provision hereof to the contrary, the exemption from real property taxation provided hereunder (“Exemption”) shall terminate if HPD determines at any time that (i) the Disposition Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Disposition Area is not being operated in accordance with the requirements of the regulatory agreement between HPD and the Sponsor, (iii) the Disposition Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the demolition of any private or multiple dwelling on the Disposition Area has commenced without the prior written consent of HPD, or (v) the Disposition Area is conveyed without the prior

written consent of HPD. HPD shall deliver written notice of any such determination to the owner of the Disposition Area and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified herein, the Exemption shall prospectively terminate.

- c. In consideration of the Exemption, the Sponsor and any future owner of the Disposition Area, for so long as the Exemption shall remain in effect, shall waive the benefits, if any, of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.
- d. The Exemption shall apply to all land in the Disposition Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI, 10-0-0; *Parental*: Carlina Rivera. Committee on Land Use, April 17, 2024. *Other Council Members Attending*: Council Member Avilés.

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. 57

**Report of the Committee on Land Use in favor of approving 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.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 11, 2024 (Minutes, page 1725) and which same Land Use item was coupled with the resolution shown below, respectfully

#### **REPORTS:**

#### **SUBJECT**

**CITYWIDE**

**N 240179 ZRY**

City Planning Commission decision approving an application submitted by the 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 qualifying gaming facilities licensed by the State as a permitted use in certain Commercial and Manufacturing districts.

#### **INTENT**

To approve the zoning text amendment to several sections of the Zoning Resolution to allow gaming

facilities as a permitted use in certain commercial districts (Section 32-10) and manufacturing districts (Section 42-10), Citywide if: 1) a site is awarded one of the three gaming facility licenses authorized by the State in 2022; and 2) the site filed its application with the State prior to June 30, 2025. What an applicant could build on a site within the City would be controlled by the site plan approved by the local Community Advisory Committee, to be created as part of the State’s review process. Only sites in high-density commercial and manufacturing districts would be eligible to build a gaming facility pursuant to the proposed text amendment.

**PUBLIC HEARING**

**DATE:** March 26, 2024

**Witnesses in Favor:** Ten

**Witnesses Against:** Four

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** April 17, 2024

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

**In Favor:**

Riley  
Moya  
Abreu  
Hanks  
Schulman  
Salaam  
Carr

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** April 17, 2024

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca  
Moya  
Riley  
Brooks-Powers  
Abreu  
Farias  
Hanks  
Hudson  
Borelli

**Against:**

None

**Abstain:**

Sanchez

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

Res. No. 392

**Resolution approving the decision of the City Planning Commission on Application No. N 240179 ZRY, for an amendment of the text of the Zoning Resolution (L.U. No. 57).**

By Council Members Salamanca and Riley.

**WHEREAS**, the New York City Department of City Planning, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, to allow qualifying gaming facilities licensed by the State as a permitted use in certain Commercial and Manufacturing districts, Citywide (ULURP No. N 240179 ZRY) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on March 22, 2024, its decision dated March 20, 2024 (the “Decision”), on the Application;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on March 26, 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 October 30<sup>th</sup>, 2023 (CEQR No. 24DCP004Y) (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 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 City Planning Commission report, N 240179 ZRY, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission, which includes the following zoning text amendment:

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 III  
COMMERCIAL DISTRICT REGULATIONS**

**Chapter 2  
Use Regulations**

\* \* \*

**32-10  
USE ALLOWANCES**

\* \* \*

**32-18  
Use Group 8 – Recreation, Entertainment and Assembly Spaces**

**C1 C2 C3 C4 C5 C6 C7 C8**

Use Group 8 consists of #uses# that provide recreation and entertainment opportunities, as well as other places of assembly. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section 32-181 (Use Group 8 – general use allowances) which includes the compilation of #uses# in the Use Group table;
- (b) Section 32-182 (Use Group 8 – uses subject to size restrictions) for size restrictions that apply to certain #uses#, as denoted with an “S” in the Use Group table;
- (c) Section 32-183 (Use Group 8 – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group table;
- (d) Section 32-184 (Use Group 8 – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a “U” in the Use Group table;
- (e) Section 32-185 (Use Group 8 – uses permitted by special permit) for #uses# permitted by special permit of the Board of Standards and Appeals or the City Planning Commission, as denoted with “o” in the Use Group table; and
- (f) Section 32-186 (Use Group 8 – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with “\*” in the Use Group table.

The provisions of Sections 32-182, 32-183 and 32-184, except as otherwise specified, may be modified by special permit of the Board of Standards and Appeals, in accordance with Section 73-181 (Recreation, entertainment and assembly space uses), or by special permit of the City Planning Commission, in accordance with Section 74-181 (Recreation, entertainment and assembly space uses).

**32-181  
Use Group 8 – general use allowances**

The following table includes #uses# classified as Use Group 8 and sets forth their allowances by #Commercial District#. Notations found in the table are further described in Section 32-10 (USE ALLOWANCES).

<b>USE GROUP 8 – RECREATION, ENTERTAINMENT AND ASSEMBLY SPACES</b>									
● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required – = Not permitted S = Size restriction   P = Additional conditions   U = Open use allowances									
<b>Uses</b>	<b>C1</b>	<b>C2</b>	<b>C3</b>	<b>C4</b>	<b>C5</b>	<b>C6</b>	<b>C7</b>	<b>C8</b>	<b>PRC</b>

Amusement and Recreation Facilities									
#Amusement or recreation facilities#	● s	● s	○	●	●	●	● U	● U	*
#Outdoor amusement parks#	—	—	—	—	—	—	● S U	● S U	C
Art Galleries and Studios									
Art galleries	●	●	—	●	●	●	●	●	*
Art, music, dancing or theatrical studios	●	●	—	●	●	●	●	●	A2
Production or entertainment studios	● s	● s	—	●	●	●	●	●	B1
Entertainment and Sporting Venues									
Arenas or auditoriums	—	—	—	● s	● s	● s	● s	● s	B1
Drive-in theaters	—	—	—	—	—	—	○	○	N/A
Racetracks	—	—	—	—	—	—	—	○	B1
Stadiums	—	—	—	● S U	● S U	● S U	● S U	● S U	B1
Theaters	● P	● P	—	● P	● P	● P	●	● P	B1
Other Assembly Spaces									
Banquet, function or reception halls	●	●	—	●	●	●	●	●	B1
<u>Gaming facilities</u>	—	—	—	● P	● P	● P	● P	● P	<u>B1</u>
Historical exhibits	●	●	—	●	●	●	●	●	B1
Meeting halls	●	●	—	●	●	●	●	●	B1
Non-commercial clubs	●	●	●	●	●	●	●	●	*
Observation decks	● U	● U	—	● U	● U	● U	● U	● U	B1
Outdoor day camps	○	○	○	○	○	○	○	● U	G
Publicly accessible spaces	● U	● U	—	● U	● U	● U	● U	● U	N/A



Riding academies or stables	○	○	○	○	○	○	○	● P U	A4
Trade expositions	—	—	—	● S	● S	● S	● S	● S	B1

\* \* \*

**32-183**

**Use Group 8 – uses subject to additional conditions**

For #uses# denoted with a “P” in Section 32-181 (Use Group 8 – general use allowances), the following provisions shall apply:

(a) Motion picture theaters, in a new or existing #building# in C1-5, C1-6, C1-7, C1-8, C1-9, C2-5, C2-6, C2-7, C2-8, C4-5, C4-6, C4-7, C5, C6 and C8-4 Districts, shall provide a minimum of four square feet of waiting area within the #zoning lot# for each seat in such theater in order to prevent obstruction of #street# areas. The required waiting space shall be either in an enclosed lobby or open area that is covered or protected during inclement weather and shall not include space occupied by stairs or space within 10 feet of a refreshment stand or of an entrance to a public toilet. Such requirements shall not apply to any additional motion picture theater created by the subdivision of an existing motion picture theater.

(b) Gaming facilities shall be limited to those for which an application was submitted to the New York State Gaming Commission to develop and operate a gaming facility before June 30, 2025 pursuant to Section 1306 of the Racing, Pari-Mutuel Wagering and Breeding Law, as such law existed on December 5, 2023 and operating under a gaming license issued by the Gaming Commission. No other gaming facilities shall be permitted.

Gaming facilities may include gaming areas and any other non-gaming #uses# related to the gaming areas including, but not limited to, #transient hotels#, eating or drinking establishments, as well as other amenities.

Gaming facilities, as approved by the Gaming Commission at the time of their initial licensure, shall be deemed to have satisfied all other applicable regulations of this Resolution.

(b) (c) Riding academies or stables in C8 Districts shall conform to the performance standards for M1 Districts as set forth in Section 42-40 (PERFORMANCE STANDARDS) through 42-48 (Performance Standards Regulating Humidity, Heat or Glare), inclusive.

\* \* \*

**ARTICLE IV  
MANUFACTURING DISTRICT REGULATIONS**

**Chapter 2  
Use Regulations**

\* \* \*

**42-10  
USE ALLOWANCES**

\* \* \*

**42-18  
Use Group 8 – Recreation, Entertainment and Assembly Spaces**

**M1 M2 M3**

Use Group 8 consists of #uses# that provide recreation and entertainment opportunities, as well as other places of assembly. The provisions regulating #uses# classified in this Use Group are set forth as follows:

- (a) Section 42-181 (Use Group 8 – general use allowances) which includes the compilation of #uses# in the Use Group table;
- (b) Section 42-182 (Use Group 8 – uses subject to size restrictions) for size restrictions that apply to certain #uses#, as denoted with an “S” in the Use Group table;
- (c) Section 42-183 (Use Group 8 – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group table;
- (d) Section 42-184 (Use Group 8 – uses subject to open use allowances) for open #use# allowances that apply to certain #uses#, as denoted with a “U” in the Use Group table;
- (e) Section 42-185 (Use Group 8 – uses permitted by special permit) for #uses# permitted by special permit of the City Planning Commission, as denoted with “o” in the Use Group table; and
- (f) Section 42-186 (Use Group 8 – additional provisions for parking requirement category) for #uses# with more than one parking requirement category or other applicable parking provisions, as denoted with “\*” in the Use Group table.

The provisions of Sections 42-182, 42-183 and 42-184, except as otherwise specified, may be modified by special permit of the Board of Standards and Appeals, in accordance with Section 73-181 (Recreation, entertainment and assembly space uses), or by special permit of the City Planning Commission, in accordance with Section 74-181 (Recreation, entertainment and assembly space uses).

**42-181  
Use Group 8 – general use allowances**

The following table includes #uses# classified as Use Group 8 and sets forth their allowances by #Manufacturing District#. Notations found in the table are further described in Section 42-10 (USE ALLOWANCES).

<b>USE GROUP 8 – RECREATION, ENTERTAINMENT AND ASSEMBLY SPACES</b>				
<p>● = Permitted   ♦ = Permitted with limitations   ○ = Special permit required                      – = Not permitted                      S = Size restriction   P = Additional conditions   U = Open use allowances</p>				
Uses	M1	M2	M3	PRC
<b>Amusement and Recreation Facilities</b>				
#Amusement or recreation facilities#	● U	● U	● U	*
#Outdoor amusement parks#	● S U	● S U	● S U	C
<b>Art Galleries and Studios</b>				
Art galleries	●	●	●	*
Art, music, dancing or theatrical studios	●	●	●	A2
Production or entertainment studios	●	●	●	B1
<b>Entertainment and Sporting Venues</b>				
Arenas or auditoriums	● S	● S	● S	B1
Drive-in theaters	○	○	○	N/A
Racetracks	○	○	○	B1
Stadiums	● S U	● S U	● S U	B1
Theaters	●	●	●	B1
<b>Other Assembly Spaces</b>				
Banquet, function or reception halls	●	–	–	B1
<u>Gaming facilities</u>	● P	● P	● P	<u>B1</u>
Historical exhibits	●	●	●	B1
Meeting halls	●	●	●	B1
Non-commercial clubs	●	●	●	*
Observation decks	● U	● U	● U	B1

Outdoor day camps	● U	● U	● U	G
Publicly accessible spaces	● U	● U	● U	N/A
Riding academies or stables	● P U	● P U	● P U	A4
Trade expositions	● S	● S	● S	B1

\* \* \*

**42-183**

**Use Group 8 – uses subject to additional conditions**

~~For #uses# denoted with a “P” in Section 42-181 (Use Group 8 – general use allowances), the provisions of this Section shall apply.~~

For #uses# denoted with a “P” in Section 42-181 (Use Group 8 – general use allowances), the following provisions shall apply:

- (a) Gaming facilities shall be limited to those for which an application was submitted to the New York State Gaming Commission to develop and operate a gaming facility before June 30, 2025 pursuant to Section 1306 of the Racing, Pari-Mutuel Wagering and Breeding Law, as such law existed on December 5, 2023 and operating under a gaming license issued by the Gaming Commission. No other gaming facilities shall be permitted.

Gaming facilities may include gaming areas and any other non-gaming #uses# related to the gaming areas including, but not limited to, #transient hotels#, eating or drinking establishments, as well as other amenities.

Gaming facilities, as approved by the Gaming Commission at the time of their initial licensure, shall be deemed to have satisfied all other applicable regulations of this Resolution.

- (b) In all #Manufacturing Districts#, riding academies or stables shall conform to the performance standards set forth in Sections 42-40 (PERFORMANCE STANDARDS) through 42-48 (Performance Standards Regulating Humidity, Heat or Glare), inclusive.

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARIÁS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI, 9-0-1; *Abstain*: Pierina A. Sanchez; *Parental*: Carlina Rivera. Committee on Land Use, April 17, 2024. *Other Council Members Attending*: Council Member Avilés.

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. 58

**Report of the Committee on Land Use in favor of approving 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.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 11, 2024 (Minutes, page 1725) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 6**

**C 230051 ZMK**

City Planning Commission decision approving an application 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, by changing from an M1-1 District to an M1-5 District property bounded by Seabring Street, a line 125 feet southeasterly of Richards Street, Commerce Street, and Richards Street, Borough of Brooklyn, Community District 6, as shown on a diagram (for illustrative purposes only) dated November 1, 2023, and subject to the conditions of CEQR Declaration E-737.

**INTENT**

To approve the amendment to rezone the project area from an M1-1 zoning district to an M1-5 zoning district to facilitate the development of a new seven-story, approximately 85,000 square foot mixed-use development containing 66,000 square feet of light manufacturing uses and 19,000 square feet of commercial uses at 41 Richards Street in the Red Hook neighborhood of Brooklyn, Community District 6.

**PUBLIC HEARING**

**DATE:** March 26, 2024

**Witnesses in Favor:** Four

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** April 17, 2024

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

**In Favor:**  
Riley  
Moya

**Against:**  
None

**Abstain:**  
None

Abreu  
Hanks  
Schulman  
Salaam  
Carr

**COMMITTEE ACTION**

**DATE:** April 17, 2024

The Committee recommends that the Council approve the attached resolution.

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

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

Res. No. 393

**Resolution approving the decision of the City Planning Commission on ULURP No. C 230051 ZMK, a Zoning Map amendment (L.U. No. 58).**

By Council Members Salamanca and Riley.

**WHEREAS**, 54 Richards Street, 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. 16a, by changing from an M1-1 District to an M1-5 District, which would facilitate the development of a new seven-story, approximately 85,000 square foot mixed-use development containing 66,000 square feet of light manufacturing uses and 19,000 square feet of commercial uses at 41 Richards Street in the Red Hook neighborhood of Brooklyn, Community District 6 (ULURP No. C 230051 ZMK) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on March 22, 2024 its decision dated March 20, 2024 (the "Decision") on the Application;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on March 26, 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 30, 2023 (CEQR No. 20DCP081K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials and air quality (E-737). The proposed actions as analyzed in the Environmental Assessment Statement incorporate a Restrictive Declaration, requiring the implementation of an LPC-approved CPP for the protection of adjacent architectural resources, as a project component related to the environment.

**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-737) 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 230051 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. 16a by changing from an M1-1 District to an M1-5 District property bounded by Seabring Street, a line 125 feet southeasterly of Richards Street, Commerce Street, and Richards Street, Borough of Brooklyn, Community District 6, as shown on a diagram (for illustrative purposes only) dated November 1, 2023, and subject to the conditions of CEQR Declaration E-737.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI, 10-0-0; *Parental*: Carlina Rivera. Committee on Land Use, April 17, 2024. *Other Council Members Attending: Council Member Avilés.*

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. 61

**Report of the Committee on Land Use in favor of approving 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.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 11, 2024 (Minutes, page 1726) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**QUEENS CB - 4**

**C 240075 ZMQ**

City Planning Commission decision approving an application 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 R7A District, a C2-4 District bounded by Baxter Avenue, a line 100 feet northeasterly of Broadway, Pettit Avenue, and Broadway, as shown on a diagram (for illustrative purposes only) dated October 30, 2023, and subject to the conditions of CEQR Declaration E-745.

**INTENT**

To approve the amendment to establish within an existing R7A District, a C2-4 District to bring existing legally non-conforming commercial uses within the project area into conformance and would not result in any new redevelopment, Borough of Queens, Community Board 4.

**PUBLIC HEARING**

**DATE:** March 26, 2024

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** April 17, 2024

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

**In Favor:**

Riley  
Moya  
Abreu  
Hanks  
Schulman  
Salaam  
Carr

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** April 17, 2024

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca  
Moya  
Riley  
Brooks-Powers  
Abreu  
Farias  
Hanks  
Hudson

**Against:**

None

**Abstain:**

None



Sanchez  
Borelli

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

Res. No. 394

**Resolution approving the decision of the City Planning Commission on ULURP No. C 240075 ZMQ, a Zoning Map amendment (L.U. No. 61).**

By Council Members Salamanca and Riley.

**WHEREAS**, GWY Realty Inc., filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9d, by establishing within an existing R7A District, a C2-4 District, which would bring existing legally non-conforming commercial uses within the project area into conformance and would not result in any new redevelopment (ULURP No. C 240075 ZMQ) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on March 22, 2024 its decision dated March 20, 2024 (the "Decision") on the Application;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on March 26, 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 30, 2023 (CEQR No. 23DCP159Q), which includes an (E) designation to avoid the potential for significant adverse impacts related to air quality and noise (E-745) (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-745) 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 240075 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. 9d by establishing within an existing R7A District, a C2-4 District bounded by Baxter Avenue, a line 100 feet northeasterly of Broadway, Pettit Avenue, and Broadway, as shown on a diagram (for illustrative purposes only) dated October 30, 2023, and subject to the conditions of CEQR Declaration E-745.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI, 10-0-0; *Parental*: Carlina Rivera. Committee on Land Use, April 17, 2024. *Other Council Members Attending: Council Member Avilés.*

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. 62

**Report of the Committee on Land Use in favor of approving 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.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 11, 2024 (Minutes, page 1726) 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. 51 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 395

**Resolution approving the decision of the City Planning Commission on ULURP Application No. C 240175 PQX, 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 (L.U. No. 62; C 240175 PQX).**

By Council Members Salamanca and Hanks.

**WHEREAS**, the New York City Department of Housing Preservation and Development (HPD), filed an application 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), which in conjunction with the related actions would facilitate the development of three new residential buildings with a total of 71 affordable dwelling units in the Claremont and Morrisania sections of Bronx, Community District 3 (ULURP No. C 240175 PQX) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on March 22, 2024, its decision dated March 20, 2024 (the “Decision”) on the Application;

**WHEREAS**, the Application is related to applications C 240174 HAX (L.U. No. 51), an urban development action area designation (UDAA), project approval (UDAAP) and disposition of City-owned

property; and G 240047 XAX (L.U. No. 52), a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law;

**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 April 17, 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 November 16, 2023 (CEQR No. 22HPD009X) (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 Negative Declaration.

Pursuant to Section 197-d 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 240175 PQX, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI, 10-0-0; *Parental*: Carlina Rivera. Committee on Land Use, April 17, 2024. *Other Council Members Attending*: Council Member Avilés.

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. 63

**Report of the Committee on Land Use in favor of approving 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.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 11, 2024 (Minutes, page 1727) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**QUEENS CB - 12**

**C 240061 PPQ**

City Planning Commission decision approving an application 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 (Block 10011, Lot 14) pursuant to zoning.

**INTENT**

To approve the disposition of the City-owned property pursuant to zoning, for property located at 97-22 Cresskill Place (Block 10011, Lot 14), in the Jamaica neighborhood of Queens, Community District 12.

**PUBLIC HEARING**

**DATE:** April 17, 2024

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** April 17, 2024

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

**In Favor:**

Hanks  
Brannan  
Feliz  
Farias  
Marte  
Nurse  
Salaam

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** April 17, 2024

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca  
Moya  
Riley  
Brooks-Powers  
Abreu  
Farias  
Hanks  
Hudson

**Against:**

None

**Abstain:**

None

Sanchez  
Borelli

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

Res. No. 396

**Resolution approving the decision of the City Planning Commission on Application No. C 240061 PPQ, for the disposition of city-owned property, pursuant to zoning (L.U. No. 63).**

By Council Members Salamanca and Hanks.

**WHEREAS**, the Department of Citywide Administrative Services (DCAS), filed an application pursuant to Section 197-c of the New York City Charter, for the disposition of one city-owned property located at 97-22 Cresskill Place (Block 10011, Lot 14) pursuant to zoning, Borough of Queens, Community District 12 (ULURP No. C 240061 PPQ) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on March 22, 2024, its decision dated March 20, 2024 (the "Decision") on the Application;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on April 17, 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 determination by the City Planning Commission, that the Application is a Type II and requires no further review action (the "Type II Determination").

**RESOLVED:**

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

Pursuant to Sections 197-d 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 240061 PPQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision for the disposition of the City-owned property located at 97-22 Cresskill Place (Block 10011, Lot 14) pursuant to zoning.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI, 10-0-0; *Parental*: Carlina Rivera. Committee on Land Use, April 17, 2024. *Other Council Members Attending*: Council Member Avilés.

Recommitted to the Committee on Land Use.

**GENERAL ORDERS CALENDAR**

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

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

- |      |   |  |
|------|---|--|
| (1)  | <b>Int. No. 129-A -</b>                 | Cabinet for older New Yorkers.   |
| (2)  | <b>Int. No. 689-A -</b>                 | Pilot program to construct solar canopies in certain parking lots.   |
| (3)  | <b>L.U. No. 35 &amp; Res. No. 381 -</b> | <b>App. C 240099 HAX (East Tremont Cluster NCP)</b> , Borough of the Bronx, Community District 6, Council District 15.         |
| (4)  | <b>L.U. No. 36 &amp; Res. No. 382 -</b> | <b>App. G 240046 XAX (East Tremont Cluster NCP)</b> , Borough of the Bronx, Community District 6, Council District 15.         |
| (5)  | <b>L.U. No. 41 &amp; Res. No. 383 -</b> | <b>App. C 230337 ZMK (341 10th Street Rezoning)</b> , Borough of Brooklyn, Community District 6, Council District 38.          |
| (6)  | <b>L.U. No. 42 &amp; Res. No. 384 -</b> | <b>App. N 230338 ZRK (341 10th Street Rezoning)</b> , Borough of Brooklyn, Community District 6, Council District 38.          |
| (7)  | <b>L.U. No. 43 &amp; Res. No. 385 -</b> | <b>App. G 240045 XAK (341 10th Street Article XI)</b> , Borough of Brooklyn, Community District 6, Council District 38.        |
| (8)  | <b>L.U. No. 46 &amp; Res. No. 386 -</b> | <b>App. C 230339 ZSK (341 10th Street Rezoning)</b> , Borough of Brooklyn, Community District 6, Council District 38.          |
| (9)  | <b>L.U. No. 47 &amp; Res. No. 387 -</b> | <b>App. C 230340 ZSK (341 10th Street Rezoning)</b> , Borough of Brooklyn, Community District 6, Council District 38.          |
| (10) | <b>L.U. No. 51 &amp; Res. No. 388 -</b> | <b>App. C 240174 HAX (Melrose Concourse NCP)</b> , Borough of the Bronx, Community District 3, Council District 16.            |
| (11) | <b>L.U. No. 52 &amp; Res. No. 389 -</b> | <b>App. G 240047 XAX (Melrose Concourse NCP Article XI)</b> , Borough of the Bronx, Community District 3, Council District 16. |

- (12) **L.U. No. 53 & Res. No. 390 –** **App. G 240049 NUM (Genesis MPLP UDAAP)**, Borough of Manhattan, Community District 10, Council District 9.
- (13) **L.U. No. 54 & Res. No. 391 –** **App. G 240050 XAM (Genesis MPLP Article XI)**, Borough of Manhattan, Community District 10, Council District 9.
- (14) **L.U. No. 57 & Res. No. 392 –** **App. N 240179 ZRY (Gaming Facility Text Amendment)** to allow gaming facilities licensed by the State as a permitted use in certain Commercial and Manufacturing districts, Citywide.
- (15) **L.U. No. 58 & Res. No. 393 –** **App. C 230051 ZMK (41 Richards Street)**, Borough of Brooklyn, Community District 6, Council District 38.
- (16) **L.U. No. 61 & Res. No. 394 –** **App. C 240075 ZMQ (80-01 Broadway Commercial Overlay)**, Borough of Queens, Community District 4, Council District 25.
- (17) **L.U. No. 62 & Res. No. 395 –** **App. C 240175 PQX (Melrose Concourse NCP)**, Borough of the Bronx, Community District 3, Council District 16.
- (18) **Preconsidered L.U. No. 70 & Res. No. 377 -** West 107th Street, Manhattan, Community District 7, Council District 7.
- (19) **Preconsidered L.U. No. 71 & Res. No. 378 -** 68-19 Woodhaven Boulevard, Queens, Community District 6, Council District 30.
- (20) **Preconsidered L.U. No. 72 & Res. No. 379 -** Cadman Towers, Brooklyn, Community District 2, Council District 33.
- (21) **Preconsidered L.U. No. 73 & Res. No. 380 -** 570 Washington Street, Manhattan, Community District 2, Council District 3.



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, Hanif, Hanks, Holden, Hudson, Joseph, Krishnan, Lee, Louis, Marmorato, Marte, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Paladino, Powers, Restler, Riley, Salaam, Salamanca, Sanchez, Schulman, Stevens, Ung, Vernikov, Williams, Won, Yeger, Zhuang, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Farías) and the Speaker (Council Member Adams) - **50**.

**The General Order vote recorded for this Stated Meeting was 50-0-0 as shown above with the exception of the votes for the following legislative items:**

The following was the vote recorded for **L.U. No. 57 & Res. No. 392:**

**Affirmative**– Abreu, Ariola, Ayala, Banks, Bottcher, Brannan, Brooks-Powers, Carr, De La Rosa, Dinowitz, Feliz, Gennaro, Hanks, Hudson, Joseph, Lee, Louis, Menin, Moya, Narcisse, Ossé, Powers, Restler, Riley, Salaam, Salamanca, Schulman, Stevens, Ung, Williams, Won, Zhuang, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Farías) and the Speaker (Council Member Adams) - **35**.

**Negative** –Aviles, Brewer, Cabán, Gutiérrez, Hanif, Holden, Krishnan, Marmorato, Marte, Mealy, Nurse, Paladino, Sanchez, Vernikov, and Yeger - **15**.

The following was the vote recorded for **Preconsidered L.U. No. 72 & Res. No. 379:**

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

**Negative** – Abreu, Brewer, Mealy - **3**.

**Abstention** – Stevens - **1**.

*The following Introductions were sent to the Mayor for his consideration and approval:  
Int. Nos. 129-A and 689-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. 172-A

**Report of the Committee on Sanitation and Solid Waste Management in favor of approving, as amended, a Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.5322-B/S.4246-B, also known as the Packaging Reduction and Recycling Infrastructure Act, which would establish an extended producer responsibility system for packaging.**

The Committee on Sanitation and Solid Waste Management, to which the annexed amended resolution was referred on February 28, 2024 (Minutes, page 507), respectfully

**REPORTS:**

**I. INTRODUCTION**

On April 18, 2024, the Committee on Sanitation and Solid Waste Management (the “Committee”), chaired by Council Member Shaun Abreu, held a hearing and vote on Res. No. 172-A, sponsored by Council Member Sandy Nurse, calling on the New York State Legislature to pass, and the Governor to sign, A.5322-B/S.4246-B, also known as the Packaging Reduction and Recycling Infrastructure Act, which would establish an extended producer responsibility system for packaging. The Committee previously heard Res. No. 172-A at a hearing on February 27, 2024, where it received testimony from representatives of the Department of Sanitation (“DSNY”), environmental advocates and interested members of the public.<sup>1</sup>

**II. LEGISLATION**

**Res. No. 172-A** calls on the New York State Legislature to pass, and the Governor to sign (S.4246-B/A.5322-B), introduced by State Senator Pete Harckham and Assembly Member Deborah Glick, also known as the Packaging Reduction and Recycling Infrastructure Act. This bill would establish an extended producer responsibility (“EPR”) system for packaging in New York State. Specifically, the bill would require producers of packaging materials to pay a fee to a third-party Packaging Reduction Organization (“PRO”) commensurate with the cost to recycle those materials. The PRO would then disburse the funds collected to local governments for recycling programming, which could potentially provide New York City with revenue totaling \$150 million annually. The bill would also establish standards requiring producers to reduce packaging and use more post-consumer recycled content, prohibit the use of certain toxic substances in packaging material, and impose various other requirements on the PRO and producers.

*Update*

On Thursday, April 18, 2024, the Committee adopted Res. No. 172-A by a vote of 8 in the affirmative, 4 in negative, with no abstentions.

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

**(The following is the text of Res. No. 172-A:)**

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<sup>1</sup> More information about this legislation can be accessed online at <https://rb.gy/xl5tu3>.

## Res. No. 172-A

**A Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.5322-B/S.4246-B, also known as the Packaging Reduction and Recycling Infrastructure Act, which would establish an extended producer responsibility system for packaging.**

By Council Members Nurse, Abreu, Riley, Bottcher, Williams, Brewer, Louis, Krishnan, Salaam, Ossé, Gutiérrez, Gennaro, Cabán, Farías, Avilés and Zhuang (in conjunction with the Brooklyn Borough President).

**Whereas**, Packaging material, which includes plastic, steel, aluminum, and glass containers, as well as boxboard, cardboard, and cartons, constitutes approximately 30 percent of the waste stream in the United States; and

**Whereas**, Local municipal governments, including those in New York State, are required to fund the management of discarded packaging material and to take responsibility for achieving waste diversion goals; and

**Whereas**, The value of recyclable materials does not cover the cost to collect, sort, process, and market these items, often causing municipal governments to pay millions of dollars annually to administer their recycling programs; and

**Whereas**, New York City alone spends \$166 million per year in direct costs to collect and process recyclables; and

**Whereas**, New York State's current recycling system places unreasonable burdens on local governments to collect, manage, and market recyclable materials, when it is the producers of consumer goods and packaging that have control over which materials are placed on the market; and

**Whereas**, Costs paid by citizens and local governments to manage packaging are, in effect, subsidies to producers that enable and encourage producers to design packaging materials without regard to end-of-life management; and

**Whereas**, Producers have little incentive to design packaging to minimize waste, reduce toxicity, or maximize recyclability, creating a supply chain disconnect with environmentally sound, end-of-life management of these consumer materials; and

**Whereas**, Extended producer responsibility ("EPR") is an environmental policy approach in which producers accept responsibility for the management of post-consumer products and packaging so those who produce these materials help bear the costs of recycling; and

**Whereas**, EPR programs for packaging materials have been adopted in many European Union member states and Canadian provinces, as well as other parts of the world, with states such as Sweden and Spain achieving recycling rates for packaging materials upwards of 60 percent; and

**Whereas**, Enacting EPR for packaging could significantly increase recycling rates for residential materials, reduce consumer confusion and contamination in recycling streams, create green sector jobs, provide millions of dollars in savings for local governments and taxpayers, and lower greenhouse gas emissions; and

**Whereas**, S.4246-B, introduced by State Senator Pete Harckham, and companion bill A.5322-B, introduced by Assembly Member Deborah Glick, would establish an EPR system that requires producers of packaging materials to pay a fee to a third-party Packaging Reduction Organization ("PRO") commensurate with the cost to recycle those materials; and

**Whereas**, The PRO would then disburse this fee paid to local governments to fund recycling programming; and

**Whereas**, According to a memo published by the New York City Mayor's Office, this EPR system could provide New York City with annual revenue of \$150 million or more; and

**Whereas**, A.5322-B/S.4246-B would also require that the PRO facilitate coordination between producers of packaging material and waste service providers to increase the efficiency of recycling programs such that a greater proportion of solid waste is diverted to the recycling waste stream; and

**Whereas**, The bill also establishes standards that require producers to reduce packaging and use more post-consumer recycled content, prohibits the use of certain toxic substances in packaging material, and imposes various other requirements on the PRO and producers; and

**Whereas**, Shifting the cost of recycling collection and processing from local governments to producers of packaging material will incentivize them to design for reduction and recyclability and reduce the volume of material that is disposed of through unsustainable waste management practices; 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.5322-B/S.4246-B, also known as the Packaging Reduction and Recycling Infrastructure Act, which would establish an extended producer responsibility system for packaging.

SHAUN ABREU, *Chairperson*; RAFAEL SALAMANCA, Jr., JAMES F. GENNARO, JULIE MENIN, SANDY NURSE, SANDRA UNG, CHRIS BANKS, SUSAN ZHUANG; 8-0-0; *Absent*: David M. Carr, Vickie Paladino, Inna Vernikov, and Kalman Yeger; Committee on Sanitation and Solid Waste Management, April 18, 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 those in favor, the Majority Leader and Acting President Pro Tempore (Council Member Farías) declared the Resolution to be adopted.

The following 8 Council Members formally noted their intention to vote **negative** on this item: Council Members Ariola, Carr, Holden, Marmorato, Paladino, Vernikov, Yeger, and the Minority Leader (Council Member Borelli).

Adopted by the Council by voice-vote.

