

## THE COUNCIL

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*Minutes of the Proceedings for the*

### STATED MEETING

*of*

Thursday, January 23, 2020, 2:03 p.m.

*The Majority Leader (Council Member Cumbo)*

*presiding as the Acting President Pro Tempore*

### Council Members

Corey D. Johnson, *Speaker*

Adrienne E. Adams	Vanessa L. Gibson	Bill Perkins
Alicia Ampry-Samuel	Mark Gjonaj	Keith Powers
Diana Ayala	Barry S. Grodenchik	Antonio Reynoso
Inez D. Barron	Robert F. Holden	Donovan J. Richards
Joseph C. Borelli	Ben Kallos	Carlina Rivera
Justin L. Brannan	Andy L. King	Ydanis A. Rodriguez
Fernando Cabrera	Peter A. Koo	Helen K. Rosenthal
Margaret S. Chin	Karen Koslowitz	Ritchie J. Torres
Andrew Cohen	Rory I. Lancman	Mark Treyger
Costa G. Constantinides	Stephen T. Levin	Eric A. Ulrich
Robert E. Cornegy, Jr	Mark D. Levine	Paul A. Vallone
Laurie A. Cumbo	Farah N. Louis	James G. Van Bramer
Chaim M. Deutsch	Alan N. Maisel	Kalman Yeger
Ruben Diaz, Sr.	Steven Matteo	
Daniel Dromm	Carlos Menchaca	
Rafael L. Espinal, Jr	I. Daneek Miller	
Mathieu Eugene	Francisco P. Moya	

Absent: Council Member Lander and Salamanca.

Medical Leave: Council Member Rose.

The Majority Leader (Council Member Cumbo) 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 Acting President Pro Tempore (Council Member Cumbo).

*There were 48 Council Members marked present at this Stated Meeting held in the Council Chambers of City Hall, New York, N.Y.*

### INVOCATION

The Invocation was delivered by Reverend Dr. Toshikazu Kenjitsu Nakagaki, spiritual leader of the Buddhist Council of New York located at 376 Broadway, New York, N.Y. 10013.

So first please stand with both your feet steady.  
Let me read the meditation.

Relax your body.  
Close your eyes lightly.  
Breathe out and then slowly breathe in.  
As you exhale, let go of your worries, fear, anger, and grief.  
Then as you inhale let love, light, life, and luck come to you.  
As we celebrate the Lunar New Year this weekend,  
let us remember that we that we must keep our mind and spirit  
wholesome and fresh always.  
When our mind is good  
our words and actions will become good.  
This is the year 2020,  
which is two-zero-two-zero,  
peace circle, peace circle.  
So let us practice peace and let the circle of peace  
expand, filling our society with love, lights, life, and luck.

As a Hiroshima Peace Ambassador and Nagasaki Peace Correspondent,  
I would like to remind you that this year  
marks the 75th anniversary of [the] Hiroshima and Nagasaki bombings,  
which were the result of inhumane weapons of mass destruction,  
created here in New York City during the Manhattan Project.  
I sincerely hope and pray that through our actions and words  
we as New Yorkers can start a new Manhattan Project of peace from New York  
this year of double peace circles.

*[speaking in foreign language]*

Amen.

And thank you very much,  
and peace to you all,  
and Happy New Year to you all.

Thank you.

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

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) asked for a Moment of Silence in memory of the following individuals:

The Speaker (Council Member Johnson) acknowledged that four more first responders died of 9/11-related illnesses: retired NYPD Sergeant James P. Bast died of 9/11-related cancer at the age of 49 on January 14, 2020; NYPD Detective Maureen M. O'Flaherty died of 9/11-related cancer at age 57 on November 28, 2019; Alfred Clay Ludlum III, who served with the National Guard and had gone down to Ground Zero on September 11<sup>th</sup> following the attacks, died at the age of 51 on December 23, 2019; and Richard Edward Hanrohan, an EMT who served down at Ground Zero, died at the age of 59 on January 13, 2020.

At this point, a Moment of Silence was observed in the Chambers.

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### ADOPTION OF MINUTES

Council Member Brannan moved that the Minutes of the Stated Meeting of December 10, 2019 be adopted as printed by **Council Member Brannan**.

### MESSAGES & PAPERS FROM THE MAYOR

M-205

**Communication from the Mayor - Submitting Preliminary certificate setting forth the maximum amount of debt and reserves which the City, and the NYC Municipal Water Finance Authority, may soundly incur for capital projects for Fiscal Year 2021 and the ensuing three fiscal years, and the maximum amount of appropriations and expenditures for capital projects which may soundly be made during each fiscal year, pursuant to Section 250 (16) of the NY City Charter.**

January 16, 2020

Honorable Members of the Council

Honorable Scott M. Stringer, Comptroller  
 Honorable Ruben Diaz, Jr., Bronx Borough President  
 Honorable Eric L. Adams, Brooklyn Borough President  
 Honorable Gale A. Brewer, Manhattan Borough President  
 Honorable Sharon Lee, Acting Queens Borough President  
 Honorable James S. Oddo, Staten Island Borough President

Honorable Members of the City Planning Commission

Ladies and Gentlemen:

I hereby certify on a preliminary basis that, as of this date, in my opinion, the City of New York (the "City"), the New York City Municipal Water Finance Authority and the New York City Transitional Finance

Authority may soundly issue debt and expend reserves to finance total capital expenditures of the City for fiscal year 2021 and the ensuing three fiscal years, in maximum annual amounts as set forth below:

2021	\$10,398 Million
2022	11,801 Million
2023	13,085 Million
2024	13,606 Million

Certain capital expenditures are herein assumed to be financed from the proceeds of sale of bonds by the City and the New York City Transitional Finance Authority. Amounts of expenditures to be so financed have been included in the total amounts listed above and are estimated to be as follows in fiscal years 2021 — 2024:

2021	\$8,436 Million
2022	9,868 Million
2023	11,203 Million
2024	11,635 Million

Certain water and sewer capital expenditures are herein assumed to be financed from the proceeds of the sale of bonds by the New York City Municipal Water Finance Authority. Amounts of expenditures to be so financed have been included in the total amounts listed in the first paragraph hereof and are estimated to be as follows in fiscal years 2021 — 2024:

2021	\$1,962 Million
2022	1,933 Million
2023	1,882 Million
2024	1,970 Million

I further certify on a preliminary basis that, as of this date, in my opinion, the City may newly appropriate in the Capital Budget for fiscal year 2021, and may include in the capital program for the ensuing three fiscal years, amounts to be funded by City debt, New York City Transitional Finance Authority debt or, with respect to water and sewer projects, debt of the New York City Municipal Water Finance Authority, not to exceed the following:

2021	\$9,785 Million
2022	13,713 Million
2023	14,361 Million
2024	15,105 Million

Sincerely,

Bill de Blasio Mayor

Received, Ordered, Printed and Filed.

M-206

**Communication from the Mayor - Submitting the name of Aloysee Heredia Jarmoszuk to the Council for its advice and consent regarding her appointment as a member and chair to the New York City Taxi and Limousine Commission, pursuant to Sections 31 and 2301 of the City Charter.**

January 17, 2020

The Honorable Corey Johnson  
Speaker  
New York City Council  
City Hall  
New York, NY 10007

Dear Speaker Johnson:

Pursuant to Sections 31 and 2301 of the New York City Charter, I am pleased to present the name of Aloysee Heredia Jarmoszuk to the City Council for advice and consent in anticipation of her appointment as a member and chair to the New York City Taxi and Limousine Commission. If appointed, Ms. Heredia Jarmoszuk will serve the remainder of a seven-year term that will expire on January 31, 2024.

I send my thanks to you and all Council members for reviewing this Taxi and Limousine Commission appointment.

Sincerely,

Bill de Blasio  
Mayor

BDB:ta

cc: Aloysee Heredia Jarmoszuk  
Laura Anglin, Deputy Mayor for Operations  
Yume Kitasei, Director, Mayor's Office of City Legislative Affairs

Referred to the Committee on Rules, Privileges and Elections.

**LAND USE CALL-UPS**

M-207

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

**Pursuant to Sections 11.20(b-d) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on related Application No. C 200061(A) ZSM (GO Broome Street Development) shall be subject to Council review. This item is related to Application Nos. C 200064 ZMM and N 200065 ZRM.**

Coupled on Call-Up Vote.

M-208

By Council Member Chin:

**Pursuant to Rule 11.20(b) of the Council and Section 197-d(b)(3) of the New York City Charter, the Council resolves that the action City Planning Commission on Application No. C 190265 ZSM (503 Broadway) shall be subject to Council review.**

Coupled on Call-Up Vote.

M-209

By Council Member Gibson:

**Pursuant to Rule 11.20(b) of the Council and Section 197-d(b)(3) of the New York City Charter, the Council resolves that the action City Planning Commission on Application No. C 190508 MMX (Bridge Park South Mapping) shall be subject to Council review.**

Coupled on Call-Up Vote.

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

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lancman, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rosenthal, Torres, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **47**.

**Present but Not Voting (PNV)** – King – **1**.

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

## REPORTS OF STANDING COMMITTEES

### Report of the Committee on Civil Service and Labor

Report for Int. No. 1785

#### **Report of the Committee on Civil Service and Labor in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to health insurance coverage for the surviving family members of certain deceased employees of the city of New York.**

The Committee on Civil Service and Labor, to which the annexed proposed local law was referred on October 30, 2019 (Minutes, page 3623), respectfully

### REPORTS:

#### **INTRODUCTION**

On January 21, 2020, the Committee on Civil Service and Labor, chaired by Council Member I. Daneek Miller, held a hearing to vote on Int. No. 1785. Int. No. 1785, sponsored by Council Member Miller and introduced by request of the Mayor, is a local law in relation to health insurance coverage for the surviving family members of certain deceased employees of the city of New York. A previous hearing on this bill was held on December 17, 2019. Witnesses that testified at this previous hearing on this bill included representatives from the New York City (“NYC” or “City”) Office of Labor Relations.

On January 21, 2020, the Committee passed Int. No. 1785 by a vote of four in the affirmative, zero in the negative, with zero abstentions.

#### **BACKGROUND**

On September 11, 2019, Governor Andrew Cuomo signed into law legislation that allows first responders and public sector officers and employees who developed a health condition as a result of their response to 9/11 rescue, recovery, and clean-up efforts at the World Trade center sites to receive pension and health benefits related to their condition.<sup>1</sup> Additionally, on the City level, these impacted municipal employees can access workers’ compensation benefits for 9/11 related health conditions.<sup>2</sup> However, despite these steps taken to care for the City’s first responders, public sector officers, and 9/11 volunteers, these benefits do not currently extend to the family of any employee who passes away related to such health conditions.

Generally, when New York City municipal employees pass away in the course of duty, local law allows for the City to extend health insurance coverage to the surviving family members of the former employee.<sup>3</sup> At this time, the law allows specifically for the “surviving spouses, domestic partners and children” of police officers, firefighters, and other uniformed employees, such as Department of Sanitation workers, to benefit from this policy.<sup>4</sup> The City has historically extended this health insurance coverage to the surviving family members of deceased uniformed municipal employees at the discretion of the Mayor and specifically by adding provisions to the local law that award these benefits to individual city employees who have passed away in the course of

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<sup>1</sup> *Governor Cuomo Signs Legislation to Deliver Pension and Health Benefits to 9/11 First Responders, Volunteers and Workers*, New York State, Sept. 11, 2019, available at <https://www.governor.ny.gov/news/governor-cuomo-signs-legislation-deliver-pension-and-health-benefits-911-first-responders>.

<sup>2</sup> *Workers’ Compensation and Pension Benefits, NYC 9/11 Health*, available at <https://www1.nyc.gov/site/911health/enrollees/workers-compensation-and-pensions-benefits.page>.

<sup>3</sup> See NYC Admin. Code § 12-126(2).

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

duty.<sup>5</sup> Municipal employees who are not uniformed do not have this benefit extended to them or their family members.

Int. No. 1785 would extend this benefit not only to the surviving family members of municipal employees who have passed away due to 9/11 related health conditions, but also to any City employee who has passed away over the course of duty.

### **ANALYSIS OF INT. NO. 1785**

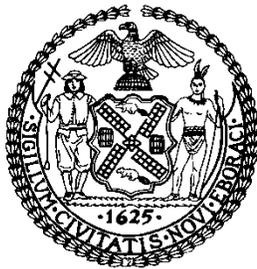
Int. No. 1785 would extend health insurance coverage to surviving family members of deceased municipal employees who died as a natural or proximate result of an accident or injury sustained while performing duties for the city or who died because of a condition as related to the World Trade Center. The bill amends previous language that only allowed these survivorship benefits to pass to the surviving spouses, domestic partners, and children of police officers and firefighters specifically.

This bill would take effect immediately, provided that the health insurance coverage will be provided to the surviving spouse or domestic partner and children of any city employee who died prior to the effective date of this bill.

### **UPDATE**

On January 21, 2020, the Committee passed Int. No. 1785 by a vote of four in the affirmative, zero in the negative, with zero abstentions.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1785:)**



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
LATONIA MCKINNEY, DIRECTOR  
FISCAL IMPACT STATEMENT**

**INTRO. NO: 1785**

**COMMITTEE: Civil Service and Labor**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to health insurance coverage for the surviving family members of certain deceased employees of the city of New York.

**SPONSOR(S):** Council Members Miller, Kallos, Yeger, Ayala, (by request of the Mayor).

**SUMMARY OF LEGISLATION:** This legislation would extend health insurance coverage to surviving spouses, domestic partners, and children of city employees who have passed away due to 9/11 related health conditions or who have passed away over the course of duty. Survivorship benefits are currently only available for the surviving spouses, domestic partners, and children of police officers and firefighters. Surviving children will be eligible for health insurance until age nineteen, unless that child is enrolled on a full-time basis in an undergraduate institution until graduation or reaching age 26, whichever comes first.

<sup>5</sup> See NYC Admin. Code § 12-126(2)(i).

**EFFECTIVE DATE:** This local law would take effect immediately, with coverage applying prospectively for the surviving spouse, domestic partner, and children of any employee who died prior to the effective date of this local law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2021

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY21</b>	<b>Full Fiscal Impact FY21</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$511,232	\$1,343,195	\$1,343,195
<b>Net</b>	(\$511,232)	(\$1,343,195)	(\$1,343,195)

**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 this legislation would impact expenditures in the amount of \$511,232 in the current fiscal year, to provide health insurance coverage to surviving family members of deceased employees who have been approved for accidental death pensions by New York City Employees' Retirement System (NYCERS). This represents the combined City contribution for individual and family insurance coverage on the GHI Emblem Health (GHI) health insurance plan for the remaining 5 months of Fiscal 2020. Assuming there have been 70 NYCERS-approved accidental death pensions translates to roughly 3.7 deaths per year, since 2001. Thus the succeeding fiscal year assumes health insurance contributions for the surviving family of roughly 74 employees, resulting in a total expenditure of roughly \$1.3 million for the full fiscal year. It is unknown how many of the 4,785 eligible employees will become deceased in a given year, nor is data available on the age of their surviving family members, if any. Thus, the full fiscal impact could be 20 to 40 years from now. For purposes of this fiscal impact statement, it is assumed that 60 percent of the deceased employees will have a family size of 2 or more (i.e. a spouse plus one or more children), implying a city contribution of the family rate for GHI. Likewise, it is assumed that 40 percent of the deceased employees will have a family size of 1 (i.e. one spouse, or one child), implying a city contribution of the individual rate for GHI.

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

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

**ESTIMATE PREPARED BY:** Kendall Stephenson, Senior Economist, Finance Division

**ESTIMATE REVIEWED BY:** Raymond Majewski, Chief Economist/Deputy Director, Finance Division  
Stephanie Ruiz, Assistant Council, Finance Division

**LEGISLATIVE HISTORY:** Intro. No. 1785 was introduced to the Council on October 30, 2019, and was referred to the Committee on Civil Service and Labor (the Committee). The legislation was heard by the Committee at a hearing, jointly held with the Committee on Women and Gender Equity, on December 17, 2019, and the legislation was laid over. The Committee will consider Intro. No. 1795 at a hearing on January 21, 2020. Upon a successful vote by the Committee, Intro. No. 1795 will be submitted to the full Council for a vote on January 23, 2020.

**DATE PREPARED:** January 17, 2020.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Int. No. 1785:)**

Int. No. 1785

By Council Members Miller, Kallos, Yeger, Ayala, Louis, Barron and Rivera (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to health insurance coverage for the surviving family members of certain deceased employees of the city of New York**

*Be it enacted by the Council as follows:*

Section 1. The heading and subparagraph (i) of paragraph (2) of subdivision b of section 12-126 of the administrative code of the city of New York, the heading as amended by local law number 22 for the year 2007 and subparagraph (i) as amended by local law number 122 for the year 2018, are amended to read as follows:

(2) Health insurance coverage for surviving spouses, domestic partners and children of [police officers, firefighters and] certain [other] city employees:

(i) Where the death of a [member of the uniformed forces of the police or fire departments] *city employee* is or was the natural and proximate result of an accident or injury sustained while in the performance of duty, *or where accidental death benefits have been awarded in connection with a qualifying World Trade Center condition as defined in paragraph (a) of subdivision 36 of section 2 of the retirement and social security law*, the surviving spouse or domestic partner, until he or she dies, and the children under the age of nineteen years and any such child who is enrolled on a full-time basis in a program of undergraduate study in an accredited degree-granting institution of higher education until such child completes his or her educational program or reaches the age of twenty-six years, whichever comes first, shall be afforded the right to health insurance coverage, and health insurance coverage which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act, as is provided for city employees, city retirees and their dependents as set forth in paragraph one of this subdivision. [Where the death of a uniformed member of the correction or sanitation departments has occurred while such employee was in active service as the natural and proximate result of an accident or injury sustained while in the performance of duty, the surviving spouse or domestic partner, until he or she dies, and the child of such employee who is under the age of nineteen years and any such child who is enrolled on a full-time basis in a program of undergraduate study in an accredited degree-granting institution of higher education until such child completes his or her educational program or reaches the age of twenty-six years, whichever comes first, shall be afforded the right to health insurance coverage, and health insurance coverage which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act, as is provided for city employees, city retirees and their dependents as set forth in paragraph one of this subdivision. Where the death of an employee of the fire department of the city of New York who was serving in a title whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law), or whose duties required the direct supervision of employees whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law) is or was the natural and proximate result of an accident or injury sustained while in the performance of duty on or after September eleventh, two thousand one, the surviving spouse or domestic partner, until he or she dies, and the children under the age of nineteen years and any such child who is enrolled on a full-time basis in a program of undergraduate study in an accredited degree-granting institution of higher education until such child completes his or her educational program or reaches the age of twenty-six years, whichever comes first, shall be afforded the right to health insurance coverage, and health insurance coverage which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act, as is provided for city employees, city retirees and their dependents as set forth in paragraph one of this subdivision.

The mayor may, in his or her discretion, authorize the provision of such health insurance coverage for the surviving spouses, domestic partners and children of employees of the fleet services division of the police

department who died on or after October first, nineteen hundred ninety-eight and before April thirtieth, nineteen hundred ninety-nine; the surviving spouses, domestic partners and children of employees of the roadway repair and maintenance division or the bridges division of the department of transportation who died on or after September first, two thousand five and before September twenty-eighth, two thousand five, or on or after April 3, 2018 and before April 5, 2018; the surviving spouses, domestic partners and children of employees of the bureau of wastewater treatment of the department of environmental protection who died on or after January eighth, two thousand nine and before January tenth, two thousand nine or the surviving spouses, domestic partners and children of employees of the bureau of water supply of such agency who died on or after February second, two thousand fourteen and before February fourth, two thousand fourteen; the surviving spouses, domestic partners and children of employees of the traffic enforcement district of the transportation bureau of the police department who died on or after November first, two thousand thirteen and before December first, two thousand thirteen; and the surviving spouses, domestic partners and children of employees of the sanitation enforcement division of the department of sanitation who died on or after July twenty-eighth, two thousand fifteen and before July thirtieth, two thousand fifteen as a natural and proximate result of an accident or injury sustained while in the performance of duty, subject to the same terms, conditions and limitations set forth in the section.] Provided, however, and notwithstanding any other provision of law to the contrary, and solely for the purposes of this subparagraph, a member otherwise covered by this subparagraph shall be deemed to have died as the natural and proximate result of an accident or injury sustained while in the performance of duty upon which his or her membership is based, provided that such member was in active service upon which his or her membership is based at the time that such member was ordered to active duty pursuant to Title 10 of the United States Code, with the armed forces of the United States or to service in the uniformed services pursuant to Chapter 43 of Title 38 of the United States Code, and such member died while on active duty or service in the uniformed services on or after June fourteenth, two thousand five while serving on such active military duty or in the uniformed services. *For purposes of this subparagraph, "city employee" shall include employees of the board of education.*

§ 2. This local law is effective immediately; provided, however, that the health insurance coverage granted by section 1 of this local law shall be provided to the surviving spouse or domestic partner and children of any city employee who died prior to the effective date of this local law and shall commence prospectively on such effective date; and provided further that the amendments made to subparagraph (i) of paragraph (2) of subdivision b of section 12-126 of the administrative code of the city of New York shall not affect the continuation of health insurance coverage awarded prior to the effective date of this local law.

I. DANEEK MILLER, *Chairperson*; DANIEL DROMM; ADRIENNE E. ADAMS, FARAH N. LOUIS;  
Committee on Civil Service and Labor, January 21, 2020.

On motion of the Speaker (Council Member Johnson), 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 Consumer Affairs and Business Licensing

Report for Int. No. 1281-A

### Report of the Committee on Consumer Affairs and Business Licensing in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to prohibiting food stores and retail establishments from refusing to accept payment in cash.

The Committee on Consumer Affairs and Business Licensing, to which the annexed proposed amended local law was referred on November 28, 2018 (Minutes, page 4563), respectfully

#### REPORTS:

#### I. INTRODUCTION

On Thursday, January 23<sup>rd</sup>, the Committee on Consumer Affairs and Business Licensing, chaired by Council Member Rafael Espinal, held a vote on Proposed Introductory Bill Number 1281-A (Int. 1281-A), in relation to prohibiting retail establishments from refusing to accept payment in cash. The Committee previously heard testimony on February 14, 2019 on this bill from the Department of Consumer Affairs (DCA), business groups, advocates and other interested stakeholders, and their feedback informed various amendments. On Thursday, January 23<sup>rd</sup>, 2020 the Committee passed Proposed Introduction Number 1281-A by a vote of six in the affirmative, zero in the negative, with zero abstentions.

#### II. BACKGROUND

For businesses embracing new technologies and faster transactions, cashless purchases are a convenient option. Business owners from establishments that only accept cashless transactions have reported shorter lines and wait times for their customers, and relief that they no longer feel vulnerable to robbery.<sup>1</sup> While this technology clearly makes transactions swift and efficient, the overarching effects are not so benign. Rather, there are a range of negative consequences caused by prohibiting the use of cash for payment and marginalized communities tend to be disproportionately impacted.

##### Unbanked and Underbanked Populations

By relying exclusively on cashless payments, these establishments largely prevent unbanked customers from purchasing items or services from their stores. In an era of online shopping and payments made through apps on smart phones, one could assume that everyone is connected to a bank account and the technology that makes funds so readily available. In a financial hub like New York City, this ease in accessing cash may be expected. However, according to a report by the Urban Institute, commissioned by the Department of Consumer Affairs, there were 360,000 households in New York City (11.7% of the population) that had no bank accounts in 2013. This was well above the national average of 7.7% and the New York State average of 8.5%.<sup>2</sup> The Urban Institute report measured the frequency of households that were ‘underbanked,’ meaning that, while they may have a bank account, they still rely on other financial services to cash checks, transfer money or access a loan.<sup>3</sup> In 2013, 780,000 households (25.1%) in New York City were underbanked, compared to the national average of 20%.<sup>4</sup>

<sup>1</sup> Gloria Dawson “At Sweetgreen, a suitcase full of cash won’t by you lunch”, *New York Times*, July 30, 2016, available at: <https://www.nytimes.com/2016/07/31/business/where-a-suitcase-full-of-cash-wont-buy-you-lunch.html>.

<sup>2</sup> Caroline Ratcliffe, Signe-Mary McKernan, Emma Kalish and Steven Martin “Where are the unbanked and underbanked in New York City?”, *Urban Institute*, September 2015, available at: <https://www.urban.org/sites/default/files/publication/71511/2000430-Where-Are-the-Unbanked-and-Underbanked-in-New-York-City.pdf>, p. 3.

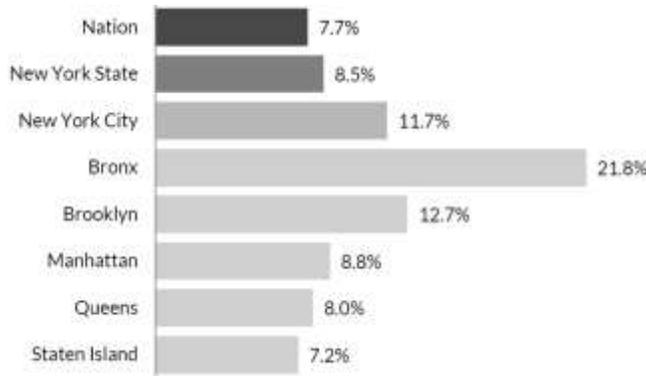
<sup>3</sup> Id, p. 7.

<sup>4</sup> Id, p. 2.

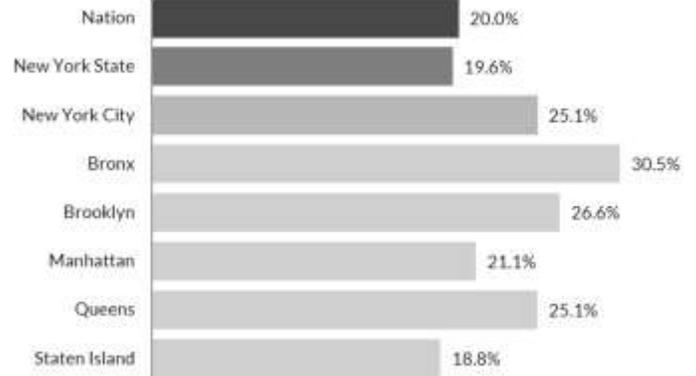
For some underbanked households, the fees or overdraft fines means that a bank account stays active but the account holder cannot afford to make regular use of it.<sup>5</sup>

Across the City, the division of unbanked and underbanked households varies by borough. As illustrated in the graphs below, the Bronx has the highest percent of unbanked and underbanked households, and both the Bronx and Brooklyn have rates well above the national, State and City levels.

**Unbanked households, 2013<sup>6</sup>**

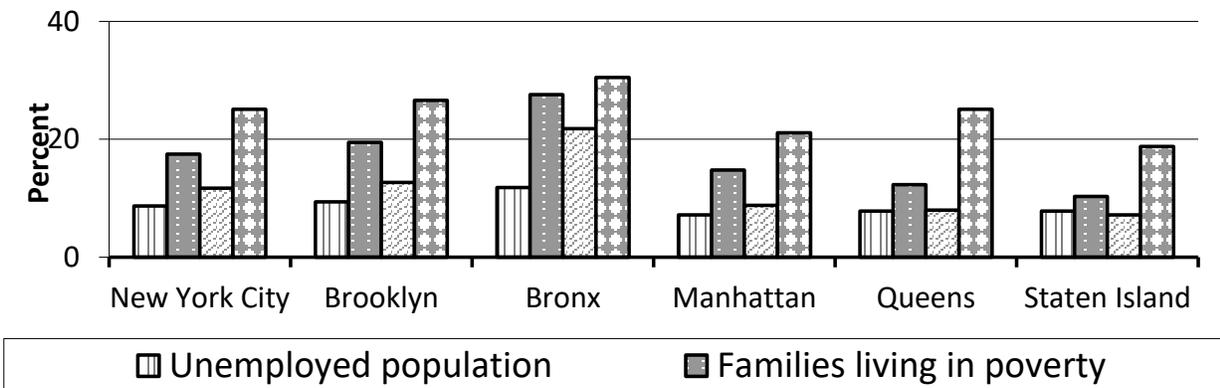


**Underbanked households, 2013<sup>7</sup>**



In addition to illustrating how different geographies are impacted, the figures on unbanked and underbanked households also highlight a link between poverty and unemployment rates. As seen in the graph below, the boroughs with the highest rates of family poverty also represented the greatest number of unbanked and underbanked households.

**Characteristics and banking rates New York City and the five boroughs, 2013<sup>8</sup>**



<sup>5</sup> See for example Sheila Anne Feeney “Many New Yorkers lack bank accounts and emergency savings, says new report”, *AM New York*, September 29, 2015, available at: <https://www.amny.com/news/many-new-yorkers-lack-bank-accounts-and-emergency-savings-says-new-report-1.10905642>.

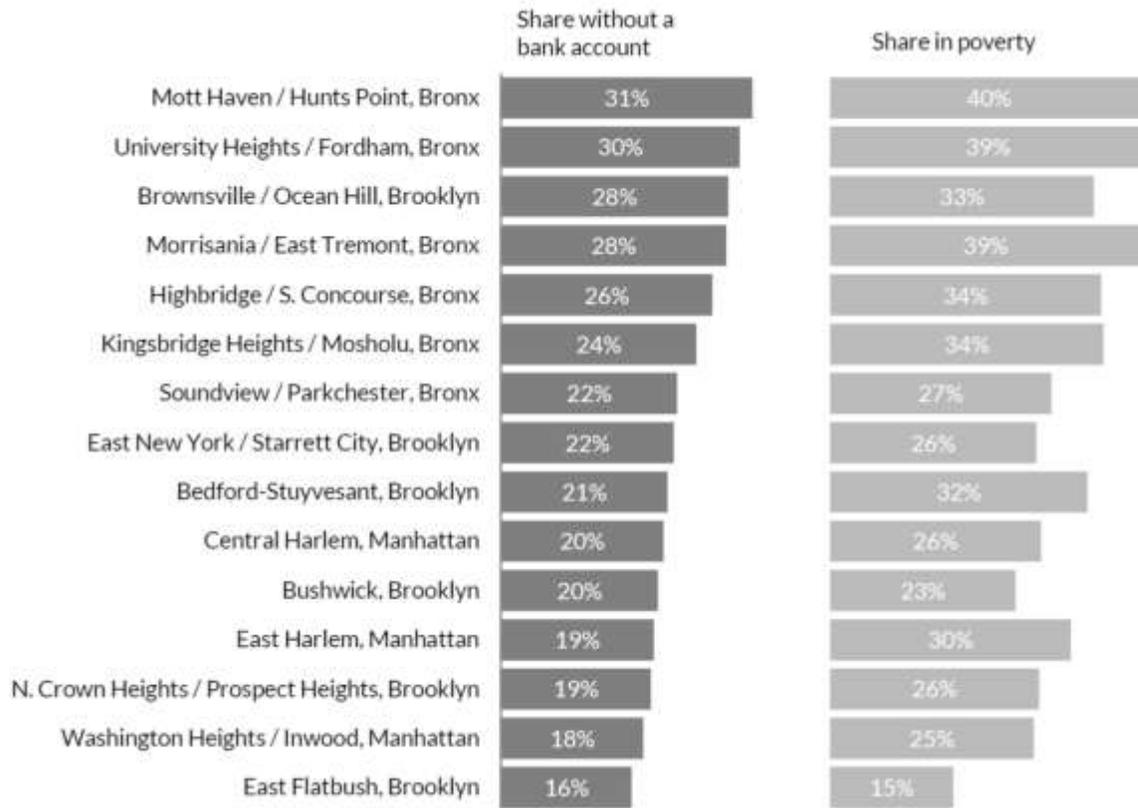
<sup>6</sup> Caroline Ratcliffe et al, p. 3.

<sup>7</sup> Id, p. 8.

<sup>8</sup> Figures taken from id, and graphed by the author.

A deeper evaluation of the statistics shows this link at a neighborhood level as well. Those areas with a high share of poverty also have high rates of unbanked households. This is clearly illustrated in the graph below.

**Neighborhoods with the highest shares of households without a bank account and corresponding share in poverty, 2013<sup>9</sup>**



As these statistics show, not all communities would be affected in the same way by businesses that only accept cashless payments and poor communities are most likely impacted. Nationally, the data show a similar pattern. According to federal data from the same year (2013), “half of all Latino and African American households are disconnected from the financial system, compared to only about one in five white households.”<sup>10</sup> This equated to 17.9% of Latino households being unbanked and 28.5% underbanked, and 21.4% of African American unbanked households and 33.1% underbanked.<sup>11</sup> Young people were also frequently unbanked with one in every four Americans under 35 either unbanked or underbanked.<sup>12</sup>

An exclusively cashless policy also potentially harms large numbers of immigrants and victims of domestic violence who face their own barriers to accessing bank accounts. In New York City, domestic violence survivors who live in confidential shelters are prohibited from disclosing their address. However, opening a bank account requires a physical and mailing address. This means that, in New York City, “90 percent of domestic violence shelter residents are unable to open safe and new accounts because they cannot provide a physical address.”<sup>13</sup>

Victims of domestic violence also face challenges when trying to close a joint account to which their abuser has access, and this impacts the victim’s ability to open a new account. Of the approximately 35,000 survivors

<sup>9</sup> Caroline Ratcliffe et al, note 2, p. 6.

<sup>10</sup> Joe Valenti “Millions of Americans are outside the financial system”, *Center for American Progress*, October 30, 2014, available at: <https://www.americanprogress.org/issues/economy/reports/2014/10/30/99967/millions-of-americans-are-outside-the-financial-system/>.

<sup>11</sup> Id.

<sup>12</sup> Id.

<sup>13</sup> The Financial Clinic “Inaccessible bank accounts cost domestic violence survivors \$5 million each year”, 2013, available at: <https://thefinancialclinic.org/wp-content/uploads/2016/12/Banking-Security-and-DV-Survivors.pdf>.

of domestic violence in New York City who seek legal, financial and other support services, 14,000 (40%) do not have access to safe and reliable bank accounts. Meanwhile, 4,000 (13%) of these survivors have no bank account, and for 9,450 (27%) of the survivors, the bank accounts they may access are considered unsafe because their abusers also have access.<sup>14</sup>

Newly arrived or undocumented immigrants face similar challenges. They either do not have adequate paperwork and identification, face language barriers, or they are fearful of participating with official/quasi-government institutions. Immigrants also tend to be from lower socio-economic households and therefore fall under some of the categories illustrated above as minimum deposit requirements and fees pose financial barriers.<sup>15</sup> According to national data, compared to U.S. citizens, noncitizens are three times as likely to be unbanked.<sup>16</sup>

### Other Jurisdictions

Federal law does not mandate that businesses accept cash payments and rather permits states to regulate the issue by jurisdiction.<sup>17</sup> Massachusetts was the first state to prohibit businesses from rejecting cash payments. The 1978 law frames the issue around discrimination and states that “[n]o establishment offering goods and services for sale shall discriminate against a cash buyer by requiring the use of credit by a buyer in order to purchase such goods and services. All such retail establishments must accept legal tender when offered as payment by the buyer.”<sup>18</sup> In New Jersey, the state legislature recently enacted a bill that would make it illegal for point-of-sale retail stores to refuse cash payments and violators could face fines of up to \$2,500 for a first offence.<sup>19</sup> Similar bills have passed in Philadelphia<sup>20</sup> and San Francisco.<sup>21</sup> In Chicago, Alderman Ed Burke has introduced an ordinance to prohibit retail and food establishments from refusing to accept cash, stating that “a ‘no cash’ sign is a ‘not welcome’ sign for many without ready access to credit including those who are low or fixed income, homeless, undocumented, young, or victims of identity theft”.<sup>22</sup>

### Other Issues and Concerns

By solely permitting cashless transactions, businesses may inadvertently construct a two-tiered purchasing system that stigmatizes cash purchases. Although it is legal tender, cash may become viewed as antiquated or dirty and thus those that rely on it could also be seen as inferior. While these views may be unintentional side-effects of an exclusively cashless policy, a small number of business owners have implemented cashless purchasing for precisely this reason. For example, in a widely reported quote from the co-owner of the now closed Commerce restaurant, Tony Zazula stated that “If you don’t have a credit card, you can use a debit card. If you don’t have a debit card, you probably don’t have a checking account. And if you don’t have a checking

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<sup>14</sup> Id.