Report for voice-vote item Res. No. 279

**Report of the Committee on Veterans in favor of approving a Resolution calling on the United States Congress to pass, and the President to sign, legislation declaring April 26 annually as Korean War Veterans and Korean Defense Veterans Recognition Day to celebrate the bravery and sacrifice of those who served.**

The Committee on Veterans, to which the annexed resolution was referred on March 19, 2024 (Minutes, page 1439), respectfully

#### **REPORTS:**

On Thursday, April 18, 2024, the Committee on Veterans, chaired by Council Member Robert Holden, will hold a vote on Resolution Number (Res. No.) 279, sponsored by Council Members Holden and Vickie Paladino, calling on the United States Congress to pass, and the President to sign, legislation declaring April 26 annually as Korean War Veterans and Korean Defense Veterans Recognition Day to celebrate the bravery and sacrifice of those who served. The Committee originally heard Res. No. 279 on April 2, 2024. At that hearing, the Committee received testimony in support of this resolution from community members.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 279:)**

Res. No. 279

**Resolution calling on the United States Congress to pass, and the President to sign, legislation declaring April 26 annually as Korean War Veterans and Korean Defense Veterans Recognition Day to celebrate the bravery and sacrifice of those who served.**

By Council Members Holden, Paladino, Gennaro, Schulman, Lee, Won, Marmorato and Ariola.

**Whereas**, After World War II, the Korean Peninsula was split into a Soviet-backed government in the North and a United States (U.S.)-backed government in the South; and

**Whereas**, On June 25, 1950, North Korean soldiers attacked along the 38th parallel, which divided the North and South, and invaded South Korea, officially known as the Republic of Korea; and

**Whereas**, After the attack was condemned by the United Nations (UN) Security Council, members of the U.S. Armed Forces served with the forces of the Republic of Korea and 20 allied nations under the UN Command; and

**Whereas**, During the three-year war, more than 5 million U.S. servicemembers supported the war effort, with almost 1.8 million of them fighting on Korean soil in some of the most brutal wartime conditions ever recorded; and

**Whereas**, The U.S. Armed Forces sustained 36,574 in-theater deaths, including 2,373 servicemembers from New York State (NYS), and brought back another 103,284 wounded servicemembers; and

**Whereas**, On July 27, 1953, the Korean Armistice Agreement brought an end to armed conflict through a military truce rather than a formal peace treaty, separating the two parts of the Korean Peninsula by a Demilitarized Zone (DMZ), which still exists today; and

**Whereas**, U.S. servicemembers have been stationed in South Korea ever since the end of the war in order to maintain peace and freedom for those living in the Republic of Korea; and

**Whereas**, Currently, there are approximately 28,500 U.S. servicemembers stationed in South Korea, mostly at Camp Humphreys, which is the largest U.S. overseas military base; and

**Whereas**, These U.S. servicemembers who have safeguarded the Republic of Korea during peacetime, upon discharge, join the ranks of Veterans known as Korean Defense Veterans; and

**Whereas**, The NYS Assembly and Senate passed resolutions in April 2023 to “celebrat[e] the courage and bravery of New York State’s Korean War Veterans and recognize[e] the men and women who served with dignity and honor during this historic time period at the Senate’s Inaugural Korean War Veteran Celebration on April 26, 2023”; and

**Whereas**, According to the NYS resolutions, “From the ashes of war and the sharing of spilled blood on the battlefield, the United States and the Republic of Korea have continuously stood shoulder-to-shoulder to promote and defend international peace and security, economic prosperity, human rights, and the rule of law both on the Korean Peninsula and beyond”; and

**Whereas**, New York City (NCY) honors Korean War Veterans with the New York Korean War Veterans Memorial, which was designed by artist Mac Adams and dedicated in 1991; and

**Whereas**, The NYC monument displays a 15-foot black granite slab with a cut-out in the shape of a soldier, symbolizing loss and death; and

**Whereas**, Citizens of the U.S. and the Republic of Korea owe a continuing debt of gratitude to all U.S. Veterans who served on Korean soil during wartime and during the ensuing years in keeping a fragile peace; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the United States Congress to pass, and the President to sign, legislation declaring April 26 annually as Korean War Veterans and Korean Defense Veterans Recognition Day to celebrate the bravery and sacrifice of those who served.

ROBERT F. HOLDEN, *Chair*; SANDY NURSE, JOANN ARIOLA, VICKIE PALADINO, KRISTY MARMORATO; 5-0-0; Committee on Veterans, April 18 2024. *Other Council Members Attending: Council Member Mealy.*

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. 804

By Council Members Abreu, Sanchez and Louis.

### **A Local Law to amend the administrative code of the city of New York, in relation to establishing a child care opioid antagonist program**

*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 CHILD CARE OPIOID ANTAGONIST PROGRAM

*§ 17-2201 Definitions. As used in this chapter, the following terms have the following meanings:*  
*Child care program. The term “child care program” means a program that provides care for a child up to 12 years of age on a regular basis, away from the child’s residence, for less than 24 hours per day by a person other than a parent, stepparent, or guardian of such child or a relative within the third degree of consanguinity of the parents or stepparents of such child.*

*Opioid antagonist. The term “opioid antagonist” means naloxone or any other medication approved by the New York state department of health and the federal food and drug administration that, when administered, negates or neutralizes in whole or in part the pharmacological effects of an opioid in the human body.*

*§ 17-2202 Child care opioid antagonist program. The commissioner shall establish a program whereby an owner or employee of a child care program may request an opioid antagonist from the department that is intended to be administered to individuals, including but not limited to children, on the premises of such child care program. The commissioner shall operate such program in compliance with existing federal, state, and local laws and regulations relating to the distribution of an opioid antagonist.*

*§ 17-2203 Terms and conditions. a. Pursuant to this chapter, an owner or employee of a child care program may request 1 kit of an opioid antagonist for every child that is registered at such child care program, and 1 kit of an opioid antagonist for every owner and employee of such child care program, at one time. An owner or employee of a child care program may only request additional kits of an opioid antagonist if such child care program does not possess 1 kit of an opioid antagonist for every child that is registered at the child care program and 1 kit of an opioid antagonist for every owner and employee of the child care program at the time of such request.*

*b. To request an opioid antagonist pursuant to this chapter, an owner or employee of a child care program shall provide the following information to the department:*

- 1. Name, mailing address, zip code of residence, and contact information of such owner or employee;*
- 2. Name, mailing address, zip code, and contact information of such child care program;*
- 3. The number of opioid antagonist kits requested;*
- 4. The number of opioid antagonist kits possessed by the child care program at the time of such request;*
- 5. The total number of children registered at the child care program at the time of such request;*
- 6. The total number of owners and employees of the child care program at the time of such request; and*
- 7. Any other information the commissioner determines is required for the department to provide an opioid antagonist to such owner or employee.*

*c. The department shall not charge a fee for receiving an opioid antagonist through the program established by this chapter.*

*d. Such owner or employee shall comply with all applicable federal, state, and local laws and regulations, including the requirements of this chapter, relating to the receipt, administration, and use of opioid antagonists.*

*§ 17-2204 Trainings and other resources. The commissioner shall offer owners and employees of child care programs training and other resources on opioid overdose prevention and administration of an opioid antagonist. An owner or employee of a child care program who has received such training, who has received training from another opioid overdose prevention program approved pursuant to section 3309 of the public health law, or who is otherwise in compliance with relevant federal, state, and local laws and regulations regarding the administration of opioid antagonists may administer an opioid antagonist to an individual such owner or employee reasonably believes is experiencing an opioid overdose.*

*§ 17-2205 Disclaimer of liability for child care programs and their owners and employees. The administration of an opioid antagonist pursuant to this chapter is considered first aid or emergency treatment for the purpose of any statute relating to liability. A child care program or an owner or employee of such child care program, acting reasonably and in good faith in compliance with this section and section 3309 of the public health law, is not subject to criminal, civil, or administrative liability solely by reason of such action. Nothing contained in this chapter or in the administration or application hereof shall be construed as creating any private right of action against a child care program or an owner or employee of such child care program for use of or failure to use an opioid antagonist in the event of an opioid overdose.*

*§ 17-2206 Construction. Nothing in this chapter prohibits any other program or policy to provide an opioid antagonist to any individual allowed to obtain and use an opioid antagonist in accordance with federal, state, and local laws and regulations.*

*§17-2207 Report. a. No later than 1 year after the effective date of the local law that added this chapter, and annually thereafter, the commissioner shall submit a report to the mayor and the speaker of the council on the program established by this chapter.*

*b. Such report shall include, but need not be limited to, the following information for the previous calendar year:*

- 1. The total number of opioid antagonist kits provided by the department to owners and employees of child care programs, disaggregated by the zip code of the child care programs; and*
- 2. The total number of trainings on opioid overdose prevention and administration of an opioid antagonist offered by the commissioner to owners and employees of child care programs.*

*§ 2. This local law takes effect 120 days after it becomes law.*

Referred to the Committee on Health.

Res. No. 361

**Resolution calling upon the United States Congress to pass, and the President to sign, the End Hedge Fund Control of American Homes Act.**

By Council Members Avilés, Gennaro and Louis.

**Whereas**, New York City is currently experiencing a severe affordable housing shortage, with the median rent for a 1 bedroom apartment over \$4,000 in Manhattan and approximately \$3,000 in Brooklyn and Northwest Queens as of November 2023, according to reporting by real estate appraisers Miller Samuel, and the cost of home ownership among the highest in the United States; and

**Whereas**, According to the National Alliance to End Homelessness, rising rents and increasing costs due to inflation are major drivers of homelessness, with a 2020 study by the United States Government Accountability Office finding that a \$100 increase in median rent was associated with a 9% increase in the estimated homelessness rate; and

**Whereas**, According to the Community Service Society of New York's analysis of data from the 2021 New York City Housing and Vacancy Survey, nearly one third of New York City residents spend more than half of their monthly income on rent, with median rents continuing to climb faster than incomes; and



**Whereas,** According to the Center for New York City Affairs at the New School, there are over 1 million households in New York City with extremely low incomes, more than double the amount of affordable housing units citywide; and

**Whereas,** Lack of access to affordable housing has been linked to increased levels of financial strain, reduced financial opportunities, increased levels of socioeconomic inequality and segregation, negative effects on health and educational outcomes, increased levels of crime and social unrest, and accelerating trends of gentrification and displacement; and

**Whereas,** One factor that may be contributing to New York City's affordable housing shortage is the entry of large private equity firms and hedge funds into the residential housing market; and

**Whereas,** According to reporting by the New York Times, since 2020, private equity firms have purchased hundreds of residential buildings in gentrifying neighborhoods like Bushwick, Bedford Stuyvesant, Williamsburg, and Ridgewood; and

**Whereas,** Hedge funds are also accelerating their rate of housing purchases nationwide, with 2021 representing the fastest year-over-year increase in hedge fund home purchases in over a decade; and

**Whereas,** Housing affordability advocates argue that large-scale purchases of homes by hedge and private equity funds drive up housing prices, making homes less accessible for individuals and families, particularly in markets with existing housing affordability and supply constraint issues, such as New York City; and

**Whereas,** When hedge and private equity funds acquire residential properties with the principal goal of maximizing return on investment, this can lead to the displacement of existing residents, increased costs for incoming residents, and a potential reduction in the overall quality of the housing stock, as repairs and renovations are delayed, ignored, or completed with low quality materials due to cost concerns; and

**Whereas,** New York City residents of buildings that were purchased by private equity firms have raised concerns over steep rent increases, worsening delays in response times to maintenance requests, and increased frequency of outages to essential building services like hot water and gas; and

**Whereas,** In October of 2022, New York State Attorney General Letitia James and a task force comprised of the Office of the Attorney General, the Tenant Protection Unit of New York State Homes and Community Renewal, the New York City Department of Housing Preservation and Development, the New York City Department of Buildings, and the New York City Law Department announced a settlement with a private equity firm stemming from allegations of tenant harassment, unlawful management practices, denial of essential services, and unsanitary conditions threatening the health and safety of building residents; and

**Whereas,** S.3402/H.R.6608, also known as the End Hedge Fund Control of American Homes Act (the Act), introduced in the United States Senate by Senator Jeff Merkley, and in the United States House of Representatives by Representative Adam Smith, would seek to reduce the influence of hedge and private equity funds on the national housing market by banning certain investment funds from owning single-family homes; and

**Whereas,** Such investment funds would be required to sell at least 10% of their total holdings of single-family homes each year, with a \$50,000 dollar tax penalty per home per year for every home held above the required 10% reduction, and barred from owning single-family homes entirely after 10 years; and

**Whereas,** The Act would also impose a 50% tax on the fair market value of any single-family home purchased by such an investment fund in the future, with funds from these tax penalties going toward down payment assistance for families seeking to purchase homes held by investment funds; and

**Whereas,** The tax penalties and requirements of the Act would be imposed on corporations, partnerships, and real estate investment trusts that manage funds pooled from investors, and would not apply to nonprofit organizations, public housing agencies or other government entities, or single-family home builders; and

**Whereas,** The Act would also require families seeking to purchase homes held by covered investment funds to certify that they do not own a majority interest in any other single-family home or real estate, thereby prioritizing first homeowners, and reducing the likelihood of those homes being purchased as investment opportunities; and

**Whereas,** The Act's definition of a single family home includes residential properties consisting of 1-4 dwelling units; and

**Whereas,** Removing the influence of hedge funds and private equity firms from the national housing market would give potential homeowners an easier time securing housing in their local communities, reduce some of the pressures currently leading to rampant inflation in the housing sector, and lead to stronger, more resilient

communities inhabited by people who have a direct stake in the wellbeing of their neighborhoods; 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, the End Hedge Fund Control of American Homes Act.

Referred to the Committee on Housing and Buildings.

Int. No. 805

By Council Members Banks, Brannan and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to creating a business directory for New York city housing authority tenant-owned businesses and establishing a marketing campaign to highlight the New York city housing authority tenant-owned business directory**

*Be it enacted by the Council as follows:*

Section 1. Section 22-1001 of the administrative code of the city of New York is amended by adding a new definition of “New York city housing authority tenant-owned business” in alphabetical order to read as follows:

*New York city housing authority tenant-owned business. The term “New York city housing authority tenant-owned business” means a business that is at least 51 percent owned and controlled by a current resident in a development owned or operated by New York city housing authority.*

§ 2. Chapter 10 of title 22 of the administrative code of the city of New York is amended by adding a new section 22-1007 to read as follows:

*§ 22-1007 New York city housing authority tenant-owned business directory. a. No later than July 1, 2024, and updated annually thereafter, the department shall create an online business directory of New York city housing authority tenant-owned businesses which shall be available on a publicly accessible website. The department shall develop an accompanying marketing campaign to highlight the New York city housing authority tenant-owned business directory. The directory shall be available in the designated citywide languages, as defined in section 23-1101.*

*b. The department shall, in consultation with the New York city housing authority or other appropriate agency, determine the method for New York city housing authority tenant-owned businesses to register or certify to be included in the directory.*

§ 3. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Small Business.

Res. No. 362

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.5291/S.5975, the Social Worker Workforce Act.**

By Council Members Bottcher, Gennaro and Louis.

**Whereas**, Social workers help individuals cope with problems in their everyday lives and help people function the best they can in their environment; and

**Whereas**, Demand for social workers in New York City and across the country is rising along with increased needs for mental health and substance use treatment; and

**Whereas**, Individuals are struggling to access mental health care, with less than half of Americans receiving the treatment they need, according to the Substance Abuse and Mental Health Services Administration; and

**Whereas**, A May 2022 survey conducted by the New York State Department of Labor, Business Council, Empire State Development, and the Regional Economic Development Council found that social work jobs ranked the third most difficult to fill among all sectors in New York City; and

**Whereas**, A 2022 audit by state Comptroller Thomas DiNapoli found that 80 percent of New York City schools did not meet the recommended ratio of one social worker for every 250 students; and

**Whereas**, The U.S. Bureau of Labor Statistics projects that employment for social workers will grow faster than the average for all occupations, with about 74,900 annual openings predicted through 2031; and

**Whereas**, To become licensed as a Licensed Master Social Worker (LMSW) in New York State, individuals must graduate from an accredited social work program with a clinical curriculum and internship approved by the State, complete training in the identification and reporting of child abuse, and pass an Association of Social Work Boards (ASWB) clinical examination; and

**Whereas**, A 2022 ASWB analysis found major racial disparities in who passes the LMSW licensing exam, with only 44 percent of Black social work graduates and 62 percent of Hispanic/Latino graduates passing in 2021, compared to 85 percent of white graduates; and

**Whereas**, Because of these racial disparities, Illinois, Rhode Island, Connecticut, and Utah have passed legislation eliminating the requirement for an examination to receive a LMSW license; and

**Whereas**, After Illinois removed the requirement for non-clinical social workers to take a licensure test, the state gained nearly 3,000 new licensed social workers in the first six months of 2022, compared to just 421 during the same period in 2021, according to the National Association of Social Workers in Illinois; and

**Whereas**, A.5291, introduced by Assembly Member Jessica González-Rojas and pending in the New York State Assembly, and companion bill S.5975, introduced by Senator Samra Brouk and pending in the New York State Senate, the Social Worker Workforce Act, would repeal the requirement that social work graduates must pass an examination to receive a LMSW license; and

**Whereas**, The Social Worker Workforce Act would increase the workforce of mental health providers in New York and increase the diversity of the social work workforce; 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.5291/S.5975, the Social Worker Workforce Act.

Referred to the Committee on General Welfare.

Int. No. 806

By Council Member Brewer.

**A Local Law to amend the administrative code of the city of New York, in relation to the visibility of the ride timer in pedicabs**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 12 of subdivision a of section 20-254 of the administrative code of the city of New York, as amended by local law number 59 for the year 2012, is amended to read as follows:

12. a timer, of a type approved by the commissioner, affixed *to the rear of the bicycle seat* within clear view of *all* passengers;

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

## Res. No. 363

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.8493/A.9129, to prohibit the imposition of limits on the length of stay at homeless shelters and emergency congregate housing.**

By Council Members Brewer and Louis.

**Whereas**, New York is facing an ongoing influx of newly arrived asylum seekers which has put pressure on the New York State and City shelter systems; and

**Whereas**, As of March 17, 2024, according to data from the Office of the Mayor, over 184,000 asylum seekers have gone through the City shelter system since spring 2022, with 64,000 currently in 218 emergency shelters throughout New York City; and

**Whereas**, Per the International Organization for Migration, migrants and asylum seekers provide significant economic, civic-political, and cultural benefits to the communities in which they settle, provided that the policies of their host communities give them opportunities to integrate and participate; and

**Whereas**, Current policy of limiting the length of shelter stay for newly arrived asylum seekers creates additional hardships and barriers to stability, integration, and participation; and

**Whereas**, Under the 1981 consent decree in *Callahan v. Carey*, there is a legal right to shelter for homeless individuals in New York City; and

**Whereas**, Since July 2023, Mayor Eric Adams and his administration have imposed increased restrictions on how long these asylum seekers are able to stay in shelters in New York City; and

**Whereas**, A 60-day limit was placed on single adult asylum seekers in July 2023, which was reduced to 30 days in September 2023; and

**Whereas**, On October 16, 2023, the Mayor's administration announced that newly arrived families with children would be limited to only 60 days in shelter; and

**Whereas**, Following the expiration of a shelter stay, single adults and families are forced to either find alternative accommodations or reapply for a place in a City shelter at a "waiting room" or drop-in center; and

**Whereas**, These drop-in centers do not provide access to sleeping or hygiene facilities nor regular meals; and

**Whereas**, Waiting times for a new shelter placement can be over five days, as reported by CBS News, during which time asylum seekers are often without a bed or regular meals, and may end up sleeping on the street or in subways; and

**Whereas**, In March 2024, the Adams administration and the Legal Aid Society reached a settlement which would allow single adult asylum seekers beholden to the so called "30-day rule" to apply for an extension if they can prove extenuating circumstances, including showing significant efforts to move out of the shelter system; and

**Whereas**, The settlement also provides that asylum seekers be given a shelter placement the same day they apply at a drop-in center, or the next day if they arrive late, if they are eligible; and

**Whereas**, While this settlement may help prevent asylum seekers from being unsheltered, it does not guarantee an extension in their shelter stay or ensure that they will be found eligible for a new shelter placement if they reapply after their time runs out; and

**Whereas**, Negative effects of the shelter stay limits are already apparent; and

**Whereas**, In February 2024, dozens of asylum seekers were found living illegally in hazardous conditions in a mattress store in Queens due to a lack of housing options after their shelter stays expired; and

**Whereas**, Reporting from City and State noted that many asylum seekers are required to submit asylum applications by mail but lack a reliable address to receive updates and court notices, which can delay or even jeopardize their asylum claims; and

**Whereas**, City Limits has also reported that, as of February 1, 2024, over 1,600 families with children have been forced to leave their shelter placements, with another 7,200 due to see their stay expire by May 2024; and

**Whereas**, Many of these families have school-aged children whose new shelter placement may not even be in the same borough as the school in which they were previously enrolled, leading to long commutes or transfers to new schools mid-year; and

**Whereas**, The McKinney-Vento Homeless Assistance Act federally mandates that homeless children are given the opportunity to stay in their “school of origin” to avoid disruption to academic progress or emotional distress due to being separated from friends and trusted adults; and

**Whereas**, Asylum seeking children, many of whom already suffer from post-traumatic stress and associated ill physical and mental health, according to research supported by the National Institute on Minority Health and Health Disparities, may particularly benefit from the stability and support school provides; and

**Whereas**, The United Nations High Commissioner for Refugees advises that refugee integration is most successful when refugees and asylum seekers are given opportunities to build social ties through participation in the local community and links with social, business, cultural, and religious networks; and

**Whereas**, Displacing children from their schools, and families and single adults from the communities they have formed could have significant detrimental effects on integration; and

**Whereas**, S.8493, introduced by New York State Senator Brad Hoylman-Sigal and pending in the State Senate, and companion bill A.9129, introduced by New York State Assembly Member Jessica Gonzalez-Rojas and pending in the State Assembly, would prohibit the imposition of limits on the length of stay at homeless shelters and emergency congregate housing; and

**Whereas**, While this bill was introduced in response to the shelter stay limits imposed on migrant communities, it would be applicable to all individuals in the New York State shelter system; and

**Whereas**, Eliminating limits on shelter stays throughout New York State would remove some of the burden on the City’s already struggling shelter system by creating viable housing and community building options throughout the rest of the State;

**Whereas**, Movement between shelters can disconnect any population from services and supports they rely on; and

**Whereas**, Keeping adults and families sheltered in the same location provides stability and allows them to receive consistent support services, build resilience without worrying about the urgent needs of food and shelter, and create community ties to better facilitate integration and self-sufficiency; 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.8493/A.9129, to prohibit the imposition of limits on the length of stay at homeless shelters and emergency congregate housing.

Referred to the Committee on Committee and Worker Protection (*Editor’s Note*: this item was re-assigned to the Committee on General Welfare on May 5, 2024).

Res. No. 364

**Resolution calling on the State Legislature to introduce and pass, and the Governor to sign, legislation that would establish a tax incentive program to encourage developers to plant new trees in development sites.**

By Council Members Brewer, Brannan and Louis.

**Whereas**, According to a 2021 report by The Nature Conservancy, the presence of trees in an urban environment provides benefits such as filtering air pollution, reducing flooding, cooling neighborhoods, and improving local respiratory health; and

**Whereas**, The Department of Parks & Recreation (NYC Parks) design and planning guidelines for flood resiliency call for planting new trees as part of preventing inundation from tidal flooding and future sea rise; and

**Whereas**, New York City has prioritized expanding the population of trees in the city with initiatives such as MillionTreesNYC; and

**Whereas**, Local laws and regulations around construction sites in New York City require developers to protect existing trees during construction or replace trees damaged during construction; and

**Whereas**, Developers are not required to add new trees to development sites where they did not exist before; and

**Whereas**, In 2022 NYC Parks testified at a City Council hearing that the cost of planting trees is \$3,600 per tree; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the State Legislature to introduce and pass, and the Governor to sign, legislation that would establish a tax incentive program to encourage developers to plant new trees in development sites.

Referred to the Committee on Parks and Recreation.

Int. No. 807

By Council Members Brooks-Powers, Gennaro, Brannan and Louis.

**A Local Law in relation to creating a pilot program to provide shelter locations during flash flooding events**

*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:

Emergency shelter location. The term “emergency shelter location” means a public facility that may be utilized for the purpose of providing protection or refuge for the public during extreme weather events.

Flash flood. The term “flash flood” means inland flooding caused by an extreme rain event with three inches or greater of total rainfall.

Subgrade dwelling. The term “subgrade dwelling” means a room or space used for sleeping that is located at basement or cellar level of a residential building.

b. The office shall establish a pilot program for utilizing emergency shelter locations for the purpose of providing refuge prior to, and during, flash flood events. Such locations shall be open to members of the public upon the issuance of a flash flood warning and shall offer the same services, supplies, and staffing as is provided for cooling centers.

c. The pilot program established by subdivision b of this local law shall operate shelter locations in no less than 10 neighborhoods. The selection of such locations shall take into consideration the following factors: 1. a history of flash flood events in a given area; 2. the presence of vulnerable populations residing in a given area; and 3. the prevalence of subgrade dwellings in a given area.

d. Reporting. Within 1 year of the enactment of this local law, and annually on such date in subsequent years, the office shall report on the locations selected for the pilot, the number of activations occurring during the prior 12-months, and the number of people who utilized such location during each such activation.

§ 2. This local law takes effect 120 days after it becomes law and is deemed repealed 3 years after it becomes law.

Referred to the Committee on Fire and Emergency Management.

## Int. No. 808

By Council Members Brooks-Powers, Fariás and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to information required in job listings**

*Be it enacted by the Council as follows:*

Section 1. Subdivision 32 of section 8-107 of the administrative code of the city of New York, as amended by local law 59 for the year 2022, is amended to read as follows:

32. Employment; minimum and maximum salary in job listings; *position description and non-wage compensation.* a. It shall be an unlawful discriminatory practice for an employment agency, employer, or employee or agent thereof to advertise a job, promotion or transfer opportunity without stating the minimum and maximum annual salary or hourly wage for such position in such advertisement. In stating the minimum and maximum annual salary or hourly wage for a position, the range may extend from the lowest to the highest annual salary or hourly wage the employer [in good faith believes at the time of the posting it] would pay for the advertised job, promotion or transfer opportunity. *The employer shall base such range on the amount it actually believes it will pay for a particular job, promotion, or transfer opportunity based on factors such as relevant qualifications, the budgeted amount available for the position, applicable pay scale or compensation model relied upon by the employer, the actual range of compensation for those currently holding the position or equivalent positions, or other operational considerations. If an employer offers a base salary outside the posted range, the employer shall reissue the job advertisement with the revised range. The employer is not required to reopen the position to additional application based on the revised job advertisement.*

b. *It shall be an unlawful discriminatory practice for an employment agency, employer, or employee or agent thereof to advertise a job, promotion or transfer opportunity without stating a description of the job, promotion or transfer opportunity.*

c. *It shall be an unlawful discriminatory practice for an employment agency, employer, or employee or agent thereof to advertise a job, promotion or transfer opportunity without stating the minimum and maximum range for any known forms of non-salary or non-wage compensation and a general description of any other discretionary forms of compensation for which a range cannot be calculated at the time of posting. Such compensation information shall include but is not limited to bonuses, stocks, bonds, options, and equity or ownership.*

d. *It shall be an unlawful discriminatory practice for an employment agency, employer, or employee or agent thereof to advertise a job, promotion or transfer opportunity without stating a general description of core benefits that will be offered to an employee including health insurance benefits, paid time off, paid disability insurance, and paid family leave.*

e. *It shall be an unlawful discriminatory practice for an employment agency, employer, or employee or agent thereof to fail to disclose to current employees upon request, but no more frequently than annually, the current range of compensation, including base salary and other forms of compensation for such employee's current job title. For non-cash compensation the range shall be calculated using the units of such non-cash compensation.*

f. *It shall be an unlawful discriminatory practice for an employment agency, employer, or employee or agent thereof who does not issue an advertisement for a job, promotion or transfer opportunity to refuse to disclose the minimum and maximum salary or hourly wage for said position upon the request of any prospective candidate at any point during the hiring process.*

g. This subdivision does not apply to:

(1) A job advertisement for temporary employment at a temporary help firm as such term is defined by subdivision 5 of section 916 of article 31 of the labor law[.]; and

(2) Positions that cannot or will not be performed, at least in part, in the city of New York.

[c] h. No person shall have a cause of action pursuant to section 8-502 for an alleged violation of this subdivision, except that an employee may bring such an action against their current employer for an alleged violation of this subdivision in relation to an advertisement by their employer for a job, promotion or transfer opportunity with such employer.

[d] *i.* Notwithstanding the penalties outlined in section 8-126, an employment agency, employer, or employee or agent thereof shall be subject to a civil penalty of \$0 for a first violation of this subdivision, or any rule promulgated thereunder, if such employment agency, employer, employee or agent thereof proves to the satisfaction of the commission, within 30 days of the service of a copy of the applicable complaint pursuant to section 8-109, that the violation of this subdivision has been cured. The submission of proof of a cure, if accepted by the commission as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any service of a copy of an applicable complaint pursuant to section 8-109 to an employment agency, employer, or employee or agent thereof for the violation of this subdivision, or any rule promulgated thereunder, for the first time. The commission shall permit such proof to be submitted electronically or in person. An employment agency, employer, or employee or agent thereunder may seek review with the commission of the determination that proof of a cure has not been submitted within 15 days of receiving written notice of such determination.

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

Referred to the Committee on Civil and Human Rights.

Int. No. 809

By Council Members De La Rosa, Brannan and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the commissioner of citywide administrative services to report on the administration of promotion examinations**

*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 12-217 to read as follows:

§ 12-217 *Promotion examinations. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Collateral line employee. The term “collateral line employee” means an employee holding a lower grade competitive class position in a related or collateral line of promotion of a vacant position in the competitive class, as determined by the commissioner.*

*Commissioner. The term “commissioner” means the commissioner of citywide administrative services.*

*Comparable position employee. The term “comparable position employee” means an employee holding a competitive class position that is comparable to a position held by a direct line employee or collateral line employee, as determined by the commissioner.*

*Department. The term “department” means the department of citywide administrative services.*

*Direct line employee. The term “direct line employee” means an employee holding a lower grade competitive class position in direct line of promotion of a vacant position in the competitive class, as determined by the commissioner.*

*b. The commissioner shall post conspicuously on the department’s webpage dedicated to the city civil service a report that contains information in relation to the department’s administration of promotion examinations pursuant to sections 51 and 52 of the civil service law. Each such report shall be posted no later than January 31 annually and shall contain the information required by this section for the prior calendar year.*

*c. For each vacancy in a position in the competitive class that may be filled by promotion, the following information shall be reported pursuant to this section:*

*1. The positions held by:*

*(a) Direct line employees;*

*(b) Collateral line employees; and*

*(c) Comparable position employees;*

*2. The gender and racial or ethnic demographics of:*



(a) Direct line employees;

(b) Collateral line employees; and

(c) Comparable position employees;

3. The commissioner’s determination that:

(a) It is practicable to fill such vacancy from among direct line employees; or

(b) It is impracticable or against the public interest to limit eligibility for promotion to direct line employees;

4. The factors considered upon making such determination and the factors upon which such determination is based, including, but not limited to:

(a) Whether or not limiting eligibility for such promotion to direct line employees promotes greater diversity in the career advancement of employees, and if not, why not;

(b) Whether or not expanding eligibility for promotion to collateral line employees or comparable position employees promotes greater diversity in the career advancement of employees, and if not, why not;

(c) Whether or not the prescription of minimum training and experience qualifications for eligibility for promotion promotes greater diversity in the career advancement of employees, and the minimum training and experience qualifications considered for prescription, and if not, why not; and

5. For each such vacancy filled by open competitive examination pursuant to section 51 of the civil service law:

(a) The appointing officer who submitted a written request to the commissioner to conduct an open competitive examination for filling such vacancy instead of a promotion examination, and the stated reasons for such request;

(b) Whether or not any employee submitted a written request to the commissioner for a promotion examination rather than an open competitive examination, and the reasons why such employee believes it to be practicable and in the public interest to fill such vacancy by promotion examination; and

(c) The factors upon which any such request was considered and upon which the commissioner’s determination to conduct an open competitive examination instead of a promotion examination is based.

§ 2. This local law takes effect immediately.

Referred to the Committee on Civil Service and Labor.

Int. No. 810

By Council Members Farías, Brannan and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to the development of a public housing entrepreneurship and commercial popup program**

*Be it enacted by the Council as follows:*

Section 1. Section 22-821 of the administrative code of the city of New York is amended by adding new definitions of “public housing commercial pop up,” “public housing entrepreneurship program,” and “public housing vacant space” in alphabetical order to read as follows:

*Public housing commercial pop up. The term “public housing commercial pop up” means a business owned by one or more public housing residents that temporarily occupies public housing vacant space for the purpose of conducting a retail business.*

*Public housing entrepreneurship program. The term “public housing entrepreneurship program” means a business incubator program supporting public housing residents start or grow their business through mentorship, access to resources, and financing opportunities.*

*Public housing vacant space. The term “public housing vacant space” means unoccupied retail space owned by the New York city housing authority that could reasonably be used for a commercial pop up.*

§ 2. Subchapter 2 of chapter 8 of title 22 of the administrative code of the city of New York is amended by adding a new section 22-827 to read as follows:

*§ 22-827 Public housing entrepreneurship program. a. In each covered contract with a contracted entity executed on or after the effective date of this section, the commissioner shall require such contracted entity to create and maintain a public housing entrepreneurship program. Such contracted entity shall seek cooperation and assistance from the New York city housing authority in creating and maintaining such program.*

*b. Such contracted entity shall produce a report on the feasibility of using public housing vacant space to house public housing commercial pop ups. Such report shall also include recommendations on how the use of public housing vacant space for public housing commercial pop ups could be incorporated into the public housing entrepreneurship program. Such report shall be delivered to the mayor and speaker of the council and posted on the website of such contracted entity, or, if no such website is maintained, the commissioner shall post such report on the department's website, within one year after the enactment of this section. Such contracted entity shall seek cooperation and assistance from the New York city housing authority in producing such report.*

§ 3. This local law takes effect immediately.

Referred to the Committee on Economic Development.

Res. No. 365

**Resolution calling on the New York State Legislature to pass, and the Governor to sign S7843/A4888, in relation to conditional release for eligible offenders who complete post-secondary degrees or programs.**

By Council Members Farías, Louis, Williams, Krishnan and Nurse.

**Whereas**, Earned Eligibility is built on the idea that incarcerated individuals engaging in designated programs are more likely to reintegrate successfully into their families and communities after release; and

**Whereas**, The system encourages participation in rehabilitation programs by offering tangible benefits in the form of potential early release, reflecting a belief in the power of rehabilitation and reintegration efforts to reduce recidivism and enhance public safety; and

**Whereas**, Limited Credit Time Allowance (“LCTA”) was established in 2009 as a six-month benefit against their sentence for incarcerated individuals who do not qualify for traditional Merit Time for certain non-violent crimes, intended to incentivize participation in rehabilitation and educational programs; and

**Whereas**, According to the RAND Corporation, in the largest ever meta-analysis of correctional educational studies, participating in correctional education programs reduces inmates' chances of returning to prison by 43%, translating to a 13% decrease in the risk of recidivism and improves post-release employment opportunities by 13%, in addition to being a cost-effective way to reduce recidivism rates; and

**Whereas**, Eligibility for the LCTA program plan requires completing one of twelve designated program criteria, which includes two individual components of two years of successful college programming or a master's degree issued at Sing Sing Correctional Facility; and

**Whereas**, Under Correction Law §803-b(1)(c)(ii), earning an associate, bachelor's, master's, or doctoral degree is considered a significant programmatic accomplishment for LCTA eligibility, however, additional degrees beyond the first do not result in further time allowances under the current statute; and

**Whereas**, The law should be amended to promote greater engagement in college education by introducing additional rewards for consecutive achievements; and

**Whereas** S7843/A4888 sponsored by New York State Senator Julia Salazar and New York State Assemblymember Harvey Epstein, respectively, amends Correction Law §803-b to provide that an incarcerated individual eligible for a limited time credit allowance, upon obtaining an associate's, bachelor's, master's, or doctoral degree, becomes eligible for release 12 months prior to completing the mandated minimum period of imprisonment; and

**Whereas**, The City Council believes that supporting initiatives that promote education and facilitate successful reentry into society contributes to public safety and community well-being; 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 S7843/A4888, in relation to conditional release for eligible offenders who complete post-secondary degrees or programs.

Referred to the Committee on Criminal Justice.

Int. No. 811

By Council Member Feliz.

**A Local Law to amend the administrative code of the city of New York, in relation to lifting product regulations on newsstands**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 20-228 of the administrative code of the city of New York is amended to read as follows:

a. Newsstand. A not readily removable stand or booth operated primarily for the sale of newspapers, magazines, [and] periodicals[.], *books, pamphlets or other similar written matter*.

§ 2. Subdivision b of section 20-231 of the administrative code of the city of New York, as amended by local law number 53 for the year 2013, is amended to read as follows:

b. Items other than newspapers, magazines, periodicals, *books, pamphlets or other similar written matter* [and prepaid telecommunication or transit cards] may be offered for sale from a newsstand [if they are sold for less than ten dollars exclusive of taxes]; provided, however, that apparel[,], *and jewelry*[,], hair ornaments, handbags and video cassettes] shall not be offered for sale from a newsstand and that if food items are offered for sale, they must be prepackaged.

§ 3. Section 20-232 of the administrative code of the city of New York, as amended by local law number 128 of 2021, is amended to read as follows:

§ 20-232 Revocation. In addition to any other basis for revocation, a newsstand license may be revoked upon a finding by the commissioner that the location listed in such license was not utilized for a period of two consecutive months or more, that the newsstand licensee is not using the stand primarily for the sale of newspapers, *magazines, [and] periodicals, books, pamphlets or other similar written matter*, or that the newsstand licensee rented or attempted to rent the newsstand to another person. If the commissioner chooses to exercise such power of revocation, the commissioner shall first notify the licensee of an anticipated revocation in writing and afford the licensee thirty days from the date of such notification to correct the condition. The commissioner shall notify the licensee of such thirty-day period in writing. If the licensee proves to the satisfaction of the commissioner that the condition has been corrected within such thirty-day period, the commissioner shall not revoke such license. The commissioner shall permit such proof to be submitted to the commissioner electronically or in person. The licensee may seek review by the commissioner of the determination that the licensee has not submitted such proof within fifteen days of receiving written notification of such determination.

§ 4. The local law takes effect 120 days after it becomes law.

Referred to the Committee on Consumer and Worker Protection.

## Int. No. 812

By Council Members Feliz and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to issuing newsstand licenses to operate abandoned newsstands and requiring an assessment of the viability of the location of new newsstands**

*Be it enacted by the Council as follows:*

Section 1. Section 20-228 of the administrative code of the city of New York is amended by adding a new subdivision h to read as follows:

*h. Abandoned newsstand. A replacement newsstand or a newsstand constructed and installed by the franchisee pursuant to such franchise in which the license to operate such newsstand has been revoked by the commissioner pursuant to section 20-232 of this code by a finding by the commissioner that the location listed on such license was not utilized for a period of two consecutive months or more.*

§ 2. Subdivision a of section 20-229 of the administrative code of the city of New York, as amended by local law 128 for the year 2021, is amended to read as follows:

a. No person shall operate a newsstand or newsstands unless licensed pursuant to this subchapter, and unless such person has no other income, excluding investment income, which exceeds the income such person earns from the operation of the newsstand or newsstands; provided, however, that if such person is a corporation, partnership, limited liability company or other association, each shareholder of such corporation, each partner of such partnership, each member of such limited liability company or each principal of such other association, respectively, shall have no other income, excluding investment income, which exceeds the income such shareholder, partner, member or principal earns from the operation of such newsstand or newsstands. No license shall be issued to a person for the operation of a newsstand that is not a replacement newsstand *or an abandoned newsstand* and that has been constructed and installed by a franchisee pursuant to a franchise unless such operator has reimbursed such franchisee for the costs of construction and installation of such newsstand as determined by the department in accordance with paragraph two of subdivision c of section 20-241 of the code.

§ 3. Subdivision c of section 20-231 of the administrative code of the city of New York, as amended by local law 64 for the year 2003, is amended to read as follows:

c. No license shall be issued under section 20-229 unless approval for the location has been obtained from the department of transportation. *In approving such location the department of transportation shall consider the amount of pedestrian traffic both for purposes of ensuring a clear path as well as indicating the likely success of a newsstand.*

§ 4. The local law takes effect 120 days after it becomes law.

Referred to the Committee on Consumer and Worker Protection.

## Int. No. 813

By Council Members Feliz and Louis.

**A Local Law in relation to requiring the department of consumer and worker protection to report on newsstands**

*Be it enacted by the Council as follows:*

Section 1. Reporting. a. No later than January 31, 2025, and annually by January 31 thereafter, the commissioner of the department of consumer and worker protection, in consultation with the commissioner of the department of transportation, shall submit to the mayor and the speaker of the council and shall post conspicuously on the department of consumer and worker protection's website a report regarding newsstands.

b. The commissioner may discontinue reporting to the mayor and the council after issuing 5 annual reports as required by subdivision a of this section, so long as the commissioner provides written notice to the mayor and the speaker of the council, at least 60 days before any report would otherwise be due, of the commissioner's intention to discontinue such reporting.

c. The reports shall include the following information applicable as of January 1, 2025 and annually by January 1 thereafter:

1. The total number of licensed newsstand operators;
  2. The total number of newsstands in the city;
  3. The number of newsstands that are not presently in use, the number of days that each such newsstand has been out of use;
  4. The number of newsstands that have been demolished due to disuse in the past five years;
  5. The dollar amount it costs to the city to demolish a newsstand;
  6. The number of newsstand license applicants who received all necessary approvals by the city and await an operable newsstand;
  7. The number of newsstand license applicants awaiting approval by the city;
  8. The average outstanding loan balance owed by newsstand licensees to the franchisee for the cost of construction and installation of the newsstand, pursuant to subdivision c of section 20-241 of this code, and the number of such loans;
  9. The number of violations issued by the department of transportation pursuant to the inspection requirement in paragraph 6 of subdivision k of section 20-231 of this code; and
  10. The contractual terms of the city's contract with the franchisee, and the expiration of such contract.
- § 2. This local law takes effect immediately.

Referred to the Committee on Consumer and Worker Protection.

Int. No. 814

By Council Members Gennaro, Louis, Nurse, Williams, Narcisse, Avilés, Banks, Brannan, Brewer, Cabán and Marmorato.

**A Local Law to amend the administrative code of the city of New York, in relation to updating stormwater management plans and reports**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 24-503.2 of the administrative code of the city of New York, as added by local law 61 for the year 2019, is amended to read as follows:

b. No later than [December 31] June 30, [2019] 2025, and every 5 years thereafter, the commissioner of environmental protection shall submit to the mayor and the speaker of the council, and post on the department of environmental protection's website, a plan to prevent confirmed sewer backups for the sewer system. Such plan shall include, but need not be limited to:

1. Confirmed sewer backup prevention and response measures;
2. [An identification of] *Identifying* areas with, on average, more than [one] 1 confirmed sewer backup in a 12-month period;
3. Procedures targeting reductions in confirmed sewer backups in the portions of the sewer system most heavily impacted;
4. Procedures targeting reductions in recurring confirmed sewer backups;
5. A review of root control strategies of other municipalities; and following such review, the department may recommend root control strategies for private property owners; [and]
6. A comprehensive grease management program including commercial establishments and residential households[.]; and

7. *Identifying areas that regularly flood after rainfall events, including areas where property has been damaged or people harmed because of sewer backups.*

§ 2. Paragraph 1 of subdivision d of section 24-526.1 of the administrative code of the city of New York, as added by local law 5 for the year 2008, is amended by amending subparagraphs (viii), (xi) and (xii) and by adding subparagraphs (xiii) and (xiv) to read as follows:

(viii) implementing a public education program, *including outreach to community boards, community-based organizations, and any other relevant groups or associations*, to increase awareness about the need to reduce the flow of stormwater into the city's sewer systems and waterbodies, [and] about specific methods and practices for doing so, *including all specific methods and practices specified in subparagraph (iv) of this paragraph, and to inform the public of the benefits of taking preemptive steps to address future stormwater flow rates;*

(xi) adapting ongoing ambient water quality monitoring programs to provide for regular collection of samples in the immediate vicinity of combined sewer outfalls during or immediately following combined sewer overflow events; [and]

(xii) encouraging the development of existing and new local markets, job training, and employment opportunities to support the implementation and maintenance of source control measures[.];

(xiii) *creating a timeline for installing larger storm sewer mains and grey-water reuse systems in areas that regularly flood after rainfall events; and*

(xiv) *identifying no less than 5 areas in each borough that regularly flood after rainfall events and developing a plan to address such flooding; such plan may include increasing permeable surface areas, installing larger stormwater pipes, installing bioretention systems or elevating homes.*

§ 3. This local law takes effect immediately.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 815

By Council Members Gennaro, Brannan, Nurse, Williams, Narcisse, Avilés, Banks, Brewer, Louis, Cabán and Marmorato.

**A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to the creation of an inland flood hazard area map, climate adaptation planning, and resilient construction for inland areas**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 24-808 of the administrative code of the city of New York, as added by local law number 122 for the year 2021, is amended to read as follows:

b. Not later than September 30, 2022, and every 10 years thereafter, the office, or another agency or office designated by the director, in consultation with the department of city planning, the department of environmental protection, the department of transportation, the department of housing preservation and development, the department of education, the department of citywide administrative services, the department of buildings, and the department of parks and recreation, shall develop and post on the office's website a climate adaptation plan that considers and evaluates a range of climate hazards impacting the city, including its shoreline, and identifies and recommends resiliency and adaptation measures, *including potential updates to the zoning resolution and the construction codes*, and non-structural risk reduction approaches to protect and prepare the city's residents, property and infrastructure.

§ 2. Chapter 8 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-808.1 to read as follows:

§ 24-808.1 *Inland flood hazard area map. a. Definitions. As used in this section, the term "inland flood hazard area" means the area outside the special flood hazard area and shaded X-Zone that would flood with 1.75 inches or greater of rainfall intensity per hour to a height of 4 inches or greater.*

*b. Inland flood hazard area map. 1. No later than 1 year after the effective date of the local law that added this section, the office, in consultation with the department of buildings and the department of environmental protection, shall create and post on the office's website a map of the inland flood hazard area. Such map shall assume uniformity of rainfall across the city and that the existing drainage system is functioning as intended. Such map shall also indicate a base flood elevation level showing the elevation of surface water within the inland flood area resulting from a flood over a uniform duration of time.*

*2. In creating this map, the office shall consider the following factors:*

*(a) The appropriate geographic unit to represent flooding risk at the minimum amount of contiguous area to be considered in determining which areas should be covered by the map;*

*(b) All relevant hydrologic and topographic data necessary to complete the map;*

*(c) Whether the office believes that future updates to the special flood hazard area might overlap with any inland flood hazard area indicated on the map; and*

*(d) Any relevant information on all buildings in the inland flood hazard area, including building age and occupancy type.*

*3. The office shall review the inland flood hazard area map no less than every 5 years thereafter and update the map as appropriate.*

*4. In creating or updating the map, the office shall provide for a public comment process and provide guidance to the public on the types of technical, topographic, hydrologic or other factual information that would be most useful for consideration.*

§ 3. The definition of "COASTAL ZONES AND WATER-SENSITIVE INLAND ZONES" set forth in section 28-104.9.1 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:

**COASTAL ZONES AND WATER-SENSITIVE INLAND ZONES.** Areas of land comprising tidal wetlands, freshwater wetlands, coastal erosion hazard areas, coastal special flood hazard areas or riverine and other inland special flood hazard areas *including the inland flood hazard area established pursuant to section G102.2.3 of Appendix G.*

§ 4. Section 28-104.9.4 of the administrative code of the city of New York, as amended by local law number 77 for the year 2023, is amended to read as follows:

**§ 28-104.9.4 Compliance with special flood hazard area requirements mandated within special flood hazard areas.** Within coastal special flood hazard areas, [and] special flood hazard areas, *and inland flood hazard areas*, the commissioner shall not approve construction documents for construction or alteration of buildings or structures, including alterations pursuant to section 28-101.4.3 of this code, or for any other activity regulated by section G201 of appendix G of the New York city building code, unless the application complies with the requirements of appendix G of the New York city building code.

§ 5. The definition of "flood hazard area" in section 202 of the New York city building code, as added by local law number 126 for the year 2021, is amended to read as follows:

**FLOOD HAZARD AREA.** The following [two] three areas:

1. The area within a flood plain subject to a 1-percent or greater chance of flooding in any year. Also defined as the "special flood hazard area".

2. Where buildings are classified as Flood Design Class 4, the area within a flood plain delineated as shaded X-Zones.

3. *The area outside the special flood hazard area and shaded X-Zone that would flood with 1.75 inches or greater of rainfall intensity per hour to a height of 4 inches or greater. Also defined as the "inland flood hazard area".*

§ 6. Section 202 of the New York city building code is amended by adding new definitions of “inland flood hazard area” and “inland flood hazard map” in appropriate alphabetical order to read as follows:

**INLAND FLOOD HAZARD AREA.** The area outside the special flood hazard area and shaded X-Zone that would flood with 1.75 inches or greater of rainfall intensity per hour to a height of 4 inches or greater.

**INLAND FLOOD HAZARD MAP (IFHM).** The map laying out the boundaries of the inland flood hazard area, as adopted pursuant to Section G102.2.3 of Appendix G.

§ 7. Section G102.1 of appendix G of the New York city building code, as amended by local law number 126 for the year 2021, is amended to read as follows:

**G102.1 General.** This appendix, in conjunction with the *New York City Construction Codes*, provides minimum requirements for development located, in whole or in part, in special flood hazard areas, [and] shaded X-Zones, and inland flood hazard areas within the jurisdiction of New York City, including:

1. **Subdivisions.** This appendix shall apply to the subdivision of land;
2. **Utilities.** This appendix shall apply to the installation of utilities;
3. **Group U buildings and structures.** This appendix shall apply to placement and replacement of Group U buildings as defined in Section 312;
4. **Site improvements.** This appendix shall apply to site improvements, including but not limited to, temporary or permanent storage of materials, mining, dredging, filling, grading, paving, excavations, operations and other land disturbing activities;
5. **Prefabricated buildings and manufactured homes.** This appendix shall apply to placement and replacement of prefabricated buildings and manufactured homes;
6. **Post-FIRM or post-IFHM construction.** This appendix shall apply to post-FIRM or post-IFHM construction;
7. **Alterations to post-FIRM or post-IFHM construction.** This appendix shall apply to repair, alteration, reconstruction, rehabilitation or additions to post-FIRM or post-IFHM construction;
8. **Substantial improvement of pre-FIRM or pre-IFHM construction.** This appendix shall apply to substantial improvement of pre-FIRM or pre-IFHM buildings and structures, including restoration after damage, as if hereafter erected;
9. **Horizontal enlargements of pre-FIRM or pre-IFHM construction.** This appendix shall apply to horizontal enlargements of pre-FIRM or pre-IFHM buildings and structures to the extent of such horizontal enlargement, including but not limited to additions (whether above or below grade) decks, carports, or similar appendages. The existing portions of the structure shall not be required to comply, unless otherwise required because the alteration is deemed a substantial improvement; and
10. **Other alterations to pre-FIRM or pre-IFHM construction.** This appendix shall apply to repair, alteration, reconstruction, rehabilitation, or additions to pre-FIRM or pre-IFHM buildings and



structures. No increase in the degree of noncompliance with this appendix shall be permitted. The requirements of this Item 10 shall be deemed satisfied if the work would not increase the degree of noncompliance with this appendix.

**10.1. Work that increases the degree of noncompliance.** Work to pre-FIRM or pre-IFHM construction deemed as an increase in the degree of noncompliance includes, but is not limited to:

10.1.1. The conversion of any space below the design flood elevation from nonhabitable space into habitable space;

10.1.2. The creation of a direct communication between a dwelling unit and a space below the design flood elevation;

10.1.3. Where a dwelling unit already has space below the design flood elevation or has space with which the dwelling unit directly communicates that is below the design flood elevation, an increase in such space;

10.1.4. The conversion of any space below the design flood elevation in a non-residential building (for flood zone purposes) to accessory (as such term is defined in NYC ZR) to a group R-1, R-2, or R-3 occupancy, when such space was not previously accessory to such occupancy;

10.1.5. The installation of new components, materials, finishes, plumbing fixtures and equipment below the design flood elevation that are not permitted by this appendix to be located below the design flood elevation, where such similar items did not previously exist, except for new components, materials, finishes, and equipment as permitted by Item 10.2.2;

10.1.6. The lowering of the elevation of a floor of a basement (for floodzone purposes), or a portion thereof located below the design flood elevation, except as permitted by Item 10.2.4;

10.1.7. An alteration consisting of a change in use, occupancy or how such space is used in a building, or portion thereof, that results in a more restrictive flood design class per ASCE 24; and

10.1.8. Any condition not addressed in Items 10.1.1 through 10.1.7 as determined by the commissioner.

**10.2. Work that does not increase the degree of noncompliance.** The following work to pre-FIRM or pre-IFHM construction, other than substantial improvements, shall not be deemed as an increase in the degree of noncompliance:

10.2.1. Plumbing fixtures:

10.2.1.1. The in-kind replacement of plumbing fixtures below the design flood elevation; and

10.2.1.2. The installation of new plumbing fixtures in a space within the structure where similar plumbing fixtures already exist, provided that the number of plumbing fixtures is not increased and provided any required backflow prevention and/or sewage ejection is provided in accordance with this appendix.

10.2.2. Components, materials, finishes, equipment, fire protection systems and equipment, and appliances, other than plumbing fixtures:

10.2.2.1. The in-kind replacement of components, materials, finishes, equipment, fire protection systems and equipment, and appliances;

10.2.2.2. The installation of new components, materials, finishes, equipment, fire protection systems and equipment, and appliances, in a space within the structure where similar pre-FIRM or pre-IFHM items already exist; and

10.2.2.3. Within existing nonresidential portions of a nonresidential (for flood zone purposes) building, the installation of new components, materials, finishes, equipment, fire protection systems and equipment, and appliances which serve only the space(s) being altered below the design flood elevation, provided such items, as well as any associated electrical wiring, are designed and/or isolated so as not to affect the operation of building components, systems and wiring of other parts of the building if submerged. This item shall not include increases to the number of plumbing fixtures or the installation of building systems which support other areas of the building.

10.2.3. Change in use, occupancy or how such space is used. Alteration consisting of a change in use, occupancy or how such space is used in a nonresidential building (for flood zone purposes), or portion thereof, that does not result in a more restrictive flood design class per ASCE 24, is not a conversion from nonhabitable space into habitable space, and is not otherwise required by Item 10.1.4 to comply with this appendix. Such alteration shall also comply with the provisions of Item 10.2.2; and

10.2.4. Pits. The lowering of the elevation of a floor or a portion thereof located below the design flood elevation for pits to accommodate sump pumps, house traps, valve access, cleanouts, ejector pumps and elevators.

**11. Retroactive requirements.** This appendix shall apply to retroactive requirements as provided for in Section G312.

§ 8. Section G102.2 of appendix G of the New York city building code is amended by adding a new section G102.2.3 to read as follows:

**G102.2.3 Establishment of inland flood hazard area.** The department shall by rule adopt an inland flood hazard map, as created or updated pursuant to Section 24-808.1 of the *Administrative Code*.

§ 9. Section G103.3 of appendix G of the New York city building code is amended by adding a new section G103.3.3 to read as follows:

**G103.3.3 Determination of inland flood elevations.** The base flood elevation for the inland flood hazard area shall be as indicated on the adopted inland flood hazard map.

§ 10. Section G104.2.3.1 of appendix G of the New York city building code, as amended by local law number 126 for the year 2021, is amended to read as follows:

**G104.2.3.1 A-Zones and inland flood hazard areas.** For construction in A-Zones and inland flood hazard areas, the permit application shall include the following certifications, as applicable:

**1. Wet floodproofing certification.** For applications involving wet floodproofed enclosures below the design flood elevation, flood zone compliance plans shall include a certification by the applicant, as applicable to the scope of work proposed, that "in accordance with ASCE 24, the use of the enclosure is limited to the parking of vehicles, building access, or storage, and that the design incorporates openings

to allow for the automatic entry and exit of floodwaters for equalization of hydrostatic flood forces and flood damage-resistant materials and techniques that minimize damage to a structure by floodwater."

**2. Dry floodproofing certification for nonresidential buildings.** For applications involving dry floodproofed buildings and structures that are nonresidential (for flood zone purposes), flood zone compliance plans shall include a certification by the applicant that "the structure is designed to be dry floodproofed with walls that are substantially impermeable to the passage of water and that all walls, floors, and flood shields are designed to resist hydrostatic, hydrodynamic, and other flood-related loads, including the effects of buoyancy resulting from flooding to the elevation listed in Table 6-1 in accordance with ASCE 24."

**3. Utility certifications.** For all applications involving utility or mechanical work, including applications where such work is to be filed in a separate, related application, flood zone compliance plans shall include a certification by the applicant that "all heating, ventilation, air conditioning, plumbing, electrical and other services facilities and equipment within the structure or site will be located or constructed so as to prevent water from entering or accumulating within the components during conditions of flooding in accordance with ASCE 24."

§ 11. Section G106.1 of appendix G of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

**G106.1 Applicability.** This section shall apply to post-FIRM or post-IFHM construction and substantial improvements where the work results in the issuance of a new or amended certificate of occupancy.

§ 12. Section G106.2 of appendix G of the New York city building code, as amended by local law number 126 for the year 2021, is amended to read as follows:

**G106.2 Enclosed areas subject to flooding in A-Zones or inland flood hazard areas.** The certificate of occupancy shall describe all enclosed areas below the design flood elevation that are subject to flooding and that meet the requirements of this appendix for wet floodproofing as "wet floodproofed, subject to flooding". The certificate of occupancy shall indicate the use of wet floodproofed spaces as either parking, storage, building access or crawl spaces. The certificate of occupancy shall be issued with the following restriction: "Levels subject to flooding shall not be used for any other use except as stated on this certificate."

§ 13. Section G201.1.2 of appendix G of the New York city building code, as amended by local law number 126 for the year 2021, is amended to read as follows:

**G201.1.2 Definitions specific to this appendix.** The following words and terms shall, for the purposes of this appendix, have the meanings shown herein:

**DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, temporary structures, temporary or permanent storage of materials, mining, dredging, filling, grading, paving, excavations or drilling operations and other land-disturbing activities.

**EXISTING CONSTRUCTION.** See "Pre-FIRM or pre-IFHM development."

**EXISTING STRUCTURE.** See "Pre-FIRM or pre-IFHM development."

**FLOOD DESIGN CLASS.** A classification of buildings and other structures for determination of flood loads and conditions, and determination of minimum elevation requirements on the basis of risk associated with unacceptable performance.

**FUNCTIONALLY DEPENDENT FACILITY.** A facility that cannot be used for its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for loading and unloading of cargo or passengers and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing, sales or service facilities.

**HISTORIC STRUCTURE.** Any structure that meets one of the following criteria:

1. Listed individually in the National Register of Historic Places;
2. Certified by the Secretary of the U.S. Department of the Interior as meeting the requirements for individual listing in the National Register;
3. Certified or preliminarily determined by the Secretary of the U.S. Department of the Interior to be contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the U.S. Department of the Interior to qualify as a registered historic district;
4. Individually listed or preliminarily determined to be eligible for listing in the New York State Register of Historic Places; or
5. Individually listed as a landmark by the NYC Landmarks Preservation Commission. Location within a historic district does not alone qualify as being an individually listed landmark.

**LETTER OF MAP AMENDMENT (LOMA).** An official amendment to the FIRM, issued and approved by the Federal Emergency Management Agency (FEMA), removing structures or tax lots or portions of tax lots from special flood hazard areas, resulting from a demonstration that the pre-FIRM ground elevations are at or above the base flood elevation.

**LETTER OF MAP REVISION BASED ON FILL (LOMR-F).** An official amendment to the FIRM, issued and approved by the Federal Emergency Management Agency (FEMA), removing structures or tax lots or portions of tax lots from special flood hazard areas, resulting from the post-FIRM placement of compacted fill, such that the new ground elevation is at or above the base flood elevation.

**LETTER OF MAP REVISION (LOMR).** An official amendment to the FIRM, issued and approved by the Federal Emergency Management Agency (FEMA), removing or adding structures or tax lots or portions of tax lots from special flood hazard areas, which generally results from physical measures implemented that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.

**MANUFACTURED HOME.** A structure that is transportable in one or more sections, built on a permanent chassis, designed for use with or without a permanent foundation when attached to the required utilities, and constructed to the Federal Mobile Home Construction and Safety Standards and rules and regulations promulgated by the U.S. Department of Housing and Urban Development. The term also includes mobile homes, park trailers, travel trailers and similar transportable structures that are placed on a site for 180 consecutive days or longer.

**MANUFACTURED HOME PARK OR SUBDIVISION.** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**MARKET VALUE OF STRUCTURE.** The price that a buyer is willing, but is not under any duty, to pay for a particular structure to an owner who is willing, but not obligated, to sell, exclusive of the value of the land, or of other buildings or structures on the same tax lot. The market value of a structure shall be determined in accordance with rules promulgated by the commissioner.

**NEW CONSTRUCTION.** See "Post-FIRM or post-IFHM development."

**POST-FIRM DEVELOPMENT.** Any development that is not pre-FIRM development.

**POST-IFHM DEVELOPMENT.** Any development that is not pre-IFHM development.

**POST-FIRM STRUCTURE.** See "Post-FIRM development."

**POST-IFHM STRUCTURE.** See "Post-IFHM development."

**PRE-FIRM DEVELOPMENT.** Any development:

1. Completed prior to November 16, 1983;
2. Under construction on November 16, 1983, provided that the start of construction was prior to said date;  
or
3. Completed on or after November 16, 1983, but that:
  - 3.1. Was not located within a special flood hazard area at the start of construction; and
  - 3.2. Is now located within a special flood hazard area as a result of a subsequent change to the FIRM.

**PRE-IFHM DEVELOPMENT.** Any development:

1. Completed prior to the later of January 1, 2026 or the effective date of the first rule adopted pursuant to Section G102.2.3;
2. Under construction on the later of January 1, 2026 or the effective date of the first rule adopted pursuant to Section G102.2.3, provided that the start of construction was prior to said date; or
3. Completed on or after the later of January 1, 2026 or the effective date of the first rule adopted pursuant to Section G102.2.3, but that:
  - 3.1. Was not located within the inland flood hazard area at the start of construction; and
  - 3.2. Is now located within an inland flood hazard area as a result of a subsequent change to the IFHM.

**PRE-FIRM STRUCTURE.** See "Pre-FIRM development."

**PRE-IFHM STRUCTURE.** See "Pre IFHM development."

**RECREATIONAL VEHICLE.** A vehicle that is built on a single chassis, 400 square feet (37.16 m<sup>2</sup>) or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect-type utilities and security devices and has no permanently attached additions.

**START OF CONSTRUCTION.** The date of permit issuance for: (i) post-FIRM or post-IFHM developments; (ii) substantial improvements to pre-FIRM or pre-IFHM structures; and (iii) those pre-FIRM or pre-IFHM developments that, at the time of permit issuance, were not within a special flood hazard area or inland flood hazard area but that, prior to completion, were within a special flood hazard area or inland flood hazard area as

a result of map change; provided the actual commencement of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of permit issuance and such construction activity is not thereafter suspended or abandoned for 180 days or more. For the purposes of this definition:

1. The actual commencement of construction means the first placement of permanent construction of a building (including a manufactured home or prefabricated building) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.
2. Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement (for flood zone purposes), footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building.
3. For a substantial improvement, the actual commencement of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, regardless of whether that alteration affects the external dimensions of the building.

**VARIANCE.** A grant of relief from the requirements of this appendix, which permits construction in a manner otherwise prohibited by this appendix.

§ 14. Section G302 of appendix G of the New York city building code, as amended by local law number 126 for the year 2021, is amended to read as follows:

#### **SECTION BC G302 SUBDIVISIONS**

**G302.1 General.** Any subdivision proposal, including proposals for manufactured home parks and subdivisions, or other proposed new development within a special flood hazard area or inland flood hazard area shall be reviewed to verify all of the following:

1. All such proposals are consistent with the need to minimize flood damage.
2. All public utilities and facilities, such as sewer, gas, electric and water systems, are located and constructed to minimize or eliminate flood damage.
3. Adequate drainage is provided to reduce exposure to flood hazards.

**G302.2 Subdivision requirements.** The following requirements shall apply in the case of any proposed subdivision, including proposals for manufactured home parks and subdivisions, any portion of which lies within a special flood hazard area or inland flood hazard area:

1. The special flood hazard area, including floodways, coastal high-hazard areas and coastal A-Zones, or inland flood hazard area, as appropriate, shall be delineated on tentative and final subdivision plats.
2. Base flood elevations shall be shown on tentative and final subdivision plats.
3. Building lots shall be provided with adequate buildable area, in accordance with the *New York City Zoning Resolution*, outside the floodway.
4. The design criteria for utilities and facilities set forth in this appendix and appropriate *New York City Construction Codes* shall be met.

§ 15. The title of section G304 of appendix G of the New York city building code, as amended by local law number 126 for the year 2021, is amended to read as follows:

**SECTION BC G304  
POST-FIRM/IFHM CONSTRUCTION, HORIZONTAL ENLARGEMENTS AND SUBSTANTIAL  
IMPROVEMENTS**

§ 16. Section G304.1 of appendix G of the New York city building code, as amended by local law number 126 for the year 2021, is amended to read as follows:

**G304.1 A-Zone/IFHM construction standards.** In addition to the requirements of ASCE 24, the following standards shall apply to post-FIRM and post-IFHM construction, horizontal enlargements and substantial improvements located within A-Zones, other than Coastal A-Zones, and the inland flood hazard area.

**G304.1.1 Residential.** For buildings or structures that are residential (for flood zone purposes), all post-FIRM or post-IFHM new buildings, horizontal enlargements and substantial improvements shall comply with the applicable requirements of this appendix and ASCE 24, and shall be elevated as follows:

1. **Lowest floor.** The lowest floor, including the basement (for flood zone purposes), shall be elevated to or above the design flood elevation specified in ASCE 24, Table 2-1;
2. **Enclosures below the design flood elevation.** Enclosed spaces below the design flood elevation specified in ASCE 24, Table 2-1, shall be useable solely for parking of vehicles, building access, storage, or crawlspace, and shall be wet floodproofed in accordance with ASCE 24. Breakaway walls are not required in A-Zones or the inland flood hazard area;
  - 2.1. A restrictive declaration noting the above restriction shall be filed with the City Register or County Clerk, and the City Register File Number (CRFN) shall be identified in the permit application and on the certificate of occupancy.
3. **Under-floor spaces.** The finished ground level of an under-floor space, such as a crawl space, shall be equal to or higher than the outside finished ground level on at least one side;
4. **Materials.** Only flood-damage-resistant materials and finishes shall be utilized below the design flood elevation specified in ASCE 24, Table 5-1;
5. **Utilities and equipment.** Utilities and attendant equipment shall be located at or above the design flood elevation specified in ASCE 24, Table 7-1, or with the exception of the items below, shall be constructed so as to prevent water from entering or accumulating within the components during conditions of flooding in accordance with ASCE 24.
  - 5.1. Fire protection systems and equipment. The following fire protection systems and equipment shall be located at or above the design flood elevation specified in ASCE 24, Table 7-1, except that where the system or equipment or portion thereof serves only spaces located below such design flood elevation, the system or equipment or portion thereof may be located at or above such design flood elevation:
    - 5.1.1. Sprinkler control valves that are not outside stem and yoke valves;
    - 5.1.2. Fire standpipe control valves that are not outside stem and yoke valves;
    - 5.1.3. Sprinkler booster pumps and fire pumps;

- 5.1.4. Dry pipe valve-related electrically operated alarm appurtenances;
  - 5.1.5. Alarm control panels for water and non-water fire extinguishing systems;
  - 5.1.6. Alarm control panels for sprinkler systems, pre-action sprinkler systems, deluge sprinkler systems, and combined dry pipe and pre-action sprinkler systems;
  - 5.1.7. Electrically operated waterflow detection devices serving sprinkler systems; and
  - 5.1.8. Air compressors serving sprinkler systems and pre-action sprinkler systems.
- 5.2. Fire alarm systems and components. Where a zoning indicator panel is provided at the main building entrance in accordance with Section 907.6.3.1 of this code and such panel is located at or below 5 feet (1524 mm) above the design flood elevation specified in ASCE 24, Table 7-1, at least one secondary zoning indicator panel complying with the following requirements shall be provided:
- 5.2.1. The secondary zoning indicator panel, associated controls, power supplies and means of transferring control shall be provided at least 5 feet (1524 mm) above the design flood elevation specified in ASCE 24, Table 7-1, in a location accessible to responding Fire Department personnel and approved by the department and the Fire Department and
  - 5.2.2. Where the secondary zoning indicator panel or associated controls are only operable upon transfer of control from another zoning indicator panel, such transfer shall be by a means that is approved by the Fire Department.
- 5.3. Fuel-oil piping systems. The following requirements shall apply to fuel-oil piping systems, as defined by Section 202 of the New York City Mechanical Code:
- 5.3.1. Fill piping that does not terminate in a watertight terminal approved by the department shall terminate at least 3 feet (914 mm) above the design flood elevation specified in ASCE 24, Table 7-1; and
  - 5.3.2. Normal vent piping and emergency vent piping shall terminate at least 3 feet (914 mm) above the design flood elevation specified in ASCE 24, Table 7-1.
- 5.4. Plumbing systems and components. The structure shall comply with the following requirements:
- 5.4.1. Relief vents and fresh air intakes. Relief vents and fresh air intakes serving building traps in accordance with Section 1002.6 of the New York City Plumbing Code shall be carried above grade and shall terminate in a screened outlet that is located outside of the building and at or above the design flood elevation specified in ASCE 24, Table 7-1; and
  - 5.4.2. Reduced pressure zone backflow preventers.
    - 5.4.2.1. Primary reduced pressure principle backflow preventers complying with the requirements of the Department of Environmental Protection shall be located at or above the design flood elevation specified in ASCE 24, Table 7.1.