<sup>15</sup> Erica Pearson “Many New York immigrants close bank accounts or avoid them, citing language barriers or high transaction fees, new study found”, *New York Daily News*, February 25, 2015, available at: <https://www.nydailynews.com/new-york/immigrants-city-choose-non-bank-options-article-1.2127910>.

<sup>16</sup> Joe Valenti, note 10.

<sup>17</sup> Melissa McCart “The problem with cashless restaurants”, *Eater*, February 15, 2018, available at: <https://www.eater.com/2018/2/15/16974980/cashless-restaurants-credit-card-only-legal-problem-discriminatory>.

<sup>18</sup> Commonwealth of Massachusetts, General Laws, Part III, Title IV, Chapter 225D, Section 10A, available at: <https://malegislature.gov/Laws/GeneralLaws/PartIII/TitleIV/Chapter225D/Section10A>

<sup>19</sup> New Jersey A591, available at: [https://www.njleg.state.nj.us/2018/Bills/PL19/50\\_.PDF](https://www.njleg.state.nj.us/2018/Bills/PL19/50_.PDF).

<sup>20</sup> City of Philadelphia, bill number: 180943, available at: <https://phila.legistar.com/LegislationDetail.aspx?ID=3710586&GUID=FD85947F-8151-4DB5-9949-AF6FEF14A9C9&Options=ID|Text|&Search=cashless>.

<sup>21</sup> City and County of San Francisco, file Number 190164, available at: <https://sfgov.legistar.com/View.ashx?M=F&ID=7203773&GUID=AB84EC24-3D9F-47ED-BBD2-D0E28024E1C4>.

<sup>22</sup> City of Chicago, ordinance O2017-7145, available at: <https://chicago.legistar.com/LegislationDetail.aspx?ID=3184725&GUID=06C6F98D-8311-4DA2-93E2-D8E75B84D737&Options=Advanced&Search>.

account, you probably shouldn't be eating at Commerce to begin with.”<sup>23</sup> Although this view does not necessarily represent the business community as a whole, it does highlight the way that an exclusively cashless policy privileges some customers over others.

There are also flow-on effects from cash not being readily on hand by customers. As one writer articulates, “[w]hen cash is renounced you carry less of it, or maybe even none of it. And so you are not as prone to certain spontaneous acts of generosity — to put a few dollars in a tip jar where workers are underpaid or give money to a homeless person on a cold night on your way home from work.”<sup>24</sup> Studies also show that when people pay for items with cash, they feel the reality of the transaction more acutely. This means that more value is assigned to the purchase.<sup>25</sup> Switching to cash-only purchasing is also a common approach advocated by financial advisors when assisting people with budgeting as research consistently shows that people spend more when they pay with credit cards.<sup>26</sup> Paying with cash helps people budget more effectively and track their purchases more accurately,<sup>27</sup> and can therefore be a vital tool when managing one’s finances.

Given that they charge a fee for every electronic purchase, which can equate to between two and five percent of net sales,<sup>28</sup> it is clearly in the interest of credit card companies to encourage cashless transactions. In fact, in 2017, Visa declared a “war on cash” and offered up to 50 small food establishments \$10,000 if they moved to a completely cashless system.<sup>29</sup> According to Visa Chief Executive Al Kelly, Visa is “focused on putting cash out of business.”<sup>30</sup> However, cashless transactions also force consumers to forgo their privacy. Like most online activities, cashless purchases allow tracking of consumer behavior. Such material is big business for data brokers. It enables them to collate, analyze and sell this information to companies, giving them an advantage by targeting their goods, services or even political messages to an identified and receptive audience. Cashless transactions also make customers vulnerable to having their account information hacked or their personal information stolen.

The unequal impact of cashless policies is cause for concern. While the technology provides a range of benefits for business owners, relying solely on cashless payments generates a segregated purchasing system. This policy poses great harm for certain parts of the populations, and statistics show that this is disproportionately felt by poor, marginalized and vulnerable communities.

### III. BILL ANALYSIS

Proposed Int. 1281-A prohibits food and retail establishments from refusing to accept cash as a form of payment. Section 1 of the bill creates a new subchapter 21 in chapter 5 of Title 20 of the Administrative code, titled “CASHLESS ESTABLISHMENTS PROHIBITED.” Subdivision a of new section 20-840 sets out the definitions. The term “food store” is defined broadly to include any store that sells food or beverages to the public, and includes street vendors. Retail establishments are also defined broadly and include any establishments where consumer commodities are displayed or offered for sale, or where services are provided to consumers at retail. Retail establishments do not include banks or trust companies as those terms are defined in section 2 of article 1 of the Banking Law.

<sup>23</sup> Tony Zazula as quoted by Claire Lampen “NYC may pull the plug on cashless restaurants, retailers”, *Gothamist*, November 28, 2018, available at: [http://gothamist.com/2018/11/28/cashless\\_restaurants\\_nyc.php](http://gothamist.com/2018/11/28/cashless_restaurants_nyc.php); quoted by Carmin Chappell “New York City and New Jersey lawmakers target cashless businesses, saying they discriminate against the poor”, *CNBC*, December 13, 2018, available at: <https://www.cnb.com/2018/12/13/nyc-nj-target-cashless-businesses-alleging-bias-against-the-poor.html>; and quoted by Melissa McCart “The problem with cashless restaurants”, *Eater*, February 15, 2018, available at: <https://www.eater.com/2018/2/15/16974980/cashless-restaurants-credit-card-only-legal-problem-discriminatory>.

<sup>24</sup> Gina Bellafante “How the cashless economy shuts out the poor”, *New York Times*, December 6, 2018, available at: <https://www.nytimes.com/2018/12/06/nyregion/how-the-cashless-economy-shuts-out-the-poor.html>.

<sup>25</sup> Phyllis Korkki “Paying with cash hurts. That’s also why it feels so good”, *New York Times*, July 16, 2016, available at: <https://www.nytimes.com/2016/07/17/business/paying-with-cash-hurts-thats-also-why-it-feels-so-good.html?module=inline>.

<sup>26</sup> Lindsay Konsko “Credit cards makes you spend more: studies”, *Business Insider*, July 8, 2014, available at: <https://www.nerdwallet.com/blog/credit-cards/credit-cards-make-you-spend-more/>.

<sup>27</sup> Marissa Laliberte “7 convincing reasons you’re better off paying with cash”, *Reader’s Digest*, available at: <https://www.rd.com/advice/saving-money/pay-with-cash/>.

<sup>28</sup> Melissa McCart, note 17.

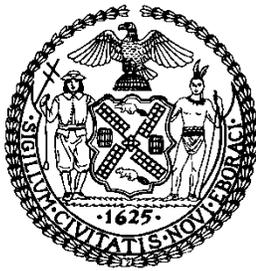
<sup>29</sup> Ben Popken “The war on cash intensifies: Visa offers restaurants \$10,000 to go cashless”, *NBC News*, July 13, 2017, available at: <https://www.nbcnews.com/business/consumer/war-cash-intensifies-visa-offers-restaurants-10-000-go-cashless-n782276>.

<sup>30</sup> Al Kelly as quoted by id.

Subdivision b prohibits food stores and retail establishments from refusing to accept payment in cash, except that they may refuse cash if bills in denominations over \$20 are provided by a consumer. The exception for denominations over \$20 was made after feedback regarding the circulation of fraudulent bills and the need for businesses to protect themselves. Online, phone and mail transactions are now also exempted unless the payment for such transaction occurs on the establishment's premises. To alleviate any potential negative impacts of this bill, subdivision c was added to prohibit food and retail establishments from charging consumers who choose to pay in cash a higher price than cashless consumers. Pursuant to subdivision d, violators would face a fine of up to \$1000 for a first offence and up to \$1500 for subsequent offences.

Pursuant to subdivision e, a business is in compliance with the requirement to accept cash if a device is installed on the premises that converts cash into prepaid cards that a consumer may use to make purchases. Such businesses may not charge a fee for use of the devices, nor can they require a minimum deposit over 1 dollar. Funds deposited on such cards may not expire and there can be no limit on the number of transactions. A receipt must also be made available upon request. If a device malfunctions, a business is required to accept payment in cash. A sign must be placed on the device or immediately adjacent to it informing consumers that if the device malfunctions, the business is required to accept payment in cash, and that consumers may report any violations to 311. The effective date of the bill was amended from 180 to 270 days after it becomes law to allow businesses more time to comply.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1281-A:)**



**THE COUNCIL OF THE CITY OF NEW YORK**  
**FINANCE DIVISION**  
 LATONIA MCKINNEY, DIRECTOR  
**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO. 1281-A**

**COMMITTEE:** Consumer Affairs and Business Licensing

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to prohibiting food stores and retail establishments from refusing to accept payment in cash.

**SPONSORS:** Council Members Torres, Espinal, Powers, Deutsch, Cumbo, Lander, Brannan, Dromm, Reynoso, Rivera, Constantinides, Kallos, Levine, Ayala, Rosenthal, Moya, Rose, Cornegy, Koslowitz, Lancman, Levin, Cohen, Chin, Vallone, The Public Advocate (Mr. Williams).

**SUMMARY OF LEGISLATION:** This bill would prohibit food and retail establishments from refusing to accept cash from consumers. The bill would also prohibit such establishments from charging cash-paying customers a higher price than cash-less customers. The bill would provide penalties of no more than \$1,000 for a first violation, and of no more than \$1,500 for each succeeding violation. The bill would provide, however, certain modifications and exceptions. For example, food and retail establishments do not have to accept cash bills in denominations of greater than \$20, and transactions taking place by phone, mail or online can be cashless. Additionally, the bill would allow establishments to use devices that convert cash into prepaid cards that allows consumers to complete a transaction at such establishment. Such devices may not charge a fee or require a minimum deposit over one dollar. Additionally, the devices may not limit on the number of transactions on such card, and the funds on the card cannot expire. When a device malfunctions, an establishment would be required to accept cash and have a sign stating that on or immediately adjacent to such device.

**EFFECTIVE DATE:** This local law takes effect 270 days after it becomes law, except that the Department of Consumer Affairs may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2022

**FISCAL IMPACT STATEMENT:**

	Effective FY21	FY Succeeding Effective FY22	Full Fiscal Impact FY22
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is estimated that there would not be an impact on expenditures resulting from the enactment of this legislation, as the City would use existing resources to comply with the requirements of this legislation.

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

**SOURCES OF INFORMATION:** New York City Council Finance Division  
Mayor's Office of Legislative Affairs  
Office of Administrative Trials and Hearings

**ESTIMATE PREPARED BY:** Sebastian Palacio Bacchi, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Nathaniel Toth, Deputy Director  
Regina Poreda Ryan, Deputy Director  
John Russell, Unit Head  
Stephanie Ruiz, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 1281 on November 28, 2018 and was referred to the Committee on Consumer Affairs and Business Licensing (Committee). The Committee heard the legislation on February 14, 2019, and the legislation was laid over. The legislation was subsequently amended and the Committee considered the amended legislation, Proposed Intro. No. 1281-A, at a hearing on July 22, 2019. The amended legislation was then laid over twice and recommitted to the Committee by the full Council on September 12, 2019. Proposed Intro. No. 1281-A will be voted on by the Committee on January 23, 2020. Upon a successful vote by the Committee, the legislation will be submitted to the full Council for a vote on January 23, 2020.

**DATE PREPARED:** January 16, 2020,

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

**(The following is the text of Int. No. 1281-A:)**

## Int. No. 1281-A

By Council Members Torres, Espinal, Powers, Deutsch, Cumbo, Lander, Brannan, Dromm, Reynoso, Rivera, Constantinides, Kallos, Levine, Ayala, Rosenthal, Moya, Rose, Cornegy, Koslowitz, Lancman, Levin, Cohen, Chin, Vallone, Barron, Maisel and The Public Advocate (Mr. Williams).

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting food stores and retail establishments from refusing to accept payment in cash**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 21 to read as follows:

**SUBCHAPTER 21  
CASHLESS ESTABLISHMENTS PROHIBITED**

*§ 20-840 Cashless establishments prohibited. a. Definitions. For purposes of this subchapter, the following terms have the following meanings:*

*Cash. The term “cash” means United States coins and currency, including federal reserve notes. Cash does not include foreign currency; any paper instrument other than a federal reserve note, including, but not limited to, any check, bond, or promissory note; or any foreign metal coin.*

*Consumer commodity. The term “consumer commodity” means any article, good, merchandise, product or commodity of any kind or class produced, distributed or offered for retail sale for consumption by individuals, or for personal, household or family purposes.*

*Food store. The term “food store” means an establishment which gives or offers for sale food or beverages to the public for consumption or use on or off the premises, or on or off a pushcart, stand or vehicle.*

*Retail establishment. The term “retail establishment” means an establishment wherein consumer commodities are sold, displayed or offered for sale, or where services are provided to consumers at retail. This definition does not include banks or trust companies as those terms are defined in section 2 of article 1 of the banking law.*

*b. It shall be unlawful for a food store or a retail establishment to refuse to accept payment in cash from consumers, provided that such food store or retail establishment may refuse to accept payment:*

*1. In cash bills denominated above \$20; or*

*2. In cash for any telephone, mail, or internet-based transaction, unless the payment for such transaction takes place on the premises of such food store or retail establishment.*

*c. No food store or retail establishment shall charge a higher price for the same consumer commodity to a consumer who pays in cash than to a consumer who pays for such commodity through a cash-less transaction.*

*d. A food store or retail establishment that violates this section is liable for a civil penalty of not more than \$1000 for the first violation and a civil penalty of not more than \$1500 for each subsequent violation.*

*e. 1. This subchapter shall not apply to a food store or retail establishment that provides a device on premises that converts cash, without charging a fee or requiring a minimum deposit amount greater than one dollar, into a prepaid card that allows a consumer to complete a transaction at such food store or retail establishment.*

*2. Upon request, such device shall provide each consumer with a receipt indicating the amount of cash such consumer deposited onto the prepaid card.*

*3. Cash deposits onto such a prepaid card shall not be subject to an expiration date and there shall be no limit on the number of transactions that may be completed on such prepaid card.*

*4. In the event that such device malfunctions, the food store or retail establishment where such device is located shall accept payment in cash from consumers throughout the time period in which such device does not function in accordance with the standards set forth in this subchapter. Such food store or retail establishment shall place a conspicuous sign on or immediately adjacent to such device indicating that such food store or retail establishment is required by law to accept cash if such device malfunctions, and that consumers may report any*

violation to 311. The department may establish by rule additional requirements relating to such signs and the display of such signs.

§ 2. This local law takes effect 270 days after it becomes law, except that the department of consumer affairs may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

RAFAEL L. ESPINAL, Jr., *Chairperson*; MARGARET S. CHIN, PETER A. KOO, KAREN KOSLOWITZ, JUSTIN BRANNAN; KEITH POWERS; Committee on Consumer Affairs and Business Licensing, January 23, 2020.

On motion of the Speaker (Council Member Johnson), 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**

Report for Int. No. 420-B

#### **Report of the Committee on Environmental Protection 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 soil lead testing in certain department of parks and recreation capital projects.**

The Committee on Environmental Protection, to which the annexed proposed amended local law was referred on February 14, 2018 (Minutes, page 643), respectfully

#### **REPORTS:**

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

On January 21, 2020, the Committee on Environmental Protection, chaired by Council Member Costa Constantinides, will hold a hearing on a Proposed Int. No. 420-B, which would require soil lead testing in certain department of parks and recreation (DPR) capital projects.. The Committee previously held a hearing on this bill on September 27, 2018, and received testimony from the Department of Health and Mental Hygiene, soil scientists, lead experts, environmental advocates, and interested members of the public. More information about this legislation is available with the materials for that hearing, which can be accessed online at <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=619511&GUID=2D15D569-1BFD-439A-90C3-39AE8EEE4A0B&Options=info&Search=>.

##### **II. PROPOSED INT. NO. 420-B**

Proposed Int. No. 420-B would require the Parks Department (DPR) to test for lead concentration levels in areas of parks under DPR jurisdiction that contain exposed soil and are intended to be used for active play or passive recreation whenever a capital project occurs in such area. Where the test indicates that a bare soil area has a lead level at or above the level set forth in title 40 of the code of federal regulations (currently 400 parts per million), DPR must cover, replace or otherwise remediate the lead level in the area. This local law would take effect 120 days after it becomes law.

(The following is the text of the Fiscal Impact Statement for Int. No. 420-B:)



**THE COUNCIL OF THE CITY OF NEW YORK**  
**FINANCE DIVISION**  
 LATONIA MCKINNEY, DIRECTOR  
**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO. 420-B**

**COMMITTEE:** Environmental Protection

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to soil testing in certain department of parks and recreation capital projects

**SPONSORS:** Council Members Constantinides, Holden, Cumbo, Kallos, Rosenthal, Reynoso, Cornegy, Richards, Levin, Lander and Vallone

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 420-B would require the Parks Department (DPR) to test for lead concentration levels in areas of parks under DPR jurisdiction that contain exposed soil and are used for active play or passive recreation whenever a capital project occurs in such area. Furthermore, if the test indicates that a bare soil area has a lead level at or above currently 400 parts per million, DPR must cover, replace or otherwise remediate the lead level in the area.

**EFFECTIVE DATE:** This local law would take effect 120 days after enactment.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2020

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY21</b>	<b>Full Fiscal Impact FY21</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because it would codify an existing practice of DPR.

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

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

**ESTIMATE PREPARED BY:** Jonathan Seltzer, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Crilhien Francisco, Unit Head  
 Rebecca Chasan, Senior Counsel  
 Nathan Toth, Deputy Director

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 420 on February 14, 2018 and was referred to the Committee on Environmental Protection. The legislation was subsequently amended and a joint hearing was held by the Committee on Environmental Protection, the Committee on Health, and the Committee on Housing and Buildings to consider the amended legislation, Proposed Intro. No. 420-A on September 27, 2018. At the conclusion of the hearing the bill was laid over. The legislation was subsequently amended a second time and the most recently amended legislation, Proposed Intro. No. 420-B, will be voted on by the Committee on Environmental Protection at a hearing on January 21, 2020. Upon a successful vote by the Committee on Environmental Protection, Proposed Intro. No. 420-B will be submitted to the full Council for a vote on January 23, 2020.

**DATE PREPARED:** January 17, 2020.

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

**(The following is the text of Int. No. 420-B:)**

Int. No. 420-B

By Council Members Constantinides, Holden, Cumbo, Kallos, Rosenthal, Reynoso, Cornegy, Richards, Levin, Lander, Vallone, Yeger, Menchaca, Ayala, Barron, Rivera and Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to soil lead testing in certain department of parks and recreation capital projects**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-156 to read as follows:

§ 18-156 *Soil lead testing. a. For the purposes of this section, the term “covered capital project” means a capital project, as defined in section 5-101, that is within the jurisdiction of the department and that upon completion of construction is expected to include an area containing publicly accessible exposed soil that is intended for active play or passive recreation, provided that the design phase of such capital project commences after the effective date of this section.*

*b. Before construction work on a covered capital project commences, the department shall determine the lead level of soil within the area of such covered capital project. Where such lead level is at or above the level set forth in paragraph (c) of section 745.65 of title 40 of the code of federal regulations, the department shall, as part of such covered capital project, cover, replace, make inaccessible or otherwise remediate any soil within such area that is designated for active play or passive recreation.*

§ 2. This local law takes effect 120 days after it becomes law, except that the department of parks and recreation may promulgate such rules, and take such other actions, as are necessary for the timely implementation of this law prior to such date.

COSTA G. CONSTANTINIDES, *Chairperson*; STEPHEN T. LEVIN, CARLOS MENCHACA, DONOVAN J. RICHARDS, RAFAEL L. ESPINAL, Jr., KALMAN YEGER, ERIC A. ULRICH; Committee on Environmental Protection, January 21, 2020.

On motion of the Speaker (Council Member Johnson), 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 Johnson) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption.

Report for Res. No. 1227

**Report of the Committee on Finance in favor of approving a Resolution authorizing an increase in the amount to be expended annually in the Downtown Flushing Transit Hub Business Improvement District in the Borough of Queens, an extension of the boundaries of such district, the provision of additional services and the modification of existing services in such district, a change in the method of assessment upon which the district charge is based, and an increase in the maximum total amount to be expended for improvements in such district, and setting the date, time and place for the public hearing of the local law authorizing such changes as set forth in the amended District Plan of the Downtown Flushing Transit Hub Business Improvement District.**

The Committee on Finance, to which the annexed preconsidered resolution was referred on January 23, 2020, respectfully

#### **REPORTS:**

#### **BACKGROUND**

Pursuant to the authority granted by chapter 4 of title 25 of the Administrative Code of the City of New York (hereinafter the “Law”), the Mayor and the Council are authorized to establish and extend Business Improvement Districts (hereinafter “BIDs”) in New York City and thereafter amend each BID’s district plan or authorize an increase in annual expenditures. BIDs, which are specifically established areas, use the City’s property tax collection mechanism to approve a special tax assessment with which to fund additional services that would enhance the area and improve local business. The additional services are normally in the areas of security, sanitation, physical/capital improvements (lighting, landscaping, sidewalks, etc.), seasonal activities (Christmas lighting) and related business services (marketing and advertising). The District Management Association of a BID carries out the activities described in the BID’s District Plan.

The Downtown Flushing Transit Hub BID was first established in 2003 and includes properties along Main Street from Northern Boulevard to Sanford Avenue, Roosevelt Avenue between Union Street and Prince Street, 40th Road from Main Street to Prince Street, 39th Avenue from Main Street to College Point Boulevard, Kissena Boulevard from Main Street to Barclay Avenue, and the north side of Kissena Boulevard between Barclay Avenue and Sanford Avenue.

Since the BID was established, the neighborhood has grown dramatically and Downtown Flushing has expanded to adjacent corridors that have become part of the area’s commercial core. This growth has resulted in concerns from local business owners and the community, including automobile and pedestrian traffic, cleanliness and security. Consequently, the BID has identified a greater need for services that aim to improve the overall experience in Downtown Flushing, as well as the quality of life for businesses, residents, and visitors.

The BID is requesting that the Council approve the following changes to the District Plan:

- 1) extending existing BID boundaries to include properties along Main Street between Sanford Avenue and Franklin Avenue and, generally, from College Point Boulevard to the west to Union Street to the east;
- 2) expanding services to include beautification as well as traffic management and pedestrian safety, and authorizing streetscape improvements to complement these services;

- 3) increasing the BID annual assessment from \$380,000 to \$1 million, funded by the expansion to new properties and by changes in the method of assessment authorized to be calculated on a formula applicable to the class of property, and authorizing the BID to spend up to \$1 million per year.

#### *Boundary Expansion*

The amended district plan would extend BID boundaries to include properties on Main Street south to Franklin Avenue, properties on 37th Avenue west to College Point Boulevard and east to Union Street, Prince Street from 37th Avenue to 40th Road, Union Street from 37th Avenue to Roosevelt Avenue, and College Point Boulevard from 37th Avenue to 41st Road. It would also extend east on 39th Avenue to Union Street, on Roosevelt Avenue from College Point Boulevard to Prince Street, 41st Avenue from College Point Boulevard to Main Street, and 41st Road from College Point Boulevard to Main Street.

The expanded BID boundary would contain over 2,000 businesses, an increase of approximately 900 businesses from the 1,100 within current the BID boundary. These businesses include restaurants, food courts, supermarkets, green grocers, clothiers, jewelers, pharmacies, optical, personal care salons, a variety of convenience and specialty stores, and a variety of professional practices, including banking, insurance brokerages, realtors, medical, dental, and secondary medical testing centers. There is also limited office space above and below sidewalk level storefront businesses. There are also roughly 1,550 residential units in the BID expansion area, approximately 60 percent of which are owner-occupied.

#### *Service Expansion and Improvements*

The current district plan already authorizes a range of services, including street maintenance, marketing and promotions (including holiday lights), administration, and other services. The amended district plan would continue authorization of these services and would add two new categories of authorized services: beautification, as well as traffic management and pedestrian safety.

The amended district plan would authorize new beautification services, including landscaping, seasonal plant purchasing, installation and maintenance of tree pits, planters and hanging baskets. As opportunities emerge, the BID would also be authorized to provide open-space management services.

The amended district plan would also authorize a range of new traffic management and pedestrian safety services aimed at improving pedestrians experience in the midst of massive traffic congestion. These services would include, but would not be limited to, working with the City to implement a number of signalization, channelization, and striping improvements throughout the District; employing pedestrian Traffic Managers at key intersections during weekday rush hours; and committing resources toward analyzing the traffic and transportation challenges to support a more comprehensive approach.

The amended district plan would specifically authorize the BID to undertake various streetscape improvements, in coordination with the relevant city agency and affected community board, to complement these expanded services. The BID would be authorized to undertake sidewalk amenities to identify, enhance and beautify the District, including sidewalk plantings, tree, shrubs and flowers in tubs and at grade, and sidewalk logos and plaques identifying the area of the BID as the Flushing BID. The BID would also be authorized to undertake street and sidewalk amenities to improve pedestrian circulation and safety, including information boards and kiosks, new news boxes and newsstands, street and subway identification, and intersection repainting. The authorization to spend BID funds on such improvements is capped for the life of the BID at \$10 million.

#### *Budget Expansion, Authorization to Spend, and Funding Formula Changes*

The current budget for the BID is \$380,000 and it has not increased since the BID was established in 2003. Since then, Downtown Flushing has grown significantly and the demand for services has increased. The geographic expansion of the BID would provide additional funding and would allow for the expansion of services to new areas and augmentation of services in the existing area. The expansion would increase the budget by \$620,000, resulting in an increased first-year budget of \$1 million. The BID would be authorized to spend up to \$1 million in any year.

The main source of BID funding would continue to be an assessment of the properties within the BID. Commercial properties, vacant land, and undeveloped lots would continue to be assessed using both linear feet and assessed valuation, but would also now would also pay a \$250 base fee, after which those rates will be calculated. Residential properties would continue to be assessed at \$1.00 annually. Not-for-profit and government properties would continue to not be assessed anything.

**PRECONSIDERED RES. 1227**

This Preconsidered Resolution is required by law to set the public hearing date, time, and place for the consideration of the local law which would amend the district plan of the Downtown Flushing Transit Hub BID. The public hearing will be held on February 11, 2020, in the City Council Committee Room, 2nd Floor, City Hall at 10:00 a.m. before the Committee on Finance.

Because the proposal involves an amendment to the BID's District Plan that would increase the amount it expends annually and change the method of assessment, the Preconsidered Resolution directs the Downtown Flushing Transit Hub District Management Association to, not less than ten nor more than thirty days before the date of the public hearing, mail a copy of the Preconsidered Resolution or a summary thereof to each owner of real property within the BID at the address shown on the latest City assessment roll, to such other persons as are registered with the City to receive tax bills concerning real property within the BID, and to the tenants of each building within the BID. The Preconsidered Resolution also directs Small Business Services to arrange for the publication of a copy of this Resolution or a summary thereof at least once in the City Record or a newspaper in general circulation in the City, the first publication to be not less than ten nor more than thirty days before the date of the public hearing. The Preconsidered Resolution further directs the Downtown Flushing Transit Hub District Management Association to publish in a newspaper having general circulation in the BID, not less than ten days prior to the public hearing, a notice stating the time and place of the public hearing and stating the increase in the amount to be expended annually in the BID.

*Accordingly, this Committee recommends its adoption.*

**(For text of preconsidered resolution, please see the Introduction and Reading of Bills section printed in these Minutes)**

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, MARK GJONAJ, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, STEVEN MATTEO; Committee on Finance, January 23, 2020. *Other Council Members Attending: Council Member Perkins.*

On motion of the Speaker (Council Member Johnson), 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 Johnson) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption.

Report for Res. No. 1228

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

The Committee on Finance, to which the annexed preconsidered resolution was referred on January 23, 2020, respectfully

### **REPORTS:**

Introduction. The Council of the City of New York (the “Council”) annually adopts the City’s budget covering expenditures other than for capital projects (the “expense budget”) pursuant to Section 254 of the Charter. On June 14, 2018, the Council adopted the expense budget for fiscal year 2019 with various programs and initiatives (the “Fiscal 2019 Expense Budget”). On June 19, 2019, the Council adopted the expense budget for fiscal year 2020 with various programs and initiatives (the “Fiscal 2020 Expense Budget”).

Analysis. In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving funding in accordance with the Fiscal 2020 Expense Budget, new designations and/or changes in the designation of certain organizations receiving funding in accordance with the Fiscal 2019 Expense Budget, and amendments to the description for the Description/Scope of Services of certain organizations receiving funding in accordance with the Fiscal 2020 Expense Budgets.

This Resolution, dated January 23, 2020, approves the new designations and the changes in the designation of certain organizations receiving local discretionary funding and funding for certain initiatives in accordance with the Fiscal 2020 Expense Budget, approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding and funding for certain initiatives in accordance with the Fiscal 2019 Expense Budget, and amends the description for the Description/Scope of Services of certain organizations receiving local, youth, anti-poverty and aging discretionary funding in accordance with the Fiscal 2020 Expense Budget.

This Resolution sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2020 Expense Budget, as described in Chart 1; sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to certain initiatives in accordance with the Fiscal 2020 Expense Budget, as described in Charts 2-13; sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2019 Expense Budget, as described in Chart 14; sets forth the changes in the designation of certain organizations receiving funding pursuant to a certain initiative in accordance with the Fiscal 2019 Expense Budget, as described in Charts 15; amends the description for the Description/Scope of Services of certain organizations receiving local, youth, anti-poverty and aging discretionary funding in accordance with the Fiscal 2020 Expense Budget, as described in Chart 16.

Specifically, Chart 1 sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2020 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 2 sets forth the new designation of certain organizations receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs in accordance with the Fiscal 2020 Expense Budget.

Chart 3 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) in accordance with the Fiscal 2020 Expense Budget. One of these changes will be effectuated upon a budget modification.

Chart 4 sets forth the new designation and the change in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2020 Expense Budget.

Chart 5 sets forth the changes in the designation of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2020 Expense Budget.

Chart 6 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2020 Expense Budget. All of these changes will be effectuated upon a budget modification.

Chart 7 sets forth the new designation of a certain organization receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2020 Expense Budget.

Chart 8 sets forth the change in the designation of a certain organization receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2020 Expense Budget. This change will be effectuated upon a budget modification.

Chart 9 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2020 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 10 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the SU-CASA Initiative in accordance with the Fiscal 2020 Expense Budget.

Chart 11 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2020 Expense Budget. All of these changes will be effectuated upon a budget modification.

Chart 12 sets forth the changes in the designation of certain organizations receiving funding pursuant to the COMPASS Initiative in accordance with the Fiscal 2020 Expense Budget.

Chart 13 sets forth the change in the designation of a certain organization receiving funding pursuant to the Coalition Theaters of Color Initiative in accordance with the Fiscal 2020 Expense Budget. All changes will be effectuated upon a budget modification.

Chart 14 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to local discretionary funding in accordance with the Fiscal 2019 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 15 sets forth the change in the designation of a certain organization receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2019 Expense Budget.

Chart 16 amends the description for the Description/Scope of Services for certain organizations receiving local, youth, anti-poverty, and aging discretionary funding in accordance with the Fiscal 2020 Expense Budget.

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

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

Description of Above-captioned Resolution. In the above-captioned Resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2020 and 2019 Expense Budgets. Such Resolution would take effect as of the date of adoption.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 1228)**

## Preconsidered Res. No. 1228

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

By Council Member Dromm.

**Whereas**, On June 19, 2019 the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2020 with various programs and initiatives (the “Fiscal 2020 Expense Budget”); and

**Whereas**, On June 14, 2018 the City Council adopted the expense budget for fiscal year 2019 with various programs and initiatives (the “Fiscal 2019 Expense Budget”); and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2020 and 2019 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2020 Expense Budgets by approving new Description/Scope of Services for certain organizations receiving local, youth, anti-poverty and aging discretionary funding; now, therefore, be it

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 1; and be it further

**Resolved**, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 2; and be it further

**Resolved**, That the City Council approves new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 3; and be it further

**Resolved**, That the City Council approves the new designation and the change in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 4; and be it further

**Resolved**, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 5; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 6; and be it further

**Resolved**, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 7; and be it further

**Resolved**, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 8; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 9; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the SU-CASA Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 10; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 11; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the COMPASS Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 12; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Coalition Theaters of Color Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 13; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to local discretionary funding in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 14; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 15; and be it further

**Resolved,** That the City Council amends the description for the Description/Scope of Services for certain organizations receiving local, youth, anti-poverty and aging discretionary funding in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 16.

**ATTACHMENT:**

**CHART #1: Local Initiatives - Fiscal 2020**

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Levin	Friends of Jane's Carousel, Inc.	27-2884199	DYCD	(\$5,000)	260	005	
Levin	JazzReach Performing Arts & Education Association, Inc.	11-3179208	DYCD	\$5,000	260	312	
Levin	NURTUREart Non-Profit, Inc. - Juan Morel Campos Secondary School **	13-3964559	DCLA	(\$3,000)	126	003	
Levin	New York City Housing Authority - Independence Towers Family Day **	13-6400434	HPD	\$500	806	012	
Levin	New York City Housing Authority - Gowanus Resident Association **	13-6400434	HPD	\$500	806	012	
Levin	New York City Housing Authority - Warren Street TA **	13-6400434	HPD	\$500	806	012	
Levin	New York City Housing Authority - Wyckoff TA **	13-6400434	HPD	\$500	806	012	
Levin	New York City Housing Authority - Berry Street Tenants Association **	13-6400434	HPD	\$500	806	012	
Levin	New York City Housing Authority - Williams Plaza Tenant Association **	13-6400434	HPD	\$500	806	012	
Johnson	Art Connects New York, Inc. - NYCHA Robert Fulton Houses	87-0768793	DCLA	(\$10,000)	126	003	
Johnson	TADA! Theatre and Dance Alliance, Inc.	13-3311294	DCLA	\$10,000	126	003	
Brannan	Ballroom Basix USA, Inc. - Public School/Intermediate School 30K & Public School/Intermediate School 163K	27-3218865	DOE	(\$6,000)	040	402	
Brannan	Ballroom Basix USA, Inc. - Public School 229K & Public School/Intermediate School 163K	27-3218865	DOE	\$6,000	040	402	
Miller	Department of Cultural Affairs **	13-6400434	DCLA	(\$5,000)	126	003	
Miller	Queens Sickle Cell Advocacy Network, Inc. **	11-3373180	DHMH	\$5,000	816	112	
Lander	Urban Justice Center	13-3442022	DYCD	(\$3,500)	260	005	
Lander	Community Development Project, Inc.	83-1441257	DYCD	\$3,500	260	005	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

January 23, 2020

**CHART #2: Speaker's Initiative to Address Citywide Needs - Fiscal 2020**

<b>Member</b>	<b>Organization - Program</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Speaker	Development Outreach, Inc.	13-2997764	DYCD	\$12,272	260	312	
Speaker	Jewish Institute of Queens	54-2068797	DYCD	\$23,280	260	312	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART #3: Cultural After-School Adventure (CASA) - Fiscal 2020**

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Cabrera	Bronx Arts Ensemble, Inc. - East Fordham Academy for the Arts (10X459)	51-0186869	DCLA	(\$20,000)	126	003	
Cabrera	Bronx Arts Ensemble, Inc. - Academy For Personal Leadership And Excellence (10X363)	51-0186869	DCLA	\$20,000	126	003	
Borelli	IlluminArt Productions - Intermediate School 69R (31R069)	42-1727647	DCLA	(\$20,000)	126	003	
Borelli	IlluminArt Productions - Public School 069 Daniel D. Tompkins (31R069)	42-1727647	DCLA	\$20,000	126	003	
Rodriguez	Association of Dominican Classical Artists, Inc. - Gregorio Luperon High School for Science and Mathematics (06M552)	13-3843597	DCLA	(\$20,000)	126	003	
Rodriguez	Association of Dominican Classical Artists, Inc.	13-3843597	DCLA	\$20,000	126	003	
Yeger	Brooklyn Arts Council, Inc. - Intermediate School 96K (21K099)	23-7072915	DCLA	(\$20,000)	126	003	
Yeger	Brooklyn Arts Council, Inc. - Intermediate School 096 Seth Low (21K096)	23-7072915	DCLA	\$20,000	126	003	
Louis	East Flatbush Village, Inc. - Public School 287K (13K287) **	80-0612019	DCLA	(\$20,000)	126	003	
Louis	East Flatbush Village, Inc. - Public School 287K (13K287) **	80-0612019	DYCD	\$20,000	260	005	
Chin	Asian American Writers' Workshop - Lower East Side Preparatory High School (01M515)	13-3677911	DCLA	(\$20,000)	126	003	
Chin	Asian American Writers' Workshop - New Design High School (02M543)	13-3677911	DCLA	\$20,000	126	003	
Levin	Brooklyn Queens Conservatory of Music - Public School 16K (14K016)	11-1532426	DCLA	(\$20,000)	126	003	
Levin	Dancing Classrooms, Inc. - Public School 16K (14K016)	22-2542960	DCLA	\$20,000	126	003	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART #4: Cultural Immigrant Initiative - Fiscal 2020**

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Holde	Greater Ridgewood Youth Council, Inc., The - Public School 71Q (24Q071)	11-2518141	DCLA	(\$15,000)	126	003	
Holde	Greater Ridgewood Youth Council, Inc., The - Intermediate School 093 Ridgewood (24Q003)	11-2518141	DCLA	\$15,000	126	003	
Moya	Corona Community Ambulance Corps, Inc.	11-3214382	DCLA	(\$10,000)	126	003	
Moya	Department of Cultural Affairs	13-6400434	DCLA	\$10,000	126	003	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART #5: Digital Inclusion and Literacy Initiative - Fiscal 2020**

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Lancman	Older Adults Technology Services (OATS), Inc. - Desi Senior Center & Margaret Teitz	55-0882599	DYCD	(\$20,000)	260	005	
Lancman	Older Adults Technology Services (OATS), Inc. - Desi Senior Center	55-0882599	DYCD	\$20,000	260	005	
Gibson	Older Adults Technology Services (OATS), Inc. - PSS Highbridge Senior Center	55-0882599	DYCD	(\$20,000)	260	005	
Gibson	Older Adults Technology Services (OATS), Inc. - Highbridge Gardens	55-0882599	DYCD	\$20,000	260	005	
Levine	Older Adults Technology Services (OATS), Inc. - Convent Avenue and Red Oak	55-0882599	DYCD	(\$20,000)	260	005	
Levine	Older Adults Technology Services (OATS), Inc. - Convent Avenue a.k.a. Hamilton Grange Senior Center	55-0882599	DYCD	\$20,000	260	005	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART #6: Domestic Violence and Empowerment (DoVE) Initiative - Fiscal 2020**

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Borelli	Borough President-Staten Island **	13-6400434	SIBP	(\$20,000)	014	002	
Borelli	District Attorney-Richmond **	13-6400434	DASI	\$20,000	905	001	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART #7: Food Pantries Initiative - Fiscal 2020**

Borough	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
	Department of Youth and Community Development	13-6400434	DYCD	(\$7,469)	260	005	
Brooklyn	Food Bank For New York City	13-3179546	DYCD	\$7,469	260	005	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART #8: NYC Cleanup Initiative - Fiscal 2020**

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Cohen	Van Cortlandt Park Alliance, Inc. - Van Cortlandt Park	13-3843182	DYCD	(\$10,000)	260	005	
Cohen	Van Cortlandt Park Alliance, Inc. - Van Cortlandt Park	13-3843182	DPR	\$10,000	846	006	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART #9: Parks Equity Initiative - Fiscal 2020**

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Salamanca	Department of Parks and Recreation - Libertad Urban Farm	13-6400434	DPR	(\$5,000)	846	006	
Salamanca	Department of Parks and Recreation - Council District 17	13-6400434	DPR	\$5,000	846	006	
Salamanca	Department of Parks and Recreation - Wishing Well Garden	13-6400434	DPR	(\$10,000)	846	006	
Salamanca	Department of Parks and Recreation - Council District 17	13-6400434	DPR	\$10,000	846	006	
Torres	Green Guerillas, Inc. **	13-2903183	DPR	(\$25,000)	846	006	
Torres	Green Guerillas, Inc. **	13-2903183	DYCD	\$25,000	260	005	
Gjonaj	Council on the Environment, Inc. - Open Space Greening & Environmental Education **	13-2765465	DPR	(\$20,000)	846	006	
Gjonaj	Council on the Environment, Inc. - Open Space Greening & Environmental Education **	13-2765465	DYCD	\$20,000	260	005	
Ampry-Samuel	Horticultural Society of New York, The - Bainbridge Street **	13-0854930	DPR	(\$10,000)	846	006	
Ampry-Samuel	Horticultural Society of New York, The - Bainbridge Street **	13-0854930	DYCD	\$10,000	260	005	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

\*\*\* Technical adjustment to designation made in a previous Transparency Resolution

**CHART #10: SU-CASA - Fiscal 2020**

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Cumbo	Cumbe: Center for African and Diaspora Dance, Inc. - CCNS St Louis Neighborhood Senior Center - Catholic Charities Neighborhood Services, Inc.	47-5039336	DCLA	(\$15,000)	126	003	
Cumbo	Jack Arts, Inc. - CCNS St Louis Neighborhood Senior Center - Catholic Charities Neighborhood Services, Inc.	45-5346846	DCLA	\$15,000	126	003	
	Department of Cultural Affairs	13-6400434	DCLA	(\$1,140,000)	126	003	
Ayala	Amigos Del Museo Del Barrio, Inc. - Carver Neighborhood Senior Center - Institute For Puerto Rican/Hispanic Elderly	23-7156720	DCLA	\$15,000	126	022	
Ayala	Horticultural Society of New York, The - E. Robert Moore Neighborhood Senior Center - Bronxworks, Inc.	13-0854930	DCLA	\$15,000	126	003	
Ayala	Bronx Documentary Center, The - Mitchel Neighborhood Senior Center - East Side House	45-2403312	DCLA	\$15,000	126	003	
Chin	New York Chinese Cultural Center, Inc. - Mott Street Neighborhood Senior Center	13-2928554	DCLA	\$15,000	126	003	
Chin	University Settlement Society of New York, Inc. - Center on the Square Neighborhood Senior Center	13-5562374	DCLA	\$15,000	126	003	
Corney	Green Earth Poets Cafe, Inc. - Albany Neighborhood Senior Center	46-4951821	DCLA	\$15,000	126	003	
Corney	Brooklyn Music School - Maria Lawton Neighborhood Senior Center	11-6000202	DCLA	\$15,000	126	003	
Corney	Brooklyn Music School - Stuyvesant Heights Neighborhood Senior Center	11-6000202	DCLA	\$15,000	126	003	
Koslowitz	Dance Entropy, Inc. - Forest Hills Neighborhood Senior Center - Queens Community House	20-4388158	DCLA	\$15,000	126	003	
Koslowitz	Midtown Management Group, Inc. - Kew Gardens Community Center - Queens Community House	13-3192793	DCLA	\$15,000	126	003	
Koslowitz	Dance Entropy, Inc. - Rego Park Neighborhood Senior Center - Queens Community House	20-4388158	DCLA	\$15,000	126	003	
Reynoso	Calpulli Mexican Dance Company - Ridgewood Bushwick ISC	20-0642440	DCLA	\$15,000	126	003	
Reynoso	Bushwick Starr, Inc. - Roundtable Neighborhood Senior Center	26-4546315	DCLA	\$15,000	126	003	
Reynoso	Calpulli Mexican Dance Company - Williamsburg Neighborhood Senior Center	20-0642440	DCLA	\$15,000	126	003	
Rose	Snug Harbor Cultural Center & Botanical Garden - Cassidy Coles Neighborhood Senior Center - Community Agency For Senior Citizens Inc	80-0193388	DCLA	\$15,000	126	003	
Rose	Sundog Theatre, Inc. - Stapleton Neighborhood Senior Center - Jewish Community Center Of Staten Island	45-0476945	DCLA	\$15,000	126	003	
Rose	IlluminArt Productions - West Brighton Neighborhood Senior Center - Catholic Charities Community Services Archdiocese of NY	42-1727647	DCLA	\$15,000	126	003	
Gibson	Dances for a Variable Population, Inc. - Concourse Plaza Wellness	26-4572204	DCLA	\$15,000	126	003	
Gibson	Horticultural Society of New York, The - Hope of Israel Neighborhood Senior Center - Hope of Israel Senior Citizen Center, Inc.	13-0854930	DCLA	\$15,000	126	003	
Gibson	Loisaida, Inc. - Morrisania Air Rights Social Club - Presbyterian Senior Services	13-3023183	DCLA	\$15,000	126	003	
Gjonaj	Midtown Management Group, Inc. - PSS City Island	13-3192793	DCLA	\$15,000	126	003	
Gjonaj	Lehman College Art Gallery - Throgs Neck Neighborhood Senior Center	13-3391212	DCLA	\$15,000	126	003	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

\*\*\* Technical adjustment to designation made in a previous Transparency Resolution

**CHART #10: SU-CASA (continued) - Fiscal 2020**

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Lancman	Jamaica Center for Arts and Learning, Inc. - Pomonok Neighborhood Senior Center - Queens Community House Inc.	11-2478709	DCLA	\$15,000	126	022	
Lancman	Ascension Music Chorus & Orchestra, Inc. - Queens Valley Neighborhood Senior Center - Young Israel Programs Inc	13-3668472	DCLA	\$15,000	126	003	*
Lancman	Dance Parade, Inc. - Shelton House Social Club - Jamaica Service Program For Older Adults Inc	20-8576378	DCLA	\$15,000	126	003	*
Lander	Brooklyn Music School - Amico/Eileen Dugan Senior Center - American Italian Coalition Of Organizations Inc\Amico	11-6000202	DCLA	\$15,000	126	003	
Lander	Dancewave, Inc. - Heights And Hills Senior Center/ Park Slope Center For Successful Aging - Heights And Hills, Inc.	11-2726558	DCLA	\$15,000	126	003	
Lander	Tropicalfete, Inc. - Prospect Hill Neighborhood Senior Ctr - St John St Matthew Emanuel Lutheran Church	45-2940435	DCLA	\$15,000	126	003	
Menchaca	Young Dancers in Repertory, Inc. - Red Hook Neighborhood Senior Center	11-2799128	DCLA	\$15,000	126	003	
Menchaca	Dancewave, Inc. - Sunset Park Neighborhood Senior Center	11-2726558	DCLA	\$15,000	126	003	
Menchaca	Instituto Arte Teatral Internacional, Inc. - United Neighborhood Senior Citizens Center	13-3111859	DCLA	\$15,000	126	003	
Moya	Loisaida, Inc. - Elmcors Golden Phoenix Club One	13-3023183	DCLA	\$15,000	126	003	
Moya	Spanish Theatre Repertory Company, Ltd. - Raices Corona Neighborhood Senior Center	13-2672755	DCLA	\$15,000	126	003	
Moya	Drumsongs Productions, Inc. - Elmcors Golden Phoenix Club Two	06-1550859	DCLA	\$15,000	126	003	
Powers	Ansonia Music Outreach Organization, Inc. - Lenox Hill Neighborhood Senior Center	13-3674001	DCLA	\$15,000	126	003	
Powers	Horticultural Society of New York, The - Stein Neighborhood Senior Center	13-0854930	DCLA	\$15,000	126	003	
Salamanca	Afro-Latin Jazz Alliance of New York, Inc. - Erma Cava Senior Center - Sebco Neighborhood Senior Center	45-3665976	DCLA	\$15,000	126	003	
Salamanca	Afro-Latin Jazz Alliance of New York, Inc. - Melrose Mott Haven Neighborhood Sr Ctr - East Side House Inc	45-3665976	DCLA	\$15,000	126	003	
Salamanca	Afro-Latin Jazz Alliance of New York, Inc. - PSS Davidson Neighborhood Senior Center - Presbyterian Senior Services	45-3665976	DCLA	\$15,000	126	003	
Ulrich	Queens Theatre In The Park, Inc. - CCNS Howard Beach Neighborhood Senior Center - Catholic Charities Neighborhood Services Inc	11-3381629	DCLA	\$15,000	126	022	
Ulrich	Jamaica Center for Arts and Learning, Inc. - CCNS Howard Beach Neighborhood Senior Center - Catholic Charities Neighborhood Services Inc	11-2478709	DCLA	\$15,000	126	022	
Ulrich	Jamaica Center for Arts and Learning, Inc. - Rockaway Park Neighborhood Senior Center - Jewish Association For Services For The Aged (JASA)	11-2478709	DCLA	\$15,000	126	022	
Vallone	Dance Parade, Inc. - Selfhelp Clearview Neighborhood SC	20-8576378	DCLA	\$15,000	126	003	
Vallone	Flushing Council on Culture and the Arts, Inc. - Hanac Angelo Petromelis Neighborhood SC	11-2652182	DCLA	\$15,000	126	022	
Vallone	Queens Theatre In The Park, Inc. - Samuel Field Y Clearview Gardens Norc - Samuel Field YM & YWHA Inc	11-3381629	DCLA	\$15,000	126	022	
Holden	Queens Theatre In The Park, Inc. - Middle Village Neighborhood Senior Ctr	11-3381629	DCLA	\$15,000	126	022	

Holden	Queens Historical Society - Peter Cardella Neighborhood Senior Ctr	23-7016007	DCLA	\$15,000	126	003	
Holden	Ascension Music Chorus and Orchestra, Inc. - Selfhelp Maspeth Neighborhood Senior Ctr	13-3668472	DCLA	\$15,000	126	003	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

## CHART #10: SU-CASA (continued) - Fiscal 2020

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Miller	Green Earth Poets Cafe, Inc. - Allen Community Neighborhood Senior Ctr	46-4951821	DCLA	\$15,000	126	003	
Miller	Braata Productions, Inc. - Alpha Phi Alpha Neighborhood Senior Ctr	27-3402327	DCLA	\$15,000	126	003	
Miller	Jamaica Center for Arts and Learning, Inc. - JSPOA Theodora Jackson Nsc	11-2478709	DCLA	\$15,000	126	022	
Rivera	Ascension Music Chorus & Orchestra, Inc. - Good Companions Neighborhood Senior Center	13-3668472	DCLA	\$15,000	126	003	
Rivera	Cumbe: Center for African and Diaspora Dance, Inc. - Grand Colation of Seniors	47-5039336	DCLA	\$15,000	126	003	
Rivera	Calpulli Mexican Dance Company - John Paul II Friendship Neighborhood SC	20-0642440	DCLA	\$15,000	126	003	
Espinal	Teachers & Writers Collaborative - Cypress Hills Fulton St Nbh Sr CTZ CTR	13-2693372	DCLA	\$15,000	126	003	
Espinal	Bushwick Starr, Inc. - Ridgewood Bushwick Neighborhood SC	26-4546315	DCLA	\$15,000	126	003	
Espinal	BRIC Arts Media Brooklyn, Inc. - Ridgewood Bushwick Neighborhood Round Table Neighborhood Senior Center	11-2547268	DCLA	\$15,000	126	003	
King	Lehman College Art Gallery - Einstein JASA	13-3391212	DCLA	\$15,000	126	003	
King	Jazzmobile, Inc. - Coop City NORC JASA	13-2614483	DCLA	\$15,000	126	003	
Levine	Afro-Latin Jazz Alliance of New York, Inc. - PSS Manhattanville Senior Center	45-3665976	DCLA	\$15,000	126	003	
Levine	Dances for a Variable Population, Inc. - The Center at Red Oak - West Side Federation for Senior and Supportive Housing	26-4572204	DCLA	\$15,000	126	003	
Levine	Horticultural Society of New York, The - Morningside MRHS NORC - Morningside Retirement & Health Services Inc.	13-0854930	DCLA	\$15,000	126	003	
Treyger	Art's House Schools, Inc. - Haber House Neighborhood Senior Center - Jewish Community Council of Greater Coney Island, Inc.	87-0790139	DCLA	\$15,000	126	003	
Treyger	New York Chinese Cultural Center, Inc. - Marlboro Neighborhood Senior Center - Jewish Community Council of Greater Coney Island, Inc.	13-2928554	DCLA	\$15,000	126	003	
Treyger	Brighton Ballet Theater Company, Inc. - Sheuer House of CI Neighborhood SR CTR - Jewish Association for Services for the Aged	11-3195590	DCLA	\$15,000	126	003	
Rosenthal	Dances for a Variable Population, Inc. - Goddard Senior Center - W 88th st	26-4572204	DCLA	\$15,000	126	003	
Rosenthal	Dances for a Variable Population, Inc. - Lincoln Square Neighborhood Center - Goddard	26-4572204	DCLA	\$15,000	126	003	
Barron	Urbanglass New York Contemporary Glass Center, Inc. - Abe Stark Neighborhood Senior Center	13-3098471	DCLA	\$15,000	126	003	
Barron	Drumsongs Productions, Inc. - Penn Wortman Neighborhood Senior Center	06-1550859	DCLA	\$15,000	126	003	*
Eugene	Brighton Ballet Theater Company, Inc. - Brookdale Neighborhood Senior Center	11-3195590	DCLA	\$15,000	126	003	
Eugene	West Indian American Day Carnival Association, Inc. - Saint Gabriels Neighborhood Senior Center	23-7176396	DCLA	\$15,000	126	003	
Gjonaj	Bronx River Art Center, Inc.- Northeast Bronx Neighborhood Senior CTR	13-3261148	DCLA	\$15,000	126	003	
King	Bronx River Art Center, Inc. - Bay Eden Neighborhood	13-3261148	DCLA	\$15,000	126	003	
Torres	Lehman College Art Gallery - East Concourse Neighborhood Senior Center - Bronxworks, Inc	13-3391212	DCLA	\$15,000	126	003	
Torres	Lehman College Art Gallery - SEBCO Mt. Carmel Neighborhood Senior Center - SEBCO Development, Inc	13-3391212	DCLA	\$15,000	126	003	
Torres	Young Audiences New York, Inc. - Thomas Guess Neighborhood Senior Center - The Neighborhood Self-Help by Older Persons Project, Inc	13-1997754	DCLA	\$15,000	126	003	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART #11: Support Our Seniors - Fiscal 2020**

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Holden	Queensborough Community College Auxiliary Enterprise Association, Inc. **	11-2037770	DFTA	(\$10,000)	125	003	
Holden	City University of New York - Queensborough Community College Auxiliary Enterprise Association, Inc. **	13-6400434	CUNY	\$10,000	042	001	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART #12: COMPASS - Fiscal 2020**

<b>Organization - Program</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Development Outreach, Inc.	13-2997764	DYCD	(\$12,272)	260	312	
Jewish Institute of Queens	54-2068797	DYCD	(\$23,280)	260	312	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART #13: Coalition Theaters of Color - Fiscal 2020**

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Kinding Sindaw Heritage Foundation,	47-2655890	DCLA	(\$20,000)	126	003	
Kinding Sindaw Heritage Foundation,	47-2655890	DYCD	\$20,000	260	005	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect.

\*\*\* Technical adjustment to designation made in a previous Transparency Resolution

**CHART #14: Local Initiatives - Fiscal 2019**

<b>Member</b>	<b>Organization - Program</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Borelli	Police Organization Providing Peer Assistance (POPPA), Inc. **	13-4128172	DHMH	(\$10,000)	816	120	
Borelli	National September 11 Memorial & Museum at the World Trade Center Foundation, Inc. **	38-3678458	DCLA	\$10,000	126	003	
Rosenthal	Friends of Riverside SFMA, Inc. - STEAM/Maker Talent Showcase	82-2433624	DYCD	(\$5,000)	260	312	*
Rosenthal	Friends of Riverside SFMA, Inc. - STEAM/Maker Talent Showcase	82-2432624	DYCD	\$5,000	260	312	*

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART #15: Food Pantries Initiative - Fiscal 2019**

Borough	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Manhattan Delegation	Congregation B'nai Jeshurun - Food Pantry	13-0594858	DYCD	(\$20,000)	260	005	
Manhattan Delegation	Congregation B'nai Jeshurun Starafroler Hebria - Food Pantry	13-0594858	DYCD	\$20,000	260	005	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART #16: Purpose of Funds Changes - Fiscal 2020**

Source	Member	Organization - Program	EIN Number	Agency	Amount	New Purpose of Funds	*
Local	Rodriguez	CaribBeing, Inc.	45-5192099	DCLA	(\$5,000)	Funding to support programming expenses with an emphasis on social, cultural, economic and cultural contributions of (English, French, Spanish and Dutch) Caribbean/Dominican immigrants to NYC.	
Local	Rodriguez	CaribBeing, Inc.	45-5192099	DCLA	\$5,000	Funds will be used to support operating and programming expenses for community events and programs with an emphasis on Caribbean culture.	
Local	Richards	Business Outreach Center Network, Inc.	11-3306111	SBS	(\$10,000)	Funds will be used to support youth and family social services coordination which includes but is not limited to the following services performed by JCCRP staff and administration. Individual Advocacy, Case Assistance, Client Evaluation/Assessment, Client Monitoring, Client Referrals, Counseling, Crisis Intervention/Management, Intake, Safety Planning, Service/Care Planning.	
Local	Richards	Business Outreach Center Network, Inc.	11-3306111	SBS	\$10,000	Funds will be used to support provision of financial education, business planning, marketing and financing workshops, coupled with one-on-one counseling and BOC Network's Child Care Business Development Project.	
Youth	Richards	Battalion Pentecostal Assembly, Inc. - Youth Ignition, Daughters of Purpose and Royal Rangers	36-4391337	DYCD	(\$10,000)	Funds will be used to support a youth women empowerment program in Council District 31.	*
Youth	Richards	Battalion Pentecostal Assembly, Inc. - Youth Ignition, Daughters of Purpose and Royal Rangers	36-4391337	DYCD	\$10,000	Funds will be used to support programs for Youth Ignition, Daughters of Purpose and Royal Rangers. there will be Annual Youth Retreat - this is for both youths in the surrounding communities and present youths. The retreat encourages growth, development and fellowship, a Weekly activity called "Safe Space" - where the youths of Battalion and surrounding community youths get to discuss various topics of interest and have continued fellowship interaction. Also there will be a music workshop will begin on January 25th, and continued on the 4th Saturday of every month.	*
Local	Richards	CHAZAQ Organization USA, Inc.	46-2148352	DYCD	(\$5,000)	Funds used to support afterschool programming in Council District 31.	
Local	Richards	CHAZAQ Organization USA, Inc.	46-2148352	DYCD	\$5,000	Funds used to support one time events in Council District 31. These events will consist of community concerts, voter registration drives and census hiring.	
Anti-Poverty	Richards	East River Development Alliance, Inc. - Worker Cooperative Business Development Initiative	86-1096987	DYCD	(\$10,000)	Programming for workforce development.	*
Anti-Poverty	Richards	East River Development Alliance, Inc. - Worker Cooperative Business Development Initiative	86-1096987	DYCD	\$10,000	Funds to be used to support technical assistance to worker cooperatives.	*

Local	Richards	East River Development Alliance, Inc. - Worker Cooperative Business Development Initiative	86-1096987	DYCD	(\$19,500)	Funds will be used for workforce program development.	*
Local	Richards	East River Development Alliance, Inc. - Worker Cooperative Business Development Initiative	86-1096987	DYCD	\$19,500	Funds to be used to support job training and placement, one on crisis and short term counseling, long term asset building, tax preparation, and tenant advocacy.	*

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART #: Purpose of Funds Changes - Fiscal 2020 (continued)**

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds	*
Youth	Richards	Jewish Community Council of the Rockaway Peninsula, Inc. - Youth Services	11-2425813	DYCD	(\$15,000)	Funds will be used to support youth and family social services coordination which includes but is not limited to the following services performed by JCCRP staff and administration. Individual Advocacy, Case Assistance, Client Evaluation/Assessment, Client Monitoring, Client Referrals, Counseling, Crisis Intervention/Management, Intake, Safety Planning, Service/Care Planning.	*
Youth	Richards	Jewish Community Council of the Rockaway Peninsula, Inc. - Youth Services	11-2425813	DYCD	\$15,000	Funds will be used to support a program designed to assist youth and their families. If a young child or teen is going to school hungry, doesn't have adequate health coverage or is living without other essentials, they will not be able to focus on their school work and development. Clients representing these families can make an appointment or walk in to meet with one of our social workers regarding crisis intervention, nutrition, legal assistance, benefits and entitlements and other referrals. The social workers will complete an intake form and determine the needs of the client and the best course of action for the client. They will then help the client through the process or refer them to the proper course of action. They will also see if there are any other services that we offer that can be of assistance to the client. Follow up will be done if necessary.	*
Local	Richards	Showing Hearts Foundation, Inc., The	81-0713547	DYCD	(\$5,000)	Funds to support program that encourages nonprofit network development.	*
Local	Richards	Showing Hearts Foundation, Inc., The	81-0713547	DYCD	\$5,000	Funds will be used for Boot Camp and workshops. Funds will go to creating materials for presentation and take aways, as well as reserving a space, providing refreshments and the fee for the facilitator. Boot camps and workshops will include a grant seeker intensive Boot Camp, Becoming a registered minority/woman owned business hosted by a certified MWB coach and recipient of micro business of the year, A leadership development and succession workshop for non-profit executives, and A leadership development and succession workshop for non-profit executives.	*
Local	Richards	Think Positive and Dream Big, Inc.	82-3217920	DYCD	(\$5,000)	Funds to support youth empowerment programs in Council District 31.	*
Local	Richards	Think Positive and Dream Big, Inc.	82-3217920	DYCD	\$5,000	Funds will be used to support services/programming consist of student/staff/parent workshops that are offered to help build life-skills, financial management, emotional skills, goal setting, and school culture. The workshops will include Guardian Empowerment Series, I-care Seminar, Think positive & dream big, next step readiness, and anti-bullying.	*
Youth	Richards	UMOJA Network for Young Men, Incorporated	80-0749431	DYCD	(\$5,000)	Funds to be used for programmatic support.	*

Youth	Richards	UMOJA Network for Young Men, Incorporated	80-0749431	DYCD	\$5,000	Funds will be used to support educational trips for the organization to the National Museum of African American History and Culture in Washington DC and the Apollo Theater in Harlem. Funds will also be used to put on a Men's Breakfast and Recognition Ceremony, Student Award Ceremonies and Holiday parties as well as purchase supplies and paraphernalia.	*
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\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART #: Purpose of Funds Changes - Fiscal 2020 (continued)**

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds	*
Local	Brannan	Ballroom Basix USA, Inc. - Public School/Intermediate School 30K & Public School/Intermediate School 163K	27-3218865	DOE	(\$6,000)	Funds for dance programming at Public School/Intermediate School 30 and Public School/Intermediate School 163.	
Local	Brannan	Ballroom Basix USA, Inc. - Public School 229K & Public School/Intermediate School 163K	27-3218865	DOE	\$6,000	Funds for dance programming at Public School/Intermediate School 229 and Public School/Intermediate School 163.	
Local	Miller	Showing Hearts Foundation, Inc., The	81-0713547	DYCD	(\$7,000)	Funding will support job readiness workshops, job placement assistance and technology instruction.	
Local	Miller	Showing Hearts Foundation, Inc., The	81-0713547	DYCD	\$7,000	Funding will support the Showing Hearts Youthpreneur programs in Council District 27 and related operational expenses.	
Aging	Menchaca	United Senior Citizens Center of Sunset Park, Inc.	11-2358277	DFTA	(\$10,000)	To purchase kitchen equipment, security cameras and furniture for seniors activities area.	
Aging	Menchaca	United Senior Citizens Center of Sunset Park, Inc.	11-2358277	DFTA	\$10,000	To purchase kitchen equipment, support the cost of repairing the heating system, security cameras and furniture for seniors activities area.	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, MARK GJONAJ, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, STEVEN MATTEO; Committee on Finance, January 23, 2020. *Other Council Members Attending: Council Member Perkins.*

On motion of the Speaker (Council Member Johnson), 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 Johnson) 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. 602

**Report of the Committee on Finance in favor of a Resolution approving 319-321 West 38th Street.HPO.FY20, Block 762, p/o Lot 23; Manhattan, Community District No. 4, Council District No. 3.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on January 23, 2020 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:)**

January 23, 2020

TO: Hon. Daniel Dromm  
Chair, Finance Committee  
Members of the Finance Committee

FROM: Rebecca Chasan, Senior Counsel, Finance Division  
Stephanie Ruiz, Assistant Counsel, Finance Division  
Noah Brick, Assistant Counsel, Finance Division

RE: Finance Committee Agenda of January 23, 2020 – Resolution approving a tax exemption for one Land Use item (Council District 3)

#### **Item 1: 319-321 West 38th Street**

319 and 321 West 38th Street will consist of a 26-story building, containing 11 affordable rental housing units, which will include eight studio apartments, two one-bedrooms, and one two-bedroom with the remaining portion containing a hotel condominium.

Under the proposed project, HP 319 West 38th Street Housing Development Fund Corporation (HDFC) will acquire the leasehold interest in the property from 319 West 38th Street LLC (LLC). Upon formation of the

condominium unit containing the property, the HDFC will acquire the fee interest in the property, and the LLC will become the beneficial owner and will operate the property. The HDFC and LLC will finance the construction of the property with a loan from a private lending institution.

The property currently consists of a pair of four-story buildings with a total of 15 partially demolished residential condominium units, plus a rear building which was in use as a single-family home. In October 2015, the owner had commenced the demolition process of the buildings, however, ceased the process due to a stop work order issued by the Department of Buildings in December 2015. Consequently, the owner agreed to receive an exemption from demolition certification requirements by entering into an approved program administered by the New York City Department of Housing Preservation and Development (HPD) and agreeing to an affordability plan subject to an HPD tax exemption program.

HPD is requesting that the Council approve a partial, 40-year Article XI exemption to support the construction of the proposed project. HPD, the LLC, and the HDFC would enter into a regulatory agreement that would require that six units be leased only to households earning up to 120% of the Area Median Income (AMI) and that five units be leased only to households earning up to 165% of AMI. One of the units would be reserved for referrals of formerly homeless families.

Summary:

- Borough – Manhattan
- Block 762, p/o Lot 23
- Council District – 3
- Council Member – Johnson
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 11
- Type of exemption – Article XI, partial, 40 years
- Population – affordable rental housing
- Sponsor – 319 West 38th Street LLC; HP 319 West 38th Street HDFC
- Purpose – new construction
- Cost to the city - \$958,000
- Housing Code Violations
  - Class A – 1
  - Class B – 2
  - Class C – 1
- AMI target – 6 units at 120% AMI and 5 units at 165% AMI

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

Res. No. 1232

**Resolution approving an exemption from real property taxes for property located at (Block 762, p/o Lot 23) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 602).**

By Council Member Dromm.

**WHEREAS**, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated January 16, 2020 that the Council take the following action regarding a housing project located at (Block 762, p/o Lot 23) 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:**

The Council hereby grants an exemption from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Company” shall mean 319 West 38th Street 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 the lease 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 762, p/o Lot 23 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 or leased by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - f. “Gross Rent” shall mean the gross potential rents from all residential and commercial units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
  - g. “Gross 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 Gross Rent Tax for the applicable tax year.
  - h. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to one percent (1.0%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross 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.
  - i. “HDFC” shall mean HP 319 West 38th Street Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area or the leasehold interest in the Exemption Area with the prior written consent of HPD.
  - j. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.

- k. "Owner" shall mean, collectively, the HDFC and the Company.
- l. "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the 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 form or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.
4. Notwithstanding any provision hereof to the contrary:
  - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area or in the leasehold interest of the HDFC 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.
5. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, MARK GJONAJ, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, STEVEN MATTEO; Committee on Finance, January 23, 2020. *Other Council Members Attending: Council Member Perkins.*

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

## **Report of the Committee on Governmental Operations**

Report for Int. No. 991-C

**Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the office of administrative trials and hearings dismissing taxi and limousine commission-related violations pertaining to vehicle lights upon proof of correction.**

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on June 28, 2018 (Minutes, page 2578), respectfully

### **REPORTS:**

#### **I. INTRODUCTION**

On January 21, 2020, the Committee on Governmental Operations, chaired by Council Member Fernando Cabrera, will hold a second hearing and vote on Int. 991-C, in relation to the office of administrative trials and hearings dismissing taxi and limousine commission-related violations pertaining to vehicle lights upon proof of correction, sponsored by Council Member Cabrera. The Committee first heard a prior version of Int. 991-C on January 31, 2019.

#### **II. BACKGROUND**

##### **a. *The Taxi and Limousine Commission***

Established in 1971, New York City’s Taxi and Limousine Commission (“TLC”) was created to license and regulate the City’s yellow medallion taxicabs, street hail liveries (boro or green taxis), for-hire vehicles (app-based services, liveries, black cars and luxury limousines) (“FHVs”), commuter vans, paratransit vehicles and wheelchair accessible vehicles.<sup>1</sup> More than 200,000 TLC licensees complete approximately 1,000,000 trips each day.<sup>2</sup> The TLC conducted 126,275 safety and emissions inspections at its Woodside, Queens inspection facility

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<sup>1</sup> See New York City Taxi & Limousine Commission, About TLC, <https://www1.nyc.gov/site/tlc/about/about-tlc.page> (last accessed Nov. 29, 2019). See also generally New York City Taxi & Limousine Commission Fact Book 2018 at 3, available at [https://www1.nyc.gov/assets/tlc/downloads/pdf/2018\\_tlc\\_factbook.pdf](https://www1.nyc.gov/assets/tlc/downloads/pdf/2018_tlc_factbook.pdf).

<sup>2</sup> About TLC, *supra* note 1.

in fiscal year 2019, according to the 2019 Mayor’s Management Report.<sup>3</sup> In addition to an unpaid board of nine members, the TLC has 600 employees.<sup>4</sup>

TLC has more than 170 officers who issue summonses to licensees.<sup>5</sup> The violations that TLC enforces range from compliance with generally applicable traffic laws, such as speeding or failure to yield,<sup>6</sup> to more TLC-specific violations. TLC-specific violations include relatively minor rules, such as vehicle cleanliness and proper display of a license, as well as service refusals or illegal pick-ups.<sup>7</sup> Since 2011, the adjudication of TLC violations has been the responsibility of the Office of Administrative Trials and Hearings (‘OATH’).<sup>8</sup>

### ***b. Vehicle light violations***

Section 80-22(b) of title 35 of the Rules of the City of New York states that TLC-regulated drivers “must not operate a Vehicle without continuing personal inspection and reasonable determination that all equipment, including brakes, tires, lights, signals and passenger seatbelts and shoulder belts, is in good working order.”<sup>9</sup> This subdivision also sets forth the related civil fines: \$50 if a driver pleads guilty before a hearing and \$75 if a driver is found guilty following a hearing.<sup>10</sup> There is currently no cure provision in rule or law for such violations. By comparison, New York State Vehicle and Traffic Law section 376-a lays out a process by which a summons may be dismissed without penalty if certain vehicular equipment violations, such as for a defect with a vehicle’s lights, are proven to have been repaired within a short period of time after receipt of the summons.<sup>11</sup>

## **III. LEGISLATIVE ANALYSIS**

### **Proposed Int. 991-C**

Proposed Int. 991-C would authorize OATH to dismiss a violation enforced by TLC pertaining to a defective vehicle light so long as two conditions are met: the driver or owner must have fixed the light no later than one day after being issued a violation, and the driver must provide proof of correction, such as a statement of correction issued by a state inspection authority or auto repair shop, along with the TLC summons, to the TLC. Once the TLC, upon inspection of proof, determines that the driver or owner corrected the light, it would then recommend that OATH dismiss the violation.

Several technical edits were made to Proposed Int. 991-C since initial introduction. Among such edits, rather than creating a new Chapter 9 to Title 19 of the Administrative Code, Proposed Int. 991-C would relocate the bill’s provisions to the existing Chapter 5 of Title 19, creating a new section 19-554. Edits were additionally made to the bill’s definitions, deleting the terms “commission” and “driver,” which are already defined in Chapter 5; deleting superfluous language in the definition of OATH tribunal; replacing an enumerated list of holidays for purposes of defining “business day” with a cross-reference to a State General Construction Law provision which already lists such holidays; defining state inspection stations by reference to the State Vehicle and Traffic Law; and defining “fleet” by reference to TLC rule. Additional language clarifies that proof of correction must be provided to the TLC on or before the date of the TLC summons. Language requiring that an affirmation that the correction was made, under penalty of perjury, is relocated in the bill, and superfluous language tracking Vehicle and Traffic Law section 376-a is deleted.