5.4.2.2. Secondary reduced pressure principle backflow preventers complying with Section 608.13.2 of the New York City Plumbing Code and backflow preventers with intermediate atmospheric vents complying with Section 608.13.3 of the New York City Plumbing Code shall be located at or above the design flood elevation specified in ASCE 24, Table 7-1.

5.4.3. Relief vents for gas service, equipment, and appliance pressure regulators. Relief vents for gas service, equipment, and appliance pressure regulators complying with the New York City Fuel Gas Code shall be located at or above the design flood elevation specified in ASCE 24, Table 7.1.

6. **Certifications.** Applications shall contain applicable certifications in accordance with Section G104.5; and

7. **Special inspections.** Special inspections shall be as required by Section G107.

**G304.1.2 Nonresidential.** For buildings or structures that are nonresidential (for flood zone purposes), all post-FIRM or post-IFHM new buildings, horizontal enlargements and substantial improvements shall comply with the applicable requirements of this appendix and ASCE 24, and shall comply with either of the following:

1. **Elevation option.** The structure shall comply with Items 1 through 7 of Section G304.1.1; or

2. **Dry floodproofing option.** The structure shall comply with the following:

2.1. Elevation of dry floodproofing. The structure shall be dry floodproofed to or above the design flood elevation specified in ASCE 24, Table 6-1;

2.2. Dwelling units, patient care areas (for flood zone purposes) and sleeping areas. Where dwelling units, patient care areas (for flood zone purposes) or spaces intended to be used by persons for sleeping purposes are located in a building utilizing the dry floodproofing option, the following additional requirements shall be met:

2.2.1. All rooms and spaces within dwelling units, patient care areas (for flood zone purposes) and all spaces intended to be used by persons for sleeping purposes shall be located at or above the design flood elevation;

2.2.2. A restrictive declaration noting the above restriction shall be filed with the City Register or County Clerk, and the City Register File Number (CRFN) shall be identified in the permit application and on the certificate of occupancy.

2.3. Utilities and equipment. Utilities and attendant equipment shall be located within the dry floodproofed enclosure, or may be located outside the dry floodproofed enclosure provided that they are located at or above the design flood elevation specified in ASCE 24, Table 7-1 or are constructed so as to prevent water from entering or accumulating within the components during conditions of flooding in accordance with ASCE 24.

2.3.1. Additional requirements. Notwithstanding the above, utilities and attendant equipment, listed in Items 5.1 through 5.4 of Section G304.1.1, shall not be located in dry floodproofed enclosures and shall be elevated in accordance with Section G304.1.1.

2.4. Fire department connections. Dry floodproofing measures including temporary shields, stairs and ramps shall be located and arranged so as to allow hose lines to be attached to the inlets

of fire department connections without interference in accordance with Section 6.4.5 of NFPA 14, as modified by Appendix Q of this code.

2.5. Certifications. Applications shall contain applicable certifications in accordance with Section G104.3.2; and

2.6. Special inspections. Special inspections shall be as required by Section G107.

§ 17. Section G305 of appendix G of the New York city building code, as amended by local law number 126 for the year 2021, is amended to read as follows:

### **SECTION BC G305 MANUFACTURED HOMES**

**G305.1 Elevation.** All new and replacement manufactured homes shall be prohibited in coastal high-hazard areas. Within A-Zones and the inland flood hazard area, all new, replaced or substantially improved manufactured homes shall be elevated such that the lowest floor of the manufactured home is elevated to or above the design flood elevation as specified in ASCE 24, Table 2-1.

**G305.2 Foundations.** Within A-Zones and the inland flood hazard area, all new and replacement manufactured homes, including substantial improvement of existing manufactured homes, shall be placed on a permanent, reinforced foundation that is designed in accordance with ASCE 24.

**G305.3 Anchoring.** Manufactured homes shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Methods of anchoring are authorized to include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

**G305.4 Protection of mechanical equipment and outside appliances.** Mechanical equipment and outside appliances shall be elevated to or above the design flood elevation.

**Exception:** Where such equipment and appliances are designed and installed to prevent water from entering or accumulating within their components and the systems are constructed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding up to the elevation required by ASCE 24, Table 2-1, the systems and equipment shall be permitted to be located below the elevation required by ASCE 24, Table 2-1. Electrical wiring systems shall be permitted below the design flood elevation provided they conform to the provisions of the New York City Electrical Code.

**G305.5 Enclosures.** Fully enclosed areas below elevated manufactured homes shall comply with the requirements of Section G304.1.1, Item 2.

§ 18. Section G307 of appendix G of the New York city building code, as amended by local law number 126 for the year 2021, is amended to read as follows:

### **SECTION BC G307 TANKS**

**G307.1 Underground tanks.** Underground tanks in special flood hazard areas or inland flood hazard areas shall be designed, constructed, installed, and anchored to prevent flotation, collapse and lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of flooding to the design flood elevation, in accordance with ASCE 24.

**G307.2 Above-ground tanks.** Above-ground tanks in special flood hazard areas or inland flood hazard areas shall be:

1. Elevated to or above the design flood elevation specified in ASCE 24, Table 7-1; or
2. Designed, constructed, installed, and anchored to prevent flotation, collapse and lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of flooding to the design flood elevation, in accordance with ASCE 24.

**G307.3 Tank inlets and vents.** In special flood hazard areas and inland flood areas, tank inlets, fill openings, outlets and vents shall be:

1. Installed at or above the design flood elevation specified in ASCE 24, Table 7-1, or designed to prevent the inflow of floodwater and outflow of the contents of the tanks during conditions of flooding to the design flood elevation, in accordance with ASCE 24; and
2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of flooding to the design flood elevation, in accordance with ASCE 24.

**G307.4 Additional fuel-oil storage capacity.** Fuel-oil storage capacity in special flood hazard areas, inland flood hazard areas and shaded X-Zones shall comply with the following:

1. In special flood hazard areas, fuel oil on the lowest story having its floor above the applicable design flood elevation shall be limited to 3,000 gallons (11 356 L) and no storage tank may exceed the lesser of 1,500 gallons (5678 L) or the quantity of fuel-oil needed to operate the emergency or standby generator(s) served by such tank for 24 hours; and
2. In shaded X-Zones, fuel oil on the lowest story having its floor above the 500-year flood elevation shall be limited to 3,000 gallons (11 356 L) and no storage tank may exceed the lesser of 1,500 gallons (5678 L) or the quantity of fuel-oil needed to operate the emergency or standby generator(s) served by such tank for 24 hours.

**G307.4.1 Additional requirements.** Where fuel-oil storage capacity exceeds the quantity set forth in Section 1305.11.1.3 of the New York City Mechanical Code, the fuel-oil storage shall comply with Sections G307.4.1.1 and G307.4.1.2 in addition to Section 1305 of the New York City Mechanical Code.

**G307.4.1.1 Vault.** Each fuel-oil storage tank shall be separately enclosed in a vault complying with all of the following requirements:

1. The walls, floor, and top of such vault shall have a fire-resistance rating of not less than 3 hours;
2. The walls of such vault shall be bonded to the floor of such vault;
3. The top and walls of such vault shall be independent of the building structure;
4. An exterior building wall having a fire-resistance rating of not less than 3 hours shall be permitted to serve as a wall of such vault; and
5. The vault shall be located in a dedicated room or area of the building that is separated vertically and horizontally from other areas of the building by construction having a fire-resistance rating of not less than 2 hours.

**G307.4.1.2 Extinguishing system.** Fuel-oil storage shall be protected with an alternative automatic fire-extinguishing system complying with Section 904.

**G307.5 Elevation of certain tanks and containers serving flood design class 4 buildings.** The following tanks and containers shall be located at or above the design flood elevation specified in ASCE 24, Table 7-1, when serving flood design class 4 buildings. Such tanks and containers must be designed to maintain service to such structure during flood conditions and shall comply with Section 9.7 of ASCE 24:

1. Medical and compressed gas storage tanks, oxygen tanks, and other cryogenic system storage tanks;
2. Hazardous material storage tanks;
3. Stationary compressed gas containers;
4. Stationary cryogenic containers and
5. Stationary flammable gas storage containers.

§ 19. Section G312 of appendix G of the New York city building code, as amended by local law number 126 for the year 2021, is amended to read as follows:

#### **SECTION BC G312 RETROACTIVE REQUIREMENTS**

**G312.1 General.** Notwithstanding any other provision of the *New York City Construction Codes*, the provisions of this section shall apply retroactively to all buildings and structures specified herein.

**G312.2 Connections for temporary external generators.** The following buildings shall be provided with connections for temporary external generators in accordance with Sections G304.5.1 through G304.5.4, as applicable, by January 1, 2033, and a report detailing compliance with such requirements shall be filed with the department in accordance with Section G312.2.2 by such date:

1. Buildings whose main use or dominant occupancy is Group I-1 and that are located in a special flood hazard area;
2. Buildings whose main use or dominant occupancy is an adult home, enriched housing, community residence or intermediate care facility that is classified as occupancy Group R pursuant to an exception to Section 308.3.1 or 308.3.2 and that are located in a special flood hazard area;
3. Buildings whose main use or dominant occupancy is Group I-2 hospital and that are located in a special flood hazard area or shaded X-Zone;
4. Buildings whose main use or dominant occupancy is Group I-2 nursing home and that are located in a special flood hazard area; and
5. Buildings whose main use or dominant occupancy is Group I-2, other than hospitals and nursing homes, and that are located in a special flood hazard area.

**G312.2.1 Modification to the flood hazard area.** Where the special flood hazard area or shaded X-Zone is modified on or after the effective date of this section, any building identified in Section G312.2 and newly identified as being within such modified special flood hazard area or shaded X-Zone, and any such building newly identified as being within the inland flood hazard area, shall, no later than 20 years following the adoption of such modification, comply with the retroactive requirements of Section G312.2. The owner of

such building shall, no later than 20 years following the adoption of such modification, file with the department a report detailing compliance with such requirements in accordance with Section G312.2.2.

**G312.2.2 Report of compliance.** The owner of a building required to comply with the provisions of Section G312.2 shall file with the department, by January 1, 2033, a report prepared by a registered design professional or licensed master electrician (i) certifying that the requirements of Section G312.2 have been satisfied and detailing how such requirements were satisfied or (ii) certifying that the building met or was altered to meet the provisions of any applicable exception in Sections G304.5.1 or G304.5.2.

**G312.2.3 Filing.** The department may promulgate rules establishing filing fees for the review and examination of such reports.

**G312.3 Connections for temporary external boilers and chillers.** Buildings whose main use or dominant occupancy is Group I-2 hospital and that are located in a flood hazard area shall be provided with connections for temporary external boilers and chillers in accordance with Section G304.5.2 by January 1, 2033, and a report detailing compliance with such requirements shall be filed with the department in accordance with Section G312.3.2 by such date.

**G312.3.1 Modification to the flood hazard area.** Where the special flood hazard area or shaded X-Zone is modified on or after the effective date of this section, any building whose main use or dominant occupancy is Group I-2 hospital and that is newly identified as being within such modified special flood hazard area or shaded X-Zone, and any such building newly identified as being within the inland flood hazard area, shall comply with the retroactive requirements of Section G312.3 no later than 20 years following the adoption of such modification. The owner of such building shall file with the department a report detailing compliance with such requirements in accordance with Section 312.3.2 no later than 20 years following the adoption of such modification.

**G312.3.2 Report of compliance.** The owner of a building required to comply with the provisions of Section G312.3 shall file with the department, by January 1, 2033, a report prepared by a registered design professional (i) certifying that the requirements of Section G312.3 have been satisfied and detailing how such requirements were satisfied or (ii) certifying that any boiler and chiller plants that serve the spaces specified in Item 2 of Section G304.5.2 are located at or above the design flood elevation specified in Table 7-1 of ASCE 24.

**G312.3.3 Filing.** The department may promulgate rules establishing filing fees for the review and examination of such reports.

§ 20. This local law takes effect immediately.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 816

By Council Members Gennaro, Nurse, Brannan and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of environmental protection to notify owners of property when the city of New York requests a base rental payment from the New York city water board**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 1 of chapter 3 of Title 24 of the administrative code of the city of New York, is amended by adding a new section § 24-335.1 to read as follows:

*§ 24-335.1 Base rental payment notification. a. For purposes of this section, the following terms have the following meanings:*

*Base rental payment. The term “base rental payment” means a rental payment for the water system and sewerage system from the New York city water board pursuant to section 8.2, or any successor provision, of the agreement of lease by and between the city of New York and the New York city water board dated as of July 1, 1985, as amended as of November 1, 1985.*

*Sewerage system. The term “sewerage system” shall have the same meaning as provided in section 1045-b of the public authorities law.*

*Water and sewer rates. The term “water and sewer rates” means any fees, rates, rents or other charges for the use of, or services furnished, rendered or made available by, the water system or the sewerage system.*

*Water rate hearing. The term “water rate hearing” means a public hearing regarding the establishment, promulgation, fixing, or revision of water and sewer rates as required by section 1045-j of the public authorities law.*

*Water system. The term “water system” shall have the same meaning as provided in section 1045-b of the public authorities law.*

*b. In the event the city requests a base rental payment, the commissioner of environmental protection shall send, by first-class mail, no later than 15 days before the first water rate hearing following the request, a written notice of the request to the owner of each property served by the water system or the sewerage system. Such notice shall include:*

- 1. The amount of the requested base rental payment;*
- 2. The estimated impact of making the requested base rental payment on the property’s water and sewer rates over the next 3 fiscal years, which shall be calculated based on the assumption that had such base rental payment not been requested, the resulting savings would have been used to reduce, or offset increases to, water and sewer rates;*
- 3. Information on how to comment at an upcoming water rate hearing, including the date, time, and place of the next such hearing at which the property’s water and sewer rates will be discussed; and*
- 4. Information on how to submit a written comment to the department of environmental protection about the city’s decision to request a base rental payment.*

*§ 2. This local law takes effect immediately.*

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Res. No. 366

**Resolution calling on the Governor of New York to ensure that the State of New York meets its CLCPA target to obtain 70 percent of its electricity from renewable sources by 2030 without negatively impacting low-income communities and New York City ratepayers.**

By Council Members Gennaro, Restler, Nurse, Avilés, Brewer and Cabán.

**Whereas**, The Climate Leadership and Community Protection Act (CLCPA) was passed by New York State in 2019 to address climate change; and

**Whereas**, In an effort to combat climate change, the CLCPA requires the New York State Public Service Commission, the State’s utility regulator, to establish a program to obtain 70 percent of its electricity from renewable sources by 2030 and to have 100 percent of its electricity demand system be zero emission by 2040; and

**Whereas**, The CLCPA additionally set goals to reduce emissions to 40 percent below 1990 levels by 2030 and 85 percent below 1990 levels by 2050; and

**Whereas,** Following the passage of the CLCPA in 2019, 90 renewable-energy projects had been granted \$10 billion in subsidies paid for by the State’s utility ratepayers to help reach the CLCPA’s goals; and

**Whereas,** As of the fourth-quarter of 2023, the developers managing these 90 renewable-energy projects requested an additional \$12 billion in subsidies, due to rising costs and supply chain disruptions, and expressed that without these additional subsidies the developers will be unable to fulfill their contracts with the State; and

**Whereas,** On October 12, 2023, the New York Times reported that the Public Service Commission refused to grant the additional \$12 billion in subsidies to the developers of those 90 renewable-energy projects and that New York State Governor Kathy Hochul expressed support for this decision; and

**Whereas,** According to the Public Service Commission, providing additional subsidies to these developers would adversely create additional costs for New York state utility ratepayers; and

**Whereas,** According to the New York Offshore Wind Alliance, a coalition of organizations that promote the responsible development of offshore wind power for New York, denying these developers additional funding puts these renewable-energy projects in “serious jeopardy”; and

**Whereas,** Following the Public Service Commission’s announcement, several developers contracted by the State, including Equinor and Ørsted, backed out of prior bids for offshore wind projects; and

**Whereas,** On October 12, 2023, The New York State Energy Research and Development Authority (NYSERDA) called for a fourth auction round for several offshore wind power projects, which ended on January 24, 2024, including mechanisms that account for inflation, and resulted in contract rebids from several developers; and

**Whereas,** On February 29, 2024, Governor Hochul announced that the State awarded two offshore wind projects to developers Equinor and Ørsted/Eversource, who had previously been awarded projects in 2019 for Empire Wind 1 and Sunrise Wind, respectively, and had submitted rebids that will be held to new contract provisions; and

**Whereas,** In addition to the two projects awarded contracts on February 29, 2024, a third project, Community Offshore Wind 2, has been waitlisted and may be considered for award and contract at a later date; and

**Whereas,** In a joint letter from environmental and community not-for-profits, New York City Environmental Justice Alliance, UPROSE, and The POINT CDC, the letter stated that “significant delays for critical energy projects disproportionately impact the health and well-being of communities suffering from fossil fuel power generations”; and

**Whereas,** This joint letter went on to state that “contract adjustments do not have to burden low-income communities” and urged that the State seek “alternative avenues for funding contract adjustments that eliminate or minimize ratepayer impacts”; and

**Whereas,** Six natural gas-fired peaker power plants, which emit nitrogen oxide and carbon dioxide, operate in Queens, the Bronx, and the Harlem neighborhood of Manhattan, and there are concerns that environmental justice communities in these neighborhoods could be disproportionately affected by delays in meeting CLCPA goals; and

**Whereas,** New York State should further the CLCPA’s goals without hurting low-income and utility customers; and

**Whereas,** The State should research and pursue available federal funding options to offset the cost of contract adjustments without increasing ratepayer expenses, similar to grants included in the Inflation Reduction Act of 2022, which made available approximately \$30 billion in targeted federal grant and loan programs for states and electric utilities to accelerate decarbonization; now, therefore, be it

**Resolved,** That the Council of the City of New York calls on the Governor of New York to ensure that the State of New York meets its CLCPA target to obtain 70 percent of its electricity from renewable sources by 2030 without negatively impacting low-income communities and New York City ratepayers.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

## Res. No. 367

**Resolution calling on the United States Congress to pass, and the president to sign, legislation making the Environmental Protection Agency a federal executive department led by a cabinet secretary.**

By Council Members Gennaro, Restler, Nurse, Avilés, Brewer, Louis and Cabán.

**Whereas**, The United States Environmental Protection Agency (“EPA”) is an independent agency responsible for national environmental protection matters; and

**Whereas**, The EPA performs various functions, including scientific research, administration of grant programs, and enforcement of national standards under environmental laws, such as the United States Clean Water and Clean Air Acts; and

**Whereas**, Since 1970, when the EPA was established by the executive order of President Richard Nixon, the agency has protected the environment and public health by affecting the removal of pollutants, including the removal of poisonous metals from drinking water and toxic chemicals from tailpipe emissions; and

**Whereas**, The EPA has also produced tools, data and analyses that help other federal agencies, as well as state and local governments, to protect ecosystems and advance healthy and sustainable communities; and

**Whereas**, The Cabinet of the United States (“Cabinet”) is the principal official advisory body to the president and is comprised of the vice president, the heads of federal executive departments, and additional Cabinet-level officials; and

**Whereas**, Despite the importance of the EPA, the agency is not a Cabinet department, which is an executive department led by a secretary or attorney general, but rather is an independent agency led by the EPA administrator; and

**Whereas**, Making the EPA a Cabinet department could signal a national commitment to environmental protection and sustainability, facilitate coordination between the EPA and other federal agencies, and increase the EPA’s legitimacy and ability to enforce environmental legislation; and

**Whereas**, If the EPA were a Cabinet department, the United States could more effectively coordinate international responses to environmental issues, as most peer nation governments have a position that would be equivalent to a United States Secretary of Environmental Protection; and

**Whereas**, In general, executive orders may be revoked by the president without approval from the United States Congress, although the EPA has since been referenced directly in several federal laws; and

**Whereas**, Federal legislation requiring the formal establishment of a Department of Environmental Protection could limit a president’s ability to try to weaken environmental protection policies by revoking, amending, or issuing any executive order establishing or reorganizing the EPA, and ensure the continuity of grants and programs vital to states and municipalities; and

**Whereas**, Elevating the EPA to the Cabinet level could help New York City (“NYC” or “City”) reduce pollution and improve public health, as the EPA has awarded the City with grants and rebates to support local programs; and

**Whereas**, These include a \$1 million grant awarded to NYC to plan innovative strategies to cut climate pollution in May 2023 and \$1.8 million in grants awarded to five NYC community organizations through the EPA’s Environmental Justice Collaborative Problem Solving program in October 2023; and

**Whereas**, Through the Bipartisan Infrastructure Law, the EPA made rebate awards worth \$18.3 million available to three NYC school districts for the purchase of zero emission school buses, which will help the City meet its climate goals and reduce the incidence of asthma and other medical issues caused in part by air pollution for children and young adults; and

**Whereas**, Making the EPA a Cabinet department could allow the agency and its head to champion and continue these grant and rebate programs more effectively, which would help NYC achieve its environmental policy goals; now, therefore, be it

**Resolved** that the Council of the City of New York City calls on the United States Congress to pass, and the president to sign, legislation making the Environmental Protection Agency a federal executive department led by a cabinet secretary.



Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 817

By Council Members Gutiérrez, Sanchez, Won, Brannan and Louis.

**A Local Law in relation to a study and report on the feasibility of a low-cost and city-sponsored renter's insurance program**

*Be it enacted by the Council as follows:*

Section 1. a. Definitions. For purposes of this local law, the term "city" means the city of New York.

b. Study on the feasibility of a low-cost and city-sponsored renter's insurance program. An office or agency designated by the mayor shall study the feasibility of a low-cost and city-sponsored renter's insurance program. Through such study, such office or agency shall:

1. Explore the establishment of such a program by identifying, at a minimum, potential funding mechanisms for such a program, ways through which such a program could be low-cost for renters, the categories of renters who could take advantage of such a program, the items and events that coverage under such a program could include, the maximum amount of liability coverage that could be afforded by such a program, and the projected time it would take to establish and implement such a program;

2. Identify the financial impact such a program would have on the city; and

3. Evaluate initiatives the city can undertake to facilitate such a program, including but not limited to the formation of public-private partnerships.

c. Report. 1. No later than 1 year after the effective date of this local law, the office or agency designated by the mayor pursuant to subdivision b of this section shall submit a report on the findings of the study required pursuant to such subdivision to the mayor and speaker of the council.

2. If such office or agency determines through such study that a low-cost and city-sponsored renter's insurance program would be infeasible, such office or agency shall include a statement in such report explaining the reasons for infeasibility.

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Res. No. 368

**Resolution calling on the United States Congress to pass, and the President to sign, the Living Wage for Musicians Act.**

By Council Members Hanif, Ossé, Rivera, Menin, Cabán, Brannan and Louis.

**Whereas**, Streaming music services have become the dominant method of music consumption, accounting for 84 percent of total recorded music revenue in the United States in 2022, according to the Recording Industry Association of America (RIAA); and

**Whereas**, Revenues from paid subscription services have grown for seven consecutive years and reached \$10.2 billion in 2022, according to RIAA; and

**Whereas**, According to RIAA, there were more than 1.9 trillion songs streamed on demand in 2022; and

**Whereas**, A *Business Insider* report from 2020 found recording artists earn a royalty rate as little as \$0.0033 per stream; and

**Whereas**, At the rate of \$0.0033 per stream, it would take more than 800,000 monthly streams for a recording artist to earn the equivalent of a \$15-per-hour full-time job; and

**Whereas**, Over 14,000 working musicians live in New York City, according to a report published by the Office of the New York City Comptroller; and

**Whereas**, New York City's musicians contribute substantially to the City's cultural landscape and economy; and

**Whereas**, According to the Comptroller's report, many musicians in New York City face volatile employment situations and economic insecurity; and

**Whereas**, On March 7, 2024, Congresswoman Rashida Tlaib and Congressman Jamaal Bowman introduced the Living Wage for Musicians Act, which would create a new streaming royalty with the aim to compensate artists and musicians more fairly at a penny per stream when their music plays on streaming service; and

**Whereas**, The Living Wage For Musicians Act would tax streamers' non-subscription revenue and add a fee to streaming subscriptions, passing the revenues to a non-profit distribution fund that would pay artists proportionately to their monthly streams; and

**Whereas**, The Living Wage for Musicians Act includes a maximum payout per track, per month, to generate more sustainable income for a broader and more diverse set of artists; 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, the Living Wage for Musicians Act.

Referred to the Committee on Civil Service and Labor.

Res. No. 369

**Resolution calling on the Metropolitan Transportation Authority to ensure equitable distribution of OMNY vending machines in the five boroughs, including implementing such machines in at least 30 high-traffic areas in each borough.**

By Council Members Hanks and Louis.

**Whereas**, In 2019, the New York Metropolitan Transportation Authority (MTA) launched a pilot program for a contactless fare payment system called One Metro New York, or OMNY, on the New York City Transit Lexington Avenue subway line and buses on Staten Island; and

**Whereas**, Since then, the MTA has expanded OMNY to all subway stations and buses throughout New York City (NYC), supporting a full-fare, pay-per-ride system, including free transfers, with plans to continue rollout for paratransit services, the Long Island Rail Road, and the Metro-North Railroad; and

**Whereas**, OMNY works by allowing mass transit riders in NYC to pay their fares at subway turnstiles, AutoGates, and onboard buses by tapping their own contactless credit or debit card, smart device, or OMNY card onto the OMNY reader; and

**Whereas**, OMNY caps weekly fares at \$34 when the same card or device is tapped for rides, effectively providing customers with the benefits of a 7-Day Unlimited MetroCard without paying in advance; and

**Whereas**, In July of 2023, New York State Governor Kathy Hochul announced that MTA customers had utilized OMNY more than one billion times at all 472 subway stations, 204 local bus routes, and 31 express buses, with nearly half of all subway riders using OMNY, and two million riders using it every day; and

**Whereas**, Although utilized millions of times per day, there may be gaps in the MTA's future implementation of OMNY vending machines; and

**Whereas**, In the Fall of 2023, the MTA, after previous delays, began to roll out OMNY vending machines in a pilot program at 6 subway stations, with promises to be available at all 472 subway stations; and

**Whereas**, Despite these promises, there are concerns that a majority of Staten Island Railway's stations may not receive an OMNY vending machine, as the MTA has implemented a very small number of MetroCard vending machines throughout these stations in the past; and

**Whereas**, In the Staten Island Railway system, MetroCards can be purchased at only 3 locations: St. George Ferry Terminal, Tomkinsville Station, and Eltingville Transit Center, otherwise MetroCards must be purchased at select retail locations in the borough; and

**Whereas,** A low number of OMNY vending machines in Staten Island Railway's stations may result in a disincentive and an added inconvenience for Staten Islanders to utilize mass transit to travel throughout the City, particularly for those who do not have contactless credit or debit cards or smart devices to utilize at OMNY readers; and

**Whereas,** The MTA should equitably distribute OMNY vending machines throughout the City, especially focusing on areas in each borough with high traffic and Staten Island, where there is a historical lack of MetroCard machines; now, therefore, be it

**Resolved,** That the Council of the City of New York calls on the Metropolitan Transportation Authority to ensure equitable distribution of OMNY vending machines in the five boroughs, including implementing such machines in at least 30 high-traffic areas in each borough.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 818

By Council Members Holden, Hanks, Louis, Borelli and Paladino.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting triple tours of duty for department of correction custodial officers**

*Be it enacted by the Council as follows:*

Section 1. Section 9-116 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

*e. Custodial officers shall be assigned to not more than two consecutive tours of duty. A tour of duty shall consist of not more than 8 consecutive hours. Assignment of additional hours into a third consecutive tour of duty is prohibited.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Criminal Justice.

Int. No. 819

By Council Members Holden, Hanks, Borelli and Paladino.

**A Local Law to amend the administrative code of the city of New York, in relation to permitting the use of segregated housing as a disciplinary sanction for certain incarcerated individuals in city jails**

*Be it enacted by the Council as follows:*

Section 1. Title 9 of the administrative code of the city of New York is amended by adding a new section 9-163 as follows:

*§9-163 Segregated housing. a. Definitions. As used in this section, the following terms have the following meanings:*

*Segregated housing unit. The term "segregated housing unit" means any city jail housing units in which incarcerated individuals are regularly restricted to their cells more than the maximum number of hours as set forth in subdivision (b) of section 1-05 of chapter 1 of title 40 of the rules of the city of New York, or any successor rule establishing such maximum number of hours for the general population of incarcerated individuals in city jails. Segregated housing units include, but are not limited to, punitive segregation housing and enhanced supervision housing and do not include mental health units.*

*Therapeutic counseling.* The term “therapeutic counseling” means any program or service, which treats the behavioral or mental health needs of an incarcerated individual.

*Violent act.* The term “violent act” mean any conduct capable of causing serious physical injury, as defined in section 10.00 of the penal law.

b. The use of segregated housing shall be permitted as a disciplinary sanction for any incarcerated individual 18 to 21 years of age who commits a violent act while in the custody of the department and has previously received therapeutic counseling for a prior violent act committed while in such custody.

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

Referred to the Committee on Criminal Justice.

Int. No. 820

By Council Members Holden, Brannan, Louis, Borelli and Paladino.

**A Local Law to amend the administrative code of the city of New York, in relation to the number of steps to submit service requests or complaints on the 311 website and mobile application**

*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 23-308 to read as follows:

§ 23-308 *Service requests or complaints.* Any website or mobile device application used by the 311 customer service center for the intake of service requests or complaints from the public shall allow the direct submission of such request or complaint by a member of the public with no more than four steps to input such request or complaint.

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

Referred to the Committee on Technology.

Int. No. 821

By Council Members Holden, Brannan, Louis, Borelli and Paladino.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of a centralized mobile application for accessing city services**

*Be it enacted by the Council as follows:*

Section 1. Title 23 of the administrative code of the city of New York is amended by adding a new chapter 13 to read as follows:

**CHAPTER 13**  
**ACCESS TO CITY SERVICES WITH MOBILE TECHNOLOGY**

§23-1301 *Definitions.* For the purposes of this chapter, the following terms have the following meanings:

*Commissioner.* The term “commissioner” means the commissioner of information technology and telecommunications.

*Department.* The term “department” means the department of information technology and telecommunications.

§23-1302 *Mobile application; creation.* a. The department, in collaboration with the chief privacy officer, shall create a mobile application capable of allowing members of the public to access services provided by a city agency. Such mobile application shall include, where relevant:

1. The ability for users to schedule appointments for city services;
2. The ability to remind users about scheduled appointments with a city agency; and
3. The ability to send and receive messages to and from the user with the applicable city agency.

b. The department, in collaboration with other agencies, shall provide public access through such application to all city services except services whose nature makes them incapable of access using mobile application technology.

§23-1303 Accessibility. The department shall adopt an accessibility protocol for the mobile application required by this chapter to ensure the application is accessible for persons with disabilities.

§23-1304 Encryption. The mobile application maintained by the department on behalf of the city or on behalf of any city agency shall encrypt all exchanges and transfers between a web server, maintained by or on behalf of the city or a city agency, and the mobile application shall require web browsers to request such encrypted exchange or transfer at all times, provided that such encryption shall not be required if such exchanges or transfers are conducted in a manner that provides at least an equivalent level of confidentiality, data integrity and authentication.

§23-1305 Open source software. Any custom software, web development service or mobile application created by the department in furtherance of this chapter shall be open source and publicly accessible, except as otherwise provided by the rules of the department.

§23-1306 Alternative methods. The mobile application shall not be the only method to access services provided by a city agency. Each agency shall continue providing access to services provided by such agency without the use of this mobile application.

§23-1307 Information. a. No vendor if used in the creation, maintenance, or operation of such mobile application, shall use or have access to identifying information, as defined in section 23-1201, beyond the scope necessary for the service provided.

b. The user shall have the right to review and delete information- collected from or stored by the mobile application related to such user, provided that such information would not be retained by such agency in the ordinary course of providing access to the service through a different method. Such request shall be satisfied within 10 days of the request.

§23-1308 Biometric identifier information. No biometric identifier information, as defined in section 22-1201, shall be collected by this mobile application.

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

Referred to the Committee on Technology.

Int. No. 822

By Council Members Holden, Gennaro, Brannan, Louis, Borelli and Paladino.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the 311 customer service center to indicate that an agency is unable to respond to a service request or complaint and implement protocols providing proof of action**

*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 Agency response to service requests and complaints. a. If an agency that receives a request for service or complaint through the 311 customer service center is unable to take action on such request for service or complaint within 24 hours, the 311 customer service center shall indicate in the description of the action taken on such request for service or complaint that the responding agency is currently unable to respond to the request for service or complaint. The responding agencies shall indicate to the 311 customer service center if they are unable to take action on a request for service or complaint.