<sup>3</sup> Mayor’s Office of Operations, Mayor’s Management Report (Sept. 2019) at 148, *available at* [https://www1.nyc.gov/assets/operations/downloads/pdf/mmr2019/2019\\_mmr.pdf](https://www1.nyc.gov/assets/operations/downloads/pdf/mmr2019/2019_mmr.pdf).

<sup>4</sup> See About TLC, *supra* note 1.

<sup>5</sup> Vision Zero, TLC Enforcement, <http://www.nyc.gov/html/visionzero/pages/initiatives/tlc-enforcement.shtml> (last accessed Nov. 29, 2019).

<sup>6</sup> See *id.*

<sup>7</sup> Relevant TLC rules and local laws may be found at <https://www1.nyc.gov/site/tlc/about/tlc-rules.page>.

<sup>8</sup> See Executive Order 148 of 2011. Pursuant to EO 148 of 2011, OATH issued proposed rules applicable to the TLC violations in 2013, available at <http://rules.cityofnewyork.us/content/oath-taxi-and-limousine-tribunal-rules-0>. See generally 48 RCNY § 5-01 *et seq.* (OATH’s current rules applicable to violations enforced by the TLC).

<sup>9</sup> 35 RCNY § 80-22(b).

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

<sup>11</sup> N.Y. State Vehicle and Traffic Law § 376-a.

(The following is the text of the Fiscal Impact Statement for Int. No. 991-C:)



**THE COUNCIL OF THE CITY OF NEW YORK**  
**FINANCE DIVISION**  
 LATONIA MCKINNEY, DIRECTOR  
**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO. 991-C**

**COMMITTEE:** Governmental Operations

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the Office of Administrative Trials and Hearings dismissing Taxi and Limousine Commission-related violations pertaining to vehicle lights upon proof of inspection.

**SPONSORS:** Council Members Cabrera, Yeger, Holden and Louis.

**SUMMARY OF LEGISLATION:** This bill would authorize the Office of Administrative Trials and Hearings (OATH) to dismiss a violation enforced by the New York City Taxi and Limousine Commission (TLC) pertaining to a defective vehicle light, so long as the driver or owner of the vehicle has fixed the light no later than one day after being issued a violation and the driver provides proof of correction, such as a statement of correction issued by a State inspection authority or an auto repair shop, along with the TLC summons, to the TLC. Once the TLC, upon inspection of such proof of correction, determines that the driver or owner corrected the light, it would then recommend that OATH dismiss the violation.

**EFFECTIVE DATE:** This local law would take effect 180 days after it becomes law, except that OATH and TLC would take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2022

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY21</b>	<b>FY Succeeding Effective FY22</b>	<b>Full Fiscal Impact FY22</b>
<b>Revenues (+)</b>	de minimis	de minimis	de minimis
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** Because the City receives only a nominal amount of revenue on TLC vehicle light violations, even if most violations were corrected and dismissed pursuant to the legislation, it is anticipated that the enactment of this legislation would have a de minimis impact on revenues.

**IMPACT ON EXPENDITURES:** It is estimated that there would not be an impact on expenditures resulting from the enactment of this legislation, as the City would use existing resources to comply with the requirements of this legislation.

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

**SOURCES OF INFORMATION:** New York City Council Finance Division  
Mayor's Office of Legislative Affairs  
Office of Administrative Trials and Hearings

**ESTIMATE PREPARED BY:** Sebastian Palacio Bacchi, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Nathaniel Toth, Deputy Director  
Regina Poreda Ryan, Deputy Director  
John Russell, Unit Head  
Noah Brick, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 991 on June 28, 2018 and was referred to the Committee on Governmental Operations (Committee). The Committee heard the legislation on January 31, 2019, and the legislation was laid over. The legislation was subsequently amended three times, and the most recently-amended version, Proposed Int. No. 991-C, will be considered by the Committee on January 21, 2020. Upon a successful vote by the Committee, Proposed Intro. 991-C will be submitted to the full Council for a vote on January 23, 2020.

**DATE PREPARED:** January 7, 2020.

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

**(The following is the text of Int. No. 991-C:)**

Int. No. 991-C

By Council Members Cabrera, Yeger, Holden, Louis, Barron and Ayala.

**A Local Law to amend the administrative code of the city of New York, in relation to the office of administrative trials and hearings dismissing taxi and limousine commission-related violations pertaining to vehicle lights upon proof of correction**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-554 to read as follows:

*§ 19-554 Dismissal of vehicle lights violation upon proof of correction. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Business day. The term "business day" means any calendar day, as such term is defined in section 19 of the general construction law, except Saturday, Sunday or a public holiday, as such term is defined in section 24 of the general construction law.*

*OATH. The term "OATH" means the office of administrative trials and hearings.*

*State. The term "state" means the state of New York.*

*Summons. The term "summons" means a document, including a notice of violation, issued by any agency authorized to issue notices of violation returnable to the tribunal that specifies the charges forming the basis of an adjudicatory proceeding before the tribunal.*

*Tribunal. The term "tribunal" means the OATH hearings division.*

*b. The tribunal shall dismiss a violation issued to a driver or an owner of a vehicle for failing to personally inspect and reasonably determine the good working order of the lights of such vehicle pursuant to subdivision b of section 80-22 of title 35 of the rules of the city of New York or any successor provision when: (i) such driver*

*or owner corrects such violation not later than one-half hour after sunset on the first full business day after the date of the violation as specified on the summons, (ii) such driver or owner provides to the commission, on or before the return date of such summons, a copy of such summons, any of the forms of proof of such correction listed in subdivision c of this section and an affirmation under penalty of perjury that such correction was made and (iii) the commission, upon inspection of such proof of correction, determines that such driver or owner corrected the violation and recommends that the tribunal dismiss the violation. Should the commission not recommend dismissal of such violation, such driver or owner may provide any of the forms of proof of correction described in subdivision c of this section at a hearing of the tribunal.*

*c. The following constitute proof of correction pursuant to subdivision b of this section:*

- 1. A statement of correction from an official inspection station licensed pursuant to section 303 of the vehicle and traffic law, duly executed by the person who made such correction and bearing the facility number of the official inspection station;*
- 2. A statement of correction from an automobile repair shop on its letterhead, duly executed by the person who made such correction;*
- 3. A statement of correction from a person administering a fleet, as such term is defined in section 51-03 of title 35 of the rules of the city of New York or any successor provision, duly executed by the person who made such correction and countersigned by the fleet maintenance supervisor;*
- 4. A signed statement of any police officer that the necessary correction has been made; or*
- 5. Evidence acceptable to the commission from any person that such person made the correction together with proof of purchase of any equipment needed to make such correction.*

§ 2. This local law takes effect 180 days after it becomes law, except that the office of administrative trials and hearings and the New York city taxi and limousine commission shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

FERNANDO CABRERA, *Chairperson*; YDANIS A. RODRIGUEZ, BEN KALLOS, ALAN N. MAISEL, BILL PERKINS, KEITH POWERS, KALMAN YEGER; Committee on Governmental Operations, January 21, 2020.

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

### **Report of the Committee on Health**

Report for Int. No. 904-A

**Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to investigations by the department of health and mental hygiene in connection with reports of pregnant persons with elevated blood lead levels.**

The Committee on Health, to which the annexed proposed amended local law was referred on May 9, 2018 (Minutes, page 1842), respectfully

**REPORTS:**

## INTRODUCTION

On January 22, 2020, the Committee on Health, chaired by Council Member Mark Levine, will hold a hearing on Proposed Introduction number 904-A (Proposed Int. No. 904-A), a local law to amend the administrative code of the city of New York, in relation to investigations by the department of health and mental hygiene in connection with reports of pregnant persons with elevated blood lead levels. This bill was originally heard at a hearing of this Committee on September 27, 2018, at which the Committee received testimony from the Department of Buildings (“DOB”), Department of Environmental Protection (“DEP”), Department for Health and Mental Hygiene (“DOHMH”), and Department of Housing Preservation and Development (“HPD”), as well as health and environmental advocates, real estate representatives, tenant advocates, and members of the public. More information about these bills along with the materials for that hearing can be found at <https://bit.ly/2Gd46k0>.

## BACKGROUND

### *The City’s Current Lead Laws*

The use of lead-based paint in residential buildings was first banned in New York City in 1960.<sup>1</sup> It was subsequently banned by the federal government in 1978.<sup>2</sup> However, exposure to this toxic substance, which is especially harmful to children, has continued. Local Law 1 of 2004 (“Local Law 1”), also known as the Childhood Lead Poisoning Prevention Act, was enacted to reduce the likelihood of childhood exposure to lead, with a particular focus on identifying and remediating lead-based paint hazards in apartments and day care facilities.<sup>3</sup>

Local Law 1 requires, in part, that building owners investigate units and common areas in which lead-based paint may be present, with special attention paid to units where a child under age six resides.<sup>4</sup> Any lead-based paint hazards or violations must be addressed using safe work practices to prevent additional exposure to lead, and detailed records of investigation and remediation efforts must be maintained.<sup>5</sup> Owners are also required to inquire as to the presence of children under age six residing in the building, and to provide all tenants with information regarding the presence of lead-based paint (if applicable) and the owner’s responsibilities under Local Law 1.<sup>6</sup>

In addition to the requirements placed on building owners, Local Law 1 also creates a presumption that lead-based paint is present in any day care facility built before 1978.<sup>7</sup> Any lead-based paint or paint of unknown lead content that is peeling or on a deteriorated, impact, or friction surface must be immediately remediated, and only lead-free paint can be used to paint equipment within the facility.<sup>8</sup> The operator of a day care facility is required to conduct an annual survey to ensure that surface-coating material throughout the facility is in compliance.<sup>9</sup>

Pursuant to Local Law 1, the Department of Housing Preservation and Development (“HPD”) is primarily responsible for the implementation and enforcement of the law’s requirements, with DOHMH also maintaining a significant role in the development of rules and procedures.<sup>10</sup> Local Law 1 requires that the agencies provide training and create inspection and remediation standards as well as safe work practices.<sup>11</sup> Further, Local Law 1 requires effective collaboration between the agencies throughout the process of conducting inspections and

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<sup>1</sup> N.Y.C. Department of Housing Preservation and Development, <https://www1.nyc.gov/site/hpd/owners/Lead-Based-Paint.page>.

<sup>2</sup> U.S. Environmental Protection Agency, <https://www.epa.gov/lead/protect-your-family-exposures-lead>.

<sup>3</sup> Local Law 1 for the year 2004 available at <https://www1.nyc.gov/assets/hpd/downloads/pdf/lead-local-local1-2004.pdf>

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

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

<sup>6</sup> *Id.*

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

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

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

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

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

correcting violations by, among other things, requiring HPD to audit and/or inspect multiple dwellings for lead paint following a commissioner's order to abate from DOHMH.<sup>12</sup>

However, despite the requirements of Local Law 1, lead continues to pose a substantial hazard to the health of children in the City.<sup>13</sup> The stated goal of Local Law 1, which was to eradicate childhood lead poisoning, has not been realized, with 3,866 children under six years of age identified with elevated blood lead levels in 2018.<sup>14</sup>

### *Recent Developments*

On March 13, 2019, the Council passed 10 pieces of lead-related legislation building upon the requirements of Local Law 1.<sup>15</sup> These bills took a number of approaches to ensure the safety of children and spaces potentially overlooked by the City's lead laws. One approach requires the investigation and remediation of lead hazards not only where children live, but also where they spend ten or more hours per week.<sup>16</sup> Another approach lowered the blood lead reference level and the lead-based paint and the lead dust thresholds to trigger more proactive investigations of lead poisoning and lead hazards.<sup>17</sup> In addition, annual investigation requirements were extended to preschools and nursery schools,<sup>18</sup> and education, outreach, and reporting requirements were strengthened to effectively inform parents, guardians, and communities about lead hazards and lead poisoning prevention.<sup>19</sup> Finally, requirements were added to increase awareness and testing of lead in water.<sup>20</sup>

### **PROPOSED INT. NO. 904-A**

Proposed Int. No. 904-A would require the DOHMH, whenever it receives a report of a pregnant person with an elevated blood lead level, to conduct an investigation to identify potential sources of such elevated blood lead level, and after the birth of a child, monitor such child for elevated blood lead levels and assess whether the apartment in which such child resides contains any lead-based paint or unsafe lead paint. In addition, DOHMH is required to conduct outreach to new and expecting parents regarding the availability of inspections for peeling paint, or a deteriorated subsurface or underlying defect in their apartment, and to provide them with information about blood lead testing for children, unsafe construction or renovation work practices, and the availability of inspections for such practices.

This legislation would take effect one year after it becomes law.

### **(The following is the text of the Fiscal Impact Statement for Int. No. 904-A:)**

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

<sup>13</sup> N.Y.C. DOHMH, Report to the New York City Council on Progress in Preventing Childhood Lead Poisoning in New York City, August 30, 2018, available at <https://www1.nyc.gov/assets/doh/downloads/pdf/lead/lead-rep-cc-annual-18.pdf>.

<sup>14</sup> N.Y.C. DOHMH, Report to the New York City Council on Progress in Preventing Childhood Lead Poisoning in New York City, September 30, 2019, available at <https://www1.nyc.gov/assets/doh/downloads/pdf/lead/lead-rep-cc-annual-19.pdf>.

<sup>15</sup> Local Laws 64, 65, 66, 67, 68, 69, 70, 71, 72 and 73 for the year 2019. See N.Y.C. Council, Stated Meeting, March 13, 2019, <https://nyc.legistar.com/MeetingDetail.aspx?ID=683513&GUID=6B168C90-0D6F-4FF5-9637-10BD41E3C554&Options=info&Search=>.

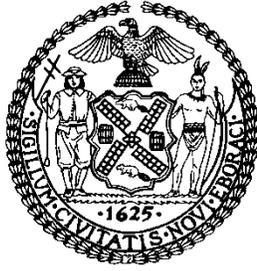
<sup>16</sup> See Local Law 064/2019 (Intro. No. 464-B), <https://nyc.legistar.com/LegislationDetail.aspx?ID=3343772&GUID=D826FA06-E66A-4ECD-BBF1-B30F7BE3C3C2&Options=&Search=>.

<sup>17</sup> See Local Law 066/2019 (Intro. No. 865-A), <https://nyc.legistar.com/LegislationDetail.aspx?ID=3498451&GUID=32932F9A-CBB0-4413-95F3-4AFCCCE64F41&Options=&Search=>.

<sup>18</sup> See Local Law 071/2019 (Intro. No. 920-A), <https://nyc.legistar.com/LegislationDetail.aspx?ID=3498552&GUID=4B027FB2-02C8-4571-9F3B-5DA56A4A1AF8&Options=&Search=>.

<sup>19</sup> See Local Laws 68/2019 (Intro. No. 877-A), 69/2019 (Intro. No. 881-A), 70/2019 (Intro. No. 918-A), 73/2019 (Intro. No. 1117-A), accessible at <https://nyc.legistar.com/MeetingDetail.aspx?ID=683513&GUID=6B168C90-0D6F-4FF5-9637-10BD41E3C554&Options=info&Search=>.

<sup>20</sup> See Local Law 73/2019 (Intro. No. 1117-A), <https://nyc.legistar.com/LegislationDetail.aspx?ID=3683904&GUID=BEAFC322-DEFE-4780-BF47-3C6FE9D5BF72&Options=&Search=>.



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
LATONIA MCKINNEY, DIRECTOR  
FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO:** 904-A

**COMMITTEE:** Health

**TITLE:** A local law to amend the administrative code of the city of New York, in relation to investigations by the department of health and mental hygiene in connection with reports of pregnant persons with elevated blood lead levels

**SPONSORS:** Council Members Rivera, Holden, Cumbo, Kallos, Moya, Cohen, Powers, Rose, Grodenchik, Lander, Vallone and Chin.

**SUMMARY OF LEGISLATION:** Proposed Intro. 904-A would require the Department of Health and Mental Hygiene (DOHMH), whenever it receives a report of a pregnant person with an elevated blood lead level, to conduct an investigation to identify potential sources of such elevated blood lead level, and after the birth of a child, monitor such child for elevated blood lead levels and assess whether the apartment where such child resides contains any lead-based paint or unsafe lead paint. In addition, DOHMH would be required to conduct outreach to new and expecting parents regarding the availability of inspections for peeling paint, or a deteriorated subsurface or underlying defect in their apartment, and to provide them with information about blood lead testing for children, unsafe construction or renovation work practices, and the availability of inspections for such practices.

**EFFECTIVE DATE:** This local law would take effect one year after it becomes law, except that the Commissioner of DOHMH may take such actions as are necessary for implementation of this local law, including the promulgation of rules, before that date.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2022

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY21</b>	<b>FY Succeeding Effective FY22</b>	<b>Full Fiscal Impact FY22</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$115,000	\$115,000	\$115,000
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be an additional of \$115,000 for expenditures resulting from the enactment of Proposed Intro. 904-A because this legislation requires additional outreach material created. DOHMH would utilize existing resources to carry out the other requirements of the legislation.

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

**SOURCE OF INFORMATION:** New York City Council Finance Division  
Department of Health and Mental Hygiene

**ESTIMATE PREPARED BY:** Lauren Hunt, Financial Analyst

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director, NYC Council Finance Division  
 Crilhien R. Francisco, Unit Head, NYC Council Finance Division  
 Rebecca Chasan, Senior Counsel, NYC Council Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on May 9, 2018 as Intro. No. 904 and was referred to the Committee on Health. On September 27, 2018, the Committee on Health considered the legislation at a hearing held jointly with the Committee on Environmental Protection and the Committee on Housing and Buildings and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. 904-A, will be considered by the Committee on Health at a hearing on January 22, 2020. Upon successful vote by the Committee on Health, Proposed Intro. No. 904-A will be submitted to the full Council for a vote on January 23, 2020.

**DATE PREPARED:** January 21, 2020.

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

**(The following is the text of Int. No. 904-A:)**

Int. No. 904-A

By Council Members Rivera, Holden, Cumbo, Kallos, Moya, Cohen, Powers, Rose, Grodenchik, Lander, Vallone, Chin, Ampry-Samuel, Eugene, Ayala, Barron and Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to investigations by the department of health and mental hygiene in connection with reports of pregnant persons with elevated blood lead levels**

*Be it enacted by the Council as follows:*

Section 1. Section 17-911 of the administrative code of the city of New York, as added by local law number 64 for the year 2019, is amended to read as follows:

§ 17-911 Required investigation. *a.* In addition to or as part of any investigation required pursuant to section 27-2056.14, whenever a report has been made to the department of a person under 18 years of age with an elevated blood lead level that is at or above the blood lead reference level established pursuant to this subchapter, the department shall conduct such investigation as may be necessary to identify potential sources of such elevated blood lead level, including, but not limited to, an inspection of any dwelling unit in which the department determines such person is routinely present for 10 or more hours per week.

*b.* Whenever a report has been made to the department of a pregnant person with an elevated blood lead level, the department shall (i) conduct such investigation as may be necessary to identify potential sources of such elevated blood lead level, and (ii) after the birth of a child by such pregnant person, screen such child for elevated blood lead levels and assess whether the dwelling unit where such child resides contains a lead-based paint hazard or unsafe lead paint.

*c.* The department shall conduct outreach to any new parent or person imminently expecting to become a parent regarding the availability of inspections conducted pursuant to section 27-2056.9. Such outreach shall include information about blood lead testing for children, unsafe construction or renovation work practices and the availability of inspections for such practices.

§ 2. This local law takes effect 1 year after it becomes law, except that the commissioner of health and mental hygiene may take such actions as are necessary for implementation of this local law, including the promulgation of rules, before such date.

MARK D. LEVINE, *Chairperson*; ANDREW COHEN, INEZ D. BARRON, ALICKA AMPRY-SAMUEL, ROBERT F. HOLDEN, KEITH POWERS; Committee on Health; January 22, 2020.

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

### **Report of the Committee on Housing and Buildings**

Report for Int. No. 873-A

#### **Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to permanent removal of lead-based paint.**

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on May 9, 2018 (Minutes, page 1800), respectfully

#### **REPORTS:**

##### **Introduction**

On January 23, 2020, the Committee on Housing and Buildings, chaired by Council Member Robert E. Cornegy, Jr., held a hearing on Int. No. 873-A, Int. No. 891-A and Int. No. 919-A. These bills were first heard on September 27, 2018. [More information about these bills along with the materials for that hearing can be found at https://bit.ly/2Gd46k0.](https://bit.ly/2Gd46k0)

##### **Int. No. 873-A**

Int. No. 873-A would require schools operated by the Department of Education to conduct regular surveys and inspections of covered facilities<sup>1</sup> within such schools for lead-based paint hazards, the results of which would be made publicly available and delivered to parents and guardians. This bill would also require the Department of Housing Preservation and Development, when conducting certain inspections, to determine whether there has been a violation of the Housing Maintenance Code requirement that the owner of a building constructed before 1960 remediate lead-based paint hazards, including on friction surfaces, when a new tenant moves in. Finally, this bill would establish a presumption that a building owner who is unable to provide a record of having completed lead hazard remediation upon turnover has violated the provisions requiring such remediation.

This bill would take effect one year after becoming law.

##### **Int. No. 891-A**

Int. No. 891-A would expand the meaning of “multiple dwelling” for the purposes of the lead law requirements described in the Housing and Maintenance provisions of the Administrative Code to also include non-owner-occupied private dwellings. It would also repeal section 27-2056.1 of the Administrative Code, which contains the original statement of intent for Local Law 1 of 2004 and is largely outdated.

This bill would take effect one year after becoming law.

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<sup>1</sup> This bill would amend the definition of “covered facility” to also include spaces in schools regulated by article 47 of the New York City Health Code. This amendment would extend to schools the existing requirements for operators of facilities providing day care services to survey and remediate lead-based hazards. This bill would also establish additional requirements for the Department of Education to survey and inspect for lead-based paint hazards.

**Int. No. 919-A**

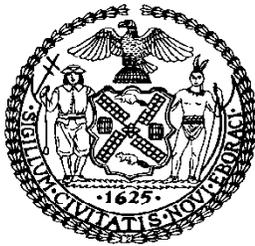
Int. No. 919-A would require the owners of certain dwellings to, upon the earlier of either within five years of the bill's effective date or one year of a child moving in, arrange for a thorough inspection for lead-based paint hazards to be conducted by an independent EPA-certified inspector. It would also require home improvement contractors to be EPA-certified to ensure that they are prepared to follow lead-related safety standards. Finally, this bill would repeal two subdivisions related to the definition and conduct of a "salesperson" in the context of a home improvement contract, which is a term that is no longer used as an alternative to "contractor."

This bill would take effect 180 days after becoming law.

**Update**

On Thursday, January 23, 2020, the Committee adopted Int. No. 873-A by a vote of 11 in the affirmative, zero in the negative, and zero abstentions, Int. No. 891-A by a vote of 11 in the affirmative, zero in the negative, and zero abstentions, and Int. No. 919-A by a vote of 11 in the affirmative, zero in the negative, and zero abstentions.

**(The following is the text of the Fiscal Impact Statement for Int. No. 873-A:)**



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
LATONIA MCKINNEY, DIRECTOR  
FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 873-A**

**COMMITTEE: Housing and Buildings**

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to permanent removal of lead-based paint. **SPONSORS:** By Council Members Chin, Koslowitz, Kallos, Lander, Louis and Cumbo.

**SUMMARY OF LEGISLATION:** Proposed Int. No. 873-A would require the Department of Education (DOE) to conduct regular surveys and inspections for lead-based paint hazards, the results of which would be made publicly available and delivered to parents and guardians. This bill would also require the Department of Housing Preservation and Development (HPD) to, when conducting certain inspections, determine whether there has been a violation of the requirement to remediate lead hazards when a unit turns over. Finally, this bill would establish a presumption that a building owner who is unable to provide a record of having completed required lead hazard remediation at turnover has violated the relevant provisions.

**EFFECTIVE DATE:** This local law would take effect one year after it becomes law, except that the Commissioner of Health and Mental Hygiene and the Commissioner of HPD may take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2021

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY21</b>	<b>FY Succeeding Effective FY22</b>	<b>Full Fiscal Impact FY21</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$270,000	\$0	\$270,000
<b>Net</b>	(\$270,000)	\$0	(\$270,000)

**IMPACT ON REVENUES:** It is estimated that there would be no impact on revenues resulting from the enactment of this legislation. While HPD is authorized to impose civil penalties to property owners that fail to provide recordkeeping with respect to lead based paint hazards, this estimate assumes owners would fully comply with the provisions of this legislation.

**IMPACT ON EXPENDITURES:** It is anticipated that DOE would use existing resources to comply with the provisions of this legislation, but that the enactment of this legislation would result in additional one-time technology costs of \$270,000 for HPD associated with implementing software changes related to the issuance of turnover violations.

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

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

**ESTIMATE PREPARED BY:** Sarah Gastelum, Principal Financial Analyst

**ESTIMATED REVIEWED BY:** Chima Obichere, Unit Head  
Stephanie Ruiz, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council as Int. No. 873 on May 9, 2018 and was referred to the Committee on Housing and Buildings (Committee). A joint hearing was held by the Committee, the Committee on Health, and the Committee on Environmental Protection on September 27, 2018, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 873-A, will be considered by the Committee on January 23, 2020. Following a successful vote by the Committee, Proposed Intro. No. 873-A will be submitted to the full Council for a vote on January 23, 2020.

**DATE PREPARED:** January 22, 2020.

**(For text of Int. Nos. 891-A and 919-A and their Fiscal Impact Statements, please see the Report of the Committee on Housing and Buildings for Int. Nos. 891-A and 919-A, respectively, printed in these Minutes; for text of Int. No. 873-A, please see below)**

*Accordingly, this Committee recommends adoption of Int. Nos. 873-A, 891-A, and 919-A.*

**(The following is the text of Int. No. 873-A:)**

Int. No. 873-A

By Council Members Chin, Koslowitz, Kallos, Lander, Louis, Cumbo, Ayala, Holden, Barron, Rivera and Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to permanent removal of lead-based paint**

*Be it enacted by the Council as follows:*

Section 1. The heading of subchapter 2 of chapter 9 of title 17 of the administrative code of the city of New York, as amended by local law number 64 for the year 2019, is amended to read as follows:

Subchapter 2

Remediation of Lead-Based Paint Hazards in *Schools and* Facilities Providing Day Care Services

§ 2. The definition of “covered facility” in section 17-920 of the administrative code of the city of New York, as amended by local law number 64 for the year 2019, is amended to read as follows:

Covered facility. The term "covered facility" means the [interior and exterior of a building, structure, area or premises where day care services are provided, except that for programs] *rooms, areas and other spaces* regulated by [article] *articles 43 or 47* of the New York city health code[, "covered facility" means the rooms and areas of a school facility used to provide such day care services].

§ 3. Section 17-924 of the administrative code of the city of New York, as amended by local law number 71 for the year 2019, is amended to read as follows:

§ 17-924 Annual survey for lead-based paint hazards. *a.* The operator of a covered facility shall conduct a survey of such facility annually, and more often if necessary, to determine the physical condition of surface-coating material throughout each such facility and shall provide a copy of the survey results (i) to the department, which will make the information publicly available online, and (ii) to the parent or guardian of each child that attends such facility, as required by rules of the department. *The department may require by rule that such annual survey be submitted electronically.*

*b.* In a covered facility located in a school operated by the department of education, the survey required by subdivision *a* of this section shall include rooms and areas where children of an applicable age are located, including classrooms, libraries, cafeterias, and gymnasiums designated for use by such children of an applicable age. A room or area of a school operated by the department of education may not be designated for use as a covered facility unless such room or area has, within the prior year, been included in a survey conducted in accordance with this section.

*c.* In addition to the requirements of this section, department of education shall conduct a survey of classrooms in a covered facility located in a school operated by the department at least three times a year to determine the physical condition of surface-coating material in classrooms and shall provide a copy of the survey results (i) to the department, which will make the information publicly available online, and (ii) to the parent or guardian of each child that attends such facility, as required by rules of the department.

§ 4. Subdivisions *a* and *b* of section 27-2056.7 of the administrative code of the city of New York, subdivision *a* as amended by local law number 66 for the year 2019, and subdivision *b* as added by local law number 1 for the year 2004, are amended, and a new subdivision *b-1* is added, to read as follows:

*a.* When the department of health and mental hygiene issues a commissioner's order to abate pursuant to section 173.13 of the New York city health code or a successor rule that addresses lead-based paint hazards or unsafe lead paint in a specific dwelling unit in a multiple dwelling, the department, within [fifteen] *15* days of the receipt of such order, shall notify the owner of the multiple dwelling where the dwelling unit is located that the owner shall, within [forty-five] *45* days of the department's notice, provide to the department all records required to be maintained under this article. Upon the department's receipt of those records and a determination that there may exist uncorrected lead-based paint hazards in dwelling units where a child of applicable age resides, the department within [ten] *10* days of the end of the record order production period, shall attempt to

inspect [such] units *where a child of applicable age resides* to determine whether there are any violations of [section] *sections 27-2056.6 [of this article] or 27-2056.8.*

b. If the owner does not provide to the department the records as mandated by subdivision a of this section, the department shall within [forty-five] 45 days of such failure attempt to inspect dwelling units where a child of applicable age resides to determine whether there are any violations of [section] *sections 27-2056.6 [of this article] or 27-2056.8* in such units.

*b-1. 1. Inspections pursuant to this section shall be conducted in accordance with section 27-2056.9. If a tenancy began after the earliest date for which a record is required to be provided to the department pursuant to subdivision a of this section, the department shall issue a violation pursuant to subdivision c of section 27-2056.8 to any owner who has failed, in response to a demand by the department and in accordance with rules of the department, to produce a record required to be retained by this article pertaining to compliance with the provisions of section 27-2056.8, where (i) the department obtains information from the tenant or another source regarding the date upon which the current tenancy of such dwelling unit began, and (ii) no violation is issued pursuant to subdivision d-1 of section 27-2056.9.*

*2. A property owner may rebut the information provided by the tenant or another source in accordance with this subdivision regarding the date upon which the current tenancy of such multiple dwelling unit began by submitting documents in accordance with rules of the department. A property owner may correct a violation of section 27-2056.8 by abating the friction surface that tested positive and either (i) providing results of XRF tests for all other window and door friction surfaces within the dwelling unit that demonstrate such surfaces do not contain lead based paint, or (ii) providing documentation satisfactory to the department to demonstrate appropriate abatement of all other window and door friction surfaces within the dwelling unit.*

§ 5. Subdivision c of section 27-2056.8 of the 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:

*c. Any owner who fails to comply with the provisions of subdivision a of this section, or the rules of the department of health and mental hygiene or the department promulgated pursuant to [section 27-2056.11(a)(3)] paragraph 3 of subdivision a of section 27-2056.11 as determined by subdivision d-1 of section 27-2056.9 shall be liable for a class C immediately hazardous violation. An owner who is presumed to have failed to comply with the provisions of subdivision a of this section or such rules, pursuant to an audit as provided in section 27-2056.7 or section 27-2056.17, shall be liable for a class B violation and a civil penalty in an amount not to exceed \$1500.*

§ 6. Section 27-2056.9 of the administrative code of the city of New York is amended by adding a new subdivision d-1, after subdivision d and before subdivision e, to read as follows:

*d-1. When conducting an inspection pursuant to this section, the department shall attempt to obtain information from the tenant or another source regarding the date upon which the current tenancy of such dwelling unit began. If the tenancy began after August 2, 2004 and the inspection pursuant to this section indicates a failure by the owner to comply with the requirements of section 27-2056.8, the department shall issue a violation pursuant to subdivision c of section 27-2056.8. A property owner may rebut the information provided by the tenant or another source regarding the date upon which the current tenancy of such multiple dwelling unit began by submitting documents in accordance with rules of the department. A property owner may correct a violation of section 27-2056.8 by abating any friction surface that tested positive or is presumed to contain lead based paint pursuant to section 27-2056.5, and either (i) providing results of XRF tests for all window and door friction surfaces within the unit that demonstrate such surfaces do not contain lead based paint, or (ii) providing documentation satisfactory to the department to demonstrate appropriate abatement of all other window and door friction surfaces within the dwelling unit.*

§ 7. Subdivision c of section 27-2056.17, as added by local law number 70 for the year 2019, is relettered subdivision e, and two new subdivisions c and d are added to read as follows:

*c. The department shall issue a violation pursuant to subdivision c of section 27-2056.8 to any owner who fails, in response to a demand by the department and in accordance with rules of the department, to produce a record required to be retained by this article pertaining to compliance with the provisions of section 27-2056.8 if the department obtains information from the tenant or another source regarding the date upon which the current tenancy of such dwelling unit began. Such owner may rebut such information provided by the tenant or another source by submitting documents in accordance with rules of the department.*

*d. The department shall issue a violation pursuant to section 27-2056.4 to any owner who fails, in response to a demand by the department and in accordance with rules of the department, to produce within 45 days of such request such records as are required to be retained by this article pertaining to compliance with the provisions of section 27-2056.4.*

§ 8. Paragraph (1) of subdivision (1) of section 27-2115 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:

(1)(1) Notwithstanding any other provision of law, when the department serves a notice of violation to correct and certify a condition that constitutes a violation of article fourteen of subchapter two of this chapter, the notice of violation shall specify date by which the violation shall be corrected, which shall be twenty-one days after the service of the notice of violation *for a class C violation and thirty days after the service of the notice of violation for a class B violation*, and the procedure by which the owner, for good cause shown pursuant to this subdivision, may request a postponement. The notice of violation shall further specify that the violation shall be corrected in accordance with the work practices established in accordance with section 27-2056.11 of this code. The notice of violation shall be served by personal delivery to a person in charge of the premises or to the person last registered with the department as the owner or agent, or by registered or certified mail, return receipt requested, or by certified mail with proof of delivery, to the person in charge of the premises or to the person last registered with the department as the owner or agent; provided that where a managing agent has registered with the department, such notice of violation shall be served on the managing agent. Service of the notice of violation shall be deemed completed three days from the date of mailing. Notification, in a form to be determined by the department, of the issuance of such violation shall be sent simultaneously by regular mail to the occupant at the dwelling unit that is the subject of such notice of violation. The department may postpone the date by which a violation shall be corrected upon a showing, made within the time set for correction in the notice, that prompt action to correct the violation has been taken but that full correction cannot be completed within the time provided because of serious technical difficulties, inability to obtain necessary materials, funds or labor, inability to gain access to the dwelling unit wherein the violation exists, or such other portion of the building as may be necessary to make the required repair. Such postponement shall not exceed fourteen days from the date of correction set forth in the notice of violation. The department may require such other conditions as are deemed necessary to insure correction of the violations within the time set for the postponement. The department may grant one additional postponement of no more than fourteen days for the reasons authorized by this section so long as the paint or other condition which is the subject of the violation has been stabilized. The department is also authorized to promulgate rules establishing criteria for a postponement of the time to correct for a longer period of time where such postponement is requested because of one or more substantial capital improvements will be made that will, when completed, significantly reduce the presence of lead-based paint in such multiple dwelling or dwelling unit including, but not limited to, a requirement that the paint which is the subject of the violation is stabilized. The department shall provide to the owner and the occupant a written statement signed and dated by the person making such decision setting forth the reasons for each postponement of the date by which a violation shall be corrected or the reason for the denial of such application for a postponement. Said written statement shall be part of the records of the department.

§ 9. This local law takes effect 1 year after it becomes law, except that the commissioner of health and mental hygiene and the commissioner of housing preservation and development may take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, MARK GJONAJ, CARLINA RIVERA, FARAH N. LOUIS; Committee on Housing and Buildings, January 23, 2020.

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

Report for Int. No. 891-A

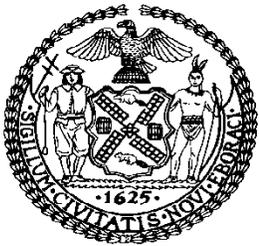
**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to lead poisoning prevention and control in certain dwellings, and to repeal section 27-2056.1 of such administrative code relating to the findings and purpose of provisions of such code relating to lead poisoning from paint.**

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on May 9, 2018 (Minutes, page 1800), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 873-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 891-A:*



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
LATONIA MCKINNEY, DIRECTOR  
FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 891-A**

**COMMITTEE: Housing and Buildings**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to lead poisoning prevention and control on certain dwellings, and to repeal section 27-2056.1 of such administrative code relating to the findings and purpose of provisions of such code relating to lead poisoning from paint.

**SPONSORS:** Council Members Levin, Holden, Cumbo, Kallos, and Lander.

**SUMMARY OF LEGISLATION:** Proposed Int. No. 891-A would expand the definition of the term “multiple dwelling” for the purposes of the lead law to include non-owner occupied private dwellings.

**EFFECTIVE DATE:** This local law would take effect one year after it becomes law, except the Commissioner of the Department of Housing Preservation and Development may take such actions as are necessary for implementation, including the promulgation of rules, before such effective date.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2022

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY21</b>	<b>FY Succeeding Effective FY22</b>	<b>Full Fiscal Impact FY22</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

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

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

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

**ESTIMATE PREPARED BY:** Luke Zangerle, Financial Analyst

**ESTIMATED REVIEWED BY:** Stephanie Ruiz, Assistant Counsel  
Chima Obichere, Unit Head

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council as Intro. No. 891 on May 9, 2018 and was referred to the Committee on Housing and Buildings (Committee). The Committee held a hearing jointly with the Committee on Health and the Committee on Environmental Protection on September 27, 2018 and the legislation was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 891-A, will be considered by the Committee on January 23, 2020. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on January 23, 2020.

**DATE PREPARED:** January 22, 2020

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

**(The following is the text of Int. No. 891-A:)**

Int. No. 891-A

By Council Members Levin, Holden, Cumbo, Kallos, Lander, Ayala, Barron, Rivera and Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to lead poisoning prevention and control in certain dwellings, and to repeal section 27-2056.1 of such administrative code relating to the findings and purpose of provisions of such code relating to lead poisoning from paint**

*Be it enacted by the Council as follows:*

Section 1. Section 27-2056.1 of article 14 of subchapter 2 of chapter 2 of title 27 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 *Terminology.* For the purposes of this article, the term “multiple dwelling” includes a private dwelling where at least one dwelling unit within such dwelling is occupied by persons other than the owner of such dwelling or a member of such owner’s family, provided, however, that the provisions of this article, other than section 27-2056.14, shall not apply to a dwelling unit that is occupied by such owner or a member of such owner’s family.

§ 2. This local law takes effect 1 year after it becomes law, except the commissioner of housing preservation and development may take such actions as are necessary for implementation, including the promulgation of rules, before such effective date.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, MARK GJONAJ, CARLINA RIVERA, FARAH N. LOUIS; Committee on Housing and Buildings, January 23, 2020.

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

Report for Int. No. 919-A

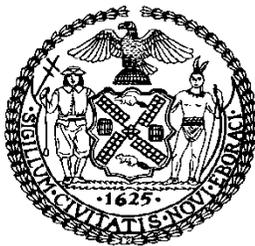
**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to investigations of lead-based paint hazards by independent and certified inspectors, and contractor certifications for construction activities that disturb lead-based paint, and to repeal subdivision 9 of section 20-386 and subdivision 15 of section 20-393 of such administrative code, relating to salespersons for home improvement businesses**

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on May 9, 2018 (Minutes, page 1856), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 873-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 919-A:*



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
LATONIA MCKINNEY, DIRECTOR  
FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 919-A**

**COMMITTEE: Housing and Buildings**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to investigations of lead-based paint hazards by independent and certified inspectors, and contractor certifications for construction activities that disturb lead-based paint, and to repeal subdivision 9 of section 20-386 and subdivision 15 of section 20-393 of such administrative code, relating to salespersons for home improvement businesses.

**SPONSORS:** By Council Members Torres, Treyger, Holden, Cumbo, Kallos and Lander.

**SUMMARY OF LEGISLATION:** Proposed Int. No. 919-A would require that, within five years of the bill's effective date, a thorough inspection be conducted by an inspector certified by the federal Environmental Protection Agency (EPA) and include a specified inspection protocol. The bill would also require home improvement contractors to show that they are EPA-certified to ensure that they are prepared to follow lead-related safety standards. Lastly, the bill would require property owners to keep a record of unit turnover, the person who performed lead based paint investigations and all testing results for each applicable residential unit.

**EFFECTIVE DATE:** This local law would take effect 180 days after it becomes law, except that the Commissioner of Housing Preservation and Development (HPD), the Commissioner of Health and Mental Hygiene and the Commissioner of Consumer Affairs shall take such actions as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2021

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY21</b>	<b>FY Succeeding Effective FY22</b>	<b>Full Fiscal Impact FY21</b>
<b>Capital Expenditures<sup>1</sup></b>	\$1,000,000	\$1,000,000	\$1,000,000

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

**IMPACT ON EXPENDITURES:** It is anticipated that HPD would use existing expense budget resources to comply with the provisions of this legislation. While this estimate assumes that non-City entities would largely bear the costs of hiring an EPA-certified inspector to perform lead-based paint investigations in accordance with the legislation, it is estimated that the enactment of this legislation would result in additional city capital expenditures for covered units managed by the New York City Housing Authority (NYCHA). The New York City Mayor's Office of Management and Budget estimates the additional cost of remediation repairs would total \$1 million per year over the next five years.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** City Capital Budget

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

<sup>1</sup> Capital Expenditures as a component of the City's Capital Budget.

**ESTIMATE PREPARED BY:** Sarah Gastelum, Principal Financial Analyst

**ESTIMATED REVIEWED BY:** Chima Obichere, Unit Head  
Stephanie Ruiz, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the full council as Int. No. 919 on May 9, 2018 and was referred to the Committee on Housing and Buildings (Committee). A joint hearing was held by the Committee, the Committee on Health, and the Committee on Environmental Protection on September 27, 2018, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 919-A, will be considered by the Committee on January 23, 2020. Following a successful vote by the Committee, Proposed Intro. No. 919-A will be submitted to the full Council for a vote on January 23, 2020.

**DATE PREPARED:** January 22, 2020.

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

**(The following is the text of Int. No. 919-A:)**

Int. No. 919-A

By Council Members Torres, Treyger, Holden, Cumbo, Kallos, Lander, Ayala, Barron, Rivera and Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to investigations of lead-based paint hazards by independent and certified inspectors, and contractor certifications for construction activities that disturb lead-based paint, and to repeal subdivision 9 of section 20-386 and subdivision 15 of section 20-393 of such administrative code, relating to salespersons for home improvement businesses**

*Be it enacted by the Council as follows:*

Section 1. Subdivision 9 of section 20-386 of the administrative code of the city of New York is REPEALED and subdivisions 1 and 5 of such section 20-386 are amended to read as follows:

1. "Persons" means an individual, firm, company, [salesperson,] partnership, or corporation, trade group or association.

5. "Contractor" means any person [or salesperson], other than a bona fide employee of the owner, who owns, operates, maintains, conducts, controls or transacts a home improvement business and who undertakes or offers to undertake or agrees to perform any home improvement or solicits any contract therefor, whether or not such person is licensed or subject to the licensing requirements of this subchapter, and whether or not such person is a prime contractor or subcontractor with respect to the owner.

§ 2. Subdivision (a) of section 20-387 of the administrative code of the city of New York is amended to read as follows:

(a) No person shall solicit, canvass, sell, perform or obtain a home improvement contract as a contractor [or salesperson] from an owner without a license therefor.

§ 3. Subdivision 1 of section 20-388 of the administrative code of the city of New York is amended to read as follows:

1. The fee for a license to conduct a home improvement business shall be fifty dollars and for each renewal thereof the fee shall be fifty dollars. [The fee for a salesperson's license employed by a home improvement contractor shall be twenty-five dollars and for each renewal thereof the fee shall be twenty-five dollars.]

§ 4. Subdivisions 6 and 7 of section 20-390 of the administrative code of the city of New York are renumbered subdivisions 7 and 8, and a new subdivision 6 is added to read as follows:

6. *Each applicant for a license or renewal thereof shall submit either (i) documentation satisfactory to the commissioner of the applicant's certification from the federal environmental protection agency, as required by subparts E and L of part 745 of title 40 of the code of federal regulations or successor regulations, or (ii) a*

*signed affirmation that such certification is not required for any home improvement work performed by such applicant, in accordance with the rules of the department. Documentation of a certification submitted with an application for a license or a renewal thereof must include the name, EPA certificate number of the applicant, and the expiration date of such EPA certificate.*

§ 5. Subdivision 15 of section 20-393 of the administrative code of the city of New York is REPEALED.

§ 6. Paragraphs b and c of subdivision 16 of section 20-393 of the administrative code of the city of New York, as renumbered by local law number 24 for the year 1996, are amended to read as follows:

b. No contractor [or salesperson] shall offer, deliver, pay, credit or allow to the owner any gift, bonus award or merchandise, trading stamps, or cash loan as an inducement to enter a home improvement contract.

c. A contractor [or salesperson] may give tangible items to prospective customers for advertising or sales promotion purposes where the gift is not conditioned upon obtaining a contract for home improvement work; provided no such item shall exceed a cost value of two dollars and fifty cents and no owner and/or other person shall receive more than one such item in connection with any one transaction.

§ 7. Section 27-2056.4 of the administrative code of the city of New York is amended by adding a new subdivision a-1, to be inserted after subdivision a and before subdivision b of such section, to read as follows:

*a-1. Within five years of the effective date of this subdivision, or within one year after a child of applicable age comes to reside in a dwelling unit subject to the requirements of subdivision a of this section, whichever is sooner, one investigation for the presence of lead-based paint undertaken pursuant to subdivision a of this section shall be performed by a person who (i) is not the owner or the agent of the owner or any contractor hired to perform work related to the remediation of lead-based paint hazards, and (ii) is certified as an inspector or risk assessor pursuant to section 745.226 of title 40 of the code of federal regulations. Such inspection shall consist of the use of an x-ray fluorescence analyzer on all types of surfaces in accordance with the procedures described in chapter 7 of the United States department of housing and urban development guidelines for the evaluation and control of lead-based paint hazards in housing, including on chewable surfaces, friction surfaces, and impact surfaces, to determine whether lead-based paint is present, and where such paint is located, in such dwelling unit. Provided, however, that the investigation specified by this subdivision shall not be required if an investigation that complies with the requirements of this subdivision was previously completed and the owner retains records of such investigation, or if the dwelling unit has an exemption from the presumption of lead paint, as provided in subdivision b of section 27-2056.5 of this article.*

§ 8. Subdivision a of section 27-2056.17 of the administrative code of the city of New York, as amended by local law number 70 for the year 2019, is amended to read as follows:

a. The owner of any multiple dwelling or dwelling that performs any work or provides any notices pursuant to this article shall retain all records relating to such work or notices for a period of no less than ten years from the completion date of such work or notification, *as provided in the rules of the department and this article. If the multiple dwelling is subject to the requirements of section 27-2056.4 or section 27-2056.8, for each dwelling unit in such dwelling the owner shall keep a record of: (i) the date that such unit turned over whenever such turnover occurs; (ii) the name of each inspector, risk assessor or contractor who performed required investigations pursuant to subdivision a-1 of section 27-2056.4; (iii) all testing results performed pursuant to subdivision a-1 of section 27-2056.4 and any other lead based paint testing that has occurred in such unit; and (iv) whether the department has granted an exemption from the presumption established by section 27-2056.5 for any unit in the multiple dwelling.* The owner shall make any such records required to be retained by this article available to the department upon the department's request, and shall transfer such records to the owner's successor in title.

§ 9. This local law takes effect 180 days after it becomes law, except that the commissioner of housing preservation and development, the commissioner of health and mental hygiene and the commissioner of consumer affairs shall take such actions as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, MARK GJONAJ, CARLINA RIVERA, FARAH N. LOUIS; Committee on Housing and Buildings, January 23, 2020.

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

### **Report of the Committee on Small Business**

Report for Int. No. 1408-B

#### **Report of the Committee on Small Business in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to affordable retail space in financially assisted development projects, and to provide for the expiration of the provisions relating thereto.**

The Committee on Small Business, to which the annexed proposed amended local law was referred on February 13, 2019 (Minutes, page 438), respectfully

#### **REPORTS:**

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

On January 23, 2020, the Committee on Small Business, chaired by Council Member Mark Gjonaj, held a vote on a bill designed to make more retail space available at a below market rate: Introductory Bill Number 1408-B (“Int. No. 1408-B”), a local law to amend the administrative code of the city of New York, in relation to affordable retail space in financially assisted development projects, and to provide for the expiration of the provisions relating thereto. The Committee previously heard testimony on this bill from the Department of Small Businesses Services (“SBS”), the Manhattan Borough President, and other advocates and stakeholders. Their feedback informed the bill’s amendments. At the vote on January 23, the Committee voted 5 in favor, 0 opposed and 0 abstentions on the bill.

##### **II. BACKGROUND**

New York City can be a challenging place for small businesses to operate. In addition to adhering to occasionally complex regulatory schemes enforced by multiple City agencies, business owners confront hurdles including rising rents and competition from chain stores.

This past month, Neir’s Tavern in Queens, which opened in 1829 and is commonly known as the City’s oldest bar, nearly closed due to a dramatic rent increase.<sup>1</sup> City retailers have struggled in recent years to afford rent. Between 2006 and 2016, average Manhattan retail asking rents rose from \$108 per square foot annually to \$156, an increase of 44.4 percent.<sup>2</sup> However, rising prices are not limited to Manhattan. According to a 2017 report published by CPEX, a commercial real estate company, the number of major Brooklyn retail corridors where floor space costs \$100 or more per square foot has risen from three in 2007 to 15 in 2017, an increase of 400 percent.<sup>3</sup>

In some respects, big box store competition also places “mom-and-pop” retailers at a competitive disadvantage. Statistics from the Center for an Urban Future (CUF) indicate that 2017 was the ninth consecutive

<sup>1</sup> Corey Kilgannon, *After 190 Years, The ‘Most Famous Bar You’ve Never Heard of’ Avoids Last Call*, THE NEW YORK TIMES, January 10, 2020, <https://www.nytimes.com/2020/01/10/nyregion/neirs-tavern-closing.html>

<sup>2</sup> *Planning for Retail Diversity: Supporting NYC’s Neighborhood Businesses*, December 2017, <https://council.nyc.gov/land-use/wp-content/uploads/sites/53/2017/12/NYC-Council-Planning-For-Retail-Diversity.pdf>.

<sup>3</sup> 2017 Brooklyn Retail Report from CPEX, [https://www.scribd.com/document/337456586/2017-Brooklyn-Retail-Report-from-CPEX#from\\_embed](https://www.scribd.com/document/337456586/2017-Brooklyn-Retail-Report-from-CPEX#from_embed).

year where there was a net increase in national chain stores citywide.<sup>4</sup> Dunkin' Donuts has the largest presence of any national retailer, with 612 stores throughout the city. MetroPCS, Subway, Starbucks and T-Mobile complete the other top five chain stores, with 445, 433, 317 and 236 locations, respectively.<sup>5</sup> The Bronx, Manhattan, Brooklyn, and Queens all had more chain outlets in 2017 than they did in 2016.<sup>6</sup>

To help address challenges for local City retailers, Int. No. 1408-B would provide additional lease opportunities for non-chain retailers at a below market rate in large commercial developments receiving City funding.

### **III. LEGISLATIVE ANALYSIS**

#### **Int. No. 1408-B**

Int. No. 1408-B would amend Section 22-823 of the administrative code of the city of New York and would add a new Section 22-825 to such code. The bill would require City entities to make a determination regarding whether affordable retail space must be provided in certain development projects receiving City funds. For certain projects of at least 750,000 square feet receiving \$15,000,000 or more in City funds, the City entity would be required to conduct an assessment of the neighborhood and commercial environment around the development to determine whether affordable retail space must be provided to meet an unmet need for consumer goods or services in the neighborhood. If provided, developers would be required to lease that affordable retail space at a below market rate to retail tenants, but the space cannot be leased to chain businesses. The City entity would determine the specifics of size, rent and the types of businesses that would be eligible to be chosen for that space. If establishing affordable retail space in a development project would substantially hinder the provisions of a community program, service or benefit required by the project agreement, the City entity may choose not to require affordable retail space in that project.

Int. No. 1408-B also empowers the City administrator of the project agreement to enforce compliance with the agreement's affordable retail space requirement. If the developer does not comply, the City entity can: 1) enter into an agreement with the developer requiring the fulfillment of the relevant terms; 2) find the developer in default of the agreement; 3) recover all or part of the City funds provided to the developer; or 4) report the developer's non-compliance as part of a required, annual report.

City entities must report on the provision of affordable retail space in development projects each year as part of an annual report to the Mayor, the Council, the City Comptroller, the Public Advocate, the Borough Presidents and the Community Boards. The report must include a description of the projects in which affordable retail space was provided, including the minimum amount of affordable retail space and the maximum below market lease rate required. The City must also report the number of projects in which affordable retail space was not provided; the results of the assessment of the development's neighborhood and commercial environment upon which the City made its determination not to provide affordable retail space; and a description of the community program, service or benefit that would be hindered by the provision of affordable retail space, if such hindrance formed the basis of the City's determination not to require the affordable retail space.

This local law would take effect 180 days after it becomes law. It would expire and be deemed repealed seven years after it becomes law.

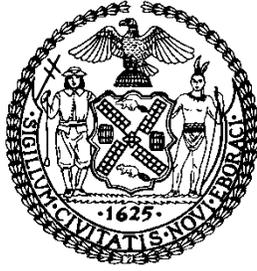
**(The following is the text of the Fiscal Impact Statement for Int. No. 1408-B:)**

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<sup>4</sup> State of the Chains Report, THE CENTER FOR URBAN FUTURE, December 2017, [https://nycfuture.org/pdf/CUF\\_StateOfChains\\_2017.pdf](https://nycfuture.org/pdf/CUF_StateOfChains_2017.pdf).

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

<sup>6</sup> *Id.*



**THE COUNCIL OF THE CITY OF NEW YORK**  
**FINANCE DIVISION**  
 LATONIA MCKINNEY, DIRECTOR  
**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO. 1408-B**

**COMMITTEE: Small Business**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to affordable retail space in financially assisted development projects, and to provide for the expiration of the provisions relating thereto.

**SPONSORS:** Council Members Espinal, Cumbo, Chin, Rosenthal, Rivera, Kallos, Lander, Levin and Gjonaj.

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 1408-B would require the City to determine whether affordable retail space must be provided in certain development projects for which it provides financial assistance. Such determination would be based upon a neighborhood retail needs assessment that incorporates information about the neighborhood and commercial environment related to the location of the development project. The City would have to report on its provision of affordable retail space in development projects each year, including explaining the basis of determinations that affordable retail space must not be provided.

**EFFECTIVE DATE:** This local law would take effect 180 days after it becomes law and would expire and be deemed repealed seven years after it becomes law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2022

**FISCAL IMPACT STATEMENT:**

	Effective FY21	FY Succeeding Effective FY22	Full Fiscal Impact FY22
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is estimated that there would be no impact on City expenditures resulting from the enactment of this legislation because the agencies responsible for implementing its requirements will use existing resources. Private developers, and not the City, will bear the expense of providing discounted retail space where necessary.

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

**SOURCES OF INFORMATION:** New York City Council Finance Division  
 New York City Economic Development Corporation

**ESTIMATE PREPARED BY:** Aliya Ali, Principal Financial Analyst

**ESTIMATE REVIEWED BY:** Crilhien Francisco, Unit Head  
 Noah Brick, Assistant Counsel  
 Nathan Toth, Deputy Director

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 1408 on February 13, 2019 and was referred to the Committee on Small Business (Committee). The Committee heard the legislation on March 18, 2019 and it was laid over. The legislation was subsequently amended twice, and the most-recently amended version, Proposed Intro. No. 1408-B, will be considered by the Committee at a hearing on January 23, 2020. Upon a successful vote by the Committee, Proposed Intro. No. 1408-B will be submitted to the full Council for a vote on January 23, 2020.

**DATE PREPARED:** January 17, 2019.

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

**(The following is the text of Int. No. 1408-B:)**

Int. No. 1408-B

By Council Members Espinal, Cumbo, Chin, Rosenthal, Rivera, Kallos, Lander, Gjonaj, Levin, Ayala and Barron.

**A Local Law to amend the administrative code of the city of New York, in relation to affordable retail space in financially assisted development projects, and to provide for the expiration of the provisions relating thereto**

*Be it enacted by the Council as follows:*

Section 1. Section 22-823 of the administrative code of the city of New York is amended by adding a new subdivision i to read as follows:

*i. Reporting on affordable retail space requirement in certain project agreements. 1. For purposes of this subdivision, the terms “affordable retail space,” “covered developer,” “covered development project,” and “project agreement” have the same meanings as set forth in subdivision a of section 22-825.*

*2. For covered development projects where the project agreement was executed during the preceding fiscal year, the annual report required by this section shall include:*

*(a) A description of any covered development project where the covered developer was required to provide affordable retail space pursuant to section 22-825;*

*(b) For each such project, the minimum amount of affordable retail space that such project was required to include, and the maximum below market lease rate permitted to be charged for such space;*

*(c) The number of covered development projects where a determination was made pursuant to paragraph 1 of subdivision b of section 22-825 that affordable retail space need not be provided;*

*(d) For each such covered development project, an explanation of the basis for such determination, including a summary of the results of each component of the neighborhood retail needs assessment, as set forth in subdivision a of section 22-825;*

*(e) The number of covered development projects where the covered developer was not required to provide affordable retail space pursuant to paragraph 3 of subdivision b of section 22-825; and*

*(f) For each such covered development project, a description of the community program, service or benefit, the provision of which the contracted entity determined would be hindered by the inclusion of an affordable retail requirement.*

*3. The annual report shall also include:*

*(a) Any finding by the contracted entity, during the preceding fiscal year, that a covered developer has failed to fulfill any obligation in the project agreement relating to providing affordable retail space; and*

*(b) Any action taken by such entity, during the preceding fiscal year, as a result of such finding.*

§ 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 22-825 to read as follows:

§ 22-825 *Affordable retail space at covered development projects.* a. *Definitions.* For purposes of this section, the following terms have the following meanings:

*Adjusted by the CPI.* The term “adjusted by the CPI” means, commencing January 1, 2021, the amount so adjusted shall be adjusted based upon the percentage change, if any, in the consumer price index for all urban consumers published by the bureau of labor statistics of the United States department of labor for the geographic region New York – Newark – Jersey City (1982-84 = 100), or any successor index thereto, from January 1, 2021, to January 1 of the year in which such adjustment is made.

*Affordable housing project.* The term “affordable housing project” means any project for the improvement or development of real property that contains a multiple dwelling where no less than 30 percent of the residential units are subject to a regulatory agreement, restrictive declaration or similar written instrument requiring that such units be maintained as affordable units for a period of no less than 30 years.

*Affordable retail space.* The term “affordable retail space” means a portion of space in a covered development project that is available for lease to a retail business at a below market lease rate.

*Assisted living facility.* The term “assisted living facility” means any facility utilized to provide or support assisted living, home care or hospice services licensed or certified pursuant to the public health law, the social services law or the mental hygiene law.

*Chain business.* The term “chain business” means an establishment that is part of a group of establishments that share a common owner or principal who owns at least 30 percent of each establishment in such group and such establishments (i) engage in the same business or (ii) operate pursuant to franchise agreements with the same franchisor as such term is defined in section 681 of the general business law.

*Consumer goods.* The term “consumer goods” means products that are primarily for personal, household or family purposes, including but not limited to small appliances, clothing, electronics, groceries and household items.

*Consumer services.* The term “consumer services” means services that are primarily for personal, household or family purposes, including but not limited to food and drink establishments, personal services, medical services, repair services or household services.

*Covered developer.* The term “covered developer” means any person receiving financial assistance for a covered development project, unless such person is a not-for-profit corporation with an annual gross revenue of less than \$7,500,000, adjusted by the CPI, in each of the last five years.

*Covered development project.* The term “covered development project” means a project for the improvement or development of real property pursuant to a project agreement for the purpose of economic development, job retention or growth, or other similar purposes where such project has received or is expected to receive financial assistance valued at no less than \$15,000,000, adjusted by the CPI, and such project is expected to be greater than 750,000 square feet and to contain space available for lease to a retail business, except that a “covered development project” does not include any project located within an industrial business zone as such term is defined in section 22-626, or any project for a human or client services facility, a production facility, an affordable housing project, a life sciences facility, a photovoltaic system project, a health care facility or an assisted living facility, as such terms are defined in this section.

*Financial assistance.* The term “financial assistance” means any loans, grants, tax credits, tax exemptions, tax abatements, subsidies, mortgages, debt forgiveness, land conveyances for less than appraised value, or other thing of value allocated, conveyed or expended by the city or by a contracted entity for a covered development project, other than as-of-right assistance, tax abatements or benefits, including but not limited to, benefits approved in accordance with sections 421-a or 489 of the New York state real property tax law, or any assistance provided in a project agreement, the amount of which is based upon an evaluation of as-of-right assistance, tax abatements or benefits for which the covered developer would have been eligible.

*Health care facility.* The term “health care facility” means a hospital, nursing home or residential health care facility as such terms are defined in section 2801 of the public health law, or any facility or institution certified under article 31 of the mental hygiene law.

*Human or client services facility.* The term “human or client services facility” means real property used for the provision of human or client services pursuant to a contract with any city, state or federal agency, public authority or public benefit corporation.

*Life sciences facility.* The terms “life sciences facility” means real property used for research, development, technology transfer and commercialization related to any life science field.

*Neighborhood.* The term “neighborhood” means the geographical area surrounding a covered development project up to one-quarter of a mile from such project.

*Neighborhood retail needs assessment.* The term “neighborhood retail needs assessment” means an assessment of the retail environment of a neighborhood, which shall include, but need not be limited to an examination of:

- (a) The neighborhood’s existing retail stores, vacancy rates for property that could be leased for retail businesses and market lease rates for such property;
- (b) The presence of chain businesses in the neighborhood;
- (c) The level of retail diversity and the types of retail businesses needed or lacking in the neighborhood; and
- (d) Any community feedback received relating to the covered development project, including community needs and priorities.

*Photovoltaic system project.* The term “photovoltaic system project” means a project to construct, maintain, alter or operate a photovoltaic system that is connected to the electrical system and operated in conjunction with the transmission and distribution facilities of an electric corporation.

*Production facility.* The term “production facility” means real property where no less than 30 percent of the square footage of such property is utilized for manufacturing, warehousing or distribution.

*Project agreement.* The term “project agreement” means a written agreement between the city or a contracted entity and a covered developer providing for financial assistance for a covered development project, provided that such agreement is administered by a contracted entity.

*Retail business.* The term “retail business” means any entity that is engaged primarily in the sale of consumer goods or consumer services at a store within the city, but does not include a chain business.

b. *Affordable retail space at covered development projects required.* 1. Prior to execution of a project agreement for a covered development project, a determination shall be made regarding whether affordable retail space for retail businesses must be provided in such project to meet an unmet need for consumer goods and consumer services in such neighborhood. Such determination shall be based upon a neighborhood retail needs assessment and shall be made by the party entering into such project agreement with the covered developer or by the designee of such party.

2. Where such party or such party’s designee determines, pursuant to paragraph 1, that affordable retail space in a covered development project must be provided, such party or such party’s designee shall establish the minimum percentage of affordable retail space that such project shall include, the maximum below market lease rate for which such affordable retail space may be leased, and the eligible type of retail business that may lease such space, based on a consideration of the following factors:

- (a) Retail diversity and unmet needs for consumer goods and consumer services in the neighborhood in which such covered development project is located;
- (b) Market lease rates for retail businesses in such neighborhood; and
- (c) Commercial vacancy rates in such neighborhood.

3. Such party or such party’s designee may determine that a requirement for affordable retail space does not apply to a covered development project where such party or such party’s designee determines that such requirement would substantially hinder the provision of any community program, service or benefit required by the project agreement.

c. *Enforcement.* 1. Within 30 days after the date by which 80 percent of space available for rent to a retail business in a covered development project has been leased, the covered developer for such project shall certify to the contracted entity administering the project agreement that such developer is in compliance with the terms of the project agreement relating to the provision of affordable retail space.

2. A contracted entity shall investigate any allegations that a covered developer has failed to comply with the terms of the project agreement relating to the provision of affordable retail space.

3. A finding that a covered developer has failed to provide affordable retail space as required by the project agreement may result in any of the following actions by the contracted entity administering such project agreement:

- (a) Entering into an agreement with the covered developer requiring such developer to fulfill such terms;
- (b) Finding the covered developer to be in default of the project agreement;

(c) *Recovering from the covered developer part or all of the financial assistance disbursed or provided to such developer, including but not limited to requiring repayment of any taxes or interest abated or deferred; or*  
(d) *Reporting such failure by the covered developer in the report required by subdivision a of section 22-824.*

§ 3. This local law does not apply to any project agreement executed prior to the effective date of this local law, except that any extension, renewal, amendment or modification of such a project agreement occurring on or after the effective date of this local law that results in the grant of any additional financial assistance to the covered developer shall subject the covered development project to the requirements of this local law.

§ 4. This local law takes effect 180 days after it becomes law and expires and is deemed repealed seven years after it becomes law.

MARK GJONAJ, *Chair*; HELEN ROSENTHAL, BILL PERKINS, STEPHEN T. LEVIN YDANIS A. RODRIGUEZ Committee on Small Business, January 23, 2020. *Other Council Members Attending: Council Member Cornegy.*

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

**GENERAL ORDER CALENDAR****Resolution approving various persons Commissioners of Deeds**

By the Presiding Officer –

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

*Approved New Applicants*

<i>Name</i>	<i>Address</i>	<i>District #</i>
Nydia Gonzalez	711 FDR Drive New York, New York 10009	2
Emony Johnson	60 W 142nd Street, Apt 4N New York, New York 10037	9
Evan Tims	170 Vermilyea Ave, Apt 5C New York, New York 10034	10
Emmanuel Rodriguez	2446 University Ave, Apt 4E Bronx, New York 10468	14
Shangeeta Kaur	85-64 143rd Street Jamaica, New York 11435	24
Christopher Thomas Shull Olmsted	764 Classon Ave, Apt 7 Brooklyn, New York 11238	35
Emlyn Alastair Gorgon Cameron	45 Albany Ave, Apt 1 Brooklyn, New York 11213	36
William Moss	334 Maple Street, #2 Brooklyn, New York 11225	40
Lorraine Hopkinson-Zephyr	369 E 52nd Street Brooklyn, New York 11203	41
Ivory Chavis	2220 W 11th Street, Apt 6B Brooklyn, New York 11223	47

*Approved Reapplicants*

<i>Name</i>	<i>Address</i>	<i>District #</i>
Mildred Marcelino	853 Riverside Drive #3E New York, New York 10032	7
Lesbia Guzman	4395 Broadway #1C New York, New York 10040	10
Delores Hull	712 East Gunhill Road #4H Bronx, New York 10467	12
Margaritz Mendez	901 Neill Avenue Bronx, New York 10462	13
Crystal Rivera	50 East 168th Street #510 Bronx, New York 10452	16
Yelena Aronova	153-07 77th Road Flushing, New York 11367	24
Vinodkumar C. Shingwani	36-39 30th Street #2 Long Island City, New York 11106	26
Raymond E. Gazer	6404 Hull Avenue #2 Maspeth, New York 11378	30
Jackson L. Quinones Jr.	231 Maujer Street #2L Brooklyn, New York 11206	34
Audrey M. Baker	300 Clermont Avenue Brooklyn, New York 11205	35
Carol M. Bell	135 Halsey Street Brooklyn, New York 11216	36
Paula Rodriguez	451 40th Street #3L Brooklyn, New York 11232	38
Janice L. Mann	350 East 19th Street #4H Brooklyn, New York 11226	40
Shanda Swain	675 Lincoln Avenue #16J Brooklyn, New York 11208	42
Joylynn Jarvis	1314 East 51st Street Brooklyn, New York 11234	46
Annette Wesley	2805 West 37th Street Brooklyn, New York 11224	47

Melinda Colon	20 Alaska Street Staten Island, New York 10310	49
Angelo J. D'Acunto	52 Amsterdam Place Staten Island, New York 10314	50
Jessica Schrader	9 Pleasant Plains Avenue Staten Island, New York 10309	51

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

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

- |                         |  |
|-------------------------|--|
| (1) <b>Int 420-B -</b>  | Soil lead testing in certain department of parks and recreation capital projects.  |
| (2) <b>Int 873-A -</b>  | Permanent removal of lead-based paint.   |
| (3) <b>Int 891-A -</b>  | Lead poisoning prevention and control in certain dwellings.  |
| (4) <b>Int 904-A -</b>  | Investigations by the department of health and mental hygiene in connection with reports of pregnant persons with elevated blood lead levels.                                |
| (5) <b>Int 919-A -</b>  | Investigations of lead-based paint hazards by independent and certified inspectors, and contractor certifications for construction activities that disturb lead-based paint. |
| (6) <b>Int 991-C -</b>  | Office of administrative trials and hearings dismissing taxi and limousine commission-related violations pertaining to vehicle lights upon proof of correction.              |
| (7) <b>Int 1281-A -</b> | Prohibiting food stores and retail establishments from refusing to accept payment in cash.   |
| (8) <b>Int 1408-B -</b> | Affordable retail space in financially assisted development projects.  |
| (9) <b>Int 1785 -</b>   | Health insurance coverage for the surviving family members.  |
| (10) <b>Res 1227 -</b>  | Increase in the amount to be expended annually in the Downtown Flushing Transit Hub Business Improvement District in the Borough of Queens.                                  |
| (11) <b>Res 1228 -</b>  | New designation and changes in the designation of certain organizations to receive funding in the Expense Budget ( <b>Transparency Resolution</b> ).                         |

- (12) **L.U. 602 & Res 1232 -** 319-321 West 38th Street.  
HPO.FY20, Block 762, p/o Lot 23;  
Manhattan, Community District No.  
4, Council District No. 3.

(13) **Resolution approving various persons Commissioners of Deeds.**

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

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lancman, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Richards, Rivera, Rodriguez, Rosenthal, Torres, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **46**.

**Present but Not Voting (PNV)** – King and Reynoso - **2**.

**The General Order vote recorded for this Stated Meeting was 46-0-0 as shown above with Council Members King and Reynoso considered Present but Not Voting. The legislative items listed below received the following individual votes with Council Members King and Reynoso considered Present but Not Voting as well:**

The following was the vote recorded for **Int. No. 1281-A:**

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lancman, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Richards, Rivera, Rodriguez, Rosenthal, Torres, Treyger, Ulrich, Vallone, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **43**.

**Negative** – Borelli, Yeger, and the Minority Leader (Council Member Matteo) – **3**.

**Present but Not Voting (PNV)** – King and Reynoso – **2**.

The following was the vote recorded for **Int. No. 1408-B:**

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lancman, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Richards, Rivera, Rodriguez, Rosenthal, Torres, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **44**.

**Negative** – Borelli, and the Minority Leader (Council Member Matteo) – **2**.

**Present but Not Voting (PNV)** – King and Reynoso – **2**.

*The following Introductions were sent to the Mayor for his consideration and approval:*

*Int. Nos. 420-B, 873-A, 891-A, 904-A, 919-A, 991-C, 1281-A, 1408-B and 1785.*

## **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:**

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

Report for voice-vote item Res. No. 1225

**Report of the Committee on Civil and Human Rights in favor of approving a Resolution recognizing January 27, 2020 as Holocaust Remembrance Day and the week beginning on January 27, 2020 as a citywide week of Holocaust Education in New York City.**

The Committee on Civil Rights and Human Rights, to which the annexed preconsidered resolution was referred on January 23, 2020, respectfully

### **REPORTS:**

#### **I. INTRODUCTION**

On January 22, 2020, the Committee on Civil and Human Rights, chaired by Council Member Mathieu Eugene, held a vote on Resolution Number 1225 (Res. 1225), recognizing January 27, 2020 as Holocaust Remembrance Day and the week beginning on January 27, 2020 as a citywide week of Holocaust Education in New York City. The Committee passed Res. 1225 by a vote of four in the affirmative, zero in the negative, with zero abstentions.