*b. The 311 customer service center, in consultation with relevant agencies, shall develop and implement protocols for responding agencies to provide proof of any action taken by the responding agency once a request for service or complaint is resolved. The responding agencies shall provide proof to the 311 customer service center of any action taken pursuant to protocols developed pursuant to this subdivision.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Technology.

Int. No. 823

By Council Members Holden, Brannan, Gennaro, Louis, Borelli and Paladino.

**A Local Law in relation to a department of transportation study on speed reducing measures for bicycles with electric assist operating in bicycle lanes**

*Be it enacted by the Council as follows:*

Section 1. Bicycle with electric assist speed reduction study. a. Definitions. For the purposes of this local law, the following terms have the following meanings:

Bicycle with electric assist. The term "bicycle with electric assist" means a bicycle with electric assist as defined in section 102-c of the vehicle and traffic law.

Speed bump. The term "speed bump" means a continuously raised area extending transversely across the entirety of the roadway, from one curb to the other, which is installed and designed for the purpose of slowing traffic.

Speed reducing measure. The term "speed reducing measure" means a method other than speed bumps, designed for the purpose of slowing traffic, including but not limited to speed cushions, changes in road texture, and raised intersections.

b. No later than July 1, 2025, the department of transportation shall submit to the mayor and the speaker of the council a study on the use of speed bumps to slow traffic from bicycles with electric assist operating in bicycle lanes. Such study shall:

1. Determine the feasibility of installing speed bumps in bicycle lanes of different typologies to slow traffic from bicycles with electric assist, to speeds no greater than 20 miles per hour for class one and two bicycles with electric assist and no greater than 25 miles per hour for class three bicycles with electric assist, in order to reduce the number of accidents involving bicycles with electric assist that result in serious injury or fatality;

2. Consider the impact of speed bumps on vehicles other than bicycles with electric assist including but not limited to bicycles, buses, and emergency vehicles;

3. Recommend alternative speed reducing measures for bicycles with electric assist if the department of transportation determines that the installation of speed bumps is not feasible pursuant to paragraph 1 of subdivision b of this section; and,

4. Solicit input from the public, and collect publicly available data, to identify locations where accidents involving bicycles with electric assist frequently occur.

§ 2. This local law takes effect immediately and expires and is deemed repealed upon the submission of the study required by section one of this local law.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 824

By Council Members Holden, Yeger, Hanks, Borelli and Paladino.

**A Local Law to create a commission to examine the cost of renovating jail facilities on Rikers Island**

*Be it enacted by the Council as follows:*

Section 1. Commission established. There is hereby established a commission to be known as the renovate Rikers Island commission.

§ 2. Duties. The commission shall examine the cost of renovating jail facilities on Rikers Island, including the costs of so renovating relative to the costs of opening new jail facilities outside of Rikers Island.

§ 3. Membership. a. The commission shall be composed of the following members:

1. Three members appointed by the mayor;
2. Three members appointed by the speaker of the council; and
3. Four members appointed jointly by the speaker of the council and the mayor, one of whom shall serve as chair.

b. No member shall be employed by the city of New York.

c. The mayor may invite officers and representatives of relevant federal, state and local agencies and authorities to participate in the work of the commission.

d. All appointments required by this section shall be made no later than 90 days after the effective date of this local law.

e. Each member of the commission shall serve at the pleasure of the officer who appointed the member. In the event of a vacancy on the commission, a successor shall be appointed in the same manner as the original appointment for the remainder of the unexpired term. All members of the commission shall serve without compensation.

§ 4. Meetings. a. The chair shall convene the first meeting of the commission no later than 30 days after the last member has been appointed, except that where not all members of the commission have been appointed within the time specified in section three, the chair shall convene the first meeting of the commission within 10 days of the appointment of a quorum.

b. The commission may invite experts and stakeholders to attend its meetings and to provide testimony and information relevant to its duties.

c. The commission shall meet no less than once each quarter to carry out the duties described in section two.

d. The meeting requirement of subdivision c shall be suspended when the commission submits its report as required by section five.

§ 5. Report. a. No later than 270 days after the effective date of this local law, the commission shall submit a report to the mayor, the speaker of the council and the commissioner of correction setting forth its findings related to the costs of renovating jail facilities on Rikers Island, including the costs of so renovating relative to the costs of opening new jail facilities outside of Rikers Island. The report shall include a summary of information the commission considered in formulating its findings.

b. The commissioner of correction shall publish the commission's report electronically on the website of the department of correction no later than 10 days after its submission to the mayor and the speaker of the council.

§ 6. Agency support. Each agency affected by this local law shall provide appropriate staff and resources to support the work of such agency related to the commission.

§ 7. Termination. The commission shall terminate 180 days after the date on which it submits its report, as required by section five.

§ 8. Effective date. This local law takes effect immediately.

Referred to the Committee on Criminal Justice.

Res. No. 370

**Resolution calling on the Metropolitan Transportation Authority (MTA) to ban e-bikes from the New York City subway system and produce an annual report on the enforcement actions that the MTA takes on e-bikes in the system.**

By Council Members Holden, Gennaro and Louis.

**Whereas**, Bicycles equipped with an electric motor and battery (also known as e-bikes) have gained popularity in recent years as a mode of transportation and delivery; and

**Whereas**, In 2020, New York State created three classes of e-bikes and legalized e-bikes on some streets and highways; and

**Whereas**, As of November 23, 2020, all e-bikes, regardless of class, are allowed to be operated in New York City (NYC), and with that, have all the rights and are subject to all the duties and regulations applicable to drivers of motor vehicles; and

**Whereas**, In April of 2023, the MTA adopted a policy that allows the transportation of personal electric vehicles, including e-bikes, on MTA property and on-board transit, including the subway system; and

**Whereas**, Although the MTA policy prohibits charging or operation of e-bikes in their facilities, there is concern that e-bikes pose a threat to safety, particularly if being transported in the subway system; and

**Whereas**, Most e-bikes are powered by lithium-ion batteries, and if these batteries are damaged, they can overheat, catch on fire, and lead to explosions, according to the National Fire Protection Association; and

**Whereas**, An increasing number of e-bikes use cheap or refurbished batteries that are not UL-certified (Underwriter Laboratories, a third-party certification company, is commonly used by companies to verify the safety of their products), which can result in an increased prevalence of fires; and

**Whereas**, In recent years, there has been a noticeable uptrend in fires related to e-bikes and related injuries and deaths, with 2023 marking a high; and

**Whereas**, According to NYC Fire Department data reviewed by the news outlet, The Gothamist, NYC firefighters responded to 267 fires caused by faulty lithium-ion batteries in 2023, about a 20% increase from 2022, and the number of deaths from these fires increased from 6 in 2022 to 18 in 2023; and

**Whereas**, In an effort to ensure that those who ride NYC's subway system are safe from e-bike fires, the MTA should ban e-bikes within the subway system and produce an annual report on the enforcement of such a ban; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the MTA to ban e-bikes from the New York City subway system and produce an annual report on the enforcement actions that the MTA takes on e-bikes in the system.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 825

By Council Members Hudson, Nurse and the Public Advocate (Mr. Williams).

**A Local Law to amend the administrative code of the city of New York, in relation to returning funds remaining in commissary accounts when incarcerated individuals are released from custody**

*Be it enacted by the Council as follows:*

Section 1. Section 9-162 of the administrative code of the city of New York, as added by local law number 60 for the year 2021, is amended to read as follows:

§ 9-162 Commissary accounts of incarcerated individuals. a. When an incarcerated individual is released from custody [in a departmental facility], the department shall, as part of the discharge process, [assist the individual in receiving unused commissary funds. Such assistance shall be given in a language the incarcerated individual can understand and shall include but not be limited to providing such individual, orally and in writing, information on the amount of commissary funds remaining in their account, how to obtain such funds and the locations at which they can immediately receive up to \$200 in cash of such funds.] *inform the incarcerated person, orally and in writing, in a language the incarcerated individual can understand, how much money remains in their commissary account, and return all unused commissary funds, in cash, prior to the individual leaving the department's custody.* For the purposes of this section, the term "commissary funds" has the same



meaning as the term "prisoner funds" set forth in subdivision f of section 500-c of the correction law and in section 7016.2 of title 9 of the New York code of rules and regulations, or any successor provisions of such law or rules.

[b. Immediately upon request from a formerly incarcerated individual at a location at which commissary funds are made available, the department shall return up to \$200 of such funds in cash, and any funds to which such individual is entitled that exceed \$200 shall be distributed by check and sent by mail if all necessary information, including a name and mailing address, is provided by such individual. The department shall also make such checks available to be retrieved by the formerly incarcerated individual in person at the cashier window within three business days of receiving a request from a formerly incarcerated individual. Such formerly incarcerated individual will have 90 days to retrieve such check in person. If such individual does not pick up the check within 90 days, the individual may request a new check to be issued. The department shall attempt to contact the formerly incarcerated individual if such individual does not pick up the check within 90 days and notify such individual that they may request a new check to be issued. Such individual must pick up the new check within 90 days.]

[c.] b. No formerly incarcerated individual receiving unused commissary funds shall pay any fee in connection with the procedures established in accordance with this section for receiving such funds.

[d.] c. No later than December 1, 2022, the department shall establish a plan, upon consultation with the agency or agencies designated by the mayor, for raising awareness regarding the procedures by which formerly incarcerated individuals can obtain commissary funds and for retrieving information necessary to return such funds to such individuals. The department shall make reasonable efforts to return unused commissary funds to their rightful owners.]

[e.] d. No later than May 31, 2023 and by May 31 of each subsequent year thereafter, the department shall report to the council and post permanently on its website a report of the aggregate amount of commissary funds remaining in the accounts of all individuals who are no longer in the custody of the department, the number of such accounts and efforts made in each year to return any unclaimed funds during the reporting period.

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

Referred to the Committee on Criminal Justice.

Res. No. 371

**Resolution calling on the New York State Legislature to pass, and the Governor to sign S6643A/A9115, in relation to providing money upon release for certain incarcerated individuals.**

By Council Members Hudson, Nurse, Louis and the Public Advocate (Mr. Williams).

**Whereas**, According to The Manpower Demonstration Research Corporation, annually, the United States witnesses the release of approximately 600,000 individuals from its State and Federal prisons, a transition fraught with numerous challenges; and

**Whereas**, These individuals, termed returning citizens, encounter obstacles in reintegrating into society, ranging from securing stable housing to finding gainful employment; and

**Whereas**, According to the Vera Institute, New York State allocates billions of dollars towards maintaining its prison systems, as evident in the daily costs incurred, exceeding \$225 per person (\$82,000 annually) in local jails and \$315 per person (\$115,000 annually) in State prisons, as reported in 2019; and

**Whereas**, According to the New York State Senate, nearly half of returning New Yorkers struggle with housing instability upon release from jail or prison and over one-third encounter challenges in securing even part-time employment, impeding their economic self-sufficiency and reintegration prospects; and

**Whereas**, Additionally, approximately half of New Yorkers find themselves re-incarcerated within three years of their release, underscoring the urgent need for more comprehensive reentry support mechanisms and community-based services; and

**Whereas**, Current State law mandates released individuals receive only \$40 from their commissary account, a bus ticket, and cheap clothing; and

**Whereas**, Released individuals are expected to use the \$40 to find housing, feed themselves, meet with their Parole Officer (if applicable), secure employment, and comply with special conditions; and

**Whereas**, S6643A/A9115 sponsored by New York State Senator Kevin Parker and New York State Assemblymember Edward Gibbs, respectively, aim to increase the amount of money provided to incarcerated individuals upon their release for essential needs such as food, clothes, housing, and transportation; and

**Whereas**, The Gate Money Program, as established by this state legislation provides up to \$2,550 over six months to those released from state correctional facilities, with the first month's stipend given immediately upon release to cover essential needs like food, housing costs, court-related debts, and employment preparation; and

**Whereas**, Through the Gate Money Program, funds will no longer be deducted from the individual's commissary account; and

**Whereas**, It is imperative to reevaluate current reentry practices and invest in holistic approaches that address the root causes of recidivism while fostering opportunities for successful reintegration and rehabilitation; 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 S6643A/A9115, in relation to providing money upon release for certain incarcerated individuals.

Referred to the Committee on Criminal Justice.

Res. No. 372

**Resolution calling on the New York City Department of Education to provide support for a student newspaper at every high school.**

By Council Members Joseph, Gennaro, Brannan, Louis and Rivera.

**Whereas**, The New York City (NYC) Department of Education (DOE) is the largest school district in the United States, providing primary and secondary education to nearly one million students, from early childhood to grade 12 in over 1,800 schools; and

**Whereas**, A school newspaper provides students with a platform to express their ideas and creativity while also helping to develop critical thinking skills; and

**Whereas**, Student journalism advocates assert that student journalism programs are essential to helping students develop writing skills, build community, hold school leaders accountable, and develop a more racially and socioeconomically representative pipeline of professional journalists; and

**Whereas**, However, a November 2022 research report on Newspaper Prevalence among New York City Public High Schools by Baruch College (“Baruch Report”) found that only 26.9% of non-Charter public high schools have a student newspaper; and

**Whereas**, Moreover, among the 100 non-charter public high schools with the highest poverty rates, only 7% percent have a student newspaper; and

**Whereas**, Meanwhile, 62% of the 50 non-charter public high schools with the lowest poverty rates and 100% of NYC’s specialized high schools have newspapers; and

**Whereas**, Additionally, high schools with high percentages of Black and Hispanic students—according to DOE demographic data and classifications—are less likely to have a student newspaper than high schools with low rates of poverty and economic need and higher percentages of white and Asian students; and

**Whereas**, Overall, high schools with high four-year graduation rates are more likely to have a student newspaper than schools with the lowest four-year graduation rates: 58% of the 50 high schools with the highest graduation rates compared to 6% of the 50 high schools with the lowest graduation rates; and

**Whereas**, While the Baruch Report does not assert a causal relationship between rates of poverty or graduation, or rates of racial and ethnic composition of high schools and student newspaper prevalence, its analysis of the data reveals that high schools with poverty rates of 78% or higher, which includes nearly two-

thirds of NYC non-Charter public high schools, tend to have higher graduation rates when they have a student newspaper; and

**Whereas**, NYC non-Charter public high schools in the Bronx and Brooklyn are less likely than high schools in Manhattan, Queens, and Staten Island to have a student newspaper; and

**Whereas**, The Baruch Report's findings are consistent with findings published by journalism educator Jessica Siegal, which were based on data collected from 263 NYC public high schools between 2007 and 2009; and

**Whereas**, Between the Baruch Report and Siegal's findings, one can conclude that student newspaper prevalence has declined among NYC public high schools over the past 14 years; and

**Whereas**, Potential reasons for the loss of a student newspaper at a NYC public high school, according to the experience of Baruch College's High School Journalism Program over the past decade, include (1) a failure to name a trained replacement whenever a student newspaper advisor leaves their school; (2) a reallocation of resources that once supported a student newspaper; and (3) a lack of journalism training and experience among teachers and administrators; and

**Whereas**, However, according to outreach conducted by the Baruch Report authors, teachers and administrators recognize the value of journalism and new literacy education, they are receptive to the idea of launching a student newspaper with assistance and training, and online platforms make publishing a student newspaper easier and less expensive than ever before; and

**Whereas**, All NYC public school students deserve the opportunity to gain leadership and civic engagement experience, news judgment, research and writing proficiency, news literacy, and many other skills and benefits afforded through student newspaper participation; and

**Whereas**, Participation in a student newspaper not only expands a student's knowledge and abilities but also contributes to a future of democratic freedoms, government accountability, and a more news-savvy, better informed society; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York City Department of Education to provide support for a student newspaper at every high school.

Referred to the Committee on Education.

Int. No. 826

By Council Members Krishnan, Lee, Brannan and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to providing a copy of the registration statement in the online property owner registry**

*Be it enacted by the Council as follows:*

Section 1. Section 27-2109.2 of the administrative code of the city of New York, as amended by local law number 109 for the year 2019, is amended to read as follows:

§ 27-2109.2 Online portfolio report of registered property owners. The department shall maintain through the department's website a publicly accessible electronic interface that reports portfolio information based on the name of a property owner. The report shall be based on the last valid information registered with the department pursuant to section 27-2097. Such report shall include (i) the address of each registered property owned by such registered owner; (ii) the current number of outstanding violations issued by the department, disaggregated by class, for each property; (iii) the number of findings of harassment currently on record with the department; (iv) the number and types of departmental orders pending on each property; (v) the number of violations issued by the department of buildings pursuant to sections 28-207.2.6 or 28-213.1.2 for each property, including the status of each violation and the date each violation was issued; (vi) findings from the appropriate state agency of rent overcharges against a property, including the reasons provided by the owner for such overcharge, if available, or why such findings could not be included; [and] (vii) findings from the appropriate state agency indicating illegal removal from rent-regulation, if available, or why such findings could not be

included; and (viii) a copy of the most recent registration statement filed with the department pursuant to section 27-2097. The department may provide the aggregate data used to create such website to the public advocate upon request in a form that permits automated processing and downloading.

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

Referred to the Committee on Housing and Buildings.

Int. No. 827

By Council Members Louis and Brannan.

**A Local Law to amend the New York city charter, in relation to establishing an office of human trafficking**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of the New York city charter is amended by adding a new section 20-o to read as follows:

§ 20-o. *Office of human trafficking prevention. a. Definitions. As used in this section, the following terms have the following meanings:*

*Director. The term “director” means the director of the office of human trafficking prevention.*

*Human trafficking. The term “human trafficking” means the recruitment, transportation, transfer, harboring or receipt of people through force, fraud, coercion or deception, with the aim of exploiting them for profit, including through labor and sexual exploitation.*

*b. Establishment of office. The mayor shall establish an office of human trafficking. Such office may, but need not, be established in the executive office of the mayor and may be established as a separate office or within any department the head of which is appointed by the mayor. Such office shall be headed by a director who shall be appointed by the mayor.*

*c. Powers and duties. The director shall have the power and duty to:*

*1. Define issues of concern related to human trafficking, issue recommendations related to such issues of concern, and work to find innovative ways of utilizing city resources to help address such issues of concern. Such issues of concern shall include, but need not be limited to, preventing human trafficking in New York city and helping survivors of human trafficking find permanent safety;*

*2. Coordinate multi-agency initiatives relating to human trafficking prevention*

*3. Perform outreach and promote public awareness of human trafficking, including, but not limited to, making resources available with respect to the issues identified pursuant to paragraph 1 of this subdivision and referring members of the public to providers for advice, assistance, and available services in connection with particular issues;*

*4. Conduct research on human trafficking across New York city; and*

*5. Perform such other duties as the mayor may assign.*

*c. Annual report. No later than January 1, 2025, and on January 1 annually thereafter, the office established pursuant to subdivision b of this section shall prepare and submit to the mayor and the speaker of the council a report on the activities carried out by such office during the preceding year, and recommendations for addressing human trafficking in New York city.*

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

Referred to the Committee on Public Safety.

## Int. No. 828

By Council Members Louis, De La Rosa, Gennaro and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to the distribution of information relating to careers in civil service at the city university of New York**

*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 12-212 to read as follows:

*§ 12-212 Distribution of information relating to civil service positions at CUNY. a. Definitions. As used in this section, the term “department” means the department of citywide administrative services.*

*b. No later than July 1, 2023, and annually thereafter, the department shall, in collaboration with the city university of New York, promote courses, programs and initiatives provided by the city university of New York relating to civil service. The department shall develop written materials containing information about such courses, programs and initiatives for students, prospective students and recent graduates. Such materials shall include, but need not be limited to, the following information:*

*1. General information about the city’s civil service process, including the related application process, hiring system, descriptions of any examinations required and the scoring process for such examinations;*

*2. Descriptions of any related courses, programs and initiatives available to students, prospective students and recent graduates;*

*3. Eligibility to participate in such courses, programs and initiatives;*

*4. Instructions on how to apply for such courses, programs and initiatives;*

*5. A link or the web address to the civil service examination page on the department’s website; and*

*6. Any other information the department deems relevant.*

*c. The department shall provide the materials required by subdivision b of this section to the city university of New York, to be shared with students, prospective students and recent graduates. The department shall ensure that such materials are provided to the city university of New York electronically and in hard copy to be posted online and distributed at every campus of the city university of New York.*

*d. The department shall post on its website the information about civil service related courses, programs and initiatives required by subdivision b of this section.*

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

Referred to the Committee on Civil Service and Labor.

## Int. No. 829

By Council Members Louis, De La Rosa, Gennaro and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to the promotion of civil service examinations**

*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 12-212 to read as follows:

*§12-212 Promotion of civil service examinations. The commissioner of citywide administrative services shall conduct an ongoing advertising campaign to promote civil service examinations throughout the city. Such campaign shall include promotion through social media, agency websites, online advertising and advertising on television, radio and public transportation.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Civil Service and Labor.

Int. No. 830

By Council Members Louis and Nurse.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the commissioner of correction to develop a comprehensive training program for investigation of sexual crimes**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-156.1 to read as follows:

*§ 9-156.1 Sexual crimes investigation training. a. Definitions. For the purposes of this section, the term “sexual crime” means any offense specified in article 130 of the penal law.*

*b. Sexual crimes investigation training program. The commissioner, after considering information from outside experts, shall develop and implement a victim-centered sexual crimes investigation training program designed to develop skills related to the investigation of sexual crimes and the specific needs of victims of sexual crimes. The curriculum shall include nationally recognized best practices and factors contributing to the complexity of sexual crimes investigations, including the depth of victimization, the negative social consequences for victims of sexual crimes, the trauma and neurobiological damage inflicted by sexual crimes, the complexity of victim management, the falsity or partially truthful disclosure of complaints, the large unreported rate of sexual crimes and any other training deemed relevant to sexual crimes cases by the commissioner. Such program shall include the following training components: the Forensic Experiential Trauma Interview method, specialized investigative training for sexual crimes cases in confinement settings, Sexual Assault Forensic Examiner training, victim advocate based training and any other training courses currently offered by the department relating to the investigation of sexual crimes and any other training deemed relevant to sexual assault cases by the commissioner, except that the commissioner may eliminate a training component or replace a training component with an alternative component in order to provide comprehensive victim-centered training. Such program shall include a proficiency examination or demonstration for each training component and shall be of a length that the commissioner determines is sufficient to allow investigators to develop proficiency in utilizing such skills.*

*c. Training requirement. All newly assigned department investigators shall complete the sexual crimes investigation training program defined in subdivision b of this section and shall be required to demonstrate proficiency in subject matters covered by such program before engaging with victims of sexual crimes; however, such investigators may engage with victims before completing such program if such engagement is under the supervision of an experienced investigator or supervisor, or in circumstances where no experienced investigator or supervisor is available. Any department employees assigned as investigators as of the effective date of the local law that added this section must demonstrate proficiency in subject matters covered by such program within one year of such date, and any department employees assigned as investigators after such effective date must demonstrate such proficiency within one year of assignment.*

*d. Training report. No later than January 30, 2023, and every January 30 thereafter, the commissioner shall post on the department’s website a report setting forth the training components of the sexual crimes investigation training program defined in subdivision b of this section, including the instructors, purpose, length and format of each training component, the specific reasons for eliminating or replacing any training component, and the number of department investigators during the previous calendar year that: (i) participated in such program, (ii) failed to demonstrate proficiency required pursuant to subdivision c of this section on their first attempt, disaggregated by subject matter, and (iii) successfully demonstrated proficiency on all subject matters required*

*pursuant to subdivision c of this section. Such report shall also include any experts consulted pursuant to subdivision b of this section in developing such training.*

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner of correction 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 Criminal Justice.

Int. No. 831

By Council Members Louis and Stevens.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to report on missing persons**

*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 Missing persons reporting. a. No later than March 1, 2023, and annually thereafter, the commissioner shall submit to the mayor and the speaker of the council and shall post conspicuously on the department's website a report on missing persons. Such report shall include the following information for the preceding 10 calendar years:*

- 1. The number of persons reported missing, in total and disaggregated by race, age and gender;*
- 2. The number of persons reported missing, in total and disaggregated by precinct, and further disaggregated by race, age and gender;*
- 3. The number of persons reported missing, disaggregated by the year in which the person was reported missing;*
- 4. The percentage of missing persons cases that have been resolved by locating the missing person;*
- 5. For missing persons cases that have been resolved by locating the missing person, the mean and median duration of time between the report of such missing person and their location; and*
- 6. For missing persons cases that have been resolved by locating the missing person, the percentage of such cases in which the department has determined that the missing person has become a victim of sex trafficking or labor trafficking.*

*b. Except as otherwise expressly provided in this section, no report required by this section shall contain personally identifiable information.*

*c. The commissioner may promulgate such rules as may be necessary to implement the provisions of this section.*

*d. 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 victim information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If a category contains between one and five individuals, or contains an amount that would allow another category that contains between one and five individuals to be deduced, the number shall be replaced with a symbol. A category that contains zero shall be reported as zero, unless such reporting would violate any applicable provision of federal, state or local law relating to the privacy of victim information.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

## Res. No. 373

**Resolution calling upon the New York City Department of Education to require age-appropriate human trafficking curriculum and instruction for students in grades K-12.**

By Council Member Louis.

**Whereas**, Human trafficking involves the recruitment, transportation, selling or buying of people through use of force, fraud or coercion for various forms of exploitation, such as labor and sexual exploitation; and

**Whereas**, According the New York City (NYC) Administration for Children’s Services (ACS), in 2017, 2,996 youth across NYC were identified as either trafficked or at-risk for trafficking, a 21 percent increase from 2016; and

**Whereas**, More recent data, on the number of commercially sexually exploited children, as required by NYC Local Law 41 of 2016, reveals that in 2020, ACS, the Department of Youth and Community Development (DYCD) and the Safe Harbour providers served a total of 988 youth referred as, self-reported as, or determined to be sexually exploited, or at-risk for sexual exploitation; and

**Whereas**, It should be noted that the overall number of youths identified as “trafficked or at-risk for trafficking” decreased by 1,183 youth between 2019 (2,171 youth identified) and 2020 (988 youth identified), likely due to COVID-19 concerns and safety restrictions; and

**Whereas**, According to ACS, young people in the foster care and juvenile justice systems, as well as homeless and runaway, immigrant, Lesbian, Gay, Bisexual, Transgender and other marginalized youth are particularly vulnerable to exploitation; and

**Whereas**, ACS has implemented several supportive programs and services for youth who have come in contact with ACS, teachers, City agency staff and provider agencies that are designed to help prevent child trafficking, help at-risk youth protect themselves and help survivors find permanent safety; and

**Whereas**, In September 2019, the Florida State Board of Education required education in child trafficking prevention for students in grades K-12, becoming the first state in the country to address the need for instruction in child trafficking prevention; and

**Whereas**, NYC is the largest school district in the United States and school-wide human trafficking curriculum for students could ensure that as many youth as possible in the city have the tools to help prevent human trafficking and enhance their safety; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Department of Education to require age-appropriate human trafficking curriculum and instruction for students in grades K-12.

Referred to the Committee on Education.

## Int. No. 832

By the Public Advocate (Mr. Williams) and Council Member Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring city employers to provide earned personal time to employees**

*Be it enacted by the Council as follows:*

Section 1. Chapter 8 of title 20 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:

CHAPTER 8  
EARNED SAFE [AND], SICK AND PERSONAL TIME LAW [ACT]



§ 20-911 Short title. This chapter shall be known and may be cited as the “Earned Safe, [and] Sick *and Personal Time [Act] Law.*”

§ 20-912 Definitions. When used in this chapter, the following terms shall be defined as follows:

"Calendar year" shall mean a regular and consecutive twelve month period, as determined by an employer.

"Chain business" shall mean any employer that is part of a group of establishments that share a common owner or principal who owns at least thirty percent of each establishment where such establishments (i) engage in the same business or (ii) operate pursuant to franchise agreements with the same franchisor as defined in general business law section 681; provided that the total number of employees of all such establishments in such group is at least five.

"Child" shall mean a biological, adopted or foster child, a legal ward, or a child of an employee standing in loco parentis.

"Commissioner" shall mean the commissioner of consumer and worker protection.

"COVID-19 child vaccination time" shall mean paid time that an employer provides to an employee that can be used as set forth in section 20-914.1 of this chapter.

"Department" shall mean the department of consumer and worker protection.

"Domestic partner" shall mean any person who has a registered domestic partnership pursuant to section 3-240 of the code, a domestic partnership registered in accordance with executive order number 123, dated August 7, 1989, or a domestic partnership registered in accordance with executive order number 48, dated January 7, 1993.

"Domestic worker" shall mean any person who provides care for a child, companionship for a sick, convalescing or elderly person, housekeeping, or any other domestic service in a home or residence[.] *who is directly employed as an employee to provide such service by an individual or private household. The term "domestic worker" does not include any person who is employed by an agency whenever such person provides services as an employee of such agency, regardless of whether such person is jointly employed by an individual or private household in the provision of such services.*

"Employee" shall mean any "employee" as defined in subdivision 2 of section 190 of the labor law who is employed for hire within the city of New York who performs work on a full-time or part-time basis, including work performed in a transitional jobs program pursuant to section 336-f of the social services law, but not including work performed as a participant in a work experience program pursuant to section 336-c of the social services law, and not including those who are employed by (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; or (iii) the city of New York or any local government, municipality or county or any entity governed by section 92 of the general municipal law or section 207 of the county law.

"Employer" shall mean any "employer" as defined in subdivision (3) of section 190 of the labor law, but not including (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; or (iii) the city of New York or any local government, municipality or county or any entity governed by general municipal law section 92 or county law section 207. In determining the number of employees performing work for an employer for compensation during a given week, all employees performing work for compensation on a full-time, part-time or temporary basis shall be counted, provided that where the number of employees who work for an employer for compensation per week fluctuates, business size may be determined for the current calendar year based upon the average number of employees who worked for compensation per week during the preceding calendar year, and provided further that in determining the number of employees performing work for an employer that is a chain business, the total number of employees in that group of establishments shall be counted.

*"Exempt licensed provider of education related services" shall mean any individual (i) who is professionally licensed by the New York state education department, office of professions, under the direction of the New York state board of regents under education law sections 6732, 7902 or 8202, (ii) who calls in for work assignments at will determining his or her own work schedule with the ability to reject or accept any assignment referred to them and (iii) who is paid an average hourly wage which is at least four times the federal minimum wage for hours worked during the calendar year.*

“Family member” shall mean an employee's child, spouse, domestic partner, parent, sibling, grandchild or grandparent; the child or parent of an employee's spouse or domestic partner; and any other individual related by blood to the employee; and any other individual whose close association with the employee is the equivalent of a family relationship.

“Family offense matter” shall mean an act or threat of an act that may constitute disorderly conduct, harassment in the first degree, harassment in the second degree, aggravated harassment in the second degree, sexual misconduct, forcible touching, sexual abuse in the third degree, sexual abuse in the second degree as set forth in *subdivision 1 of section 130.60 of the penal law*, stalking in the first degree, stalking in the second degree, stalking in the third degree, stalking in the fourth degree, criminal mischief, menacing in the second degree, menacing in the third degree, reckless endangerment, strangulation in the first degree, strangulation in the second degree, criminal obstruction of breathing or blood circulation, assault in the second degree, assault in the third degree, an attempted assault, identity theft in the first degree, identity theft in the second degree, identity theft in the third degree, grand larceny in the fourth degree, grand larceny in the third degree or coercion in the second degree as set forth in *subdivisions 1, 2 and 3 of section 135.60 of the penal law* between spouses or former spouses, or between parent and child or between members of the same family or household.

“Grandchild” shall mean a child of an employee's child.

“Grandparent” shall mean a parent of an employee's parent.

“Health care provider” shall mean any person licensed under federal or New York state law to provide medical or emergency services, including, but not limited to, doctors, nurses and emergency room personnel.

[“Hourly professional employee” shall mean any individual (i) who is professionally licensed by the New York state education department, office of professions, under the direction of the New York state board of regents under education law sections 6732, 7902 or 8202, (ii) who calls in for work assignments at will determining his or her own work schedule with the ability to reject or accept any assignment referred to them and (iii) who is paid an average hourly wage which is at least four times the federal minimum wage for hours worked during the calendar year.]

“Human trafficking” shall mean an act or threat of an act that may constitute sex trafficking, as defined in section 230.34 of the penal law, or labor trafficking, as defined in section 135.35 and 135.36 of the penal law.

“Member of the same family or household” shall mean (i) persons related by consanguinity or affinity; (ii) persons legally married to or in a domestic partnership with one another; (iii) persons formerly married to or in a domestic partnership with one another regardless of whether they still reside in the same household; (iv) persons who have a child in common, regardless of whether such persons have been married or domestic partners or have lived together at any time; and (v) persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time.

“Parent” shall mean a biological, foster, step- or adoptive parent, or a legal guardian of [an employee, or] a person, *or a person who currently stands in loco parentis to another person or a person who stood in loco parentis when [the] an employee was a minor child.*

*“Personal time” shall mean time that is provided by an employer to an employee that can be used for the purposes described in subdivision b-1 of section 20-914 of this chapter, whether or not compensation for that time is required pursuant to this chapter.*

“Public disaster” shall mean an event such as fire, explosion, terrorist attack, severe weather conditions or other catastrophe that is declared a public emergency or disaster by the president of the United States, the governor of the state of New York or the mayor of the city of New York.

“Public health emergency” shall mean a declaration made by the commissioner of health and mental hygiene pursuant to subdivision d of section 3.01 of the New York city health code or by the mayor pursuant to section 24 of the executive law.

“Public service commission” shall mean the public service commission established by section 4 of the public service law.

“Safe/sick time” shall mean time that is provided by an employer to an employee that can be used for the purposes described in subdivisions a and b of section 20-914 of this chapter, whether or not compensation for that time is required pursuant to this chapter.

“Sexual offense” shall mean an act or threat of an act that may constitute a violation of article 130 of the penal law.

"Sibling" shall mean an employee's brother or sister, including half-siblings, step-siblings and siblings related through adoption.

"Sick time" shall mean time that is provided by an employer to an employee that can be used for the purposes described in subdivision a of section 20-914 of this chapter, whether or not compensation for that time is required pursuant to this chapter.

"Spouse" shall mean a person to whom an employee is legally married under the laws of the state of New York.

"Stalking" shall mean an act or threat of an act that may constitute a violation of section 120.45, 120.50, 120.55, or 120.60 of the penal law.

§ 20-913. Right to [safe/sick] time *off from work*; accrual. a. All employees have the right to [safe/sick] time *off from work* pursuant to this chapter.

1. All employers that employ five or more employees, all employers of one or more domestic workers, and any employer of four or fewer employees that had a net income of one million dollars or more during the previous tax year, shall provide paid safe/sick time to their employees in accordance with the provisions of this chapter. An employer shall pay an employee for paid safe/sick time at the employee's regular rate of pay at the time the paid safe/sick time is taken, provided that the rate of pay shall not be less than the highest applicable rate of pay to which the employee would be entitled pursuant to subdivision 1 of section 652 of the labor law, or any other applicable federal, state, or local law, rule, contract, or agreement. Such rate of pay shall be calculated without allowing for any tip credit or tip allowance set forth in any federal, state, or local law, rule, contract, or agreement.

2. All employees not entitled to paid safe/sick time pursuant to this chapter shall be entitled to unpaid safe/sick time in accordance with the provisions of this chapter.

3. *All employees not entitled to paid personal time pursuant to this chapter shall be entitled to unpaid personal time in accordance with the provisions of this chapter.*

4. *An employer shall not be required to pay more to an employee for paid personal time than the employee's regular rate of pay at the time the employee uses such paid time, except that in no case shall the paid hourly rate be less than the hourly rate applicable to the employee under federal, state, or local law.*

b. All employers shall provide a minimum of one hour of safe/sick time *and one hour of personal time* for every thirty hours worked by an employee[, other than a domestic worker who shall accrue safe/sick time pursuant to paragraph 2 of subdivision d of this section], *provided that* [. Employers] *employers* shall not be required under this chapter to provide more than a total of forty hours of safe/sick time *and a total of eighty hours of personal time* for an employee in a calendar year. For purposes of this subdivision, any paid days of rest to which a domestic worker *as defined by this chapter* is entitled pursuant to subdivision 1 of section 161 of the labor law shall count toward [such forty hours] *the paid time to which the domestic worker is entitled under this chapter to the extent that such paid days of rest may be used by the domestic worker for the same purposes and under the same conditions as safe/sick time or personal time under this chapter.* Nothing in this chapter shall be construed to discourage or prohibit an employer from allowing the accrual of safe/sick time *or personal time* at a faster rate or use of safe/sick time *or personal time* at an earlier date than this chapter requires.

c. 1. An employer required to provide paid safe/sick time pursuant to this chapter who provides an employee with an amount of paid leave, including paid time off, paid vacation, paid personal days or paid days of rest required to be compensated pursuant to subdivision 1 of section 161 of the labor law, sufficient to meet the requirements of this section and who allows such paid leave to be used for the same purposes and under the same conditions as safe/sick time required pursuant to this chapter, is not required to provide additional [paid] safe/sick time for such employee whether or not such employee chooses to use such leave for the purposes included in [subdivision a of] section 20-914 of this chapter. An employer required to provide unpaid safe/sick time pursuant to this chapter who provides an employee with an amount of unpaid or paid leave, including unpaid or paid time off, unpaid or paid vacation, or unpaid or paid personal days, sufficient to meet the requirements of this section and who allows such leave to be used for the same purposes and under the same conditions as safe/sick time required pursuant to this chapter, is not required to provide additional unpaid safe/sick time for such employee [whether or not such employee chooses to use such leave for the purposes set forth in subdivision a of section 20-914 of this chapter].

2. *An employer required to provide paid personal time pursuant to this chapter who provides an employee with an amount of paid leave, including paid time off, paid vacation, paid personal days or paid days of rest required to be compensated pursuant to subdivision 1 of section 161 of the labor law, sufficient to meet the*

*requirements of this section, and who allows such paid leave to be used for the same purposes and under the same conditions as personal time required pursuant to this chapter, is not required to provide additional personal time for such employee. An employer required to provide unpaid personal time pursuant to this chapter who provides an employee with an amount of unpaid or paid leave, including unpaid or paid time off, unpaid or paid vacation, or unpaid or paid personal days, sufficient to meet the requirements of this section and who allows such leave to be used for the same purposes and under the same conditions as personal time required pursuant to this chapter, is not required to provide additional unpaid personal time for such employee.*

d. 1. Safe/sick time as provided pursuant to this chapter shall begin to accrue at the commencement of employment or on the effective date of the local law that created the right to such time, whichever is later. An employee shall be entitled to use safe/sick time as it is accrued, except that employees of any employer of four or fewer employees that had a net income of one million dollars or more during the previous tax year may use paid safe/sick time as it is accrued on or after January 1, 2021, and that employees of any employer of one hundred or more employees may use any accrued amount of paid safe/sick time that exceeds forty hours per calendar year on or after January 1, 2021.

2. *Personal time as provided pursuant to this chapter shall begin to accrue at the commencement of employment or on the effective date of the local law that created the right to such time, whichever is later, and an employee shall be entitled to begin using personal time on the ninetieth calendar day following commencement of his or her employment or on the ninetieth calendar day following the effective date of the local law that created the right to such time, whichever is later. After the ninetieth calendar day of employment or after the ninetieth calendar day following the effective date of the relevant local law, whichever is later, such employee may use personal time as it is accrued.*

e. Employees who are exempt from the overtime requirements of New York state law or regulations, including the wage orders promulgated by the New York commissioner of labor pursuant to article 19 or 19-A of the labor law, shall be assumed to work forty hours in each work week for purposes of safe/sick time *and personal time* accrual unless their regular work week is less than forty hours, in which case [safe/sick] time accrues based upon that regular work week.

f. The provisions of this chapter do not apply to (i) work study programs under 42 U.S.C. section 2753, (ii) employees for the hours worked and compensated by or through qualified scholarships as defined in 26 U.S.C. section 117, (iii) independent contractors who do not meet the definition of employee under section 190(2) of the labor law, and (iv) [hourly professional employees] *exempt licensed providers of education related services.*

g. Employees shall determine how much accrued safe/sick time *or personal time* they need to use, provided that employers may set a reasonable minimum increment for the use of [safe/sick] *such time* which shall not exceed four hours per day.

h. For employees of employers with ninety-nine or fewer employees, up to forty hours of unused safe/sick time as provided pursuant to this chapter *and up to eighty hours of unused personal time as provided pursuant to this chapter* shall be carried over to the following calendar year, and for employees of employers with one hundred or more employees, up to fifty-six hours of unused safe/sick time as provided pursuant to this chapter shall be carried over to the following calendar year; provided that no employer with ninety-nine or fewer employees shall be required to (i) allow the use of more than forty hours of safe/sick time *or more than eighty hours of personal time* in a calendar year or (ii) carry over unused paid safe/sick time *or personal time* if the employee is paid for any unused safe/sick time *or personal time* at the end of the calendar year in which such time is accrued and the employer provides the employee with an amount of paid safe/sick time *or personal time* that meets or exceeds the requirements of this chapter for such employee for the immediately subsequent calendar year on the first day of such year; and further provided that no employer with one hundred or more employees shall be required to (i) allow the use of more than fifty-six hours of safe/sick time *or more than eighty hours of personal time* in a calendar year or (ii) carry over unused paid safe/sick time *or personal time* if the employee is paid for any unused safe/sick time *or personal time* at the end of the calendar year in which such time is accrued and the employer provides the employee with an amount of paid safe/sick time *or personal time* that meets or exceeds the requirements of this chapter for such employee for the immediately subsequent calendar year on the first day of such year.

i. Nothing in this chapter shall be construed as requiring financial or other reimbursement to an employee from an employer upon the employee's termination, resignation, retirement, or other separation from employment for accrued safe/sick time *or personal time* that has not been used.

j. If an employee is transferred to a separate division, entity or location in the city of New York, but remains employed by the same employer, such employee is entitled to all safe/sick time *and personal time* accrued at the prior division, entity or location and is entitled to retain or use all safe/sick time *and personal time* as provided pursuant to the provisions of this chapter. When there is a separation from employment and the employee is rehired within six months of separation by the same employer, previously accrued safe/sick time *and personal time* that was not used shall be reinstated and such employee shall be entitled to use such accrued [safe/sick] time at any time after such employee is rehired, provided that no employer shall be required to reinstate such [safe/sick] time to the extent the employee was paid for unused accrued [safe/sick] time prior to separation and the employee agreed to accept such pay for such unused [safe/sick] time.

§ 20-914. Use of safe/sick time *and personal time* and COVID-19 child vaccination 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 a public official due to a public health emergency.

2. For an 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.

b. Safe time. 1. An employee shall be entitled to use safe time for absence from work due to any of the following reasons when the employee or a family member has been the victim of a family offense matter, sexual offense, stalking, or human trafficking:

- (a) 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) 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) 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) to file a complaint or domestic incident report with law enforcement;
- (e) to meet with a district attorney's office;
- (f) to enroll children in a new school; or
- (g) 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.

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, an attorney, a member of the clergy, or a medical or other professional service provider from whom the employee or that employee's family member has sought assistance in addressing 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 family offense matter, sexual offense, stalking, or human trafficking.

c. An employer may require reasonable notice of the need to use safe/sick time or COVID-19 child vaccination time. Where such need is foreseeable, an employer may require reasonable advance notice of the

intention to use such time, not to exceed seven days prior to the date such usage of 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 such time as soon as practicable.

*c-1. Personal time. 1. An employee shall be entitled to use personal time for absence from work for any reason, including but not limited to the reasons described in paragraphs a, b and c of this subdivision.*

*2. An employee shall not be required to provide documentation for the use of personal time authorized by this subdivision.*

*c-2. An employer may require reasonable notice [of the need] to use safe/sick time or personal time.*

*1. Where the use of safe/sick time or personal time is not foreseeable, an employer may require an employee to provide notice of the use of such time as soon as practicable.*

*2. Where the use of safe/sick time 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.*

*3. Where the use of personal time is foreseeable, an employer may require reasonable advance notice of the intention to use such time, not to exceed fourteen days prior to the date such time is to begin, unless otherwise provided by rules promulgated by the commissioner. Such rules shall be designed to enable employers to ensure the continuity and effectiveness of their operations without unduly restricting the ability of employees to enjoy the rights provided under this chapter. An employer may establish and enforce policies concerning reasonable advance notice for use of personal time and the right to deny such requests consistent with such rules, provided that the notice requirements and circumstances in which an employer may deny a request are clearly described in an employer's written policies, that such policies are disseminated to all affected employees, and that such policies are applied consistently and in a nondiscriminatory manner.*

*d. Nothing herein shall prevent an employer from requiring an employee to provide written confirmation that an employee used safe/sick time or personal time pursuant to this section.*

*e. An employer shall not require an employee, as a condition of taking safe/sick time, personal time or COVID-19 child vaccination 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 or uses COVID-19 child vaccination time provided pursuant to this chapter for purposes other than those described in section 20-914.1.*

*§ 20-914.1 COVID-19 child vaccination time. a. An employee who is a parent of a child under the age of 18, or the parent of an older child who is incapable of self-care because of a mental or physical disability, shall be entitled to four hours of COVID-19 child vaccination time per vaccine injection, for each such child, for an absence from work due to any of the following reasons associated with such child's COVID-19 vaccination:*

*1. Accompanying such child to receive a COVID-19 vaccine injection; or*

*2. Caring for such child who is experiencing temporary side effects from a COVID-19 vaccine injection.*

*b. COVID-19 child vaccination time shall be paid at an employee's regular rate of pay at the time the time is taken, provided that the rate of pay shall not be less than the highest applicable rate of pay to which the employee would be entitled pursuant to subdivision 1 of section 652 of the labor law, or any other applicable federal, state, or local law, rule, contract, or agreement. Such rate of pay shall be calculated without allowing for any tip credit or tip allowance set forth in any federal, state, or local law, rule, contract, or agreement and shall not be charged against an employee's accrual or use of safe/sick time under this chapter. COVID-19 child vaccination time must be paid no later than the payday for the next regular payroll period beginning after the COVID-19 child vaccination time was used by the employee.*

*c. An employer may require that within seven days of an employee's use of COVID-19 child vaccination time, the employee provide reasonable documentation that the child for whose care the COVID-19 vaccine time is claimed has received a COVID-19 vaccine injection.*

*d. An employer shall not require an employee to work additional hours to make up for the original hours for which such employee was absent or to search for or find a replacement employee to cover the hours during which the employee is absent pursuant to this section.*

*§ 20-915. Changing schedule. 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 *or personal 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. An employer shall not require such employee to work additional hours to make up for the original hours for which such employee was absent or to search for or find a replacement employee to cover the hours during which the employee is absent pursuant to this section. If such employee 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 safe/sick time *or personal 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.

§ 20-916. Collective bargaining agreements. a. The provisions of this chapter shall not apply to any employee covered by a valid collective bargaining agreement if (i) such provisions are expressly waived in such collective bargaining agreement and (ii) such agreement provides for a comparable benefit for the employees covered by such agreement in the form of paid days off; such paid days off shall be in the form of leave, compensation, other employee benefits, or some combination thereof. Comparable benefits shall include, but are not limited to, vacation time, personal time, [safe/sick] *safe time*, *sick time*, and holiday and Sunday time pay at premium rates.

b. Notwithstanding subdivision a of this section, the provisions of this chapter shall not apply to any employee in the construction or grocery industry covered by a valid collective bargaining agreement if such provisions are expressly waived in such collective bargaining agreement.

c. Notwithstanding subdivisions a and b of this section, the requirement to provide COVID-19 child vaccination time as set forth in section 20-914.1 cannot be waived.

§ 20-917. Public disasters. In the event of a public disaster, the mayor may, for the length of such disaster, suspend the provisions of this chapter for businesses, corporations or other entities regulated by the public service commission.

§ 20-918. Retaliation and interference prohibited. a. No person shall interfere with any investigation, proceeding or hearing pursuant to this chapter.

b. No person shall take any adverse action against an employee that penalizes an employee for, or is reasonably likely to deter an employee from, exercising or attempting to exercise rights under this chapter or interfere with an employee's exercise of rights under this chapter and implementing rules.

c. Adverse actions include, but are not limited to, threats, intimidation, discipline, discharge, demotion, suspension, harassment, discrimination, reduction in hours or pay, informing another employer of an employee's exercise of rights under this chapter, blacklisting, and maintenance or application of an absence control policy that counts protected leave for safe/sick time or COVID-19 child vaccination time as an absence that may lead to or result in an adverse action. Adverse actions include actions related to perceived immigration status or work authorization.

d. An employee need not explicitly refer to a provision of this chapter or implementing rules to be protected from an adverse action.

e. The protections of this section shall apply to any person who mistakenly but in good faith asserts their rights or alleges a violation of this chapter.

f. A causal connection between the exercise, attempted exercise, or anticipated exercise of rights protected by this chapter and implementing rules and an employer's adverse action against an employee or a group of employees may be established by indirect or direct evidence.

g. For purposes of subdivision b of this section, a violation is established when it is shown that a protected activity was a motivating factor for an adverse action, whether or not other factors motivated the adverse action.

§ 20-919. Notice of rights. a. 1. An employer shall provide an employee with written notice of such employee's right to safe/sick time *and personal time* pursuant to this chapter, including the accrual and use of [safe/sick] *safe time*, *sick time* *and personal time*, the calendar year of the employer, and the right to be free from retaliation and to file a complaint with the department. Such notice shall be in English and the primary language spoken by that employee, provided that the department has made available a translation of such notice in such language pursuant to subdivision b of this section. Such notice shall also be conspicuously posted at an employer's place of business in an area accessible to employees.

2. Such notice shall be provided to each employee at the commencement of employment. For employees who were already employed prior to the effective dates of provisions of this chapter establishing their right to

safe/sick time, such notice shall be provided within thirty days of the effective date of the local law that established each such right.

b. The department shall create and make available notices that contain the information required pursuant to subdivision a of this section concerning safe/sick time *and personal time* and such notices shall allow for the employer to fill in applicable dates for such employer's calendar year. Such notices shall be posted in a downloadable format on the department's website in Chinese, English, French-Creole, Italian, Korean, Russian, Spanish and any other language deemed appropriate by the department.

c. The amount of safe/sick time accrued and used during a pay period and an employee's total balance of accrued safe/sick time shall be noted on a pay statement or other form of written documentation provided to the employee each pay period.

d. Any person or entity that willfully violates the notice requirements of this section shall be subject to a civil penalty in an amount not to exceed fifty dollars for each employee who was not given appropriate notice pursuant to this section.

§ 20-920. Employer records. Employers shall make and retain records documenting such employer's compliance with the requirements of this chapter for a period of three years unless otherwise required pursuant to any other law, rule or regulation, and shall allow the department to access such records, with appropriate notice and at a mutually agreeable time of day, in furtherance of an investigation conducted pursuant to this chapter.

§ 20-921. Confidentiality and nondisclosure. a. An employer may not require the disclosure of details relating to an employee's or his or her family member's medical condition or require the disclosure of details relating to an employee's or his or her family member's status as a victim of domestic violence, family offenses, sexual offenses, stalking, or human trafficking as a condition of providing safe/sick time under this chapter. Health information about an employee or an employee's family member, and information concerning an employee's or his or her family member's status or perceived status as a victim of domestic violence, family offenses, sexual offenses, stalking or human trafficking obtained solely for the purposes of utilizing safe/sick time pursuant to this chapter, shall be treated as confidential and shall not be disclosed except by the affected employee, with the written permission of the affected employee or as required by law. Provided, however, that nothing in this section shall preclude an employer from considering information provided in connection with a request for safe time in connection with a request for reasonable accommodation pursuant to subdivision 27 of section 8-107.

§ 20-922. Encouragement of more generous policies; no effect on more generous policies.

a. Nothing in this chapter shall be construed to discourage or prohibit the adoption or retention of a safe/sick time *policy, personal time policy, or COVID-19 child vaccination time policy* more generous than that which is required herein.

b. Nothing in this chapter shall be construed as diminishing the obligation of an employer to comply with any contract, collective bargaining agreement, employment benefit plan or other agreement providing more generous safe/sick sick time, *personal time* or COVID-19 child vaccination time to an employee than required herein.

c. Nothing in this chapter shall be construed as diminishing the rights of public employees regarding safe/sick time, *personal time* or COVID-19 child vaccination time as provided pursuant to federal, state or city law.

§ 20-923. Other legal requirements. a. This chapter provides minimum requirements pertaining to safe/sick time, *personal time* and COVID-19 child vaccination time and shall not be construed to preempt, limit or otherwise affect the applicability of any other law, regulation, rule, requirement, policy or standard that provides for greater accrual or use by employees of safe/sick time, *personal time* or COVID-19 child vaccination time, whether paid or unpaid, or that extends other protections to employees.

b. Nothing in this chapter shall be construed as creating or imposing any requirement in conflict with any federal or state law, rule or regulation, nor shall anything in this chapter be construed to diminish or impair the rights of an employee or employer under any valid collective bargaining agreement.

c. Where section 196-b of the labor law, or any regulation issued thereunder, sets forth a standard or requirement for minimum hour or use of safe/sick time that exceeds any provision in this chapter, such standard or requirement shall be incorporated by reference and shall be enforceable by the department in the manner set forth in this chapter and subject to the penalties and remedies set forth in the labor law.



§ 20-924. Enforcement and penalties. a. The department shall enforce the provisions of this chapter. In effectuating such enforcement, the department shall establish a system utilizing multiple means of communication to receive complaints regarding non-compliance with this chapter and investigate complaints received by the department in a timely manner. The department may open an investigation upon receipt of a complaint or on its own initiative.

b. Any person alleging a violation of this chapter shall have the right to file a complaint with the department within two years of the date the person knew or should have known of the alleged violation. The department shall maintain confidential the identity of any natural person providing information relevant to enforcement of this chapter unless disclosure of such person's identity is necessary to the department for resolution of its investigation or otherwise required by federal or state law. The department shall, to the extent practicable, notify such person that the department will be disclosing his or her identity prior to such disclosure.

c. Upon receiving a complaint alleging a violation of this chapter, the department shall investigate such complaint. Within fourteen days of written notification of an investigation by the department, the person or entity under investigation shall provide the department with a written response and such other information as the department may request. The department shall keep complainants reasonably notified regarding the status of their complaint and any resultant investigation. If, as a result of an investigation of a complaint or an investigation conducted upon its own initiative, the department believes that a violation has occurred, it shall issue to the offending person or entity a notice of violation. The commissioner shall prescribe the form and wording of such notices of violation. The notice of violation shall be returnable to the administrative tribunal authorized to adjudicate violations of this chapter.

d. The department shall have the power to impose penalties provided for in this chapter and to grant each and every employee or former employee all appropriate relief. Such relief shall include: (i) for each instance of safe/sick time *or personal time* taken by an employee but unlawfully not compensated by the employer: three times the wages that should have been paid under this chapter or two hundred fifty dollars, whichever is greater; (ii) for each instance of safe/sick time *or personal time* requested by an employee but unlawfully denied by the employer and not taken by the employee or unlawfully conditioned upon searching for or finding a replacement worker, or for each instance an employer requires an employee to work additional hours without the mutual consent of such employer and employee in violation of section 20-915 of this chapter to make up for the original hours during which such employee is absent pursuant to this chapter: five hundred dollars; (iii) for each instance of unlawful retaliation not including discharge from employment: full compensation including wages and benefits lost, five hundred dollars and equitable relief as appropriate; [and] (iv) for each instance of unlawful discharge from employment: full compensation including wages and benefits lost, two thousand five hundred dollars and equitable relief, including reinstatement, as appropriate; (v) for each employee covered by an employer's official or unofficial policy or practice of not providing or refusing to allow the use of accrued safe/sick time in violation of section 20-913, five hundred dollars; (vi) for each instance of COVID-19 child vaccination time taken by an employee but unlawfully not compensated by the employer, three times the wages that should have been paid under this chapter or two hundred fifty dollars, whichever is greater; and (vii) for each instance of COVID-19 child vaccination time unlawfully denied or charged against an employee's paid safe/sick time accruals, five hundred dollars.

e. Any entity or person found to be in violation of the provisions of sections 20-913, 20-914, 20-914.1, 20-915 or 20-918 of this chapter shall be liable for a civil penalty payable to the city not to exceed five hundred dollars for the first violation and, for subsequent violations that occur within two years of any previous violation, not to exceed seven hundred fifty dollars for the second violation and not to exceed one thousand dollars for each succeeding violation. Penalties shall be imposed on a per employee basis.

f. The department shall annually report on its website the number and nature of the complaints received pursuant to this chapter, the results of investigations undertaken pursuant to this chapter, including the number of complaints not substantiated and the number of notices of violations issued, the number and nature of adjudications pursuant to this chapter, and the average time for a complaint to be resolved pursuant to this chapter.

§ 20-924.1 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 the enforcement of any order issued by the department pursuant to this chapter or for the correction of any violation issued pursuant to section

20-924, including actions to mandate compliance with the provisions of such order, secure permanent injunctions, enjoining any acts or practices that constitute such violation, mandating compliance with the provisions of this chapter or such other relief as may be appropriate.

§ 20-924.2 Civil action by corporation counsel for pattern or practice of violations. a. Cause of action. 1. Where reasonable cause exists to believe that an employer is engaged in a pattern or practice of violations of this chapter, the corporation counsel or such other persons designated by the corporation counsel may commence a civil action on behalf of the city in a court of competent jurisdiction.

2. The corporation counsel or such other persons designated by the corporation counsel shall commence such action by filing a complaint setting forth facts relating to such pattern or practice and requesting relief, which may include injunctive relief, civil penalties and any other appropriate relief.

3. Nothing in this section prohibits the department from exercising its authority under section 20-924 or the city charter, provided that a civil action pursuant to this section shall not have previously been commenced.

b. Investigation. The corporation counsel may initiate any investigation to ascertain such facts as may be necessary for the commencement of a civil action pursuant to subdivision a of this section, and in connection therewith shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents, to administer oaths and to examine such persons as are deemed necessary.

c. Civil penalties and relief for employees. In any civil action commenced pursuant to subdivision a of this section, the trier of fact may impose a civil penalty of not more than \$15,000 for a finding that an employer has engaged in a pattern or practice of violations of this chapter. Any civil penalty so recovered shall be paid into the general fund of the city. The trier of fact may, in addition, award relief of up to \$500 to each employee covered by an employer's official or unofficial policy or practice of not providing or refusing to allow the use of earned time in violation of section 20-913.

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

Referred to the Committee on Civil Service and Labor.

Int. No. 833

By the Public Advocate (Mr. Williams) and Council Member Louis.

**A Local Law in relation to requiring the placement of an informational sign near the intersection of Wall and Pearl Streets in Manhattan to mark the site of New York's first slave market**

*Be it enacted by the Council as follows:*

Section 1. The department of transportation shall construct and maintain a sign bearing the following inscription: "In 1711 New York's first slave market was established at the intersection of Wall and Pearl Streets. Also known as the 'Meal Market,' grain and other goods were bought and sold there. The market was created by the New York Common Council in order to regulate the commerce of slavery, which up to that time had been a somewhat informal system. Captive African slaves would arrive on slave ships along the East River and be brought to market on this site. Some ships came directly from Africa, but most came from the West Indies, leaving from ports in Cuba, Haiti, Jamaica and elsewhere. Native Americans were also sold as slaves here. New York's early economy was fueled by slavery. Slaves were used to clear the land to create Broadway and to build the first City Hall, Fraunces Tavern, and the wall for which Wall Street is named." Such sign shall be erected near the intersection of Wall Street and Pearl Street in Manhattan within ninety days of the effective date of this local law.

§ 2. This local law takes effect immediately.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

## Int. No. 834

By the Public Advocate (Mr. Williams) and Council Members Gennaro, Brannan and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to posting information on school meal ingredients and preparation online and reporting on allergic reactions to school meals**

*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*  
*SCHOOL MEALS AND ALLERGIC REACTIONS*

*§ 21-1000 Definitions. For the purposes of this chapter, the term “school meal” means a meal or a snack that a school provides to a student, parent or guardian during the calendar year, which is consumed at or outside of a school.*

*§ 21-1001 Posting information on school meal ingredients and preparation online. a. Within 30 days of the effective date of the local law that added this chapter, the department shall post on its website and update, as appropriate, information on school meal ingredients and preparation.*

*b. Such information shall include the following for each menu item in a school meal:*

- 1. The ingredients in each such menu item;*
- 2. A brief description of how each such menu item was made, including, but not limited to, whether or not it was made in a peanut and tree nut free facility, in a facility that processes milk ingredients or on equipment shared with products containing milk, if applicable; and*
- 3. A brief description of how each such menu item was cooked, including, but not limited to, whether or not it was cooked in a microwave, an oven or a stove, to prepare it for eating, if applicable.*

*§ 21-1002 Outreach on school meal ingredients and preparation. Beginning no later than the effective date of the local law that added this chapter, and for 90 days thereafter, the department shall conduct culturally appropriate outreach in the designated citywide languages, as defined in section 23-1101, to notify parents and guardians of the information required by section 21-1001. Such outreach shall include, but need not be limited to, conducting mailings to parents and guardians, including, but not limited to, electronic and paper mailings.*

*§ 21-1003 Reporting on allergic reactions to school meals. a. By no later than the effective date of the local law that added this chapter, and annually thereafter, the department shall submit a report on students’ allergic reactions to school meals to the mayor, the speaker of the council and the public advocate, which the department shall post on its website. The annual report shall include the following information, for the prior calendar year, to the extent such information is known and available to the department:*

- 1. The number of allergic reactions that students had at a school to a school meal;*
  - 2. The percent change, from the prior calendar year, in the number of such allergic reactions;*
  - 3. The number of students who had such allergic reactions;*
  - 4. The percent change, from the prior calendar year, in the number of students who had such allergic reactions;*
  - 5. The number and percent of such allergic reactions, disaggregated by the allergen that caused such allergic reaction, including, but not limited to, milk, wheat, sesame, tree nuts, soy, fish, shellfish and peanuts; and*
  - 6. The department’s efforts to prevent such allergic reactions.*
- b. The report required by subdivision a shall not contain any personally identifiable information.*
- c. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law.*

*§ 2. This local law takes effect immediately.*

Referred to the Committee on Education.

## Int. No. 835

By the Public Advocate (Mr. Williams) and Council Members Gennaro, Brannan and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to the provision of menstrual cups in schools**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 21-968 of the administrative code of the city of New York is amended by adding a new definition of “menstrual cup” in appropriate alphabetical order to read as follows:

*Menstrual cup. The term “menstrual cup” means a funnel-shaped device made of a reusable material such as silicone or rubber for use in connection with the menstrual cycle.*

§ 2. Section 21-968 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

*c. The department of health and mental hygiene shall provide each school building with menstrual cups, and the department shall distribute such menstrual cups to students upon request. Such provision of menstrual cups shall not exceed one per student per school year.*

§ 3. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Health.

## Int. No. 836

By the Public Advocate (Mr. Williams) and Council Members Gennaro, Brannan and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to provide menstrual hygiene products for the city university of New York to make available on campus**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of Title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.19 to read as follows:

*§ 17-199.19 Menstrual hygiene products for university students. a. For the purposes of this section, “menstrual hygiene products” means tampons, sanitary napkins and other products for use in connection with the menstrual cycle.*

*b. The department shall make available to the city university of New York, at no cost, a supply of menstrual hygiene products, sufficient to meet the needs of students, as soon as practicable upon request by such university.*

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

Referred to the Committee on Health.

## Int. No. 837

By the Public Advocate (Mr. Williams) and Council Member Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring that notice of hotel development plans be provided to certain officials at the time the application is filed**

*Be it enacted by the Council as follows:*

Section 1. Section 28-103.25 of the administrative code of the city of New York, as added by local law number 45 for the year 2015, is amended to read as follows:

**§ 28-103.25 Hotel development plans.** Where the department receives applications for new construction of or conversions to transient hotels, as defined in the zoning resolution, the department shall, *within seven days of receipt of such application*, provide written notice, or notice by electronic mail, of the proposed construction or conversion to:

1. The borough president of the borough in which such proposed construction is located;
2. The council member in whose district such proposed construction is located;
3. The community board of the community district in which such proposed construction is located; and
4. If such proposed construction involves land within two or more community districts in a borough, the borough board.

§ 2. Section 28-103.25 of the administrative code of the city of New York is amended to read as follows:

**§ 28-103.25 Hotel development plans.** Where the department receives applications for new construction of or conversions to transient hotels, as defined in the zoning resolution, the department shall, *within seven days of receipt of such application*, provide written notice, or notice by electronic mail, of the proposed construction or conversion to:

1. The borough president of the borough in which such proposed construction is located;
2. The council member in whose district such proposed construction is located;
3. The community board of the community district in which such proposed construction is located; and
4. If such proposed construction involves land within two or more community districts in a borough, the borough board.

§ 3. Section one of this local law takes effect 30 days after it becomes law and expires and is deemed repealed on the same date that local law number 126 for the year 2021 takes effect, and section two of this local law takes effect on the same date that local law number 126 for the year 2021 takes effect.

Referred to the Committee on Housing and Buildings.

Int. No. 838

By the Public Advocate (Mr. Williams) and Council Members Powers, Hudson, Louis and Brewer (by request of the Bronx Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to the application for New York city identity cards by incarcerated persons**

*Be it enacted by the Council as follows:*

Section 1. Paragraph (2) of subdivision b of section 3-115 of the administrative code of the city of New York, as added by local law number 35 for the year 2014, is amended to read as follows:

(2) The administering agency shall designate access sites, including at least one site located within each of the five boroughs of the city of New York, where applications for such card shall be made available for pick-up and submission. *The administering agency shall also designate access sites at each city correctional facility.* The administering agency shall also make applications available online.

§ 2. Paragraph (1) of subdivision c of section 3-115 of the administrative code of the city of New York, as added by local law number 35 for the year 2014, is amended to read as follows:

(1) The New York city identity card shall display, at a minimum, the cardholder's photograph, name, date of birth, address, and an expiration date, provided that the administering agency may by rule establish procedures to protect the addresses of victims of domestic violence or *provide* alternate requirements for applicants who lack a permanent address *including incarcerated persons residing in a city correctional facility as described in*

*subdivision d of section 9-128.* Such card shall [also], at the cardholder's option, display the cardholder's self-designated gender. Such identification card shall be designed in a manner to deter fraud.

§ 3. Paragraph (1) of subdivision d of section 3-115 of the administrative code of the city of New York, as added by local law number 35 for the year 2014, is amended to read as follows:

(1) Proof of identity. [In order to establish identity, an] *An applicant shall be required to establish identity. The administering agency may by rule determine the weight to be given to each type of document provided in this paragraph and may require that an applicant produce one or more of the following documents:*

- (i) a U.S. or foreign passport;
- (ii) a U.S. state driver's license;
- (iii) a U.S. state identification card;
- (iv) a U.S. permanent resident card;
- (v) a consular identification card;
- (vi) a photo identification card with name, address, date of birth[,] and expiration date issued by another country to its citizens or nationals as an alternative to a passport for re-entry to the issuing country;
- (vii) a certified copy of U.S. or foreign birth certificate;
- (viii) a Social Security card;
- (ix) a national identification card with photo, name, address, date of birth[,] and expiration date;
- (x) a foreign driver's license;
- (xi) a U.S. or foreign military identification card;
- (xii) a current visa issued by a government agency;
- (xiii) a U.S. individual taxpayer identification number (ITIN) authorization letter;
- (xiv) an electronic benefit transfer (EBT) card; [or]
- (xv) *a book and case number, or New York state identification number utilized by the department of criminal justice services, assigned to any person incarcerated in a city correctional facility; or*
- (xvi) any other documentation that the administering agency deems acceptable. [The administering agency may by rule determine the weight to be given to each type of document provided in this paragraph, and require that an applicant produce more than one document to establish identity.]

§ 4. Section 9-128 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

*d. The department of correction shall provide eligible incarcerated persons the opportunity to apply for a New York city identity card issued pursuant to section 3-115 and shall provide notice of such opportunity and necessary assistance in completing such applications, including providing written documentation of the incarcerated person's book and case identification number or New York state identification number for identification purposes, a photo of the incarcerated person to submit with the application and a letter stating that the incarcerated person has resided in the city of New York for at least 15 days and lacks a home address, if applicable. Such eligible incarcerated persons shall include the following:*

- 1. any incarcerated person in the custody of the department of correction on pending felony charges, who has not been sentenced and who has been in custody for at least seven days; and*
- 2. any incarcerated person who has been sentenced and will serve 10 days or more in any city correctional institution.*

§ 5. This local law takes effect 120 days after it becomes law, provided that the commissioner of social services/human resources administration 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 Criminal Justice.