#### **II. BACKGROUND**

On November 1, 2005, the United Nations General Assembly adopted a resolution to designate January 27 as International Day of Commemoration in memory of the victims of the Holocaust.<sup>1</sup> This date represents the day that Auschwitz-Birkenau, one of the largest of the 40 concentration camps that comprised the Auschwitz complex,<sup>2</sup> was finally liberated.<sup>3</sup> By assigning an international day of remembrance, the United Nations aims to reaffirm “that the Holocaust, which resulted in the murder of one third of the Jewish people, along with countless members of other minorities, will forever be a warning to all people of the dangers of hatred, bigotry, racism and prejudice.”<sup>4</sup>

<sup>1</sup> United Nations General Assembly, A/RES/60/7, 21 November, 2005, available at: [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/60/7](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/60/7).

<sup>2</sup> Memorial and Museum Auschwitz-Birkenau “Auschwitz II-Birkenau”, available at: <http://auschwitz.org/en/history/auschwitz-ii/>.

<sup>3</sup> United States Holocaust Memorial Museum “International Holocaust Remembrance Day”, available at: <https://www.ushmm.org/information/exhibitions/online-exhibitions/special-focus/international-holocaust-remembrance-day>.

<sup>4</sup> United Nations General Assembly, A/RES/60/7, 21 November, 2005, available at: [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/60/7](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/60/7).

The genocide of six million Jewish people and the killing crusade that resulted in the deaths of thousands of homosexuals and Jehovah's Witnesses, hundreds of thousands of people with disabilities, Gypsy (Roma) heritage, and Serbian civilians, and millions of non-Jewish Polish and Soviet civilians and prisoners of war,<sup>5</sup> at the hands of Nazi soldiers remains one of the most inhumane periods of modern history. Although there were millions of victims of Nazism who were not Jewish, anti-Semitism formed the basis of Nazi ideology that climaxed with the Holocaust. This brutal killing spree was referred to as the "Final Solution of the Jewish Question in Europe" and its objective was total Jewish ethnic cleansing.<sup>6</sup>

In spite of clear evidence of Nazi forced labor camps, prisons and death camps, of which there were nearly 40,000 across Germany and its occupied territories,<sup>7</sup> there are still people who are ignorant of or willfully deny the facts of the Holocaust. For example, a recent survey conducted by the Conference on Jewish Material Claims Against Germany found that many Americans (41%) were unaware of the Auschwitz death camps. The survey also found that 41% of millennials believed that the Holocaust resulted in the deaths of less than two million Jews (the figure is actually more than six million), and 22% of millennials surveyed reported they had not even heard of the Holocaust.<sup>8</sup>

These findings are shocking considering the enormous devastation caused by the Holocaust. However, more shocking are those that choose to deny or downplay the genocide. According to the Southern Poverty Law Center, Holocaust deniers, who sometimes refer to themselves as "historical revisionists," deny the effects of the Holocaust in a number of ways. Some deny the existence of death camps and gas chambers, while others say the casualties were caused by disease, poverty or general war, rather than a targeted, anti-Semitic, Nazi assault.<sup>9</sup> These groups rely on anti-Semitic stereotypes and hatred to "build on the claim that the Holocaust was invented or exaggerated by Jews as part of a plot to advance Jewish interests," and such views mirror the "hateful charges that were instrumental in laying the groundwork for the Holocaust."<sup>10</sup>

In addition to the lack of awareness or deliberate denial of the Holocaust, America has seen an increase in anti-Semitic rhetoric and hate crimes in recent years. According to FBI data, there was a 17% increase of total hate crimes between 2016 and 2017, and incidents that specifically targeted Jewish people and institutions increased by 37%. These statistics also showed that more than half (58.1%) of the religious-based hate crimes were anti-Semitic.<sup>11</sup> Similar trends were reported by the Anti-Defamation League (ADL). According to their data, there were nearly 2,000 cases of anti-Semitic harassment, vandalism, and physical assault in 2017, the highest number of incidents since 1994.<sup>12</sup>

Anti-Semitic incidents have also dramatically increased across New York since the 2016 Presidential election. In 2017, anti-Semitic incidents in New York City increased by 90% compared to 2016, according to the ADL.<sup>13</sup> In 2019, meanwhile, there were 234 anti-Semitic crimes, which is a 26 percent increase from 2018, according to data from NYPD.<sup>14</sup> Increases have also been recorded at the New York State level, which saw a 90

<sup>5</sup> Jewish Virtual Library "Documenting numbers of victims of the Holocaust and Nazi persecution", available at: <https://www.jewishvirtuallibrary.org/documenting-numbers-of-victims-of-the-holocaust>; and "The Holocaust: Facts and figures", *Haaretz*, July 24, 2013, available at: <https://www.haaretz.com/jewish/holocaust-remembrance-day/premium-the-holocaust-facts-and-figures-1.5298803>.

<sup>6</sup> Dr. Steve Paulsson "A view of the Holocaust", *BBC*, February 17, 2011, available at: [http://www.bbc.co.uk/history/worldwars/genocide/holocaust\\_overview\\_01.shtml](http://www.bbc.co.uk/history/worldwars/genocide/holocaust_overview_01.shtml).

<sup>7</sup> "The Holocaust: Facts and figures", *Haaretz*, July 24, 2013, available at: <https://www.haaretz.com/jewish/holocaust-remembrance-day/premium-the-holocaust-facts-and-figures-1.5298803>.

<sup>8</sup> Scott Simon "The startling statistics about people's Holocaust knowledge", *NPR*, April 14, 2018, available at: <https://www.npr.org/2018/04/14/602443782/the-startling-statistics-about-peoples-holocaust-knowledge>.

<sup>9</sup> Southern Poverty Law Center "Holocaust denial", available at: <https://www.splcenter.org/fighting-hate/extremist-files/ideology/holocaust-denial>.

<sup>10</sup> United States Holocaust Memorial Museum "Holocaust denial and distortion", available at: <https://www.ushmm.org/confront-antisemitism/holocaust-denial-and-distortion>.

<sup>11</sup> Erin Donaghue "New FBI data shows rise in anti-Semitic hate crimes", *CBS News*, November 13, 2018, available at: <https://www.cbsnews.com/news/fbi-hate-crimes-up-new-data-shows-rise-in-anti-semitic-hate-crimes/>.

<sup>12</sup> Oliver Holmes "Antisemitic incidents in US soar to highest levels in two decades", *The Guardian*, February 27, 2018, available at: <https://www.theguardian.com/society/2018/feb/27/antisemitism-us-rises-anti-defamation-league>.

<sup>13</sup> Anti-Defamation League, "Anti-Semitic incidents surged in New York State in 2017, according to new ADL report", February 26, 2018, available at: <https://nyny.adl.org/news/anti-semitic-incidents-surged-in-new-york-state-in-2017-according-to-new-adl-report/>.

<sup>14</sup> Craig McCarthy and Tina Moore "Anti-Semitic hate crimes spiked by more than 25 percent in 2019", *New York Post*, January 6, 2020, available at: <https://nypost.com/2020/01/06/anti-semitic-hate-crimes-spiked-by-more-than-25-percent-in-2019/>.

percent increase in 2017, compared to 2016.<sup>15</sup> During the 2018 midterm elections, ADL also reported that anti-Semitic harassment increased on social media and that two-thirds of this was driven by people, not bots.<sup>16</sup>

Given the current climate of anti-Semitic activity, the lack of evidence-based knowledge regarding the facts of the Holocaust and its eternal relevance to the dangers of hate-driven ideology, now is a timely moment for the City of New York to officially recognize Holocaust Remembrance Day. Furthermore, dedicating a week to Holocaust education will help dispel some of the myths and denials about the Holocaust, which is in line with the United Nations resolution to use education “in order to help to prevent future acts of genocide.”<sup>17</sup>

### **III. RESOLUTION ANALYSIS**

If passed, this resolution would recognize January 27, 2020 as Holocaust Remembrance Day. The resolution will also create a city-wide week of Holocaust education that would begin on January 27, 2020.

*Accordingly, this Committee recommends its adoption.*

**(For text of the preconsidered resolution, please see the Introduction and Reading of the Bills section printed in these Minutes)**

MATHIEU EUGENE, *Chairperson*; DANIEL DROMM, INEZ D. BARRON, BILL PERKINS; Committee on Civil and Human Rights, January 22, 2020. *Other Council Members Attending: Council Member Deutsch and the Public Advocate (Mr. Williams).*

Pursuant to Rule 8.50 of the Council, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) called for a voice-vote. Hearing no objections, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

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<sup>15</sup> Anti-Defamation League, “Anti-Semitic incidents surged in New York State in 2017, according to new ADL report”, February 26, 2018, available at: <https://nynj.adl.org/news/anti-semitic-incidents-surged-in-new-york-state-in-2017-according-to-new-adl-report/>.

<sup>16</sup> Erin Donaghue “New FBI data shows rise in anti-Semitic hate crimes”, *CBS News*, November 13, 2018, available at: <https://www.cbsnews.com/news/fbi-hate-crimes-up-new-data-shows-rise-in-anti-semitic-hate-crimes/>.

<sup>17</sup> United Nations General Assembly, A/RES/60/7, 21 November, 2005, available at: [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/60/7](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/60/7).

## INTRODUCTION AND READING OF BILLS

Int. No. 1849

By Council Members Borelli, Cornegy, Powers and Maisel.

**A Local Law to amend the New York city fire code, in relation to establishing fire safety provisions for film production locations and requiring production location fire safety managers for certain scouting, rigging and production activities, and pyrotechnic usage**

*Be it enacted by the Council as follows:*

Section 1. Section 202 of the New York city fire code, section FC 202 of chapter 2 of title 29 of the administrative code of the city of New York, as amended by local law number 148 for the year 2013, is amended by adding a new definition of “production location” in appropriate alphabetical order to read as follows:

***PRODUCTION LOCATION.*** *Any location approved for the purpose of motion picture, television or commercial production by the mayor’s office of media and entertainment.*

§ 2. Chapter 3 of the New York city fire code, chapter 2 of title 29 of the administrative code of the city of New York, as amended by local law number 148 for the year 2013, is amended by adding a new section FC 325 to read as follows:

### **SECTION FC 325 PRODUCTION LOCATIONS**

***325.1 Scope.*** *This section shall govern the protection of fire safety at production locations.*

***325.2 Fire safety at production locations.*** *The commissioner shall promulgate rules addressing fire safety at production locations. Such rules shall establish safety procedures in consideration of such location’s occupancy, construction and condition, and the nature of the production activities to take place at such location, including whether construction, alteration or demolition operations of such location are performed, and whether pyrotechnic or other special effects will be conducted. Such rules may require the following fire safety measures in addition to such other safety measures as the commissioner may require:*

- 1. The designation of a production location fire safety manager, who shall have such qualifications and duties as set forth in department rules, including but not limited to responsibility for periodically inspecting the production location, confirming that permits or other required approvals have been obtained, and completing fire safety surveys or other recordkeeping.*
- 2. The periodic inspection of production locations by a production location fire safety manager for compliance with this code and other laws, rules and regulations enforced by the department.*
- 3. The designation of production activities during which the presence of a production location fire safety manager is required.*
- 4. The designation of production activities during which the presence of departmental representatives is required.*

***325.3 Production location fire safety manager.*** *When a permit is issued for scouting, rigging and production activities, as set forth in 43 RCNY § 9-01, the permit holder shall designate a production location fire safety manager who shall have such duties and responsibilities as established in accordance with department rules promulgated pursuant to FC 325.*

§ 3. This local law takes effect 120 days after it becomes law, except that the fire commissioner may 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 Fire and Emergency Management.

Res. No. 1223

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, A3557, sponsored by Assembly member Robert Carroll, which would permit voter registration, party enrollment and change of party enrollment within 10 days of a primary, general or special election.**

By Council Members Brannan, Kallos and Lander.

**Whereas**, All eligible New Yorkers deserve a reasonable opportunity to exercise their fundamental voting rights; and

**Whereas**, New York State consistently has one of the lowest voter turnout rates, ranking 42<sup>nd</sup> among states in the 2018 General Election (down from 41<sup>st</sup> in the 2016 General Election), according to the United States Elections Project; and

**Whereas**, Potential voters often find it challenging to register, due to confusing rules and/or lack of time, resulting in nearly 24% of eligible voters not being registered, according to the think tank Pew Research Center; and

**Whereas**, New York State has closed primary elections that require voters to register with a political party in order to participate in their party's primary; and

**Whereas**, Prior to a 2019 amendment, New York State had the earliest party enrollment change deadline in the United States: one calendar year and 25 days prior to the current year's General Election; and

**Whereas**, A 2019 amendment to the Election Law allowed voters in New York State to register to vote 25 days prior to any election event, including general, primary and special elections; and

**Whereas**, Election Law additionally dictates that political party enrollments must be completed 25 days prior to a primary election, in order to be considered effective; and

**Whereas**, Under the current process, the voter registration deadline being nearly one month before an election could cause many hopeful registrants to not be eligible to vote in the following election; and

**Whereas**, On January 29, 2019, New York Assembly member Robert Carroll introduced A3557, which would permit voter registration, party enrollment and change of party enrollment within 10 days of a primary, general or special election; and

**Whereas**, Making the voter registration deadline closer to election events can only benefit New Yorkers, by granting more time to register to vote; 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, A3557, sponsored by Assembly member Robert Carroll, which would permit voter registration, party enrollment and change of party enrollment within 10 days of a primary, general or special election.

Referred to the Committee on Governmental Operations.

Int. No. 1850

By Council Members Constantinides, Powers and Lander.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring a certain disclosure to tenants**

*Be it enacted by the Council as follows:*

Section 1. 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 27-2009.3 to read as follows:

§ 27-2009.3 *Required lease disclosures.* *The owner of a multiple dwelling shall include as an addendum to any lease, including any renewal lease, offered to tenants or prospective tenants of such multiple dwelling, the following information conspicuously set forth therein, the form, content and languages of which shall be determined by the commissioner of housing preservation and development pursuant to rules, which shall list certain statutory rights under the real property law that cannot be waived, including that any agreement by a lessee or tenant of a dwelling waiving or modifying his rights as set forth in section 235-B of the real property law shall be void as contrary to public policy.*

§2. This local law takes effect 120 days after it becomes law, except that the commissioner of housing preservation and development may 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 Housing and Buildings.

Int. No. 1851

By Council Members Constantinides, Lander, Levin and Reynoso (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, the New York city plumbing code and the New York city building code in relation to city-wide stormwater management controls**

*Be it enacted by the Council as follows:*

Section 1. Section 24-540 of the administrative code of the city of New York, as added by local law number 97 for the year 2017, is amended to read as follows:

§ 24-540 Policy. Land development and associated increases in site impervious cover increase stormwater runoff causing flooding, soil erosion, and sediment transport and deposition in waterways. A high percentage of impervious area correlates with a higher rate of stormwater runoff, which generates greater pollutant loadings to the city's separate stormwater and combined sewer systems. Pollutants found in urban runoff include, but are not limited to, nitrogen, phosphorus, silt and sediment, pathogens, floatables, petroleum hydrocarbons, heavy metals, and polycyclic aromatic hydrocarbons (PAHs).

Clearing and grading during construction may increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitats. Improperly designed and constructed stormwater management practices increase the velocity of stormwater runoff thereby increasing erosion and sedimentation. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream baseflow. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities. Regulation of land development activities by means of performance standards governing long-term stormwater management and site design produces development compatible with the natural functions of a particular site and thereby mitigates the adverse effects of erosion and sedimentation from development.

Material handling and storage, equipment maintenance and cleaning, and other activities at industrial facilities are often exposed to stormwater, which can pick up pollutants and transport them to surface waters directly or via a storm sewer. Appropriate stormwater management at industrial facilities can reduce these impacts.

This chapter establishes stormwater management controls [meeting the requirements of state and federal law in areas of the city where stormwater] *for construction projects to reduce the flow of stormwater runoff and water borne pollutants into sewers that empty directly into the waters of the state or that overflow into such waters because of rain or snowmelt events that exceed the design capacity of wastewater treatment plants.* [In

these areas water borne pollutants in stormwater runoff are more likely to enter and have an adverse impact on the waters of the state].

The purpose and intent of this chapter is to (i) reduce pollutants discharged in stormwater runoff from construction activities [in such areas] to the maximum extent practicable through appropriate erosion and sediment controls; (ii) minimize, to the maximum extent practicable, increases in stormwater runoff volume and velocity, and pollutant loading in stormwater runoff, from development sites [in such areas] ; (iii) ensure the proper maintenance of post-construction stormwater management practices; and (iv) ensure compliance by certain industrial facilities [in such areas] *served by the city separate storm sewer system* with applicable requirements to manage stormwater runoff in order to reduce pollutants in stormwater from industrial activities to the maximum extent practicable.

§2. The definitions of “covered development project”, “MS4 SWPPP acceptance form”, “MS4 area”, “notice of intent” or “NOI”, “notice of termination” or “NOT” and “separate stormwater outfall” in section 24-541 of the administrative code of the city of New York, as added by local law number 97 for the year 2017, are amended to read as follows:

**Covered development project.** The term “covered development project” means development activity that involves or results in an amount of soil disturbance [within the MS4 area] greater than or equal to one acre or as established pursuant to rules of the department in accordance with subdivision d of section 24-553. Such term includes development activity that is part of a larger common plan of development or sale involving or resulting in soil disturbance [within the MS4 area] greater than or equal to one acre or as established pursuant to rules of the department in accordance with subdivision d of section 24-553. [Such term shall include all development activity within the MS4 area that requires a stormwater pollution prevention plan pursuant to the NYSDEC construction general permit.]

**[MS4 area.** The term “MS4 area” means those portions of the city of New York served by separate storm sewers and separate stormwater outfalls owned or operated by the city of New York and areas in which municipal operations and facilities drain by overland flow to waters of the state, as determined by the department and described on maps of the MS4 area set forth in the rules of the department. ]

**Notice of intent or NOI.** The term “notice of intent” or “NOI” means *for MS 4 projects* the document submitted to NYSDEC to obtain coverage under the NYSDEC construction general permit.

**Notice of termination or NOT.** The term “notice of termination” or “NOT” means *for MS 4 projects* the document submitted to NYSDEC to terminate coverage under the NYSDEC construction general permit.

**MS4 SWPPP acceptance form.** The term “MS4 SWPPP acceptance form” means *for MS 4 projects* the form developed by NYSDEC to be used to indicate acceptance of a SWPPP by a municipality.

**[Separate stormwater outfall.** The term “separate stormwater outfall” means a point where stormwater from a storm sewer or other source of concentrated stormwater flow, owned or operated by the city of New York, is discharged into a water of the state or to a separate storm sewer system that requires coverage under the NYSDEC MS4 general permit.]

§3. Section 24-521 of the administrative code of the city of New York is amended by adding new definitions of “MS4” and “MS4 covered development project” or “MS 4 project” in alphabetical order to read as follows:

*MS4. The term “MS4” means the city municipal separate storm sewer system.*

*MS4 covered development project or MS 4 project. The term “MS4 covered development project” or “MS 4 project” means a covered development project that is subject to the NYSDEC construction general permit.*

§4. Sections 24-550, 24-552, 24-553, 24-554, 24-557, 24-559, 24-560 and 24-570 of the administrative code of the city of New York, as added by local law number 97 for the year 2017, are amended to read as follows:

§24-550 General. This subchapter [governs certain] *regulates* land development activities [within the MS4 area] *of covered development projects.*

§24-552 Review of stormwater pollution prevention plan or SWPPP. Before the commencement of development activity on the site of a covered development project the developer must submit [a copy of the notice of intent and] a stormwater pollution prevention plan, certified by a qualified professional, to the department for review in accordance with the rules of the department *and for MS 4 projects a copy of the notice of intent.* The department or a qualified professional designated by the department shall review the SWPPP within time periods to be specified in the rules of the department. If the department accepts the SWPPP *and all other requested documentation,* the department shall issue a stormwater construction permit to the developer and, *for MS 4 projects* subject to the NYSDEC construction general permit, shall issue an MS4 SWPPP

acceptance form for filing with NYSDEC. If the department rejects the SWPPP the department shall send notice of such rejection to the developer indicating the specific deficiencies that caused the department to reject the SWPPP. The department may require that the SWPPP [or] *and* other documents be submitted electronically.

§24-553 Rules. The department shall promulgate rules to carry out the provisions of this subchapter [in accordance with the NYC MS4 permit and the NYSDEC construction general permit ], including but not limited to rules that:

a. Set forth the content of SWPPPs, [consistent with the NYSDEC construction general permit ], including identifying those development projects requiring only erosion and sediment controls during construction and those development projects requiring erosion and sediment controls and post-construction stormwater management facilities.

b. Establish design standards for erosion and sediment controls and post-construction stormwater management facilities [, which shall not be less stringent than the standards set forth or incorporated by reference in the NYSDEC construction general permit].

c. Establish exemptions from permit requirements, [consistent with the NYC MS4 permit and the NYSDEC construction general permit ].

d. [After completion of the lot size soil disturbance study required by the NYC MS4 permit, provide] *Provide* for the regulation of development activity of less than one acre, based either on total disturbance of soil or on amount of impervious surface created or replaced, *where the department determines* an appropriate reduction in the threshold is necessary [in accordance with the NYC MS4 permit] *to carry out the purposes of this chapter. In making such determination, the department shall evaluate the potential costs and the anticipated water quality benefits of lowering the threshold.*

e. Establish procedures and fees for the review of SWPPPs and the issuance and renewal of permits required by this subchapter.

f. Establish training, experience and/or education requirements for qualified professionals and qualified inspectors [, which shall not be less stringent than those required by the NYSDEC construction general permit].

g. Establish record keeping, inspection and reporting requirements for applicants and permittees to monitor compliance with this subchapter and approved SWPPPs.

h. Establish requirements for compliance certifications by contractors to be included with SWPPPs.

i. Establish standards for the maintenance, inspection, repair and replacement of required erosion and sediment controls and post-construction stormwater management facilities.

*j. For MS 4 projects, ensure that such rules are not less stringent than the NYC MS4 permit and the NYSDEC construction general permit.*

§24-554 SWPPP to be retained on site. A copy of the SWPPP shall be retained at the site of the project from the date of initiation of development activities to the date [notice] of termination [is submitted to NYSDEC ] *of the project as determined in accordance with the rules of the department* and shall be made available to officers and employees of the department and/or qualified inspectors authorized by the department in accordance with the rules of the department.

§24-557 Suspension or revocation of permit. The department may suspend or revoke a stormwater construction permit, after notice and the opportunity for a hearing in accordance with the rules of the department, when the department or, *in the case of an MS 4 project,* NYSDEC finds that there is substantial non-compliance with this subchapter, the rules of the department, the NYSDEC construction general permit or the SWPPP, including any major change to erosion or sediment controls or any change in a post-construction stormwater management facility during construction that has or could have an effect on the discharge of pollutants, or when a permit was issued in error and conditions are such that a permit should not have been issued. When a permit is revoked or suspended all development activity at the project site shall cease and shall not be resumed until the issuance of a new permit or until such suspension is terminated except that the department may allow performance of work that is necessary to ensure public safety or to stabilize the construction site.

§24-559 Post-construction stormwater management facilities. Where post-construction stormwater management facilities are required by the department, the department shall not [accept the SWPPP or] issue a stormwater construction permit for the project until the execution and recording of a maintenance easement, which shall be binding on all subsequent owners of the real property served by such post-construction stormwater management facility, except where the corporation counsel has determined that such a maintenance easement is not necessary due to the property's ownership or use by a public agency or instrumentality. For post-construction

stormwater management facilities subject to such an exception, when there is a subsequent conveyance or cessation of public use, the corporation counsel may require the execution and recording of a maintenance easement at that time. The easement shall provide for access to post-construction stormwater management facilities at reasonable times in accordance with law for periodic inspection by the department or qualified professionals authorized by the department to ensure that such facilities are maintained in good working condition to meet the applicable design standards. The easement shall be recorded by the grantor in the office of the city register or, if applicable, the county clerk after approval by the corporation counsel.

§ 24-560 Stormwater maintenance permit. It is the duty of all owners of real property, jointly and severally, served by a post-construction stormwater management facility required by a SWPPP accepted by the department pursuant to this subchapter to provide for the inspection and maintenance of such facility in accordance with this section and the rules of the department. The department shall maintain a record of all such post-construction stormwater management facilities and the property served by each such facility. As soon as practicable after final stabilization of a site, the owner of property served by a post-construction stormwater management facility shall submit to the department [a copy of the notice of termination and] an application for a stormwater maintenance permit for such facility. Such owner shall provide for the renewal of such permit every 5 years in accordance with the rules of the department. The department shall issue or renew such permit upon receipt of a satisfactory inspection report certified by a qualified professional retained by the owner indicating that the facility has been installed and/or is operated and maintained in good working condition to meet applicable design standards and the rules of the department. A facility shall be maintained in good working condition throughout its useful life and replaced in accordance with the rules of the department.

§ 24-570 Applicability. This subchapter applies [only to portions of the city within the MS4 area] to sites served by the city municipal separate storm sewer system.

§ 5. Section 28-104.11 of the administrative code of the city of New York, as added by local law number 97 for the year 2017, is amended to read as follows:

**§28-104.11 Construction documents for sites [within the MS4 area] *that are covered development projects as defined in section 24-541 of the administrative code.*** Construction documents *for sites that are covered development projects as defined in section 24-541 of the administrative code* shall comply with section 28-104.11.1 through 28-104.11.4 [relating to the MS4 area].

**§28-104.11.1 Definitions.** As used in this code in connection with provisions relating to the jurisdiction of the department of environmental protection, the terms covered development project, development activity, [MS4 area,] post-construction stormwater management facility, stormwater construction permit, stormwater maintenance permit, and stormwater pollution prevention plan or SWPPP shall have the same definitions as such terms are defined in subchapter 1 of chapter 5-A of title 24 of the administrative code.

**§28-104.11.2 Disclosure required.** It shall be the duty of an applicant for construction document approval to determine whether the site of the proposed work is part of a covered development project [located within the MS4 area] and to disclose such information on construction documents. Failure to disclose such information on construction documents shall be a violation of this code.

**§28-104.11.3 Required documentation.** Applications for construction document approval shall include copies of any required stormwater construction permit issued by the department of environmental protection and the stormwater pollution prevention plan for the covered development project.

**§28-104.11.4 Revocation of approval of construction documents.** Where the department finds after the approval of construction documents that the applicant failed to disclose the information required by this section, the department may revoke such approval and any associated work permits in accordance with the provisions of sections 28-104.2.10 and 28-104.2.10.1.

§ 6. Section 101.6.3 of the New York city plumbing code, as added by local law number 97 for the year 2017, is amended to read as follows:

**106.6.3 Post-construction stormwater management facilities.** A post-construction stormwater management facility that is constructed as a part of a covered development project [located within the MS4 area,] shall comply with the rules of the Department of Environmental Protection and with this code.

§ 7. The definition of “MS 4 AREA” in section PC 202 of chapter 2 of the New York city plumbing code is REPEALED.

§ 8. Section 107.11.3 of the New York city building code, as added by local law number 97 for the year 2017, is amended to read as follows:

**107.11.3 Post-construction stormwater management facilities.** A post-construction stormwater management facility that is constructed as a part of a covered development project [located within the MS4 area] shall comply with the rules of the Department of Environmental Protection and with this code.

§ 9. The definition of “MS 4 AREA” in section BC 202 of the New York city building code is REPEALED.

§ 10. This local law takes effect 180 days after it becomes law and applies to development activity on the site of a covered development project on and after such date except that this local law shall not apply to development activity on the site of a covered development project, other than an MS4 project, where an application for construction document approval for such project is filed with the department of buildings or with the department of small business services prior to such effective date. For the purposes of this section, the terms development activity, covered development project and MS4 project shall be as defined in section 24-541 of the administrative code of the city of New York, as amended by this local law.

Referred to the Committee on Environmental Protection.

Int. No. 1852

Council Members Cornegy, Borelli, Powers and Koslowitz.

**A Local Law to amend the New York city fire code, in relation to requiring any person permitted for scouting, rigging and production activities to provide film set blueprints in advance of permitted activities to the fire department**

*Be it enacted by the Council as follows:*

Section 1. Section 202 of the New York city fire code, section FC 202 of chapter 2 of title 29 of the administrative code of the city of New York, as amended by local law number 148 for the year 2013, is amended by adding a new definition of “production location” in appropriate alphabetical order to read as follows:

**PRODUCTION LOCATION.** *Any location approved for the purpose of motion picture, television or commercial production by the mayor’s office of media and entertainment.*

§ 2. Chapter 3 of the New York city fire code, chapter 2 of title 29 of the administrative code of the city of New York, as amended by local law number 148 for the year 2013, is amended by adding a new section FC 325 to read as follows:

**SECTION FC 325  
PRODUCTION LOCATIONS**

**325.1 Scope.** *This section shall govern the protection of fire safety at production locations.*

**325.2 Disclosures and notifications at production locations.** *Every holder of a permit required by 43 RCNY § 9-01 shall provide to the commissioner and local firehouse a detailed blueprint of any set, including all non-*

*permanent walls, subdivisions and related exit points, and any use of plywood or polyurethane foam in set design and construction, at least 48 hours before commencing permitted activities. Failure to provide a blueprint that meets the requirements of this section shall result in the revocation of such permits and a civil penalty not to exceed ten thousand dollars.*

**325.3 Clearing of violations before permitting.** *The commissioner shall promulgate rules requiring that all outstanding health and safety violations with city, state and federal agencies are closed or cleared before a permit required by 43 RCNY § 9-01 may be issued.*

§ 3. This local law takes effect 120 days after it becomes law, provided that the fire commissioner may 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 Fire and Emergency Management.

Int. No. 1853

By Council Members Cornegy, Kallos, Vallone and Rosenthal.

**A Local Law in relation to requiring the department of buildings to report on the safety and feasibility of permitting building exterior wall examinations by unmanned aircraft systems**

*Be it enacted by the Council as follows:*

Section 1. The department of buildings shall conduct a study of the safety and feasibility of permitting the critical examinations of a building's exterior walls, required pursuant to section 28-302.2 of the administrative code of the city of New York, to be conducted with the use of unmanned aircraft systems. The department shall:

1. Study whether permitting such examinations to be conducted with the use of unmanned aircraft systems would (i) be prohibited by any provision of law or contrary to the rules and regulations of the federal aviation administration (ii) conflict with existing rules, regulations or policies of any city agencies (iii) be more or less effective in ensuring pedestrian safety than current examination practices and (iv) reduce the use of sidewalk sheds and scaffolding citywide; and

2. Identify any other obstacles or concerns, including but not limited to safety and privacy issues, that could impede the use of unmanned aircraft systems in performing such critical examinations.

§2. The department shall issue a report of the study's findings to the mayor and the speaker of the council upon completion of such study, which shall be no later than June 30, 2020.

§ 3. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Res. No. 1224

**Resolution calling upon Congress to pass and the President to sign H.R. 5034, the Fair Debt Collection Improvement Act, which would explicitly bar debt collectors from bringing legal action against any consumer for debt for which the statute of limitations has expired.**

By Councils Member Cornegy, Kallos, Ampry-Samuel, Rivera, Rosenthal, Menchaca, Koo and Gibson.

**Whereas**, In the 1970s, Congress determined there was evidence of abusive debt collection practices that had serious financial and personal consequences for individuals, and an inadequacy of consumer protection laws around debt collection; and

**Whereas**, In 1977, Congress passed the Fair Debt Collections Practices Act (FDCPA) to eliminate abusive debt collection practices and promote consistent State action to protect consumers; and

**Whereas**, Courts have ruled that it is a violation of the FDCPA to sue or attempt to sue to collect a debt on which the statute of limitations has expired; and

**Whereas**, In 2009, the City Council passed Local Law 15 of 2009, which, among other things, made it illegal for debt collectors to contact a consumer about or seek to collect on a debt for which the statute of limitations has expired unless the collector provides the consumer with information about the consumer's legal rights; and

**Whereas**, New York State regulations also require debt collectors to provide consumers information about their legal rights when trying to collect on a debt for which the statute of limitations has expired; and

**Whereas**, According to the most recent data from the Federal Reserve Bank of New York (New York Fed), across the country, household debt has been increasing steadily in recent years and stands at \$13.5 trillion, \$1.3 trillion higher than the previous peak in 2008; and

**Whereas**, According to the New York Fed's most recent data on New York City household debt, 13.3 percent of New York City residents were 90 or more days late on any loan type, including credit card payments, which is higher than the statewide rate of 12.8 percent; and

**Whereas**, According to same data, 20.1 percent of Bronx residents and 14.2 percent of Brooklyn residents were 90 or more days late on debt payments; and

**Whereas**, According to analysis by the New Economy Project, debt collection lawsuits in New York City increased by 112 percent between 2016 and 2018; and

**Whereas**, According to analysis by the New Economy Project, default judgments on debt collection lawsuits in New York City increased by 56 percent between 2016 and 2017; and

**Whereas**, In 2014, the New York Court System promulgated new rules to make it more difficult to win default judgments in debt collection cases, including requiring plaintiffs to file an affidavit affirming the statute of limitations has not yet expired; and

**Whereas**, It is still permissible for debt collectors to attempt to collect for debt for which the statute of limitations has expired through alternative means; and

**Whereas**, Attempts to collect on a debt for which the statute of limitations has expired could prompt individuals to make payments on the debt, causing the statute of limitations clock to restart; and

**Whereas**, In November 2019, U.S. Congressman Steve Cohen, of Tennessee's 9th District, introduced H.R. 5034, the Fair Debt Collections Practices Act, a bill to amend the FDCP to prohibit debt collectors from collecting or attempting to collect any debt of a consumer for which the statute of limitations has expired; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon Congress to pass and the President to sign H.R. 5034, the Fair Debt Collection Improvement Act, which would explicitly bar debt collectors from bringing legal action against any consumer for debt for which the statute of limitations has expired.

Referred to the Committee on Consumer Affairs and Business Licensing.

Preconsidered Res. No. 1225

**Resolution recognizing January 27, 2020 as Holocaust Remembrance Day and the week beginning on January 27, 2020 as a citywide week of Holocaust Education in New York City.**

By Council Members Deutsch, Kallos, the Public Advocate (Mr. Williams) and Rivera.

**Whereas,** The Holocaust was the systematic, bureaucratic, and state-sponsored persecution and murder of six million Jews by the Nazi regime and its collaborators; and

**Whereas,** In addition to wiping out a third of the global Jewish population, the Nazi regime also undertook the targeted murder of minority groups, opposition forces and specific ethnic populations; and,

**Whereas,** In total this killing resulted in the deaths of millions and included: homosexuals, people with disabilities, Jehovah's Witnesses, resistance and opposition members, academics, and Gypsy (Roma), Serbian, non-Jewish Polish and Soviet civilians; and,

**Whereas,** While all of these groups were deliberately targeted by the Nazi eugenics program or for their political opposition, the Holocaust, which occurred from 1933 to 1945, was due to the intense anti-Semitism and hatred toward the Jewish people that were living in Nazi Germany; and

**Whereas,** In efforts to exterminate the Jewish population, the Nazi regime established concentration camps, such as Auschwitz-Birkenau and Majdanek, of which Jewish men, women and children, as well as opponents to the Nazis, were herded into, to experience terrible living conditions, inhumane medical experimentation, torture and mass killings; and

**Whereas,** Due to the atrocities committed by the Nazi regime during the Holocaust, there is no way in which the Jewish people and world can ever fully recover, however, in efforts to partially rectify the past, every possible positive effort should be made to ensure that all those who suffered as a result of the Holocaust be remembered and future generations learn from the past to prevent a similar event from ever occurring again; and

**Whereas,** In efforts to ensure this, dedicating January 27, 2020 as Holocaust Remembrance Day and the week beginning on January 27, 2020 as a citywide week of Holocaust Education in New York City would: commemorate the six million Jewish people who died during the Holocaust, effectively teach City residents about the past, encourage empathy towards others and ultimately improve the City's future; and

**Whereas,** Recognizing January 27, 2020 as Holocaust Remembrance Day in New York City would also show international solidarity and encourage the preservation of humanity worldwide, as International Holocaust Remembrance Day occurs on the same day; and

**Whereas,** In addition, a citywide week of Holocaust Education beginning on January 27, 2020 throughout New York City's schools would foster empathy between City residents, beginning with the children themselves, through the learning of this important historical event and the impacts it has had on the present-day world; and

**Whereas,** As there are about 40,000 Holocaust survivors living in New York City and Long Island, according to Selfhelp Community Services Inc., a nonprofit that cares for older adults through a specific Holocaust Survivor program, it is important to those survivors that the history Holocaust, specifically those who died as a result of this event, is remembered and taught within New York City; and

**Whereas,** Recognizing January 27, 2020 as Holocaust Remembrance Day and the week beginning January 27, 2020 as a citywide week of Holocaust Education in new York City would help make the city a better place by valuing humanity above all else, remembering those who have died and survived in the Holocaust and preventing similar event from ever happening again; now therefore, be it

**Resolved,** That the Council of the City of New York recognizes January 27, 2020 as Holocaust Remembrance Day and the week beginning on January 27, 2020 as a citywide week of Holocaust Education in New York City

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on Civil and Human Rights).