Int. No. 839

By the Public Advocate (Mr. Williams) and Council Members Brannan and Louis (by request of the Queens Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to increasing penalties for failure to comply with backflow prevention requirements**

*Be it enacted by the Council as follows:*

Section 1. Section 24-343.1 of the administrative code of the city of New York, subdivisions a, b and c as added by local law number 76 for the year 2009, and subdivision d as added by local law number 58 for the year 2019, is amended to read as follows:

§ 24-343.1 Backflow prevention [device reporting].

a. *Definitions.* For purposes of this section, the following terms [shall] have the following meanings:

[(1) "Backflow" shall mean] *Backflow.* The term "backflow" means a flow condition, induced by a differential in pressure, that causes the flow of water or other liquids [and/]or gases into the distribution of pipes of a city water main, private water main, or to an internal water main from any source other than its intended source.

[(2) "Backsiphonage" shall mean] *Backsiphonage.* The term "backsiphonage" means the backflow of contaminated or polluted water, or water of questionable quality from a plumbing fixture or other source, into a city water main, private water main[,] or to an internal water main due to a temporary negative or sub-atmospheric pressure within the public water supply system.

[(3) "Backflow prevention device" shall mean] *Backflow prevention device.* The term "backflow prevention device" means an approved air gap, reduced pressure zone device or double check valve assembly used to contain potential contamination within a facility.

[(4) "Cross connection" shall mean] *Cross connection.* The term "cross connection" means a physical connection or arrangement between two separate piping systems where one system contains potable water and the other contains steam, gas, a chemical[,] or water of questionable safety, and there may be a flow from one system to the other.

[(5) "Hazardous facility" shall mean] *Hazardous facility.* The term "hazardous facility" means a facility in which substances may be present that may endanger the health of other water users if introduced into the public water system, including but not limited to, laboratories, sewage treatment plants, chemical plants, hospitals and mortuaries.

b. *Backflow prevention devices required.* 1. When the department or the owner or operator of a building or structure has determined that there is a cross connection and no backflow prevention device, or a defective or unapproved device, such that there is a possibility of backflow or backsiphonage from such building or structure into a city water main, private water main, or to an internal water main, the owner or operator of such building or structure shall be under a duty to correct such potential or actual backflow or backsiphonage and provide the proper documentation to certify to the department that a backflow prevention device has been installed and where appropriate, that a backflow prevention device has been replaced.

2. Where removal of a cross-connection or installation or replacement of a backflow prevention device has been performed as part of a project for which a licensed professional engineer or registered architect has submitted plans that have been approved by the department, such licensed professional engineer or registered architect shall inspect and submit to the department a certification that the cross-connection has been removed or a backflow prevention device installed or replaced in conformity with plans approved by the department or the department of buildings.

[c.] 3. The department shall send out a mailing to or shall otherwise notify owners or operators of facilities identified by the department as potentially requiring backflow prevention devices informing them of the potential need for such a device and of the process for installation of backflow prevention devices under the auspices of the cross connection control program. The materials contained in such mailing shall be [translated into such languages provided for in section 8-1002 of this code] *made available in each of the designated citywide languages as defined in section 23-1101.*

4. *Any owner or operator of a building or structure who fails to install a backflow prevention device as required by this section shall be subject to such fines, penalties and other enforcement measures as may be imposed pursuant to section 24-346.*

c. *Testing of backflow prevention devices.* 1. *Each backflow prevention device installed pursuant to this section shall be tested annually and the owner or operator of such building or structure shall provide an annual test report to the department in accordance with department rules.*

2. Any owner or operator of a building or structure who fails to provide an annual test report in accordance with department rules shall be subject to such fines, penalties and other enforcement measures as may be imposed pursuant to section 24-346.

d. *Reporting on backflow prevention.* On or before February 15, 2020, and on or before every February 15 thereafter, the department shall submit a report to the mayor and the speaker of the council setting forth the following information:

1. The number of all facilities that the department estimates requires the installation of one or more backflow prevention devices;
2. The number of such facilities that the department has determined to be hazardous facilities;
3. The number of all facilities in which backflow prevention devices were installed in the preceding calendar year;
4. The number of hazardous facilities in which backflow prevention devices were installed in the preceding calendar year;
5. The number of annual backflow prevention device test reports filed with the department in the preceding calendar year;
6. The number of violations issued in the preceding calendar year for failure to install a backflow prevention device; and
7. The number of violations issued in the preceding calendar year for failure to file an annual backflow prevention device test report with the department.

§ 2. Section 24-346 of the administrative code of the city of New York, subdivision b, as amended by local law number 95 for the year 2016, and subdivision c, as amended by local law 55 for the year 2013, are amended to read as follows:

b. Any person who violates or fails to comply with any of the provisions of this chapter and chapter four of this title or any order, rule or regulation issued by the board or commissioner or with the conditions of any permit issued by the commissioner within the city of New York shall be liable for a civil penalty of not less than [fifty nor more than one thousand dollars] *\$50 nor more than \$1,000* for each violation, except that the civil penalty for violating section 24-303.1 shall be not less than [two thousand five hundred dollars nor more than twenty-five thousand dollars and] *\$2,500 nor more than \$25,000*, the civil penalty for the removal of a manhole cover in violation of section 24-304 shall be not less than [two thousand five hundred dollars nor more than ten thousand dollars] *\$2,500 nor more than \$10,000*, the civil penalty for the failure to install a backflow prevention device in violation of subdivision b of section 24-343.1 shall be not less than *\$1,000 nor more than \$10,000*, and the civil penalty for the failure to provide an annual test report in violation of subdivision c of section 24-343.1 shall be not less than *\$700 nor more than \$10,000*. In the case of a continuing violation each day's continuance shall be a separate and distinct offense. The environmental control board shall have the power to impose such civil penalties. A proceeding to impose such penalties shall be commenced by the service of a notice of violation returnable to such board. Such board, after a hearing as provided by the rules and regulations of the board, shall have the power to enforce its final decisions and orders imposing such civil penalties as if they were money judgments pursuant to subdivision d of section [one thousand forty-nine-a] *1049-a* of the New York city charter. A civil penalty imposed by the board may also be collected in an action brought in the name of the city in any court of competent jurisdiction. The board, in its discretion, may, within the limits set forth in this subdivision, establish a schedule of civil penalties indicating the minimum and maximum penalty for each separate offense.

c. In addition to the civil penalties set forth in subdivision b of this section and except as otherwise specifically provided, any person who knowingly violates or fails to comply with any provision of this chapter and chapter four of this title or any order, rule or regulation issued by the commissioner or board or with the conditions of any permit issued by the commissioner shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than [two hundred fifty nor more than one thousand dollars] *\$250 nor more than \$1,000*, or by imprisonment not exceeding [thirty] *30* days, or both for each violation, except that the punishment for the removal of a manhole cover in violation of section 24-304 shall be a fine of not less than [five hundred dollars nor more than ten thousand dollars] *\$500 nor more than \$10,000*, or imprisonment not exceeding [thirty] *30* days, or both for each violation [.] *the punishment for the failure to install a backflow prevention device in violation of subdivision b of section 24-343.1 shall be a fine of not less than \$2,000 nor more than \$10,000, or imprisonment not exceeding 30 days, or both for each violation, and the punishment for the failure to provide an annual test report in violation of subdivision c of section 24-343.1 shall be a fine of not*



*less than \$1,400 nor more than \$10,000, or imprisonment not exceeding 30 days, or both for each violation. In the case of a continuing violation each day's continuance shall be a separate and distinct offense.*

§ 3. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 840

By the Public Advocate (Mr. Williams) and Council Members Stevens and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to report on custodial interrogations of minors**

*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 *Report on the custodial interrogation of minors. a. Definition. For the purposes of this section, the term "minor" means a person under the age of 18 years old.*

*b. No later than January 30, 2023, and no later than 30 days after the end of each quarter thereafter, the commissioner shall submit to the speaker of the council, the mayor and the public advocate and post on the department's website a report containing the total number of attempted custodial interrogations of minors for the previous quarter, disaggregated by:*

- 1. The race of the minor;*
- 2. The age of the minor;*
- 3. The gender of the minor;*
- 4. The precinct of the arresting officer;*
- 5. The borough where the arrest occurred;*
- 6. Whether a parent or legal guardian was notified of the arrest prior to the attempted interrogation;*
- 7. Whether the minor spoke to an attorney prior to the attempted interrogation;*
- 8. Whether the minor was notified of the following:*

*(a) The minor's right to remain silent;*

*(b) That the statements made by the minor may be used in a court of law;*

*(c) The minor's right to have an attorney present at an interrogation; and*

*(d) The minor's right to have an attorney provided for the minor without charge if the minor is unable to afford counsel; and*

*9. Whether the minor affirmatively waived each right listed in subparagraphs (a) through (d) of paragraph 8.*

*c. Reports required pursuant to this section shall not contain personally identifiable information. If a category contains between one and five minors, or contains an amount that would allow another category that contains between one and five minors to be deduced, the number shall be replaced with a symbol. A category that contains zero shall be reported as zero, unless such reporting would violate any applicable provision of federal, state or local law relating to the privacy of minors.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

## Int. No. 841

By the Public Advocate (Mr. Williams) and Council Members Powers, Louis, Restler, Hanif, Hudson, Sanchez, Won, Gutiérrez and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to the provision of interest-free loans to small businesses, non-profits and freelance workers following certain emergency circumstances**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 of chapter 8 of title 22 of the administrative code of the city of New York is amended by adding a new section 22-1007 to read as follows:

§ 22-1007 *Emergency loan programs. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Freelance worker. The term “freelance 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, that is hired or retained as an independent contractor by a hiring party to provide services in exchange for compensation.*

*Interest-free loan. The term “interest-free loan” means a loan with terms including interest rates of zero percent.*

*Operating expenses. The term “operating expenses” means money spent during the normal operation of business, including but not limited to rent, payroll, insurance, equipment, inventory costs, and other expenses as determined by the commissioner.*

*Small business. The term “small business” means a small business as defined by the United States small business administration pursuant to part 121 of title 13 of the code of federal regulations.*

*b. During emergencies declared by the mayor or governor, the department shall establish and operate a program to provide interest-free loans to partially or fully fund the operating expenses of small businesses, non-profit organizations, or freelance workers and independent contractors not otherwise eligible for unemployment insurance, that are required to substantially limit their operations by, or which are otherwise substantially negatively impacted financially by, such state of emergency.*

*c. The commissioner shall establish eligibility criteria and procedures for the application for, disbursement of, and repayment of interest-free loans pursuant to this section. Such information established pursuant to this subdivision shall be made publicly available on the department’s website. Such criteria must ensure that loans are: (i) made available to individuals and entities regardless of immigration status or prior contractual relationships with the City, and (ii) distributed in a manner that focuses on individuals and entities that have been excluded from state and federal small business loan programs, if any.*

*d. The commissioner shall establish the terms and conditions of such loans, including: (i) the amount to be loaned, (ii) the length of the repayment term, (iii) procedures in the event of default, and (iv) circumstances upon which a borrower would be released from the obligation to repay part or all of a loan received pursuant to this section.*

§ 2. This local law takes effect 1 year after it becomes 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, before such date.

Referred to the Committee on Small Business.

## Int. No. 842

By the Public Advocate (Mr. Williams) and Council Members Brannan and Louis (by request of the Queens Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to consider placement of traffic enforcement agents in developing an interagency roadway safety plan**

*Be it enacted by the Council as follows:*

Section 1. Section 19-184 of the administrative code of the city of New York, as amended by local law number 105 for the year 2013, is amended to read as follows:

§ 19-184 Interagency roadway safety plan. a. The department shall develop an interagency plan to improve roadway safety, which shall be designed to, among other things, reduce the [incidents] *incidence* of traffic violations, crashes, injuries and fatalities.

b. Such plan shall identify key agencies and groups that the department shall meet with at least monthly to work on improving roadway safety and shall include, but not be limited to:

[i.] 1. Proposed programs and initiatives to reduce traffic violations and to encourage traffic calming and safety measures;

[ii.] 2. Suggestions for behavioral modification to reduce crashes in the city, such as education and strategic traffic enforcement, *including placement of traffic enforcement agents in certain areas*;

[iii.] 3. A plan to increase collaboration between the department and the police department on roadway safety; and

[iv.] 4. A schedule for implementing the proposals contained in such plan.

c. The department shall issue such plan to the mayor and council [ninety] 90 days after the date on which the local law that added this section takes effect. Such report shall include, but not be limited to, the strategies for improving roadway safety, whether any strategies were implemented, and the status of such implementation.

d. Such plan shall be updated every five years and the first such updated plan shall be presented to the mayor and council no later than May 31, 2016, and on or before the same date every five years thereafter. Such updated plan shall include, but not be limited to, actions that have been taken to implement the prior plans submitted pursuant to this section, and the reasons that any actions that had been recommended by such prior plans [but not implemented] were not taken.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 843

By the Public Advocate (Mr. Williams) and Council Members Ayala and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to establishing a digital inclusion officer at every city agency**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 23-802 of the administrative code of the city of New York, as added by local law number 26 for the year 2016, is amended to read as follows:

a. The mayor or the mayor's designee shall adopt a protocol for websites maintained by or on behalf of the city or a city agency relating to website accessibility for persons with disabilities. Such protocol shall provide for agency websites to use either of the following standards: [section 1194.22] *appendix D to part 1194* of title 36 of the code of federal regulations or the Web Content Accessibility Guidelines (WCAG) [2.0] 2.1 Level AA, developed by the Worldwide Web Consortium, *the most recent update thereto*, or any successor standards, provided that the adopted protocol may differ from these standards in specific instances when the mayor or mayor's designee determines, after consulting with experts in website design and reasonable accommodations for people with disabilities, and the holding of a public hearing, that such differences will provide effective communication for people with disabilities, and that such differences are documented in such protocol. Such

protocol shall be made available online. This section does not require an agency to take any action that would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens.

§ 2. Section 23-802 of the administrative code of the city of New York is amended by adding new subdivisions c and d to read as follows:

*c. The head of each agency shall designate at least one employee as such agency's digital inclusion officer, to coordinate efforts to ensure accessibility of websites and other digital content made publicly available by such agency. Agencies with fifty or fewer employees may designate an employee of the city to serve as the digital inclusion officer for more than one of such agencies. Each digital inclusion officer shall confer with, and receive periodic training from, the mayor's office for people with disabilities. Each digital inclusion officer shall receive such training at least annually. The mayor's office for people with disabilities and each agency shall post on their websites the name, office address, electronic mail address, and telephone number of the employee or employees designated as the digital inclusion officer. The functions of the digital inclusion officer shall include, but not be limited to:*

- 1. Reviewing agency websites and other digital content made publicly available by the agency for compliance with the standards set forth in subdivision a;*
- 2. Developing agency policies and procedures to ensure compliance with the standards set forth in subdivision a;*
- 3. Conducting periodic training for relevant agency staff on digital inclusion and accessibility of websites and other digital content;*
- 4. Documenting and responding to complaints communicated to the agency related to digital inclusion and accessibility of agency websites or other digital content made publicly available by the agency;*
- 5. Providing analysis and recommendations to the head of the agency and to the mayor's office for people with disabilities to resolve issues relating to digital inclusion and accessibility of websites and other digital content; and*
- 6. Any other functions as may be assigned by the head of the agency.*

*d. The mayor's office for people with disabilities shall designate at least one employee with expertise in digital accessibility to coordinate with digital inclusion officers to monitor and improve the accessibility of websites and other digital content made publicly available by agencies.*

§ 3. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Transportation and Infrastructure.

Res. No. 374

**Resolution calling on the New York State Legislature to pass and the Governor to sign, legislation mandating that any owner intending to sell a multi-unit residential dwelling, must first make a fairly appraised offer of sale to the tenants within the residence before making any sale offers to third parties.**

By the Public Advocate (Mr. Williams) and Council Members Louis and Hudson.

**Whereas**, Affordable housing is a fundamental aspect of a thriving New York City and vital to providing shelter, stability, safety and health; and

**Whereas**, The Department of City Planning estimates the City's population will increase by 783,000 residents, or 9.5 percent between 2010 and 2040; and

**Whereas**, According to a recent Zillow study conducted in 2018, 68 percent of the City's residents rent their homes and landlords rent apartments in their buildings making New York City one of the largest share of renters in the United States; and

**Whereas**, Median rental prices in Manhattan were approximately \$3,415 in May 2020 and Brooklyn rents were 3.3 percent higher than the previous year, up from \$2,829 to \$2,921; and

**Whereas,** Currently in New York City, a landlord does not have a legal obligation to offer an apartment or the building to a tenant to purchase before putting their property on the market which can result in tenants being displaced and forced to look for new apartments with higher rents; and

**Whereas,** In 1980, the Tenant Opportunity to Purchase Act (TOPA) was enacted in Washington, D.C. to give tenants the first opportunity to purchase the home they were renting if their landlord decided to discontinue the use of a property for rental purposes, convert a property to condominium or sell the property, so that residents would not be displaced; and

**Whereas,** TOPA resulted in the conversion of over 10,000 units to direct tenant ownership or by chosen developers; and

**Whereas,** New reports have indicated that community-based organizations, such as the Community Service Society, the Urban Homesteading Assistance Board, the New Economy Project and other advocacy groups would support New York legislation similar to TOPA, which would give tenants the first option to buy their landlord’s property if it is put up for sale; 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 mandating that any owner intending to sell a multi-unit residential dwelling, must first make a fairly appraised offer of sale to the tenants within the residence before making any sale offers to third parties.

Referred to the Committee on Housing and Buildings.

Res. No. 375

**Resolution recognizing June as Gun Violence Awareness Month in New York City.**

By the Public Advocate (Mr. Williams) and Council Member Louis.

**Whereas,** Gun violence is a national and local problem affecting many Americans and New Yorkers on a daily basis; and

**Whereas,** According to the Gun Violence Archive, there were 77,943 incidents of gun violence in the United States in 2019, resulting in 15,448 deaths and 30,186 injuries; and

**Whereas,** National attention is often drawn to large scale tragedies, yet there are gun violence injuries occurring every day throughout many American cities; and

**Whereas,** In New York City, the number of murders rose to nearly 500 before the close of 2021, the highest amount reported since 2011 where 515 murders were recorded; and

**Whereas,** While the number of shootings in NYC are reaching new highs in recent years, gun violence has disproportionately impacted certain neighborhoods and populations in the City; and

**Whereas,** In December 2021, 1,828 people were victims of gun violence, having been struck by a bullet; and

**Whereas,** Of shooting victims in 2020, 74% were Black and 22% were Hispanic; and

**Whereas,** It is therefore clear that gun violence is a serious problem in our communities that must be addressed; and

**Whereas,** Furthermore, gun violence and the resulting injuries and deaths typically increase substantially in the summer months; and

**Whereas,** It is important for the City of New York to once again work to increase public awareness about guns and the severity of their impact on our communities; and

**Whereas,** Recognition of the month of June as Gun Violence Awareness Month by local and state officials will increase efforts to protect all New Yorkers, especially those who are disproportionately affected by such violence, by furthering the dialogue with our local, state and federal partners to help examine the causes of gun violence and create meaningful solutions in an effort to prevent the violence from peaking again in the summer; now, therefore, be it

**Resolved**, That the Council of the City of New York recognizes June as Gun Violence Awareness Month in New York City.

Referred to the Committee on Public Safety.

Res. No. 376

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, A1552, which would require MTA police officers to wear body-worn cameras.**

By the Public Advocate (Mr. Williams) and Council Member Louis.

**Whereas**, In June 2019, then-Governor Andrew Cuomo announced a plan to hire 500 additional Metropolitan Transportation Authority (MTA) police officers to patrol New York City’s subway system; and

**Whereas**, In December 2019, the MTA board approved the Governor’s plan, allocating an estimated \$250 million over four years to expand the MTA’s police force by 64 percent to purportedly combat crime, fare evasion, and the system’s homelessness population; and

**Whereas**, The New York Police Department (NYPD) has equipped all uniformed patrol officers with body-worn cameras to record their interactions with community residents; and

**Whereas**, MTA police are not members of the NYPD, and are not required to wear body-worn cameras; and

**Whereas**, Research from Arizona State University shows officers with body-worn cameras have fewer complaints lodged against them; and

**Whereas**, A study conducted with Rialto Police Department in California shows decreases in civilian complaints lodged against officers wearing body-worn camera and decreases in use-of-force incidents by the police; and

**Whereas**, A1552 introduced by Assemblymember Karines Reyes, would require MTA police to wear body-worn cameras and directs the chief of the MTA Police Department to establish rules and regulations pertaining to body-worn cameras; and

**Whereas**, The use of body-worn cameras would increase transparency and accountability, which can help improve law enforcement legitimacy at a time when communities lack trust and confidence in law enforcement; and

**Whereas**, The use of body-worn cameras also offer the opportunity to improve training as law enforcement officials can assess police activities and behaviors captured by body-worn cameras; and 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, A1552, which would require MTA police officers to wear body-worn cameras

Referred to the Committee on Public Safety.

Int. No. 844

By Council Members Riley and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to the inclusion of micro-grants in the public housing entrepreneurship and commercial pop up program**

*Be it enacted by the Council as follows:*

Section 1. Section 22-821 of the administrative code of the city of New York is amended by adding a new definitions of “micro-grant” in alphabetical order to read as follows:

*Micro-grant.* The term “micro-grant” means financial assistance up to \$10,000 to facilitate the establishment, expansion, or growth of a business.

§ 2. Subdivision a of section 22-827 of the administrative code of the city of New York, as created by a local law to amend the administrative code of the city of New York, in relation to the development of a public housing entrepreneurship program, is amended to read as follows:

§ 22-827 Public housing commercial pop up program. a. In each covered contract with a contracted entity executed on or after the effective date of this section, the commissioner shall require such contracted entity to identify vacant space and, where feasible, utilize such space to host public housing commercial pop ups, *and, where appropriate, issue micro-grants in support of some or all such pop ups.*

§ 3. This local law takes effect at the same time as a local law to amend the administrative code of the city of New York, in relation to the development of a public housing entrepreneurship program.

Referred to the Committee on Economic Development.

Int. No. 845

By Council Members Salamanca Jr. and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report annually on the number of teachers, administrators and school staff who have completed therapeutic crisis intervention in schools training**

*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*

*Reporting on Therapeutic Crisis Intervention in Schools Training*

§ 21-2901 Annual reporting on therapeutic crisis intervention in schools training. a. For the purposes of this section, the following terms have the following meanings:

*School.* The term “school” means a school of the city school district of the city of New York.

*TCIS training.* The term “TCIS training” means training provided by the department that relates to therapeutic crisis intervention in schools and provides training participants with skills, including, but not limited to, preventing or de-escalating behavioral crises with students, safely managing crises situations and helping improve students’ coping strategies.

b. Not later than December 1, 2023, and no later than December 1 annually thereafter, the department shall submit to the mayor, the council and each community education council, and post on the department’s website information regarding TCIS training completion for the preceding school year. Such information shall include, but not be limited to: (i) the total number and percentage of teachers who have completed TCIS training within the preceding school year; (ii) the total number and percentage of administrators who have completed TCIS training within the preceding school year; and (iii) the total number and percentage of other school staff, including but not limited to guidance counselors and social workers, who have completed TCIS training within the preceding school year.

c. All information required to be reported by this section shall be aggregated citywide, as well as disaggregated by city council district, community school district, and school.

§2. This local law takes effect immediately.

Referred to the Committee on Education.

## Int. No. 846

By Council Members Salamanca Jr., Gennaro and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to establishing wastewater treatment plant monitoring committees**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-532 to read as follows:

§ 24-532 *Wastewater treatment plant monitoring committees. a. Monitoring committees established. There is hereby established a monitoring committee at each wastewater treatment plant in the city.*

*b. Duties. Each monitoring committee shall review community concerns about such wastewater treatment plant, including the ongoing effects on the health and wellbeing of persons in the wastewater treatment plant's service area, anticipated effects on the community of any proposed or unforeseen changes to the wastewater treatment plant's operations, and any other considerations any such monitoring committee deems relevant.*

*c. Membership. 1. Each monitoring committee shall be composed of the following members:*

*(a) Four members employed by such wastewater treatment plant to be appointed by an agreement of the community board(s) overseeing a district in the wastewater treatment plant's service area;*

*(b) Two members appointed by an agreement of the community board(s) overseeing a district in the wastewater treatment plant's service area; and*

*(c) The mayor shall invite the borough president(s) and council member(s) overseeing the wastewater treatment plant's service area to each appoint one representative to the committee.*

*2. Appointments required by this section shall be made within 30 days after the effective date of this local law, and within 30 days of the completion of a prior term.*

*3. Each member of the committee shall serve for a term of one year, to commence after the appointees in subparagraphs (a) and (b) of paragraph 1 of this subdivision have been appointed.*

*4. All members of the committee shall serve without compensation.*

*5. No appointed member of the committee shall be removed except for cause by the appointing authority.*

*6. In the event of a vacancy on the committee during the term of an appointed member, a successor shall be selected in the same manner as the original appointment to serve the balance of the unexpired term.*

*d. Meetings. Each committee shall meet no less than once each month.*

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

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

## Int. No. 847

By Council Members Salamanca Jr., Brannan and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of homeless services and human resources administration to post shelter, supportive housing and cluster site data**

*Be it enacted by the Council as follows:*

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

§ 21-151 *a. Definitions. For the purposes of this section, the following terms have the following meanings:*



*Cluster site. The term “cluster site” means an individual housing unit, which is being utilized as shelter for a homeless family, within a private building.*

*Scattered-site supportive housing unit. The term “scattered-site supportive housing unit” means a unit of affordable, permanent housing with support services for residents provided by the department or a provider under contract or similar agreement with the department, in an apartment building designated for specific populations.*

*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.*

*Single-site supportive housing facility. The term “single-site supportive housing facility” means affordable, permanent housing with support services provided by the department or a provider under contract or similar agreement with the department, where each individual or family has private living quarters and may share kitchens and/or common recreational rooms or other facilities.*

*b. The department shall submit to every council member and community board and post on its website quarterly reports on the number of shelters, single-site supportive housing facilities, scattered-site supportive housing units, and cluster sites in each council district and community board. The first such report shall be due 30 days following the end of the calendar quarter covering October 1, 2022 to December 31, 2022, and all subsequent reports shall be due 30 days following the last day of each succeeding calendar quarter. Such report shall include, but not be limited to the following information:*

- 1. The total number of shelters, disaggregated by community board and council district;*
- 2. The total number of single-site supportive housing facilities, disaggregated by community board and council district;*
- 3. The total number of scattered-site supportive housing units, disaggregated by community board and council district;*
- 4. The total number of cluster sites, disaggregated by community board and council district.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on General Welfare.

Int. No. 848

By Council Members Salamanca Jr., Gennaro, Brannan and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring water bottle-filling stations in city agency offices**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 4 of the administrative code of the city of New York is amended by adding a new section 4-216 to read as follows:

§ 4-216 *Water bottle-filling stations for city agency offices. a. As used in this section, the following terms have the following meanings:*

*Bottle-less water dispenser. The term “bottle-less water dispenser” means a device that is connected to the tap water supply of a building and dispenses tap water and that is not attached to a wall, including such a device that is a component of a refrigerator.*

*City agency office. The term “city agency office” means an area of an office building, as defined in section FC 402.1 of the New York city fire code, that is owned or maintained by the department and is occupied by a city agency.*

*Department. The term “department” means the department of citywide administrative services.*

*Water bottle-filling station. The term “water bottle-filling station” means a water bottle fountain or a bottle-less water dispenser.*

*Water bottle fountain. The term “water bottle fountain” means a wall-mounted plumbing fixture that is connected to the tap water supply of a building and is designed for filling a container that is 10 inches in height or more, except that such term does not include a sink.*

*b. The department shall install water bottle-filling stations so that there is at least one water bottle-filling station as follows:*

- 1. Per 100 occupants in every city agency office; and*
- 2. On every floor of a city agency office.*

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

Referred to the Committee on Governmental Operations, State & Federal Legislation.

Int. No. 849

By Council Members Salamanca Jr., Gennaro, Brannan and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring automated external defibrillators in private schools and police cars**

*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 Automated external defibrillators in patrol cars. a. All patrol vehicles used by the department shall be equipped with an automated external defibrillator.*

*b. For the purposes of this section, the term “automated external defibrillator” means a medical device, approved by the United States food and drug administration, that: (i) is capable of recognizing the presence or absence in a patient of ventricular fibrillation and rapid ventricular tachycardia; (ii) is capable of determining, without intervention by an individual, whether defibrillation should be performed on a patient; (iii) upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to a patient's heart; and (iv) upon action by an individual, delivers an appropriate electrical impulse to a patient's heart to perform defibrillation.*

*c. Nothing contained in this section imposes any duty or obligation on any person to provide assistance with an automated external defibrillator to a victim of a medical emergency.*

§ 2. Paragraph 3 of subdivision a of section 17-188 is amended to read as follows:

3. “Public place” means the publicly accessible areas of the following places to which the public is invited or permitted: (i) public buildings maintained by the division of facilities management and construction of the department of citywide administrative services or any successor; (ii) parks under the jurisdiction of the department of parks and recreation identified pursuant to subdivision e of this section; (iii) ferry terminals owned and operated by the city of New York served by ferry boats with a passenger capacity of one thousand or more persons; (iv) nursing homes, as defined in section 2801 of the New York state public health law; (v) senior centers, which include facilities operated by the city of New York or operated by an entity that has contracted with the city to provide services to senior citizens on a regular basis, such as meals and other on-site activities; (vi) golf courses, stadia and arenas; [and] (vii) health clubs that are commercial establishments offering instruction, training or assistance and/or facilities for the preservation, maintenance, encouragement or development of physical fitness or well-being that have a membership of at least two hundred and fifty people, and which shall include, but not be limited to, health spas, health studios, gymnasiums, weight control studios, martial arts and self-defense schools or any other commercial establishment offering a similar course of physical training; and (viii) non-public schools serving students in any combination of grades pre-kindergarten through twelve.

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

Referred to the Committee on Health.

## Int. No. 850

By Council Members Salamanca Jr. and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of housing preservation and development to report on the disposition of city property for affordable housing development**

*Be it enacted by the Council as follows:*

Section 1. Section 26-903 of the administrative code of the city of New York is amended to add a new subdivision e to read as follows:

*e. No later than October 31, 2022, and no later than 30 days after the end of each quarter thereafter, the department shall submit to the council and publish online a report containing the following information about any housing development project involving the sale, lease (other than the lease of office space), exchange, or other disposition of the real property of the city:*

- 1. The project identifier;*
- 2. The address;*
- 3. The amount of city financial assistance received by the developer to date;*
- 4. The date the project received approval pursuant to section 197-c or 197-d of the charter;*
- 5. The anticipated closing date for the parcel of real property; and*
- 6. The actual closing date for the parcel of real property.*

§2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

## Int. No. 851

By Council Members Salamanca Jr., Gennaro, Brannan and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to remediating lead soil hazards in dwellings**

*Be it enacted by the Council as follows:*

Section 1. Section 27-2056.1 of the administrative code of the city of New York is REPEALED and a new section 27-2056.1 is added to read as follows:

*§ 27-2056.1 Reserved.*

§ 2. Paragraph 11 of section 27-2056.2 of the administrative code of the city of New York, as added by local law number 1 for the year 2004, is amended to read as follows:

(11) “Remediation” or “Remediate” shall mean *(i) with respect to a lead-based paint hazard*, the reduction or elimination of a lead-based paint hazard through the wet scraping and repainting, removal, encapsulation, enclosure, or replacement of lead-based paint, or other method approved by the commissioner of health and mental hygiene *or (ii) with respect to other hazardous conditions concerning lead*, the reduction or elimination of such condition in a manner approved by such commissioner or specified by law or rule.

§ 3. Article 14 of subchapter 2 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2056.3.1 to read as follows:

*§ 27-2056.3.1 Reserved.*

§ 4. Article 14 of subchapter 2 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2056.3.2 to read as follows:

§ 27-2056.3.2 *Owners' responsibility with respect to lead in soil. a. For the purposes of this section, the term "covered soil area" means area that is (i) on premises of a multiple dwelling, (ii) partially or wholly covered in bare soil and (iii) accessible to persons other than those employed to maintain such premises.*

*b. The owner of a multiple dwelling shall at least once in each year (i) cause a lead test to be conducted, in a manner established by rule of the department of health and mental hygiene, on a sample of soil from each covered soil area on the premises of such multiple dwelling and (ii) provide a copy of the results of such test to the department of health and mental hygiene and a lawful occupant of each dwelling unit in such multiple dwelling.*

*c. If a test that is required by federal, state or local law or rule, or an order issued by a court or a federal, state or local agency having appropriate jurisdiction, indicates that a covered soil area on the premises of a multiple dwelling has a lead level at or above the soil lead reference level established by rule of the department of health and mental hygiene, the owner of such multiple dwelling shall:*

*1. Notify such department and a lawful occupant of each dwelling unit in such multiple dwelling in a time and manner established by such department; and*

*2. Cover, replace or otherwise remediate such area in a manner established by rule of such department.*

*d. The department of health and mental hygiene may reduce the frequency of sampling for a multiple dwelling under subdivision b of this section from once in each year to once in every three years upon submission of an application, in a form established by such department, showing that for each of the immediately preceding three years, the results of sampling in accordance with such paragraph have indicated that lead levels in such samples were below the soil lead reference levels established by rule of the department health and mental hygiene.*

§ 4. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Housing and Buildings.

Int. No. 852

By Council Members Salamanca Jr. and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring towed vehicle storage facilities to provide 24 hour access**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title fourteen of the administrative code of the city of New York is amended by adding a new section 14-140.1 to read as follows:

*§14-140.1 Redemption of Towed Vehicles. All storage facilities for towed vehicles operated by the department shall provide twenty-four hour access for redemption of vehicles stored in such facilities.*

§2. Section 20-508 of title 20 of the administrative code of the city of New York is amended to read as follows:

*§20-508 Storage facilities. Every licensee which stores vehicles shall do so only on premises which provide twenty-four hour access for redemption of such vehicles and meet such specifications as the commissioner shall establish by regulation for safeguarding property.*

§2. This local law shall take effect 60 days after its enactment into law.