Res. No. 1226

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation requiring a moment of silence in all public schools at the beginning of each school day.**

By Council Member Deutsch.

**Whereas,** Moments of silence are observed at the beginning of school across the country as a secular, non-sectarian way for students (and faculty) to meditate, reflect, set goals, or engage in any other silent, positive activity; and

**Whereas**, More than 30 states, including New York, currently either allow, or mandate, schools to hold a moment of silence; and

**Whereas**, Both students and faculty have attested to the positive effects of a moment of silence at the beginning of school, with then-Assistant Principal Hadar Gafhi of P.S. 191—a school in Brooklyn where the majority of students come from low-income households—saying, “I have seen tremendous changes behavior-wise and in terms of punctuality... We’re seeing tremendous academic growth in our kids”; and

**Whereas**, Tuishawn Burke, then a 10-year-old 5<sup>th</sup> grade student at P.S. 191, expressed in reference to the moment of silence, “I think about how I’m going to make today a great day...It helps me focus more so I can complete my work”; and

**Whereas**, Requiring all public schools to observe a moment of silence has the potential to positively impact students’ academic and behavioral progress; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation requiring a moment of silence in all public schools at the beginning of each school day.

Referred to the Committee on Education.

Int. No. 1854

By Council Members Dromm and Koo (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in the Downtown Flushing Transit Hub business improvement district, an extension of the boundaries of such district, the provision of additional services and the modification of existing services in such district, a change in the method of assessment upon which the district charge is based, and an increase in the maximum total amount to be expended for improvements in such district.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-460.1 to read as follows:

*§ 25-460.1 Downtown Flushing Transit Hub business improvement district; increase in the amount to be expended annually. a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Downtown Flushing Transit Hub business improvement district beginning on July 1, 2020, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of one million dollars (\$1,000,000).*

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

§ 2. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-460.2 to read as follows:

*§ 25-260.2 Downtown Flushing Transit Hub business improvement district; extension of district. a. The city council having determined, pursuant to section 25-407 of chapter four of this title: that notice of hearing for all hearings required to be held was published and mailed as required by law and was otherwise sufficient; that, except as otherwise provided in section 25-403 of chapter four of this title, all the real property within the boundaries of the district will benefit from the extension of the district; that all the real property benefited is included within the limits of the district; and that the extension of the district is in the public interest; and the council having determined*

*further that the requisite number of owners have not objected as provided in section 25-406 of chapter four of this title, the Downtown Flushing Transit Hub business improvement district in the borough of Queens is hereby extended. Such district is extended in accordance with the amended district plan of 2019 required to be filed with the city clerk pursuant to subdivision b of this section.*

*b. Immediately upon adoption of this local law by the council, the council shall file with the city clerk the amended district plan of 2019 upon which the Downtown Flushing Transit Hub business improvement district, and the extension thereof, is based.*

*c. The amended district plan of 2019 shall not be further amended except in accordance with chapter four of this title.*

§ 3. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-460.3 to read as follows:

*§ 25-460.3 Downtown Flushing Transit Hub business improvement district; amendments to the district plan. a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize additional services and modify existing services for the Downtown Flushing Transit Hub business improvement district and to authorize a change in the method of assessment upon which the district charge in the Downtown Flushing Transit Hub business improvement district is based, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such changes, there are hereby authorized in the Downtown Flushing Transit Hub business improvement district such changes as set forth in the amended district plan of 2019 required to be filed with the city clerk pursuant to subdivision c of this section.*

*b. The city council having determined, pursuant to subdivision c of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the maximum total amount to be expended for improvements in the district, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such change, there is hereby authorized in the Downtown Flushing Transit Hub business improvement district such change as set forth in the amended district plan of 2019 required to be filed with the city clerk pursuant to subdivision c of this section.*

*c. Immediately upon adoption of this local law, the council shall file with the city clerk the amended district plan of 2019 setting forth the additional services and modification of services and containing the change in the method of assessment authorized by subdivision a of this section and the increase in the maximum total amount to be expended for improvements authorized by subdivision b of this section.*

§ 4. This local law takes effect upon compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the city of New York and is retroactive to and deemed to have been in full force and effect as of July 1, 2020, provided that section one of this local law takes effect immediately and is retroactive to and deemed to have been in full force and effect as of July 1, 2020.

Referred to the Committee on Finance.

Preconsidered Res. No. 1227

**Resolution authorizing an increase in the amount to be expended annually in the Downtown Flushing Transit Hub Business Improvement District in the Borough of Queens, an extension of the boundaries of such district, the provision of additional services and the modification of existing services in such district, a change in the method of assessment upon which the district charge is based, and an increase in the maximum total amount to be expended for improvements in such district, and setting the date, time and place for the public hearing of the local law authorizing such changes as set forth in the amended District Plan of the Downtown Flushing Transit Hub Business Improvement District.**

By Council Member Dromm.

**Whereas**, Pursuant to the authority granted by chapter 4 of title 25 of the Administrative Code of the City of New York (the “Law”), the Mayor, by authorization dated May 24, 2019, provided for the preparation of an amended district plan for the Downtown Flushing Transit Hub Business Improvement District (the “District”) in the Borough of Queens; and

**Whereas**, Pursuant to Local Law No. 82 for the year 1990, the City Council assumed responsibility for adopting legislation relating to Business Improvement Districts; and

**Whereas**, Pursuant to authority granted by the Law, the District was established by Local Law No. 58 for the year 2003; and

**Whereas**, Pursuant to Section 25-410(b) of the Law, an amendment to the District Plan that provides for additional improvements or services or any change in the method of assessment upon which the district charge is based, or an increase in the amount to be expended annually for improvements, services, maintenance and operation, may be adopted by local law, provided that the City Council determines, after a public hearing, that it is in the public interest to authorize such changes and that the tax and debt limits prescribed in Section 25-412 of the Law will not be exceeded by such changes; and

**Whereas**, Pursuant to Section 25-410(c) of the Law, an amendment to the District Plan that provides for an increase in the total maximum amount to be expended for improvements in the District may be adopted by local law, provided that the City Council determines, after a public hearing, that it is in the public interest to authorize such increase and that the tax and debt limits prescribed in Section 25-412 of the Law will not be exceeded by such increase; and

**Whereas**, The District wishes to increase the amount to be expended annually in the District to \$1,000,000, to extend the District's boundaries, to provide additional services and modify existing services, to change the method of assessment upon which the district charge is based and to increase the maximum total amount to expended for improvements in the District; and

**Whereas**, Pursuant to section 25-405(c) of the Law, the New York City Department of Small Business Services ("SBS") submitted an amended District Plan (the "Amended Plan") for the District to the City Planning Commission (the "CPC") on May 30, 2019; and

**Whereas**, Pursuant to section 25-405(c) of the Law, the CPC submitted the Amended Plan to the City Council on June 3, 2019; and

**Whereas**, Pursuant to section 25-405(c) of the Law, the CPC submitted the Amended Plan to the Council Member representing the council district in which the District is located on June 3, 2019; and

**Whereas**, Pursuant to section 25-405(c) of the Law, the CPC submitted the Amended Plan to Queens Community Board 7 (the "Community Board"), in which the proposed extended district is located, on June 3, 2019; and

**Whereas**, Pursuant to section 25-405(c) of the Law, the CPC submitted the Amended Plan to the Queens Borough President on June 3, 2019; and

**Whereas**, Pursuant to section 25-405(c) of the Law, the Community Board notified the public of the Amended Plan in accordance with the requirements established by the CPC; and

**Whereas**, On June 17, 2019, the Community Board voted to approve the extension of the District; and

**Whereas**, Pursuant to section 25-405(c) of the Law, the CPC reviewed the Amended Plan, held a public hearing on July 31, 2019, and prepared a report certifying its unqualified approval of the Amended Plan; and

**Whereas**, Pursuant to section 25-405(c) of the Law, the CPC submitted its report to the Mayor, to the Queens Borough President, to the City Council and to the Council Member representing the council district in which the District is located; and

**Whereas**, Pursuant to section 25-405(c) of the Law, a copy of the CPC's report, the original district plan and the Amended Plan were transmitted for filing with the City Clerk on September 3, 2019; and

**Whereas**, Pursuant to section 25-406(a) of the Law, a copy of the Amended Plan and the CPC's report are annexed hereto and are made part of this Resolution; and

**Whereas**, Pursuant to section 25-406(a) of the Law, the Amended Plan is on file for public inspection in the Office of the City Clerk, 141 Worth Street, New York, New York; and

**Whereas**, Pursuant to Section 25-406(b) of the Law, any owner of real property, deemed benefited and therefore within the proposed extended district, objecting to the Amended Plan must file an objection at the Office of the City Clerk within thirty days of the conclusion of the hearing held by the City Council, notice of which is provided by this Resolution, on forms made available by the City Clerk; and

**Whereas**, Pursuant to Section 25-406(b) of the Law, if owners of at least fifty-one percent of the assessed valuation of all the benefited real property situated within the boundaries of the District proposed for extension, as shown upon the latest completed assessment roll of the City, or at least fifty-one percent of the owners of benefited

real property within the area included in the District proposed for extension, file objections to the Amended Plan with the City Clerk within the thirty-day objection period, the District will not be extended; now, therefore, be it

**Resolved,** That the Council of the City of New York, pursuant to Section 25-406 of the Law, hereby directs that February 11, 2020 is the date and 10:00 am is the time and the City Council Committee Meeting Room, 2nd Floor, City Hall is the place for a public hearing (the “Public Hearing”) to hear all persons interested in the legislation that would authorize an increase in the amount to be expended annually in the District, an extension of the District’s boundaries, the provision of additional services and the modification of existing services in the District, a change in the method of assessment upon which the district charge in the District is based and an increase in the maximum total amount to be expended for improvements in the District; and be it further

**Resolved,** That the Downtown Flushing Transit Hub District Management Association shall, not less than ten (10) nor more than thirty (30) days before the date of the Public Hearing, mail a copy of this Resolution or a summary thereof to each owner of real property within the proposed extended district at the address shown on the latest City assessment roll, to such other persons as are registered with the City to receive tax bills concerning real property within the proposed extended district, and to the tenants of each building within the proposed extended district; and be it further

**Resolved,** That SBS shall arrange for the publication of a copy of this Resolution or a summary thereof at least once in the City Record or in a newspaper in general circulation in the City, the first publication to be not less than ten (10) nor more than thirty (30) days before the date of the Public Hearing; and be it further

**Resolved,** That in the event that the Downtown Flushing Transit Hub District Management Association mails, or SBS arranges for the publication of, a summary of this Resolution, such summary shall include the information required by section 25-406(c) of the Law; and be it further

**Resolved,** That on behalf of the City Council and pursuant to Section 25-410(b) of the Law, the Downtown Flushing Transit Hub District Management Association is hereby authorized to publish in a newspaper having general circulation in the District, not less than ten (10) days prior to the Public Hearing, a notice stating the time and place of the Public Hearing and stating the increase in the amount to be expended annually in the District.

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

Preconsidered Res. No. 1228

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

By Council Member Dromm.

**Whereas,** On June 19, 2019 the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2020 with various programs and initiatives (the “Fiscal 2020 Expense Budget”); and

**Whereas,** On June 14, 2018 the City Council adopted the expense budget for fiscal year 2019 with various programs and initiatives (the “Fiscal 2019 Expense Budget”); and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2020 and 2019 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2020 Expense Budgets by approving new Description/Scope of Services for certain organizations receiving local, youth, anti-poverty and aging discretionary funding; now, therefore, be it

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 1; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 2; and be it further

**Resolved,** That the City Council approves new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 3; and be it further

**Resolved,** That the City Council approves the new designation and the change in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 4; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 5; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 6; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 7; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 8; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 9; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the SU-CASA Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 10; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 11; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the COMPASS Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 12; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Coalition Theaters of Color Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 13; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to local discretionary funding in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 14; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 15; and be it further

**Resolved,** That the City Council amends the description for the Description/Scope of Services for certain organizations receiving local, youth, anti-poverty and aging discretionary funding in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 16.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for Exhibits, please see the attachment to the resolution following the Report of the Committee on Finance for Res. No. 1228 printed in these Minutes).

## Int. No. 1855

By Council Member Espinal.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring photographic documentation evidencing certain violations enforced by the department of buildings**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of Title 28 of the administrative code of the city of New York is amended by adding a new section 28-201.5 to read as follows:

*§28-201.5 Photographic Evidence of Violations. a. All notices of violation issued by the department for a violation, which as determined by the commissioner by rule is viewable and capable of being captured by photograph, shall contain a photograph of the underlying condition resulting in the violation.*

*b. The official record of any subsequent inspection of violations subject to the requirement established in subdivision a of this section and for which a violator was granted an opportunity to cure, must include a photograph confirming that such violation has been cured.*

*c. The department shall publish on its website a list of violations subject to the requirements of subdivision a of this section.*

§ 2. This local law shall take effect 120 days after its enactment except that except that the commissioner may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such date.

Referred to the Committee on Housing and Buildings.

## Int. No. 1856

By Council Member Espinal, the Public Advocate (Mr. Williams) and Council Members Kallos, Yeager, Lander, Ampry-Samuel and Koslowitz.

**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 provide a time frame when scheduling inspections and repairs**

*Be it enacted by the Council as follows:*

Section 1. Section 27-2125 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

*e. Where the department sends personnel to a dwelling unit for the purposes of correcting conditions in violation of the housing maintenance code, it shall provide the tenant of the dwelling with an estimated three hour time frame within which department personnel will arrive; provided, however, that where the department sends personnel for the purpose of making emergency repairs, then arrival shall be as soon as practicable considering the nature of the repair and availability of department personnel and resources.*

§ 2. Subdivision b of section 27-2017.6 of the administrative code of the city of New York, as added by local law number 55 for the year 2018, is amended to read as follows:

b. In any dwelling unit in a multiple dwelling the department shall conduct an inspection pursuant to subdivision a of this section no later than thirty days after the department's receipt of a complaint describing a condition that would constitute a violation under subdivision a of section 27-2017.3 or subdivision b of section 27-2017.4. *Where the department sends personnel to a dwelling unit for the purposes of performing an inspection, it shall provide the tenant of the dwelling with an estimated three hour time frame within which department personnel will arrive.* Where the department attempts to perform an inspection of a dwelling unit within the time period required by this subdivision but is unable to gain access, the department shall provide

written notice to the occupant of such dwelling unit that no further attempts at access shall be made unless a new complaint is submitted.

§ 3. Subdivision a of section 27-2056.7 of the administrative code of the city of New York, as amended by local law number 66 of 2019, is amended to read as follows:

a. When the department of health and mental hygiene issues a commissioner's order to abate pursuant to section 173.13 of the New York city health code or a successor rule that addresses lead-based paint hazards or unsafe lead paint in a specific dwelling unit in a multiple dwelling, the department, within fifteen days of such order, shall notify the owner of the multiple dwelling where the dwelling unit is located that the owner shall, within forty-five days of the department's notice, provide to the department all records required to be maintained under this article. Upon the department's receipt of those records and a determination that there may exist uncorrected lead-based paint hazards in dwelling units where a child of applicable age resides, the department within ten days shall attempt to inspect such units to determine whether there are any violations of section 27-2056.6 of this article. *Where the department sends personnel to a dwelling unit for the purposes of performing an inspection, it shall provide the tenant of the dwelling with an estimated three hour time frame within which department personnel will arrive.*

§ 4. Subdivision b of section 27-2056.9 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:

b. In any dwelling unit in a multiple dwelling erected prior to January 1, 1960 where a child of applicable age resides, the department shall conduct an inspection pursuant to subdivision a of this section no later than ten days after the department's receipt of a complaint describing peeling paint, or a deteriorated subsurface or underlying defect in the dwelling unit. The department shall make diligent efforts to ascertain whether a child of applicable age resides therein. *Where the department sends personnel to a dwelling unit for the purposes of performing an inspection, it shall provide the tenant of the dwelling with an estimated three hour time frame within which department personnel will arrive.* Where the department attempts to perform an inspection of a dwelling unit within the time period required by this subdivision but is unable to gain access, the department shall be required to make a reasonable attempt to gain access to such dwelling unit within five days of such attempt. If the department is unable to gain access to that dwelling unit during this additional time period, the department shall provide written notice to the occupant of such dwelling unit that no further attempts at access shall be made unless a new complaint is submitted.

§ 5. This local law takes effect 60 days after it becomes law.

Referred to the Committee on Housing and Buildings.

Int. No. 1857

By Council Member Eugene

**A Local Law to amend the administrative code of the city of New York, in relation to signs posted on park entrances that are visible at night**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-156 to read as follows:

*§ 18-156 Signage visibility at night. Each sign that is posted to an entrance of a park or playground under the jurisdiction of the department that indicates the rules and operating hours of such park or playground shall be illuminated during the period of time beginning at sunset and ending at sunrise.*

§ 2. This local law takes effect 3 years after it becomes law, except that the commissioner of parks and recreation may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such effective date.

Referred to the Committee on Parks and Recreation.

Res. No. 1229

**Resolution calling on the United States Congress to pass, and the President to sign, the Adoptee Citizenship Act of 2019 (H.R. 2731 / S. 1554), in order to secure U.S. citizenship of internationally adopted children who are now adults or aging into adulthood.**

By Council Members Koo, Koslowitz, Gjonaj and Chin.

**Whereas**, Current laws do not guarantee United States ('U.S.') citizenship to all children brought to the U.S. for the purposes of adoption; and

**Whereas**, The Child Citizenship Act of 2000 guaranteed automatic citizenship to adoptees under the age of 18 who were born outside the U.S. and adopted by U.S. citizens, as long as their adoptions are considered final in the countries of their birth; and

**Whereas**, The Child Citizenship Act excluded three categories of adopted children from automatic citizenship: (1) adopted children who were 18 years of age, or older, at the time of the Act's passage; (2) children adopted after the Act's passage, whose adoptions were not finalized in the countries of their birth and thus did not enter the U.S. on specific visas; and (3) children who entered the U.S. on non-immigrant or humanitarian visas; and

**Whereas**, It is the responsibility of adopted parents to ensure that adoptions are finalized within the U.S. and citizenship separately sought for those adopted children who entered the U.S. under visa categories ineligible for automatic citizenship; and

**Whereas**, Information related to the immigration of adoptees is unevenly distributed by adoption agencies, often resulting in adoptive parents being unaware of the implications of failing to finalizing adoptions in the U.S. and filing for the naturalization of their adoptive children; and

**Whereas**, In other instances, adoptive parents neglect to complete adoption or naturalization filings, resulting in the deprivation of citizenship; and

**Whereas**, The cost of filing for naturalization can be prohibitive in addition to the high cost of intercountry adoptions; and

**Whereas**, A bipartisan effort to close the adoptee-citizenship loophole has been ongoing, the most recent iteration of which is the Adoptee Citizenship Act of 2019 (H.R. 2731 / S. 1554), sponsored by U.S. Representative Smith (D-WA) and U.S. Senator Blunt (R-MO); and

**Whereas**, The Adoptee Citizenship Act of 2019 would grant automatic citizenship to any adoptee of a U.S. citizen parent upon entry to the U.S., subject to a criminal background check, and waive all grounds of inadmissibility outlined in section 212(a) of the Immigration and Nationality Act; and

**Whereas**, Federal data does not track the naturalizations of intercountry adoptees, however U.S. Department of State data shows that at least 27 percent of all intercountry adoptions between 1999 and 2016 were of children entering the U.S. under visa categories ineligible for automatic citizenship; and

**Whereas**, Adoptees at risk of U.S. citizenship deprivation were born in Argentina, Brazil, Cambodia, China, Colombia, Costa Rica, Dominican Republic, El Salvador, Germany, Great Britain, Guatemala, Haiti, India, Iran, Ireland, Japan, Mexico, Panama, the Philippines, Russia, Samoa, South Korea, St. Kitts, Thailand, the Ukraine, and Vietnam; and

**Whereas**, National advocacy organization, the Adoptee Rights Campaign ('ARC') estimates that between 25,000 and 49,000 children adopted between 1945 and 1998 reached adulthood without naturalizing; and

**Whereas**, ARC estimates that an additional 7,321 to 14,643 children, could enter adulthood without guaranteed U.S. citizenship; and

**Whereas**, These estimates do not account for children who entered the U.S. on non-immigrant or humanitarian visas and could therefore be much higher; and

**Whereas**, The state of New York has the second highest population of intercountry adopted children in the nation, and could see more than 4,000 adopted residents deprived of the protections granted by U.S. citizenship; and

**Whereas**, Without U.S. citizenship, these adoptees are not protected from deportation, which has occurred in a least 12 cases according to ARC; and

**Whereas,** The well-documented rise in immigration enforcement could lead to additional deportations of adoptees if the current statute is not amended; 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 Adoptee Citizenship Act of 2019 (H.R. 2731 / S. 1554), in order to secure U.S. citizenship of internationally adopted children who are now adults or aging into adulthood.

Referred to the Committee on Immigration.

Int. No. 1858

By Council Members Lander, Ayala, Levin, Adams, Kallos and the Public Advocate (Mr. Williams).

### **A Local Law in relation to reporting on dress code policies in New York City schools**

*Be it enacted by the Council as follows:*

Section 1. Report. 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.

Dress code. The term “dress code” means any rules or policies pertaining to how students may or may not dress during the school day, including any disciplinary consequences that might result from a violation of said rules or policies.

Gender. The term “gender” includes actual or perceived sex and gender identity, including a person’s actual or perceived gender-related self-image, behavior or other gender-related characteristic, regardless of the sex assigned to that person at birth, and includes a person whose gender identity is not exclusively male or female.

Gender presentation. The term “gender presentation” means the external appearance, dress, mannerism and behavior through which each individual presents their gender identity or the gender they wish to appear as, regardless of the sex assigned to that person at birth, and includes a person whose external gender expression is not exclusively male or female.

b. No later than August 1, 2020, and annually thereafter, the department of education shall submit to the speaker of the council and post on its website a report on the dress code policies, if any, followed by each school. Such report shall include, but not be limited to, the following information:

1. For each school, the school name, school district borough number, whether such school has promulgated a dress code the students must follow and a copy of such dress code;

2. For each dress code reported pursuant to paragraph 1 of subdivision b of this section, whether the dress code is posted on the school’s website; whether the dress code includes disciplinary provisions; whether the dress code explicitly distinguishes between gender and gender presentation; whether the wording of the dress code is gender neutral or whether it explicitly creates different expectations between different genders and whether the wording of the dress code, if gender neutral on its face, effectively creates different expectations between different genders;

3. The total number of schools that have promulgated a dress code and the total number of schools that have no dress code; and

4. The number of disciplinary infractions that the school has issued the previous year based on the dress code, as well as any related consequences or penalties, disaggregated by month and week and further disaggregated by student gender.

§ 2. This local law takes effect immediately and is deemed repealed after five years.

Referred to the Committee on Education.

## Res. No. 1230

**Resolution calling upon the New York City Department of Education to create an inclusive school dress code policy that complies with Title IX of the Federal Education Amendments Act and accounts for diverse cultures, gender expressions and body diversity.**

By Council Members Lander, Ayala, Levin and Adams.

**Whereas**, Title IX of the Education Amendments Act is a Federal civil rights law that prohibits discrimination on the basis of sex in any educational institution receiving Federal financial assistance; and

**Whereas**, The New York City Department of Education (DOE) does not have a universal dress code policy to protect students from unfair enforcement of discriminatory and gender-biased dress code standards in schools; and

**Whereas**, According to the DOE school discipline code, wearing clothing, headgear or other items that are considered unsafe or disruptive to the educational process is categorized as uncooperative or noncompliant behavior and can result in disciplinary actions such as student-teacher conferences, parent conferences or exclusion from extracurricular activities or communal lunchtime; and

**Whereas**, According to Girls for Gender Equity (GGE), school dress code standards target transgender and gender non-conforming (TGNC) youth of color who are disproportionately disciplined for dress code violations; and

**Whereas**, According to GGE, girls and TGNC students of color report being excluded from classrooms, which restricts learning opportunities and leads to cumulative penalties that have negative impacts on students' academic trajectories; and

**Whereas**, Girls and TGNC students of color are punished for wearing clothing that is seen as a distraction to cisgender boys, such as tank tops or shorts, or clothing that does not adhere to a gender-binary standard, such as baggy pants or other clothing that is seen as too masculine; and

**Whereas**, A 2016 GGE research study revealed that while most student narratives about dress codes center the experiences of young people who face being hyper-sexualized, students also shared narratives of being discriminated against based on clothing that reflected their religious identity; and

**Whereas**, Ending punitive practices around dress codes must expand beyond clothing to include infractions related to hairstyles and accessories, religious dress or identifiers and other cultural markers; and

**Whereas**, A model school dress code policy would create a DOE-wide framework for protecting students from sexist and heteronormative dress codes, eliminating the enforcement of those standards that target girls and TGNC youth of color and honors student's cultural, religious and gender expression; and

**Whereas**, Further a City-level school dress code policy allows for flexibility in the creation of school-level dress code policies and should be created through consultation with diverse communities within the DOE school system and engagement with youth who are impacted; and

**Whereas**, The elimination of gender-biased dress codes ensures that students are not subject to mistreatment or discrimination as a result of their clothing and creates school environments that are safer and more inclusive spaces for all young people; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Department of Education to create an inclusive school dress code policy that complies with Title IX of the Federal Education Amendments Act and accounts for diverse cultures, gender expressions and body diversity.

Referred to the Committee on Education.

## Int. No. 1859

By Council Members Matteo, Yeger and Koslowitz.

**A Local Law to amend the administrative code of the city of New York, in relation to the sunset provisions for the alternative exemption for veterans**

*Be it enacted by the Council as follows:*

Section 1. Section 2 of local law number 120 for the year 2017 is amended to read as follows:

§ 2. This local law takes effect July 1, 2017, except that if it becomes law subsequent to such date, this local law is retroactive to and deemed to have been in full force and effect as of July 1, 2017[, and shall expire and be deemed repealed on June 30, 2022].

§ 2. Section 2 of local law number 128 for the year 2017 is amended to read as follows:

§ 2. This local law takes effect on the same day as a local law amending the administrative code of the city of New York relating to the alternative exemption for veterans, as proposed in introduction number 1304 for the year 2016, takes effect[, and shall expire and be deemed repealed on the same day as such local law].

§ 3. This local law takes effect immediately.

Referred to the Committee on Finance.

## Int. No. 1860

By Council Members Matteo, Kallos, Yeger and Koslowitz.

**A Local Law to amend the administrative code of the city of New York, in relation to installing pedestrian countdown displays at all intersections with a traffic-control signal**

*Be it enacted by the Council as follows:*

Section 1. Section 19-188.1 of the administrative code of the city of New York, as added by local law number 50 for the year 2019, is amended to read as follows:

§ 19-188.1 Pedestrian countdown displays. a. Definitions. As used in this section, the following terms have the following meanings:

Pedestrian countdown display. The term “pedestrian countdown display” means any automated digital reading used in a crosswalk that displays, at the beginning of the flashing upraised hand signal, the number of seconds remaining until the termination of such signal.

[Traffic-control signal photo violation-monitoring system. The term “traffic-control signal photo violation-monitoring system” means a device installed to work in conjunction with a traffic-control signal which, during operation, automatically produces two or more photographs, two or more microphotographs, a videotape or other recorded images of each vehicle at the time it is used or operated in violation of subdivision (d) of section eleven hundred eleven of the vehicle and traffic law.]

b. The department shall install a pedestrian countdown display at [any] *every* location where a traffic-control signal [photo violation-monitoring system] is installed unless (i) the department determines that such installation would endanger the safety of any street user, (ii) the department determines that such installation would be inconsistent with the department’s guidelines regarding the installation of pedestrian countdown displays, or (iii) such installation would otherwise be impracticable.

c. *No later than one year after the effective date of this section, the commissioner shall submit to the speaker of the council a ten-year plan to install all pedestrian countdown displays, including but not limited to the following (i)*

*projected number of pedestrian countdown displays to be installed annually, (ii) projected cost of installation of such pedestrian countdown displays, and (iii) projected completion date for all installations.*

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

Referred to the Committee on Transportation.

Res. No. 1231

**Resolution calling upon the United States Congress and Senate to pass, and the President to sign, the Federal Protecting Local Authority and Neighborhoods (“PLAN”) Act (H.R. 4232), to ensure the ability to enforce State and local law relating to the leasing and renting of real property.**

By Council Members Powers, Vallone and Constantinides.

**Whereas**, Section 230 of the federal Communications Decency Act (“CDA”) impedes the ability of aggrieved persons to impose, in part, legal responsibility on certain companies for most content posted by third parties; and

**Whereas**, Short-term rental platforms such as Airbnb have invoked section 230 of the CDA in lawsuits contesting the legislation that cities such as San Francisco, Los Angeles, Boston, Miami Beach, and San Diego have enacted that are intended to regulate short-term rental platforms and protect affordable housing stock; and

**Whereas**, Airbnb referenced the provisions of section 230 of the CDA to block enforcement of Local Law 146 of 2018, which would prohibit the advertising of illegal short-term rentals on Airbnb and similar websites, to argue that it is not responsible for illegal listings; and

**Whereas**, An October 2014 report by the New York State Attorney General found that between 2010 and 2014, 25,532 unique units on Airbnb were rented illegally by 20,835 hosts; and

**Whereas**, In December 2015, Airbnb released data to claim that 95 percent of its hosts were abiding by New York City law, but was later found to have purged over 1,000 of its listings in New York City before releasing that data; and

**Whereas**, A recent 2017 university study on the effect of home-sharing shows a general increase in the cost of living for communities by incentivizing property owners to transition their properties to short-term rental markets rather than long-term or for-sale markets, thus impacting the number and affordability of the housing market; and

**Whereas**, A January 2018 research report on short-term rentals in New York City revealed that Airbnb usage has resulted in between 7,000 and 13,500 units of housing being removed from New York City’s long-term rental market from September 2014 to August 2017 study period; and

**Whereas**, According to the *New York Times* on January 14, 2019, the City filed a \$21 million lawsuit against Metropolitan Property Group, a real estate brokerage firm, for allegedly using Airbnb to illegally rent out apartments in 35 buildings in Manhattan, including buildings in Kips Bay and East Harlem, using a web of 18 corporate entities and fake identities hosted on Airbnb to convert 130 apartments into de facto hotel rooms, housing more than 75,000 guests from 2015 to 2018; and

**Whereas**, Media reports indicated that New York City officials filed a lawsuit on June 19<sup>th</sup> after having discovered an alleged network of illegal short-term rentals that were converted from residential units in 36 buildings in Queens, Brooklyn, and Manhattan, many of which were low-cost or rent-stabilized, and which had grossed more than \$5 million in revenue through Airbnb for booking 24,330 rooms and 63,873 guests from 2015 to 2019; and

**Whereas**, Recent enforcement data provides that in calendar year 2018, the Mayor’s Office of Special Enforcement issued 3,456 summons for illegal hotel activity in the City; and

**Whereas**, The Federal PLAN Act (H.R. 4232), was introduced in Congress and would amend the provisions of the CDA to hold internet platforms like Airbnb accountable by providing that internet entities who market illegal short-term rentals can be held liable under state and local law; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the United States Congress and Senate to pass, and the President to sign, the Federal Protecting Local Authority and Neighborhoods (“PLAN”) Act (H.R. 4232), to ensure the ability to enforce State and local law relating to the leasing and renting of real property.

Referred to the Committee on Housing and Buildings.

Int. No. 1861

By the Public Advocate (Mr. Williams) and Council Members Ayala, Kallos, Lander and Gjonaj.

**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, 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 Technology.

Int. No. 1862

By Council Members Richards, Adams, Lander and Ampry-Samuel.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to provide records of complaints and investigations of bias-based profiling to the city commission on human rights**

*Be it enacted by the Council as follows:*

Section 1. Section 14-151 of the administrative code of the city of New York is amended by adding a new subdivision f to read as follows:

*f. The department shall provide records of all closed complaints and investigations of bias-based profiling, including copies of complaints, investigative files and disciplinary records to the city commission on human rights for analysis in the furtherance of the commission's official functions. Such records shall include, but not be limited to, the following information:*

*1. Information regarding each departmental personnel who was the subject of a bias-based profiling complaint, including such person's name, age, shield number, precinct, rank, command, length of service to the department and whether such person is a uniformed member of service;*

*2. For each person identified in paragraph 1, the number of bias-based profiling complaints against such person; and*

*3. For each complaint identified in paragraph 2:*

*(a) The self-reported demographics of complainants, including but not limited to race, ethnicity, color, national origin, creed, disability, sexual orientation, gender, citizenship status, housing status, and age;*

*(b) The types of policing encounters associated with complaints of biased-based profiling;*

*(c) The discriminatory policing conduct alleged; and*

*(d) The outcomes of such complaints, including whether any disciplinary action was taken.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety,

Int. No. 1863

By Council Members Richards, Adams, Lander and Ampry-Samuel.

**A Local Law in relation to requiring the police department to develop and implement a pilot mediation program for some bias-based profiling complaints**

*Be it enacted by the Council as follows:*

Section 1. a. The New York city police department shall establish a pilot mediation program for the resolution of complaints of bias-based profiling reported to such department, as defined in section 14-151 of the administrative code of the city of New York. Such pilot program shall operate for at least 36 months, during which time such department shall offer the option of mediation as a means of resolving such a complaint to the individual filing such complaint and to the law enforcement officer or officers against whom such action is

brought. Such department shall develop criteria for referring mediation cases for uniformed and non-uniformed members of service, provided that cases involving the following situations shall not be subject to mediation:

1. force was used;
2. a complainant was arrested;
3. an officer was assaulted;
4. a lawsuit was filed;
5. a person was injured; or
6. allegations of criminal misconduct.

b. No later than three months after the completion of the pilot program established pursuant to subdivision a of this local law, the police department shall submit a report to the council and the mayor regarding such program. Such report shall include, but not be limited to, information on the number of cases that were selected for mediation, the number of cases that ended successfully with mediation, the police department's assessment of the use of mediation as a resolution of complaints and a recommendation of whether the police department will continue the use of mediation as a resolution of complaints.

c. Nothing in this section shall be construed to prevent the police department from utilizing mediation as a means of resolving a bias-based profiling complaint in any context other than those required by this local law.

§ 2. This local law takes effect 120 days after it becomes law and is deemed repealed upon the issuance of the report required by subsection b of this local law.

Referred to the Committee on Public Safety.

Int. No. 1864

By Council Member Richards, Adams, Lander and Ampry-Samuel.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to report on bias-based profiling**

*Be it enacted by the Council as follows:*

Section 1. Section 14-151 of the administrative code of the city of New York is amended by adding a new subdivision f to read as follows:

*f. No later than January 30, 2021 and no later than each January 30 thereafter, the department shall, consistent with applicable law including, but not limited to, section 50-a of the civil rights law, submit to the speaker of the council and the mayor and post to the department's website, a report regarding complaints of bias-based profiling during the preceding calendar year. Such report shall include information on the department's efforts to prevent bias-based profiling and the following information, in total and disaggregated by borough and precinct:*

- 1. The total number of bias-based profiling complaints received;*
- 2. The total number of personnel who were the subject of such bias-based profiling complaints;*
- 3. For each departmental personnel who was the subject of a bias-based profiling complaint, the number of bias-based profiling complaints against such person, whether such person is a uniformed member of service and their length of service to the department;*
- 4. The self-reported demographics of complainants, including but not limited to race, ethnicity, color, national origin, creed, disability, sexual orientation, gender, citizenship status, housing status, and age;*
- 5. The types of policing encounters associated with complaints of bias-based profiling;*
- 6. The discriminatory policing conduct alleged; and*
- 7. The outcomes of such complaints, including whether any disciplinary action was taken.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

## Preconsidered Int. No. 1865

By Council Member Rodriguez.