Referred to the Committee on Transportation and Infrastructure.

## Int. No. 853

By Council Members Salamanca Jr. and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to creating borough-based traffic request response teams**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-159.6 to read as follows:

§ 19-159.6 *Traffic request response teams. a. Definitions. For purposes of this section, the term “traffic request” means a request submitted to the department relating to the review of vehicular traffic or a traffic calming device, as defined in section 19-193, or an alteration to a street, as defined in section 1-112, or a sidewalk, as defined in section 19-101.*

*b. The commissioner shall assign department staff to each borough tasked with responding to traffic requests in such borough, provided that the staffing level of each borough’s traffic request response staff shall be proportionate to the volume of traffic requests in such borough. Traffic request response staff shall respond to traffic requests within three months of submission to the extent practicable.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

## Int. No. 854

By Council Members Salamanca Jr., Powers and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of social services to create a domestic violence shelter designated for men**

*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 21-142.6 to read as follows:

§ 21-142.6 *Domestic violence shelter for men. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Domestic violence. The term “domestic violence” means acts or threats of violence, not including acts of self-defense, committed by a family or household member against another family or household member.*

*Domestic violence services. The term “domestic violence services” means the coordination of appropriate services to clients who have experienced domestic violence, including but not limited to counseling, legal services, and access to employment, housing, childcare, and other resources, where such coordination is provided primarily by a social worker.*

*Domestic violence shelter. The term “domestic violence shelter” means a facility operated by the department or by a provider under contract or similar agreement with the department to provide shelter for victims of domestic violence.*

*b. No later than January 1, 2023, the department shall create a domestic violence shelter exclusively for individuals who identify as men. The department shall ensure that domestic violence services are available and provided to all clients who identify as men and wish to access such services.*

*c. The department shall share information regarding the availability of such domestic violence shelter created pursuant to subdivision b on the department’s website, social media accounts and in person outreach.*

*d. No later than one year after the effective date of the local law that added this section, the department shall post on its website and provide the speaker of the council a report containing information regarding the shelter established pursuant to this local law, including, but not limited to the following:*

- 1. The total cost of such shelter;*
- 2. The number of individuals who accessed the shelter created pursuant to subdivision b of this section;*
- 3. An analysis of the impact and effectiveness of such shelter; and*
- 4. Any other information the department deems relevant.*

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

Referred to the Committee on General Welfare.

Int. No. 855

By Council Members Salamanca Jr., Powers and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to offering fentanyl test strips at syringe exchange programs**

*Be it enacted by the Council as follows:*

Section 1. Section 17-180.1 of the administrative code of the city of New York, as added by local law number 128 for the year 2018, is amended by adding a new definition of “fentanyl test strip” in alphabetical order to read as follows:

*Fentanyl test strip. The term “fentanyl test strip” means a drug testing technology that can detect the presence of fentanyl in drug samples prior to use.*

§ 2. Subdivision b of section 17-180.1 of the administrative code of the city of New York, as added by local law number 128 for the year 2018, is amended to read as follows:

b. For as long as the department determines there is an urgent public health need, the department shall offer overdose prevention, *fentanyl test strips*, and reversal training to the general public. Such training shall include:

1. How to recognize an opioid overdose; [and]
2. How to properly administer common opioid antagonists to reverse an opioid overdose[.]; *and*
3. *How to properly use fentanyl test strips.*

§ 3. Subdivision d of section 17-180.1 of the administrative code of the city of New York, as added by local law number 128 for the year 2018, is amended to read as follows:

d. For as long as the department determines there is an urgent public health need, the department shall provide opioid antagonists *and fentanyl test strips* to all syringe exchange programs operating within the city *and shall provide fentanyl test strips to attendees of fentanyl test strip trainings.*

§ 4. Subdivision e of section 17-180.1 of the administrative code of the city of New York, as added by local law number 128 for the year 2018, is amended to read as follows:

e. The department shall require that the staff at all syringe exchange programs operating in the city receive overdose prevention and reversal training. Such training shall teach staff:

1. How to recognize an opioid overdose; [and]
2. How to properly administer common opioid antagonists to reverse an opioid overdose[.]; *and*
3. *How to properly use a fentanyl test strip.*

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

Referred to the Committee on Mental Health, Disabilities and Addiction.

Int. No. 856

By Council Members Salamanca Jr., De La Rosa, Gennaro, Brannan and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to increasing the fines for the unlawful use of all-terrain vehicles and dirt bikes**

*Be it enacted by the Council as follows:*

Section 1. Section 19-196 of the administrative code of the city of New York, as added by local law number 28 for the year 2017, is amended to read as follows:

§ 19-196 All-terrain vehicles, including dirt bikes. a. Definitions. For the purposes of this section, the following terms have the following meanings:

All-terrain vehicle. The term “all-terrain vehicle” has the same meaning as set forth in subdivision 1 of section 2281 of the vehicle and traffic law, which includes dirt bikes, or any successor provision.

Operate. The term “operate” means to ride in or on, other than as a passenger, or use or control the operation of an all-terrain vehicle in any manner.

Person. The term “person” means an individual and does not include officers or employees of any governmental agency acting in an official capacity, or private individuals or entities acting pursuant to agreements with governmental agencies.

b. No person shall operate an all-terrain vehicle in the city of New York, except that, in the case of property other than a street or a park, an all-terrain vehicle may be operated only with the consent, written or conspicuously posted consistent with applicable law, of the owner or lessee, or operated by an individual owner or lessee.

c. The violation of subdivision b of this section constitutes a violation punishable by a fine *of no less than 375 dollars, but not to exceed [500] 750 dollars* for the first offense and *of no less than 750 dollars, but not to exceed [1,000] 1,500 dollars* for any subsequent offense.

d. A person who violates subdivision b of this section shall be liable for a civil penalty of [500] 750 dollars. A person committing a second or subsequent violation of subdivision b of this section shall be liable for a civil penalty of [1,000] 1,500 dollars. Civil penalties pursuant to this subdivision are recoverable in a proceeding before the office of administrative trials and hearings pursuant to chapter 45-A of the charter, or in a civil action or proceeding brought in the name of the city.

e. Any act prohibited by this section additionally constitutes a traffic infraction punishable by a fine *of no less than 375 dollars, but not to exceed [500] 750 dollars* for the first conviction, and *of no less than 750 dollars, but not to exceed [1,000] 1,500 dollars* for any subsequent conviction.

§ 2. This local law takes effect 60 days after it becomes law.

Referred to the Committee on Public Safety.

Int. No. 857

By Council Members Salamanca Jr., Brooks-Powers, Brannan, Feliz, Ayala and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to towing vehicles that are an encumbrance on the street or that lack, improperly display, or obscure valid license plates, registration stickers, inspection stickers, or vehicle identification numbers**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 16-128 of the administrative code of the city of New York is amended to read as follows:

§ 16-128 Removal of [incumbrances] *encumbrances* from streets. a. The commissioner shall remove, or cause to be removed any vehicle, box, barrel, bale of merchandise or other movable property or article or thing

whatsoever found upon any street, in accordance with regulations adopted by the [board of estimate] commissioner. A vehicle shall be removed within 24 hours, where practicable, but not more than 72 hours after the department has received notice of such an encumbrance.

§ 2. 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 19-169.3 to read as follows:

*§ 19-169.3 Removal of improperly parked motor vehicles. a. Except as may otherwise be provided by law, rule or regulation, any vehicle that is parked in violation of subdivision 1 of section 402 of the vehicle and traffic law or subdivision (j) of section 4-08 of title 34 of the rules of the city of New York or a successor provision shall be removed by a tow truck of the towing company participating in the rotation tow program when directed to do so by the police department, unless such vehicle is first removed by the department of sanitation. As soon as practicable after discovery or notification of a vehicle that is parked in violation of subdivision 1 of section 402 of the vehicle and traffic law or subdivision (j) of section 4-08 of title 34 of the rules of the city of New York or a successor provision, the police department shall direct the towing company to remove the vehicle, and the towing company shall remove such vehicle within 24 hours after receiving the direction of the police department.*

*b. A person who removes a vehicle pursuant to this section may collect charges from the owner or other person in control of such vehicle, payable before the vehicle is released, in accordance with the provisions of subdivision c of section 20-519. No charge may be collected for removal or storage of a vehicle pursuant to this section by a person who is not licensed to engage in towing pursuant to subchapter 31 of chapter 2 of title 20.*

§ 3. Paragraphs 1 and 2 of subdivision a of section 20-519 of the administrative code of the city of New York, as amended by local law number 110 for the year 1993, are amended to read as follows:

1. The commissioner shall establish a program to be known as the "rotation tow program" for the purpose of removing evidence vehicles, vehicles suspected of having been stolen or abandoned other than vehicles described in subdivision two of section twelve hundred twenty-four of the vehicle and traffic law, the removal pursuant to section 19-169 [of the code] of vehicles blocking a private driveway, [and] the removal pursuant to section [24-221 of the code] 24-240 of vehicles with certain alarm devices, *and the removal pursuant to section 19-169.3 of vehicles parked in violation of subdivision 1 of section 402 of the vehicle and traffic law or subdivision (j) of section 4-08 of title 34 of the rules of the city of New York or a successor provision.*

2. The commissioner, after consultation with the police commissioner, shall divide the city into zones and shall create for each zone a list in random order of persons licensed to engage in towing who have been approved by the commissioner for participation in the rotation tow program. The commissioner may in his or her discretion create from such list separate lists for the removal of evidence vehicles, stolen and abandoned vehicles, the removal pursuant to section 19-169 [of the code] of vehicles blocking a private driveway, [and] the removal pursuant to section [24-221 of the code] 24-240 of vehicles with certain alarm devices, [respectively] *and the removal pursuant to section 19-169.3 of vehicles parked in violation of subdivision 1 of section 402 of the vehicle and traffic law or subdivision (j) of section 4-08 of title 34 of the rules of the city of New York or a successor provision.* At any time subsequent to the initial establishment of zones and lists, the commissioner may, after consultation with the police commissioner, modify the zones and reformulate the lists to ensure sufficient towing services throughout the city. Where more than one towing company has been placed on a list of towing companies authorized to remove vehicles in a particular zone, the police department shall summon towing companies from such list on a rotating basis. Any towing company approved for participation in such program after such lists are initially established shall be placed on any such list at the point immediately preceding the last towing company summoned by the police department pursuant to this section. Such lists shall be available at the department for public inspection.

§ 4. Paragraphs 1 and 3 of subdivision b of section 20-519 of the administrative code of the city of New York, as amended by local law number 110 for the year 1993, are amended to read as follows:

1. Any vehicle that is suspected of having been stolen or abandoned other than vehicles described in subdivision two of section twelve hundred twenty-four of the vehicle and traffic law, any vehicle that is blocking a private driveway and subject to removal pursuant to section 19-169 [of the code], [and] any vehicle with certain alarm devices which is subject to removal pursuant to section [24-221 of the code] 24-240, *and any vehicle parked in violation of subdivision 1 of section 402 of the vehicle and traffic law or subdivision (j) of section 4-08 of title 34 of the rules of the city of New York or a successor provision which is subject to removal pursuant to section 19-169.3* shall be removed by a tow truck of the towing company participating in the rotation tow program when directed to do so by the police department. If such vehicle appears to have a missing or altered



vehicle identification number, the police may direct its removal to the police property clerk. All other vehicles shall be towed to the storage facility of such responding company which meets such specifications as the commissioner shall establish by rule, and shall at all times be stored within such storage facility while the vehicle is in the custody of the towing company. Such storage facility shall be the premises listed on the license of the towing company responding to the police department's direction to remove a vehicle or the premises approved by the commissioner for use by such towing company. Such premises shall be owned, operated or controlled by such towing company and shall not be used by any other towing company. The police department shall expeditiously make every reasonable effort to notify the owner and the national automobile theft bureau or the insurer, if any, of any vehicle that is suspected of having been stolen or abandoned of the vehicle's location and the procedure for retrieval. During the period commencing on the eighth day after the vehicle is removed to such storage facility and ending on the thirtieth day after such removal, such towing company shall transfer any vehicle which has not been claimed into the custody of the police department property clerk.

3. No tow truck operator shall knowingly remove a vehicle suspected of having been stolen or abandoned or an evidence vehicle without authorization by the police department. No tow truck operator shall knowingly remove a vehicle blocking a private driveway subject to removal pursuant to section 19-169 [of the code] except as authorized in such section. No tow truck operator shall knowingly remove a vehicle with certain alarm devices subject to removal pursuant to section [24-221 of the code] 24-240 except as authorized in such section. *No tow truck operator shall knowingly remove a vehicle parked in violation of subdivision 1 of section 402 of the vehicle and traffic law or subdivision (j) of section 4-08 of title 34 of the rules of the city of New York or a successor provision pursuant to section 19-169.3 except as authorized in such sections.*

§ 5. Paragraphs 1 and 2 of subdivision c of section 20-519 of the administrative code of the city of New York, as amended by local law number 41 for the year 2011 and as amended by local law number 110 for the year 1993, respectively, are amended to read as follows:

1. Notwithstanding any other provision of law, the towing company shall be entitled to charge the owner or other person claiming a vehicle that is suspected of having been stolen or abandoned or a vehicle with certain alarm devices subject to removal pursuant to section [24-221 of the code] 24-240 *or a vehicle parked in violation of subdivision 1 of section 402 of the vehicle and traffic law or subdivision (j) of section 4-08 of title 34 of the rules of the city of New York or a successor provision which is subject to removal pursuant to section 19-169.3* which was directed to be towed by the police department pursuant to this section and which is claimed before the end of the thirtieth day after such vehicle is removed by such towing company amounts not in excess of the following: one hundred twenty-five dollars for the towing of a vehicle registered at a weight of ten thousand pounds or less; one hundred and forty dollars for the towing of a vehicle registered at a weight of more than ten thousand pounds; twenty-five dollars per day for the first three days and twenty-seven dollars for the fourth day of storage and each day thereafter. Upon the transfer of an unclaimed vehicle into the custody of the police department property clerk, the towing company shall be entitled to charge the police department amounts not in excess of the following: sixty dollars plus tolls for the towing of a vehicle suspected of having been stolen or abandoned, a vehicle that was blocking a private driveway and was removed pursuant to section 19-169 of the code, [or] a vehicle with certain alarm devices that was removed pursuant to section [24-221 of the code] 24-240, *or a vehicle that was parked in violation of subdivision 1 of section 402 of the vehicle and traffic law or subdivision (j) of section 4-08 of title 34 of the rules of the city of New York or a successor provision and was removed pursuant to section 19-169.3* to a storage facility and subsequent transfer of such vehicle into the custody of such property clerk during the period of time specified in paragraph one of subdivision b of this section; five dollars per day for the first three days of storage of such vehicle and eight dollars for the fourth day of storage and each day thereafter, provided that in no event shall any towing company be entitled to charge the police department for storage charges incurred after the tenth day of storage. The towing company shall be entitled to charge the police department an amount not in excess of sixty dollars plus tolls for the towing of an evidence vehicle to a location designated by a police officer.

2. The police department shall be entitled to charge an owner or other person who claims a vehicle that is suspected of having been stolen or abandoned, a vehicle that was blocking a private driveway and was removed pursuant section 19-169 [of the code], [or] a vehicle with certain alarm devices that was removed pursuant to section [24-221 of the code] 24-240, *or a vehicle that was parked in violation of subdivision 1 of section 402 of the vehicle and traffic law or subdivision (j) of section 4-08 of title 34 of the rules of the city of New York or a successor provision and was removal pursuant to section 19-169.3* which is in the custody of the police

department property clerk the charges for towing and storage permitted to be charged by the towing company pursuant to paragraph one of this subdivision, plus tolls, in addition to the fees for storage with the police department property clerk provided by subdivision i of section 14-140 [of the code]. No vehicle which is in the custody of the police department property clerk which had blocked a private driveway and was removed pursuant to section 19-169 [of the code], *or which was parked in violation of subdivision 1 of section 402 of the vehicle and traffic law or subdivision (j) of section 4-08 of title 34 of the rules of the city of New York or a successor provision and was removed pursuant to section 19-169.3* shall be released to the owner or other person claiming such vehicle unless such owner or other person shall, in addition to paying such charges to the police department property clerk as provided for in this subdivision, present to such property clerk a receipt from the towing company which removed the vehicle indicating payment to such company of the following amount: the charges for towing and storage which would have been due to the towing company pursuant to paragraph eight of subdivision c of section 19-169 [of the code] *or subdivision b of section 19-169.3* had such owner or other person claimed the vehicle from such towing company less the amount paid to the police department for the towing and storage of such vehicle by such company.

§ 6. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 858

By Council Members Stevens, Brannan and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of small business services to expand the business pathways program**

*Be it enacted by the Council as follows:*

Section 1. Chapter 10 of title 22 of the administrative code of the city of New York is amended by adding a new section 22-1007 to read as follows:

§ 22-1007 *Small business pathways. a. Definitions. For the purposes of this section the following terms have the following meanings:*

*Business pathways program. The term “business pathways program” means the training and entrepreneurship development program administered by the department of small business services to provide customized training and resources to help public housing residents start their own businesses.*

*Creative fields. The term “creative fields” means recognized fields of artistic or creative endeavor and includes, but is not limited to, music, writing, acting and the graphic arts.*

*Public housing resident. The term “public housing resident” means an individual 18 years of age or older who resides in public housing operated by the New York city housing authority.*

*b. The department shall develop, coordinate and administer, in consultation with the office of resident economic empowerment and sustainability of the New York city housing authority where feasible, business pathways programs for residents in categories including, but not limited to, catering, childcare, creative fields, retail and cosmetology. The commissioner may offer additional business pathways programs at their discretion.*

*c. The business pathways programs shall be offered free-of-charge. Such programs shall include, but not be limited to, the following benefits to assist residents in formalizing their businesses:*

- 1. A professional business education course;*
- 2. Mentorship and professional coaching opportunities;*
- 3. Support in obtaining the licenses needed to grow a business, as required by field;*
- 4. Guidance on business operations, marketing, and financial structures;*
- 5. Funding to complete any required health and safety trainings;*
- 6. One-on-one support to complete provider applications, as required in each field; and*

7. *A one-on-one matching program to provide help in securing commercial space, if required for the business type.*

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

Referred to the Committee on Small Business.

Preconsidered L.U. No. 70

By Council Member Brannan:

**West 107th Street.HUDMF.FY24: Block 1842, Lot 42, Manhattan, Community District 7, Council District 7.**

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

Preconsidered L.U. No. 71

By Council Member Brannan:

**68-19 Woodhaven Boulevard: Block 3148, Lot 2, Queens, Community District 6, Council District 30.**

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

Preconsidered L.U. No. 72

By Council Member Brannan:

**Cadman Towers: Block 232, Lot 1; Block 238, Lot 35, Brooklyn, Community District 2, Council District 33.**

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

Preconsidered L.U. No. 73

By Council Member Brannan:

**570 Washington Street: Block 596, Lot 1103, Manhattan, Community District 2, Council District 3.**

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

Preconsidered L.U. No. 74

By Council Member Salamanca:

**Application number N 220434 ZRM (15-21 West 124th Street) submitted by Harlem, 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 parking provisions of Article IX, Chapter 7 (Special 125th Street District), Borough of Manhattan, Community Districts 10 and 11, Council District 9.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

NEW YORK CITY COUNCIL

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

**Friday, April 19, 2024**

Committee on Governmental Operations,  
State & Federal Legislation

Lincoln Restler, Chairperson

**Oversight** - New York City Lobbying Laws and Reform.

**Int 76** - By Council Members Restler, Won, Gutiérrez, Yeager, De La Rosa, Ossé, Holden, Krishnan, Sanchez, Avilés, Hanif, Hudson and Brewer - **A Local Law** to amend the New York city charter, in relation to post-employment activities of former elected officials.

**Int 77** - By Council Members Restler, Won, Gutiérrez, Yeager, De La Rosa, Ossé, Holden, Krishnan, Sanchez, Williams, Avilés, Hanif, Hudson and Brewer - **A Local Law** to amend the New York city charter, in relation to post-employment activities of certain former public servants.

**Int 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.

Committee Room – City Hall.....10:00 a.m.

Committee on Public Housing

Chris Banks, Chairperson

**Oversight** - RAD/PACT Conversions: Smoothing Transitions and Providing Clarity.

**Int 110** - By Council Members Avilés, Louis, Cabán, Restler, Won, Hanif, Ossé, Ayala, Nurse, De La Rosa, Farías, Hudson, Krishnan, Gutiérrez and Narcisse - **A Local Law** in relation to a report on the permanent affordability commitment together program.

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

**Wednesday, April 24, 2024**

Committee on Children and Youth

Althea V. Stevens, Chairperson

**Oversight** - Evaluating the Close to Home Program.

Committee Room – City Hall.....10:00 a.m.

Committee on Criminal Justice

Sandy Nurse, Chairperson

**Oversight** - Complaint and Grievance Procedures for People in Custody.

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

**Thursday, April 25, 2024**

Committee on Housing and Buildings

Pierina Ana Sanchez, Chairperson

**Oversight** - Building Integrity.

**Int 135** - By Council Members Brooks-Powers, Hanif, Hudson and Louis - **A Local Law** in relation to a study on structural loadbearing capacity of parking garages.

**Int 136** - By Council Members Brooks-Powers, Brewer, Hanif, Hudson and Louis - **A Local Law** to amend the administrative code of the city of New York, in relation to weight limits for parking structures.

**Int 170** - By Council Members Farías, Abreu and Louis - **A Local Law** to amend the administrative code of the city of New York, in relation to increased penalties for department of buildings violations issued to parking structures.

**Int 176** - By Council Members Feliz, Marte, Nurse, Abreu, Brewer, Hanif, Hudson and Louis - **A Local Law** to amend the administrative code of the city of New York, in relation to the creation of a boilerplate annual checklist for parking garage inspections prior to initial annual condition inspections.

**Int 231** - By Council Members Hudson, Hanif and Louis - **A Local Law** to amend the administrative code of the city of New York, in relation to increasing the frequency of parking structure inspections.

**Int 313** - By Council Members Moya, Louis, Schulman and Hudson - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring asbestos surveys and abatement after certain catastrophic events.

**Int 607** - By Council Members Krishnan, Avilés, Restler, Brewer, Gutiérrez, Schulman, Ossé, Rivera, Won, Sanchez, Bottcher, Ayala, Marte, Louis and Ung (in conjunction with the Brooklyn Borough President) - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring tenant relocation services to the same community district, a nearby community district, or the same borough.

**Int 608** - By Council Members Krishnan, Avilés, Restler, Brewer, Gutiérrez, Schulman, Ossé, Rivera, Won, Sanchez, Bottcher, Ayala, Marte, Louis and Ung (in conjunction with the Brooklyn Borough President) - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of housing preservation and development to increase tenant relocation services in the event of a vacate order.

**Int 609** - By Council Members Krishnan, Avilés, Restler, Brewer, Gutiérrez, Schulman, Ossé, Rivera, Won, Sanchez, Bottcher, Ayala, Marte and Louis (in conjunction with the Brooklyn Borough President) - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of housing preservation and development to report on the special repair fund.

Committee Room – City Hall.....10:00 a.m.

Committee on Technology

Jennifer Gutiérrez, Chairperson

**Oversight – 311**

**Int 131** - By Council Members Brewer, Louis and Restler - **A Local Law** to amend the administrative code of the city of New York, in relation to adding a 311 complaint category for noise from sirens.

**Int 422** - By Council Members Rivera, Brewer and Louis - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the commissioner of information technology and telecommunications to create a separate 311 category for rooftop activity complaints and to report annually regarding such complaints, and to require the commissioner of buildings to report annually regarding certain rooftop spaces.

**Int 461** - By Council Members Ung, Lee, Menin, Louis and Restler - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring human translation of the 311 app.

**Int 485** - By Council Members Won, Gutiérrez, Menin, Brewer, Hanif, Ung, Louis and Restler - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the 311 customer service center to provide assistance relating to affordable internet programs.

**Int 582** - By Council Members Dinowitz, Louis and Restler - **A Local Law** to amend the administrative code of the city of New York, in relation to creating a mobile application to support the efficient handling of 311 service requests by city employees.

**Int 583** - By Council Members Dinowitz, Hanif, Gennaro and Louis - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the 311 customer service center to provide live chat functionality.

**Int 584** - By Council Members Dinowitz, Hanif, Gennaro, Brewer, Louis and Menin - **A Local Law** to amend the administrative code of the city of New York, in relation to providing an estimated wait time to 311 call center customers.

**Int 588** - By Council Members Dinowitz, Louis, Riley, Joseph, Brewer, Ung, Sanchez and Menin - **A Local Law** to amend the administrative code of the city of New York, in relation to 311 transmitting image and video data for service requests or complaints.

**Int 589** - By Council Members Dinowitz, Williams, Hanif, Gennaro, Menin and Restler - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring that 311 allow persons to request snow and ice removal on pedestrian bridges and that those reports be routed to the appropriate agency.

**Int 602** - By Council Members Holden, Yeger, Ariola, Paladino and Vernikov - **A Local Law** to amend the administrative code of the city of New York, in relation to reports of illegal towing to 311.

**Int 626** - By Council Members Powers, Dinowitz and Louis - **A Local Law** to amend the administrative code of the city of New York, in relation to the use of global positioning system coordinates for 311 complaints and service requests.

**Int 634** - By the Public Advocate (Mr. Williams) and Council Member Louis - A Local Law to amend the administrative code of the city of New York, in relation to 311 transmitting image and video data for housing service requests or complaints.

**Int 640** - By the Public Advocate (Mr. Williams) and Council Members Dinowitz, Hanif, Brewer and Louis - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the 311 customer service center to accept requests for service and complaints using video call functionality.

**Int 673** - By Council Members De La Rosa, Restler, Cabán, Hanif, Gennaro, Gutiérrez, Brewer, Ayala, Ossé, Louis and Marte - **A Local Law** to amend the administrative code of the city of New York, in relation to adding a 311 complaint category for dog runs.

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

[Committee on Civil Service and Labor](#) jointly with the  
[Committee on Women and Gender Equity](#) and the  
[Committee on Civil & Human Rights](#)

Carmen De La Rosa, Chairperson  
Farah N. Louis, Chairperson  
Nantasha Williams, Chairperson

**Oversight** - Pay Disparities in the Municipal Workforce.

**Int 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.

**Int 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.

**Int 809** - By Council Member De La Rosa - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the commissioner of citywide administrative services to report on the administration of promotion examinations.

**Proposed Res 306-A** - By Council Member De La Rosa - **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, or to examinees who have earned a degree or certificate from the City University of New York, or a similarly accredited institution.

Council Chambers – City Hall.....1:00 p.m.

**Friday, April 26, 2024**

[Committee on Environmental Protection,](#)  
[Resiliency and Waterfronts](#)

James F. Gennaro, Chairperson

**Oversight** - Flooding and Stormwater Infrastructure.

**Int 814** - By Council Members Gennaro, Louis and Nurse - **A Local Law** to amend the administrative code of the city of New York, in relation to updating stormwater management plans and reports.

**Int 815** - By Council Members Gennaro, Brannan and Nurse - **A Local Law** to amend the administrative code of the city of New York and the New York city building code, in relation to the creation of an inland flood hazard area map, climate adaptation planning, and resilient construction for inland areas.

**Proposed Res 144-A** - By Council Members Menin, Gennaro, Ariola, Brannan, Schulman and Won - **Resolution** calling upon the New York State Environment Facilities Corporation to remove restrictive barriers and uncap funds New York City can receive for water infrastructure upgrades.

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

**Wednesday, May 1, 2024**

Committee on Public Safety

Yusef Salaam, Chairperson

**Oversight** - Efforts to Evaluate and Remediate Wrongful Conviction Claims.

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

Committee on Sanitation and Solid Waste Management

Shaun Abreu, Chairperson

**Oversight** - Street Cleanliness

**Int 3** - By Council Members Abreu, Lee, Williams, Nurse, Brooks-Powers, Restler, Stevens, Gennaro, Gutiérrez, Hudson, Bottcher, Ung, Zhuang, Louis, Brewer, Yeger, Avilés and Schulman - **A Local Law** to amend the administrative code of the city of New York, in relation to removal of abandoned or derelict vehicles.

**Int 52** - By Council Members Moya, Bottcher, Hanif, Louis and Avilés - **A Local Law** to amend the administrative code of the city of New York, in relation to a street cleanliness grading system.

**Int 102** - By Council Members Yeger, Louis, Holden, Restler, Stevens, Vernikov, Marmorato, Carr, Paladino, Borelli and Ariola - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring that notices of violation issued by the department of sanitation be accompanied by a photograph of the alleged violation.

**Int 281** - By Council Members Menin, Brewer, Louis, Avilés, Gennaro, Schulman and Hudson - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of sanitation to install and fill dog waste bag dispensers on public litter baskets.

**Res 174** - By Council Members Nurse, Gutiérrez, Krishnan, Hanif, Gennaro and Abreu (in conjunction with the Brooklyn Borough President) - **Resolution** calling upon the New York State Legislature to pass, and the Governor to sign, S.237-B, legislation to amend the Environmental Conservation Law, in relation to returnable bottles.

Committee Room – City Hall.....10:00 a.m.

Committee on Governmental Operations,  
State & Federal Legislation

Lincoln Restler, Chairperson

**Oversight** - Elected Official Agency Engagement Request Form.

Committee Room – City Hall.....1:00 p.m.

**Thursday, May 2, 2024**

Committee on Oversight and Investigations

Gale A. Brewer, Chairperson

**Oversight** – The Department of Investigation’s Oversight of NYC’s Marshals.

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

**Friday, May 3, 2024**

Committee on General Welfare

Diana I. Ayala, Chairperson

**Oversight** - Hunger and Food Insecurity in New York City.

**Int 28** - By Council Members Farías, Louis, Gutiérrez and Dinowitz - **A Local Law** to amend the administrative code of the city of New York, in relation to establishing a system to obtain employment and income information from a third-party for the city’s use in making determinations for benefits and services eligibility.

**Res 25** - By Council Members Schulman, Louis, Brooks-Powers, Gutiérrez, Hudson, Hanif and Ung - **Resolution** calling on Congress to pass, and the President to sign, S.2258/H.R.3519, the “Hot Foods Act of 2023,” to permit Supplemental Nutrition Assistance Program benefits to be used to purchase additional types of food items, particularly hot foods.



**Proposed Res 50-A** - By Council Members Avilés, De La Rosa, Bottcher, Yeger, Brewer, Hanif, Ung, Nurse, Louis, Abreu, Ayala, Cabán, Gennaro, Sanchez, Ossé, Rivera, Hanks, Williams, Menin and Marte - **Resolution** calling upon the United States Congress to pass and the President to sign H.R. 3899, the American Family Act, which would expand the Child Tax Credit.

**Res 227** - By Council Members Brewer and Louis - **Resolution** calling on Congress to pass, and the President to sign, a renewed Farm Bill that increases funding for life-saving food aid.

**Res 237** - By Council Members Dinowitz, Hanif and Louis - **Resolution** calling on Congress to pass, and the President to sign, S.1488/H.R.3183, the “Enhance Access to SNAP Act of 2023” (EATS Act of 2023), to remove certain eligibility disqualifications that restrict otherwise eligible students from participating in the Supplemental Nutrition Assistance Program.

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

**Wednesday, May 8, 2024**

Subcommittee on Zoning & Franchises

Kevin C. Riley, Chairperson

**See Land Use Calendar**

Committee Room – 250 Broadway, 14th Floor..... 11:00 a.m.

Subcommittee on Landmarks, Public Sitings and Dispositions

Kamillah Hanks, Chairperson

**See Land Use Calendar**

Committee Room – 250 Broadway, 14th Floor..... 12:00 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, 14th Floor..... 12:30 p.m.

**Thursday, May 16, 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 41-year-old Sarah McNally who was known as a beloved bartender in her community of Maspeth, Queens. She noted that Ms. McNally was killed at her workplace in Council Member Holden's district earlier in the month. On behalf of the Council, the Speaker (Council Member Adams) offered her thoughts and condolences to Ms. McNally's loved ones and to the Maspeth community during this difficult time. In the wake of this tragedy, the Speaker (Council Member Adams) noted that Workers Memorial Day on April 28<sup>th</sup> and Building Safety Month during the month of May were observed to raise awareness about the importance of workplace safety. She reiterated the need to advance stronger protections to the city's workers to ensure their safety while on the job.

The Speaker (Council Member Adams) acknowledged the start of Passover on the previous Monday evening. She noted this holiday's emphasis on reflecting on history and on the importance of passing on its lessons to future generations. She spoke of the model Passover *seder* held by the Council's Jewish Caucus which was co-hosted with community partners and Holocaust survivors and she thanked those who had made the event a success. On behalf of the Council, the Speaker (Council Member Adams) wished a peaceful and joyous Passover to the city's Jewish families and invoked the greeting of *Chag Pesach kasher vesame'ach* to all celebrating.

The Speaker (Council Member Adams) acknowledged that April 24<sup>th</sup> marks Denim Day which the Council had traditionally observed and participated in. She noted that Denim Day was committed to supporting the survivors of sexual violence and in increasing public awareness about this important issue. The Speaker (Council Member Adams) pointed out that this was a day of action to support the collective solidarity of survivors around the world and to support those survivors with the trauma informed care and recovery that they needed.

The Speaker (Council Member Adams) acknowledged the presence of members of the Youth Journalism Coalition who were attending the meeting in the balcony of the Council Chambers. She welcomed them to the People's House of City Hall and thanked them for their help in diversifying newsrooms and advancing journalism in the city and beyond. Those assembled in the Chambers applauded in appreciation.

\* \* \*

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, May 16, 2024.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

*Editor's Note:* For the transcript of these proceedings, please refer to the respective attachment section of items introduced or adopted at this Stated Meeting of Thursday, April 18, 2024 on the New York City Council website at <https://council.nyc.gov>.

*Editor's Local Law Note:* Int. Nos. 45-A, 228-A, and 349, all adopted at the March 19, 2024 Stated Meeting, were returned unsigned by the Mayor on April 19, 2024. These items had become law on April 18, 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. 57 to 59 of 2024, respectively.