**A Local Law in relation to the creation of a black car and livery task force**

*Be it enacted by the Council as follows:*

Section 1. Definitions. For purposes of this local law, the following terms have the following meanings:

Base. The term “base” means a for-hire base as defined in subdivision g of section 59B-03 of title 35 of the rules of the city of New York.

Black car. The term “black car” means a for-hire vehicle dispatched from a central facility whose owner holds a franchise from the corporation or other business entity that operates such central facility, or who is a member of a cooperative that operates such central facility, where such central facility has certified to the satisfaction of the New York city taxi and limousine commission that more than 90 percent of the central facility’s for-hire business is on a payment basis other than direct cash payment by a passenger.

Livery. The term “livery” means a for-hire vehicle that is designed to carry fewer than six passengers excluding the driver, is dispatched from a base and charges for service on the basis of flat rate, time, mileage or zones.

For-hire vehicle. The term “for-hire vehicle” means a for-hire vehicle as defined in subdivision i of section 59B-03 of title 35 of the rules of the city of New York.

§ 2. Task force established. There is hereby established a task force to be known as the black car and livery task force.

§ 3. Duties. The task force shall study the black car and livery industries for the purpose of identifying challenges to their viability and shall make recommendations for legislation and policy to address those challenges.

§ 4. Membership. a. The task force shall be composed of the following members:

1. The chairperson of the New York city taxi and limousine commission or such chairperson’s designee, who shall serve as chair of the task force;

2. Eight members appointed by the mayor;

3. One member appointed by the speaker of the council; and

4. One member appointed by the public advocate.

b. All appointments required by this section shall be made no later than 60 days after the effective date of this local law.

c. Each member of the task force shall serve at the pleasure of the officer who appointed the member. In the event of a vacancy on the task force, a successor shall be selected in the same manner as the original appointment. All members of the task force shall serve without compensation.

§ 5. Meetings. a. The chair shall convene the first meeting of the task force no later than 30 days after the last member has been appointed.

b. The task force may invite relevant experts and stakeholders to attend its meetings and to otherwise provide testimony and information relevant to its duties.

c. The task force shall meet no less than once each quarter to carry out the duties described in section three. The task force shall hold at least one public hearing before submitting the report required by section six.

d. The meeting requirement of subdivision c shall be suspended when the task force submits its report as required by section six.

§ 6. Report. a. No later than 250 days after the effective date of this local law, the task force shall submit a report to the mayor and the speaker of the council setting forth its recommendations for legislation and policy relating to addressing challenges to the viability of the black car and livery industries. The report shall include a summary of information the task force considered in formulating its recommendations.

b. The chairperson of the New York city taxi and limousine commission shall publish the task force’s report electronically on such commission’s website no later than 30 days after its submission to the mayor and the speaker of the council.

§ 7. 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 task force.

§ 8. Termination. The task force shall terminate 180 days after the date on which it submits its report, as required by section six.

§ 9. Effective date. This local law takes effect immediately.

Referred to the Committee on Transportation (preconsidered but laid over by the Committee on Transportation).

Preconsidered Int. No. 1866

By Council Member Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to advertising on the interior of for-hire vehicles**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 19 of the administrative code of the city of New York is amended by adding a new section § 19-525.1 to read as follows:

§ 19-525.1 *Interior advertising in for-hire vehicles. a. A for-hire vehicle may display digital advertising on one electronic tablet attached to the interior of such for-hire vehicle. Such a tablet shall include features allowing a person to turn off its display and mute or vary the volume of any sound emanating from it.*

*b. The commission shall promulgate such rules and regulations as are necessary to carry out the provisions of this section, including but not limited to the type and content of any advertising permitted pursuant to this section and the characteristics of the electronic tablet on which such advertising is displayed, provided that the commission shall not require a permit to display any advertising permitted pursuant to this section.*

§ 2. This local law takes effect 90 days after it becomes law, except that the chair of the New York city taxi and limousine commission 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 Transportation (preconsidered but laid over by the Committee on Transportation).

Int. No. 1867

By Council Members Rodriguez, Menchaca, Dromm, Espinal, Cabrera, Chin, Cohen, Kallos, Miller, Van Bramer, Levin, Reynoso, Rivera, Ayala, Lander, Cornegy, Adams, Ampry-Samuel, Levine, Louis, Powers, Rosenthal, Diaz, Cumbo, Eugene, the Public Advocate (Mr. Williams), Perkins, Richards and Constantinides.

**A Local Law to amend the New York city charter, in relation to allowing lawful permanent residents in New York city to vote in municipal elections**

*Be it enacted by the Council as follows:*

Section 1. The New York city charter is amended by adding a new chapter forty-six-a, to read as follows:

*Chapter 46-A. VOTING BY LAWFUL PERMENANT RESIDENTS*

§ 1057-g *Definitions.*

- § 1057-h Registering to vote.
- § 1057-i The role of the New York city board of elections.
- § 1057-j Poll administration.
- § 1057-k Municipal voter registration forms.
- § 1057-l Party affiliations.
- § 1057-m Availability of municipal voter registration forms.
- § 1057-n Absentee ballots.
- § 1057-o Registration deadlines.
- § 1057-p Municipal voter notification.
- § 1057-q Notification of ability to cancel registration.
- § 1057-r Notification for individuals applying for citizenship.
- § 1057-s Change of address procedures.
- § 1057-t Confidentiality.
- § 1057-u Community participation.
- § 1057-v Transitioning to citizenship.
- § 1057-w Challenges.
- § 1057-x State and federal elections.
- § 1057-y Violations.
- § 1057-z Advisory group.
- § 1057-g Definitions. For purposes of this chapter, the following terms have the following meanings:

*Municipal election.* The term "municipal election" means the designation, nomination and election process for the offices of mayor, comptroller, public advocate, city council member, and borough president. Municipal elections include all primary, special, general and run-off elections for such offices, and all municipal ballot measures.

*Municipal voter.* The term "municipal voter" means a person who is not a United States citizen on the date of the election on which he or she is voting, who is either a lawful permanent resident or authorized to work in the United States, who has been a resident of New York city, as defined herein, for 30 consecutive days or longer by the date of such election, who meets all qualifications for registering to vote under the election law, except for possessing United States citizenship, and who has registered to vote with the New York city board of elections under this chapter.

*Municipal voter registration.* The term "municipal voter registration" means the method by which the New York city board of elections registers new municipal voters pursuant to the provisions of this chapter.

*New York state board of elections voter registration.* The term "New York state board of elections voter registration" means the method currently used by the New York state board of elections to register voters under the New York state election law.

*Resident of New York city.* The term "resident of New York city" means a person who resides within any of the five boroughs of New York city.

§1057-h Registering to vote. All municipal voters shall have their names entered on the city board of election's list of registered voters and may thereafter vote in any municipal election.

§1057-i The role of the New York city board of elections. The New York city board of elections shall create a municipal voter registration form for use by municipal voters, register potential municipal voters, adopt all necessary rules and carry out all necessary staff training to carry out the provisions of this chapter. Municipal voters shall be entitled to the same rights and privileges as citizen voters with regard to municipal elections.

§1057-j Poll administration. For each municipal election, the New York city board of elections shall produce a single poll list that combines municipal voters and other voters registered under the New York state election law for each election district. Municipal voters shall not be required to form a separate line or vote in a separate location from citizens registered under the New York state election law. Poll list entries for municipal voters shall be marked with an "M". Municipal voters shall vote using the same voting methods as citizen voters.

§1057-k Municipal voter registration forms. The New York city board of elections shall design and distribute municipal voter registration forms. Such forms shall include, but need not be limited to, the following:

*a. Notice that individuals registering using municipal voter forms will be registered to vote in municipal elections only, and expressly stating that municipal voters are not qualified to vote in state or federal elections.*

*b. Information on the qualifications to vote at the state and federal levels according to the New York state election law, and information on how individuals who meet such qualifications can register.*

*c. Notice that individuals who have been residents of New York city for less than 30 consecutive days by the time of the next election do not qualify to register to vote as municipal voters.*

*d. Notice that registration and enrollment is not complete until the municipal voter registration form is received and accepted by the New York city board of elections.*

*e. Notice that it is a crime, along with the attendant penalties and possible immigration consequences, to procure a false registration or to furnish false information to the board of elections.*

*f. Notice that political party enrollment is optional, but that in order to vote in a primary election of a political party, a voter must enroll in that political party.*

*g. Notice that a voter notification form will be mailed to each applicant whose completed form is received.*

*h. The telephone number of the relevant borough office of the New York city board of elections and of the state board of elections that an individual may call to obtain answers to questions regarding registration, if one exists.*

*i. The following spaces to be filled in by the applicant:*

*1. Space to indicate the name.*

*2. Space to indicate the address where the applicant resides.*

*3. Space to indicate the address where the applicant receives mail.*

*4. Space to indicate the date of birth of the applicant.*

*5. Space to indicate whether the applicant is a citizen of the United States.*

*6. Space to indicate the gender of the applicant, including notice that providing such information is optional.*

*7. Space to indicate whether the applicant wishes to enroll in a party and, if so, which party.*

*8. Space to indicate the telephone number of the applicant, including notice that providing such information is optional.*

*9. Space for the applicant to execute the form on a line which is clearly labeled "signature of applicant" preceded by the following form of affirmation: "AFFIDAVIT: I swear or affirm that I will have been a resident of New York City for a minimum of 30 consecutive days by the time of the next election, am either a lawful permanent resident or authorized to work in the United States, and, to the best of my knowledge, I meet all of the requirements to register to vote in New York State except for United States citizenship. This is my signature or mark on the line below. All the information contained on this application is true. I understand that if it is not true I can be convicted and fined up to \$500 and/or jailed for up to one year."*

*§1057-l Party affiliations. Individuals who enroll in a political party using a municipal voter registration form shall be considered qualified members of that party for the purposes of municipal election primary elections and candidate nomination processes.*

*§1057-m Availability of municipal voter registration forms. Municipal voter registration forms shall be made available at every location where New York state board of elections voter registration forms are made available by an agency.*

*§1057-n Absentee ballots. The New York city board of elections shall develop an absentee ballot and absentee voting procedures for municipal voters.*

*§1057-o Registration deadlines. Registration deadlines for municipal voters in each election shall be the same as the deadlines set by the New York state board of elections for citizen voters in that election.*

*§1057-p Municipal voter notification. The New York city board of elections shall create and implement a municipal voter notification system consistent with the requirements of New York state election law with respect to citizen voters.*

*§1057-q Notification of ability to cancel registration. The New York city board of elections shall, simultaneously with providing written confirmation of registration to vote as part of the notification system created and implemented under section 1057-p, provide written notice of municipal voter qualifications and a form with the name and address of the registrant which may be returned to the board by the registrant to cancel the registration.*

*§1057-r Notification for individuals applying for citizenship. Any city agency that has entered into a contract with an organization that includes, as part of such contract, provision of assistance to individuals in*

*New York city regarding applying for United States citizenship through naturalization, shall request any such organization to provide notice to such individuals of their eligibility to vote in New York city pursuant to this chapter.*

*§1057-s Change of address procedures. The New York city board of elections shall create a process, consistent with the process used by the New York state board of elections for citizen voters, by which a municipal voter can change or update his or her address.*

*§1057-t Confidentiality. a. No inquiry shall be made as to the immigration status of a potential municipal voter or municipal voter, other than to ascertain whether he or she qualifies to vote under this chapter. If such information is volunteered to any city employee, it shall not be recorded or shared with any other federal, state, or local agency, or with the public, except as otherwise required by law.*

*b. All federal, state, and city confidentiality policies that pertain to citizen voters shall also apply to municipal voters.*

*c. No municipal voter shall be asked to produce photographic identification or proof of address as a prerequisite for voter registration, except as required by state or federal law.*

*d. Lists of municipal voters shall not be published, distributed or otherwise provided to the public separately or distinctly from the complete voter registration list of all qualified voters in New York city or a political subdivision thereof.*

*§1057-u Community participation. The New York city board of elections shall consult regularly with appropriate organizations, including advocacy groups and community associations, in the implementation of this chapter. The board shall work with such organizations to carry out community education programs regarding requirements for eligibility to vote pursuant to this chapter, including such eligibility of individuals who have applied for United States citizenship.*

*§1057-v Transitioning to citizenship. Municipal voters who are registered to vote under this chapter and who subsequently become United States citizens shall remain qualified to vote under this provision until such time as they no longer meet the qualifications set forth in this chapter or until they register to vote on a New York state board of elections voter registration form. Upon filing of an individual's New York state voter registration form, such individual's existing municipal voter registration shall become invalid.*

*§1057-w Challenges. Any municipal voter's qualifications to register to vote under this chapter may be challenged according to the terms of the New York state election law, except that "The Qualification Oath" shall be altered for municipal voters to read: "You do swear (or affirm) that you are eighteen years of age or older, that you are a resident of this state and of New York city, that you still reside at the same address from which you have been duly registered in this election district, that you have not voted at this election, and that you do not know of any reason why you are not qualified to vote at this election. You do further declare that you are aware that it is a crime to make any false statement and that all the statements you have made to the board have been true and that you understand that a false statement is perjury and, if you make such a false statement, you will be guilty of a misdemeanor."*

*§1057-x State and federal elections. Nothing in this chapter shall be construed so as to confer upon municipal voters the right to vote for any state or federal office or on any state or federal ballot question.*

*§1057-y Violations. a. Any person who knowingly and willfully violates any provision of this chapter shall be guilty of a misdemeanor.*

*b. A public officer who knowingly and willfully omits, refuses or neglects to perform any act required of such public officer by this chapter, who knowingly and willfully refuses to permit the doing of any act authorized by this chapter, or who knowingly and willfully hinders, or delays or attempts to hinder or delay the performance of such an act is, if not otherwise provided by § 17-128 of the election law or any other law, guilty of a misdemeanor.*

*c. Any person convicted of a misdemeanor under this section shall be punished by imprisonment for not more than one year, or by a fine of not less than \$100 or more than \$500, or a combination of fine and imprisonment.*

*§1057-z Advisory group. a. There shall be an advisory group to provide recommendations regarding any problems or potential improvements with respect to the voting process implemented pursuant to this chapter.*

*b. The advisory group shall consist of five members appointed for a term of two years as follows:*

*1. The public advocate, who shall be the chairperson of the advisory group;*

2. Two members appointed by the mayor, chosen from among individuals representing community based organizations; and

3. Two members appointed by the speaker of the council, chosen from among individuals representing community based organizations.

c. Membership in the advisory group shall not constitute the holding of a public office, and members of the advisory group shall not be required to take or file oaths of office before serving on the advisory group. No person shall receive compensation for service on the advisory group, except that each member shall be allowed actual and necessary expenses to be audited in the same manner as other city charges.

d. Members of the advisory group shall be appointed within 90 days after the effective date of this local law. No member shall be removed except for cause by the appointing authority. In the event of a vacancy during the term of an appointed member, a successor shall be selected in the same manner as the original appointment.

e. The mayor may designate one or more agencies to provide staffing and other administrative support to the advisory group.

f. The advisory group shall be required to meet no less than semiannually and shall create a dedicated website to enable ongoing solicitation of public feedback.

g. No later than December 1, 2021, and annually thereafter, the advisory group shall prepare a report of its findings and recommendations with respect to the voting process carried out under this chapter and submit such report to the mayor and speaker of the council.

§2. This local law takes effect on January 1, 2021.

Referred to the Committee on Governmental Operations.

Int. No. 1868

By Council Members Torres, Ayala, Cabrera, Lander, Gjonaj and Chin.

**A Local Law to amend the New York city charter, in relation to establishing an office of Puerto Rico-New York City affairs**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of the New York city charter is amended by adding a new section 20-h to read as follows:

§ 20-h. *Office of Puerto Rico-New York City affairs.* a. The mayor shall establish an office of Puerto Rico-New York City affairs, which may be known as PRNYC. Such office may be established within any office of the mayor or within any department the head of which is appointed by the mayor. The office shall be headed by a director of Puerto Rico-New York City affairs, who shall be appointed by the mayor.

b. The director of Puerto Rico-New York City affairs shall have the power and the duty to provide services to former residents of Puerto Rico and descendants of residents of Puerto Rico. Such services shall include:

1. Addressing the needs of persons displaced from Puerto Rico;
2. Assistance in completing applications to obtain vital documents from Puerto Rico, including birth, marriage and death certificates;
3. Assistance in understanding and completing applications for governmental programs that may be available to offer assistance to such individuals;
4. Referrals to non-governmental organizations that may be able to offer additional assistance; and
5. Any other services the director deems necessary to provide.

c. The director of Puerto Rico-New York City affairs shall make reasonable efforts to work with the government of Puerto Rico to provide the services required pursuant to subdivision b.

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

Referred to the Committee on Governmental Operations.

Int. No. 1869

By Council Members Yeager, Deutsch, Gjonaj, Koslowitz and Cohen.

**A Local Law to amend the administrative code of the city of New York, in relation to panic buttons for houses of worship**

*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 10-181 as follows:

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

*House of worship. The term “house of worship” has the same meaning as that in section 19-162.1.*

*Panic button. The term “panic button” means a help or distress signaling system that connects an individual in distress or someone assisting that individual with the department, and that can alert nearby pedestrians when activated, by visual sign or sound.*

*b. Establishment of a panic button program for houses of worship. Upon request, the department shall fully reimburse houses of worship for the costs of purchasing and installing panic buttons.*

§ 2. This local law takes effect 120 days after it becomes a law, except that the commissioner of the department shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such date.

Referred to the Committee on Public Safety.

Preconsidered L.U. No. 602

By Council Member Dromm:

**319-321 West 38th Street.HPO.FY20, Block 762, p/o Lot 23; Manhattan, Community District No. 4, Council District No. 3.**

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

Preconsidered L.U. No. 603

By Council Member Salamanca:

**Application No. C 190029 ZMQ (147-40 15<sup>th</sup> Avenue Commercial Overlay Rezoning) submitted by 8850 Management, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 7d, by establishing within an existing R3A District a C1-2 District bounded by 15<sup>th</sup> Avenue, 149<sup>th</sup> Street, 15<sup>th</sup> Road, a line 100 feet westerly of 149<sup>th</sup> Street, a line 75 feet northerly of 15<sup>th</sup> Road, and a line 150 westerly of 149<sup>th</sup> Street, Borough of Queens, Council District 19, Community District 7.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

## Preconsidered L.U. No. 604

By Council Member Salamanca:

**Application No. C 190267 ZMQ (22-60 46<sup>th</sup> Street Rezoning) submitted by Mega Realty Holding, LLC, and Pancyprian Association, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9c, changing from an R4 District to an R6A District, changing from an M1-1 District to an R4 District, changing from an M1-1 District to an R6A District, establishing within the proposed R4 District a C2-3 District, establishing within the proposed R6A District a C2-3 District, Borough of Queens, Council District 22, Community District 1.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

## Preconsidered L.U. No. 605

By Council Member Salamanca:

**Application No. N 190266 ZRQ (22-60 46<sup>th</sup> Street Rezoning) submitted by MEGA Development, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Council District 22, Community District 1.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

## L.U. No. 606

By Council Member Salamanca:

**Application No. C 200061(A) ZSM (GO Broome Street Development) submitted by GO Broome LLC and The Chinatown Planning Council Housing Development Fund Company, Inc. pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedures for the grant of a special permit pursuant to Section 78-312 of the Zoning Resolution to modify the height and setback requirements of Section 23-66 (Height and Setback Requirements for Quality Housing Buildings) and the distance between buildings requirements of Section 23-711 (Standard Minimum Distance Between Buildings), in connection with a proposed mixed use development on property located on the southerly side of Broome Street between Norfolk Street and Suffolk Street (Block 346, Lots 1, 37 & 75), within an existing large- scale residential development bounded by Broome Street, Suffolk Street, Grand Street and Essex Street (Block 346, Lots 1, 37, 75 & 95; and Block 351, Lot 1), in R8 and R9-1/C2-5 Districts, Borough of Manhattan, Council District 1, Community District 3.**

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 607

By Council Member Salamanca:

**Application No. C 200064 ZMM (GO Broome Street Development) submitted by GO Broome, LLC and The Chinatown Planning Council Housing Development Fund Company, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 12c, changing from an R8 District to an R9-1 District property bounded by Broome Street, Suffolk Street, Grand Street, and Norfolk Street, and establishing within the proposed R9-1 District a C2-5 District bounded by Broome Street, Suffolk Street, Grand Street, and Norfolk Street, Borough of Manhattan, Council District 1, Community District 3.**

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 608

By Council Member Salamanca:

**Application No. N 200065 ZRM (GO Broome Street Development) submitted by GO Broome LLC and Chinatown Planning Council Development Fund, Inc., pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying the Quality Housing provisions of Article II, Chapters 3 and 8, and related provisions, and APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Manhattan, Council District 1, Community District 3.**

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 609

By Council Member Salamanca:

**Application No. C 190265 ZSM (503 BROADWAY) submitted by FSF Soho, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow large retail establishments (Use Group 6 and/or 10A uses) with no limitation on floor area per establishment on portions of the cellar, ground floor, second floor of an existing 5-story commercial building, on property located at 503 Broadway (Block 484, Lots 1201 & 1202), in an M1-5B District, within the SoHo Cast-Iron Historic District, Borough of Manhattan, Council District 1, Community District 2.**

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 610

By Council Member Salamanca:

**Application No. C 190508 MMX (Bridge Park South Mapping) submitted by the New York City Department of Parks and Recreation pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code for an amendment to the City Map involving: the elimination, discontinuance and closing of Exterior Street between the High Bridge and the Alexander Hamilton Bridge; the elimination, discontinuance and closing of West 171st Street between Exterior Street and the U.S. Pierhead and Bulkhead Line; the establishment of a public park; the adjustment block dimensions and grades necessitated thereby; and authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 13144 dated June 24, 2019 and signed by the Borough President, Borough of the Bronx, Council District 16, Community District 4.**

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

NEW YORK CITY COUNCIL

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

**Monday, January 27, 2020**

Committee on Housing and Buildings

Robert Cornegy, Jr., Chairperson

**Oversight** - Façade Inspections and Energy Conservation Code Update.

**Int 1816** - By Council Member Cornegy (by request of the Mayor) - **A Local Law** to amend the administrative code of the city of New York, in relation to conforming the New York city energy conservation code to the New York state energy code with amendments unique to construction in the city and incorporate therein provisions of the NYStretch energy code-2020, and to repeal section 28-1001.2 of such administrative code relating to such conforming amendments.

**Int 1853** - By Council Members Cornegy and Kallos - **A Local Law** in relation to requiring the department of buildings to report on the safety and feasibility of permitting building exterior wall examinations by unmanned aircraft systems.

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

Committee on Environmental Protection

Costa Constantinides, Chairperson

**Oversight** - Renewable Rikers.

**Int 1591** - By Council Members Constantinides, Rosenthal, Brannan, Koslowitz, Kallos, Dromm, Ayala, Espinal, Levin, Reynoso, Lander, Chin, Menchaca, Koo, Rivera, Powers, Cabrera, Richards, Torres, Rodriguez, Holden, Vallone, Levine, Van Bramer, Yeger, Gjonaj, Perkins, Grodenchik, Treyger, Gibson, Cornegy, Eugene, Barron, Maisel, Cumbo, Moya, Lancman, Rose, Adams and Ulrich- **A Local Law** to direct the Commissioner of Environmental Protection to conduct a study to determine if a new wastewater treatment facility can be constructed on Rikers Island.

**Int 1592** - By Council Members Constantinides, Rosenthal, Brannan, Koslowitz, Kallos, Ayala, Espinal, Levin, Lander, Chin and Menchaca - **A Local Law** to amend the New York city charter, in relation to the department of environmental protection and Rikers Island.

**Int 1593** - By Council Members Constantinides, Rosenthal, Brannan, Koslowitz, Kallos, Ayala, Espinal, Levin, Reynoso, Lander, Chin, Menchaca, Koo, Rivera, Powers, Cabrera, Richards, Torres, Rodriguez, Dromm, Holden, Vallone, Levine, Van Bramer, Yeger, Gjonaj, Perkins, Grodenchik, Treyger, Gibson, Cornegy, Eugene, Barron, Maisel, Cumbo, Lancman, Rose, Adams, Ampry-Samuel, Moya and Ulrich- **A Local Law** to direct the mayor’s office of sustainability to study the feasibility of different types of renewable energy sources combined with battery storage are practical on Rikers Island.

Council Chambers – City Hall.....1:00 p.m.

Committee on Parks and Recreation

Peter Koo, Chairperson

**Oversight** - Overview of the Parks Department Concessions Process.

Committee Room – City Hall.....1:00 p.m.

**Tuesday, January 28, 2020**

Committee on Health

Mark Levine, Chairperson

**Oversight** - Body Image & Inclusivity.

**Int 1485** - By Council Members Levine and Brannan - **A Local Law** to amend the administrative code of the city of New York, in relation to restricting the sale of senna- and saffron-based products.

Committee Room – City Hall.....10:00 a.m.

[Committee on Fire and Emergency Management](#)

Joseph Borelli, Chairperson

**Oversight** - EMS Attrition.

**Int 1731** - By Council Members Miller, Cumbo, Adams, Chin, Rosenthal, Borelli, Rodriguez, Moya, Kallos, Koo, Ayala, Holden, Lander, Cabrera, Constantinides, Brannan and Powers - **A Local Law** to amend the administrative code, in relation to requiring the fire department to report annually on emergency medical services personnel resignations.

**Res 1062** - By Council Members Miller, Cumbo, Adams, Chin, Rosenthal, Borelli, Rodriguez, Moya, Kallos, Koo, Ayala, Brannan, Holden, Ampy-Samuel, Lander, Cabrera and Constantinides - **Resolution** calling for the salaries of New York City emergency medical service personnel to be comparable to New York City’s firefighters and police officers.

Committee Room – City Hall.....1:00 p.m.

[Committee on Governmental Operations](#) jointly with the  
[Committee on Civil Service and Labor](#)

Fernando Cabrera, Chairperson  
I. Daneek Miller, Chairperson

**Int 1621** - By Council Members Dromm, Kallos, Richards, Rivera, Chin, Powers, Gibson, Cornegy, Brannan, Rosenthal, Reynoso, Rodriguez, Louis, Gjonaj, Van Bramer, Menchaca, Levin, Koslowitz, Constantinides, Miller, Perkins, Rose, Treyger, Espinal, Ayala, Vallone, Lander, Koo, Adams, Cohen, Salamanca, Moya, Cumbo, Torres and Barron – **A Local Law** in relation to create a nuclear disarmament and nuclear weapons-free zone advisory committee.

**Res 976** – By Council Members Dromm, Rosenthal, Kallos, Cumbo, Richards, Rivera, Chin, Gibson, Cornegy, Brannan, Reynoso, Louis, Rodriguez, Gjonaj, Van Bramer, Menchaca, Levin, Koslowitz, Constantinides, Miller, Perkins, Rose, Treyger, Espinal, Ayala, Vallone, Koo, Lander, Adams, Cohen, Salamanca, Moya, Torres and Barron – **Resolution** calling on the New York City Comptroller to instruct the pension funds of public employees in New York City to divest from and avoid any financial exposure to companies involved in the production and maintenance of nuclear weapons, reaffirming New York City as a Nuclear Weapons Free Zone, and joining the ICAN Cities Appeal and calling on the United States to support and join the Treaty on the Prohibition of Nuclear Weapons.

Council Chambers – City Hall.....1:00 p.m.

**Wednesday, January 29, 2020**

[Committee on Contracts](#) jointly with the  
[Task Force on MWBE](#)

Ben Kallos, Chairperson  
Robert Cornegy, Chairperson

**Oversight** - MWBEs in NYC - Building on Successes, Overcoming Challenges, and Expanding Opportunities.  
Council Chambers – City Hall.....10:00 a.m.

[Committee on Health](#)

Mark Levine, Chairperson

**Oversight** - Use of Pesticides on City-Owned Property

**Int 1524** - By Council Members Kallos, Rivera, Rosenthal, Cornegy, Powers, Cabrera, Brannan, Cumbo, Richards, Reynoso, Rodriguez, Perkins, Holden, Levine, Constantinides, Grodenchik, Levin, Adams, Barron, Espinal, Ayala, Lander, Chin, Rose, Van Bramer, Treyger, Menchaca, Ampy-Samuel, Moya, Koslowitz, Gibson, Torres, Dromm and Borelli - **A Local Law** to amend the administrative code of the city of New York, in relation to the use of pesticides by City agencies.

Committee Room – 250 Broadway, 16<sup>th</sup> Floor.....10:00 a.m.

[Committee on Transportation](#)

Ydanis Rodriguez, Chairperson

**Oversight** - Improving Street and Vehicle Safety.

Committee Room – City Hall.....10:00 a.m.

[Committee on Education](#) Mark Treyger, Chairperson  
**Oversight** – Class Size Reduction.  
 Council Chambers – City Hall.....1:00 p.m.

[Committee on Justice System](#) Rory Lancman, Chairperson  
**Oversight** - The Technology Gap between Public Defenders and DAs.  
 Committee Room – 250 Broadway, 14<sup>th</sup> Floor.....1:00 p.m.

[Committee on Sanitation and Solid Waste Management](#) Antonio Reynoso, Chairperson  
[Committee on Governmental Operations](#) Fernando Cabrera, Chairperson  
 Oversight – Maintenance of NYC Unified Fleet.  
 Committee Room – City Hall.....1:00 p.m.

**Thursday, January 30, 2020**

[Subcommittee on Capital Budget](#) jointly with the Vanessa L. Gibson, Chairperson  
[Committee on Resiliency and Waterfronts](#).....Justin Brannan, Chairperson  
**Oversight** - Seven Years Later: Update on the Expenditure and Reimbursement of Superstorm Sandy Federal Funding.  
 Council Chambers – City Hall..... 10:00 a.m.

[Committee on Higher Education](#) Inez Barron, Chairperson  
[Committee on Civil Service and Labor](#) I. Daneek Miller, Chairperson  
**Oversight** - Adjunct Faculty Employment at the City University of New York.  
 Committee Room – 250 Broadway, 14<sup>th</sup> Floor.....10:00 a.m.

[Subcommittee on Zoning & Franchises](#) Francisco Moya, Chairperson  
**See Land Use Calendar**  
 Committee Room – City Hall.....10:00 a.m.

[Subcommittee on Landmarks, Public Sitings and Dispositions](#) Adrienne Adams, Chairperson  
**See Land Use Calendar**  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor.....1:00 p.m.

**Monday, February 3, 2020**

[Committee on Criminal Justice](#) Keith Powers, Chairperson  
**Oversight** - Jail Violence.  
 Council Chambers – City Hall..... 10:00 a.m.

**Tuesday, February 4, 2020**

[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 – City Hall..... 11:00 a.m.

**Wednesday, February 5, 2020**

Committee on Aging

Margaret Chin, Chairperson

**Oversight** – Unpaid Caregivers Comprehensive Plan and Report Follow Up.

Council Chambers – City Hall.....1:00 p.m.

**Tuesday, February 11, 2020**

Committee on Finance

Daniel Dromm, Chairperson

**Int 1854** - By Council Member Dromm (by request of the Mayor) – **A Local law** to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in the Downtown Flushing Transit Hub business improvement district, an extension of the boundaries of such district, the provision of additional services and the modification of existing services in such district, a change in the method of assessment upon which the district charge is based, and an increase in the maximum total amount to be expended for improvements in such district.

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Committee Room – City Hall.....10:00 a.m.

Stated Council Meeting.....*Ceremonial Tributes – 1:00 p.m.*  
.....*Agenda – 1:30 p.m.*

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) made the following remarks below:

The Speaker (Council Member Johnson) acknowledged that Administrative Services Division member Cheryl King-Lawson was retiring from the Council. He thanked Ms. King-Lawson for her long service with the Council and wished her the best as those assembled in the Chambers applauded.

The Speaker (Council Member Johnson) acknowledged the recent King Day holiday when the life, legacy, and impact of Dr. Martin Luther King, Jr. is celebrated and honored. He noted that Dr. King’s work was clearly not finished in New York City with its segregated schools, soaring homelessness population, and an affordability crisis being experienced by many New Yorkers. With this in mind, the Speaker (Council Member Johnson) urged that the fight for equality and justice continue forward.

The Speaker (Council Member Johnson) also acknowledged that January 22, 2020 marked the 47<sup>th</sup> anniversary of the 1973 *Roe v. Wade* decision by the United States Supreme Court. He noted that the right to choose was being challenged in many areas and he sought to ensure that *Roe v. Wade* should remain in place for each and every American throughout the country.

The Speaker (Council Member Johnson) acknowledged that January 27, 2020 marks International Holocaust Remembrance Day which commemorates the millions of lives lost during the Holocaust. January 27, 2020 also marks the 75<sup>th</sup> anniversary of the liberation of the Auschwitz concentration camp. He noted that Council Member Espinal had visited the Auschwitz site on his recent trip to Poland. The Speaker (Council Member Johnson) warned that anti-Semitism was a spreading cancer and that we needed to stand in solidarity with Jewish New Yorkers and Jewish people around the world. He noted that as we mourn the memories of those whose lives were lost, we also honor those who survived and are alive today. He acknowledged that the Council would be voting on Council Member Deutsch’s resolution commemorating International Holocaust Remembrance Day. The resolution also promotes the importance of Holocaust education as a key way to prevent such a tragedy from happening again (*Editor’s Note: please see the Report of the Committee of Civil and Human Rights for Preconsidered Res. No. 1225 printed in the voice-vote Resolutions section of these Minutes*).

The Speaker (Council Member Johnson) congratulated two special New Yorkers who were recently elected to the National Baseball Hall of Fame: former Yankees captain Derek Jeter and the late players' labor union negotiator Marvin Miller. He praised Derek Jeter as one of the most amazing baseball players in the world who is loved by all fans who appreciate the game. He congratulated the Captain and the Yankees on this honor. The Speaker (Council Member Johnson) noted that Marvin Miller was a Bronx-born, Brooklyn-bred union leader who was instrumental in the creation of the Major League Players Association. He praised Mr. Miller for his fight to protect the rights of the players. Mr. Miller's efforts also helped give these players a sense of dignity as well. The Speaker (Council Member Johnson) acknowledged that New York City was known as a union and baseball town and he expressed the pride that many New Yorkers felt for both of these men.

The Speaker (Council Member Johnson) offered thanks to departing New York City Transit President Andy Byford. He praised Mr. Byford's work as outstanding and noted that he had managed to turn the city transit system around during his two year tenure. As the Speaker (Council Member Johnson) expressed his gratitude for Andy Byford's service, those assembled in the Chambers responded with applause.

The Speaker (Council Member Johnson) wished a very happy Lunar New Year to everyone celebrating the holiday on Saturday, January 25, 2020.

Whereupon on motion of the Speaker (Council Member Johnson), the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) adjourned these proceedings to meet again for the Stated Meeting on Tuesday, February 11, 2020.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

*Editor's Local Law Note: Int. Nos. 1095, 1249-B, 1412-A, 1481-A, and 1482-B, all adopted at the December 10, 2019 Stated Meeting, were returned unsigned by the Mayor on January 10, 2020. These items had become law on January 10, 2020 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Laws Nos. 11 to 15 of 2020, respectively.*

*Int. Nos. 559-A, 900-A, 948-A, 1211-A, 1380-A, 1406-A, 1604-B, 1710-A, 1786, 1810, and Preconsidered No. 1825, all adopted at the December 19, 2019 Stated Meeting, were returned unsigned by the Mayor on January 21, 2020. These items had become law on January 19, 2020 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Laws Nos. 16 to 26 of 2020, respectively.*